BEFORE AN ADMINISTRATIVE LAW JUDGE
FOR THE INDIANA PUBLIC RETIREMENT SYSTEM

IN THE MATTER OF	)	PUBLIC EMPLOYEES'
EVELYN PENCE,	)	RETIREMENT FUND
	)	
Petitioner.	)	

FINAL ORDER

The Board of Trustees ("Board") of the Indiana Public Retirement System ("INPRS") is the ultimate authority in administrative appeals brought by members of the Public Employees' Retirement Fund ("PERF") under IC 4-21.5-3-28 and 35 IAC 1.2-7-3. In the Statement of Board Governance, the Board delegates to the Executive Director the authority to conduct a final authority proceeding, or a review of decision points by the administrative law judge ("ALJ"), to issue a final order in this matter.

1. The ALJ entered a Decision and Order on Motion for Summary Judgment ("Order") in this matter on July 7, 2015, affirming INPRS' initial determination that Petitioner is not entitled to modify or change her benefit election by canceling or postponing the receipt of her applicable retirement benefits after the first day of the month in which the retirement benefits were scheduled to begin.

2. Copies of the Order have been served upon the parties.

3. On July 20, 2015, Petitioner filed with the ultimate authority Petitioner's Objection to Order Administrative Law Judge.

4. Pursuant to IC 4-21.5-3-29(d)(2), 35 IAC 1.2-7-3(b)(7), and Indiana Trial Rule 4.17(B)(2), it has been more than fifteen (15) days since the ALJ served the Order upon the parties.

NOW THEREFORE the Decision and Order on Motion for Summary Judgment of the Administrative Law Judge is affirmed.

August 14
DATED ~~July~~ 14, 2015

Steve Russo, Executive Director
Indiana Public Retirement System
One North Capitol, Suite 001
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

I certify that on the 14th day of ~~July~~ August, 2015, service of a true and complete copy of the foregoing was made upon each party or attorney of record herein by depositing same in the United States mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

Distribution:

Evelyn Pence
[redacted]

M. Kay Flemming
Administrative Law Judge
Fleming Stage LLC
310 North Alabama, Suite 300
Indianapolis, IN 46204

Lindsay Knowles, Staff Attorney
Indiana Public Retirement System
One North Capitol, Suite 001
Indianapolis, Indiana 46204

Steve Russo, Executive Director
Indiana Public Retirement System
One North Capitol, Suite 001
Indianapolis, IN 46204
(317) 232-3868

BEFORE AN ADMINISTRATIVE LAW JUDGE
OF THE INDIANA PUBLIC RETIREMENT SYSTEM

IN THE MATTER OF EVELYN PENCE,	)	PUBLIC EMPLOYEES' RETIREMENT FUND
Petitioner.	)	

RECEIVED
JUL 09 2015
INDIANA PUBLIC RETIREMENT SYSTEM

DECISION AND ORDER ON MOTION FOR SUMMARY JUDGMENT

Evelyn Pence, Petitioner, filed an administrative appeal of the Indiana Public Retirement System's ("INPRS") determination that she is not entitled to modify or change her benefit election by canceling or postponing the receipt of her applicable retirement benefits after the first day of the month in which the retirement benefits were scheduled to begin. Having carefully considered Respondent's Motion for Summary Judgment, Memorandum in Support of Respondent's Motion for Summary Judgment, Petitioner's Response to INPRS' Motion for Summary Judgement, the applicable statutes and case law, the arguments and information presented, and being duly advised in the premises, the Administrative Law Judge recommends that the agency enter the following order:

Findings of Undisputed Material Fact

1. Petitioner became a member of the Public Employees' Retirement Fund ("PERF") on or about [redacted], when she began to serve as a member of the [redacted] (Exhibit A to Respondent's Motion for Summary Judgment).

2. At Petitioner's request, INPRS provided Petitioner with estimates of her retirement benefits on March 5, 2013, May 22, 2014, August 9, 2014, August 18, 2014, and October 27, 2014. (Exhibit C to Respondent's Motion for Summary Judgment).

3. Petitioner filed an Application for Retirement Benefits ("Retirement Application") with PERF on November 10, 2014, opting for a retirement date effective September 1, 2009. Petitioner made the following elections in the Retirement Application: [redacted]

[1] IC § 5-10.2-4-7(b) provides that "A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later." IC 5-10.2-4-7 allows alternative payment options, including IC § 5-10.2-4-7 (b)(2) which allows the member to elect a lifetime benefit without the five (5) year guarantee.

[redacted] ("Benefit Selection"). (Exhibit C to Respondent's Motion for Summary Judgment).

4. Petitioner selected [redacted] on Page 2 of the Retirement Application. This selection stated, in pertinent part: [redacted] (Exhibit C to Respondent's Motion for Summary Judgment, Page 2).

5. Beneath the box Petitioner marked with an "x" to indicate she wanted to [redacted] (Exhibit C to Respondent's Motion for Summary Judgment, Page 5).

6. The Retirement Application states, immediately above the Petitioner's signature line[2], as follows:

> I have carefully read the form and understand it, and I have read all of the information included with the application.
>
> I understand that if I have elected to annuitize my Annuity Savings Account (ASA), not more than 30 days prior to processing my Retirement Application, INPRS will place my ASA balance into a fixed value account in order to process my application.
>
> All of the information I have provided and the questions I have answered are full, complete, and true, and no material fact has been concealed or omitted. The direct deposit information is accurate.
>
> I further verify that I understand that I am not allowed, by law, to enter a PERF-covered position with any employer within 30 days of my retirement date. In addition, I am not continuing uninterrupted employment in any capacity (full or part-time) in a PERF-covered or non-covered position in any department of my current employer, nor do I have a formal or informal agreement to become re-employed in a PERF-covered position.
>
> **I understand that after this application is processed, I cannot change the selections I have made, except in very limited circumstances.**

(Emphasis added). (Exhibit C to Respondent's Motion for Summary Judgment, Page 9).

[2] Petitioner signed the Retirement Application in front of a notary.

7. Petitioner also submitted an Election to Begin to Receive Benefits (For members age 70 with 20 years of service) to PERF on November 10, 2014[3] ("Benefit Election Form"). On the Benefit Election Form, Petitioner elected to [redacted]

The Benefit Election Form, which Petitioner signed, sets forth the language below, under the heading "General Information":

> Indiana Code 5-10.2-4-8.2(b)(2) allows members of the Indiana Public Employees' Retirement Fund (PERF) who are at least 70 years of age and have 20 or more years of service to choose to begin receiving retirement benefits and continue to serve in their PERF-covered position. If the member chooses to receive retirement benefits, the member does not have to continue to make contributions to the PERF Annuity Savings Account (ASA) but may elect to do so. In any event, no additional creditable service will be accrued once benefits begin.
>
> In order to satisfy the requirements of the law, **you must complete this form and sign below acknowledging that you are aware that your decision to begin benefits and forfeit additional service credit is irrevocable.**

(Emphasis added). (Exhibit D to Respondent's Motion for Summary Judgment).

8. Petitioner held an elected office on November 10, 2014, and continues to hold office as of the date of this order.

9. On or about November 25, 2014, Petitioner contacted INPRS and requested an appointment to speak with an Outreach Retirement Counselor. INPRS scheduled an appointment for Petitioner to meet with [redacted] one of its counselors, on December 9, 2014. On or about November 25, 2014, an INPRS representative contacted Petitioner to ask about the nature of the appointment since Petitioner has already submitted her Retirement Application. (Exhibit E to Respondent's Motion for Summary Judgment).

10. INPRS began drawing on her retirement funds when INPRS issued Petitioner her first retirement benefit check on December 15, 2014, ("December 15 Payment"). (Exhibit F to Respondent's Motion for Summary Judgment).

11. On or about December 17, 2014, Petitioner contacted the INPRS call center ("Call Center") and requested (i) the ability to change her retirement date and (ii) the ability to receive a

[3] Petitioner signed the Benefit Election Form on November 7, 2014.

higher monthly payment rather than a lump sum. Petitioner advised the Call Center that she was not aware of the difference in the two amounts when she retired. The Call Center representative advised Petitioner that her Benefit Election was irrevocable once benefits have been paid. The Call Center representative agreed to send Petitioner's request for review. (Exhibit G to Respondent's Motion for Summary Judgment).

12. On December 18, 2014, an INPRS representative contacted Petitioner to advise her that (i) Petitioner had received multiple estimates concerning her retirement benefits (ii) that she met with a retirement counselor about the benefits and the retirement process; and (iii) that her benefit option elections are irrevocable. The INPRS representative further agreed to send Petitioner's request for further review. (Exhibit G to Respondent's Motion for Summary Judgment).

13. On December 23, 2014, Petitioner faxed INPRS a request to "stop my retirement election under the Elected Official selection effective 9/1/14."[4] Petitioner acknowledged receipt of the December 15 Payment and offered to return that payment immediately. (Exhibit H to Respondent's Motion for Summary Judgment).

14. On December 31, 2014, Petitioner submitted a Member Petition for Administrative Review of Staff Action/Determination ("Administrative Review Petition"); INPRS received the Administrative Review Petition on January 2, 2015. (Exhibit I to Respondent's Motion for Summary Judgment).

15. On January 22, 2015, Petitioner submitted a second request for administrative review of her request to "stop my retirement at this time." (Exhibit I to Respondent's Motion for Summary Judgment).

16. On February 12, 2015, INPRS sent Petitioner an Initial Determination Letter upholding the decision to deny Petitioner's request to stop payment of her retirement benefits until a later time ("Determination Letter"). (Exhibit J to Respondent's Motion for Summary Judgment).

17. On February 16, 2015, Petitioner timely filed an appeal of the Determination Letter. (Exhibit K to Respondent's Motion for Summary Judgment).

18. Any Conclusion of Law that should be deemed a Finding of Undisputed Material Fact is hereby adopted as such.

Conclusions of Law

[4] Petitioner is an elected official in [redacted] and did not want to receive retirement benefits while holding office.

1. The issue to be decided in this matter is whether Petitioner, Evelyn Pence, is entitled to change her benefit election by stopping or postponing her retirement benefits after the first day of the month in which benefits were scheduled to begin.

2. INPRS has moved for summary judgment in this matter.

3. Summary judgment is proper if the designated evidentiary material demonstrates there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Ind. Trial Rule 56.

4. Summary judgment is appropriate in Indiana in those cases where only legal issues exist. *Clipp v. Weaver,* 451 N.E.2d 1092, 1093 (Ind. Ct. App. 1982).

5. In *Dreaded, Inc. v. St. Paul Guardian Ins. Co.,* 904 N.E.2d 1267, 1269-70 (Ind. 2009), the Indiana Supreme Court held:

> Considering only those facts that the parties designated to the trial court, we must determine whether there is a "genuine issue as to any material fact" and whether "the moving party is entitled to a judgment as a matter of law." In answering these questions, the reviewing court construes all factual inferences in the non-moving party's favor and resolves all doubts as to the existence of a material issue against the moving party. The moving party bears the burden of making a prima facie showing that there are no genuine issues of material fact and that the movant is entitled to judgment as a matter of law; and once the movant satisfies the burden, the burden then shifts to the non-moving party to designate and produce evidence of facts showing the existence of a genuine issue of material fact.

6. PERF is a public pension fund that was established by the Indiana General Assembly "to pay benefits to officers and employees of the state and its political subdivisions after specified years of service and under other specified circumstances." IC §5-10.3-2-1(a). INPRS is the administrator of PERF. IC § 5-10.5-2-2.

7. INPRS' interpretation of its statutory obligations in administering the various pension plans is entitled to great weight. *NRDC v. Biorefining*, 15 N.E.3d 555, 561 (Ind. 2014); *Board of Zoning Appeals v. Kempf*, 656 N.E.2d 1201, 1203 (Ind. Ct. App. 1995) (An agency's decision is presumptively correct due to its expertise in matters within its purview); *Parkview Hosp., Inc. v. Roese*, 750 N.E.2d 384, 389 (Ind. Ct. App. 2001) (An agency is granted considerable deference when construing its own statutes and regulations as long as the construction is not clearly erroneous or inconsistent.).

8. The INPRS Board has the authority to "[e]xercise all powers necessary, convenient, or appropriate to carry out its public and corporate purposes and to conduct its business." IC § 5-10.5-4-2(a)(17). The Board's powers shall be interpreted broadly to accomplish the purpose of the Indiana Public Pension Modernization Act or applicable retirement law. IC § 5-10.5-4-3.

9. The applicable law governing PERF includes IC §5-10.2, IC § 5-10.3, Title 35 of the Indiana Administrative Code, and any Board of Trustees resolutions ("Plan Document"). The obligations of INPRS with respect to benefit payments are specified in the applicable retirement fund law. IC § 5-10.2-2-1(a).

10. PERF is a qualified governmental retirement plan pursuant to § 401 of the Internal Revenue Code ("IRC"). As a qualified governmental plan ("Plan"), PERF receives federal tax-favored status. In order to maintain its tax-favored status, INPRS must administer its Plans in strict compliance with all applicable IRC procedures and accompanying Treasury Regulations. One of the most fundamental qualified plan requirements is that PERF be administered in accordance with its own terms. Treas. Regs. § 1.401-1(a)(2). If the Plan fails to follow an unambiguous directive set forth in the Plan, it will have failed to administer the Plan in accordance with its own terms and risks its status as a qualified governmental plan.

11. Petitioner opted for the [redacted] in her Retirement Application, an option that is authorized by IC § 5-10.2-4-7(b). Subsection (d) of IC § 5-10.2-4-7 provides:

> Except as provided in subsection (c) or section 7.2 of this chapter, a member who files for regular or disability retirement may not change:
>
> (1) the member's retirement option under subsection (b);
>
> * * * *
>
> After the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

12. IC § 5-10.2-4-7(c) allows a retired member to make changes to his or her retirement options after the first payment is received if (i) the member's beneficiary dies after the member

begins receiving benefits; or (ii) the member is receiving benefits and marries either for the first time or following the death of the member's spouse.

13. IC § 5-10.2-4-7.2 allows a retired member to change his or her retirement options if (i) the member is receiving benefits and the member's beneficiary dies; (ii) the member and the member's beneficiary divorced after the member's first benefit payment is made; or (iii) the member marries after the member's first benefit payment is made and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary.

14. INPRS has made a prima facie case showing there are no genuine issues of material fact and that INPRS is entitled to judgment as a matter of law.

15. Petitioner has not presented any evidence that she meets any of the circumstances set forth in IC § 5-10.2-4-7(c) or IC § 5-10.2-4-7.2 that allow a member to change the member's retirement elections after the first day of the month in which benefits are scheduled to begin. IC § 5-10.2-4-7(d).

16. Petitioner has failed to produce any evidence showing there is a genuine issue of material fact. In fact, in response to Respondent's Motion for Summary Judgment, Petitioner stated, in pertinent part:

> After I took my request papers to the Post Office in 2014, I immediately felt that this is not what I wanted to do, but I did not know who to contact to correct my mistake.
>
> * * * *
>
> After I sent my paperwork in, and upon leaving the Post Office, I knew that I had made a mistake and wanted to undo.
>
> The issue continued to bother me so I felt I needed to reach [redacted] to let him know and hopefully he could give me some direction on steps to correct this situation for me.
>
> Unfortunately, I do not have the dates, but I did call the INPRS office several times in **December 2014** and asked if they could give me a contact number for [redacted]
>
> * * * *
>
> I want to again say this was TOTALLY my mistake—which I want to correct.

> I will immediately return all the retirement money that has been deposited into my account.

(emphasis added) (Petitioner's Response to INPRS' Motion for Summary Judgement due by May 12, 2015, Pages 1 and 2).

17. Petitioner signed her Retirement Application on November 7, 2014, and placed it in the mail. INPRS received the Retirement Application on November 10, 2014. INPRS processed the application and Petitioner's first check was issued on December 15, 2014. Thus, the first day of the month in which Petitioner was scheduled to receive benefits was December 1, 2014.

18. Petitioner did not begin making calls to delay receipt of her retirement benefits until some unknown date in December 2014. (Petitioner's Response to INPRS' Motion for Summary Judgement due by May 12, 2015, Page 2). Thus, by the time Petitioner began making telephone calls designed to delay her retirement benefits, it was too late. Petitioner was required to notify INPRS of any desired changes to her benefit elections BEFORE December 1, 2014.

19. If INPRS allows Petitioner the ability to change her benefit elections, INPRS will not comply with the terms of its Plan and will jeopardize the favored-tax status of PERF.

20. Any Finding of Undisputed Material Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE ON FOLLOWING PAGE]

ORDER

Based on the Findings of Undisputed Material Fact and the Conclusions of Law stated above, INPRS Motion for Summary Judgment is hereby GRANTED. Petitioner, Evelyn Pence, is not entitled to change her benefit election by stopping or postponing her retirement benefits until a future date.

It is so ordered this 7th day of July, 2015.

M. Kay Fleming, Administrative Law Judge
310 N. Alabama Street, Suite 300
Indianapolis, IN 46204

Distribution by email and US Certified Mail:

Evelyn Pence
[redacted]

Lindsay R. Knowles
Indiana Public Retirement System
One North Capitol Ave.
Suite 001
Indianapolis, IN 46204
LKnowles@inprs.in.gov

[PROCEDURES FOR REVIEW ON FOLLOWING PAGE]

BEFORE AN ADMINISTRATIVE LAW JUDGE
OF THE INDIANA PUBLIC RETIREMENT SYSTEM

IN THE MATTER OF EVELYN PENCE,	)	PUBLIC EMPLOYEES' RETIREMENT FUND
Petitioner.	)	

PROCEDURES FOR REVIEW

The administrative law judge is not the ultimate authority in this case, but was designated by INPRS to hear this proceeding pursuant to IC § 4-21-5-3-9(a). The order issued in this matter becomes a final order when affirmed under IC § 4-21.5-3-29, which provides, in pertinent part:

(b) After an administrative law judge issues an order under section 27 of this chapter, the ultimate authority or its designee shall issue a final order:

(1) affirming;
(2) modifying; or
(3) dissolving;

the administrative law judge's order. The ultimate authority or its designee may remand the matter, with or without instructions, to an administrative law judge for further proceedings.

(c) In the absence of an objection or notice under subsection (d) or (e), the ultimate authority or its designee shall affirm the order.

(d) to preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under this chapter and must object to the order in a writing that:

(1) identifies the basis of the objection with reasonable particularity; and
(2) is filed with the ultimate authority responsible for reviewing the order within fifteen (15) days (or any longer period set by statute) after the order is served on the petitioner.

(e) Without an objection under subsection (d), the ultimate authority or its designee may serve written notice of its intent to review any issue related to the order. The notice shall be served on all parties and all other persons described in section 5(d) of this chapter. The notice must identify the issues that the ultimate authority or its designee intends to review.

July 15, 2015

RECEIVED
JUL 20 2015
INDIANA PUBLIC
RETIREMENT SYSTEM

Mr. Steve Russo
Executive Director
Indiana Public Retirement System
1 North Capitol, Suite 001
Indianapolis, IN 46204

Dear Mr. Russo:

RE: **In accordance with the Law, I wish to Object to the order of the administrative law judge - judicial review – Petitioner Evelyn Pence**
IC 4-21.5-3-29

My direct issue being that I did attempt to contact the Indiana Public Retirement System in December, 2014 to make a change to my retirement.

I have summarized this request to not overburden you with unnecessary details.

In 2014 I attended a spring and a Fall AIC Meeting and comments were made that future benefits would be changing. I had received a card from INPRS showing when retirement information sessions were scheduled, so I attended a session in [redacted] Indiana.

During the session, the counselor mentioned that I might be interested in the Millie Morgan program and could request the forms. He had meetings scheduled at the [redacted] Library with individuals and if helpful, he would carve out time where he could review my paperwork.

I did take him up on his kind offer and had him review my paperwork and I placed in the mail.

After sending the package in the mail and as soon as I left the Post Office, I knew this was NOT what I wanted to do. I do not want to receive retirement money while I am still employed. And, the Millie Morgan program did not feel right to me; even though I understand it is legal. (Please understand, this was **MY** mistake.)

This continued to bother me and I tried to push it out of my mind. The counselor, who was so helpful, even called me to ask if I had gotten the paperwork off ok and I told him yes and thanked him. – But, at that moment, I was just too embarrassed to tell him I felt I had made a huge mistake.

After thinking this over, I told myself, we are all human, all make mistakes, so I called the Indiana Retirement office and told the lady who answered that I had concerns and that I wanted to get out of this. She was very nice but apparently I did not explain myself very well as she just assured me it was all legal to receive the retirement while still working (which I already knew).

I called several times trying to reach someone for direction. I called on different occasions (hoping to get a different person on the phone) and find out who could help me. After making several calls, I decided that [redacted] who was so knowledgeable might be the one who could help me. Each time I called and requested a number to reach him, I was told they were not allowed to pass out his contact information. This all took place in December, 2014. (I personally did not log the dates in December when I made the calls.)

Again, I called the Retirement office and I asked to get contact information for [redacted] and I was told again that they could not pass out his information. Finally the man who took the call said, try the web – you should find his number there.

I did find his number on the website, and immediately called him. I told him that I really did not want to receive the retirement at this time and he told me to fax a letter immediately and then to send a certified letter stating my concern. As soon as I hung up from [redacted] I faxed the letter to the INPR office as well as rushed a copy to the Post Office which I sent by Certified mail. I have attached a copy for your records.

I have gone through the channels to make the same request. However my request has been denied.

As I stated from the very beginning, I will return all the money that has been put into my account by the State and am requesting that I be allowed to re-apply for retirement after I am no longer in office.

I do not want to participate in the Millie Morgan program.

Any help you can give me on this request would be greatly appreciated.

I have been in contact with Ms. Lindsay Knowles, of the Indiana Retirement office as well as the ALJ, Kay Fleming. They have the detailed information also but have denied my request.

Attached are copies of the letters and fax which I sent to the Indiana Retirement Office in December, 2014 and in early 2015.

Mr. Russo, I would appreciate any help you can offer me on my request.

In reviewing the paperwork, it is my understanding that you will make the final decision and also have the power to modify this situation. I just do not want to use the Millie Morgan program. .

Also, I want to emphasize that everyone that I have talked with associated with the Indiana Retirement System, as well as Ms. Knowles and Ms. Fleming, have been very professional and kind, it is just that I made this mistake and I need to correct.

Thank you for your time and consideration.

Sincerely,

Evelyn S. Pence

Evelyn S. Pence

[redacted]

Attachments: 4 – letters I sent to the Administration of
The Indiana Retirement System

Cc: Lindsay Knowles – INPRS (by email)
ALJ Kay Fleming (by email)
Tom Parker – IPRS (by email)

December 23, 2014

FAX NUMBER: 866-591-9441

Attention: ACTIVE SERVICE
INPRS
1 North Capitol Ave, #001
Indianapolis, IN 46204

I need your immediate help. I need to stop my retirement election under the Elected Official selection effective 9/1/14.

My PID is: [redacted]
The last 4 digits of my SS # is: [redacted]

I have received one payment, to my knowledge which was on my statement from INPRS. However, I will return that immediately either by registered mail – or deliver it in person to your office.

Please confirm to me that you will handle this request.

I sincerely appreciate your kind assistance on this matter.

Regards,

Evelyn S. Pence
[redacted]

December 31, 2014

The Indiana Public Retirement Systems
Attention: Administrative Review
One North Capitol, Suite 001
Indianapolis, Indiana 46204

To Whom It May Concern:

First of all, I want to clarify that I have *NO* complaint with the INPRS Staff/Office. In fact, each person I spoke with was very kind and professional.

However, immediately after I sent the necessary papers in on my retirement, I became concerned that I did not do the 'right' thing since I still have at least 2 more years in office. I realize it is legal, but it is just a concern for me personally.

Since this has become a big issue for me, I am asking that you cancel the paperwork I turned in, so that I can reapply for my retirement after my term in office has been completed. I appreciate your help on this request. I will immediately return all funds the INPRS has placed in my account. I can return the funds to you in person, or return the funds by check, or as is required.

I apologize for the inconvenience I am causing; however, it is a personal problem I have by still being in office and taking the retirement money. There is absolutely no problem with any one or the policy you have, it is just that I personally feel that for my peace of mind, I cannot take advantage of the retirement plan at this time.

If there is someone I should speak with personally or in person, I will do so.

Thank you for your consideration and help on my request.

Best regards,

Evelyn S. Pence [redacted]
[redacted]

January 20, 2015

Indiana Public Retirement System
Attention: **ADMINISTRATIVE REVIEW**
One North Capitol Avenue
Suite #001
Indianapolis, Indiana 46204

To Whom It May Concern:

Thank you reviewing my request to stop my retirement at this time.

After I signed and sent in the necessary papers for my retirement, I immediately felt that this was not the right process for me as I am still serving as an elected official in [redacted]

This has become a big issue for me personally, and therefore I request you to allow me to reapply for my retirement when I am no longer in office. I will immediately return all the funds that INPRS has placed in my account by mail or in person, whatever you decide is best for your records.

It was only after I had mailed my paperwork to the INPRS offices, that I suddenly felt very bad about taking advantage of the retirement opportunity while I am still in office. I understand this is a strange request, and I trust you will understand. I am sorry for the inconvenience this is causing your office.

I would like to re-apply for my retirement when I am no longer in office.

Thank you again for your consideration and immediate help on my request.

Regards,

Evelyn S. Pence [redacted]

[redacted]

February 16, 2015

Indiana Public Retirement System
Attention: Administrative Review
One North Capitol, Suite 001
Indianapolis, Indiana 46204

Dear Sir/Madam:

RE: Determination Letter

Thank you for your certified letter dated February 12, 2015 which I received on February 14, 2015.

This is my petition to request an entitled review under any law (IC 4-21.5-3-7(a)(1).

I am writing to again request that you reconsider my request of December, 2014 asking that you allow me to Stop my Retirement so that I may reapply at a later date when I am no longer an elected office holder. As I stated earlier, I will immediately return all monies you have deposited into my account.

I understand and appreciate your comments but am requesting to appeal the initial determination and bring the matter before an administrative law judge ("ALJ").

I apologize for the inconvenience I may be causing your office, but I feel very strongly about my request and ask that you again reconsider my request.

Sincerely,

Evelyn S. Pence

[redacted]