The above referenced matter came on to be heard in accordance with I.C. 4-22-1-1 by the duly appointed hearing officer, Burton L. Garten, on the 13th day of September, 1985 in the offices of the Public Employees' Retirement Fund, Room 504 Harrison Building, 143 West Market Street, Indianapolis, Indiana 46204.

Respondent, the Public Employees' Retirement Fund, was represented by H. Dudley Miller and the petitioner, City of Warsaw, Police Pension Fund was represented by Michael L. Valentine.

Witnesses were sworn and testimony and exhibits were heard and received into evidence.

Burton L. Garten now recommends transfer of the hearing findings of fact and decision to the State Board for its final decision and disposition of said matter.

FINDINGS OF FACT AND DECISION AND CONCLUSIONS OF LAW ARE FOUND IN THE ATTACHED REPORT OF THE HEARING DATED SEPTEMBER 13, 1985

ADMINISTRATIVE ORDER

Based on the foregoing, the State Board of the Public Employees' Retirement Fund does hereby grant membership in the 1977 Police and Firefighters' Pension Fund, under IC 36-8-8-7, IC 36-8-8-19, and 35 IAC 2-1.1-3.

All of which is ordered this 15th day of November, 1985.

Richard T. Doermer, Chairman
J. Dwight Peterson, Vice Chairman
Myrl W. Deitch, Jr., Trustee
Al H. Harding, Jr., Trustee
Marie T. Lauck, Trustee

Richard T. Doermer
Board of Trustees
Public Employees' Retirement Fund
In the matter of receiving additional evidence for the review of the findings of fact and the initial determination of the Public Employees' Retirement Fund on the application for membership in the 1977 Police and Firefighters' Pension and Disability Fund under IC 36-8-8-7 by Charles H. Hodges, Jr.


Hearing Date: September 13, 1985 Place: Public Employees' Retirement Fund Suite 504, Harrison Building 143 West Market Street Indianapolis, Indiana 46204

FINDING OF FACT AND DETERMINATION

The above matter coming to be heard before Burton L. Garten, duly appointed to conduct administrative hearings are provided by the Administrative Adjudication Act, Indiana Code 4-22-1.

The Public Employees' Retirement Fund (respondent) was represented by H. Dudley Miller. City of Warsaw Police Pension Fund (petitioner) was represented by Michael L. Valentine.

Petitioner's Exhibits

Copy of:
1. Letter dated September 9, 1985 from Michael T. Isenberg, M.D., to Thomas F. Keough, M.D.
3. Test results from Thomas F. Keough, M.D. on Charles H. Hodges, Jr.
4. Letter dated August 2, 1985 from Thomas F. Keough, M.D., to the Public Employees' Retirement Fund.
FACTS:

Mr. Charles H. Hodges, Jr., was hired as a police officer by the Warsaw Police Department. He passed all examinations required by law, but the medical tests detected a condition...

FINDINGS:

Indiana Code 36-8-8-7 reads in part...

"(a) Except as provided in subsections (d), (e), and (f) of this section:
(1) a police officer who has not reached his thirty-sixth birthday; or
(1) a firefighter who has not reached his thirty-sixth birthday;
who passes a physical examination and mental examination prescribed by the local board under Section 19 of this chapter is a member of the 1977 fund and is not a member of another pension fund."