

NOTE: These minutes from the April 30, 2012 Benefits Committee meeting were approved and executed at the July 5, 2012 Committee meeting.

**Benefits Committee
Board of Trustees
April 30, 2012**

Public Minutes

**New Hampshire Retirement System
54 Regional Drive
Concord, NH 03301**

Committee Members: Kate McGovern, Ph.D., *Chair*; Brian Morrissey; Danny O'Brien. Tara Reardon, *telephonically*. Don Roy, *absent*.

Staff: George Lagos, *Executive Director (delayed arrival)*; Tim Crutchfield, Esq., *Chief Legal Counsel*; Nancy Miller, *Director of Member Services*; Carolyn Johnson, *Hearings Examiner*.

Committee Chair McGovern called the meeting to order at approximately 9:05 a.m. On a motion by Trustee Morrissey, seconded by Trustee O'Brien, the Committee unanimously approved the public and non-public minutes from the October 28, 2011 Committee meeting.

Chair McGovern opened the discussion of the review of the Reconsideration Recommendation in the Matter of Janet Bartels. Following commentary about the timeframe of the appeal, Trustee O'Brien stated he could find no additional documentation to support her appeal. A discussion about contributions still held by NHRS and whether those funds accrued interest followed, resulting in a Committee request for further research into exact monies eligible for interest, as well as those funds to be returned to Ms. Bartels.

On a motion by Trustee O'Brien, seconded by Trustee Morrissey, the Committee unanimously voted to recommend to the Board of Trustees that the Reconsideration Recommendation of the Hearings Examiner in the Bartels matter be upheld.

Chair McGovern next requested Atty. Crutchfield to discuss the appeals database document presented to the Committee for its review and discussion. Atty. Crutchfield identified the categories of appeal, the influence of attorneys in the time involved in appeals, and the process

NHRS Staff followed in addressing appeals made in reaction to Board rulings. Chair McGovern asked Atty. Johnson to explain recusal procedures and recusal allowances in reference to appeal hearings. Atty. Johnson gave three circumstances that were considered valid reasons for recusal and supported by the NH Supreme Court case law: personal knowledge of a party that might affect the outcome of an appeal; a financial interest in the outcome of an appeal; and an expressed public opinion about a party in the appeal. Mr. Lagos explained the shift in hearing scheduling to formal hearing setting was made to expedite the entire hearing process.

Mr. Lagos requested guidance from Committee members regarding the appeals process and administrative procedures. Chair McGovern noted that she thought the Committee should be concerned with process, substance, and the consistency of Board action on appeals it reviewed. Committee members and Staff also discussed participation rules and recoupment issues.

On a motion by Trustee O'Brien, seconded by Trustee Morrissey, the meeting adjourned at approximately 9:52 a.m.

Respectfully submitted,
Shannan Hudgins