

NOTE: These minutes from the July 9, 2013 Benefits Committee meeting were approved and executed at the July 31, 2013 committee meeting.

**Benefits Committee
Board of Trustees
July 9, 2013**

The Public Minutes

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

Committee Members: George Walker, *Chair*; John Beardmore; David McCrillis; Don Roy. Jack Wozmak, *absent*.

Staff: George Lagos, *Executive Director*; Tim Crutchfield, Esq., *Chief Legal Counsel*; Nancy Miller, *Director of Member Services*; Denise Call, *Director of Employer Services*; Marty Karlon, *Public Information Officer*; Carolyn Johnson, Esq., *Hearings Examiner*; Mark Cavanaugh, Esq., *Regulatory Compliance Officer*; Kathy DeNutte, *Employer Services Team Lead*; Chris Stoddard, *Retiree Services Team Lead*; Shannan Hudgins, *Administrative Coordinator*.

Trustee Walker called the Committee meeting to order at 8:33 a.m. and requested a motion to approve the public and non-public minutes of the May 11, 2013, meeting. Moved by Trustee McCrillis, and seconded by Trustee Beardmore, the minutes were approved unanimously.

Atty. Crutchfield opened his legal remarks with an overview of the recent United States Supreme Court decision on the Defense of Marriage Act (“DOMA”) and the resulting impact on NHRS. He stated that staff were awaiting federal guidance, particularly from the IRS, on whether the Court’s decision would have any retroactive application enactment. He also noted that NHRS members affected by the DOMA ruling were small in number and there was an outreach program in place that included an email notification, a website survey form, as well as internal record review.

Atty. Crutchfield next addressed recent federal action in the matter of an NHRS annuitant, Charles Kaczmarczyk. He explained that Mr. Kaczmarczyk had been found guilty of disability fraud based on false statements of disability due to combat-related PTSD through the Veterans’ Administration and the Social Security Administration and as a result, a Writ of Garnishment had been issued against Mr. Kaczmarczyk’s NHRS retirement benefit. He confirmed that the June payment had been halted per the Writ, as well as payments going forward, and that a review of his continued eligibility for an

NHRS disability annuity, which had also been granted on a PTSD-claim, was underway. Atty. Cavanaugh explained that any assets the defendant possessed had been seized by the US Government, that Mr. Kaczmarczyk was currently serving a 30-month federal prison term, and that additional criminal charges were pending against him. Atty. Crutchfield requested a non-public session to discuss both litigation updates and a disability application.

On a motion by Trustee Beardmore, seconded by Trustee McCrillis, the Committee unanimously voted to enter into non-public session under RSA 91-A:3, II(e) to discuss current litigation and II (c) to discuss a disability application, on a roll call vote, as follows:

Ayes: Trustees Beardmore, McCrillis, Roy, and Walker.

Nays: None.

Staff members Kathy DeNutte, Chris Stoddard, Nancy Miller, and Denise Call left the meeting.

On a motion by Trustee McCrillis, seconded by Trustee Roy, the Committee unanimously voted to conclude the non-public session. Staff members returned to the meeting.

On a motion by Trustee Beardmore, seconded by Trustee McCrillis, the Committee meeting was adjourned at approximately 9:08 a.m.

Respectfully submitted,
Shannan Hudgins