

NOTE: These minutes from the October 31, 2013 Benefits Committee meeting were approved and executed at the December 4, 2013 committee meeting.

**Benefits Committee
Board of Trustees
October 31, 2013**

The Public Minutes

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

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

Staff: George Lagos, *Executive Director*; Tim Crutchfield, Esq., *Chief Legal Counsel*; Carolyn Johnson, Esq., *Hearings Examiner*; Mark Cavanaugh, Esq., *Regulatory Compliance Officer*; Christine Stoddard, *Retiree Services Team Lead*; Kathy DeNutte, *Employer Services Team Lead*; Shannan Hudgins, *Administrative Coordinator*.

Trustee Walker called the Committee meeting to order at 8:35 a.m. and requested a motion to approve the public minutes of the October 8, 2013, meeting. Moved by Trustee McCrillis, and seconded by Trustee Roy, the minutes were approved unanimously.

Chair Walker first addressed Staff's suggested revisions to Ret. 309, the disability reexamination rule. Atty. Crutchfield discussed statute language that had been incorporated in the revised document before the Committee, noting that questions of calculating creditable service for disability annuitants deemed no-longer-disabled required further review. A lengthy discussion followed in which Staff answered Committee questions about disability-to-service annuity conversions; the potential for benefit acceleration; vocational rehabilitation; Gainful Occupation rules; disability recertification requirements; as well as the underlying philosophical intent of a disability retirement. Mr. Lagos summarized the discussion, stating that a revised Ret. 309 with an explanatory memorandum that articulated the proposed changes would be presented to the Committee at its next meeting.

Atty. Crutchfield provided an update on the matter of retirees engaging third-party hiring agencies presented to the Committee at its October 8th meeting. He confirmed that NHRS had new knowledge concerning a particular agency

and that external counsel had been engaged for a full review. He noted that the Allenstown School District was currently utilizing such a service for one of its administrators and that NHRS was in possession of the contract. Following an in-depth discussion, Atty. Crutchfield stated he would provide updated information to the Committee at its next meeting.

In Ms. Miller's absence, Atty. Crutchfield reported that staff were developing draft NHRS forms to upload to the website and would keep the Committee apprised of progress. He noted that a full review of notarization requirements on all NHRS applications and forms was underway in tandem with the development of online, fillable forms.

Mr. Lagos discussed the appeals database that was developed shortly after his arrival, explaining that in April 2012 the System had 42 pending appeals. As of October 2013, the number had been reduced to 21. He stated that monthly review of the database had resulted in an efficient, structured approach to managing all appeals.

He then provided an update of the Kaczmarczyk matter, stating that the appeal deadline had passed with no filing from the defendant. NHRS would proceed with ceasing his benefits, but Mr. Lagos reminded the Committee that because he was incarcerated in the Federal Penitentiary in Kentucky and that all his assets had been seized by the Federal Government for disability fraud, NHRS would most likely never recoup benefits paid for his fraudulent claim.

Mr. Lagos closed his remarks by reporting that he had met with Representatives Hansen and Kurk, each of whom had filed LSRs on Recoupment at NHRS. In his two meetings, Mr. Lagos had provided memoranda that detailed the process and procedures employed by the system for all recoupment matters. He also detailed NHRS lawsuits and negotiation procedures in an effort to fully inform the Legislators on recoupment matters that were often complicated and confidential.

On a motion by Trustee McCrillis, seconded by Trustee Wozmak, the Committee meeting was adjourned at approximately 9:37 a.m.

Respectfully submitted,
Shannan Hudgins