



## STATE OF DELAWARE OFFICE OF PENSIONS

NOVEMBER 2025

### PENSION APPEAL PROCEDURES

#### Formal Appeal Hearing Procedures

##### **Appeals:**

The Board is empowered to hear appeals from decisions of the Pension Administrator, who fills the role of Executive Secretary of the Board pursuant to 29 Del. C. § 8308(b)(3).

##### **Before the Hearing:**

1. The Board shall appoint one or more of its members to serve as the Hearing Officers for the appeal.
2. The Board and the Hearing Officers shall be represented at the hearing by a Deputy Attorney General with no prior involvement in the matter on appeal. The appellant may be represented by counsel of their choosing at their expense.
3. The Deputy Attorney General representing the Board may conduct a Prehearing Conference to determine whether the Appellant will be represented by counsel, clarify the issues on appeal, and identify any relevant documents and witnesses.
4. The Hearing Officers will determine the Hearing date. The Hearing may be held virtually, or if requested by the Appellant, in person at the Pension Office or at such other location as the parties agree.
5. The Board is empowered to issue subpoenas and require the production of documents. Any party may request the Board to issue subpoenas to compel appearance by appropriate witnesses and to produce relevant documents and other evidence. A party may request a subpoena by contacting the Pension Office Paralegal at 302-744-4400 at least two weeks prior to the hearing pursuant to 29 Del. C. § 8308(c)(7).

##### **Conduct of Hearings:**

1. The Hearing Officers shall have all the powers of the Board in exercise of their responsibilities during the hearing.
2. The Hearing Officers shall hear the testimony, evidence, objections and arguments presented by all parties. All testimony shall be taken under oath.
3. Appellant shall appear personally and may be represented by counsel. Appellant may testify on his/her behalf and permit examination by the Board.

4. The parties may make brief opening statements. The Hearing Officers will determine whether the opening statements and presentation of evidence shall begin with the Appellant or the Pension Office.
5. The Hearing Offices may admit all evidence that is relevant, material, reliable, and probative, and not unduly repetitious or cumulative, as determined by the Hearing Officers in their discretion.
6. Any party may object to the admission or exclusion of evidence by noting such objection to the Hearing Officers along with a brief statement of the grounds for the objection.
7. The Hearing Officers will rule on any objections in their discretion.
8. Each witness shall be subject to cross-examination by each party and their counsel.
9. An Appellant may obtain a copy of the record of the Hearing at the Appellant's expense.

**Post-Hearing:**

1. The Hearing Officers shall prepare a report and recommendation to the Board setting forth the findings of fact, conclusions of law, and recommendations based on these findings within 60 days of the hearing for consideration at the next regularly scheduled Board meeting pursuant to 29 Del. C. § 8308(c)(9)b.
2. The Board may accept, reject or modify the Hearing Officers decision and shall prepare a Final Decision. The final Decision shall be mailed to the parties of record within five (5) days of the Board meeting via first class U.S. mail pursuant to 29 Del. C. § 8308(c)(9)c.
3. A final decision of the Board may be appealed to the Superior Court within thirty (30) days after the date upon which the decision is mailed to the parties pursuant to 29 Del. C. § 8308(c)(9)d.