

**HEARING PROCEDURES
AS ADOPTED BY STATE BOARD OF PENSION TRUSTEES**

APPEALS

HEARING PROCEDURES

After review, the denial of an application for pension or disability benefits by the Executive Secretary of the Pension Office may be appealed to the Board of Pension Trustees. A written request for a hearing before the Board must be filed with the Pension Office within twenty (20) days after receipt of written notice of the adverse decision. The Hearing shall be conducted by a panel of the board, and shall result in a written report and recommendation to the Board by the Hearing Panel. Only the Board has discretion to affirm or overturn an applicant's claim of error by the Pension Office.

CONDUCT OF HEARINGS

The following rules shall govern hearings before the Hearing Panel:

1. A written report shall identify all parties, counsel, Board members and all other persons present. Such report shall include a summary of the evidence presented findings of fact, conclusions of law and a recommendation for action.
2. All testimony shall be taken under oath.
3. All evidence that is relevant, material, reliable, probative, and not unduly repetitious or cumulative shall be admissible, in the sole and exclusive discretion of the Hearing Officer(s).
4. Objections to the admission or exclusion of evidence shall be brief, with grounds for the objection identified.
5. Any offer of proof made in connection with an objection taken to the admission or exclusion of evidence shall consist of a statement of what factual evidence or expert opinion the proponent contends would lead to relevant probative and admissible evidence.
6. Subsequent to his/her initial testimony, any witness may be examined by any party of record or his/her counsel.
7. Applicant shall appear personally and may be represented by counsel.
8. Applicant may open the hearing with a brief statement of what he/she intends to establish, or waive such right.

9. Applicant shall testify in his/her behalf and permit examination by the Board.
10. Applicant may offer evidence in support of his/her application.
11. In the interests of clarity, and at the discretion of the Panel, the presentation of evidence may begin by either the applicant or the Pension Office.
12. Any applicant who pays the cost of transcription may obtain a copy of the record of the Hearing.

POST – HEARING PROCEDURE

Based only upon the testimony presented at the hearing, the Hearing Officer(s) shall prepare a report and recommendation to the Board setting forth findings of fact, conclusions of law, and recommendations based on these findings. The Board shall consider the Report of the Hearing Officer(s) and vote upon its concurrence with or rejection of the recommendations of the Hearing Officer(s).

A final decision of the Board, adverse to either party, may be appealed to the Superior Court within thirty (30) days after the date upon which the decision is mailed to the applicant by the Board.