



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

ELIZABETH MAHER MUOIO
State Treasurer

JOHN D. MEGARIOTIS
Acting Director

December 8, 2023

Sent via email to [REDACTED]

Lory Coursey
[REDACTED]

RE: #1-[REDACTED]

FINAL ADMINISTRATIVE DETERMINATION

Dear Ms. Coursey:

I am writing in reference to the decision of the Board of Trustees ("Board") of the Teachers' Pension and Annuity Fund ("TPAF") regarding your appeal of the Board's denial of your request receive service credit for employment at PleasanTech Academy Charter School (Pleasantech) during the 2001-2002, 2002-2003, and 2003-2004 school years. At its meeting of July 13, 2023, the Board considered your personal statements and submissions as well as all relevant documentation in the record, and found that the statutes, regulations, and relevant case law governing TPAF do not permit you to receive credit for the aforementioned periods. Finding no genuine issue of material fact in dispute, the Board denied your request for an administrative hearing. The Board's Findings of Fact and Conclusions of Law, as outlined below, were presented to and approved by the Board at its December 7, 2023 meeting.

FINDINGS OF FACT

The record before the Board establishes that on March 22, 2017, you submitted a Purchase Application for Uncredited Service with Pleasantech from September 1, 1999 to June

30, 2004.¹ An *Employment Verification Form* was sent to PleasanTech on March 24, 2017. However, the envelope containing the form was returned to the Division on April 2, 2017, marked as undeliverable and unable to forward.

The Division of Pension and Benefits, Purchase Section, received your letter dated July 11, 2017, stating PleasanTech was no longer in existence. Enclosed with your letter was correspondence from Dr. Clarence Alston, Chief School Administrator, verifying your employment with PleasanTech. On July 19, 2017, you were advised that your employer was unable to verify your employment and to request Social Security Earnings for each year of your employment.

On April 4, 2018, the Purchase Section received your letter which included the Social Security Itemized Statement of Earnings ("ISE").² A purchase determination could not be made based on the ISE alone. A letter was issued on April 9, 2018 advising you of this and requesting employment contracts reflecting your payroll title for each year of employment.

On February 4, 2019, you submitted letters from the former Chief School Administrator, the Assistant Principal of PleasanTech, the Trustee from the school's dissolution, colleagues, former students and yearbook images acknowledging your employment at PleasanTech. However, to date, you have not submitted any documentation to verify your payroll title.

The Purchase Section has also reviewed the closed Government Records Request (Re: W145714) dated May 23, 2019.

Although the record substantiates that you worked at PleasanTech, it does not contain enough information to establish purchase eligibility.

¹ The record further establishes that when you purchased your former membership as a multiple member under account #1-██████, you received service credit for the period covering September 1, 1999 through June 30, 2001. Therefore, the only periods in question are the 2001-2002, 2002-2003, and 2003-2004 school years.

² The Division no longer advises members to obtain the ISE as it no longer provides a quarterly breakdown of the salary earned during each calendar year.

At its meeting of May 4, 2023, the Board tabled your request in order for your attorney to be present. Thereafter, the Board was informed via email dated May 11, 2023, that you were no longer being represented by counsel. After another request for postponement, your matter was scheduled on the July 13, 2023 agenda.³

At its meeting of July 13, 2023, the Board affirmed the Division's denial of your request to receive service credit for employment at PleasanTech during the 2001-2002, 2002-2003, and 2003-2004 school years. In making its determination, the Board relied on N.J.A.C. 17:3-5.1(a), and N.J.A.C. 17:3-5.5(a) (3) ii (1) – (3). The Board stated in its determination letter: " To establish purchase eligibility, the Purchase Section requires specific detailed information which includes: your official payroll title, exact dates of employment, salary earnings for each school year of employment (covering September through June), and documentation to establish that your employment was continuous without interruption. The employer must certify that the information given is based upon available authentic public records."

On September 9, 2023, you requested an opportunity to appeal the Board's July 13, 2023 determination. Via email dated September 14, 2023, you were instructed to provide a written statement which sets forth in detail the reason for your disagreement with the Board's July 13, 2023 determination. On October 1, 2023, you requested an adjournment to review the current determination, however, you did not submit any additional documentation after this request.

At its meeting of November 2, 2023, the Board affirmed its original determination. Further, finding no genuine issue of material fact in dispute, the Board denied your request for an administrative hearing and directed the Board Secretary to draft detailed Findings of Fact and Conclusions of Law for review at its meeting of December 7, 2023.

³ On June 1, 2023, you emailed the Board Secretary to inform her that you were unable to attend the June 1, 2023 meeting.

CONCLUSIONS OF LAW

Teachers' Pension and Annuity Fund members are eligible to purchase service credit for temporary, provisional, certain intermittent, or substitute employment, if the employment was continuous and immediately preceded a permanent or regular appointment, and meet the eligibility requirements for the tier in which the member is enrolled.

N.J.A.C. 17:3-5.1(a) states:

(a) Only active members of the Fund who are currently contributing, or who have contributed within the last two years to the Fund, except as provided at N.J.S.A. 18A:66-8, shall be eligible to make application for purchase of credit. Active members who are not currently contributing to the Fund must purchase their requested service in a lump sum. The purchase request must represent active service in a State-administered retirement system for which the member received a salary and was eligible for enrollment, but the information must be verified by the employer as to salary information, service, and title.

[ibid. (emphasis added.)]

N.J.A.C. 17:3-5.1(a) requires that the purchase request information be verified by the employer as to salary information, service, and title. The employer must certify that the information given is based upon available authentic public records. However, to date, you provided no information or documentation to verify your payroll title.

Additionally, N.J.A.C. 17:3-5.5 (a) (3) ii (1) - (3) states in pertinent part:

Continuous temporary service without interruption or substitute service as a teacher immediately preceding enrollment is eligible for purchase provided the following conditions are met:

...

ii. Substitute service is eligible for purchase provided the employment immediately precedes enrollment in TPAF. Immediately preceding enrollment is defined as employment rendered during the month or biweekly pay period prior to the date of enrollment. The period(s) of substitute service that a member can request to purchase must meet the following criteria:

- (1) A year of substitute service wherein a 10-month employee worked an average of 10 days per month and an aggregate of 100 days during a regular work year. A 12-month employee is required to have worked an average of 10 days per month and an aggregate of 120 days per year;
- (2) Substitute service for a period of less than one year immediately preceding enrollment is eligible for purchase provided the member works a minimum average of 10 days per month for each month of substitute service; and
- (3) When more than one year of substitute service is requested for purchase, each year of substitute service rendered prior to enrollment is reviewed and each year is required to meet the criteria set forth under the provisions of (a)3ii(1) above.

[bid.]

Here, you have not provided any information or documentation to substantiate that your employment was continuous and without interruption. Therefore, the Board found that you are not eligible to receive service nor are you eligible to purchase credit for employment at Pleasantech during the 2001-2002, 2002-2003, and 2003-2004 school years.

As noted above, the Board has reviewed all relevant documentation and written submissions, and because this matter does not entail any disputed questions of fact, the Board was able to reach its Findings of Fact and Conclusions of Law without the need for an administrative hearing. Accordingly, this correspondence constitutes the Final Administrative Determination of the Board of Trustees of the Teachers' Pension and Annuity Fund.

You have the right, if you wish, to appeal this final administrative determination to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter, in accordance with the Rules Governing the Courts of the State of New Jersey. All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
PO Box 006
Trenton, NJ 08625

Lory Coursey
December 8, 2023
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Sincerely,

A handwritten signature in black ink, appearing to read "Saretta Dudley", enclosed in a rectangular box.

Saretta Dudley, Secretary
Board of Trustees
Teachers' Pension and Annuity Fund

G-5/SD

c: S. Scott (ET)
DAG Jeffrey Padgett, DAG (ET)
Lory Coursey