



MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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P.O. Box 295
Trenton, NJ 08625-0295
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50 West State Street
Trenton, New Jersey

AARON BINDER
State Treasurer

SONIA RIVERA-PEREZ
Acting Director

August 19, 2026

Sent via email and regular mail

SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P.C.
Samuel M. Gaylord, Esq.



RE: Anthony Aceto
PERS [REDACTED]

Dear Ms. Gaylord:

FINAL ADMINISTRATIVE DETERMINATION

I am writing in reference to the determination of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) regarding your request on behalf of your client, Anthony Aceto, to have his enrollment as a Tier 5 PERS membership reclassified as Law Enforcement Officer (LEO) part of the PERS. The Board originally denied your request at its meeting on September 17, 2025. You filed an appeal, which the Board considered at its meeting on July 15, 2026. Finding no genuine issue of material fact in dispute, the Board denied a hearing in the Office Administrative Law (OAL) and directed the undersigned to draft a Final Administrative Determination.

Findings of Fact and Conclusions of Law as outlined below were presented to and approved by the Board at its August 19, 2026, meeting.

FINDINGS OF FACT

The Board made the following findings of fact:

The record before the Board establishes that Mr. Aceto was enrolled in the Police and Firemen's Retirement System (PFRS) effective October 1, 1995, as a result of his employment as a Police Officer at Pemberton Borough. On August 1, 1996, he transferred to Eastampton Township where he remained until his resignation on June 27, 2008. Mr. Aceto had 12 years and 10 of service credited to his PFRS

membership account, which included two months of purchased service. In August 2008, Mr. Aceto completed an *Application for Withdrawal* and by check dated October 6, 2008, his PFRS pension contributions were returned to him. Therefore, in accordance with N.J.S.A 43:16A3(3), he terminated all rights and privileges under that account.

On May 30, 2014, Mr. Aceto was permanently appointed as a Police Officer with Camden County Board of Chosen Freeholders. At the time of his appointment, he was over the age of 35 and was ineligible for enrollment in a new PFRS membership account. See N.J.S.A. 43:16A-3 and N.J.A.C. 17:4-2.5(a). Accordingly, Mr. Aceto was enrolled as a Tier 5 PERS membership account effective June 1, 2014. By letter dated June 5, 2015, Camden County Finance Department informed Mr. Aceto that because he was over age 35, he was ineligible to enroll in the PFRS and referred to the PFRS Handbook, NJ Division of Pension and Benefits. The letter further indicated that all public employees in New Jersey are required to enroll in one of the retirement systems and based upon their communications with the Division, he was properly enrolled in the PERS, as a Tier 5 member. There is no record that Mr. Aceto contacted the Division regarding his enrollment in the PERS and not in the PERS-LEO, a special category of the PERS.

On December 5, 2016, Mr. Aceto submitted a *Purchase Application* seeking to purchase former PFRS membership service. However, prior to being issued a Purchase Quotation on December 18, 2016, the Division was notified that Mr. Aceto was promoted to County Police Sergeant, with the Camden County Police Department. Subsequently, on February 1, 2017, a Purchase Quotation was issued, advising that he was eligible to purchase 154 months of former PFRS service credit. On March 20, 2017, he authorized the purchase of this service. A Certification of Extra Payroll Deductions dated May 1, 2017, was issued noting that extra payroll deductions (arrear) would commence for the purchase of 154 months of former PFRS service credit. This service was added to his current PERS Tier 5 membership account as "regular" PERS service.

It was not until June 2023 that Mr. Aceto wrote to the Governor's Officer requesting eligibility for enrollment in the PERS-LEO, as he was seeking to qualify for Disability retirement benefits; as a Tier 5

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member of the PERS, he was ineligible to apply for such benefits. As an alternative benefit, Tier 4 and 5 actively-contributing members of the PERS (or TPAF) are eligible for employer-paid long-term disability insurance coverage (LTD), which is administered by Prudential. On June 23, 2023, the Division confirmed that when Mr. Aceto returned to employment as a Police Officer with Camden County Board of Chosen Freeholders on June 1, 2014, he was 41 years-old. Because he was over the age of 35, he was not eligible for enrollment in the PERS. Further, because Mr. Aceto's enrollment date was after June 28, 2011, he was properly enrolled as a Tier 5 member of the PERS.

The letter further explained that to be eligible to participate in the PERS-LEO, an employee must be employed in an eligible title as outlined in N.J.S.A. 43:15A-97. The title of Police Officer is not a title eligible for participation in the PERS-LEO. As such, the Division determined that Mr. Aceto was correctly enrolled in the regular PERS and denied his request for retroactive enrollment in the PERS-LEO. Also, Mr. Aceto was advised that there was no option for him to apply for a Disability retirement as a Tier 5 member of the PERS.

Mr. Aceto submitted a claim to Prudential for LTD. By notice dated December 11, 2023, Prudential advised Mr. Aceto that his claim for LTD was approved effective May 25, 2023. On April 16, 2024, Prudential notified Mr. Aceto that his claim was approved beyond the initial 12 months and his benefits will continue as long as he continues to meet the eligibility definition of disability.

By letter dated July 21, 2025, you notified the PERS Board Secretary that you were retained by Mr. Aceto, indicating that he was a Camden County employee assigned to the County Police Department as a Police Officer and although Camden County had a County Prosecutor, a County Sheriff and a County Police Department that the title of Police Officer was unintentionally excluded from the language of the PERS-LEO eligibility entitlement. You requested that Mr. Aceto's enrollment in a Tier 5 PERS membership be reclassified as PERS-LEO to qualify him to apply for a Disability retirement; otherwise his only option was LTD as a Tier 5 member of PERS.

At its meeting on September 17, 2025, the PERS Board considered your submissions and personal statements, the statements of Andrew Haugen, Pension Benefits Specialist 2, Enrollment Bureau, Division of Pensions and Benefits, and all documentation in the record concerning your request for Mr. Aceto's reclassification as PERS-LEO. Thereafter, the Board denied your request.

You appealed the Board's determination. At its meeting on July 15, 2026, the Board found no genuine issue of material facts in dispute and directed the undersigned to draft detailed Findings of Fact and Conclusions of Law for review at its August 19, 2026, meeting.

CONCLUSIONS OF LAW

The Board found that Mr. Aceto is ineligible to participate in the PERS-LEO, a special category of the PERS, pursuant to N.J.S.A. 43:15A-97, which states in pertinent part:

1. "Law enforcement officer" shall mean any permanent and full-time employee of the State of New Jersey holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, and highway patrol officer, sergeant highway patrol bureau, lieutenant highway patrol bureau, captain highway patrol bureau, assistant chief highway patrol bureau, chief highway patrol bureau in the Division of State Police, and inspector, investigator, and administrative inspector in the Division of Alcoholic Beverage Control, and inspector recruit alcoholic beverage control, inspector alcoholic beverage control, senior inspector alcoholic beverage control, principal inspector alcoholic beverage control, supervising inspector alcoholic beverage control in the Division of State Police, and conservation police officer, assistant district conservation police officer and district conservation police officer in the Division of Fish and Wildlife in the Department of Environmental Protection, and assistant chief marine police and senior marine patrolman in the Division of Resource Development, and marine police officer, senior marine police officer, principal marine police officer in the Division of State Police, and inspector, officer, senior inspector, and principal inspector in the Division of Shell Fisheries, any permanent and full-time active county detective, lieutenant of county detectives, captain of county detectives, chief of county detectives, and county investigator in the offices of the county prosecutors, and sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the offices of the county sheriffs, and any

patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R.S.32:14-21.

If the Prison Officers' Pension Fund is terminated as provided in section 10 hereof, "law enforcement officer" shall also mean any permanent and full-time active employee of the State of New Jersey holding the title of correction officer, correction sergeant, correction lieutenant, correction captain or deputy keeper in the Division of Correction and Parole, or any member of the Prison Officers' Pension Fund on the date of such termination.

As noted above, Mr. Aceto was enrolled as a Tier 5 member of PERS on June 1, 2014, not in the PERS-LEO, because when he was hired he occupied the title of Police Officer, which N.J.S.A. 43:15A-97 does not enumerate as LEO-eligibility.

However, you posit that based upon the regulatory framework, established case law and the facts concerning his employment with Camden County, it is evident that his role met all legal and functional criteria for enrollment in the PERS-LEO. Further, you argue that a denial of his reclassification would be contrary to precedent and the equitable administration of the pension system. The Board disagrees.

Although Mr. Aceto's position as Police Officer is a law enforcement position as are the titles covered under N.J.S.A. 43:15A-97, and all law enforcement positions may have similar duties, participation in the PERS-LEO is not based upon the actual duties performed. Rather, PERS-LEO participation is based upon the titles enumerated in the statute and provides no exceptions for qualification based upon the duties of the position.

Also, you argue that based upon case law, *In re Hess* and *In re Thomas Leckie*, Mr. Aceto should be permitted to participate in the PERS-LEO. However, the neither of these cases would permit his inclusion in the PERS-LEO. Additionally, there is no equitable argument to grant your request, as it would be a contravention of the law to permit a member entry into the PERS-LEO if such a member was not eligible for that fund.

Although the Board thanks Mr. Aceto for his public service in law enforcement, the Board denied your request to retroactively change Mr. Aceto's Tier 5 membership in the PERS to PERS-LEO.

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As noted above, the Board has considered your personal statements and all written submissions and all documentation in the record. 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 on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You have the right to appeal this final administrative action 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
Phone: (609) 292-4822

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowicz", with a stylized flourish at the end.

Jeff S. Ignatowicz, Secretary
Board of Trustees
Public Employees' Retirement System

G-9 /MER
C: S. Scott (ET); A. Haugen (ET)