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September 11, 2026

Sent via email to: [REDACTED]

ZAZZALI, P.C.
Jason E. Sokolowski, Esq.
[REDACTED]

RE: Janice Reis
TPAF [REDACTED]
OAL DKT. NO. TYP 02264-23

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dear Mr. Sokolowski:

At its meeting on August 13, 2026, the Board of Trustees of the Teachers' Pension and Annuity Fund ("TPAF") considered the June 24, 2026¹ Initial Decision of the Honorable JoAnn LaSala Candido, Administrative Law Assignment Judge, (the "ALJ"), together with the evidence submitted by the parties, the exceptions filed by Deputy Attorney General ("DAG") Thomas H. Boisvert, dated July 14, 2026,² your reply to DAG Boisvert's exceptions, dated July 28, 2026,³ your statements to the Board and those of DAG Boisvert.⁴

After careful consideration, the Board voted to reject the ALJ's decision that found that Janice Reis met her burden to prove she was totally and permanently disabled from the performance of her job duties and thus is entitled to Ordinary Disability ("OD") retirement benefits, thereby reaffirming its original determination. For the reasons set forth below, the Board rejected the ALJ's conclusion that Janice Reis ("Reis") is totally and permanently disabled. The Board directed the Secretary to prepare the Findings of

¹ The Board requested and was granted an extension of time to issue its final administrative determination.

² The exceptions were timely submitted under a granted extension.

³ The reply to exceptions was timely submitted under a granted extension.

⁴ DAG Boisvert recused himself as counsel to the Board as he represented the Board during litigation. Legal counsel was provided by DAG Matthew Melton.

Fact and Conclusions of Law as outlined below, which were approved by the TPAF Board at its meeting on September 10, 2026. This will constitute the Board's Final Administrative Determination in this matter.

PROCEDURAL HISTORY AND FACTUAL FINDINGS

The Board adopts the ALJ's factual findings as they are supported by sufficient credible evidence in the record. Rooth v. Bd. of Trustees, Public Employees' Retirement System, 472 N.J. Super. 357 (App. Div. 2022).

Reis was employed by Livingston Board of Education ("Livingston") as a 10-month full-time High School Art Teacher from 2006 until June 2022. (ID at 7). She initially taught high school students and taught middle-school during her final two years of her employment. Ibid. Her duties included the following: assisting students with their lessons, bending and carrying clay boxes up to 50 pounds, loading and unloading kilns, setting up demonstrations, and computer work. Ibid. When she transferred to teaching middle-school students her duties included teaching the Gifted and Talented Program and then six to seven classes per day and bus duty. Ibid.

Reis was diagnosed with [REDACTED] in 2008. Ibid. In 2019, Reis began experiencing [REDACTED] and was treated with [REDACTED]. Ibid. Dr. [REDACTED], suggested that Reis try [REDACTED]. But she refused. Ibid.

On December 16, 2021, Reis applied for an Ordinary Disability ("OD") retirement benefit. (ID at 2). She listed several reasons for her disability, including [REDACTED]. (J-2). At its meeting on January 5, 2023, the Board denied Reis' application for OD retirement benefits after finding that she is not totally and permanently disabled. Ibid. Reis subsequently filed an appeal and the matter was transmitted to the Office of Administrative Law (OAL). Ibid.

On June 24, 2026, the ALJ issued an Initial Decision (ID) finding that Reis had sustained her burden of establishing by a preponderance of evidence that she is totally and permanently disabled from performing the ordinary and general duties of an art teacher and so reversed the Board's denial of OD retirement benefits. (ID at 11).

CONCLUSIONS OF LAW

The Board rejected the ALJ's conclusion that Reis has satisfied her burden of proving that she is totally and permanently disabled pursuant to N.J.S.A. 18A:66-39. It is well established that for a member to establish eligibility for OD retirement benefits, a TPAF member must prove she "is physically or mentally incapacitated for the performance of duty." N.J.S.A. 18A:66-39. First, an "applicant for [OD] has the burden to prove that [s]he...has a disabling condition and must produce expert evidence to sustain this burden." Bueno v. Bd. Of Trs., Teachers' Pension & Annuity Fund, 404 N.J. Super. 119,126 (App. Div. 2008), certif. denied, 199 N.J. 540 (2009). Second, the applicant must show that her disabling condition is total and permanent. Patterson v. Bd. Of Trs., State Police Ret. Sys., 194 N.J. 29,50-51(2008); (member seeking disability retirement benefits must produce expert evidence to sustain burden of proof). Bueno 404 N.J. Super. at 124. A disability cannot be permanent if the member "could [REDACTED] ... get better." Wunder v. Teachers' Pension & Annuity Fund, 2014 N.J. Super. Unpub. LEXIS 1749, at **13-14 (App. Div. July 17, 2014) (finding the Board's inference that claimant did not [REDACTED] [REDACTED] that could improve his condition).

First, Board rejects the ALJ's conclusion that Dr. Bereanu's opinion deserved greater weight. (ID at 6). Dr. [REDACTED] [REDACTED] examination and review of the medical records showed that Reis had [REDACTED] [REDACTED]." (ID at 5). He did not find her [REDACTED] to be disabling because she did not have "[REDACTED] [REDACTED]." Ibid. Based on his [REDACTED], Dr. [REDACTED] opined that Reis was only temporarily disabled by her [REDACTED] but could not determine whether her disability was permanent because she had [REDACTED] [REDACTED],⁶ both of which are FDA-approved treatments for [REDACTED]. (ID at 5; R-4).

⁵ 2T19:20 – 2T:20:7

⁶ 2T18:13-22

Further, both Reis' treating physician, Dr. Klein and the Board's examining physician, Dr. [REDACTED] concluded that Reis' condition could improve. Furthermore, when completing the *Medical Examination by Personal or Treating Physician* form, Dr. Klein answered "yes" to question 14(c) which asks, "Is there a possibility that the applicant might improve to a degree to perform the applicant's work duties?" (P-4). This evidence directly bears on the issue of permanency and should have been considered in determining whether Reis meets the standard for total and permanent disability. Thus, the Board found Dr. [REDACTED] opinion that Reis' [REDACTED] were not disabling more credible because Reis had the option for treatments that she did not want to take and because her treating physicians opined that her condition might improve.

Second, the Board finds that the ALJ failed to address Wunder, in evaluating the permanency of Reis' disability or the availability of effective treatment options. Under Wunder, the availability of an untried treatment that may materially improve the claimant's condition is directly relevant to whether the disability can be properly characterized as permanent. Thus, a claimant cannot establish permanency merely by showing that her condition is currently disabling; she must also show that the condition is not reasonably amenable to effective treatment. Reis bears the ultimate burden of making that showing. The Board finds that Reis has not made that showing because she declined to take FDA-approved [REDACTED].

Third, the Board rejects the ALJ's attempt at shifting the burden on Respondent by concluding that the petitioner's refusal of the [REDACTED], which Dr. [REDACTED] asserted would improve her [REDACTED], does not prove that she is not totally and permanently disabled, and should not preclude her from receiving ordinary disability. (ID at 10). The Board does not bear the burden of proving that Reis is totally and permanently disabled. Under the standard set forth in Bueno, the burden rests with the applicant to establish that she is totally and permanently disabled. Accordingly, the ALJ incorrectly reversed the burden-shifting analysis by improperly placing the burden on the respondent.

Accordingly, the Board rejects the ALJ's conclusion that Reis is totally and permanently

disabled and finds that Reis has failed to carry her burden of proving the permanency of her disability under Wunder. The record demonstrates that FDA-approved treatments, including [REDACTED], are available for her condition and that Reis has declined to pursue those treatment options. Where potentially effective, FDA-approved treatments remain available and have not been attempted, Reis cannot satisfy her burden of establishing that her disability is permanent. The evidence therefore does not support the finding that Reis has met her burden of proving total and permanent disability.

You have the right to appeal this 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

Sincerely,



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

G-3/SD

c: D. Lewis (ET); A. Saco (ET); C. Law (ET)
DAG Thomas H. Boisvert (ET)
OAL, Attn: Library (ET)

Janice Reis (via email)