


STATE OF INDIANA

Before an Administrative Law Judge
in Administrative Hearing for the
Board of the
Indiana State Teacher's Retirement Fund

In the matter of) Cause No. 
Charles D. Seaver)
)
Petitioner)

Administrative Law Judge's
Findings of Fact, Conclusions of Law and Order

Comes now T. A. Shula, the Administrative Law Judge designated by the Board of Trustees of the Indiana State Teacher's Retirement Fund ("Board") in this proceeding, and hearing having been held at 2:00 p.m., Thursday, January 24, 1991, in the Offices of the I.S.T.R.F., 150 West Market Street, Suite 300, Indianapolis, Indiana, 46204, now issues and files this Order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Board, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this Order unless such date is a Saturday, Sunday, or legal holiday under state statute or a day that I.S.T.R.F.'s offices are closed during regular business hours, in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, or legal holiday under state statute or a day that the I.S.T.R.F.'s offices are closed during regular business hours. This Administrative Law Judge's Order is not the final Order of the Board in this proceeding. However, in the absence of any objection, the Board will either affirm the Administrative Law Judge's Order as its final Order, or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

Findings of Fact

1. Petitioner requested review of the Board's denial of his request for credit for service in the States of Illinois and Ohio.
2. Petitioner was advised, in a letter dated November 19, 1990, that he would not be given

credit for his out-of-state service in Illinois and Ohio.

3. Petitioner's request for administrative hearing is based on his contention that his service in Ohio and Illinois for fifteen (15) years qualifies as out-of-state service.
4. Petitioner did serve in a non-teaching capacity for fifteen (15) years, in Ohio and Illinois.
5. In the hearing before this Administrative Law Judge, the Petitioner contended that since he was employed by a teaching institution which was obviously outside the State of Indiana, he should be given credit for this towards his retirement. However, he could offer no statutory authority for this, other than the language which has just been described, and the Teachers Retirement Fund Handbook (See exhibits). The Petitioner was unrepresented by counsel.
6. The I.S.T.R.F. (represented by Jana Shisler), presented documentation relating to the fact that Mr. Seaver did not belong to a State Teachers Retirement Fund during his out-of-state service in Ohio and Illinois.
7. Dr. Mary Petterson testified that it was Office Policy from the Indiana Code that credit for out-of-state service would only be granted if the claimant was a member of the State Teachers Retirement Fund in that state.

Conclusions of Law

1. The Petitioner presents no statutory authority for inclusion of his fifteen (15) years of out-of-state service.
2. That the Board of Trustees of the Indiana State Teachers Retirement Fund is empowered to make rules and regulations relating to the pension qualification requirements of the Fund (see I.C. 21-6.1-3-6 & 7, and Board of Trustees Rule 34 filed January 7, 1960: Rules and Regulations 1961, p. 273).

3. That since the Petitioner was not a member of a State Teachers Retirement Fund in Ohio or Illinois, his term of service there is not creditable in Indiana.
4. That Petitioner has failed to meet his burden of proof as required in Paragraph 8 of the Notice of Hearing.
5. That the I.S.T.R.F. presents a preponderance of evidence supporting its position that the service in Ohio and Illinois is not creditable to the I.S.T.R.F.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Petitioner's request that he be credited with fifteen (15) years of service toward the I.S.T.R.F., is denied.

ISSUED this 16th day of April, 1991.



T. A. Shula
Administrative Law Judge

Copies To:

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