



Ohio Administrative Code

Rule 742-3-15 Procedures for claims asserted under division (J) of section 742.21 of the Revised Code.

Effective: May 31, 2020

(A) If a member makes a claim with the Ohio police and fire pension fund ("OP&F") pursuant to division (J) of section 742.21 of the Revised Code, the procedures set forth in this rule shall apply.

(B) In computing a pension or benefit under section 742.37 or 742.39 of the Revised Code, OP&F's board of trustees shall give the member full credit for service credit purchased or transferred under section 742.21 of the Revised Code for service that was less than full-time service if the member files a claim with OP&F, and the board determines that clear and convincing documentary evidence exists to support the finding that all of the following criteria have been met:

(1) The OP&F member is not receiving a pension or disability benefit from OP&F;

(2) Prior to the member changing or ceasing his/her employment, the member received written notice from OP&F indicating that the member would be permitted to purchase or transfer service credit for service that was less than full-time without any limitation or qualification;

(3) Based upon the written notification referenced in paragraph (B)(2) of this rule, the member changed or ceased the member's employment, which by virtue of such job assignment made such person an OP&F member; and

(4) The member's reliance on OP&F's written notice of the transfer of such service credit resulted in actual damage to the member, including, but not limited to the member's ineligibility for retirement benefits.

(C) Upon receipt of a claim under division (J) of section 742.21 of the Revised Code and in accordance with this rule, OP&F shall schedule such claim for review by the benefits committee of the board or such other committee as the board may designate from time to time. The benefits committee shall then make a written recommendation to the board.



(D) Based on the written recommendation of the benefits committee or such other committee as the board may designate from time to time, the board shall then review all evidence available and decide to:

(1) Grant the claim;

(2) Deny the claim; or

(3) Postpone the determination pending receipt of additional information or the submission of additional facts.

(E) Any claim granted by the board under division (J) of section 742.21 of the Revised Code and this rule shall be effective as of the date that the board made its decision.

(F) The member shall be notified of the board's decision within thirty days after the board's final action.

If the claim is denied by the board, OP&F's notice of decision shall also inform the member of his or her right to appeal the board's decision.

(G) Appeal of board's decision.

(1) If the member's claim is denied by the board and the member wishes to appeal the board's decision, the member must file a written notice of appeal with OP&F within ninety days of the date of the board's notice of decision. The member shall also provide OP&F with all materials which he or she desires to submit in support of the appeal.

(2) Upon receipt of the notice of appeal and supporting materials, the board shall schedule a hearing on the appeal and shall give the member reasonable notice of the date, time and place thereof in writing. Notwithstanding the foregoing, any hearing may be postponed or continued by the board, either upon application of the aggrieved member or on its own motion. The member shall be given the opportunity to be present at the hearing, with counsel or other representation if he or she chooses. A recording of the hearing will be made to provide the board with a record for further review. Such



recording shall be available to the aggrieved member and to those individuals who are authorized by the member to receive such information, with such authorization in the form required by OP&F.

(3) Following the hearing on appeal, the board may choose to:

(a) Affirm the original decision;

(b) Reverse the original decision; or

(c) Postpone a decision pending submission of additional documentation or information.

(4) The board's decision on appeal shall be the final determination of such claim.

(5) The member shall be advised of the board's action within thirty days after the board's final determination under this paragraph and such notice shall inform the member of his/her right to:

(a) Accept the board's decision on appeal; or

(b) File a mandamus action.

(H) All notices to the member provided for in this rule shall be either delivered personally, sent by express delivery service, certified mail, or first class U.S. mail, postage prepaid and addressed to the member at the most recent address set forth in OP&F's records, or to such other address as the member shall thereafter designate by proper notice in accordance with this paragraph. All notices to OP&F or the board shall be addressed at its principal place of business.