

#5 Review and Appeals Procedures

What is the Review and Appeal Process?

With the exception of issues that involve the interpretation of the law, an ERS member has the right to request that an ERS decision, such as determination of a benefit amount, be reviewed for modification or reversal. This brochure explains the steps you need to take, as determined by Rules and Regulations (which are based on Wisconsin statutes), to complete the review process and, if necessary, the appeal process.

Checklist

What if you feel that an ERS decision should be modified? Work through this checklist and know your rights in the review and appeal process.

- ✔ Read through this pamphlet to understand the steps needed to initiate a review.
- ✔ Get more details on the review and appeal process in the ERS Member Handbook.
- ✔ Read the full text of the review and appeal process at www.cmers.com. Click on “News & Information,” and then select the “View Rules and Regulations” link.
- ✔ Submit your written request for review within 30 days after receiving the original decision from the ERS.
- ✔ Make sure you have documentation that supports your position.
- ✔ If you disagree with the review decision, file a written notice of appeal within 30 days after you receive the review decision.
- ✔ Understand that you may be represented by counsel in the appeal process and at your appeal hearing.
- ✔ Be aware that Sec. 68.13 of the Wisconsin Statutes provides that you may have the Board’s final decision reviewed by the Circuit Court.

Step One - Request a Review

How do I start the review process?

If you feel the original decision regarding your benefit assessment was made in error, you may submit a written request to modify or reverse the decision within 30 days after you are notified of the decision. Your request should be sent to the ERS office indicating that you request a review of the determination (a review of facts only). The review and appeal process are under Sections 68.08-68.13, Wisconsin Statutes.

What should my request include?

Your request must include the reason you think the ERS decision should be changed as well as any evidence that supports your position (for example, a copy of a birth certificate to prove a disputed birth date, or medical records to confirm a diagnosis).

What happens to my review request?

The Annuity and Pension Board will select an independent committee or person to review your request. Unless you agree to an extension, your request will be reviewed within 15 days of receipt. You’ll be notified of the results of the review and an explanation of the review decision. You will also be notified of your right to appeal the review decision.

If you agree with the review decision, you don't need to proceed to Step Two.

Step Two - Request an Appeal

What if I don't agree with the review decision?

You must file a written notice of appeal within 30 days after receiving the review decision. *Your request should be sent to the ERS office.*

How does the appeal procedure work?

Within 15 days of receiving your notice of appeal, the Board shall provide for a hearing to be conducted by either an impartial third-party person or committee. You will be notified of this hearing at least ten days prior to the hearing date.

What happens at the hearing?

Both you and the review decision-maker will present your positions. You may both be represented by counsel and you both may call, examine and cross-examine witnesses of each party. The rules of the Annuity and Pension Board, including use of supporting materials, will govern the meeting.

How long does it take for a decision after the hearing?

Within 30 days of the hearing, the person or committee that conducted the meeting will provide to all parties a report stating the proposed appeal decision and the reasons for the decision.

What are my options if I don't agree with this decision?

Within 45 days of the appeal decision report, you and the other involved parties may file written briefs with the Board. The brief should set forth your position regarding the appeal. Based on the recommendation of the Hearing Examiner, the Board will make its final decision. Within 10 days of its final decision, the Board will send you its written determination, along with reasons for its determination. This determination will be final.

Do I have any other options?

Under Sec. 68.13, Wis. Stats., you may ask that this final determination be reviewed by the Circuit Court. This request must be made within 30 days of receipt of the final determination and filed with the Milwaukee County Circuit Court.

Review and Appeal Deadline Summary

This chart provides an overview of the key steps and deadlines in the Review and Appeal process.

If you need to:	You Must:	When:	Result:
Request a review of fact only.	Submit written request to the ERS office.	Within 30 days after the original decision.	Your request is reviewed within 15 days of receipt.
Appeal a review decision.	File written notice with the review decision-maker.	Within 30 days after receiving the review decision.	The Board will hold a hearing on your appeal within 15 days of receiving the notice.
You will receive an appeal decision report within 30 days of the appeal hearing.			
Review your position on the appeal decision with the Board.	File written briefs.	Within 45 days of the appeal decision report.	The Board will review the written briefs. Within ten (10) days of its final decision, the Board shall mail or deliver to the appellant its written determination stating the reasons therefore.
The Board's decision is final. However, you may ask that the Board's final decision be reviewed in accordance with the procedures established under Sec. 68.13, Wis. Stats.			

Review the full text of the review and appeal process at www.emers.com. Click on "News & Information" then select "View Rules and Regulations."