

## State Pension Review Board Procedure for Referral of TLFRA Appeals to SOAH

- I. This Policy governs the referral procedure of the State Pension Review Board (PRB) concerning appeals by persons aggrieved from decisions of a local board of trustees of a retirement system organized under the Texas Local Fire Fighters Retirement Act (TLFFRA).
- II. A person aggrieved (Appellant) by a decision of a TLFRA board may appeal the decision to the State Office of Administrative Hearings (SOAH).<sup>1</sup>
- III. The Appellant is required to deliver a notice of appeal to the chairman, secretary, or secretary-treasurer of the TLFRA board that made the decision and file a copy of the Notice with the PRB in accordance with Section 22(b), TLFRA (Article 6243e, Vernon's Civil Statutes). The Appellant may also file with the PRB any pertinent documents describing the TLFRA board action giving rise to the appeal, such as the board minutes. The PRB shall make available the *Notice of Appeal* form for voluntary use by retirement systems organized under TLFRA who can make the Form available to its members.
- IV. Within 10 business days of receiving a *Notice of Appeal*, the PRB shall refer the matter to SOAH.<sup>2</sup>
- V. The PRB shall file a '*Request to Docket Case Form*' with SOAH requesting for 'Assignment of Administrative Law Judge.' The PRB shall provide to SOAH a copy of the *Notice of Appeal* form, other pertinent documents provided by the Appellant, and a copy of relevant statutes and rules.
- VI. The PRB shall send out a notification letter (first-class certified mail with return receipt requested) to inform the appellant and Chairman of the TLFRA board that the appeal has been referred to SOAH, directing the parties to address all communications and filings related to the appeal directly to SOAH and not to the PRB.
- VII. The assigned administrative law judge shall directly contact all parties regarding the date, time, and place for hearing, and shall issue all orders related to the proceeding.
- VIII. The sole function of the PRB with respect to a TLFRA appeal is to refer the appeal to SOAH. SOAH has the exclusive authority to issue the final decision in the appeal.<sup>3</sup>

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<sup>1</sup> Section 22, TLFRA, Article 6243e, Vernon's Civil Statutes

<sup>2</sup> Section 22(b-1), TLFRA, Article 6243e, Vernon's Civil Statutes

<sup>3</sup> Section 22(d), TLFRA, Article 6243e, Vernon's Civil Statutes