

**MINUTES OF MEETING**  
**STATE OF WISCONSIN**  
**WISCONSIN RETIREMENT BOARD**

**Thursday, June 23, 2005**

**Sheraton Madison Hotel**  
**706 John Nolen Drive**  
**Madison, Wisconsin**

**BOARD PRESENT:**

Marilyn Wigdahl, Chair  
Rick Gale, Secretary  
Jorge Gomez  
Dennis McBride  
Herb Stinski  
Mary VonRuden

**DRAFT**

**BOARD NOT PRESENT:**

John David  
Wayne Koessler, Vice-Chair  
Nan Kottke

**PARTICIPATING ETF STAFF:**

Eric Stanchfield, Secretary  
Dave Stella, Deputy Secretary  
Sari King, Administrator, Division of Retirement Services  
Diane Poole, Director, Disability Programs Bureau  
Sharon Walk, Board Liaison

**OTHERS PRESENT:**

Rhonda Dunn, Executive Assistant  
Linda Esser, Division of Management Services  
Charlotte Gibson, Department of Justice  
Jane Hamblen, Department of Justice  
Audrey Koehn, Division of Retirement Services  
Peg Narloch, Division of Insurance Services  
Linda Owen, Division of Retirement Services  
Mary Pierick, Division of Insurance Services

Marilyn Wigdahl, Chair, Wisconsin Retirement Board (Board), called the meeting to order at 1:35 p.m.

**CONSIDERATION OF MINUTES**

***Motion: Mr. Gale moved approval of the minutes of the March 17, 2005, meeting as submitted by the Board Liaison. Ms. VonRuden seconded the motion, which passed without objection on a voice vote.***

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## MISCELLANEOUS

**Section 40.65 Duty Disability Program Actuarial Review.** Ms. King noted that this report will be discussed in detail at the Employee Trust Funds Board meeting tomorrow.

**Luann Gehin Court Decision.** Assistant Attorney General Charlotte Gibson provided the Wisconsin Retirement (WR) Board with an overview of the Wisconsin Supreme Court decision in *Luann Gehin v. Wisconsin Group Insurance Board*, Case No. 03-0226. This case involved whether an administrative agency can rely on hearsay evidence in making factual findings when there is no corroborating live testimony. In its decision, the Court concluded that hearsay evidence cannot be the sole basis for an administrative decision where there is no live testimony. Mr. Stella indicated that the Group Insurance Board (GIB) asked the Department of Employee Trust Funds to identify solutions to the problem of hearsay evidence. One alternative would be an administrative rule to clarify this situation. The report to the GIB will be presented to the Board as well.

## DISABILITY STATISTICS SUMMARY REPORT

**Wisconsin Retirement System (WRS) Disability Benefit Annuity Statistical Report (2005: March-April-May).** Ms. Poole reviewed the report that had been provided to the Board. She noted that 83% (15 of 18) of the disability applications were approved.

**Review of §40.63 Disability Retirement and §40.65 Duty Disability Application Determinations.** Ms. Poole reviewed the memo that had been provided to the Board. This report was a follow-up to a request made at a previous Board meeting about gender differences. A total of 300, §40.63 disability application determinations were reviewed. Of those, 55% (164) were female. She also noted that 64% of the WRS population are female. Only 14 of the total applications were denied. Of those, 3.7% were female and 5.9% were male. Lack of medical documentation was the primary reason for a denial. Ms. Poole will continue to report this information to the Board.

In the §40.65 duty disability program, 42 applications were reviewed. Seven applications (17%) were from females. In the WRS, 19% of the protective occupation participants are female. There were four application denials. Lack of medical documentation was the main reason for denial.

## MOTION TO CONVENE IN CLOSED SESSION

Ms. Wigdahl announced that the Board would convene in closed session, pursuant to the exemptions contained in Wis. Stat. § 19.85 (1) (a) for quasi-judicial deliberations. Ms. Walk and Ms. Esser were invited to remain during the closed session.

***Motion: Mr. Gale moved to convene in closed session, pursuant to the exemptions contained in Wis. Stat. § 19.85(1)(a) for quasi-judicial deliberations. Ms. VonRuden seconded the motion, which passed on the following roll call vote.***

***Members voting aye: Gale, Gomez, McBride, Stinski, VonRuden, Wigdahl***

***Members voting nay: none***

The Board convened in closed session at 1:55 p.m. and reconvened in open session at 3:04 p.m.

**ANNOUNCEMENT OF ACTION TAKEN ON BUSINESS DELIBERATED DURING CLOSED SESSION**

Ms. Wigdahl announced that the Board took the following action during the closed session:

➤ **2004-015-WR**

*The Board accepted the hearing examiner's proposed decision with typographical errors corrected.*

➤ **2003-049-WR**

*The Board directed Assistant Attorney General Jane Hamblen to research the issue of whether the Board adheres to Robert's Rules of Order and, if so, what Robert's Rules provide with respect to the authority of the Chair to vote. If it is determined that the Chair may vote, then the final determination in this appeal is postponed until the next Board meeting.*

➤ **2004-024-WR**

*The Board adopted the hearing examiner's proposed decision.*

**ADJOURNMENT**

*Motion: Ms. VonRuden moved adjournment. Mr. Gomez seconded the motion, which passed without objection on a voice vote.*

The meeting of the Wisconsin Retirement Board adjourned at 3:06 p.m.

Date Approved: \_\_\_\_\_

Signed: \_\_\_\_\_

Rick Gale, Secretary  
Wisconsin Retirement Board