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**Department of Employee Trust Funds**  
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 SECRETARY

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## **Correspondence Memorandum**

**Date:** February 8, 2023  
**To:** Employee Trust Funds Board  
**From:** Kim Esselman, Appeals Coordinator  
 Office of Legal Services  
**Subject:** Pending Appeals Annual Report 2022

**This memo is for informational purposes only. No Board action is necessary.**

During calendar year 2022, twelve new appeals were filed, four final decisions were issued, and ten appeals were withdrawn. As of December 31, 2022, there were fifty-four pending appeals among the Employee Trust Funds Board (ETF), Group Insurance Board (GIB), and Wisconsin Retirement Board (WR). There were zero pending appeals among the Teachers Retirement Board (TR) and the Deferred Compensation Board (DC).

Table 1  
**PENDING APPEALS BY BOARD**

ETF	GIB	WR	TR	DC
37 <sup>1</sup>	8	9	0	0

The ETF Board has the authority to accept timely appeals from determinations made by the department, other than appeals of determinations made by the department regarding disability annuities under Wis. Stat § 40.03(1)(j). That means a variety of different types of cases come to the Board. Table 2 lists all the active appeals, which include one appeal involving an annuity death benefit, twenty-seven appeals involving category of employment, two Long-Term Disability Insurance (LTDI) appeals, one appeal involving the member's participation date in the Wisconsin Retirement System (WRS), one appeal involving the member's separation benefit and five sick leave credit appeals.

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<sup>1</sup> Twenty-five (25) of the pending ETF appeals involve a group of employees who were changed from the Protective employment category to the General employment category.

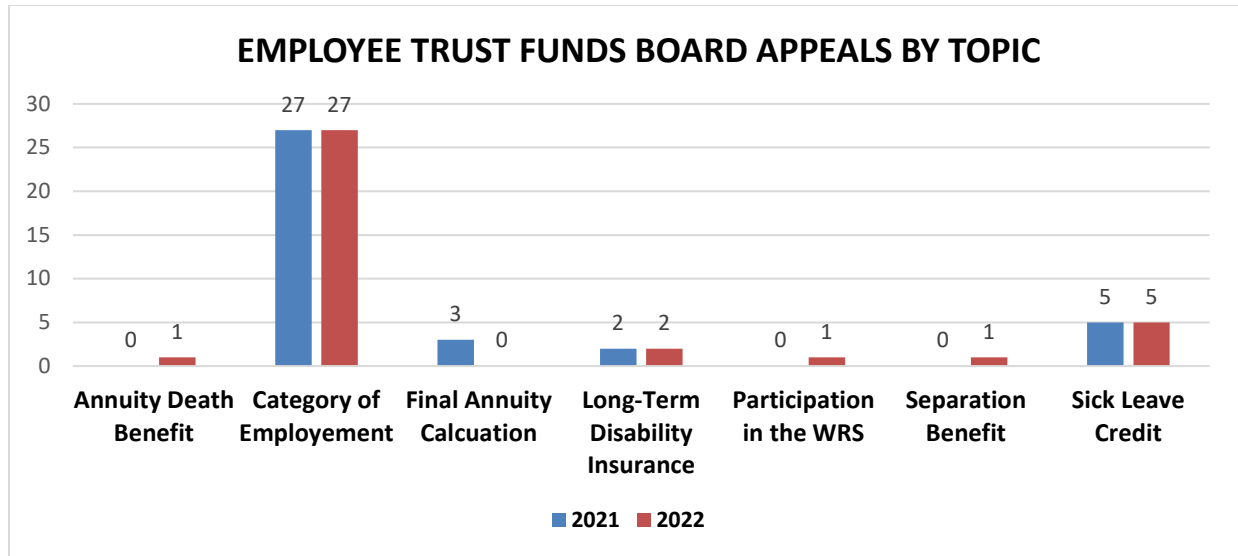


Reviewed and approved by Diana Felsmann, General Counsel, Office of Legal Services  
 Electronically Signed 2/10/23

Board	Mtg Date	Item #
ETF	3.23.23	7K

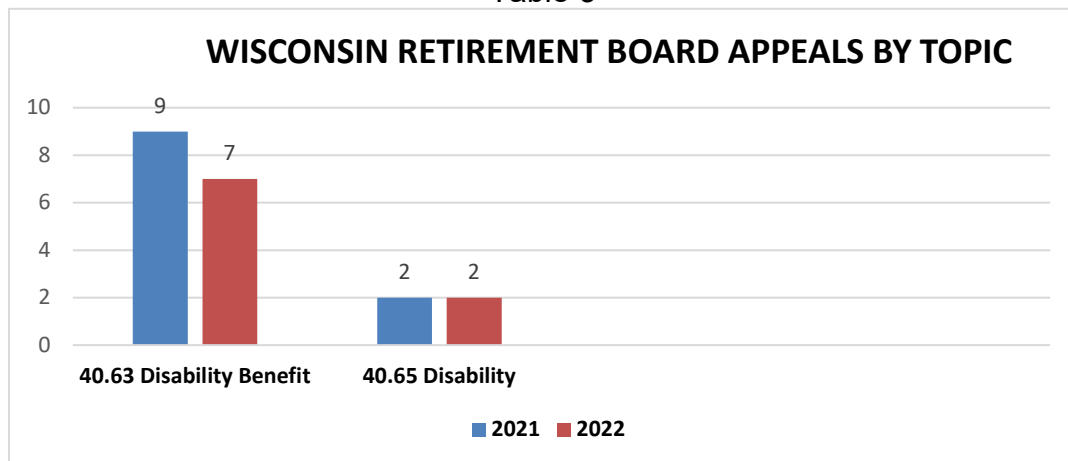
Authority for hearing LTDI appeals was transferred to the ETF Board on January 1, 2018. Since the LTDI program is closed to new applicants, future LTDI appeals would be limited to issues raised by members already receiving the benefit. One example would be an appeal based on the termination of an LTDI benefit.

Table 2



The WR Board has the authority to accept timely appeals of determinations made by the Department regarding disability annuities for participants other than teachers under Wis. Stat. § 40.03(8)(f). In addition, duty disability determinations made by the Department, such as calculations of the benefit amount, are subject to appeal to the WR Board as provided for under Wis. Admin. Code § ETF 52.28(1)<sup>2</sup>. Table 3 lists all the active appeals, which include seven disability retirement benefit (40.63) appeals and two duty disability (40.65) appeals.

Table 3



<sup>2</sup> Determinations made by the Department of Employee Trust Funds as to an applicant's eligibility for duty disability benefits may be appealed to the Department of Workforce Development. Wis. Admin. Code § ETF 52.28(2).

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The Teachers Retirement (TR) Board has the authority to accept timely appeals of determinations made by the Department regarding disability annuities for teacher participants under Wis. Stat. § 40.03(7)(f). There are no active appeals for the Teachers Retirement Board.

Staff will be available at the meeting to answer any questions.