



STATE OF WISCONSIN
Department of Employee Trust Funds
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SECRETARY

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Correspondence Memorandum

Date: May 24, 2023
To: Employee Trust Funds Board
From: Kim Esselman, Appeals Coordinator
Peter Rank, Attorney
Office of Legal Services
Subject: Secretary's Correction of Error Report

This memo is for informational purposes only. No Board action is required.

The Department of Employee Trust Funds (ETF) Secretary has limited authority under Chapter 40 of the Wisconsin Statutes to correct errors. That authority is described in Wis. Stat. §40.03(2)(w) as follows:

If the secretary determines that an otherwise eligible participant has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any benefit provided under this chapter principally because of an error in administration by the department, may order the correction of the error to prevent inequity. A decision under this paragraph is not subject to review. The secretary shall submit a quarterly report to the employee trust funds board on decisions made under this paragraph.

Most member concerns are addressed informally. A limited number escalate to the level of a formal administrative appeal. As a result, it is rare for ETF to receive a request to have the Secretary exercise this authority.

The purpose of this memo is to inform the Board of a recent request that was made to the ETF Secretary to exercise the authority under Wis. Stat. §40.03(2)(w) authorizing the correction of the member's lost sick leave credit and providing him the access to utilize his accumulated sick leave credits.

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

Reviewed and approved by Diana Felsmann, General Counsel, Office of Legal Services
Electronically Signed 05/31/23

Board	Mtg Date	Item #
ETF	06.22.23	5K

Table 1. Correction of Error Authority Report

Type of Case	Description of Error	Decision	Date
Sick Leave Credit, Wis. Stat. § 40.05(4)(b)	<p>The member lost his sick leave credit because he either needed 20 years of creditable service or he needed to take an immediate annuity. He did not have 20 years of creditable service and he failed to take an immediate annuity.</p> <p>ETF made a few mistakes, which did not <i>prevent</i> the member from taking an immediate annuity but made it more difficult:</p> <ul style="list-style-type: none"> • The member requested an address change and a retirement estimate in January 2022. While ETF changed the member's address, the request for a retirement estimate was not processed. The member followed up on the request for a retirement estimate in May 2022. • In March 2022, ETF mailed a letter to the member indicating that he needed to take an immediate annuity or lose his sick leave to the old address, then corrected that by re-sending to his new address. • By the time the ETF letter reached the member's correct address, he had 10 days to apply for his benefit, However, the member did not have a retirement estimate at that time because we had not fulfilled his January 2022 request. 	Authorizing the correction of the member's lost sick leave credit and providing the member access to utilize his accumulated sick leave credits.	March 2, 2023