



STATE OF WISCONSIN
Department of Employee Trust Funds
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Correspondence Memorandum

Date: March 1, 2024

To: Employee Trust Funds Board

From: Kim Esselman, Appeals Coordinator
 Office of Legal Services

Subject: Pending Appeals Annual Report 2023

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

During calendar year 2023, 24 new appeals were filed, four final decisions were issued, and 29 appeals were withdrawn. As of December 31, 2023, there were 46 pending appeals. Table 1 indicates the total number of pending appeals under the authority of the Employee Trust Funds Board (ETF), Group Insurance Board (GIB), Wisconsin Retirement Board (WR), and Teachers Retirement Board (TR). There were zero pending appeals under the authority of the Deferred Compensation Board (DC).

Table 1. PENDING APPEALS BY BOARD

ETF	GIB	WR	TR	DC
20	10	14	2	0

The 24 new appeals filed in year 2023 is an increase from the number of new appeals filed in the previous three calendar years. Table 2 provides the total number of new appeals filed by year since 2020:

Table 2. NEW APPEALS FILED BY YEAR

2020	2021	2022	2023
6	14	12	24

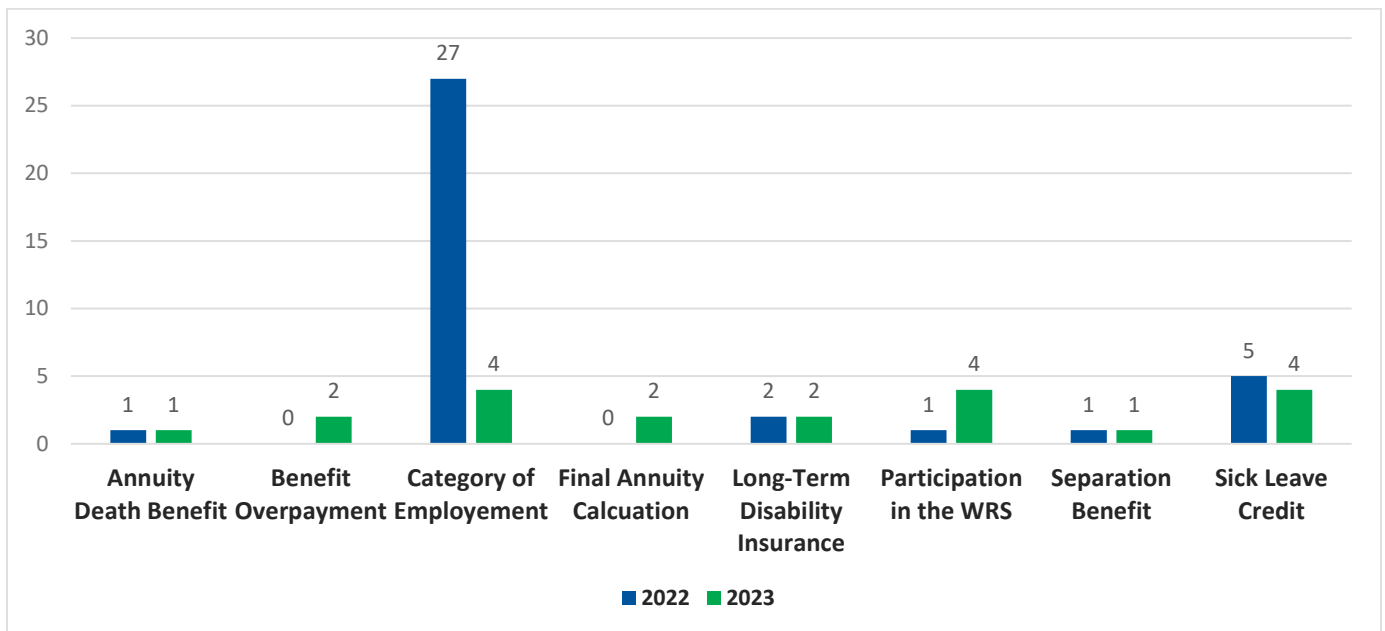
Reviewed and approved by Diana Felsmann, General Counsel, Office of Legal Services
 Electronically Signed 03/04/2024

Board	Mtg Date	Item #
ETF	03.28.24	6J

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). Chart 1 lists all the active appeals, which include one involving an annuity death benefit, two involving overpayments, four involving category of employment, two involving final annuity calculations, two involving Long-Term Disability Insurance (LTDI), four involving the member’s participation date in the Wisconsin Retirement System (WRS), one involving the member’s separation benefit, and four involving sick leave credit.

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.

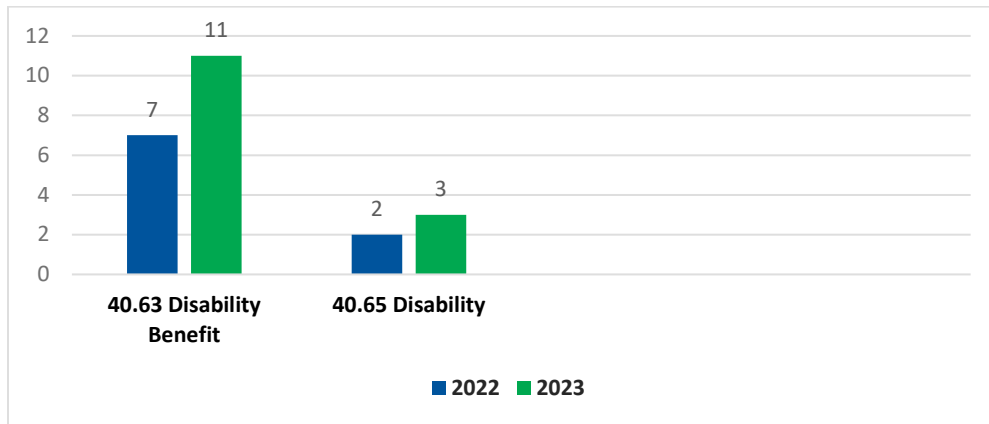
Chart 1. EMPLOYEE TRUST FUNDS APPEALS BY TOPIC



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 under Wis. Admin. Code § ETF 52.28(1).^{*} Chart 2 lists all the active appeals, which include 11 disability retirement benefit (40.63) appeals and three duty disability (40.65) appeals.

^{*} 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).

Chart 2. WISCONSIN RETIREMENT BOARD APPEALS BY TOPIC



The 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 two active appeals for the TR Board involving 40.63 disability retirement benefits.

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