



STATE OF WISCONSIN
Department of Employee Trust Funds
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 SECRETARY

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Correspondence Memorandum

Date: May 28, 2024

To: Employee Trust Funds Board

From: Peter Rank, Attorney
 Kim Esselman, Appeals Coordinator
 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):

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 a member to amend his annuity option change form to his intended selection -- 100% continued to named survivor, Accelerated payments after the 60-day time period.

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 06/03/2024

Board	Mtg Date	Item #
ETF	06.20.24	5B

Table 1. Correction of Error Authority Report

Type of Case	Description of Error	Decision	Date
Annuity Option Change, Wis. Stat. § 40.24	<p>A notice of Retirement application receipt with annuity option Life with 180 payment guaranteed, Accelerated, was mailed to the member's new address. The annuity was effective Oct. 7, 2023. An updated estimate including Named survivor option estimated amounts, along with an annuity option change application, was sent to his new address. ETF received a completed annuity option change application on Oct. 19, 2023, the member selected 100% continued to named survivor, Regular. The address on his application was the new address.</p> <p>A confirmation letter was sent regarding receipt of the annuity option change application indicating that the member elected to change his annuity option from Life with 180 payment guaranteed, Accelerated, to 100% continued to named survivor, Regular. This confirmation letter was mailed within the 60-day change window; however, this was mailed to the member's old address in error. The member states that he never received the confirmation letter.</p> <p>A Notice of Final Retirement Annuity Calculation was mailed on Jan. 11, 2024. Upon receiving the updated final annuity calculation, calculation of overpayment, and having his annuity amount adjusted, the member began contacting ETF to inquire on how he could change his annuity selection from Regular to Accelerated as was his intent.</p>	Allow the member to amend his annuity option change form to his intended selection – 100% continued to named survivor, Accelerated payments.	March 26, 2024