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Department of Employee Trust Funds
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Correspondence Memorandum

Date: July 30, 2025
To: Group Insurance Board
From: Dan Hayes, Attorney
Office of Legal Services
Subject: Legal Case Update

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

This memorandum is presented to inform board members about the status of pending or recently concluded legal cases involving the Department of Employee Trust Funds (ETF) and the Group Insurance Board (Board).

The purpose of the memorandum is to inform Board members of litigation in which the Board and/or ETF are parties, not to provide legal advice concerning the cases listed. Assistant attorneys general from the Department of Justice (DOJ) represent ETF and/or the Board in any litigation in court pursuant to [Wis Stat. § 40.03\(3\)](#). If there are questions about a case, please contact ETF's Office of Legal Services.

As of July 30, 2025, there are three cases that involve ETF and/or the Board.

Case No. 1:

Issue - This Petition for Judicial Review concerns ETF's determination to require a participant in the State of Wisconsin Group Health Insurance Program (GHIP) to pay the full premium for insurance through GHIP, including prescription drug coverage, despite his opting out of Medicare Part D coverage because he has pharmacy coverage through the Veterans Affairs.

Summary - The member requested judicial review of a final decision issued by the Board on January 13, 2025 (Appeal No. 2023-011-GIB). The Board is named as the Respondent.

Status - The member filed the Petition for Review, using the Writ of Certiorari method, in Dane County Circuit Court on February 10, 2025. The DOJ filed a motion to quash the Writ and dismiss the case, alleging that it was improperly commenced due to

Reviewed and approved by Peter Rank, Chief Legal Counsel, Office of Legal Services
Electronically Signed 07/29/2025

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untimely service. On July 2, 2025, the motion was granted, and the case was dismissed.

Case No. 2:

Issue – This Petition for Judicial Review concerns ETF's determination that upheld the denial of the member's claim for living benefits and the rescission of his life insurance policy.

Summary – The member requested judicial review of a final decision issued by the Board on April 9, 2025 (Appeal No. 2024-012-GIB). The Board is named as the Respondent.

Status – The member filed the Petition for Review in Dane County Circuit Court on May 2, 2025. The DOJ filed an Answer on June 20, 2025, and a scheduling conference was held on July 22.

Case No. 3:

Issue – This Petition for Judicial Review concerns ETF determination that the member did not continuously maintain comparable health care coverage while his accumulated sick leave credits were escrowed, which resulted in the forfeiture of his credits.

Summary – The member requested judicial review of a final decision issued by an Administrative Law Judge (ALJ) on May 6, 2025, pursuant to a Motion to Dismiss filed by ETF (Appeal No. 2024-017-GIB). For certain reasons set forth in the Wisconsin Administrative Code, an ALJ may issue a final decision, which constitutes the final decision of the board. In this appeal, the ALJ found that there was no material issue of fact or law and under the undisputed material facts and law, the appellant is ineligible for the claimed right or benefit or fails to meet all the qualifications for the claimed right or benefit established by statute (See [Wis. Admin. Code § ETF 11.08\(2\)\(e\)](#)). The Board is named as the Defendant.

Status – The member filed the Petition for Review on June 5, 2025. ETF referred the matter to the DOJ, and they filed an Answer on July 25.

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