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Department of Employee Trust Funds  
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## CORRESPONDENCE MEMORANDUM

**DATE:** November 14, 2012

**TO:** Employee Trust Funds Board  
Teachers Retirement Board  
Wisconsin Retirement Board

**FROM:** David H. Nispel, General Counsel

**SUBJECT:** Status of Pending Legal Case

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

This memorandum is presented quarterly to inform board members about the status of pending legal cases involving the Department of Employee Trust Funds (ETF) and the various retirement boards. In order to maintain confidentiality regarding our Wisconsin Retirement System members, the names of the parties and case numbers have not been identified in the memorandum.

The sole purpose of the memorandum is to inform Board members of litigation in which the Boards and ETF are parties, not to provide legal advice concerning the cases listed. If there are any questions about a case listed in a memorandum, I will provide you with the name of the attorney handling the case.

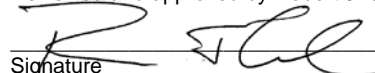
As of November 14, 2012, there is one case pending in the courts that involves one of the retirement boards and ETF.

**Circuit Court Case: Wisconsin Retirement Board and Department of Employee Trust Funds**

Issue—Duty disability overpayment due to earnings received by the member

Board	Mtg Date	Item #
JI	12.6.12	4F

Reviewed and approved by Robert J. Conlin, Secretary

 11/19/12  
Signature Date

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Summary—ETF issued a determination that there was an overpayment of benefits paid to the member following receipt of an earnings report from the employer. The administrative law judge and the Wisconsin Retirement Board affirmed the determination. After the Board denied the member's petition for rehearing, the member filed an appeal in circuit court.

Status—The court established a briefing schedule and the final brief is due to be filed with the court by December 7, 2012.

Attorney—DOJ attorney.

I will be available at the December 6, 2012, Board meeting to answer questions.