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 SECRETARY

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**Correspondence Memorandum**

**Date:** November 13, 2020  
**To:** Wisconsin Retirement Board  
**From:** Dan Hayes, Attorney  
 Office of Legal Services  
**Subject:** Status of Pending Legal Cases

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

This memorandum informs board members about the status of pending or recently concluded litigation in which the Wisconsin Retirement Board (Board) is a party. The purpose of the memorandum is not to provide legal advice concerning the cases listed. An assistant attorney general from the Department of Justice (DOJ) represents the Board in any litigation in court. If there are questions about a case, we will provide you with the name of the attorney handling it.

As of November 13, 2020, there is one case involving the Wisconsin Retirement Board.

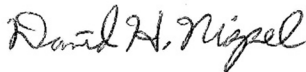
Issue – Whether a Final Decision of the Wisconsin Retirement Board in a disability annuity appeal was correct under the law (Appeal 2018-013-WR).

Summary – In August 2020, a WRS employer filed a Petition for Judicial Review in Dane County Circuit Court challenging a Final Decision of the Board that overturned ETF’s denial of disability annuity benefits under Wis. Stat. § 40.63. The benefits were denied because the employer would not certify that the employee left work due to a disability. An administrative law judge found that the employer’s failure to certify the disability was not reasonable and correct. The Board upheld the administrative law judge’s proposed decision.

Status – In September 2020, the Petitioner filed an Amended Petition for Judicial Review. The DOJ has filed motion to dismiss the Amended Petition, contending that the action was not timely commenced. A hearing on the motion is scheduled for December 8, 2020.

Attorney – DOJ attorney.

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

Reviewed and approved by David Nispel, General Counsel,  
 Office of Legal Services  
  
 Electronically Signed 11/23/20

Board	Mtg Date	Item #
WR	12.10.20	4G