



STATE OF WISCONSIN
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Correspondence Memorandum

Date: March 18, 2025
To: Wisconsin Retirement 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 Wisconsin Retirement 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 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 March 3, 2025, there is one case that involves ETF and/or the Board.

Issue - This appeal concerns the denial of a disability retirement application. The sole issue is whether the employer's decision not to certify that the Appellant's termination was the result of a disability was reasonable and correct pursuant to Wis. Stat § 40.63(1)(c) and Wis. Admin. Code § ETF 11.12(1)(d)1.

Summary - A member requested judicial review of a final decision issued by the Wisconsin Retirement Board on January 23, 2024 (Appeal #2023-016-WR). The Board is named as the respondent.

Status – The member filed the Petition to Review in Pierce County Circuit Court on January 21, 2025. The member, then, filed a Motion for Change of Venue to Dane County Circuit, which is the statutorily mandated venue for such actions.

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

Reviewed and approved by Peter Rank, Chief Legal Counsel, Office of Legal Services
Electronically Signed 03/04/2025

Board	Mtg Date	Item #
WR	03.27.25	5D