



State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

DONALD T. DiFRANCESCO  
Acting Governor

Mailing Address:  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey  
PETER R. LAWRANCE  
Acting State Treasurer  
THOMAS P. BRYAN  
Director

April 20, 2001

John G. DeSimone, Esquire  
PO Box 237  
Woodbury, NJ 08096

Re: **G. Philip Lewis**  
**PERS** [REDACTED]

Dear Mr. DeSimone:

The Board of Trustees of the Public Employees' Retirement System (PERS) at its meeting of April 18, 2001, considered your letter of April 3, 2001, and accompanying documentation regarding Mr. Lewis' request to purchase additional service in the PERS from December 23, 1974 until April 1, 1993.

The Board voted to approve the request to purchase additional service from December 23, 1974 to September 18, 1986, using a purchase request date of October 14, 1998. However, the Board denied your request to purchase service from September 19, 1986 to April 1, 1993, since this was the period of time that Mr. Lewis was in the Job Training Partnership Act (JTPA) program and was statutorily barred from participating in the PERS until his permanent appointment on April 7, 1993. The Board's decision to deny the purchase request is based on Chapter 109 of the Public Laws of 1986 which became effective on September 19, 1986 and was later codified as N.J.S.A. 43:15A-7(h). The provisions of the statute state the following:

h. A temporary employee who is employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) who are in the system on September 19, 1986 shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in a federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

John G. DeSimone, Esq.  
Re: G. Philip Lewis  
Page 2  
April 20, 2001

Accordingly, since Mr. Lewis was ineligible for PERS membership during the period of September 19, 1986, until April 1, 1993, he is also ineligible to purchase this service credit during this time period.

At the Board meeting of April 18, you asked the Board to consider your verbal request for a hearing to appeal the Board's decision denying Mr. Lewis' request to purchase service from September 19, 1986, until April 1, 1993. For purposes of clear record keeping and to include with Mr. Lewis' PERS file, you stated you would submit a written letter of appeal to the PERS Board. However, the PERS Board denied your request for a formal administrative hearing in the Office of Administrative Law essentially because the contested matter does not involve questions of fact. Therefore, the Board has directed the Secretary, in conjunction with the Attorney General's Office, to draft a detailed Finding of Facts and Conclusions of Law that will formally outline the Board's decision and become the Board's final administrative determination.

It is anticipated that the Board will review and adopt these findings and conclusions at its next meeting on May 16, 2001. A copy of the final decision will be mailed to you shortly after the Board's May 16 meeting. Upon receipt of this final administrative determination, you will have the right to appeal the Board's decision; hence, the 45 days to appeal this decision to the Appellate Division of the Superior Court of New Jersey will not begin until the Board adopts the final administrative determination.

By copy of this letter I am referring this matter to Ms. Mary Ellen Rathbun, Assistant Chief of the Purchase Bureau to calculate and notify you of Mr. Lewis' cost to purchase service from December 23, 1974 through September 18, 1986.

If you should have any other questions regarding this matter, please contact me at (609) 984-4297.

Sincerely,



Wendy Jamison, Board Secretary  
Board of Trustees  
Public Employees' Retirement System

wj/J-2

c: MaryEllen Rathbun (ET)  
Sandra Horan (ET)  
G. Phil Lewis