

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-005660-00T3

G. PHILIP LEWIS	)	
Appellant,	)	Civil Action
	)	
v.	)	
	)	CERTIFICATION OF
BOARD OF TRUSTEES,	)	DEBRA A. ALLEN IN
PUBLIC EMPLOYEES'	)	OPPOSITION TO
RETIREMENT SYSTEM,	)	APPELLANT'S MOTION
	)	FOR LEAVE TO FILE
Respondent.	)	INTERLOCUTORY APPEAL

DEBRA A. ALLEN, hereby certifies as true the following:

1. I am a Deputy Attorney General of the State of New Jersey and am duly admitted to practice law before the courts of this State. I represent respondent, Board of Trustees, Public Employees' Retirement System ("PERS Board"), in the above-captioned matter.

2. On May 16, 2001, the PERS Board determined that Appellant was not eligible to purchase service time, pursuant to N.J.S.A. 43:15A-7h, because he was an employee working as part of the Job Training Partnership Act ("JTPA") and such employees were precluded from PERS membership. This time spans the period September 19, 1986, the effective date of the statute, until April 7, 1993, the date the Salem County Board of Chosen Freeholders passed a resolution making JTPA employees working with the county permanent county employees who were eligible for PERS membership.

3. On May 17, 2001, the PERS Board issued a Final Administrative Determination denying Appellant's purchase request.

4. Appellant filed a Notice of Appeal in the Superior Court of New Jersey, Appellate Division, on June 26, 2001.

5. On June 24, 2002, this Court reversed and remanded this matter in order that the PERS Board address Appellant's additional arguments regarding his status as a veteran and status as a temporary employee with continuous service for at least one year.

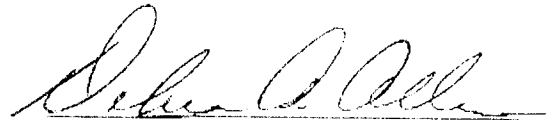
6. On August 21, 2002, the PERS Board reconsidered the matter as per this Court's directive. Appellant and the undersigned made personal appearances to present arguments to the Board. Appellant did not present any argument to support his contention that he should be allowed to purchase JTPA service by virtue of his veteran status or as a temporary employee with at least one year's continuous service. The undersigned presented legislative history that includes a conditional veto by then Governor Kean of Senate Bill No. 1471, terminating PERS membership for all JTPA employees who were in the PERS at that time. Upon hearing the arguments of counsel, the PERS Board voted to reaffirm its prior determination to deny Appellant's purchase request. However, a final administrative agency decision was not issued on that date.

7. On September 11, 2002, Appellant filed a Notice for Leave to Appeal. A Final Administrative Determination ("FAD") had not been issued by the PERS Board at that time.

8. On September 18, 2002, the PERS Board, at its regular meeting, approved a Final Administrative Determination reaffirming its prior determination to deny Appellant's purchase request. (Exhibit A). The FAD was mailed to Appellant on September 19, 2002. The issuance of a FAD renders Appellant's request for an interlocutory appeal moot.

9. Therefore, Appellant's Motion for Leave should be deemed moot.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



DEBRA A. ALLEN

Dated: Trenton, New Jersey  
September 20, 2002