



State of New Jersey

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December 17, 2002

James Flynn, Clerk
Superior Court of New Jersey
Appellate Division
R.J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625

Re: G. Philip Lewis v. Board of Trustees, Public
Employees' Retirement System
Docket No. A-1093-02T2

Dear Mr. Flynn:

Enclosed for filing, please find an original and four
copies of the Statement of Items and Civil Case Information
Statement in the above captioned matter.

Sincerely yours,

DAVID SAMSON
ATTORNEY GENERAL OF NEW JERSEY

By: 
Debra Allen
Deputy Attorney General

DA:lv
c: John G. DeSimone, Esq.



TITLE IN FULL: G. Philip Lewis, Appellant,
 v.
 Board of Trustees, Public Employees'
 Retirement System, Respondent.

SUPERIOR COURT OF NEW JERSEY
 APPELLATE DIVISION
 DOCKET NO.: A-1093-02T2

APPELLANT'S ATTORNEY(S): Plaintiff Defendant Other (Specify)

NAME	ADDRESS	TELEPHONE	CLIENT
John G. DeSimone, Esq.	33 Euclid Avenue Suite B P.O. Box 237 Woodbury, NJ 08096-7057	(856) 848-8800	G. Philip Lewis

RESPONDENT'S ATTORNEY(S)*:

NAME	ADDRESS	TELEPHONE	CLIENT
Debra A. Allen DAG	Hughes Justice Complex PO BOX 106, Trenton, NJ 08625-0106	(609) 984-0318	Board of Trustees Public Employees' Retirement System

[*Indicate which parties, if any, did not participate below or who were no longer party to the action at the time of entry of the judgment or decision being appealed.]

GIVE DATE AND SUMMARY OF JUDGMENT OR DECISION BEING APPEALED AND ATTACH A COPY:

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?

Yes No

If so, has the order been certified as final pursuant to R.4:42-2? (If not, leave to appeal must be sought. R.2:2-4, 2:5-6.)

Yes No

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R.2:5-1(h)).

Yes No

GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:

Appellant, G. Philip Lewis, appeals a denial by the Board of Trustees, Public Employees' Retirement System (PERS) to purchase prior service time with the federal Job Training Partnership Act (JTPA) in Salem County, New Jersey. Appellant was employed in various positions by Salem County from December 1, 1974 through June 30, 2000.

Appellant had filed previously a Notice of Appeal in the Superior Court of New Jersey, Appellate Division, on June 26, 2001. On June 24, 2002, this Court reversed and remanded the matter so that the PERS Board could 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. On August 21, 2002, the PERS Board reconsidered the matter as per this Court's directive and voted to reaffirm its prior determination to deny Appellant's purchase request. However, a Final Administrative Determination ("FAD") was not issued on that date.

On September 11, 2002, Appellant filed a Notice of Motion for Leave to Appeal. An FAD had not been issued by the PERS Board at that time. One week later, on September 18, 2002, the PERS Board, at its regular meeting, approved an FAD reaffirming its prior determination to deny Appellant's purchase request. The FAD was mailed to Appellant on September 19, 2002. The PERS Board responded to Appellant's motion for leave to appeal on September 20, 2002. Appellant filed a reply brief on October 2, 2002. This Court denied Appellant's motion. This appeal followed.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(A)(5). (Appellant or cross-appellant only.)

IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or opinion?
If so, on what date? _____ Yes ___ No X
2. Did the trial judge issue written findings or opinion?
If so, on what date? _____ Yes ___ No X

Caution: Before you indicate that there was neither an opinion nor findings, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R.2:5-1(b).

Date of your inquiry: _____

Will the trial judge be filing a statement or opinion pursuant to R.2:5-1(b)? Yes ___ No x

Civil appeals are screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.

State whether you think this case may benefit from a conference. Yes ___ No x

Explain your answer: The facts and law are clear and the dispute here is not amenable to settlement.

1. IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:
- (A) Arises from substantially the same case or controversy as this appeal? Yes ___ No x
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes ___ No x
2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? Yes x No ___

IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name:

Appellate Docket No.:

G. Philip Lewis v. Board of Trustees,
Public Employees' Retirement System


A-005660-00T3 (closed)

Board of Trustees,
Public Employees' Retirement System

Name of Appellant or Respondent

Debra A. Allen
Deputy Attorney General

Name of Counsel of Record


Signature of Counsel of Record

Date: December 16, 2002

DAVID SAMSON
Attorney General of New Jersey
Attorney for Respondent
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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1093-02T2

G. PHILIP LEWIS,)	
)	Civil Action
Petitioner-Appellant,)	
)	STATEMENT OF ITEMS
)	COMPRISING THE RECORD
)	ON APPEAL
v.)	
BOARD OF TRUSTEES,)	
PUBLIC EMPLOYEES')	
RETIREMENT SYSTEM,)	
)	
Respondent-Respondent.)	

PLEASE TAKE NOTICE that the Board of Trustees of the Public Employees' Retirement System ("the PERS Board") hereby certifies and files pursuant to R. 2:5-4(b) the Statement of Items Comprising the Record on Appeal.

Respondent reserves the right to amend or augment the following list as may be necessary or appropriate during the pendency of this appeal.

The record consists of:

1. Statement of Items Comprising the Record On Appeal for the prior appeal, A-005660-00T3 (attached hereto).
2. Letter of the Board of Trustees of the Public Employees' Retirement System ("PERS Board"), dated August 23, 2002.
3. The Final Administrative Determination of the PERS Board, dated September 10, 2002.
4. Corrected Notice of Appeal filed November 1, 2002.

Respectfully submitted,

DAVID SAMSON
ATTORNEY GENERAL OF NEW JERSEY

By: 

Debra A. Allen
Deputy Attorney General

Dated: December 17, 2002

JOHN J. FARMER, JR.
Attorney General of New Jersey
Attorney for Respondent
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PO BOX 106
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By: Debra A. Allen
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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-005660-00T3

G. PHILIP LEWIS,)

Civil Action

Petitioner-Appellant,)

STATEMENT OF ITEMS
COMPRISING THE RECORD ON APPEAL

v.)

BOARD OF TRUSTEES,)
PUBLIC EMPLOYEES')
RETIREMENT SYSTEM,)

Respondent-Respondent.)

PLEASE TAKE NOTICE that the Board of Trustees of the Public Employees' Retirement System ("the PERS Board") hereby certifies and files pursuant to R. 2:5-4(b) the Statement of Items Comprising the Record on Appeal.

The Division reserves the right to amend or augment the following list as may be necessary or appropriate during the pendency of this appeal.

The record consists of:

1. Agenda packet of April 18, 2001 PERS Board meeting consisting of thirty-eight pages. This packet consists of correspondence leading up to the Board meeting.

2. Petitioner-Appellant's written submission and accompanying appendix (consisting of exhibits 1-36) considered by the PERS Board at its April 18, 2001 meeting.

3. Final-Administrative Determination of the PERS Board dated May 17, 2001.

4. Notice of Appeal filed June 26, 2001.

JOHN J. FARMER, JR.
Attorney General of New Jersey
Attorney for Respondent

By:



Debra A. Allen
Deputy Attorney General

Dated: September 5, 2001