

STATE OF INDIANA

Before an Administrative Law Judge
in Administrative Hearing for the
Board of the
Indiana State Teacher's Retirement Fund

In the matter of)
Donald G. Granger) Cause No. TRF 11100
)
Petitioner)

Administrative Law Judge's
Findings of Fact, Conclusions of Law and Order

Comes now T. A. Shula, the Administrative Law Judge designated by the Board of Trustees of the Indiana State Teacher's Retirement Fund ("Board") in this proceeding, and Motions for Summary Judgments having been submitted to the Court, now issues and files this Order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Board, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this Order unless such date is a Saturday, Sunday, or legal holiday under state statute or a day that I.S.T.R.F.'s offices are closed during regular business hours, in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, or legal holiday under state statute or a day that the I.S.T.R.F.'s offices are closed during regular business hours. This Administrative Law Judge's Order is not the final Order of the Board in this proceeding. However, in the absence of any objection, the Board will either affirm the Administrative Law Judge's Order as its final Order, or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

Findings of Fact

1. Petitioner was released from active duty in the military on September 3, 1959. (See Joint Stipulation of Facts No. 1).

2. Petitioner was then transferred to the U. S. Army Reserve and terminated from there on September 15, 1963. (See Joint Stipulation of Facts No. 1).
3. Petitioner received a Certificate of Honorable Discharge dated August 31, 1963. (See Joint Stipulation of Facts No. 3).
4. Petitioner began his employment as a teacher in the Indiana Public Schools on August 29, 1961. (See Joint Stipulation of Facts No. 4).
5. The length of time between Petitioner's release from active duty and the beginning of his employment as a teacher in the Indiana Public Schools was in excess of twenty-three (23) months.
6. The Indiana State Teacher's Retirement Fund interprets I.C. 21-6.1-4-6.1 as requiring that a period of no longer than eighteen (18) months lapse between a person's release from active duty and the beginning of his employment as a teacher. (See Joint Stipulation of Facts Nos. 6 and 7).

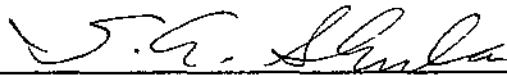
Conclusions of Law

1. The designation of the date of release from active duty, as stated on a member's DD 214 as the date for beginning the running of the 18-month time limit to obtain a teaching position, is a reasonable interpretation of I.C. 21-6.1-4-6.1.
2. Petitioner has failed to meet his burden of proof as regards Indiana State Teacher's Retirement Fund's interpretation of I.C. 21-6.1-4-6.1.

O R D E R

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Petitioner's Motion for Summary Judgment is denied and that the Indiana State Teacher's Retirement Fund's Motion for Summary Judgment is granted, and that, therefore, Petitioner's request for additional service credit from September 16, 1957 to September 3, 1959, is denied.

ISSUED this 12th day of January, 1995.




T. A. Shula, Administrative Law Judge
Indiana State Teachers' Retirement Fund

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