



Santa Barbara County Employees' Retirement System

DATE: April 26, 2023

Agenda Item # C-4

TO: SBCERS BOARD OF RETIREMENT

FROM: Danielle Azoury, Disability Retirement Analyst

RE: **John Brenner, Disability Retirement Applicant**

Recommendation

Grant the application of John Brenner for a service retirement pending final determination of entitlement to disability retirement.

Summary

Government Code §31725.7 permits an applicant for disability retirement to apply for a service-retirement, if eligible, and the Board at its discretion may grant a service retirement allowance pending a final determination of the applicant's entitlement to disability retirement. Applicant meets the prerequisites for a service retirement.

Attachments

(1) Service Retirement Pending Election Form



Santa Barbara County Employees' Retirement System

Gregory E. Levin, CPA
Chief Executive Officer

March 29, 2023

John A. Brenner
538 Morning Rise Ln.
Arroyo Grande, CA 93420

Re: Request for Service Retirement, Pending Determination of Entitlement to Disability Retirement

Dear John:

This letter will advise you of your right to elect to receive a service retirement pending the adjudication of your disability retirement application. Pursuant to Government Code section 31725.7, at any time after filing an application for disability retirement, you may apply to receive a service retirement allowance pending final determination of your entitlement to a disability retirement. If you wish to begin receiving your service retirement pending the outcome of your disability application, please sign the attached election form. Your application for service retirement will be placed on the Board of Retirement's agenda for approval at its next regular meeting.

If you elect to receive a service retirement allowance, its amount will be based on your total accrued service credit. Any service credit you are eligible to purchase must be purchased prior to the effective date of your service retirement. Once you are retired, your service retirement allowance cannot be increased by purchasing additional service credit or by the redeposit of contributions for past service.

If you retire for service and are subsequently found to be eligible for disability retirement, appropriate adjustments will be made to your retirement allowance, including a retroactive payment if applicable. Retroactive adjustments to your allowance may also include changes to its status as taxable income depending on whether your disability retirement is found to be service connected.

The election to receive a service retirement pending adjudication of your disability retirement application should not be construed to mean that you may be eligible to receive more than one type of retirement allowance for the same time period. It also does not entitle your beneficiary to receive benefits which they would otherwise not have been entitled to under the type of retirement which you are finally found to be entitled.

If you are not already separated from employment, a service retirement effectively terminates your active employee status with the County, and you will no longer be eligible for active employee benefits. As a retiree, you may be eligible for retiree health care benefits which your Member Service Representative can explain to you. In the event that you are found not to be entitled to disability retirement, you will not be entitled to return to your job.

130 Robin Hill Road, Suite 100 • Goleta, California 93117
2236 S. Broadway, Suite D Santa Maria, CA 93454
Phone 1-877-568-2940 • Fax 805-695-2755
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If you elect to receive a service retirement, you may select an unmodified benefit or make an election to receive an optional retirement allowance. If you are granted a disability retirement, you are allowed to change that election at the time the disability retirement is granted. Should you die before a final determination is made concerning your entitlement to disability retirement, a change in election may be allowed by your beneficiary in some circumstances. You should consult with your Member Service Representative regarding the benefit election that is best for you.

Below is an election form, indicating that you are aware of the conditions stated above. If you wish to receive a service retirement pending final determination of your entitlement to disability retirement, or if you have decided not to pursue a service retirement at this time, please so indicate, and return the completed form to our office. If you have any additional questions, or require further clarification of this information, please do not hesitate to contact us at (877) 568-2940.

Sincerely,

Member Services Representative

ELECTION DOCUMENT

SERVICE RETIREMENT PENDING FINAL DETERMINATION OF ENTITLEMENT TO DISABILITY RETIREMENT (G. C. §31725.7)

By written correspondence from the Santa Barbara County Employees' Retirement System, I have been informed as to the conditions under which I may receive my service retirement allowance pending final determination of my entitlement to disability retirement. I hereby make the following election:

Pursuant to G. C. §31725.7, I wish to apply for service retirement pending final determination of my entitlement to disability retirement. **In the event my application for disability retirement is denied, I understand that I shall not be entitled to return to my job as provided in G. C. § 31725.**

I do not wish to apply for service retirement pending the final determination of my entitlement to disability retirement at this time. I understand that I may apply for service retirement at any time prior to the Board's final determination of my application for disability retirement.

John A. Brenner
Member Signature

4/4/23
Date

John A. Brenner
Print Member Name