

Sec. 72. Administrative Hearing Process; Declaratory Rulings.

(1) Benefit Claims.

Where a claim for benefits is granted or denied by the Retirement System, the claimant and the affected employer shall be notified in writing with the System's decision.

(a) Within 60 days of the date of mailing of the written decision, or 60 days of acknowledgment of receipt of the written decision, whichever is earlier, the claimant or the employer may appeal the staff decision, and request a hearing to be conducted by the Retirement Board's administrative law judge.

(b) A hearing shall be conducted as provided in subsection (3).

(2) Correction of Records.

A hearing for correction of records pursuant to section 86 may be initiated by a petitioner (an interested member, retiree, beneficiary, participating municipality, or participating court) by submitting a written request to the Retirement System. The Retirement System may initiate a hearing for correction of records by submitting written notification to the affected employer and member, retiree, or beneficiary.

(a) The request or notification shall state the following in detail:

(i) The record and the part of the record to be corrected.

(ii) The correction that should be made.

(iii) The facts and legal basis that could support a finding that the record should be corrected.

(b) The System shall respond to the written request in a reasonable time frame, setting forth in writing the decision to correct the record in whole or in part or to deny the request for correction in whole or in part, with the supporting reasons for said decision.

(c) Within 60 days of the date of mailing of the System's written decision with supporting reasons, the petitioner may appeal the decision, and request a hearing to be conducted by the Retirement Board's administrative law judge.

(d) A correction of records hearing shall be conducted as provided in subsection (3).

(3) Hearings provided for in subsections (1) and (2) shall be conducted in accordance with the provisions of Chapter IV of the Administrative Procedures Act, 1969 PA 306, sections 24.271-24.287 of the Michigan Compiled Laws.

(a) At a hearing, the claimant, the employer, and the Retirement System may appear in person, by authorized agent or through counsel.

- (b) Following issuance of a proposal for decision by the administrative law judge, and the opportunity to file exceptions and responses, the Retirement Board shall review the proposal for decision and issue a final agency decision.

(4) Declaratory Rulings.

An interested member, retiree, beneficiary, participating municipality or court, or other person with a significant interest distinct from that of the general public may make a written request for a declaratory ruling from the Retirement Board as to the applicability of a statute, constitutional provision, Plan Document provision, resolution, or order, issued or administered by the Retirement Board, to an actual state of facts. The request shall contain the relevant and material facts along with a reference to the statute, constitutional provision, Plan Document provision, resolution, or order, and a statement of a proposed application of same to the facts. The Retirement Board will decide whether to consider issuing a declaratory ruling by its next regularly scheduled meeting unless the request is filed less than 30 days before that meeting, in which case the Retirement Board will decide whether to consider the request no later than the next regularly scheduled meeting. If the Retirement Board decides to consider issuing a declaratory ruling it may take necessary action, including but not limited to the following:

- (a) Request more information from the petitioner.
 - (b) Request information from other interested parties, Retirement System staff, consultants, or other persons who may have relevant information or expertise.
 - (c) Request oral or written arguments from interested parties and Retirement System staff.
 - (d) Hold a hearing upon notice to interested parties and Retirement System staff, or refer the matter to the Retirement Board's administrative law judge for hearing and issuance of a proposed ruling as provided in subsection (3)(b).
 - (e) Issue a declaratory ruling.
 - (f) Decline to issue a declaratory ruling.
- (5) The Retirement System may develop policies or procedures to implement this section.