

513-7-1-.03 Hearings Before the Board.

(1) Unless otherwise provided by the Board, each determination of the Board, with respect to eligibility for membership or continued membership in the Fund, creditable service, eligibility for regular retirement or disability retirement benefits, the amount of retirement benefits, or the termination or suspension of benefits shall become final upon the expiration of thirty (30) days after the date of such decision.

(2) Request for Hearing.

(a) If a person desires to appear before the Board of Trustees, the request must be made by letter in a form prescribed by the Board of Trustees, to the Executive Director. The party requesting a hearing shall identify the issues for which a hearing is requested and the action requested of the Board.

(b) Upon determination by the Board of the date and time of the hearing, the Executive Director shall give written notice of the time and date of the hearing. The subject matter presented at that hearing must be complete.

(c) At any hearing before the Board a person may retain legal counsel. Notice of such representation must be provided to the Board at least 15 days in advance of any scheduled hearing.

(d) For the purpose of receiving evidence to be presented before the Board, the Board may appoint a hearing officer to receive such evidence and make a report thereof to the Board. Prior to any decision in such case, the person requesting such a hearing shall be entitled to make a closing argument before the Board of Trustees.

(e) The decision of the Board shall be final.

(3) No person shall be entitled to a second hearing on the same question or subject matter unless new evidence relevant to the subject matter in question shall be discovered.

However, in all matters of alleged newly discovered evidence, the person so claiming shall first submit such evidence to the Board of Trustees, in writing, and, if said evidence has sufficient merit to warrant a second hearing on the matter, the Board of Trustees in its sole discretion may grant a second hearing.

Authority O.C.G.A. Sec. 47-7-23. **History.** Original Rule entitled "Hearings Before the Board" adopted. F. Dec. 23, 1985; eff. Apr. 19, 1984, as specified by the Agency. **Amended:** F. Aug. 22, 1994; eff. Sept. 11, 1994. **Amended:** F. Dec. 29, 1999; eff. Jan. 18, 2000. **Amended:** F. Feb. 5, 2001; eff. Feb. 25, 2001. **Amended:** F. Aug. 20, 2009; eff. Sept. 9, 2009.