

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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FILED

JAN 22 2 25 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Consolidated Public Retirement Board TITLE NUMBER: 162

CITE AUTHORITY W.Va. Code Section 5-10D-1 et seq; 18-7B-1 et seq;
29A-3-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES X NO

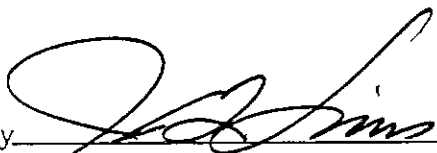
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Benefit Determination Section

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.

by 
James L. Sims, Executive Secretary
Consolidated Public Retirement Board

2.80

TITLE 162

LEGISLATIVE RULES

SERIES 2

CONSOLIDATED PUBLIC RETIREMENT BOARD

BENEFIT DETERMINATION AND APPEAL

§ 162-8.1. GENERAL

8-1.1. Scope. The scope of this Rule involves the determination of eligibility, benefits, and appeal rights to the Board not heretofore adopted by the Board as they relate to the several Retirement Systems.

8-1.2. Authority. -- West Virginia Code 5-10D-1, et seq.

8-1.3. Filing Date. -- _____

8-1.4. Effective Date. -- _____

§ 162-8-2.1. Application. An individual seeking Disability Retirement must apply to the Consolidated Public Retirement Board unless Disability Retirement is decided by the Governor of the State of West Virginia pursuant to statutory authority. The application shall be upon a form adopted by the Board. The employing agency and the head of the employing agency shall upon a form adopted by the Board may adopt state the agency's position as to whether or not the disability is work related. An application for work related disability may also be instituted by the employing agency.

§ 162-8-2.2. Medical Reports. The applicant and the employing agency shall furnish all current and relevant medical or psychological reports in their possession, including the report of the treating physician and/or other professional and shall inform the Board of how to obtain any other relevant reports shall complete any other forms and answer any other questions from the Board as may be appropriate. The Board may require additional medical reports. For a medical or psychological to be considered, the author of the report shall be a licensed practitioner of his or her profession in West Virginia or the jurisdiction in which he or she is located. All reports shall state a clear and understandable opinion as to whether or not the individual is disabled as defined by current West Virginia law.

§ 162-8-2.3. Medical Review. The applicant may, at the request of a committee, be examined by an independent professional appropriate to the nature of the claimed disability. The cost of this examination shall be paid by the Board. This report shall state a clear and understandable opinion as to whether or not the applicant is disabled as defined by then current applicable West Virginia law. The Board shall employ the faculty and staff of the Marshall University School of Medicine, the West Virginia University School of Medicine, or the West Virginia School of Osteopathic Medicine whenever appropriate. The applicant may request an additional examination by another professional chosen by the Board or submit any other relevant evidence, at the applicant's expense.

§ 162-8-2.4. Initial Determination. The Executive Secretary and two staff members appointed by him or others shall constitute the Staff Review Committee. The Staff Review Committee shall review all reports and other evidence from all sources and shall make a recommendation to the Board Review Committee consistent with the evidence, the applicable Rules and Regulations and the purpose of the system. If two physicians state that the individual is disabled, then the Staff Review Committee shall recommend disability retirement.

§ 162-8-2.5. First Review. All recommendations shall be reviewed by the Board Review Committee to be appointed by the Chairman of the full Board. The Board Review Committee may adopt the recommendation of the Staff Review Committee, remand the application for further study, or make any other recommendation consistent with the facts. The full Board shall then consider the recommendations and is free to make any finding consistent with the facts or remand the matter for further development.

§ 162-8-2.6. Second Review. Any applicant whose request for disability has been rejected may request a hearing before the Staff Review Committee. The Board shall be represented by the Attorney General or his or her assistant. The applicant may represent himself or herself or may be represented by counsel or a representative. The rules of evidence shall not strictly apply, and the interests of justice and fair play shall guide procedure before the Staff Review Committee. Stenographic recording shall not be maintained by the Staff Review Committee, but the applicant may provide whatever form of recording he wishes, at the applicant's expense. Witnesses or written evidence may be submitted by any party at this hearing. The Staff Review Committee shall prepare a formal recommendation as required in Section 2.5 of the Rule to the full Board stating its reasons in clear language, and noting all medical evidence considered.

§ 162-8-2.7. Board Review. An applicant whose request for disability retirement has been rejected after the 2nd review may request in writing, not more than 90 days from the receipt of a decision to make a presentation before the Board, which may make any decision or remand the matter for further review. An individual aggrieved by a final decision of the Board has a right of appeal to the Circuit Court of Kanawha County.

§ 162-8-2.8. Errors. Each level of review is presumed to cure all errors in procedure of any prior level, and no right to remand to cure procedural errors exists, but each level of review shall make an independent determination upon the facts.



FILED

JAN 20 2 05 PM '93

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator William R. Wooton, Co-Chair
Delegate David Grubb, Co-Chair

Debra A. Graham, Counsel
~~Michael McThomas, Associate Counsel~~
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

January 11, 1993

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. James L. Sims, Executive Secretary
Consolidated Public Retirement Board
Capitol Complex, Bg. 5, Room 1000
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Benefit Determination and Appeal

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: - Chuck Polan, Chairman



WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator William R. Wooton, Co-Chair
Delegate David Grubb, Co-Chair

Debra A. Graham, Counsel
Michael McThomas, Associate Counsel
Marie Nickerson, Admin. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

August 3, 1992

TO: Ken Hechler, Secretary of State, State Register ...
TO: Mr. James L. Sims, Executive Secretary
Consolidated Public Retirement Board
Capitol Complex, Bg. t, Room 1000
Charleston, WV 25305
FROM: Legislative Rule-Making Review Committee
PROPOSED RULE: Benefit Determination & Appeal, Series 8

FILED
1992 AUG - 3 AM 4:41

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
(a) as originally filed
(b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Chuck Polan, Chairman



**WEST VIRGINIA
SECRETARY OF STATE**

**KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

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Filing Date

SEP 21 1993

Form #7

Effective Date

NOTICE OF AN EMERGENCY RULE

Consolidated Public
AGENCY: Retirement Board TITLE NUMBER: 162

CITE AUTHORITY: WV Code Section 5-10D-1; et seq; §18-7B-1 et seq;

§29A-3-1 et seq.
EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

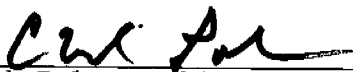
IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 2

TITLE OF RULE BEING FILED AS AN EMERGENCY: Benefit Determination and Appeal

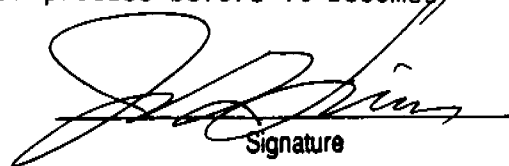
THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER
APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

These new rules were promulgated because the Attorney General's position that we did not comply with all of the procedural requirements for Benefit Determination and Appeal. We currently have several individuals who wish to appeal decisions of the Consolidated Public Retirement Board. Accordingly this Rule cannot wait to go through the regular process before it becomes effective.


Chuck Polan, Cabinet Secretary
Department of Administration

Use additional sheets if necessary


Signature
James L. Sims
Executive Secretary
Consolidated Public Retirement Board

WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD
STATEMENT AND FACT CONSTITUTING THE EMERGENCY

On August 31, 1990, the Legislature created the West Virginia Consolidated Public Retirement Board (hereinafter the "Board") to administer all public retirement plans in the State. W. Va. Code § 5-10D-1 et seq. The Board begins administration of the public retirement systems on July 1, 1991. W. Va. Code § 5-10D-1(b). The Board was given the powers to promulgate all rules necessary to effectuate its powers, duties and responsibilities. In this regard, the Board approved and adopted for filing the attached Emergency Rules at a regular meeting of the Board held on June 18, 1991 and has operated under these since that time. The Board intends to file for a public hearing within thirty (30) days from the date the Emergency Rule is filed.

These new Rules were promulgated because the Attorney General's position that we did not comply with all of the procedural requirements for Benefit Determination and Appeal. These new Rules have been approved by the Attorney General's Office and by the Consolidated Public Retirement Board at its meeting held in Charleston, West Virginia on September 22, 1993. We currently have several individuals who wish to appeal decisions of the Consolidated Public Retirement Board. Accordingly this Rule cannot wait to go through the regular process before it becomes effective.


James L. Sims
Executive Secretary
Consolidated Public Retirement Board

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Benefit Determination and Appeal Series 2

Type of Rule: X **Legislative** **Interpretive** **Procedural**

Agency Consolidated Public Retirement Board

Address State Capitol Complex. Building 5, Room 1000
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

Have in place rules for benefit determination and appeal for the State's retirement systems.

Rule Title: Benefit Determination and Appeal Series 2

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

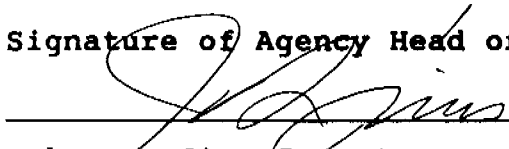
NONE.

C. Economic Impact on Citizens/Public at Large.

NONE.

Date: September 22, 1993

Signature of Agency Head or Authorized Representative


James L. Sims, Executive Secretary
Consolidated Public Retirement Board

DATE: September 22, 1993

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Consolidated Public Retirement Board

EMERGENCY RULE TITLE: 162

1. Date of Filing September 22, 1993

2. Statutory authority for promulgating emergency rule:

WV Code Sections 5-10D-1 et seq; 18-7B-1 et seq; 29A-3-1 et seq.

3. Date of filing of proposed legislative rule: September 22, 1993

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?

No.

5. Has the same or similar emergency rule previously been filed and expired?

No.

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

None.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

These new rules were promulgated because the Attorney General's position that we did not comply with all of the procedural requirements for Benefit Determination and Appeal. We currently have several individuals who wish to appeal decisions of the Consolidated Public Retirement Board. Accordingly this Rule cannot wait to go through the regular process before it becomes effective.

TITLE 162

LEGISLATIVE RULES

SERIES 2

CONSOLIDATED PUBLIC RETIREMENT BOARD

BENEFIT DETERMINATION AND APPEAL

§ 162-8.1. GENERAL

8-1.1. Scope. The scope of this Rule involves the determination of eligibility, benefits, and appeal rights to the Board not previously adopted by the Board as they relate to the several Retirement Systems.

8-1.2. Authority. -- West Virginia Code 5-10D-1

8-1.3. Filing Date. -- _____

8-1.4. Effective Date. -- _____

§ 162-8-2.1. Disability Application. An individual seeking Disability Retirement Benefits must apply to the Consolidated Public Retirement Board unless Disability Retirement is decided by the Governor of the State of West Virginia pursuant to statutory authority. The application shall be upon a form adopted by the Board. The employing agency shall, upon a form adopted by the Board, state the agency's position as to whether or not the disability is work related.

§ 162-8-2.2. Disability Medical Reports. The applicant and the employing agency shall furnish all current and relevant medical reports in their possession, including the report of the treating physician and/or other professional to the Board. The applicant will be required to obtain any additional information requested by the Board and shall complete any other forms and answer any other questions from the Board as may be appropriate. The Board shall only consider a medical report if the author of the report is a licensed practitioner of his or her profession in West Virginia or the jurisdiction in which he or she is located. At the request of the Board the applicant may be examined by an independent professional appropriate to the nature of the claimed disability. The cost of this examination shall be paid by the Board. These reports shall state a clear and understandable opinion as to whether or not the applicant is disabled as defined by then current applicable West Virginia law. The Board shall employ the faculty and staff of the Marshall University School of Medicine, the West Virginia University School of Medicine, or the West Virginia School of Osteopathic Medicine, whenever appropriate.

§ 162-8-2.3. Initial Determination. The Executive Secretary and two staff members appointed by him or her shall constitute the Staff Review Committee. The Staff Review Committee shall review all reports and other evidence from all sources and shall make a recommendation to the Board Review Committee, comprised of at least 3 Board members and appointed by the Board, consistent with the evidence, the applicable Laws and Rules and the purpose of the system. Based on information submitted by the Board Review Committee, the full Board shall then consider the recommendation and is free to make any finding consistent with the facts. If the

applicant is not granted disability retirement benefits, the Board will inform the applicant in writing the reason why benefits were denied as well as what additional action may be taken by the applicant.

§ 162-8-2.4. Second Review. If the Board does not grant disability retirement benefits the applicant has two options. The applicant may request an additional examination by another appropriate medical professional chosen by the Board at the applicant's expense and submit additional medical information or may appeal this decision to a hearing officer appointed by the Board as stated in §162-8-2.5 below.

If additional medical information is obtained, the applicant may request the Staff Review Committee to review the application for disability retirement benefits. The application should include all reports and other evidence, as well as any new information. The Staff Review Committee shall re-review the application and make a second recommendation to the Board Review Committee either to grant or not to grant disability retirement benefits. The Board Review Committee may adopt the second recommendation of the Staff Review Committee, remand the application for further study, or make any other recommendation consistent with the facts. Based on information submitted by the Board Review Committee, the full Board shall then consider the current recommendations and shall make any finding consistent with the facts.

§ 162-8-2.5. Appeal of the Decision. If the Board rejects the application on two occasions, the Board will notify the applicant in writing within 10 days from the date of rejection of the opportunity for a hearing before an independent hearing officer appointed by the Board.

The Board will not hear appeals directly, but will appoint a hearing officer who will make a complete and independent review of

the disability application and then make recommendations to the Board. The hearing officer hired by the Board will be an attorney who has a license to practice law in the State of West Virginia. The hearing officer will conduct the hearing. Within 60 days of the notice from the applicant of the desire to appeal the decision, the hearing officer will schedule a time and place to hear the appeal and give the applicant 10 days written notice of the hearing. At the hearing, the applicant may represent himself or herself or may be represented by counsel or a representative and witnesses or written evidence may be submitted by both parties at this hearing. The rules of evidence shall not strictly apply, and the applicant has the right to any and all relevant documents in the possession of the Consolidated Public Retirement Board. The hearing officer has the right to subpoena documents and witnesses if the information is relevant and reasonable in order for the hearing officer to make a recommendation on the appeal. The interests of justice and fair play shall guide procedure before the hearing officer. Stenographic recording shall be maintained which is the official record of the hearing. The hearing officer shall prepare formal findings stating the reasons for the findings, in clear language, and noting all medical and other evidence considered within 60 days of the hearing at which time this information will be presented at the next regular meeting of the Consolidated Public Retirement Board. The applicant also has the right to propose a final order. The staff will notify the applicant of the date, time, and place that the appeal will be acted upon by the Board. The Board in open session will then make a decision based on the recommendation of the hearing officer and accept the recommendation unless there is an abuse of discretion in the finding or the finding is contrary to law.

162-8-2.6. Other Appeals. Any appeal other than for disability will be considered by the Staff of the Consolidated Public Retirement Board. If the Staff does not believe that the request should be granted, the staff will notify the applicant in writing stating the reasons for the denial and informing him/her of their right to appeal to the Board. If the applicant wishes to appeal, the staff will refer the appeal to the hearing officer hired by the Board. Within 60 days of the notice from the applicant of the desire to appeal the denial, the hearing officer will schedule a time and place to hear the appeal and will give the applicant 10 days written notice of the hearing. The applicant may represent himself or herself or may be represented by counsel or another representative and witnesses or written evidence may be submitted by both parties at this hearing. The rules of evidence shall not strictly apply and the applicant has the right to any and all relevant documents in the possession of the Consolidated Public Retirement Board. The hearing officer has the right to subpoena documents and witnesses if the information is relevant and reasonable in order for the hearing officer to arrive at a finding of fact and to make a recommendation on the appeal. The interests of justice and fair play shall guide proceedings before the hearing officer. Stenographic recording shall be maintained which recording shall be the official record of the hearing. Within 60 days of the hearing the hearing officer shall prepare formal findings of fact stating the reasons for the findings. The hearing officer shall prepare a final recommendation in clear language, and noting all evidence considered. Thereafter the finding and recommendation will be presented at the next regularly scheduled meeting of the Consolidated Public Retirement Board. The staff will notify the applicant of the date, time, and place that the appeal will be acted upon by the Board. The applicant also has the right to

propose and submit a final order for consideration by the Board. The Board, in open session, will then make a decision on the finding and recommendation of the hearing officer and accept the recommendation unless the Board finds that the hearing officer has abused his/her discretion in the finding, or the finding is contrary to law.

162-8-2.7. Appeal Denied. If an appeal is denied in whole or in part by the Board pursuant to Section 162-8-2.5 and 162-8-2.6 above (a final decision), an applicant may request a transcript of the appeal hearing, with the cost to be paid by the applicant. An individual aggrieved by a final decision of the Board has a right of appeal to the Circuit Court of Kanawha County pursuant to West Virginia Code Section, §5-10D-1.

§ 162-8-2.8. Errors. Each level of review is presumed to cure all errors in procedure of any prior level, and no right to remand to cure procedural errors exists, but each level of review shall make an independent determination upon the facts.

Board Members:

Governor Gaston Caperton
Chuck Polan, Chairman
Glen B. Gainer, III, Vice Chairman

Executive Secretary

James L. Sims

**State of West Virginia
Consolidated Public Retirement Board**

Capitol Complex, Building 5, Room 1000
1900 Kanawha Boulevard, East
Charleston, WV 25305-0720
Telephone: 304-558-3570 or 800-654-4406
Fax: 304-558-6337

Board Members:

David A. Haney
Tony Lautar, Jr.
Elizabeth Poundstone
S. S. Satterfield
Janet F. Wilson
David L. Wyant

October 20, 1993

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
State Capitol Building - 157K
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

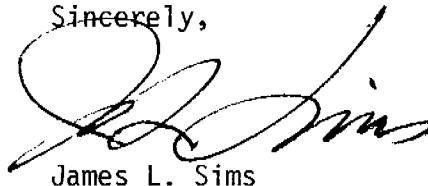
Re: Rules of the West Virginia
Consolidated Public Retirement
Board - "Benefit Retirement
and Appeal" - Series 2

Dear Ms. Cooper:

I want you to know that I continue to believe that the Series 2 rules that I filed in the Secretary of State's Office on September 22, 1993 do qualify for emergency rule status under the West Virginia Code.

However, since you have already told me that they will not be approved as emergency rules, on your recommendation and that of Robert Nunley, I am requesting that the emergency rules be withdrawn.

Sincerely,



James L. Sims

JLS/jp

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OCT 20 3 25 PM '93

FILED

Board Members:

Governor Gaston Caperton
Chuck Polan, Chairman
Glen B. Gainer, III, Vice Chairman

Executive Secretary
James L. Sims

**State of West Virginia
Consolidated Public Retirement Board**

Capitol Complex, Building 5, Room 1000
1900 Kanawha Boulevard, East
Charleston, WV 25305-0720
Telephone: 304-558-3570 or 800-654-4406
Fax: 304-558-6337

Board Members:

David A. Haney
Tony Lautar, Jr.
Elizabeth Poundstone
S. S. Satterfield
Janet F. Wilson
D. L. Wyant

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OCT 14 1 08 PM '93

FILED

October 14, 1993

Judy Cooper, Director
Administrative Law Division
157 K State Capitol Building
Charleston, West Virginia 25305

Dear Ms. Cooper

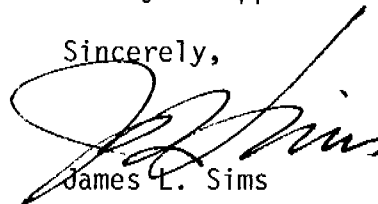
As you know the West Virginia Consolidated Public Retirement Board had filed legislative rules concerning "Benefit Determination and Appeal" Series 2 which were to go into effect after the regular session of the 1993 West Virginia Legislature.

Before the rules were final, we were informed in the Spring of 1993 by Deborah McHenry of the West Virginia Attorney General's Office that our rules did not comply with West Virginia State Law. Therefore, for the last several months we have been working on new rules and the West Virginia Consolidated Public Retirement Board has not heard any appeals from its members. We have deferred these appeals until new rules were in place.

On September 22, 1993, the Consolidated Public Retirement Board passed rules concerning "Benefit Determination and Appeal" and I filed the rules that same day as emergency rules. It is my intent to also file these rules as legislature on October 25, 1993.

If you do not allow these rules to be filed as emergency rules, we will have no mechanism for members of the retirement systems to file appeals with the West Virginia Consolidated Public Retirement Board. I would greatly appreciate it if you would allow these to be filed as emergency rules so that members will have a way to appeal our decisions.

Sincerely,



James L. Sims

cc: Chuck Polan, Chairman
Consolidated Public Retirement Board