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**COMMONWEALTH OF PENNSYLVANIA
PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

IN RE: ACCOUNT OF PATRICIA C. WALTERS
DOCKET NO.: 2012-07
CLAIM OF PATRICIA C. WALTERS

OPINION AND ORDER OF THE BOARD

The Board has carefully and independently reviewed the entire record of this proceeding, including the Proposed Opinion and Recommendation of the Hearing Officer, Claimant's Brief on Exceptions to the Opinion of the Hearing Officer, and PSERS' Objections to Claimant's Brief on Exceptions and Brief Opposing Exceptions.

Claimant excepts to the Hearing Officer's Proposed Opinion and Recommendation on the basis that: (1) a June 2013 letter from PSERS supports her position that she did not receive the February 5, 2011, letter; and (2) the U.S. Postal Service may sometimes misdirect mailings.

Preliminarily, the June 2013 letter from PSERS was not introduced at the administrative hearing held in this matter and is, therefore, incompetent and inadmissible evidence. Nonetheless, even if the Board were to consider the letter, the June 2013 letter would not affect the Board's decision in this matter. Claimant's burden is to provide clear, uncontroverted evidence that the February 5, 2011, letter was not delivered. The June 2013 letter is dated two years after the February 5, 2011, letter and is aimed at encouraging the use of direct deposit among annuitants by warning members that *delays* of the paper checks in the mail delivery system had been reported by

members. The letter, therefore, is not sufficient evidence to prove that the February 5, 2011, letter was never mailed by PSERS.

Moreover, Claimant's argument that the mail is occasionally misdelivered by postal authorities, again, does not establish that the February 5, 2011, letter was not received by Claimant. Claimant's arguments and evidence, including the June 2013 letter, are simply insufficient to rebut the presumption that the February 5, 2011, letter reached its destination by due course of mail.

Accordingly, this Board finds appropriate the Hearing Officer's Findings of Fact, Conclusions of Law, Discussion, and Recommendation attached hereto, and we hereby adopt them as our own, and accordingly:

IT IS HEREBY ORDERED that Claimant's request to change her effective date of retirement to September 23, 2009, is DENIED.

PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD

Dated: 12/10/2013

By: Melva S. Vogler
Melva S. Vogler, Chairman