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

**IN RE: ACCOUNT OF GEORGIANA GAMBERONI
DOCKET NO. 2018-11
CLAIM OF GEORGIANA GAMBERONI**

OPINION AND ORDER OF THE BOARD

The Public School Employees' Retirement Board ("Board") has carefully and independently reviewed the entire record of this proceeding, including the Briefs and the Corrected Proposed Opinion and Recommendation of the Hearing Examiner. We note that neither party filed Exceptions to the Corrected Proposed Opinion and Recommendation. The Board finds appropriate the History, Findings of Fact, Conclusions of Law, Discussion, and Recommendation with the following modifications:

1. On page 1, History, the date the hearing transcript was filed was January 2, 2020.
2. The following Finding of Fact is added between Findings of Fact 15 and 16: "Claimant's 90-day deadline from her termination date was September 28, 2017."
3. Finding of Fact 16 is amended to read: "Claimant was well aware that everything had to be in to PSERS by the end of September. (N.T. 11)"
4. Finding of Fact 17 is amended to read: "Claimant received the rollover document from her financial institution by email on September 14, 2017 and later put it all in the envelope and took it to the post office to mail, but Claimant was not clear as to when she mailed the documents. (N.T. 11)"

5. In Conclusion of Law 3, the citation to *Lansberry, Inc.* is amended to read, "*Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990), *petition for allowance of appeal denied*, 602 A.2d 863 (Pa. 1998)."

With the above modifications, we hereby adopt the Hearing Examiner's Opinion and Recommendation as our own and, accordingly:

IT IS HEREBY ORDERED that Claimant Georgiana Gamberoni's request to change her effective date of retirement from October 10, 2017 to June 30, 2017 is DENIED.

PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD

Dated: 12/03/2020

By: 
Christopher SantaMaria, Chairman

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

IN RE: :
: **ACCOUNT OF GEORGIANA GAMBERONI** : **DOCKET NO. 2018-11**
CLAIM OF GEORGIANA GAMBERONI :

**CORRECTED PROPOSED
OPINION AND RECOMMENDATION**

**Thomas A. Blackburn
Hearing Officer**

Date of Hearing: December 18, 2019
Hearing Officer: Marc A. Moyer
Claimant: Georgiana Gamberoni, *Pro se*
For PSERS: Dwight A. Decker, Jr., Esquire

HISTORY

This matter is before the Public School Employees' Retirement Board ("Board") on an appeal, filed by Georgiana Gamberoni ("Claimant") on May 14, 2018. Claimant appealed from a decision of the Executive Staff Review Committee ("ESRC") of the Public School Employees' Retirement System ("PSERS"), dated April 27, 2018 ("ESRC denial letter"), that denied Claimant's request to change the effective date of her retirement to her date of separation. On June 4, 2018, PSERS filed its Answer to Claimant's appeal.

By letter dated September 30, 2019, Board Secretary Glen R. Grell appointed hearing examiner Marc A. Moyer to act as hearing officer for Claimant's administrative appeal hearing. By letter dated October 1, 2019, the Board's Appeal Docket Clerk notified Claimant that the administrative hearing had been rescheduled¹ for December 18, 2019 at the offices of PSERS in Harrisburg. The hearing was held as scheduled. Claimant attended the hearing without legal counsel and represented herself. Assistant counsel Dwight A. Decker, Jr. represented PSERS. Claimant testified and presented the testimony of her husband, along with supporting documentary evidence. With a sponsoring witness, PSERS presented its case through documentary evidence. At the close of the hearing, the parties elected to file post-hearing briefs. The hearing transcript was filed on January 3, 2020, and the hearing officer issued an Order Establishing Briefing Schedule on January 6, 2020. Claimant filed her post-hearing brief on January 21, 2020, and PSERS filed its brief on March 5, 2020. The record closed March 20, 2020, when the due date for Claimant to file a reply brief passed without her filing anything further. Accordingly, the matter is now before the Board for final disposition.²

¹ By letter dated June 11, 2019, the Board Secretary had appointed Chief Hearing Examiner Jackie Wiest Lutz to act as hearing officer. By order dated September 25, 2019, the hearing officer continued a previously scheduled hearing.

² By letter dated June 18, 2020, the Board Secretary appointed the undersigned to act as hearing officer.

FINDINGS OF FACT

1. Claimant is a member of PSERS with over 20 years of credited service. (PSERS-1 at 1; PSERS-4 at unnumbered p. 2)
2. In May 2017 Claimant settled a lawsuit she had brought against Forbes Road Career & Technology Center (“FRCTC”) arising out of her employment with FRCTC. (Claimant exhibit 1 at 1)
3. Among other terms, Claimant agreed to retire from FRCTC effective June 30, 2017. (N.T. 9; Claimant exhibit 1 at 1)
4. Prior to settling the lawsuit, Claimant had not planned to retire at the end of the 2016-17 school year; Claimant retired at that time to resolve the lawsuit. (N.T. 19, 23)
5. On June 25 and 26, 2017, Claimant telephoned PSERS and spoke with Mr. Dominic Corso, who suggested she attend an exit counseling session. (N.T. 10, Claimant exhibit 2)
6. By letter dated July 27, 2017, PSERS provided Claimant an early retirement estimate. (PSERS-1)
7. The early retirement estimate cover letter instructed Claimant: “For regular retirement, an Application for Retirement must be filed with PSERS within 90 days of your date of termination for retroactive benefits; otherwise, your benefit will be effective the date your Application for Retirement is received by PSERS.” (N.T. 30; PSERS-1 at 1)
8. On August 17, 2017, Claimant attended a retirement exit counseling session with Mr. Corso in Greensburg. (N.T. 10; PSERS-2 at 6; PSERS-3)
9. Claimant and Mr. Corso reviewed a retirement exit counseling checklist and both signed it on August 17, 2017. (N.T. 15-16, PSERS-3)

10. The retirement exit counseling checklist instructed, “In order to have your retirement start the day after your termination date, you must submit your application within 90 days of your termination date. If your application is received more than 90 days after your termination or normal retirement date, your retirement date will be the date PSERS receives your application.” (N.T. 37, PSERS-3 at section B)

11. Claimant and Mr. Corso both signed Claimant’s *Application for Retirement* on August 17, 2017. (N.T. 11; PSERS-2 at 7)

12. The *Application for Retirement* recites: “To have your retirement start the day after your termination date, the Public School Employees’ Retirement System (PSERS) must receive this application within 90 days of your termination date (provided by your employer). ... After 90 days beyond your termination date, your retirement date will be the date the application is received by PSERS unless you complete Section 11 [relating to Delaying Your Date of Retirement (Optional)]” which Claimant did not complete. (N.T. 35; PSERS-2 at 1)

13. It is the routine practice of PSERS that if a member does not submit an application for retirement at the counseling session the member will be provided an envelope with the counselor’s name and address for the member to later submit the application. (N.T. 36)

14. Claimant did not submit any forms at the counseling session, and Mr. Corso provided Claimant with a pre-addressed envelope to send them once Claimant had completed the rollover section and provided a copy of her beneficiary’s birth certificate. (N.T. 10, 16-17, PSERS-3)

15. A retiring member must have her financial institution complete a portion of the rollover section of the retirement application. (PSERS-2 at authorization for direct rollover)

16. Claimant was well aware that everything had to be in by September. (N.T. 11)

17. Claimant received the rollover document from her financial institution by email on September 14, 2017 and then put it all in the envelope and took it to the post office to mail.

(N.T. 11)

18. Claimant did not have a record of when she mailed her *Application for Retirement*.

(N.T. 12)

19. The Central West Office of PSERS received Claimant's *Application for Retirement* on October 10, 2017. (N.T. 34, 45; PSERS-2 at 1)

20. The routine practice of PSERS is to date stamp any incoming mail on the day it is received. (N.T. 34-35)

21. PSERS does not retain the envelope in which an application for retirement is submitted because it does not contain relevant information on the envelope; the only relevant information is the date received which is stamped on the application itself. (N.T. 36)

22. Claimant's *Application for Retirement* was date stamped October 10, 2017 indicating that it was received on that date. (N.T. 34)

23. A member who submits an application for retirement subsequent to the exit counseling session may call PSERS to confirm that the application was received. (N.T. 38)

24. PSERS has a system to track and record phone calls. (N.T. 38)

25. Although it was reviewed, PSERS has no record that Claimant called to confirm receipt of her *Application for Retirement*. (N.T. 38)

26. Claimant did not call PSERS about her *Application for Retirement* in October or November, because she thought it would take that much time. (N.T. 12)

27. By letter dated November 6, 2017, PSERS notified Claimant that it had finalized her retirement benefit as Option 3 with retirement date of October 10, 2017 following her

separation date of June 30, 2017. (PSERS-4)

28. Claimant appealed PSERS' November 6, 2017, determination to the ESRC. (N.T. 17-18, 40)

29. By letter dated April 27, 2018, the ESRC denied Claimant's request to change the effective date of her retirement to the day following her termination, because PSERS did not receive her *Application for Retirement* until October 10, 2017 which was after the 90-day deadline of September 28, 2017. (N.T. 40, PSERS-5 at 1)

30. On May 14, 2018, Claimant filed an Appeal and Request for Administrative Hearing. (Official notice of filings of record³)

31. On June 4, 2018, PSERS filed its Answer to Claimant's Appeal and Request for Administrative Hearing. (PSERS Records)

32. A hearing on the appeal was held on December 18, 2019, before Hearing Examiner Moyer. (N.T. *passim*; Dkt. No. 2018-11)

33. Claimant was present for her hearing, represented herself, and had the opportunity

³Under the General Rules of Administrative Practice and Procedure ("General Rules"), 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 35.125(d)(1),

[t]he applications (including attached exhibits), complaints, orders to show cause and answers thereto and similar formal documents upon which hearings are fixed shall, without further action, be considered as parts of the record as pleadings.

However, under subsection (d)(2) of the same rule, "[i]n no event, except in the case of a noncontested proceeding, may the pleadings be considered as evidence of fact other than that of the filing thereof unless offered and received in evidence in under this part." 1 Pa. Code § 35.125(d)(2). Based on this rule, Claimant's Appeal and Request for Administrative Hearing filed May 14, 2018 is a part of the record as a pleading, but it is not evidence of any facts except its own filing unless it has been offered and received in evidence, which Claimant's Appeal and Request for Administrative Hearing was not. *See* NT at 91 – 93.

Also, under the General Rules at 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 35.173, a licensing board may take official notice of its own records. *See also Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A.2d 991 (Pa. Cmwlth. 1987) (the doctrine of official notice allows an agency to take official notice of, among other things, reports and records in the agency's files). Therefore, these two rules allow official notice to be taken of the documents filed as pleadings in this matter. Official notice of any further such filings will be denoted by a citation to "PSERS Records."

to be heard, present evidence on her own behalf, cross-examine witnesses, make a closing statement for the record, and file a post-hearing brief in support of her appeal. (N.T. *passim*; Dkt. No. 2018-11)

CONCLUSIONS OF LAW

1. Claimant was afforded notice and an opportunity to be heard in connection with her appeal. (Findings of Fact 27 – 33)

2. Claimant has the burden of proving the facts she alleges in support of her claim. *Wingert v. State Employees' Ret. Bd.*, 589 A.2d 269 (Pa. Cmwlth. 1991); *Frantz v. State Employees Ret. Bd.*, 560 A.2d 284 (Pa. Cmwlth. 1989).

3. The preponderance of evidence standard is the correct burden of proof to be applied in this administrative action. *Lansberry, Inc. v. Pennsylvania Public Utility Commission*, 578 A.2d 600 (Pa. Cmwlth. 1990), *petition for allowance of appeal denied*, 602 A.2d 868 (Pa. 1998); *Suber v. Pennsylvania Commission on Crime and Delinquency, Deputy Sheriff's Education and Training Board*, 885 A.2d 678 (Pa. Cmwlth. 2005).

4. The preponderance of evidence standard has been explained as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Sigafoos v. Pennsylvania Board of Probation and Parole*, 503 A.2d 1076, 1079 (Pa. Cmwlth. 1986).

5. PSERS is a creature of statute and PSERS' members have only those rights recognized by the Public School Employees' Retirement Code, 24 Pa.C.S. § 8101 et seq. (“Retirement Code”) and none beyond. *Bittenbender v. State Employees' Ret. Bd.*, 622 A.2d 403 (Pa. Cmwlth. 1992); *Burris v. State Employees' Ret. Bd.*, 745 A.2d 704 (Pa. Cmwlth. 2000); 24 Pa.C.S. § 8101 et seq.

6. The “effective date of retirement” as defined by the Retirement Code is “[t]he first day following the date of termination of service of a member if he has properly filed an application for an annuity within 90 days of such date or: (1) [i]n the case of a member who

applies for an annuity subsequent to 90 days after termination of service, the date of filing such application or the date specified on the application, whichever is later.” 24 Pa.C.S. § 8102.

7. PSERS must receive an application for retirement from a member within 90 days of the member’s date of termination of service in order for the member’s date of termination of service to be used for purposes of receiving retirement checks. 24 Pa.C.S. § 8102; 1 Pa. Code § 31.11; *see also Harasty v. Public Sch. Employees’ Ret. Bd.*, 589 A.2d 783, 787-88 (Pa. Cmwlth. 2008).

8. Claimant has failed in her burden to establish that PSERS received her *Application for Retirement* within 90 days following her date of termination of service, i.e., June 30, 2017, or by September 28, 2017. (Findings of Fact 1-26)

9. Under the Retirement Code, Claimant is not entitled to have her effective date of retirement retroactive to the day following her date of termination of service because October 10, 2017, the date PSERS received Claimant’s *Application for Retirement*, is beyond the statutory 90-day period. (Findings of Fact 1-26; 24 Pa.C.S. § 8102)

DISCUSSION

In this matter, Claimant terminated her employment as of June 30, 2017 and later filed an *Application for Retirement*. PSERS notified Claimant that her retirement date would not be until October 10, 2017, the date it received the *Application for Retirement*. Claimant requested PSERS to change her retirement date to her termination date. Through its ERSC, PSERS denied Claimant's request, leading to this appeal, in which she requests the same remedy.

It is well established that Claimant bears the burden of establishing the facts necessary to sustain her claim. *See, Gierschick v. State Employees' Ret. Bd.*, 733 A.2d 29, 32 (Pa. Cmwlth. 1999); *Wingert v. State Employees' Ret. Bd.*, 589 A.2d 269, 271 (Pa. Cmwlth. 1991). Further, it is well established that the PSERS is a creature of the Legislature and its members only have those rights created by the Retirement Code and none beyond. *See, e.g., Burris v. State Employees' Ret. Bd.*, 745 A.2d 704, 706 (Pa. Cmwlth. 2000); *Bittenbender v. State Employees' Ret. Bd.*, 622 A.2d 403, 405 (Pa. Cmwlth. 1992); *Hughes v. Public Sch. Employees' Ret. Bd.*, 662 A.2d 701, 706 (Pa. Cmwlth. 1995), *allocator denied*, 668 A.2d 1139 (Pa. 1996). While a member is entitled to a liberal construction of the Retirement Code, PSERS has no authority to grant rights beyond those specifically set forth in the Retirement Code. *Bittenbender*, 622 A.2d at 405; *Forman v. Public Sch. Employees' Ret. Bd.*, 778 A.2d 778, 779 (Pa. Cmwlth. 2011).

Under the Retirement Code, a PSERS member who desires to have his or her effective date of retirement be the day following the date of termination of service must ensure that PSERS receives his or her application for retirement within 90 days from the member's date of termination of service. 24 Pa.C.S. § 8102. The relevant provision of the Retirement Code states as follows:

“Effective date of retirement.” The first day following the date of termination of service of a member if he has properly filed an application for an annuity within

90 days of such date or:

- (1) In the case of a member who applies for an annuity subsequent to 90 days after termination of service, the date of filing such application or the date specified in the application, whichever is later.

24 Pa.C.S. § 8102. By default, when PSERS receives an application for retirement beyond 90 days from the date of termination of service, the member's effective date of retirement becomes the date of PSERS' receipt of such application. *Id.* Hence, failure of a member to ensure that PSERS receives his or her application for retirement within 90 days from the date of termination of service forecloses any opportunity for the member to have the effective date of his or her retirement coincide with the member's termination of service. *See, e.g., Account of Ruth A. Landry*, Docket No. 2009-07 (PSERB August 17, 2010).

As established by the findings of fact,⁴ Claimant's last date of employment – her termination date – was June 30, 2017. In July 2017 Claimant received an estimate of retirement benefits that notified her that her retirement date would be the termination date if she submitted a retirement application within 90 days of the termination date; if the application was received more than 90 days after, her retirement date would be the date of receipt of the application. Claimant attended a counseling session on August 17, 2017. Claimant was given an application which she filled out with a counselor. (Claimant did not submit the application that day because she needed additional information – her beneficiary's birth certificate and rollover account information from her financial institution.) Claimant also went over a checklist with the counselor. Both the application form and the checklist reminded Claimant that she had to submit

⁴ In general, the degree of proof required to establish a case before an administrative tribunal is a preponderance of the evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Claimant's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950).

the application within 90 days of her termination date to preserve that as her retirement date. Claimant testified she was well aware that she was required to have the application in to PSERS by September. Claimant obtained the birth certificate, and her financial institution emailed the rollover form to her on September 14, 2017. Claimant then put these documents along with her *Application for Retirement* into the envelope she had been given by the counselor. The envelope was pre-addressed with the counselor's name and mailing address at PSERS's regional office. Claimant took this to the post office and mailed it. PSERS's documentary evidence, coupled with the credible testimony of its regional office administrator, establish that PSERS received Claimant's *Application for Retirement* on October 10, 2017 and not before. Whether Claimant delayed in going to the post office or the USPS took an extraordinarily long time in delivering this mail, Claimant's mailing was not received by PSERS until October 10, 2017. This was later than 90 days after Claimant's termination date of June 30, 2017.

Claimant argues that mailing her Application for Retirement on September 14 was more than enough time for it to be received by September 28, 2017. She did not call to confirm receipt because she thought it would have taken at least that long to process. Claimant's argument fails.

The General Rules of Administrative Practice and Procedure ("GRAPP") dictate that the timeliness of any document filed with a Commonwealth agency, such as PSERS, is governed by the actual receipt of the document rather than the date of mailing.

§ 31.11. Timely filing required.

Pleadings, submittals or other documents required or permitted to be filed under this part, the regulations of the agency or any other provision of law shall be received for filing at the office of the agency within the time limits, if any, for the filing. The date of receipt at the office of the agency and not the date of deposit in the mails is determinative.

1 Pa. Code § 31.11; *see also Harasty v. Public Sch. Employees' Ret. Bd.*, 945 A.2d 783, 787-88

(Pa. Cmwlth. 2008); *Estate of Wilson by Killinger v. State Employees' Ret. Bd.*, 219 A.3d 1141, 1152-53 (Pa. 2019). Based on the GRAPP, therefore, Claimant must establish that PSERS actually received her *Application for Retirement* no later than September 28, 2017.

As noted, Claimant testified that she received the documents from her financial institution on September 14 and then put them in the envelope and took that all to the post office to mail. Claimant was not clear that she did so on September 14. Although Claimant's husband testified, he testified only about why Claimant decided to retire when she did and not about Claimant mailing the *Application for Retirement*. Claimant suggests that PSERS did not establish that it actually first received the *Application for Retirement* on October 10. However, it is Claimant's burden to prove that it was received no later than September 28. The date of mailing cannot support an inference that it was received in that time frame. By contrast, the regional office administrator credibly testified about the process in that office, including that all incoming mail is date stamped on the date it is received. Claimant was given – and used – an envelope pre-addressed for Mr. Corso in the Central West Office. Having date stamped Claimant's *Application for Retirement* as received in the Central West Office on October 10, 2017 establishes that it was not received by September 28, 2017.⁵

Claimant presented no actual evidence of fraud, breakdown or negligence that would justify the granting of *nunc pro tunc* relief. *Wingert v. State Employees' Ret. Bd.*, 589 A.2d 269 (Pa. Cmwlth. 1991) (holding that burden of proof and persuasion is on claimant). Even if she had, the Board does not have the authority under the Retirement Code to deem her *Application for Retirement* as received within 90 days of her date of termination of service based on her

⁵ Claimant could have taken steps to ensure that her *Application for Retirement* was received by PSERS within the 90-day window. She could have personally delivered it. She could have used certified mail or a private delivery service with proof of delivery. And she could have telephoned PSERS to confirm receipt. Claimant did none of these.

testimony that she mailed it in September 2017. The Retirement Code, as discussed above, mandates that a member must file an application within 90 days of termination to receive a retirement date retroactive to the day after termination. If a member fails to do so, the retirement date is the date the application is received. The Retirement Code is thus clear, and there is no exception (equitable or otherwise) to the 90-day time period. Although the Board must liberally administer the system, it does not have the authority to circumvent the express language of the Retirement Code. *See, Forman*, 778 A.2d at 780; *Marinucci v. State Employees' Ret. Sys.*, 863 A.2d 43, 47 (Pa. Cmwlth. 2004). "When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa.C.S. § 1921(b). It remains for the legislature, not the Board, to amend the Retirement Code to address Claimant's circumstances. *Marinucci* at 47. The Board has no authority to reopen a legislatively crafted window of time (the 90-day period) to retroactively allow Claimant's filing to be deemed filed with 90 days of her date of termination of service. No liberal administration of PSERS permits the Board to circumvent the express language of the Retirement Code and grant Claimant the relief she requests. *See Dowler v. Public Sch. Employes' Ret. Bd.*, 620 A.2d 639, 644 (Pa. Cmwlth. 1993); *Marinucci*.

Based on all of the above, the facts of record support the conclusion that Claimant did not timely file an *Application for Retirement* such that her date of retirement could be made retroactive to her last date of employment. Moreover, the Retirement Code does not authorize the Board to provide any remedy that would allow the Board to find that Claimant timely filed an *Application for Retirement* when, in fact, she did not do so. Based upon all of the foregoing, the following recommendation will be made to the Board:

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

IN RE:

**ACCOUNT OF GEORGIANA GAMBERONI
CLAIM OF GEORGIANA GAMBERONI**

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DOCKET NO. 2018-11

RECOMMENDATION

AND NOW, this 25th day of **June, 2020**, upon consideration of the foregoing findings of fact, conclusions of law and discussion, the Hearing Officer for the Public School Employees' Retirement Board ("PSERB") recommends that the Board **DENY** Claimant's request to change the effective date of her retirement from October 10, 2017 to June 30, 2017 and **DENY** Claimant's request for retroactive payment of pension benefits between June 30, 2017 and October 10, 2017.

A party may file exceptions to this proposed opinion and recommendation in accordance with 1 Pa. Code §§ 35.211 and 35.212 (relating to procedure to except to proposed report; and content and form of briefs on exceptions). 22 Pa. Code § 201.11(d). Exceptions shall be filed with the below-noted Appeal Docket Administrator and must be received by July 27, 2020, 30 days after the mailing date of this proposed opinion and memorandum. *See*, 1 Pa. Code § 35.211 (participant desiring to appeal to the agency head shall, within 30 days after the service of a copy of a proposed report or such other time as may be fixed by the agency head, file exceptions to the proposed report or part thereof in brief on exceptions; brief opposing exceptions may be filed in response to briefs on exceptions within 20 days after the time limited for the filing of briefs on exceptions or such other time as may be fixed by the agency head). If exceptions are filed, the PSERB will rule upon the exceptions; PSERB may adopt or reject, in whole or in part, or supplement the proposed opinion and recommendation or issue its own opinion and order,

whether or not exceptions to the proposed opinion and recommendation are filed by any party. .
22 Pa. Code § 201.11(c).

A legal assistant for the Office of Hearing Examiners will distribute this proposed opinion and recommendation to the Appeal Docket Administrator and the parties.



Thomas A. Blackburn
Hearing Officer

Claimant:

Ms. Georgianna Gamberoni


For PSERS:

Dwight A. Decker, Jr., Esquire
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5 North 5th Street
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Date of mailing:

6/25/2020