

1988

# Glen J. Ellis v. Utah State Retirement Board : Unknown

Utah Supreme Court

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Glen J. Ellis; Attorney for Appellant.

Mark A. Madsen; Attorney for Respondent.

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880333  
MARK A. MADSEN 2051  
Attorney for Respondent  
Utah State Retirement Board  
540 East Second South  
Salt Lake City, Utah 84102  
Phone: 355-3884

BEFORE THE UTAH SUPREME COURT

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GLEN J. ELLIS, :  
Appellant, : POST HEARING LAW  
-vs- : MEMORANDUM  
UTAH STATE RETIREMENT BOARD, : Case No. 880-0333  
Respondent. :

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Pursuant to the Order of the Court there is transmitted herewith copies (10) of the 1975 Disability Retirement provision in Chapter 10 of Title 49, the Public Retirement law, for informational purposes.

Maximums and minimums are, as will be noted, based on final average salary as percentages. Twenty-five (25) percent minimum appears to have been provided since a member could have well over 15 years of service and still be entitled to considerably less than that percentage of final average salary except for the "insurance" provision. This is so because the formula called for 1.1 and 1.25 factor until 1975. It appears that percentages of final average salary have been consistently part of the old disability plan.

No disability payments have been approved for persons on inactive status beyond the statutory limitations. Disabilities have been approved after 1 July 1983 for persons where disability was medically certified as having occurred before that date.

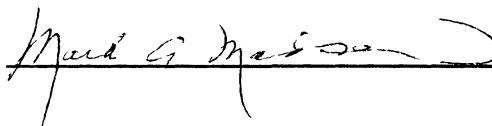
Respectfully submitted,



Mark A. Madsen, Attorney for  
Utah State Retirement Board

#### MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Post Hearing Law Memorandum to Glen J. Ellis, 60 East 100 South, #102, P. O. Box 1097, Provo, Utah 84603 on this 13<sup>th</sup> day of June, 1989.



49-10-29. Disability retirement plans—Plan number one.—The disability retirement plans available to members of the system are four in number. Plan number one is as follows, with plans number two, three and four set forth in section 49-10-34: A member granted retirement for disability as above provided shall receive a retirement allowance which shall consist of an annuity, a pension based on his prior service and a pension based on his current service, the total of which shall equal ninety per cent of what a service retirement allowance would be based on his years of service and final average monthly salary disregarding the reduction of benefits because of retirement before age 65, if the member is under age sixty. If he is age sixty or over the benefit shall be eighty per cent of the aforesaid possible service retirement allowance. If the retirement allowance is less than 25 per cent of the member's final average monthly salary, he shall receive a supplemental current service pension equal to nine-tenths of one per cent of his final average monthly salary if he is under age sixty, or if age sixty or over he shall receive a supplemental current service pension equal to eight-tenths of one per cent of his final average monthly salary multiplied by the number of future years which said member could have worked from date of retirement to age 65 had he not become disabled. Such service shall be credited on a working day basis. In no event may the total disability retirement benefit exceed 25 per cent of the member's final average monthly salary if future service credit is used. The minimum monthly total disability retirement allowance shall not be less than ten per cent of the member's final average monthly salary.

If the retired member qualifies for workmen's compensation, he shall have his disability retirement pension reduced by the monthly amounts received from workmen's compensation. When the payments received from workmen's compensation are terminated, suspended or discontinued, the retirant's pension shall be restored. In the event the retirant receives a lump-sum settlement from workmen's compensation, his retirement pension shall be suspended until the suspended pension payments equal in total amount one-half of the lump-sum settlement and, thereupon, the pension shall be reinstated.

History: L. 1967, ch. 106, § 29.