

COUNCIL OF THE DISTRICT OF COLUMBIA

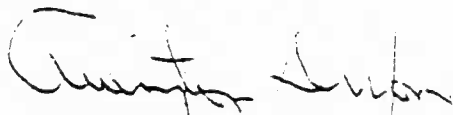
NOTICE

D.C. LAW 4-123

"District of Columbia Retirement Regulations
Adoption Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-377 on first and second readings, April 6, 1982 and April 27, 1982, respectively. Following the Signature of the Mayor on May 11, 1982, this legislation was assigned Act No. 4-188, published in the May 21, 1982 edition of the D.C. Register, (Vol. 29 page 2084) and transmitted to Congress on May 18, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-123, effective July 2, 1982.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

May	18,19,20,21,24,25,26,27
June	2,3,4,7,8,9,10,11,14,15,16,17,18,21,22,23,24,25,28, 29,30
July	1

D.C. LAW 4-123

EFFECTIVE DATE JUL 02 1982

AN ACT

D.C. ACT 4-188

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 11 1982

To adopt regulations for a procedure for the denial of a claim for retirement benefits under the several retirement programs of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Retirement Regulations Adoption Act of 1982".

Sec. 2. The Council of the District of Columbia, pursuant to section 188 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-748) ("Act"), adopts the procedure for the denial of a claim for retirement benefits which follows:

CODIFICATION
New
D.C. Code,
title 1,
chapter 7,
subchapter VI
(1981 ed.)

PROCEDURE FOR THE DENIAL OF A CLAIM FOR RETIREMENT BENEFITS

D.C. Code,
sec. 1-751
(1981 ed.)

(a) Purpose.

This section sets forth the procedures for the denial of a claim for retirement benefits under the Act.

(b) Filing of a claim for benefits.

For the purposes of this section, a claim is a request for a benefit by a participant or beneficiary of any of the funds. A claim is filed when the

procedure established by the Mayor for the initiation of claims has been met. Until such procedure has been established, a claim shall be deemed filed when a written communication is made by a claimant (or the claimant's authorized representative) which is reasonably calculated to bring the claim to the attention of the Director of Personnel and the written communication is received by the Director of Personnel.

(c) Written Notice of Denial.

(1) The Mayor shall provide to every claimant whose claim for benefits is wholly or partially denied a written notice setting forth in a manner calculated to be understood by the claimant:

(A) The specific reason or reasons for the denial;

(B) Specific reference to pertinent provisions of applicable law, regulations, or fund procedures on which the denial is based;

(C) A description of any material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary; and

(D) Appropriate information as to the steps to be taken if the participant or beneficiary wishes to submit his or her claim for review.

(2) If the claim is wholly or partially denied, written notice of the decision, meeting the

requirements of paragraph (1), shall be furnished to the claimant within a reasonable time after receipt of the claim by the Mayor.

(3) If written notice of the denial of a claim is not furnished in accordance with paragraph (2) within a reasonable time, the claimant shall be deemed to have exhausted his or her administrative remedies for the purpose of instituting proceedings for relief in the Superior Court for the District of Columbia, unless the claimant chooses to avail himself or herself of the procedures set forth in subsection (d).

(4) For the purposes of paragraphs (2) and (3), a reasonable period of time shall be no more than 90 calendar days after receipt of the claim by the Mayor, unless special circumstances require an extension of time for processing the claim. If such an extension of time for processing is required, written notice of the extension shall be furnished to the claimant prior to the termination of the initial 90 calendar day period. In no event shall such extension exceed a period of 90 calendar days from the end of such initial period. The written notice of extension shall indicate the special circumstances requiring an extension of time and the date by which the Mayor expects to render the final decision.

(d) Review Procedure.

(1) The Mayor shall establish and maintain a

procedure for each fund, by which a claimant or his or her duly authorized representative has reasonable opportunity to appeal a denied claim to the Mayor or his or her designee, and under which full and fair review of the claim and its denial may be obtained. Every such procedure shall include, but not be limited to, provisions that permit a claimant or his or her duly authorized representative to:

(A) Request a review upon written application to the Mayor;

(B) Review pertinent documents; and

(C) Submit issues and comments in

writing.

(2) Such procedures may establish a limited period within which a claimant must file any request for review of a denial claim. Such time limits must be reasonable and related to the nature of the benefit which is the subject of the claim and to other attendant circumstances. In no event may such a period expire less than 60 calendar days after receipt by the claimant or written notification of the denial of a claim.

(3) A decision by the Mayor or his or her designee shall be made no later than 90 calendar days after the Mayor's receipt of a request for review, unless special circumstances require an extension of time for processing, in which case a decision shall be

rendered as soon as possible, but not later than 120 calendar days after receipt of a request for review. If such an extension of time for review is required because of special circumstances, written notice of the extension shall be furnished to the claimant prior to the commencement of the extension.

(4) The decision on review shall be in writing and shall be written in a manner calculated to be understood by the claimant. The written decision shall include specific reasons for the decision and shall cite specific references to the pertinent provisions of applicable law, regulation, or fund procedures on which the decision is based.

(5) The decision on review shall be furnished to the claimant within the appropriate time prescribed in paragraph (3). If the decision on review is not furnished within such time, the claim shall be deemed denied on review.

(e) Reasonableness.

For purposes of this act, a procedure will be deemed to be reasonable only if it does not contain any provision, and is not administered in a way, which unduly inhibits or hampers the initiation or processing of a claim for benefits.

Sec. 3. (a) The procedure established by this act shall apply to any participant or beneficiary who has a claim for benefits denied under the District of

Columbia Police Officers and Fire Fighters Retirement Fund, established by section 122 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-712); the District of Columbia Teachers' Retirement Fund, established by section 123 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-713); and the District of Columbia Judges' Retirement Fund, established by section 124 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-714).

(b) The procedure established by this act shall apply to claims for benefits denied after March 1, 1982.

Sec. 4. The Mayor of the District of Columbia shall comply with the requirements of these regulations and shall give written notice of compliance therewith to the Council of the District of Columbia within 60 calendar days after the effective date of this act.

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87

Stat.

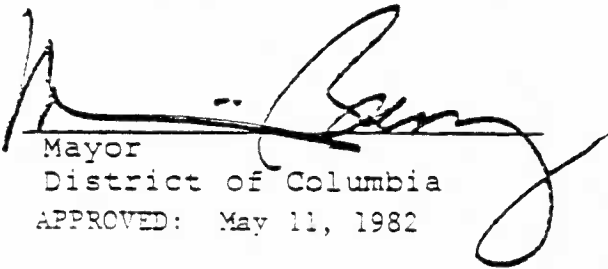
Mayo
Dist
APPRO

D.C. Code
sec. 1-714
(1981)

Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 11, 1982