

***Government of Guam Retirement
Fund***

***MEMBERS' AND BENEFITS
COMMITTEE***

APRIL, 2010 - REPORT

Committee Summary
August '09 to July 2010

		Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July
MEMBERS' & BENEFITS DIVISION STAFF		15	15	15	15	15	15	15	15	15			
No. of Active Members													
	Defined Benefits	3,663	3,715	3,681	3,564	3,663	3,654	3,628	3,618	3,612			
	Defined Contributions	6,283	7,003	7,111	7,133	7,252	7,217	7,267	7,298	7,227			
No. of Retirees													
	Defined Benefits	6,894	6,896	6,912	6,932	6,938	6,936	6,928	6,910	6,892			
	Defined Contributions	253	255	257	258	267	278	283	287	294			
No. of Cases Pending		37	44	57	67	30	35	48	35	60	0	0	0
8119, 8120 and 8120.1	a Age Retirement	0	6	4	3	1	2	4	4	2			
	b Age Retirement (ERIP)	0	0	0	0	0	0	0	0	0			
	c Optional Retirement	2	3	1	0	0	1	0	4	1			
	d Service Retirement	2	15	5	6	7	4	14	7	9			
	e Service Retirement (ERIP)	1	0	0	0	0	0	0	0	0			
8123	f Medical Disability Applicants	0	0	2	2	3	0	0	3	0			
8126	g Medical Disability - Appeals	0	0	0	0	0	0	0	0	0			
8130	h Deferred Age (W/o Survivor Benefits)	0	1	1	2	1	2	2	2	3			
8130 Par 3	i Deferred Age (W/ Survivor Benefits)	0	0	0	0	0	1	0	0	0			
8134 (a)	j Survivor Annuity Benefits	7	6	9	8	6	9	10	3	16			
8134(a).3	Minor Children Survivor Benefits	2	0	0	1	0	1	0	1	2			
8134(a).4c	Disabled Adult Survivor Benefits	0	0	0	0	0	0	2	1	0			
	New Retirees	23	13	35	45	12	15	16	10	27			
No. of Cases Acted On		37	44	55	65	27	35	46	31	60	0	0	0
8119, 8120 and 8120.1	a Age Retirement	0	6	4	3	1	2	4	4	2			
	b Age Retirement (ERIP)	0	0	0	0	0	0	0	0	0			
	c Optional Retirement	2	3	1	0	0	1	0	4	1			
	d Service Retirement	2	15	5	6	7	4	14	7	9			
	e Service Retirement (ERIP)	1	0	0	0	0	0	0	0	0			
8123	f Medical Disability Applicants	0	0	0	0	0	0	0	0	0			
8126	g Medical Disability - Appeals	0	0	0	0	0	0	0	0	0			
8130	h Deferred Age (W/o Survivor Benefits)	0	1	1	2	1	2	2	2	3			
8130 Par 3	i Deferred Age (W/ Survivor Benefits)	0	0	0	0	0	1	0	0	0			
8134 (a)	j Survivor Annuity Benefits	7	6	9	8	6	9	10	3	16			
8134(a).3	Minor Children Survivor Benefits	2	0	0	1	0	1	0	1	2			
8134(a).4c	Disabled Adult Survivor Benefits	0	0	0	0	0	0	0	0	0			
	New Retirees	23	13	35	45	12	15	16	10	27			
No. of Committee Meetings Held		1	1	1	1	1	1	1	1	1			
No. of Resolutions Submitted		0	0	0	0	0	0	0	0	0			
Communications Received		0	0	2	0	0	0	0	0	3			
Communication Acted On		0	0	2	0	0	0	0	0	3			



George A. Santos
Members' & Benefits Committee, Chairman

Katherine T.E. Taitano
Members' & Benefits Committee, Vice-Chairperson

Antolina S. Leon Guerrero
Trustee

April 30, 2010

MEMORANDUM

TO: Chairman, Board of Trustees
Government of Guam Retirement Fund

FROM: Chairperson, Members' & Benefits Committee,
Government of Guam Retirement Fund

SUBJECT: April, 2010- Report

Please find attached the Members' and Benefits Committee's April, 2010 Report. This report accurately highlights the significant activities and action items reviewed and administered to during the April period.

Should you require further information concerning this report, feel free to contact me at your earliest convenience.


GEORGE A. SANTOS

I. **TOTAL MEMBERS SERVED:**

A. No. of Active Members

1.	Defined Benefits	3,612	
2.	Defined Contributions	<u>7,227</u>	

10,839

B. No. of Retirees

1.	Defined Benefits	6,892	
2.	Defined Contributions	<u>294</u>	

7,186

18,025

II. **TOTAL STAFFING:**

A. Benefit Services Department

1.	Budget 2009	13	
	Actual		10

10

B. Members' Services Division

1.	Budget 2009	9	
	Actual		5

5

III. TOTAL CASES PENDING

A.	Section 8119 Applicants Pre 10/01/81	20/25/60	
	Section 8120 Applicants Post 10/01/81	25/30/60	
	Section 8120.1 Applicants Post 08/22/84	25/30/65	
1.	Age Retirement	A. Optional	1
		B. Regular	2
		C. ERIP	0
			3
2.	Service Retirement	A. Regular	9
		B. ERIP	0
			9
B.	Section 8123 Applicants Medical Disability		0
C.	Section 8126 Applicants Medical Disability Appeals		0
D.	Section 8130 Applicants Deferred Age w/o Survivor Benefits		3
	Section 8130 Applicants Deferred Age w/Survivor Benefits		0
E.	Section 8134 Applicants (a) Surviving Spouse		16
	(a).3 Minor Children		2
	(a) 4c Disabled Adult Survivor		0
F.	New Retirees (Nos. 1781-1807)		27
	TOTAL CASES REVIEWED		60

IV. REVIEW AND FINDINGS

Based on our review and findings during our meeting of April 14, 2010, the following applications are recommended for **APPROVAL** to the Board of Trustees:

MEMBERS' AND BENEFITS RETIREMENT APPLICANTS

A. SECTION 8119, 8120, 8120.1

1. Optional Retirement Applicants (§8120. After 10/01/81)

a.	Name:	Timmy C. Cordero
	Date of Birth:	
	Department:	Port Authority of Guam
	Length of Service:	25 Years 05 Months 15 Days
	Service Factor:	25.458
	Average Annual Salary:	\$44,066.52
	Annual Annuity:	\$14,536.56
	Percentage Earned:	32.987764
	Effective Date:	December 12, 2009

2. Age Retirement Applicant (§8120. after 10/01/81)

a.	Name:	Edith S. Guerrero
	Date of Birth:	
	Department:	Department of Education
	Length of Service:	27 Years 03 Months 15 Days
	Service Factor:	27.291
	Average Annual Salary:	\$55,945.50
	Annual Annuity:	\$35,372.88
	Percentage Earned:	63.227390
	Effective Date:	February 06, 2010

2(a). Age Retirement Applicant (§8120.1 after 08/22/84)

a. Name: Julian D. Cepeda
Date of Birth:
Department: Department of Public Works
Length of Service: 27 Years 00 Months 00 Days
Service Factor: 27.000
Average Annual Salary: \$31,439.31
Annual Annuity: \$19,649.52
Percentage Earned: 62.499844
Effective Date: December 05, 2009

3. Service Retirement Applicants (§8119. prior to 10/01/95)

a. Name: Leticia V. Cartaciano
Date of Birth:
Department: Public Health & Social Services
Length of Service: 32 Years 00 Months 00 Days
Service Factor: 32.000
Average Annual Salary: \$52,807.42
Annual Annuity: \$39,605.52
Percentage Earned: 74.999914
Effective Date: October 01, 2009

b. Name: Teresita D. Finona
Date of Birth:
Department: Guam Water Works Authority
Length of Service: 27 Years 02 Months 00 Days
Service Factor: 27.166
Average Annual Salary: \$32,103.90
Annual Annuity: \$20,198.16
Percentage Earned: 62.914972
Effective Date: October 01, 2009

- c. Name: Perla T. Francisco
Date of Birth:
Department: Guam Memorial Hospital Authority
Length of Service: 36 Years 00 Months 00 Days
Service Factor: 36.000
Average Annual Salary: \$43,544.56
Annual Annuity: \$37,012.80
Percentage Earned: 84.999825
Effective Date: September 26, 2009
- d. Name: Rosemary C. Gumabon
Date of Birth:
Department: Department of Labor
Length of Service: 33 Years 10 Months 00 Days
Service Factor: 33.833
Average Annual Salary: \$44,070.08
Annual Annuity: \$35,072.16
Percentage Earned: 79.582701
Effective Date: December 26, 2009
- e. Name: Cynthia B. Sajnovsky
Date of Birth:
Department: University of Guam
Length of Service: 36 Years 00 Months 00 Days
Service Factor: 36.000
Average Annual Salary: \$91,713.92
Annual Annuity: \$77,956.80
Percentage Earned: 84.999965
Effective Date: February 13, 2010
- f. Name: Juana G. Santos
Date of Birth:
Department: Department of Education
Length of Service: 35 Years 06 Months 15 Days
Service Factor: 35.541
Average Annual Salary: \$59,474.39
Annual Annuity: \$49,870.80
Percentage Earned: 83.852562
Effective Date: March 13, 2010

g. Name: Barry D. Smith
Date of Birth:
Department: University of Guam
Length of Service: 32 Years 07 Months 15 Days
Service Factor: 32.625
Average Annual Salary: \$99,622.24
Annual Annuity: \$76,273.20
Percentage Earned: 76.562422
Effective Date: October 01, 2009

3. Service Retirement Applicants (§8120 after 10/01/81)

a. Name: Lawrence J. Kodiyanplakkal
Date of Birth:
Department: University of Guam
Length of Service: 36 Years 00 Months 00 Days
Service Factor: 36.000
Average Annual Salary: \$91,007.06
Annual Annuity: \$77,356.08
Percentage Earned: 85.000086
Effective Date: August 01, 2009

b. Name: Brenda M. Sison
Date of Birth:
Department: Department of Education
Length of Service: 30 Years 09 Months 00 Days
Service Factor: 30.750
Average Annual Salary: \$36,804.86
Annual Annuity: \$26,453.52
Percentage Earned: 71.875073
Effective Date: January 01, 2010

B. SECTION 8130 RETIREMENT APPLICATIONS

1. WITHOUT Survivor Annuity Benefits

- a. Name Julie B. Enriquez
Date of Birth
Department: University of Guam
Length of Service: 12 Years 09 Months 00 Days
Service Factor: 12.750
Average Annual Salary \$18,700.80
Annual Annuity: \$ 5,025.84
Percentage Earned: 26.875000
Effective Date: February 23, 2010
- b. Name Rosina C. Iping
Date of Birth
Department: University of Guam
Length of Service: 08 Years 05 Months 00 Days
Service Factor: 8.416
Average Annual Salary \$49,647.66
Annual Annuity: \$ 8,356.80
Percentage Earned: 16.832213
Effective Date: September 27, 2009
- c. Name: Fe M. Paz
Date of Birth:
Department: Department of Education
Length of Service: 16 Years 08 Months 00 Days
Service Factor: 16.666
Average Annual Salary: \$44,189.16
Annual Annuity: \$16,201.92
Percentage Earned: 36.664919
Effective Date: September 25, 2009

C. SURVIVOR ANNUITY APPLICATIONS

1. (a) Surviving Spouse Annuity (a) (§8119. Prior to 10/10/81)

- a. Name: Segundo C. Aguon
Date of Death: March 23, 2010
Annuity due Decease: \$20,660.16
Surviving Spouse: Yourihna N. Aguon
Survivor's Annuity: \$10,330.08
Percentage Earned: 50%
Effective Date: March 23, 2010
- b. Name: Jose SN Barcinas
Date of Death: March 24, 2010
Annuity due Decease: \$46,645.44
Surviving Spouse: Josephine R. Barcinas
Survivor's Annuity: \$23,322.72
Percentage Earned: 50%
Effective Date: March 24, 2010
- c. Name: Adolfo C. Borja
Date of Death: March 05, 2010
Annuity due Decease: \$15,276.48
Surviving Spouse: Cecilia B. Borja
Survivor's Annuity: \$ 7,638.24
Percentage Earned: 50%
Effective Date: March 05, 2010
- d. Name: Franklin S. Cruz
Date of Death: March 04, 2010
Annuity due Decease: \$78,299.28
Surviving Spouse: Emily R. Cruz
Survivor's Annuity: \$39,149.76
Percentage Earned: 50%
Effective Date: March 04, 2010

- e. Name: Jesus Q. Cruz
Date of Death: March 19, 2010
Annuity due Decease: \$26,280.96
Surviving Spouse: Janet P. Cruz
Survivor's Annuity: \$13,140.48
Percentage Earned: 50%
Effective Date: March 19, 2010
- f. Name: Rosalia M. Cruz
Date of Death: February 28, 2010
Annuity due Decease: \$28,063.68
Surviving Spouse: Juan C. Cruz
Survivor's Annuity: \$14,031.84
Percentage Earned: 50%
Effective Date: February 28, 2010
- g. Name: Johnny LG Diego
Date of Death: March 17, 2010
Annuity due Decease: \$42,263.04
Surviving Spouse: Margarita D. Diego
Survivor's Annuity: \$21,131.52
Percentage Earned: 50%
Effective Date: March 17, 2010
- h. Name: Antonio L. Diras
Date of Death: February 08, 2010
Annuity due Decease: \$28,542.48
Surviving Spouse: Sally C. Diras
Survivor's Annuity: \$14,271.36
Percentage Earned: 50%
Effective Date: February 08, 2010
- i. Name: Cristobal C. Dueñas
Date of Death: February 14, 2010
Annuity due Decease: \$18,288.00
Surviving Spouse: Juanita C. Dueñas
Survivor's Annuity: \$ 9,144.00
Percentage Earned: 50%
Effective Date: February 14, 2010

- j. Name: Epifania G. Javellana
Date of Death: February 10, 2010
Annuity due Decease: \$17,493.12
Surviving Spouse: Jose E. Javellana, Jr.
Survivor's Annuity: \$ 8,746.56
Percentage Earned: 50%
Effective Date: February 10, 2010
- k. Name: Alejandro G. Lujan
Date of Death: January 15, 2010
Annuity due Decease: \$39,225.60
Surviving Spouse: Rita F. Lujan
Survivor's Annuity: \$19,612.80
Percentage Earned: 50%
Effective Date: January 15, 2010
- l. Name: Juan SN Mendiola
Date of Death: February 12, 2010
Annuity due Decease: \$25,204.56
Surviving Spouse: Eyvonne C. Mendiola
Survivor's Annuity: \$12,602.40
Percentage Earned: 50%
Effective Date: February 12, 2010
- m. Name: Juan M. Quidachay
Date of Death: March 01, 2010
Annuity due Decease: \$40,640.40
Surviving Spouse: Rosa M. Quidachay
Survivor's Annuity: \$20,320.32
Percentage Earned: 50%
Effective Date: March 01, 2010
- n. Name: Albert J. Rios
Date of Death: February 19, 2010
Annuity due Decease: \$20,262.24
Surviving Spouse: Marianne E. Rios
Survivor's Annuity: \$10,131.12
Percentage Earned: 50%
Effective Date: February 19, 2010

- o. Name: Tomas C. Torres, Jr.
 Date of Death: March 14, 2010
 Annuity due Decease: \$28,748.16
 Surviving Spouse: Salvacion B. Torres
 Survivor's Annuity: \$14,374.08
 Percentage Earned: 50%
 Effective Date: March 14, 2010

- p. Name: Paul T. Toves
 Date of Death: November 25, 2009
 Annuity due Decease: \$13,159.92
 Surviving Spouse: Lorrie D. Toves
 Survivor's Annuity: \$ 6,580.08
 Percentage Earned: 50%
 Effective Date: November 25, 2009

2. §8134 (a).(3) Minor Child Survivor Benefits

- 1. Gabrianna Doreen Blas
- 2. Vincent Jules Borja

D. SUPPLEMENTAL LISTING OF NEW RETIREES AND FINALIZED RETIREMENT ANNUITIES

- | | | |
|------|---------------------|----------------------------------|
| 1781 | Name | Rosa S. Borja |
| | Surviving Spouse of | Samuel LG Borja |
| | Agency | Port Authority of Guam |
| | Effective Date | October 24, 2004 |
| | | |
| 1782 | Name | Antonia SN Estay |
| | Date of Birth | |
| | Agency | Department of Education |
| | Effective Date | August 08, 2009 |
| | | |
| 1783 | Name | Perla T. Francisco |
| | Date of Birth | |
| | Agency | Guam Memorial Hospital Authority |
| | Effective Date | September 26, 2009 |

1784	Name	Barry D. Smith
	Date of Birth	
	Agency	University of Guam
	Effective Date	October 01, 2009
1785	Name	Brenda M. Sison
	Date of Birth	
	Agency	Department of Education
	Effective Date	January 01, 2010
1786	Name	Rita F. Lujan
	Surviving Spouse of	Alejandro G. Lujan
	Agency	Guam Telephone Authority
	Effective Date	January 15, 2010
1787	Name	Sally C. Diras
	Surviving Spouse of	Antonio L. Diras
	Agency	Department of Education
	Effective Date	February 08, 2010
1788	Name	Jose E. Javellana, Jr.
	Surviving Spouse of	Epifania G. Javellana
	Agency	Guam Memorial Hospital Authority
	Effective Date	February 10, 2010
1789	Name	Eyvonne C. Mendiola
	Surviving Spouse of	Juan SN Mendiola
	Agency	Department of Youth Affair
	Effective Date	February 12, 2010
1790	Name	Juanita C. Dueñas
	Surviving Spouse of	Cristobal C. Dueñas
	Agency	Judiciary of Guam
	Effective Date	February 14, 2010
1791	Name	Marianne E. Rios
	Surviving Spouse of	Albert J. Rios
	Agency	University of Guam
	Effective Date	February 19, 2010

1792	Name	Rita G. Shimizu
	Date of Birth	
	Agency	Department of Education
	Effective Date	February 20, 2010
1793	Name	Julie B. Enriquez
	Date of Birth	
	Agency	University of Guam
	Effective Date	February 23, 2010
1794	Name	William D. Cardenas
	Date of Birth	
	Agency	Military Affairs
	Effective Date	February 27, 2010
1795	Name	Juan C. Cruz
	Surviving Spouse of	Rosalia M. Cruz
	Agency	Department of Education
	Effective Date	February 28, 2010
1796	Name	Rosa M. Quidachay
	Surviving Spouse of	Juan M. Quidachay
	Agency	Guam Fire Department
	Effective Date	March 01, 2010
1797	Name	Emily R. Cruz
	Surviving Spouse of	Franklin S. Cruz
	Agency	University of Guam
	Effective Date	March 04, 2010
1798	Name	Cecilia B. Borja
	Surviving Spouse of	Adolfo C. Borja
	Agency	Department of Public Works
	Effective Date	March 05, 2010
1799	Name	Jacinta P. Reyes
	Surviving Spouse of	Aristides B. Reyes
	Agency	Judiciary of Guam
	Effective Date	March 05, 2010

1800	Name Surviving Spouse of Agency Effective Date	June Marie Q. Pangelinan John U. Pangelinan Guam Water Works Authority March 06, 2010
1801	Name Date of Birth Agency Effective Date	Juana G. Santos Department of Education March 12, 2010
1802	Name Date of Birth Agency Effective Date	Frank R. Reyes Customs & Quarantine March 13, 2010
1803	Name Surviving Spouse of Agency Effective Date	Salvacion B. Torres Tomas C. Torres, Jr. Department of Public Works March 14, 2010
1804	Name Surviving Spouse of Agency Effective Date	Margarita D. Diego Johnny LG Diego Department of Revenue & Taxation March 17, 2010
1805	Name Surviving Spouse of Agency Effective Date	Janet P. Cruz Jesus Q. Cruz Department of Public Works March 19, 2010
1806	Name Surviving Spouse of Agency Effective Date	Yourihna N. Aguon Segundo C. Aguon Department of Administration March 23, 2010
1807	Name Surviving Spouse of Agency Effective Date	Josephine R. Barcinas Jose SN Barcinas Public Defenders Corp. March 24, 2010



V. REVIEW AND FINDINGS

Based on our review and findings during our meeting of April 14, 2010, the following application is recommended to be forwarded to the Board of Trustees for their review/discussion and disposition.

COR 09-03 JUAN T. CRUZ - Termination of Medical Disability Annuity.

REQUEST:

Mr. Cruz is requesting for the Board of Trustees to reconsider their May 31, 2001 decision to discontinue the disability benefits he had been receiving since March 22, 1994.

DISCUSSION:

On January 10, 1994, the Board approved the application for disability retirement submitted by Mr. Juan T. Cruz. Mr. Cruz began receiving disability retirement benefits on March 22, 1994 pursuant to 4 G.C.A. §8123. Pursuant to 4 G.C.A. §8127(a) in effect on that date, Mr. Cruz underwent further examinations on June 22, 1995 by Dr. W.C. Perez and on December 4, 2000 by Dr. M. Kallingal. Dr. M. Kallingal determined that Mr. Cruz no longer met the requirements for total and permanent disability.

On March 24, 2001, Dr. Kallingal's findings were reviewed by the Fund's medical consultant. On May 10, 2001, the medical consultant's review was presented to the Members' and Benefits Committee. The Committee decided to discontinue Mr. Cruz's disability retirement benefits based on Dr. Kallingal's findings and concurrence by the Board's medical consultant. Immediately following the Committee's decision, the Fund's staff orally informed Mr. Cruz that his benefits would be discontinued effective May 31, 2001 based on the recommendations made by the examining physician and the medical consultant.

Sometime immediately following the Fund's notification of the Committee's decision, Mr. Cruz requested that he instead be placed on optional retirement. On May 31, 2001, Mr. Cruz began receiving benefits under the optional retirement provision. Some time in early 2003, more than two years later, Mr. Cruz orally requested documents relating to his disability and optional retirement. On February 14, 2003, the Fund responded in writing and provided annuity worksheets for both his disability and optional retirement benefits.

FINDINGS:

Prior to August 2008, a disability retiree was required to undergo a medical examination every year during the first five (5) years following the allowance of a disability annuity to any member and at least once every three (3) years thereafter.

§8127(a) of 4 G.C.A. provides that *"if any (subsequent) examination indicates that the annuitant is no longer physically or mentally incapacitated for service, or that he is engaged or is able to engage in gainful occupation, payment of the disability annuity by the Fund shall be discontinued ... after the physicians and a medical consultant engaged by the Board find that the annuitant is no longer incapacitated for service."*

Based on the provision of §8127(a), the Fund acted appropriately in discontinuing Mr. Cruz's disability retirement benefits immediately upon notice by the examining physician and a concurrence by the Board's medical consultant that Mr. Cruz was no longer disabled. The Committee's determination based on an examination by Dr. M. Kallingal and a review of her findings by the board medical consultant on May 10, 2001, complied with the statute.

The Fund's staff orally informed Mr. Cruz of the decision sometime before May 31, 2001. Mr. Cruz then met with the Fund's staff and was informed of his option to retire under the optional retirement provision. Mr. Cruz chose optional retirement and completed the necessary documentation to effectuate his decision. He was appropriately placed on the retirement payroll.

RECOMMENDATION:

The committee recommends that the Board of Trustee's deny Mr. Cruz's request for reconsideration of the May 31, 2001 decision to discontinue the disability benefits he had received since 1 994. As concluded by legal counsel, the Committee's initial decision to cease Mr. Cruz's disability benefits was proper based on findings by Dr. M. Kallingal and reviewed by the board's medical consultant.

VI. REVIEW AND FINDINGS

Based on our review and findings during our meeting of April 14, 2010, the following application is recommended to be forwarded to the Board of Trustees for their review/discussion and disposition.

COR # 09-04

Joseph L. Pugh
SS# XXX-XX-0746
Agency: Department of Education

REQUEST:

Mr. Pugh is petitioning the Board of Trustees for waiver of the interest amount due for Civil Service Credit pursuant to §8112 of Title 4, Chapter 8 G.C.A.

SERVICE HISTORY:

Time Period	Agency	Status
12-15-70 to 03-09-73	U.S. Navy	Military/Credit/Paid
08-24-82 to 08-19-83	D.O.E.	Redeposit Credit/Paid
09-16-85 to present	D.O.E.	Member

DISCUSSION:

The request for relief of the interest amount assessed for the Civil Service Credit was prompted after an interview with a Benefit Specialist at the Fund on February 25, 2010. During the course of the consultation, examination of the Fund's Enrollment Application forms dated 01/25/83 and 02/25/87, did not provide or present space to query members to disclose information relative to any employment history with the United States Government for retirement purposes.

P.L. 20-04 enacted April 10, 1989, authorized the Fund to establish **Regulations Concerning Claims to Obtain Service Credits** which was adopted by the Retirement Fund Board of Trustees and promulgated pursuant to the Administration Adjudication Law effective September 23, 1989 and is further referenced in Guam Administrative Rules and Regulations (**G.A.R.R. Title 2, Chapter 3**).

This process changed the landscape of how retirement service credit claim application deadlines, eligibility requirements, payment options and administrative processing are implemented.

Throughout the period P.L. 20-02 was enacted and until the rules were promulgated, the Fund held public hearings and disseminated information through department/agencies circulars, local print media, to afford members the opportunity to present any and all concerns with regard to the impending changes affecting retirement service credit claims.

An examination of Mr. Pugh's file documents indicated the Fund's Enrollment Application form filed on January 24, 1983 and February 24, 1987 did not provide language for members to claim or indicate any U.S. Civil Service employment and such forms predate subsequent changes to service credit notification and requirement.

Mr. Pugh made service credit claims in early October 2007, as evidenced by the Fund's letter dated October 16, 2007 addressed to national Archives and Records Administration. The letter was returned and received by the fund on December 21, 2009, with a response to forward the request to Office of Personnel Management for the required document to validate credit claims.

Prior to receipt of the above mentioned letter on December 21, 2009, the Fund sent a second letter to Office of Personnel Management on November 24, 2009, and documents with pertinent information to meet eligibility requirement was received by the fund on January 16, 2010.

Mr. Pugh met with a Benefit Specialist on February 05, 2010 and was advised of the total amount due of **\$11,507.88** (\$3,384.32 principal and \$8,123.56 interest) with payment options for U.S. Civil Service credit.

RECOMMENDATION:

The M&B Committee finds that Mr. Pugh is eligible for the credit; however, full payment of the amount due must be paid to receive the credit.

The findings for denial of Mr. Pugh's appeal are as follows:

1. Retirement Fund Enrollment Application form dated *January 25, 1983*, specifically asks for *Government of Guam service since May 1, 1951*. The second Enrollment Application form dated *February 24, 1987*, Box 14 asks for *Government Service since May 1, 1951*. This subsequent form modification can be construed as the Fund's attempt to solicit information for any government service. Although it does not specifically identify which

government - local or federal, it presented an opportunity for the member to disclose or list all employment local or federal. Such disclosure by the member would have initiated processing for U.S. Civil Service credit claims.

2. Upon enactment of P.L. 20-04 on April 10, 1989, the Fund embarked in measures to notify and inform the membership at large via local print mediums and public hearings, of the changes and requirements affecting application for service credit claims.

VII. REVIEW AND FINDINGS

Based on our review and findings during our meeting of April 14, 2010, the following application is recommended to be forwarded to the Board of Trustees for their review/discussion and disposition.

1. Antonina A. Quenga - Request for reconsideration of application for survivor annuity benefits on behalf of deceased retiree Jose Santiago Quenga.

REQUEST:

Mrs. Quenga is requesting for reconsideration of her application for survivor annuity benefits on behalf of deceased retiree Jose Santiago Quenga.

DISCUSSION:

Mr. Jose Santiago Quenga was married Ms. Frances Gogo Asano on November 7, 1964. A Decree of Separate Maintenance was filed with the Superior Court of Guam on August 14, 1985. There is no record of their divorce. Mrs. Frances Asano Quenga passed away on June 28, 2005 in Killeen, Texas.

In 1989, Mr. Quenga married Maria Joy Limbo in the Republic of the Philippines. On June 06, 1991, they were legally divorced in Guam. Mr. Quenga signed an affidavit attesting to these facts.

On April 21, 1999, Mr. Quenga and Ms. Antonina Akineus applied for a marriage license with the Federate States of Micronesia. Their application was accepted and granted on April 26, 1999, they were married on April 28, 1999 by an Associate Judge at the Pohnpei State Supreme Court.

FINDINGS:

In her request for reconsideration, Mrs. Antonina Quenga, through her attorney, William Gavras contends she is a putative spouse.

A putative spouse is defined as "A person who has cohabited with another to whom he is not legally married in the good faith belief that he was married to that person. It is a marriage entered into in good faith, but invalid due to a legal flaw, such as the existence of a prior marriage. . . . A putative spouse may acquire the rights conferred upon a legal spouse, including the right to alimony following

termination of his/her status, whether or not the marriage is prohibited or declared invalid.

Upon review by the Fund's Legal Counsel it has been determined that Mrs. Antonina Quenga had already sought relief from the Superior Court of Guam and though she voluntarily dismissed the case to pursue this request for reconsideration, it can be anticipated that she would bring the Fund into another lawsuit and ultimately succeed in obtaining a declaration as to her putative spouse status.

RECOMMENDATION:

The committee recommends that the Board of Trustees approve Mrs. Antonina A. Quenga's application for surviving spouse benefits on behalf Mr. Jose Santiago Quenga based on the putative spouse doctrine.

