

***Government of Guam Retirement  
Fund***

***MEMBERS' AND BENEFITS  
COMMITTEE***

***MAY, 2008  
END OF MONTH REPORT***



George A. Santos  
Members' & Benefits Committee, Chairman

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

Antolina S. Leon Guerrero  
Trustee

May 29, 2008

## MEMORANDUM

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

FROM: Chairman, Members' and Benefits Committee  
Government of Guam Retirement Fund

SUBJECT: May, 2008 - End of Month Report

Please find attached the Members' and Benefits Committee's May, 2008 End of Month Report. This report accurately highlights the significant activities and action items reviewed and administered to during the May period.

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

GEORGE A. SANTOS

Committee summary  
August '07 to July '08

	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July
<b>MEMBERS' &amp; BENEFITS DIVISION STAFF</b>	16	16	16	16	16	16	16	16	16	16	16	
<b>No. of Active Members</b>												
Defined Benefits	4,083	4,121	4,063	4,020	3,978	3,988	3,991	3,979	3,979	3,929		
Defined Contributions	5,767	6,101	6,764	6,756	6,779	6,621	6,801	6,846	6,846	6,880		
<b>No. of Retirees</b>												
Defined Benefits	6,815	6,831	6,874	6,866	6,891	6,888	6,895	6,891	6,891	6,891		
Defined Contributions	176	185	187	196	201	199	203	208	208	211		
<b>No. of Cases Pending</b>	54	66	83	54	59	59	63	64	35	48	0	0
a Age Retirement	2	1	1	0	3	2	4	6	2	2		
b Age Retirement (ERIP)	0	0	0	0	0	0	0	0	0	0		
c Optional Retirement	1	1	1	0	3	2	4	2	1	1		
d Service Retirement	1	17	9	7	14	14	15	12	1	6		
e Service Retirement (ERIP)	0	0	0	0	0	0	0	0	0	0		
f Medical Disability Applicants	16	13	9	0	9	6	6	6	6	6		
g Medical Disability - Appeals	2	1	1	0	4	4	4	5	5	6		
h Deferred Age (W/o Survivor Benefits)	1	4	2	1	3	1	4	3	0	1		
i Survivor Annuity Benefits	12	6	6	12	9	7	7	9	5	8		
j Minor Children Survivor Benefits	0	2	0	0	0	2	2	0	4	0		
8134(a).3	0	0	0	0	0	0	0	0	0	0		
8134(a).4c	0	0	0	1	0	0	1	0	0	0		
New Retirees	19	21	54	33	14	21	16	21	11	18		
<b>No. of Cases Acted On</b>	37	56	76	54	51	50	54	53	24	39	0	0
a Age Retirement	2	1	1	0	3	2	4	6	2	2		
b Age Retirement (ERIP)	0	0	0	0	0	0	0	0	0	0		
c Optional Retirement	1	1	1	0	3	2	4	2	1	1		
d Service Retirement	1	17	9	7	14	14	15	12	1	6		
e Service Retirement (ERIP)	0	0	0	0	0	0	0	0	0	0		
f Medical Disability Applicants	1	2	3	0	5	1	1	0	0	3		
g Medical Disability - Appeals	0	2	0	0	0	0	0	0	0	0		
h Deferred Age (W/o Survivor Benefits)	1	4	2	1	3	1	4	3	0	1		
i Survivor Annuity Benefits	12	6	6	12	9	7	7	9	5	8		
j Minor Children Survivor Benefits	0	2	0	0	0	2	2	0	4	0		
8134(a).3	0	0	0	1	0	0	1	0	0	0		
8134(a).4c	0	0	0	0	0	0	0	0	0	0		
New Retirees	19	21	54	33	14	21	16	21	11	18		
<b>No. of Committee Meetings Held</b>	2	2	2	1	3	2	1	2	1	1		
<b>No. of Resolutions Submitted</b>	0	0	0	0	0	0	0	0	0	0		
<b>Communications Received</b>	0	0	0	0	0	0	0	0	0	1		
<b>Communication Acted On</b>	0	0	0	0	0	0	0	0	0	1		

I. TOTAL MEMBERS SERVED:

A. No. of Active Members

- |    |                       |              |  |
|----|-----------------------|--------------|--|
| 1. | Defined Benefits      | 3,929        |  |
| 2. | Defined Contributions | <u>6,880</u> |  |

10,809

B. No. of Retirees

- |    |                       |            |  |
|----|-----------------------|------------|--|
| 1. | Defined Benefits      | 6,892      |  |
| 2. | Defined Contributions | <u>211</u> |  |

7,103

17,912

II. TOTAL STAFFING:

A. Benefit Services Department

- |    |             |    |    |
|----|-------------|----|----|
| 1. | Budget 2007 | 13 |    |
|    | Actual      |    | 10 |

10

B. Members' Services Division

- |    |             |    |   |
|----|-------------|----|---|
| 1. | Budget 2007 | 10 |   |
|    | Actual      |    | 6 |

6

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. Regular	2	
	B. ERIP	0	
	C. Optional	1	3
2.	Service Retirement		
	A. Regular	6	
	B. ERIP	0	6
B.	Section 8123 Applicants Medical Disability		6
C.	Section 8126 Applicants Medical Disability Appeals		6
D.	Section 8130 Applicants Deferred Age		1
E.	Section 8134 Applicants		
	(a) Surviving Spouse		8
	(a).3 Minor Children		0
	(a) 4C Disabled Adult Survivor		0
F.	New Retirees (Nos. 1333- 1350)		18
<b>TOTAL CASES REVIEWED</b>			<b>48</b>

#### IV. REVIEW AND FINDINGS

Based on our review and findings during our meeting of May 14, 2008, the following applications are recommended for **APPROVAL** to the Board of Trustees:

#### MEMBERS AND BENEFITS RETIREMENT APPLICANTS

##### A. SECTION 8119, 8120, 8120.1

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

a.	Name:	Lolita B. Conlu
	Date of Birth:	
	Department:	Public Health & Social Services
	Length of Service:	19 Years 07 Months 00 Days
	Service Factor:	19.583
	Average Annual Salary:	\$27,167.47
	Annual Annuity:	\$11,942.16
	Percentage Earned:	43.957571
	Effective Date:	April 17, 2004

##### 2. Deferred Age Applicant (§8120.1 after 08/22/84)

a.	Name:	Arlene G. Cohen
	Date of Birth:	
	Department:	University of Guam
	Length of Service:	16 Years 06 Months 00 Days
	Service Factor:	16.500
	Average Annual Salary:	\$75,902.76
	Annual Annuity:	\$27,514.80
	Percentage Earned:	36.250065
	Effective Date:	January 19, 2008

3. Service Retirement Applicants (§8119. prior to 10/01/81)

a. Name: Gerard C. Manibusan  
Date of Birth:  
Department: Guam Power Authority  
Length of Service: 26 Years 07 Months 00 Days  
Service Factor: 26.583  
Average Annual Salary: \$66,027.83  
Annual Annuity: \$40,578.96  
Percentage Earned: 61.457358  
Effective Date: October 01, 2007

(\*Mr. Manibusan is being presented for the second time (presented at the 02/20/08 M&B Committee Meeting) due to an adjustment in his annuity - reduction in sick leave hours due to leave sharing - as per GPA's memo dated 04/23/08).

b. Name: Catherine C. Ogo  
Date of Birth:  
Department: University of Guam  
Length of Service: 34 Years 03 Months 00 Days  
Service Factor: 34.250  
Average Annual Salary: \$42,002.76  
Annual Annuity: \$33,864.72  
Percentage Earned: 80.624987  
Effective Date: March 29, 2008

c. Name: Susana B. Paet  
Date of Birth:  
Department: Department of Administration  
Length of Service: 35 Years 03 Months 15 Days  
Service Factor: 35.291  
Average Annual Salary: \$49,359.27  
Annual Annuity: \$41,080.56  
Percentage Earned: 83.227649  
Effective Date: January 01, 2008

d. Name: Andrew G. San Nicolas  
Date of Birth:  
Department: Guam Water Works Authority  
Length of Service: 27 Years 01 Month 15 Days  
Service Factor: 27.125  
Average Annual Salary: \$48,906.57  
Annual Annuity: \$30,719.52  
Percentage Earned: 62.812665  
Effective Date: March 31, 2001

e. Name: Alejandro B. Vilorio  
Date of Birth:  
Department: Guam Memorial Hospital Authority  
Length of Service: 30 Years 10 Months 15 Days  
Service Factor: 30.875  
Average Annual Salary: \$43,701.97  
Annual Annuity: \$31,547.28  
Percentage Earned: 72.187317  
Effective Date: December 22, 2007

4. Service Retirement Applicant (§8120. after 10/01/81)

a. Name: Joseph D. Santos  
Date of Birth:  
Department: Guam Fire Department  
Length of Service: 30 Years 04 Months 15 Days  
Service Factor: 30.375  
Average Annual Salary: \$74,439.54  
Annual Annuity: \$52,805.52  
Percentage Earned: 70.937461  
Effective Date: October 28, 2007



B. SECTION 8123 DISABILITY RETIREMENT APPLICANTS (For Review/Interview)

1. Name: Celestial F. Delos Reyes  
Date of Birth:  
Department: Guam Public School System  
Length of Service: 18 Years 01 Month 15 Days  
Date of Application: January 14, 2008
2. Name: Ricardo G. Fernandez, Jr.  
Date of Birth:  
Department: Guam International Airport Authority  
Length of Service: 08 Years 01 Month 00 Days  
Date of Application: January 29, 2008

C. SECTION 8130 Deferred Age Retirement Application (WITHOUT Survivor's Annuity)

- a. Name: Sunny K. Bathan  
Date of Birth:  
Department: Department of Labor  
Length of Service: 16 Years 03 Months 00 Days  
Service Factor: 16.250  
Average Annual Salary: \$30,446.01  
Annual Annuity: \$10,846.32  
Percentage Earned: 35.624766  
Effective Date: February 24, 2008

D. SECTION 8134 SURVIVING SPOUSE ANNUITY APPLICANTS

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

- a. Name: Edward G. Castro  
Date of Death: April 04, 2008  
Annuity due Decease: \$15,031.68  
Surviving Spouse: Clotilde N. Castro  
Survivor's Annuity: \$ 7,515.84  
Percentage Earned: 50%  
Effective Date: April 04, 2008
- b. Name: Francisco C. Cruz  
Date of Death: March 29, 2008  
Annuity due Decease: \$30,752.64  
Surviving Spouse: Carmen A. Cruz  
Survivor's Annuity: \$15,376.32  
Percentage Earned: 50%  
Effective Date: March 29, 2008
- c. Name: Herminia D. Dierking  
Date of Death: March 24, 2008  
Annuity due Decease: \$46,406.16  
Surviving Spouse: John C. Dierking, Jr.  
Survivor's Annuity: \$23,203.20  
Percentage Earned: 50%  
Effective Date: March 24, 2008
- d. Name: Gene C. Krummel  
Date of Death: March 08, 2008  
Annuity due Decease: \$10,510.08  
Surviving Spouse: Karen Krummel  
Survivor's Annuity: \$ 5,255.04  
Percentage Earned: 50%  
Effective Date: March 08, 2008

- e.     Name:                                 David R. Mafnas  
        Date of Death                     April 11, 2008  
        Annuity due Decease:             \$27,350.16  
        Surviving Spouse:                 Patricia LG Mafnas  
        Survivor's Annuity:               \$13,675.20  
        Percentage Earned:               50%  
        Effective Date:                    April 11, 2008
- f.     Name:                                 Donald L. Paillette  
        Date of Death                     January 21, 2008  
        Annuity due Decease:             \$28,913.28  
        Surviving Spouse:                 Karen A. Paillette  
        Survivor's Annuity:               \$14,456.64  
        Percentage Earned:               50%  
        Effective Date:                    January 21, 2008
- g.     Name:                                 Jose M. Unpingco  
        Date of Death                     March 28, 2008  
        Annuity due Decease:             \$15,027.12  
        Surviving Spouse:                 Alejandra H. Unpingco  
        Survivor's Annuity:               \$ 7,513.68  
        Percentage Earned:               50%  
        Effective Date:                    March 28, 2008
- h.     Name:                                 Filomena H. Velez  
        Date of Death                     April 01, 2008  
        Annuity due Decease:             \$33,611.76  
        Surviving Spouse:                 Paterno A. Velez  
        Survivor's Annuity:               \$16,806.00  
        Percentage Earned:               50%  
        Effective Date:                    April 01, 2008

E. Supplemental Listing of New Retirees and Finalized Retirement Annuities

1333	Name	Arlene G. Cohen
	Date of Birth	
	Department	University of Guam
	Effective Date	January 19, 2008
1334	Name	Karen A. Paillette
	Surviving Spouse of	Donald L. Paillette
	Department	Governor's Office
	Effective Date	January 28, 2008
1335	Name	Avelyn A. Babauta
	Date of Birth	
	Department	Guam Public School System
	Effective Date	February 08, 2008
1336	Name	Mildred R. Acfalle
	Date of Birth	
	Department	Public Defender's
	Effective Date	February 16, 2008
1337	Name	Karen Krummel
	Surviving Spouse of	Gene C. Krummel
	Department	Guam Community College
	Effective Date	March 08, 2008
1338	Name	Conchita N. Mara
	Date of Birth	
	Department	Guam Memorial Hospital Authority
	Effective Date	March 09, 2008

1339	Name	John C. Dierking, Jr.
	Surviving Spouse of	Herminia D. Dierking
	Department	Guam Housing & Urban Renewal
	Effective Date	March 24, 2008
1340	Name	Alejandra H. Unpingco
	Surviving Spouse of	Jose M. Unpingco
	Department	University of Guam
	Effective Date	March 28, 2008
1341	Name	Carmen A. Cruz
	Surviving Spouse of	Francisco C. Cruz
	Department	Department of Administration
	Effective Date	March 29, 2008
1342	Name	Catherine C. Ogo
	Date of Birth	
	Department	University of Guam
	Effective Date	March 29, 2008
1343	Name	Francisco Q. Salas
	Date of Birth	
	Department	Department of Public Works
	Effective Date	March 29, 2008
1344	Name	Virginia T. Gamisera
	Date of Birth	
	Department	Guam Memorial Hospital Authority
	Effective Date	March 30, 2008
1345	Name	Frank SN Muna
	Date of Birth	
	Department	Guam Fire Department
	Effective Date	March 30, 2008

1346	Name	Paterno A.Velez
	Surviving Spouse of	Filomena H. Velez
	Department	Public Health & Social Services
	Effective Date	April 01, 2008
1347	Name	Clotilde N. Castro
	Surviving Spouse of	Edward G Castro
	Department	Guam Telephone Authority
	Effective Date	April 04, 2008
1348	Name	Patricia LG Mafnas
	Surviving Spouse of	David R. Mafnas
	Department	Guam Telephone Authority
	Effective Date	April 11, 2008
1349	Name	George C. Cruz
	Date of Birth	
	Department	Department of Public Works
	Effective Date	April 12, 2008
1350	Name	Burnham S. Howser, Jr.
	Date of Birth	
	Department	Guam Power Authority
	Effective Date	April 26, 2008

V. REVIEW AND FINDINGS

Based on our review and findings during our meeting of May 14, 2008, the following application is recommended for DISAPPROVAL to the Board of Trustees:

A. Section 8123 (Disability Applicant - For Interview/Review)

a.	Name	Bernadette V.C. Taitague
	Date of Birth	
	Department	Department of Land Management
	Length of Service	17 Years 01 Month 00 Days
	Date of Application	December 28, 2007

## VI. REVIEW AND FINDINGS

RE: Saville v. Government of Guam Retirement Fund

### Facts:

On November 10, 2005, Mr. Saville's application for disability benefits was denied. Mr. Saville appealed the decision in January 2006 and his appeal was later denied in July 2006. As a result, on August 20, 2006, Mr. Saville voluntarily applied for age retirement without survivor benefits. Mr. Saville did not meet the age and service requirements for retirement with survivor benefits. Concurrently, in August 2006, Mr. Saville commenced legal proceedings against the Fund for full disability retirement benefits.

On September 02, 2007, Mr. Saville passed away and legal proceedings came to a stop. In December 2007, Mr. Saville's estate appointed an administrator to pursue his case against the Fund. In early January 2008, the Fund filed a Motion for Summary Judgment and the Court denied the Fund's Motion for Summary Judgment in April 2008.

Accordingly, the Fund's Legal Counsel provided two options for the Board to consider:

1. The Fund may appeal the Court's decision, and must do so by June 2, 2008; or
2. The Fund may settle this matter with the Saville estate. Specifically, this would include the value of disability retirement benefits Mr. Saville would have accrued plus any interest.

### Findings:

The Members' and Benefits' Committee recommends that the Board settle this matter with the Saville estate before it expends any further resources on the reconsideration of the application.

Based on an effective date of 11/10/05, full disability retirement benefits would be approximately \$49,700.00 excluding interest. Effective 09.02.07, a surviving spouse benefit would be in effect and this would be approximately \$17,805.00 per annum for the lifetime of the surviving spouse.



VII. REVIEW AND FINDINGS (Correspondences)

1. COR 07-08 - re: Melvin G. Castro

Request:

Mr. Castro is petitioning the Board of Trustees for Military Service Credit pursuant to **§8108 of Title 4, Chapter 8 G.C.A.**

<u>Service History:</u>	<u>Agency</u>	<u>Status</u>
05/15/89 to Present	Guam Fire Department	Member

Discussion:

The request presented is for Military Service Credit of the active duty period enlistment with the United States Navy from June 01, 1982 to May 31, 1985.

Pursuant to P.L. 19-19 and §8108 G.C.A., upon the effective date of this act on August 22, 1988, new employees of the Government of Guam have 60 days from their employment date to file/apply for military service credit for retirement purposes. Failure to submit application within the established deadlines will be deemed to constitute grounds for waiver of such credit being sought.

An audit of Mr. Castro's retirement folder did not produce evidence that he submitted application for military service within sixty (60) days of his employment date effective May 15, 1989 with the Guam Fire Department.

Findings:

The Members' and Benefit's committee recommend DISAPPROVAL of this request on the basis of failure to submit an application within the limitations allowed by statute.

