

***Government of Guam Retirement  
Fund***

***MEMBERS' AND BENEFITS  
COMMITTEE***

***MAY, 2009 - REPORT***

Committee Summary  
August '08 to July '09

	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	15			
<b>No. of Active Members</b>												
Defined Benefits	3,797	3,797*	3,862	3,854	3,821	3,821	3,817	3,788	3,841			
Defined Contributions	5,906	5,906*	6,763	6,854	6,875	6,875	6,709	7,032	7,032			
<b>No. of Retirees</b>												
Defined Benefits	6,883	6,883*	6,902	6,906	6,911	6,904	6,891	6,896	6,898			
Defined Contributions	222	222*	231	230	232	232	236	237	239			
<b>No. of Cases Pending</b>	<b>63</b>	<b>0</b>	<b>79</b>	<b>63</b>	<b>63</b>	<b>41</b>	<b>39</b>	<b>38</b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>0</b>
8119, 8120	1	1*	0	0	5	4	0	3	1			
a Age Retirement												
and 8120.1	0	8*	0	0	0	0	2	0	0			
b Age Retirement (ERIP)												
c Optional Retirement	2	2*	4	1	1	3	0	1	1			
d Service Retirement	2	2*	10	12	25	12	4	4	4			
e Service Retirement (ERIP)	0	0*	1	0	0	1	0	0	0			
f Medical Disability Applicants	6	6*	0	9	7	0	4	5	5			
g Medical Disability - Appeals	5	5*	0	2	3	0	1	0	0			
h Deferred Age (W/o Survivor Benefits)	0	0*	2	0	2	2	3	2	1			
8130 Par 3	0	0	0	0	0	1	0	0	0			
i Deferred Age (W/ Survivor Benefits)												
8134 (a)	15	15*	20	3	4	5	8	9	10			
j Survivor Annuity Benefits												
8134(a).3	0	0*	1	0	0	1	2	0	0			
k Minor Children Survivor Benefits												
8134(a).4c	0	0*	1	1	1	0	0	1	1			
l Disabled Adult Survivor Benefits												
m New Retirees	32	32*	40	35	15	12	15	13	18			
<b>No. of Cases Acted On</b>	<b>59</b>	<b>0</b>	<b>79</b>	<b>52</b>	<b>53</b>	<b>41</b>	<b>34</b>	<b>33</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>0</b>
8119, 8120	1	1*	0	0	5	4	0	3	1			
a Age Retirement												
and 8120.1	0	0*	0	0	0	0	2	0	0			
b Age Retirement (ERIP)												
c Optional Retirement	2	2*	4	1	1	3	0	1	1			
d Service Retirement	2	2*	10	12	25	12	4	4	4			
e Service Retirement (ERIP)	0	0*	1	0	0	1	0	0	0			
f Medical Disability Applicants	6	6*	0	0	0	0	0	0	0			
g Medical Disability - Appeals	1	1*	0	0	0	0	0	0	0			
h Deferred Age (W/o Survivor Benefits)	0	0*	2	0	2	2	3	2	1			
8130 Par 3	0	0	0	0	0	1	0	0	0			
i Deferred Age (W/ Survivor Benefits)												
8134 (a)	15	15*	20	3	4	5	8	9	10			
j Survivor Annuity Benefits												
8134(a).3	0	0*	1	0	1	0	0	1	0			
k Minor Children Survivor Benefits												
8134(a).4c	0	0*	1	1	1	0	0	1	1			
l Disabled Adult Survivor Benefits												
New Retirees	32	32*	40	35	15	12	15	13	18			
<b>No. of Committee Meetings Held</b>	<b>2</b>	<b>0*</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Communications Received</b>	<b>0</b>	<b>0*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Communication Acted On</b>	<b>0</b>	<b>0*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* No scheduled meeting held during the month of September, 2008



**George A. Santos**  
Members' & Benefits Committee, Chairman

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

**Antolina S. Leon Guerrero**  
Trustee

May 29, 2009

**MEMORANDUM**

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

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

**SUBJECT:** May, 2009- Report

Please find attached the Members' and Benefits Committee's May, 2009 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**

**I. TOTAL MEMBERS SERVED:**

A. No. of Active Members

1.	Defined Benefits	3,780
2.	Defined Contributions	<u>7,073</u>

10,853

B. No. of Retirees

1.	Defined Benefits	6,888
2.	Defined Contributions	<u>241</u>

7,129

17,982

**II. TOTAL STAFFING:**

A. Benefit Services Department

1.	Budget 2009	13
	Actual	

10

B. Members' Services Division

1.	Budget 2009	9
	Actual	

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	2
		B. Regular	3
		C. ERIP	0
			5
2.	Service Retirement	A. Regular	6
		B. ERIP	2
			8
B.	Section 8123 Applicants Medical Disability		3
C.	Section 8126 Applicants Medical Disability Appeals		0
D.	Section 8130 Applicants Deferred Age w/o Survivor Benefits		0
	Section 8130 Applicants Deferred Age w/Survivor Benefits		0
E.	Section 8134 Applicants (a) Surviving Spouse		14
	(a).3 Minor Children		0
	(a) 4c Disabled Adult Survivor		2
F.	New Retirees (Nos. 1556-1577)		<u>22</u>
	<b>TOTAL CASES REVIEWED</b>		<b>54</b>

#### IV. REVIEW AND FINDINGS

Based on our review and findings during our meeting of May 13, 2009, the following applications are recommended for **APPROVAL** to the Board of Trustees:

#### MEMBERS AND BENEFITS RETIREMENT APPLICANTS

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

##### 1. Deferred Age Retirement Applicant (§8119. Prior to 10/01/81)

a.	Name:	Lorraine Aguilar
	Date of Birth:	
	Department:	Guam Public School System
	Length of Service:	15 Years 02 Months 15 Days
	Service Factor:	15.208
	Average Annual Salary:	\$30,911.71
	Annual Annuity:	\$10,206.96
	Percentage Earned:	33.019719
	Effective Date:	November 14, 2008

##### 1(a). Age Retirement Applicants (§8120.1 after 08/22/84)

a.	Name:	Daniel T. Mendiola
	Date of Birth:	
	Department:	Guam Public School System
	Length of Service:	27 Years 01 Month 15 Days
	Service Factor:	27.125
	Average Annual Salary:	\$78,032.83
	Annual Annuity:	\$49,014.48
	Percentage Earned:	62.812639
	Effective Date:	February 28, 2009

b. Name: Ignacio B. Valdez  
Date of Birth:  
Department: Department of Public Works  
Length of Service: 15 Years 07 Months 00 Days  
Service Factor: 15.583  
Average Annual Salary: \$33,217.15  
Annual Annuity: \$11,279.76  
Percentage Earned: 33.957639  
Effective Date: February 07, 2009

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

a. Name: Andrew T. Certeza  
Date of Birth:  
Department: Guam Public School System  
Length of Service: 25 Years 08 Months 15 Days  
Service Factor: 25.708  
Average Annual Salary: \$38,575.13  
Annual Annuity: \$14,918.40  
Percentage Earned: 38.673622  
Effective Date: October 11, 2008

b. Name: Joseph F. Salas  
Date of Birth:  
Department: Guam Public School System  
Length of Service: 26 Years 02 Months 00 Days  
Service Factor: 26.166  
Average Annual Salary: \$70,812.25  
Annual Annuity: \$40,321.20  
Percentage Earned: 56.940995  
Effective Date: October 01, 2008

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

- a. Name: Wilfred D. Castro  
Date of Birth:  
Department: Guam Water Works Authority  
Length of Service: 31 Years 06 Months 15 Days  
Service Factor: 31.541  
Average Annual Salary: \$61,580.03  
Annual Annuity: \$45,478.32  
Percentage Earned: 73.852383  
Effective Date: February 12, 2009
- b. Name: Araceli B. Mangrobang  
Date of Birth:  
Department: Guam Memorial Hospital Authority  
Length of Service: 28 Years 01 Month 00 Days  
Service Factor: 28.083  
Average Annual Salary: \$106,647.40  
Annual Annuity: \$ 69,542.16  
Percentage Earned: 65.207553  
Effective Date: April 01, 2004
- c. Name: Gloria C. Matanane  
Date of Birth:  
Department: Guam Public School System  
Length of Service: 32 Years 03 Months 15 Days  
Service Factor: 32.291  
Average Annual Salary: \$56,045.10  
Annual Annuity: \$42,441.60  
Percentage Earned: 75.727583  
Effective Date: April 09, 2009



d. Name: Frankie C. Taimanglo  
Date of Birth:  
Department: Guam Water Works Authority  
Length of Service: 26 Years 06 Months 00 Days  
Service Factor: 26.500  
Average Annual Salary: \$62,679.59  
Annual Annuity: \$38,391.36  
Percentage Earned: 61.250177  
Effective Date: October 01, 2008

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

a. Name: Virginia T. Gamisera  
Date of Birth:  
Department: Guam Memorial Hospital Authority  
Length of Service: 30 Years 07 Months 00 Days  
Service Factor: 30.583  
Average Annual Salary: \$111,226.61  
Annual Annuity: \$ 79,479.84  
Percentage Earned: 71.457576  
Effective Date: March 30, 2008

b. Name: Marjorie J. Raess  
Date of Birth:  
Department: Guam Public School System  
Length of Service: 32 Years 04 Months 15 Days  
Service Factor: 32.375  
Average Annual Salary: \$76,035.89  
Annual Annuity: \$57,739.68  
Percentage Earned: 75.937402  
Effective Date: October 01, 2007

3(c). Service Retirement Applicants (Early Retirement Incentive Program)

- a. Name: Vicente L. Cruz  
Date of Birth:  
Department: Guam Telephone Authority  
Length of Service: 27 Years 11 Months 15 Days  
Service Factor: 27.958  
Average Annual Salary: \$44,315.86  
Annual Annuity: \$28,758.72  
Percentage Earned: 64.894870  
Effective Date: January 01, 2000
- b. Name: Gregorio C. Tyquiengco  
Date of Birth:  
Department: Guam Telephone Authority  
Length of Service: 35 Years 11 Months 15 Days  
Service Factor: 35.958  
Average Annual Salary: \$62,755.52  
Annual Annuity: \$53,276.40  
Percentage Earned: 84.895161  
Effective Date: January 01, 2000

B. SECTION 8134 SURVIVOR ANNUITY APPLICANTS

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

- a. Name: Leovigeldo A. Arce  
Date of Death: February 18, 2009  
Annuity due Decease: \$14,411.76  
Surviving Spouse: Concepcion I. Arce  
Survivor's Annuity: \$ 7,206.00  
Percentage Earned: 50%  
Effective Date: February 18, 2009

- b. Name: James C. Blas  
Date of Death: March 28, 2009  
Annuity due Decease: \$37,737.60  
Surviving Spouse: Doris T. Blas  
Survivor's Annuity: \$18,868.80  
Percentage Earned: 50%  
Effective Date: March 28, 2009
- c. Name: Hugh G. Crunden  
Date of Death: March 02, 2009  
Annuity due Decease: \$23,449.68  
Surviving Spouse: Maria F. Crunden  
Survivor's Annuity: \$11,724.96  
Percentage Earned: 50%  
Effective Date: March 02, 2009
- d. Name: Edward J. Cruz  
Date of Death: March 20, 2009  
Annuity due Decease: \$115,628.40  
Surviving Spouse: Elisabeth T. Cruz  
Survivor's Annuity: \$57,814.32  
Percentage Earned: 50%  
Effective Date: March 20, 2009
- e. Name: Enrique Q. Cruz  
Date of Death: March 12, 2009  
Annuity due Decease: \$12,196.56  
Surviving Spouse: Martha M. Cruz  
Survivor's Annuity: \$ 6,098.40  
Percentage Earned: 50%  
Effective Date: March 12, 2009
- f. Name: Severo C. Escrupulo  
Date of Death: March 26, 2009  
Annuity due Decease: \$20,771.04  
Surviving Spouse: Priscilla F. Escrupulo  
Survivor's Annuity: \$10,385.52  
Percentage Earned: 50%  
Effective Date: March 26, 2009

- g. Name: Larry B. Flores  
Date of Death: September 06, 2002  
Annuity due Decease: \$26,463.36  
Surviving Spouse: Arlene Mae Q. Flores (Regular Survivor)  
Survivor's Annuity: \$13,231.68  
Percentage Earned: 50%  
Effective Date: September 06, 2002
- h. Name: Selvestre F. Guillermo  
Date of Death: March 22, 2009  
Annuity due Decease: \$41,510.40  
Surviving Spouse: June P. Guillermo  
Survivor's Annuity: \$20,755.20  
Percentage Earned: 50%  
Effective Date: March 22, 2009
- i. Name: Arthur D. Jackson  
Date of Death: April 14, 2009  
Annuity due Decease: \$22,205.52  
Surviving Spouse: Joann LM Jackson  
Survivor's Annuity: \$11,102.88  
Percentage Earned: 50%  
Effective Date: April 14, 2009
- j. Name: David T. Limtiaco  
Date of Death: February 12, 2008  
Annuity due Decease: \$34,629.84  
Surviving Spouse: Barbara D. Limtiaco  
Survivor's Annuity: \$17,315.04  
Percentage Earned: 50%  
Effective Date: February 12, 2008
- k. Name: Francisco T. Manibusan  
Date of Death: March 31, 2009  
Annuity due Decease: \$15,404.64  
Surviving Spouse: Marie A.G. Manibusan  
Survivor's Annuity: \$ 7,702.32  
Percentage Earned: 50%  
Effective Date: March 31, 2009

- |    |                      |  |
|----|----------------------|--|
| 1. | Name:                | Jose C. Nauta                              |
|    | Date of Death:       | March 24, 2009                             |
|    | Annuity due Decease: | \$17,569.44                                |
|    | Surviving Spouse:    | Eleanor G. Nauta                           |
|    | Survivor's Annuity:  | \$ 8,784.72                                |
|    | Percentage Earned:   | 50%  |
|    | Effective Date:      | March 24, 2009                             |
|    |                      |  |
| m. | Name:                | Francisco I. San Nicolas                   |
|    | Date of Death:       | March 29, 2009                             |
|    | Annuity due Decease: | \$50,452.32                                |
|    | Surviving Spouse:    | Dolores LG San Nicolas                     |
|    | Survivor's Annuity:  | \$25,226.16                                |
|    | Percentage Earned:   | 50%  |
|    | Effective Date:      | March 29, 2009                             |
|    |                      |  |
| n. | Name:                | Larry B. Flores                            |
|    | Date of Death:       | September 06, 2002                         |
|    | Annuity due Decease: | \$34,147.44                                |
|    | Surviving Spouse:    | Arlene Mae Q. Flores (Disability Survivor) |
|    | Survivor's Annuity:  | \$17,073.84                                |
|    | Percentage Earned:   | 50%  |
|    | Effective Date:      | November 26, 2002                          |

C. SUPPLEMENTAL LISTING OF NEW RETIREES AND FINALIZED RETIREMENT ANNUITIES

- |      |                |                          |
|------|----------------|--------------------------|
| 1556 | Name           | Vicente L. Cruz          |
|      | Date of Birth  |                          |
|      | Agency         | Guam Telephone Authority |
|      | Effective Date | January 01, 2000         |
|      |                |                          |
| 1557 | Name           | Gregorio C. Tyquiengco   |
|      | Date of Birth  |                          |
|      | Agency         | Guam Telephone Authority |
|      | Effective Date | January 01, 2000         |

1558	Name	Ramona C. Castro
	Date of Birth	
	Agency	Guam Public School System
	Effective Date	August 12, 2008
1559	Name	Concepcion I. Arce
	Surviving Spouse of	Leovigeldo A. Arce
	Agency	Department of Public Works
	Effective Date	February 18, 2009
1560	Name	Luis M. Cabrera
	Date of Birth	
	Department	Mental Health & Substance Abuse
	Effective Date	February 26, 2009
1561	Name	Maria F. Crunden
	Surviving Spouse of	Hugh G. Crunden
	Department	Department of Public Works
	Effective Date	March 02, 2009
1562	Name	Martha M. Cruz
	Surviving Spouse of	Enrique Q. Cruz
	Department	Department of Public Works
	Effective Date	March 12, 2009
1563	Name	David T. Perez, Jr.
	Date of Birth	
	Department	Department of Administration
	Effective Date	March 14, 2009
1564	Name	Elisabeth T. Cruz
	Surviving Spouse of	Edward J. Cruz
	Department	Guam Memorial Hospital Authority
	Effective Date	March 20, 2009
1565	Name	June P. Guillermo
	Surviving Spouse of	Selvestre F. Guillermo
	Department	Guam Power Authority
	Effective Date	March 22, 2009

1566	Name Surviving Spouse of Department Effective Date	Wei Zhang Helmuth Victor Wuerch Guam Environmental Protection Agency March 23, 2009
1567	Name Surviving Spouse of Agency Effective Date	Eleanor G. Nauta Jose C. Nauta Guam Memorial Hospital Authority March 24, 2009
1568	Name Surviving Spouse of Agency Effective Date	Priscilla F. Escrupulo Severo C. Escrupulo Department of Administration March 26, 2009
1569	Name Surviving Spouse of Agency Effective Date	Doris T. Blas James C. Blas Guam Water Works Authority March 28, 2009
1570	Name Date of Birth Agency Effective Date	Teresita LG Diego  Guam Public School System March 28, 2009
1571	Name Date of Birth Agency Effective Date	Juan M. Eustaquio  Department of Public Works March 28, 2009
1572	Name Date of Birth Agency Effective Date	Vidrino D. Quitariano  Council of Arts and Humanities March 28, 2009
1573	Name Date of Birth Agency Effective Date	Sixta M. Santos  Department of Administration March 28, 2009

1574	Name	Dolores LG San Nicolas
	Surviving Spouse of	Francisco I. San Nicolas
	Agency	Port Authority of Guam
	Effective Date	March 29, 2009
1575	Name	Marie A.G. Manibusan
	Surviving Spouse of	Francisco T. Manibusan
	Agency	Department of Public Works
	Effective Date	March 31, 2009
1576	Name	Joann L.M. Jackson
	Surviving Spouse of	Arthur D. Jackson
	Agency	Department of Public Works
	Effective Date	April 14, 2009
1577	Name	Francisco C. Meno
	Date of Birth	
	Agency	Guam Community College
	Effective Date	April 25, 2009



## **V. REVIEW AND FINDINGS**

The Members' and Benefits Committee conducted a lengthy discussion on the procedures relative to Adult Disabled Annuitant Applicants. The basic question being should applications of this nature be discussed at the standing committee level or should this be a matter better suited at the Board level acting then as a Committee of the Whole Body.

We concluded that there is no good reason why a standing committee, such as the Members' and Benefits Committee, be an extra level of review when the Board wishes to conduct a review of Adult Disabled Applicants at the Board level.

Therefore, henceforth, we will ensure that all applications relative to the Adult Disabled be forwarded to the Board of Trustees for review/discussion and disposition.

In this regard, the following applicants are transmitted for your attention:

1. Application for Disabled Adult Survivor Benefits, 4GCA Chapter 8, Subsection 8134\*1289

Disabled Adult	Ignacio A. Aquino
Date of Birth	
Age	Forty-Three (43) Years Old

Name of Deceased Retiree	Ignacio M. Aquino
Employing Department	Department of Public Works
Years of Service	31 Years 00 Months 15 Days
Position Title	School Bus Driver
Marital Status	Married
Date of Birth	
Date of Death	May 07, 2008
Date of Application	April 08, 2009

Ms. Jacqueline F.A. Aquino is applying for Disabled Adult Survivor benefits on behalf of Ignacio A. Aquino. Mr. Aquino is the biological child of Mr. Ignacio M. Aquino, deceased retiree who passed away on May 07, 2008.

In support of her application, Ms. Aquino has provided a copy of Ignacio A. Aquino's birth certificate, two (2) Report of Medical Examination of Minor Child disability forms, The Order Appointing Legal Guardian, as well as a copy of the death certificate of his deceased father.

2. Application for Disabled Adult Survivor Benefits, 4GCA Chapter 8, Subsection 8134\*1289

Disabled Adult	John Vincent Q. Pangelinan
Date of Birth	
Age	Twenty-Nine (29) Years Old

Name of Deceased Retiree	Juan L. Pangelinan
Employing Department	Guam Legislature
Years of Service	25 Years 06 Months 15 Days
Position Title	Supervisor
Marital Status	Widower
Date of Birth	
Date of Death	January 23, 2009
Date of Application	April 01, 2009

Mr. John U. Pangelinan, Mrs. June Q. Pangelinan, and Mr. Jason G. Pangelinan are applying for Disabled Adult Survivor Benefits on behalf of Mr. John Vincent Q. Pangelinan. John Vincent Q. Pangelinan is the adopted son of Mr. Juan L. Pangelinan, deceased retiree who passed away on January 23, 2009.

In support of their application, Mr. & Mrs. John U. and June Q. Pangelinan, and Mr. Jason G. Pangelinan have provided a copy of John Vincent Q. Pangelinan's birth certificate, two (2) Report of Medical Examination of Minor Child disability forms, the Order Appointing Legal Guardian as well as a copy of the death certificate of his deceased father.

3. Application for Disabled Adult Survivor Benefits, 4GCA Chapter 8, Subsection 8134\*1289

Disabled Adult	Jocelyn T. Nededog
Date of Birth	
Age	Forty-Three (43) Years Old

Name of Deceased Retiree	Josefina T. Nededog
Employing Department	Judiciary of Guam
Years of Service	31 Years 05 Months 00 Days
Position Title	Probation Officer
Marital Status	Married
Date of Birth	
Date of Death	January 23, 2009
Date of Application	April 01, 2009

Jocelyn T. Nededog is applying for Disabled Adult Survivor benefits on behalf of herself. Ms. Nededog is the natural child of Josefina T. Nededog, deceased retiree who passed away on January 08, 2009.

In support of her application, Ms. Nededog has provided a copy of her birth certificate, two (2) Report of Medical Examination of Minor Child disability forms, as well as a copy of the death certificate of her deceased mother.

## VI. REVIEW AND FINDINGS

COR 08-06

Applicant: Liberty A. Perez  
Agency: Department of Public Works

### Request:

Consideration to apply for Redeposit Service Credit and reinstatement into the Defined Benefit Plan.

### Service History:

<u>Period</u>	<u>Agency</u>	<u>Status</u>
08/26/91 to 04/04/08	DPW	Dismissal
04/08/08	Applied for Refund of Contributions	Refunded
02/27/09	DPW	Reinstated D/C Plan

### Discussion:

Ms. Perez was dismissed by her employer effective April 04, 2008 and submitted to the Fund on April 08, 2008 an application for withdrawal of retirement contributions. Her refund check was processed on April 18, 2008.

The Civil Service Commission ruled in her favor of the wrongful termination and adjudged that she be reinstated by her employer to the date of dismissal on April 08, 2008. The reinstatement personnel action was processed February 27, 2009.

### Reference:

§8206. 4 G.C.A. Participation in Government of Guam Defined Contribution System; limiting participation in existing retirement system.

Beginning October 01, 1995, the Government of Guam Defined Contribution System shall be the single retirement program for all new employees whose employment commences on or after that date. No additional new employees may

be admitted to the existing retirement system. Members of the existing retirement system whose employment continues beyond September 30, 1995, shall continue to contribute and participate in the existing system without change in provisions or benefits. Any employee who leaves government service after September 30, 1995, who is later reemployed by the Government of Guam shall be eligible for membership only in the Government of Guam Defined Contribution Retirement System; provided, that he or she shall be entitled to readmission to the existing retirement system in which he or she was originally a member, if such employee has not withdrawn his or her retirement contributions from the existing retirement system. *However, if such employee has withdrawn his or her contribution from the existing retirement system, the readmission shall not be permitted and the employee will be entitled only to membership in the Government of Guam Defined Contribution System.* Any employee who retires after September 30, 1995, and who later becomes reemployed by the Government of Guam, shall be entitled to readmission to the existing retirement system pursuant to 4 GCA §8121.

M&B Committee Recommendation:

The committee voted to affirm staff's recommendation and therefore recommends **DISAPPROVAL** of this request.

## VII. REVIEW AND FINDINGS

### COR 08-07

Applicant: Ramona C. Castro  
Agency: Guam Public School System

Request:

Grant request to refund retirement contributions from her reemployed period of July 31, 2000 through resignation date effective August 11, 2008.

Service History:

Period	Agency	Status
11/10/76 to 06/10/77	DOE	Refunded/Repaid
01/22/92 to 12/31/99	DOE	Member/Retired ERIP
07/31/00 to 08/11/08	GPSS	Member/Resigned

Discussion:

Ms. Castro applied for and received service credit to retire on December 31, 1999 with the Early Retirement Incentive Program (ERIP). Upon her reemployment on July 31, 2000, she enrolled membership into the Defined Benefit Plan to enhance her service credit for retirement purposes.

Upon her resignation effective August 11, 2008, she had requested for and was denied an application to withdraw retirement contributions for the reemployment period of July 31, 2000 through August 11, 2008.

Pursuant to 4 G.C.A. §8121. Suspension of Annuity Payment. A retired member who subsequently becomes an employee eligible for membership under §8106 of this Title prior to \*January 1, 1999 *shall, upon becoming so employed, have that member's right to received payment of that member's annuity suspended for the duration of that member's annuity provided by this Article, including automatic increases therein, shall be retained by that member.* (\*January 1, 1999 extended to January 1, 2000 by P.L. 25-90 for ERIP.)

By virtue of her suspension of annuity upon reemployment and submission of the Retirement Fund enrollment Application form; this is construed by retirement law as intent for membership status into the defined benefit plan to enhance total years of services for retirement purposes. Thus, the member will benefit by a recalculation and increase of annuity benefits. The Fund does not have a provision that allows retirees who are subsequently reemployed and who have resigned from such employment to apply and receive retirement contributions for incremental service periods of employment.

Members & Benefits Committee Recommendation:

The committee voted to affirm staff's recommendation and therefore recommends **DISAPPROVAL** of this request.