
**Rules of
Retirement Systems**
**Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)**
Chapter 3—Hearings and Proceedings

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**Title 16—RETIREMENT
SYSTEMS**

**Division 20—Missouri Local
Government Employees' Retirement
System (LAGERS)**

Chapter 3—Hearings and Proceedings

16 CSR 20-3.010 Hearings and Proceedings

PURPOSE: The purpose of these rules is to facilitate a fair and orderly hearing respecting questions arising from the administration of sections 70.600–70.760, RSMo 1986 and the system membership status of any person, all as provided in the sections and, in particular, by sections 70.605.16, 70.605.21, and 70.630.3, RSMo 1986.

(1) Definitions. The definitions found in section 70.600, RSMo (1986) are applicable to these rules unless otherwise specifically provided or unless plainly contrary to the intent of the rule.

(2) Powers and Duties.

(A) The board of trustees shall cause hearings to be conducted and shall make findings of fact and conclusions of law respecting questions arising from the administration of sections 70.600–70.760, RSMo 1994 and questions concerning the system membership status of any person.

(B) The conduct of hearings and proceedings by the board of trustees shall be governed by these rules and the provisions of sections 70.600–70.760, RSMo 1994.

(C) Hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination, or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing.

(3) Initiation of Hearings and Proceedings.

(A) A hearing or proceeding may be initiated by a beneficiary, the board of trustees, an employer, a member, a retirant, the legal advisor of the board of trustees or any person who seeks to become or claims to be a beneficiary, employer, member or retirant.

(B) All hearings and proceedings shall be initiated by petition in writing filed with the executive secretary of the board of trustees. No technical forms of pleadings are required. The petition shall give the full name and address of the petitioner and his/her counsel and shall be signed by the petitioner or his/her counsel. Sufficient copies of the petition shall be furnished by the petitioner to provide a copy for each member of the board of trustees, the executive secretary of the board, the legal advisor of the board and for each necessary party to the proceeding. Suitable space shall remain on the caption of the petition for appropriate identification. All averments shall be in numbered paragraphs. A petition shall state briefly and concisely the relevant facts from which arise and which present the question(s) respecting the administration of sections 70.600–70.760, RSMo (1986), or the system membership status of any person or rules pertaining to same.

(C) Upon receipt of a petition, the executive secretary of the board of trustees shall cause a copy of the petition to be furnished to each member of the board of trustees and to the legal advisor of the board of trustees and shall cause a copy of the petition to be served upon all necessary parties by certified mail. Necessary parties shall mean interested parties as that term is used in section 70.605.16., RSMo (1986).

(D) Any petition seeking an administrative hearing pursuant to the provisions of this section shall be filed with the executive secretary of the board of trustees no later than sixty (60) days from the date of notification of the decision or action upon which the petition is based.

(4) Answers and Other Pleadings. An interested party has the right to file an answer in response to any petition, which answer shall be in writing and must admit or deny the various averments of the petition. The answer may also contain an affirmative statement of facts believed to be relevant to the issues raised in the petition. The answer shall be signed by the interested party or his/her counsel and filed with the executive secretary of the board of trustees. Sufficient copies shall be furnished to provide a copy for each member of the board of trustees, the executive secretary and the legal advisor. A copy shall be mailed by the interested party to the petitioner. Answers must be filed within twenty (20) days following the mailing of the petition by the executive secretary to the interested parties unless a shorter time is specified in a notice accompanying the petition which shall not be less than five (5) days.

(5) Amendments and Supplementary Pleadings. Petitions may be amended without leave prior to the filing of an answer and thereafter, by leave or by agreement. Answers may be amended without leave at any time prior to five (5) days preceding the hearing and thereafter only by leave. Motions and additional pleadings may be filed when appropriate with copies to be furnished and distributed as provided for answers in 16 CSR 20-3.010(4).

(6) Prehearing Conferences. Prehearing conferences may be held at the direction and with or without the presence of the board of trustees upon the request of the legal advisor to the board, the petitioner, or any interested party for the purpose of the simplification of the issues, the stipulation of facts and documents to avoid unnecessary proof and other appropriate matters.

(7) Hearings and Notice.

(A) All hearings shall be held in Jefferson City, Missouri, at a place and at a time specified in the notice, unless the convenience of the board of trustees and the parties requires a special setting at another place.

(B) Each petition mailed to an interested party by the executive secretary may be accompanied, at his/her discretion, by a notice of the place, date and time the hearing on the petition will be held. A copy of the notice of hearing will also be mailed to the petitioner and to the legal advisor to the board of trustees. The notice of hearing may be served at a later date if the circumstances warrant at the discretion of the executive secretary. In such case, a notice of the filing of the petition, without a hearing date, shall accompany the petition and be furnished each interested party and the legal advisor to the board of trustees. The notice shall also identify the proceeding and inform each interested party of his/her right to file an answer within twenty (20) days of the date of the notice.

(C) The hearing date may be continued from time-to-time by the board of trustees and upon notice to the parties. Any party may request a continuance for good cause. Notice shall be given to all parties by ordinary mail of a continuance and any new hearing place, date and time.

(D) All hearings shall be open to the public. All parties have the right to be present and to be represented by legal counsel.

(E) The petitioner will present his/her proof, following which other parties shall present their proof in an order determined by the board of trustees. Written stipulations may be filed respecting the facts.



(F) The proceedings in all hearings shall be suitably recorded and preserved by the board of trustees who shall cause to be prepared one (1) copy of the transcript of the hearing, unless the preparation is waived by all parties. Additional copies of the transcript will be prepared at the request and expense of the party(ies) requesting the copies.

(8) Decisions. The board of trustees shall make findings of fact and conclusions of law and enter its decision. A copy shall be mailed to all parties or their counsel, by certified mail, on or prior to the effective date of the decision.

(9) Judicial Review. Any party adversely affected by the decision may seek judicial review under the provisions of chapter 536, RSMo (1986).

AUTHORITY: sections 70.605.16 and 70.605.21, RSMo 2000. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Aug. 30, 2000, effective Feb. 28, 2001. Amended: Filed Oct. 17, 2001, effective May 30, 2002.*

**Original authority: 70.605, RSMo 1967, amended 1974, 1992, 2000.*