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**COMMONWEALTH OF PENNSYLVANIA
PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

IN RE: ACCOUNT OF WILLIAM R. PHILLIPS
DOCKET NO.: 2020-10
CLAIM OF WILLIAM R. PHILLIPS

ORDER

On November 16, 2020, William R. Phillips ("Claimant"), through counsel, submitted a one-page letter advising that the Law Offices of John J. Martin represent Claimant and requesting that the letter serve as Claimant's Appeal and Request for Administrative Hearing.

By letter dated November 25, 2020, the Public School Employees' Retirement System ("PSERS"), through counsel, advised Claimant's attorney that his one-page letter of appeal was deficient and informed him of PSERS' intent to file a motion if the letter of appeal was not amended, as the letter stated only that Claimant is represented by counsel and is appealing; it did not contain any factual averments, legal grounds for the appeal, or a request for relief.

Claimant did not amend his letter of appeal.

On December 7, 2020, PSERS, through counsel, filed an *Answer* and a *Motion for the Complaint to Be Made More Definite and Certain* ("*Motion*"), pursuant to 1 Pa. Code § 35.54, averring that Claimant's letter of appeal does not contain any facts which, if proven, would form a basis for the conclusion that there has been a violation of a statute or regulation administered by PSERS, and thus, fails to state a claim for which relief may be granted. See 1 Pa. Code § 35.10. PSERS requested that Claimant's letter of appeal be made more definite and certain. PSERS' *Motion*

was served on Claimant's counsel, via first class mail, postage prepaid on December 7, 2020.

Claimant's answer or objection to PSERS' *Motion* was due on or before December 17, 2020. See 1 Pa. Code § 35.179. Claimant did not respond to PSERS' *Motion*. Therefore, the *Motion* was not contested.

By *Order* dated January 8, 2021, this Board, through Secretary Glen R. Grell, directed Claimant "to file a more definite Appeal and Request for Administrative Hearing that included factual averments, the legal grounds for the appeal, and a request for relief, within thirty (30) days of the date of this Order or the matter will be dismissed with prejudice."

The January 8, 2021 *Order* was mailed the same day, via first class mail and certified mail, to both Claimant's legal counsel and Claimant, at their addresses on file with the Board. The first class mailings were not returned to the Board as undeliverable; the certified mail was tracked and confirmed as delivered on January 11, 2021 and February 5, 2021, respectively.

The deadline for Claimant to file a more definite Appeal and Request for Administrative Hearing was February 8, 2021. Claimant did not, as directed by this Board, amend his letter of appeal to address the deficiencies. Neither have Claimant or his counsel filed a request for an extension or otherwise contacted the Appeal Docket Clerk to request additional time to comply with the January 8, 2021 *Order*.

NOW THEREFORE, IT IS HEREBY ORDERED that, Claimant's appeal is DISMISSED with prejudice.

PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD

Dated: 3/5/21

By: 
Christopher SantaMaria, Chairman