



TRS Summary of Proposed New and Repealed Rules

Chapter 43. Contested Cases

TRS is proposing to repeal all 44 of its existing rules in Chapter 43, which govern the pension appeals process, and to replace those repealed rules with 49 new rules. The proposed new rules aim to increase readability and usability for both TRS members and staff. Key changes include:

1. **Restructuring and Readoption** – The proposed new rules mainly restructure the existing Chapter 43 rules. Of the 44 rules proposed for repeal, 42 are being readopted wholly or in part. The proposed new rules are divided into four new subchapters to clarify which rules apply at what point in the TRS appeal process.
2. **Administrative Improvements** – The proposed new rules provide for several minor administrative improvements to the pension appeals process. These improvements include clarifying how to file exceptions after the administrative law judge issues a proposal for decision and setting a clear deadline for members to resubmit petitions for a formal hearing if their original petition was turned down due to technical errors.
3. **Changes to the Hearing Process** – The proposed new rules make changes to the hearing process for appeals to the board of trustees. These changes include delegating the board's authority to determine whether to have oral argument to the executive director in consultation with the board chair; providing an expanded opportunity for parties to submit written briefs to the board; and clarifying the hearing process for disability appeals that come before the board.

These changes are expected to improve the board appeal process by permitting a faster review of requests for oral argument and by ensuring that all parties have opportunity to provide briefs to the board. Also, changes to the disability appeal process clarify how confidential information is protected, how oral arguments are handled, and how the board reviews the administrative law judge's proposal for decision.