{stdlongdate} Member ID: {stdMbrPERSLinkID}

{stdMbrFullName}

{stdMbrAdrCorStreet1}

{x stdMbrAdrCorStreet2}

{stdMbrAdrCorCity} {stdMbrAdrCorState} {stdMbrAdrCorZip}

**RE: OVERPAYMENT OF RETIREMENT BENEFITS**

Dear {stdMbrSalutation}:

{qu OverpaymentDetails}

{x quwhen IsRTWAndOverPayment has 0}.

NDPERS received your retirement membership application from {qu OrgName} notifying this office of your reemployment as a permanent employee. Your reemployment {qu employmentstartdate} requires that {qu OrgName} begin remitting retirement contributions into your retirement account.

Pursuant to the North Dakota Administrative Code Section 71-02-07-02. “The benefits of a retired member who returns to permanent employment shall be suspended. Upon final retirement, the member’s benefit shall be recalculated”. Therefore, your monthly NDPERS retirement benefit will be suspended effective {nextbenefitpaymentdate}.

A member is not eligible to receive a retirement benefit payment while permanently employed with a NDPERS participating employer; therefore, it will be necessary for you to return the benefit payment issued to you for the months of {qu monthstorecover}. If paid **by** December 31st, {year} the total amount of the benefit to be returned is {recoveryamountbm}. If paid **after** December 31st, the total amount due increases to {qu recoveryamount}.{endblock}

The laws governing NDPERS state that a person who receives an overpayment is liable to refund those payments upon receiving an explanation and a written request for the amount to be returned. The North Dakota Administrative Code Chapter 71-02-04-10 states, in part:

{x quwhen NDPERSError has 0}

If the overpayment of benefits was not the result of any wrongdoing, negligence, misrepresentation, or omission by the recipient, the recipient may make repayment arrangements subject to the executive director’s approval within sixty days of the written request for refund with the minimum repayment amount no less than $50.00 per month. If repayment arrangements are not in place within 60 days of the date of the written notice of overpayment, the executive director shall offset the amount of the overpayment from the amount of future retirement benefit payments so that the actuarial equivalent of the overpayment is spread over the individual’s benefit payment period.

{x endblock}

{x quwhen MemberError has 0}

If the overpayment of benefits was the result, in whole or in part, of the wrongdoing, negligence, misrepresentation, or omission of the recipient, the recipient is liable to pay interest charges at the rate of six percent on the outstanding balance, from the time the erroneous benefit was paid through the time it has been refunded in full, plus applicable interest. The recipient may make repayment arrangements, subject to the executive director’s approval, within 60 days of the written request for refund with the minimum repayment amount no less than fifty dollars per month. If repayment arrangements are not in place within sixty days of the date of the written notice of overpayment, the executive director shall offset the amount of the overpayment from the amount of future retirement benefit payments so that the actuarial equivalent of the overpayment is spread over the individual’s benefit payment period.

{x endblock}

The North Dakota Administrative Code Chapter 71-02-09-01 also states:

**Review procedure.** A member who has received notice that the member’s application for benefits has been denied in whole or in part may within thirty days of receipt of such notice secure review by written request addressed to the board in care of the executive director of the public employees retirement system. The applicant has the right to all relevant information available to the board and may submit arguments or comments in writing. The board must render a decision within one hundred twenty days after the request for a review is timely filed. The decision by the board must be submitted to the applicant in writing and include the specific reason or reasons for the decision and the specific references to the provisions of the plan on which the decision is based.

You have the following three options in which to address the situation:

1. Pay back the {recoveryamountbm} in a one-time lump sum by personal check.
2. Propose a repayment schedule, which can be no less that $50.00 a month. {quif MemberError = “0”}You will be charged six (6) percent interest on the unpaid balance until the balance is paid in full. {endblock} NDPERS executive director must approve any proposal you make.
3. Direct the NDPERS executive director to offset the amount of the overpayment from the amount of future benefit payments so that the actuarial equivalent of the overpayment is spread over your lifetime. {quwhen MemberError has 0}

If this option is selected 6 percent interest will be charge on the overpayment from the time the overpayment occurred until retirement benefits begin again. {endblock}

If you do not select one of the above options within 60 days of the date of this letter, option three (3) will automatically be selected and implemented. Please complete and return the enclosed “Memorandum of Understanding” by {60daysfromdateofletter} to inform us of your repayment option.

Please accept our apologies for this error and causing you inconvenience. If you have any questions, please call NDPERS at {stdNDPERSPhoneNumber} or {stdNDPERSTollFreePhoneNumber}.

Sincerely,

NDPERS Executive Director

Enclosure(s) - Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING**

**RETIREMENT OVERPAYMENT**

**NAME:** {stdMbrFullName} Member ID: {stdMbrPERSLinkID}

This memorandum of understanding is confirmation that {stdMbrFullName} will accept the following election to repay the excess benefits of {recoveryamountbm} received in error from the North Dakota Public Employees Retirement System.

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|  |

Pay a lump sum amount of {recoveryamountbm} payable by {60daysfromdateofletter}.

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| --- |
|  |

Pay a monthly payment in the amount of $ effective {60daysfromdateofletter}. This amount will continue for \_\_\_\_\_\_\_\_\_\_ months. (Subject to the approval of the NDPERS Executive Director). Monthly payments can be no less that $50.00 a month.

{quwhen MemberError has 0 }If this option is selected six (6) percent interest will be charge on the overpayment from the time the overpayment occurred until retirement benefits begin again. {endblock}

|  |
| --- |
|  |

Permanently reduce month payment by approximately {lifetimereductionamount} effective {nextbenefitpayment60daysfromdateofletter}. The reduction amount will continue for as long as the benefit is payable. {quwhen IsRTWAndOverPayment has 0} Permanently offset the amount of the overpayment, plus 6 percent interest from the time the overpayment occurred until retirement benefits begin again, from the amount of my future benefit payments so that the actuarial equivalent of the overpayment is spread over my lifetime. {endblock}

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of Member |  | Sharon Schiermeister,  Interim Executive Director  ND Public Employees Retirement System |
|  |  |  |
| Date Signed |  | Date Signed |