

In the Matter of the Application for Survivor Benefits by Mr. Kelly Glossip
Before the Board of Trustees of the
Missouri Department of Transportation and Patrol Employees' Retirement System

STIPULATIONS

Mr. Kelly D. Glossip and Ms. Susie Dahl, Executive Director of the Missouri Department of Transportation and Patrol Employees' Retirement System ("MPERS"), through their attorneys, hereby stipulate and agree to the following matters in connection with Mr. Glossip's application for survivor benefits:

1. Mr. Dennis E. Engelhard joined the Highway Patrol on March 15, 2000 and was a corporal at the time of his death on December 25, 2009. He was killed when struck by a vehicle on Interstate 44 in Missouri as he was completing a traffic investigation of an earlier traffic crash.

2. On August 5, 2010, Mr. Kelly D. Glossip submitted his Survivor Application and attachments to the Missouri Department of Transportation and Patrol Employees' Retirement System. This application was supplemented on August 12, 2010. The application and supplemental filing are attached as Exhibit A.

3. On August 17, 2010, the Executive Director of the MPERS issued her letter denying the application. The denial letter and enclosures are attached as Exhibit B.

4. Mr. Glossip's attorney submitted "Discovery Questions" to MPERS. These questions are Attached as Exhibit C.

5. Ms. Susie Dahl, Executive Director of MPERS, provided her affidavit and attachments responding to Mr. Glossip's Discovery Questions. The Executive Director's affidavit is attached as Exhibit D.



6. The parties agree that the submission by Mr. Glossip of discovery questions and the Executive Director's response to them does not prevent or limit the parties' rights to conduct discovery in the circuit court.

7. The parties in this matter before the Board of Trustees of MPERS are Mr. Kelly Glossip and MPERS' Executive Director, Susie Dahl. The parties agree and stipulate that the survivor application in this matter was denied by the Executive Director pursuant to Missouri statutes and that the only issue presented concerns whether particular provisions of Missouri law are valid. As a result, Mr. Glossip is not required to exhaust his administrative remedies according to Section 536.050, RSMo. The parties present this matter to the Board of Trustees in an abundance of caution to avoid procedural delay should a reviewing court later deem this matter to require a decision of the Board of Trustees as a prerequisite to judicial appeal.

8. MPERS' Executive Director relied on R.S.Mo. §§ 104.015 and 451.022 as the sole bases for denying Mr. Glossip's application for survivor benefits.

Dated this ____ day of October, 2010.

On behalf of:

Kelly D. Glossip

By: 

Roger K. Heidenreich
SNR Denton US LLP

On behalf of:

Missouri Department of Transportation and
Patrol Employees' Retirement System

By: 

Keith Thornburg
General Counsel

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MPERS

Exhibit A

One Metropolitan Square
Suite 3000
St. Louis, MO 63102-2741
314.247.1800
314.259.5969 fax
www.sonnenschein.com

Roger K. Heidenreich
314.239.5803
rheidenreic@sonnenschein.com

August 3, 2010

VIA CERTIFIED MAIL

MoDOT and Patrol Employees' Retirement System
P.O. Box 1930
Jefferson City, MO 65102-1930

Re: Survivor Application

Dear Sirs:

I have enclosed an Application on behalf of Kelly Glossip for benefits under Mo. Rev. Stat. Section 104.140.

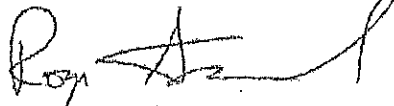
This firm represents Mr. Glossip in connection with this Application. Please direct any questions that you may have to the undersigned.

Thank you for your consideration.

Very truly yours,

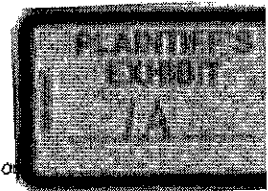
SONNENSCHN NATH & ROSENTHAL LLP

By:


Roger K. Heidenreich

RKH/dsd
Enclosure

21313767W-1



APR 03 2011



MoDOT & Patrol Employees' Retirement System
 PO Box 1930 · Jefferson City, MO 65102-1930
 Phone: (573) 298-6080 · (800) 270-1271
 Fax: (573) 622-6111 · Email: mpers@modot.mo.gov
 Website: www.mpers.org

Survivor Application

1. Complete all sections of this form (type or print clearly)
2. Attach the required proof documents.
3. Mail completed form to MPERS.

MPERS

Deceased Member's Information (attach copy of death certificate)

Member's Name: (Last, First, MI) Engelhard, Dennis E.	Social Security Number: [REDACTED]	Date of Death: 12/25/2009
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Survivor Information

Survivor's Name: (Last, First, MI) Glossip, Kelly D.	Social Security Number: [REDACTED]	Date of Birth: [REDACTED]
Mailing Address: [REDACTED]	(City) [REDACTED]	(State) (Zip Code) MO 63072
Relationship to Deceased Member: <input type="checkbox"/> Spouse <input type="checkbox"/> Minor Child <input checked="" type="checkbox"/> Other	E-mail Address: [REDACTED]	Phone Number: [REDACTED]
		Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female

- * An Affidavit of Natural Parent or Conservatorship must accompany the Survivor Application for each minor child (under the age of 18).
- * Benefits for children stop at age 21 (unless the child is totally incapacitated).
- * Guaranteed payment benefits stop at the end of guaranteed payment period.

Deceased Member's Child(ren) Under Age 21 (if active member death only)

List the deceased member's natural and adopted child(ren) under age 21.

Child's Full Name	Date of Birth	Child's Full Name	Date of Birth

Proof Documentation

Attach the following applicable documentation:

Proof-of-Age/Lawful Presence Document (required) (Check type of document submitted from the following list.) <input checked="" type="checkbox"/> Valid Missouri Drivers License <input type="checkbox"/> US Passport (valid or expired) <input type="checkbox"/> Certificate of Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Certificate of Birth Abroad <input type="checkbox"/> Valid Lawful Permanent Resident Card <input type="checkbox"/> US Birth Certificate (certified original)	Marriage Certificate (if applicable) * If applicant is the spouse of the deceased member, please submit a copy of your marriage certificate (if not previously submitted).	Death Certificate (required) Attach a copy of the death certificate with this form.
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Beneficiary Designation (for the Final Benefit Payment)

Upon my death, I hereby request MPERS to forward my final monthly survivor payment to the following designated beneficiary.

Beneficiary's Name: (Last, First, MI)	Social Security Number:	Date of Birth:
Mailing Address: [REDACTED]	(City) (State) (Zip Code)	Phone Number:

Signature of Survivor, Natural Parent, or Conservator

I am applying to receive survivor benefits from MPERS. I have attached the member's death certificate and understand this document will not be returned to me. If applicable, I hereby agree to act as a special consultant and to abide by the provision of the statutes, by being available to give opinions in writing or orally, in response to requests by the Board. For this availability, I hereby apply for any benefits to which I may be eligible, under the statutes. I also hereby certify that the above information is true and correct.

Signature of Survivor/Natural Parent/Conservator: <i>Kelly D. Glossip</i>	Date: 7/23/10
--	------------------



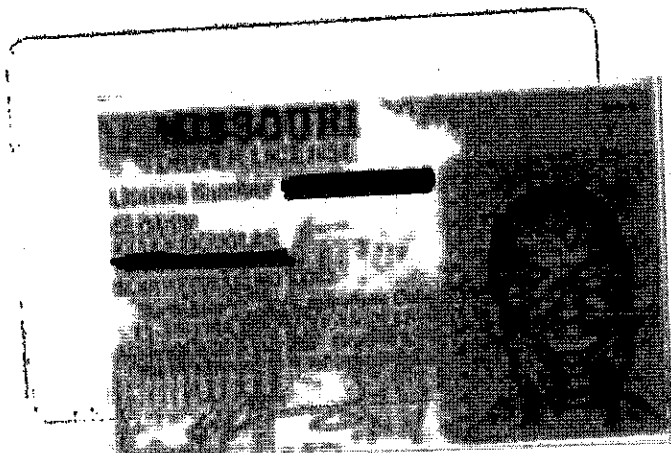
If there is any difference between the information provided on this form and the law or policies which govern MPERS, the law and policies will prevail.

* See attached Affidavit of Kelly D. Glossip

I hereby make an anatomical gift upon my death.

Any Organ Specifically:

Signature of Donor		Date	
1st Witness	2nd Witness	Medical Alert	Blood Type
Name of Licensee's Attorney in Fact for Health Care Decisions			
Address	City	State	Zip Code

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AUG 05 2013

MPERS

Affidavit of Kelly D. Glossip

I, Kelly D. Glossip, on oath, state as follows:

1. I reside at [REDACTED] Missouri 63072, where I have lived since May, 2004. I am 43 years old. All of the matters in this affidavit are based on my personal knowledge, and I am competent to testify thereto.
2. My partner, Dennis Engelhard, and I lived in an intimate, loving, and committed relationship for 15 years, until his death on December 25, 2009. Since 2000, Dennis was employed by the Missouri State Highway Patrol ("MSHP"). Dennis was killed in the line of duty when he was struck by a vehicle while responding to an accident on I-44, east of Eureka, Missouri.
3. While Dennis and I were not permitted to marry in Missouri, our mutual support emotionally, financially, and spiritually for one another was comparable to a spousal relationship. We were each other's sole domestic partner and intended to remain so indefinitely.
4. I identify as bisexual; Dennis identified as gay. Neither of us believed that we could change our sexual orientation.
5. Dennis and I met in 1995. We began to live together as a committed couple in October, 1995. From that point on, Dennis and I lived together, with the exception of temporary work-related periods of separation, until his death. We exchanged rings with each other on Christmas Day, 1997. We jointly owned a house in Springfield, Missouri, which we sold in April, 2000. While Dennis attended the MSHP Academy, we continued to live in Springfield. When Dennis was assigned to Troop C of the MSHP, we moved to Washington, Missouri. In May 2004, we purchased a house at [REDACTED], Missouri. We owned the house jointly and were both responsible for the mortgage and insurance on the property. Over

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the course of our relationship, we jointly owned five cars and two trucks and shared responsibility for the car loans and insurance on all of them. We had joint checking and savings accounts and were financially interdependent.

6. Although neither Dennis nor I had a will at the time of his death, on May 4, 2000, he named me as the sole beneficiary of his deferred compensation plan and noted on the beneficiary form that I was his "fiancé." I was also a fifty per cent beneficiary of a life insurance policy issued by the Hartford Life and Accident Insurance Company that Dennis obtained through work.

7. Dennis and I held ourselves out to our families and our community as a couple in a committed, marital relationship. We would have entered into a civil marriage if it were legal to do so in Missouri.

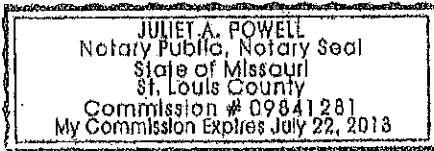
Further Affiant sayeth naught.

Kelly D. Glossip

Kelly D. Glossip

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

Subscribed and sworn before me this 23 day of July, 2010



Juliet A. Powell

Notary public

My Commission Expires:

7-22-13

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MPERS

One Metropolitan Square
Suite 3000
St. Louis, MO 63102-2741
314.241.1800
314.259.5959 fax
www.sonnenschein.com

Roger K. Heidenreich
314.259.5805
rheidenreic@sonnenschein.com

August 11, 2010

VIA CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

MoDOT and Patrol Employees' Retirement System
P.O. Box 1930
Jefferson City, MO 65102-1930

Re: *Survivor Application - Death Certificate*

Dear Sirs:

This office submitted an application for benefits under Mo. Rev. Stat. Section 104.140 by letter dated August 3, 2010. Mr. Engelhard's death certificate, a copy of which is attached, was inadvertently omitted.

Please contact me if you have questions. Thank you for your consideration.

Very truly yours,

SONNENSCHN NATH & ROSENTHAL LLP

By:


Roger K. Heidenreich

RKH/slg
Enclosure

FRANKLIN COUNTY HEALTH SERVICES
15 SOUTH OAK
UNION MO 63084



MISSOURI DEPARTMENT OF HEALTH
AND SENIOR SERVICES
FEE RECEIPT
DEATH CERTIFICATION

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REGISTRANT(S):

KELLY GLOSSIP

AUG 12 2010

DENNIS EDWARD ENGELHARD
D9999-999999
7 COPY

MO 63072

MPERS

YOUR RECENT REQUEST HAS BEEN ACTED UPON AS INDICATED BELOW:				
DATE RECEIVED	TOTAL AMOUNT	AMOUNT THIS REQUEST	PROCESSING FEE REQUIRED	REFUND
02/25/2010	73.00	13.00	0.00	0.00

MO 580-0898 (8-05)

UNAPPLIED REMITTANCES ONLY VALID FOR ONE YEAR AFTER RECEIPT. When you inquire about your request, please return this receipt. If a refund is indicated, it will be mailed within 30 to 60 days.

MISSOURI

CERTIFICATION OF DEATH

DATE FILED: FEBRUARY 8, 2010 STATE FILE NUMBER: 124-09-310720

DECEDENT NAME: DENNIS EDWARD ENGELHARD SEX: MALE

DATE OF DEATH: DECEMBER 25, 2009 COUNTY OF DEATH: ST LOUIS CNTY

DATE OF BIRTH: [REDACTED] MARITAL STATUS: NEVER MARRIED EVER IN ARMED FORCES: NO

SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE ADDRESS:

SURVIVING SPOUSE:
(IF WIFE, MAIDEN NAME):

UNDERLYING CAUSE (ICD CODE): (V092)
CRANIO THORACIC BLUNT TRAUMA

ISSUED ON BEHALF OF MO DEPT HEALTH & SENIOR SERVICES: FRANKLIN
THIS IS A TRUE CERTIFICATION OF NAME AND DEATH FACTS AS RECORDED BY THE BUREAU OF VITAL RECORDS, JEFFERSON CITY, MISSOURI.

DATE ISSUED: FEBRUARY 25, 2010

Ivra J. Cross
State Registrar of Vital Statistics



REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY LAW
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATION

LOCAL REGISTRAR
FRANKLIN COUNTY HEALTH SERVICES
15 SOUTH OAK
UNION MO 63084



MISSOURI DEPARTMENT OF HEALTH
AND SENIOR SERVICES
FEE RECEIPT
DEATH CERTIFICATION

REGISTRANT(S):

KELLY GLOSSIP * * *
[REDACTED]
[REDACTED] MO 63072

DENNIS EDWARD ENGELHARD
D9999-999999
7 COPY

YOUR RECENT REQUEST HAS BEEN ACTED UPON AS INDICATED BELOW:				
DATE RECEIVED	TOTAL AMOUNT	AMOUNT THIS REQUEST	PROCESSING FEE REQUIRED	REFUND
02/25/2010	73.00	13.00	0.00	0.00

MO 580-0098 (8-05)

UNAPPLIED REMITTANCES ONLY VALID FOR ONE YEAR AFTER RECEIPT. When you inquire about your request, please return this receipt. If a refund is indicated, it will be mailed within 30 to 60 days.

MISSOURI	
CERTIFICATION OF DEATH	
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DATE OF BIRTH: [REDACTED]	MARITAL STATUS: NEVER MARRIED
	EVER IN ARMED FORCES: NO
SOCIAL SECURITY NUMBER: [REDACTED]	RESIDENCE ADDRESS: ,
SURVIVING SPOUSE: (IF WIFE, MAIDEN NAME):	
UNDERLYING CAUSE (ICD CODE): (V092) CRANIO THORACIC BLUNT TRAUMA	
ISSUED ON BEHALF OF MO DEPT HEALTH & SENIOR SERVICES: FRANKLIN THIS IS A TRUE CERTIFICATION OF NAME AND DEATH FACTS AS RECORDED BY THE BUREAU OF VITAL RECORDS, JEFFERSON CITY, MISSOURI.	
DATE ISSUED: FEBRUARY 25, 2010	<i>Ira J. Cross</i> Ira J. Cross State Registrar of Vital Statistics
THE REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY LAW ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATION	

Susie Dahl
Executive Director


MoDOT & Patrol
Employees' Retirement System

Pam Henry
Assistant Executive Director

Exhibit B

August 17, 2010

Mr. Roger K. Heidenreich
Attorney at Law
Sonnenschein Nath & Rosenthal, LLP
One Metropolitan Square, Suite 3000
St. Louis, Missouri 63102-2741

RE: Survivor Application- Dennis E. Engelhard, Deceased

Dear Mr. Heidenreich:

On August 5, 2010, the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) received the survivor application you submitted upon behalf of your client Mr. Kelly Glossip related to Mr. Dennis E. Engelhard, deceased. You submitted Mr. Glossip's affidavit describing his relationship to the deceased as "comparable to a spousal relationship". The application you submitted is marked with a reference to Mr. Glossip's affidavit in the space where the submission of a marriage certificate is requested.

On August 12, 2010, MPERS received a copy of Mr. Engelhard's death certificate that you submitted under a separate cover letter.

State statute, Section 104.140, RSMo, (enclosed) provides for a survivor benefit to be paid, in the event of death, to the surviving spouse and/or eligible children of an active member with five or more years of service. In this case we have been previously informed, and presently have no knowledge of, children under the age of 21. With respect to Mr. Glossip's claim, we note that the submission of the application was not supported by submission of a marriage certificate. With regard to identification, a copy of Mr. Glossip's drivers license, which was submitted with the application, shows that Mr. Glossip is male.

Enclosed is a copy of Section 104.012, RSMo, which, for purposes of the retirement systems administered under Chapter 104, provides that the term "spouse" only recognizes marriage between a man and a woman. We have also enclosed a copy of Section 451.022, RSMo, that is a general statute stating that a marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.

MPERS is unable give any effect to your client's claim under Section 104.140 for a survivor benefit based upon the lack of a valid marriage certificate and based upon Sections 104.012 and 451.022.



Mr. Roger K. Heidenreich

Page 2

August 17, 2010

For your reference I have included a copy of MPERS' procedural rules that are published on MPERS' website and www.mpers.org. If you consider an appeal of this decision to the Board of Trustees, please feel free to contact MPERS' General Counsel, Keith Thornburg with any questions or if wish to discuss procedural matters.

We extend our sympathy to your client for the loss of his partner.

Sincerely,

Susie Dahl
Executive Director

S/Susie Dahl

& mailed 8.18.2010

K.T.

kt /lw/sd
Enclosures

Copy: Mr. Roger Stottlemyre, MPERS Chair

Missouri Revised Statutes

Chapter 104 Retirement of State Officers and Employees Section 104.140

August 28, 2009

Death prior to retirement, benefits.

104.140. 1. (1) If a member who has five or more years of creditable service dies before retirement, the member's surviving spouse, to whom the member was married on the date of the member's death, if any, shall receive the reduced survivorship benefits provided in option 1 of subsection 3 of section 104.090 calculated as if the member were of normal retirement age and had retired as of the date of the member's death and had elected option 1;

(2) If there is no eligible surviving spouse, or when a spouse's annuity has ceased to be payable, the member's eligible surviving children under twenty-one years of age shall receive monthly, in equal shares, an amount equal to eighty percent of the member's accrued annuity calculated as if the member were of normal retirement age and retired as of the date of death. Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as natural guardian of such child if such parent has custody or assumes custody of such minor child, or to the legal guardian of such child, until such child attains age eighteen, and thereafter, the benefit may be paid to the child until age twenty-one; provided, the age twenty-one maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction;

(3) No benefit is payable pursuant to this section if no eligible surviving spouse or children under twenty-one years of age survive the member. Benefits cease pursuant to this section when there is no eligible surviving beneficiary through either death of the eligible surviving spouse or through either death or the attainment of twenty-one years of age by the eligible surviving children. If the member's surviving children are receiving equal shares of the benefit described in subdivision (2) of this subsection, and one or more of such children become ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be reallocated so that the remaining eligible children receive equal shares of the total benefit as described in subdivision (2) of this subsection.

2. Effective January 1, 1985, if an employee who has three or more, but less than five years of creditable service dies before retirement, the surviving spouse of the deceased employee, if married to the deceased employee on the date of the employee's death, or the deceased employee's surviving eligible children under the age of twenty-one, shall receive a total monthly payment equal to twenty-five percent of the deceased employee's accrued monthly benefit calculated as if the employee were of normal retirement age as of the date of death. If the surviving spouse dies leaving any eligible children under the age of twenty-one years, the payment shall continue until the children reach twenty-one years of age. If there is no surviving spouse eligible for benefits under this subsection, but there are any children of the deceased employee eligible for payments, the payments shall continue until the children reach twenty-one years of age. Any benefits payable to eligible children under twenty-one years of age shall be made on a pro rata basis among the surviving children under twenty-one years of age.

3. For the purpose of computing the amount of a benefit payable pursuant to this section, if the board finds that the death was a natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum benefit to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum benefit that shall be divided among and paid to such member's surviving eligible children under the age of twenty-one shall be fifty percent of the member's final average compensation. The service requirements of subsections 1 and 2 of this section shall not apply to any benefit payable pursuant to this subsection.

(L. 1955 p. 718 § 23, A.L. 1969 p. 174, A.L. 1972 S.B. 650, A.L. 1976 H.B. 1211, A.L. 1982 H.B. 1720, et al., A.L. 1984 H.B. 1370, A.L. 1985 H.B. 790, A.L. 1988 H.B. 1643 & 1399, A.L. 2000 H.B. 1808, A.L. 2002 H.B. 1455)

Effective 7-11-02

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Missouri General Assembly

Missouri Revised Statutes

Chapter 104 Retirement of State Officers and Employees Section 104.012

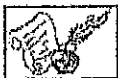
August 28, 2009

Spouse defined.

104.012. For the purposes of public retirement systems administered pursuant to this chapter, any reference to the term "spouse" only recognizes marriage between a man and a woman.

(L. 2001 S.B. 371 § 2)

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Missouri General Assembly

Missouri Revised Statutes

Chapter 451 Marriage, Marriage Contracts, and Rights of Married Women Section 451.022

August 28, 2009

Public policy, same sex marriages prohibited--license may not be issued.

451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.

4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.

(L. 1996 S.B. 768 § 6, A.L. 2001 H.B. 157)

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Missouri General Assembly

1-1 Organization of the Board, Location and Venue

- (1) The MoDOT and Patrol Employees' Retirement System (MPERS) is a body corporate and instrumentality of the State of Missouri established pursuant to section 104.020, RSMo and MPERS governing statutes are found in Chapters 104 and 105, RSMo.
- (2) MPERS' Board of Trustees consists of eleven trustees, and trustees are designated, appointed or elected according to Section 104.160. Board officers consist of the chair and the vice chair elected by the Board of Trustees pursuant to Section 104.170, RSMo. The Board appoints and employs a full-time executive director pursuant to Section 104.170.
- (3) MPERS' principal office is located at 1913 William Street, Jefferson City, (Cole County) Missouri 65109. All legal process may be served on the executive director (or assistant director) at this office. All suits directly or indirectly against MPERS shall be brought in Cole County, Missouri. See Sections 104.190, 104.240, RSMo.
- (4) The executive director shall keep all records of MPERS at its principal office. Record and information requests may be presented to the executive director at MPERS' principal office. All public notices issued by MPERS shall be posted at MPERS' principal office and on MPERS' web site at www.mpers.org.

1-2 Rulemaking

- (1) Pursuant to Section 104.1063, RSMo, the Board of Trustees of the MoDOT and Patrol Employees' Retirement System (MPERS) "is authorized to promulgate rules to properly administer the system and govern its own proceedings."
- (2) The terms "rule" shall have the same meaning as defined in Section 536.010, RSMo. Internal policies, such as MPERS' policies for governance of the Board of Trustees and policies related to the internal management of MPERS, are not rules. Policies are formally adopted and published by MPERS, but rulemaking procedures do not apply.
- (3) Rules may be promulgated by the Board of Trustees of MPERS, or may be amended or repealed, in whole or in part, at any meeting of the Board of Trustees. Proposed rulemaking (which includes making new rules and any amendment or repeal of an existing rule) shall be submitted to the Joint Committee on Public Employee Retirement within ten days and posted at MPERS and on MPERS' web site for a comment period of 30 days following adoption by the Board of Trustees.
- (4) The adopted rule shall become effective at the end of the comment period. If comments are received during the comment period, staff shall report the comments to the Board of Trustees at the next regularly scheduled board meeting. The Board may modify or rescind the adopted rule in response to the comments. Any modifications shall be effective immediately after the Board considers the comments, unless the Board elects to rescind the adopted rule or further extend the comment period for the proposed rule.
- (5) The executive director of MPERS shall keep all rules and regulations promulgated by the Board of Trustees on file at MPERS and shall make a copy of those rules and regulations

available to any interested party upon request. The executive director shall make all proposed and current rules and regulations available on MPERS' web site.

1-3 Appeals to the Board

- (1) Members, beneficiaries, survivors, and retirees may appeal decisions by the executive director of MPERS, or his/her designee, concerning eligibility for and/or the amount of benefits, service, contributions, refunds, and membership by filing a written request for a review by the MPERS' Board of Trustees within 60 days of the executive director's written decision. The person requesting review is hereafter referred to as the appellant.
- (2) Requests for Review.
 - (a) The request for review must be in writing and addressed to the executive director. The request must state what decision the Board of Trustees is being asked to review and what action the Board of Trustees is being asked to take. The appellant should submit any documentary exhibits in support of his or her position with the request for review.
 - (b) The appellant should indicate in his or her request for review whether the appellant requests a hearing or whether the appellant requests that the Board of Trustees resolve the appeal on the basis of the documented request.
- (3) MPERS's executive director may be represented by MPERS's general counsel or counsel retained by MPERS for this purpose. The executive director will prepare a response to the request for review, which will include documentation necessary for the Board of Trustees to review the decision, and at a minimum will include copies of correspondence, applicable statutes and regulations, and a summary of the issues and decision of the executive director of MPERS or his/her designee. The response will be provided to the appellant at the same time it is provided to the Board of Trustees.
- (4) The appellant may submit a reply to the executive director's response within thirty days of the date of the executive director's response.
- (5) Reviews.
 - (a) Reviews will be held on an informal basis. No formal rules of evidence will be applied.
 - (b) The Board may subpoena witnesses and the production of records for deposition or hearing under the chair's signature. Enforcement of a subpoena, if necessary, shall be at the relation of and expense of the party requesting the subpoena unless the chair directs otherwise.
 - (c) The board chair will designate a hearing officer to hear all matters appealed to the Board, whether the matter is submitted based on written documentation of whether a hearing is requested. Where a hearing is requested the hearing officer shall be responsible for timely scheduling and conducting the hearing. The hearing officer will prepare a draft decision for consideration by the Board of Trustees following the submission of the matter.
 - (d) Should a trustee be conflicted in a matter under review, the trustee should declare a conflict and refrain from participation in the review.
 - (e) The appellant may have another individual make the presentation, or assist in making the presentation, of information in the appeal. The appellant and executive director may also present witnesses. In this regard, the appellant and executive director shall exchange witness lists prior to the hearing to allow an opportunity for depositions.

- (f) Hearings will be closed or under suitable protective order issued by the hearing officer to preserve confidentiality of member information. Opening any part of the review shall be at the discretion of the hearing officer, provided appropriate conditions are placed to protect the privacy of member information.
 - (g) The hearing officer may request the executive director and appellant to file recommended findings and conclusions of law for the Board's consideration.
- (6) The Board of Trustees will review the entire record. The Board of Trustees will vote to confirm, reverse, or amend the administrative decision. In doing so, the Board of Trustees may adopt or reject, in whole or in part, the draft decision of the hearing officer and adopt such further statements or findings as appropriate to show the Board's decision. Deliberations and voting will occur in a closed session of the Board. The appellant and executive director shall be promptly notified of the decision and vote and the decision and vote shall be posted by the Board at its next public meeting after it has been delivered to the appellant. If written findings and conclusions of law are adopted they may be redacted to preserve confidential member information.

1-4 Confidentiality of Records

- (1) Upon receiving a written request that states the name, address, and telephone number of the person making the request, MPERS will provide the following information with regard to retirement or disability benefits administered and distributed by MPERS: name, department, benefit amount, and length of service of any benefit recipient who is eligible to receive retirement or disability benefits or benefit recipient receiving survivor or period certain annuity benefits.
- (2) All other individually identifiable records of benefit recipients shall be kept confidential unless:
 - (a) The benefit recipient consents in writing to the release of the information;
 - (b) The information is requested by the benefit recipient's legal representative;
 - (c) The information is requested pursuant to a subpoena or other legal process as provided by law including, but not limited to sections 104.312 or 104.1051; or,
 - (d) The information is requested in writing by a state agency in connection with personnel management or the administration of state benefit programs and the director or other authorized personnel of the state agency agrees in writing to use the information only for the requested purpose and to otherwise keep the information confidential.
- (3) MPERS will send a copy of the written request and MPERS' response to the benefit recipient after providing the information, unless the request seeks general information about a large group of benefit recipients.

1-5 Charges for Documents

The Board of Trustees authorizes the executive director to establish and impose a reasonable charge to cover the cost of furnishing copies of reports, records, and documents upon written request. Fees shall comply with Section 610.026, RSMo.

1-6 Board Election Procedures

- (1) Four Elected Trustees. Under the provisions of Section 104.160, RSMo, four (4) members of the eleven-member MPERS' Board of Trustees are elected to four-year terms, in an election cycle that coincides with terms beginning on July 1, 2010 and so on.
- (2) Election Administration. The executive director or his or her staff designee shall administer the election process and oversee the preparation of all election materials and supplies and may direct the preparation of informational brochures, newsletters or news releases to provide information to members concerning the election process. No MPERS resources may be used to influence the outcome of an election.
- (3) If any nomination or filing date specified in this rule falls on a Saturday, Sunday or state or federal holiday, the nomination or filing date shall be the next business day.
- (4) Voting and Nominating Groups. One elected trustee shall be an active employee of the Missouri Department of Transportation (MoDOT) and be nominated and elected by the active employees of MoDOT. One elected trustee shall be an active employee (civilian or uniformed) of the Missouri State Highway Patrol (MSHP) and be nominated and elected by the active employees (civilian or uniformed) of the MSHP. One elected trustee shall be a retired member of MoDOT and be nominated and elected by the retired employees of MoDOT. One elected trustee shall be a retired employee (civilian or uniformed) of the MSHP and be nominated and elected by retired MSHP employees. Thus, there are four distinct voting and nominating groups.
- (5) Candidate Qualification. To be qualified and eligible for election to the office of trustee, the candidate must be a member of the respective voting and nominating group (See, Rule 1-6(4)) on January 1st prior to the election. If a candidate subsequently becomes ineligible, the candidate's name may be removed from the ballot with the approval of the executive director. If the candidate becomes ineligible after ballots are mailed and the candidate is elected, the candidate may not be seated and a special election shall be called.
- (6) Election Date – Last Thursday in May. Regular elections will be held on the last Thursday of May of even numbered years in which there is no election for the Office of the United States President.
- (7) Nominations. MPERS will distribute nomination forms to the nominating and voting groups on or before March 1st prior to the election. Any member (including a candidate) of a voting and nominating group may submit a nomination for a candidate. The nomination form must be signed by at least twenty-five (25) members of the voting and nominating group. All nominations must be received at MPERS' office no later than April 1st prior to the election.
- (8) Confirmation and Notification of Nominees. MPERS will confirm each nominee by verifying the eligibility of the nominee and the signers of the petition. MPERS will then obtain each nominee's consent to place their name on the appropriate ballot. A nominee may decline their nomination. The executive director will notify confirmed nominees that their names will appear on the appropriate ballot by mail or by electronic mail no later than April 5th prior to the election.
- (9) Any candidate for election to the Board of Trustees will be permitted to have his or her name appear on the ballot as he or she is customarily known.
- (10) Candidate Statements: Each candidate for election to the Board of Trustees may prepare a brief statement for the purpose of identification and to show their employment or retirement status with MoDOT or MSHP as applicable. The statement should show the candidate name, and may state any nickname by which the candidate is known, age, length of service, position, location or last location of employment, and date of retirement, if

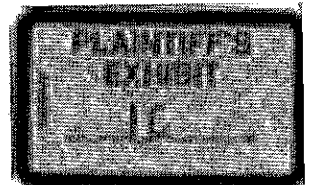
applicable. The candidate may include additional biographical information, qualifications, or reasons for wanting to serve, etc., in the statement. The statement shall not exceed 300 words. The statement shall be provided to the executive director no later than April 15th prior to the election. The executive director shall format and produce the candidate statements in documents for each respective voting group, showing the candidates in each group in alphabetical order by last name, and distribute the statements with the ballots.

- (11) **Ballots.** Ballots for each voting group will show the candidates in alphabetical order. The ballots will be mailed to members of each voting group no later than April 30th prior to the election.
- (12) **Ballots Cast.** To vote, a member shall mark the ballot for one candidate and seal their ballot in an unmarked ballot envelope provided by MPERS. Ballots (sealed in the unmarked ballot envelope) must be mailed or delivered to MPERS in a delivery envelope provided by MPERS completed to show the member's name and address. To be accepted, the ballot must be received in MPERS' office not later than 4:00 p.m. CST on the election date. MPERS will verify the voter by comparing the name and address on the delivery envelope to the member rolls. Only one ballot per member may be cast. Altered or copied ballots will not be accepted.
- (13) **Election Witnesses.** The executive director shall select not less than six witnesses who are employees of the MoDOT or the MSHP and not less than two witnesses who are retired members to assist in opening and counting of ballots.
- (14) **Ballot Opening and Count.** Within ten days following the election date, the executive director shall gather the election witnesses to open and tally the ballots. The executive director shall obtain the oath or affirmation of the witnesses to faithfully and honestly undertake their duties and to maintain the secrecy of each ballot in the event of an inadvertent disclosure in the counting process. After the delivery envelopes have been verified, the envelopes will be opened. Any delivery envelope that cannot be verified shall not be opened and shall be laid aside and preserved. The opened delivery envelopes shall be preserved. Next the ballot envelopes will be opened and the ballot removed. The ballot envelopes may be discarded. The ballots will be read and sorted according to how they are cast and then counted and tabulated by a witness. Ballots that cannot be read, which vote for more than one candidate, or contain irregular markings rendering an inaccurate count suspect, shall be set aside and preserved. A second witness shall recount and tabulate each count. This process may be repeated to resolve any discrepancy. When two witnesses have agreed to the tabulation they shall sign the tally sheet. The ballots and tally sheets shall be preserved. Any ballot that cannot be read shall be set aside and preserved. The executive director shall make a preliminary announcement of the election results.
- (15) **Election Certification.** At the first meeting of the Board of Trustees following the counting and tallying of ballots, the executive director shall certify the election tally counts to the Board of Trustees. The Board shall declare the successful candidates based upon the tally of votes cast.
- (16) **Retention of Election Records.** The Board of Trustees may authorize the destruction of the preserved election materials sixty days after the successful candidates are seated.
- (17) **Vacancies in the Office of Elected Trustee.** In the event a vacancy occurs before the expiration of a regular term of an elected trustee the Board of Trustees shall call a special election at its next regular or special meeting to fill the vacancy and set an election date. The executive director shall set a special election calendar consistent with the procedures of this rule but may condense the time frame consistent with a fair election process. In the event that a vacancy occurs after September 30th of the fourth year of a term, the vacancy may be filled at the next regular election. An elected trustee who no longer holds the status of the nominating and voting group from which he or she was elected, shall be considered to have resigned thus resulting in a vacancy.

GLOSSIP DISCOVERY QUESTIONS

Kelly Glossip requests, through his attorneys, that the Missouri Department of Transportation and Patrol Employees' Retirement System ("MPERS") answer separately, under oath and in writing, the following questions and that MPERS produce the following documents:

1. Please state all reasons why MPERS provides survivor benefits to employees' spouses pursuant to R.S.Mo. § 104.140 (hereinafter "survivor benefits"), including but not limited to any governmental interests served by providing such benefits.
2. Please state all reasons why MPERS provides survivor benefits to the widow or widower of married state troopers but not to the surviving domestic partner of state troopers in same-sex domestic partnerships, including but not limited to any governmental interests MPERS contends is a legal justification for this differential treatment.
3. Please provide the following information:
 - a. How many applications for survivor benefits MPERS has received from widows and widowers each year for the past ten years.
 - b. How many applications for survivor benefits from widows and widowers MPERS has granted each year for the past ten years.
 - c. How many applications for survivor benefits MPERS has received from surviving domestic partners of state troopers in same-sex domestic partnerships.
 - d. The amount of money MPERS has distributed each year for the past ten years in paying survivor benefits to widows and widowers.
 - e. The number of denials of applications for spousal survivor benefits that have been appealed each year for the past ten years.
 - f. The number of appeals of the denial of spousal survivor benefits that have been adjudicated through a live hearing each year for the past ten years.



- g. The number of appeals of the denial of spousal survivor benefits that have been adjudicated without a live hearing each year for the past ten years.
 - h. The number of fraudulent or falsified applications, if any, that MPERS has received each year for the past ten years in connection with survivor benefits for widows and widowers.
 - i. The annual cost incurred by MPERS and any other governmental entity in reviewing applications for spousal survivor benefits each year for the past ten years.
 - j. The annual cost incurred by MPERS and any other governmental entity in adjudicating appeals from the denial of spousal survivor benefits each year for the past ten years.
 - k. The total number of Missouri Patrol Employees who, if they have a spouse or children, are eligible for survivor benefits.
4. Please state in detail what additional costs, if any, MPERS would incur by providing survivor benefits to the partners of state troopers who are in same-sex domestic partnerships.
5. Please state in detail any expected differences between the average cost per employee of giving survivorship benefits to the same-sex domestic partners of state troopers and the average cost per employee of giving survivorship benefits to the spouses of state troopers.
6. Please state in detail any expected differences between the average administrative burden per employee of giving survivorship benefits to the same-sex domestic partners of state troopers and the average cost per employee of giving survivorship benefits to the spouses of state troopers.

7. Please state in detail what proof, if any, MPERS requires deceased employees' opposite-sex widows and widowers to submit to MPERS prove they are eligible for survivor benefits.

8. Please provide all documents relied upon in answering questions 1, 2, 4, 5, 6, and 7, set forth above.

Board of Trustees
Missouri Department of Transportation and
Highway Patrol Employees' Retirement System

Cole County
Missouri

In the Matter of the Application)
for Survivor Benefits)
by Mr. Kelly Glossip, Applicant.) Appeal No. 2010-1

Affidavit of Ms. Susie Dahl

Responding to Questions Presented by the Applicant

COMES NOW, Susie Dahl, Executive Director for the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and states under oath as follows: I am eighteen years of age or older. I have been employed by MPERS since November 2001. I served as the Assistant Executive Director from November 2001 to June 30, 2008. I have served as Executive Director from July 1, 2008 to present. I am familiar with the Application submitted by Mr. Kelly Glossip to MPERS and have personal knowledge of the matters presented below in my responses to the questions presented, or, the information presented was accessed by my staff at MPERS under my direction as described in my responses. Mr. Glossip's attorney submitted these questions to MPERS.



GLOSSIP DISCOVERY QUESTIONS

Kelly Glossip requests, through his attorneys that MPERS answer separately, under oath and in writing, the following questions and that MPERS produce the following documents:

1. Please state all reasons why MPERS provides survivor benefits to employees' spouses pursuant to R.S.M.o. § 104.140 (hereinafter "survivor benefits"), including but not limited to any governmental interests served by providing such benefits.

Response: MPERS administers the retirement plans in accordance with state law, more particularly identified as the "Closed Plan" and the "Year 2000 Plan" established under Chapter 104 of the Revised Statutes. MPERS was established in 1955 to administer retirement benefits for employees of the Highways and Transportation Department and the Missouri State Highway Patrol. Effective June 30, 2000, the original plan was closed and persons becoming employed on or after July 1, 2000, are covered by the Year 2000 Plan. Members employed prior to July 1, 2000 continue to be covered under the Closed Plan. The plans provide a survivor benefit under express statutory provisions. MPERS does not decide the terms of the plans but simply administers the plans according to law. The terms of the employee benefit plans are determined by the Missouri General Assembly in deliberative legislative actions and enacted into law pursuant to the legal and constitutional requirements for the Revised Statutes of Missouri. The decision by MPERS regarding an application for survivor benefits is a ministerial function governed by the law.

2. Please state all reasons why MPERS provides survivor benefits to the widow or widower of married state troopers but not to the surviving domestic partner of state troopers in same-sex domestic partnerships, including but not limited to any governmental interests MPERS contends is a legal justification for this differential treatment.

Response: Same answer as number 1. The terms of the employee benefit plans are set by the Missouri General Assembly in deliberative legislative actions and enacted into

law pursuant to the legal and constitutional requirements to the Revised Statutes of Missouri.

3. Please provide the following information:
- a. How many applications for survivor benefits MPERS has received from widows and widowers each year for the past ten years.
 - b. How many applications for survivor benefits from widows and widowers MPERS has granted each year for the past ten years.
 - c. How many applications for survivor benefits MPERS has received from surviving domestic partners of state troopers in same-sex domestic partnerships.
 - d. The amount of money MPERS has distributed each year for the past ten years in paying survivor benefits to widows and widowers.
 - e. The number of denials of applications for spousal survivor benefits that have been appealed each year for the past ten years.
 - f. The number of appeals of the denial of spousal survivor benefits that have been adjudicated through a live hearing each year for the past ten years.
 - g. The number of appeals of the denial of spousal survivor benefits that have been adjudicated without a live hearing each year for the past ten years.
 - h. The number of fraudulent or falsified applications, if any, that MPERS has received each year for the past ten years in connection with survivor benefits for widows and widowers.
 - i. The annual cost incurred by MPERS and any other governmental entity in reviewing applications for spousal survivor benefits each year for the past ten years.
 - j. The annual cost incurred by MPERS and any other governmental entity in adjudicating appeals from the denial of spousal survivor benefits each year for the past ten years.
 - k. The total number of Missouri Patrol Employees who, if they have a spouse or children, are eligible for survivor benefits.

Response: With respect to some of the information requested under number 3, I am responding based upon my personal knowledge during my employment since

November 2001. With respect to certain other information, I assigned Ms. Beverly Wilson to research MPERS' member database. Ms. Wilson is a Senior Benefits Specialist on my staff.

- a. How many applications for survivor benefits MPERS has received from widows and widowers each year for the past ten years.

Response: MPERS does not maintain a separate database for survivor applications. In 2010 MPERS implemented a new "Pension Administration System" and shut down a legacy mainframe system and it is possible that a record count of survivor applications could be made available on a going-forward basis. Based upon my personal knowledge from November 2001 forward, I do not re-call any prior denials of a widows' or widowers' survivor application. Because there have been no denials, the numerical response to this question should be the same as 3b, below which provides the number of such applications granted.

- b. How many applications for survivor benefits from widows and widowers MPERS has granted each year for the past ten years.

Response: Ms. Beverly Wilson provided the following information. To compile the data for 3b, Ms. Wilson pulled the bulk of the information from our death database. She reviewed all deaths for which MPERS' received a survivor application and therefore paid benefits to a survivor or survivors. This database only went back to 2002. To obtain the data for years prior to 2002, Ms. Wilson queried the generational data from the mainframe for each calendar year. Ms. Wilson looked for records with a date of death within the year. From those records, Ms. Wilson extracted the records where MPERS had setup and paid a survivor(s). Ms. Wilson also did the same for the rest of the years as a verification of the data from the database.

3b Benefits granted
resulting from survivor
applications received each
year for 10 years

Sep-00 ~ Aug-01	110
Sep-01 ~ Aug-02	122
Sep-02 ~ Aug-03	129
Sep-03 ~ Aug-04	107
Sep-04 ~ Aug-05	111
Sep-05 ~ Aug-06	106
Sep-06 ~ Aug-07	127
Sep-07 ~ Aug-08	120
Sep-08 ~ Aug-09	155
Sep-09 ~ Aug-10	102

TOTAL 1,189
AVERAGE 119

- c. How many applications for survivor benefits MPERS has received from surviving domestic partners of state troopers in same-sex domestic partnerships.

Response: During the entire period of time I have worked for MPERS, the System has never received an application for survivor benefits from a widow or widower who could not demonstrate a valid marriage to the deceased member. The terms "domestic partner" and "same-sex domestic partnership" are not used or defined in MPERS' statutes. I am not personally aware of the existence of any application in the history of MPERS presenting a scenario similar to that described in the attachments to Mr. Glossip's survivor application.

- d. The amount of money MPERS has distributed each year for the past ten years in paying survivor benefits to widows and widowers.

Response: To compile the data for 3d, Ms. Wilson used the data from the RT112 reports (the payroll register of all monthly benefits paid) up through conversion to the new Pension Administration System. For those benefits paid out of the new system (May 2010 through August 2010), Ms. Wilson ran an ad hoc query of all beneficiaries with a status of recipient or deceased that received a benefit on the last working day of each of those months. Ms. Wilson included

deceased status to obtain the data for those beneficiaries that died within the month since a benefit payment is paid for that full month.

3d Benefits paid to survivors each year
for 10 years

Sep-00 ~ Aug-01	\$ 13,096,371.70
Sep-01 ~ Aug-02	\$ 14,675,851.07
Sep-02 ~ Aug-03	\$ 16,227,410.31
Sep-03 ~ Aug-04	\$ 17,566,066.27
Sep-04 ~ Aug-05	\$ 18,904,982.16
Sep-05 ~ Aug-06	\$ 20,431,802.62
Sep-06 ~ Aug-07	\$ 21,924,350.86
Sep-07 ~ Aug-08	\$ 23,484,567.05
Sep-08 ~ Aug-09	\$ 25,118,472.67
Sep-09 ~ Aug-10	\$ 26,802,877.77

TOTAL \$ 198,232,752.48
AVERAGE \$ 19,823,275.25

- e. The number of denials of applications for spousal survivor benefits that have been appealed each year for the past ten years.

Response: During my employment with MPERS since November 2001 there have been no denials of applications for spousal survivor benefits.

- f. The number of appeals of the denial of spousal survivor benefits that have been adjudicated through a live hearing each year for the past ten years.

Response: There have been no appeals since November 2001 and thus no adjudication hearings of the denial of spousal survivor benefits.

- g. The number of appeals of the denial of spousal survivor benefits that have been adjudicated without a live hearing each year for the past ten years.

Response: There have been no appeals and thus no adjudicated appeals without a hearing since November 2001.

- h. The number of fraudulent or falsified applications, if any, that MPERS has received each year for the past ten years in connection with survivor benefits for widows and widowers.

Response: Based upon my personal knowledge during the time I have been employed by MPERS, I am not aware of any fraudulent or falsified applications by a widow or widower for survivor benefits.

- i. The annual cost incurred by MPERS and any other governmental entity in reviewing applications for spousal survivor benefits each year for the past ten years.

Response: MPERS does not maintain a cost or time record regarding the review of applications for spousal survivor benefits. I am not aware the costs, if any, that might be incurred by entities other than MPERS in reviewing such applications. There are other public employee retirement systems located in the State of Missouri that could have similar plan provisions, particularly the Missouri State Employees' Retirement System (MOSERS) that administers plans under the same or similar statutory provisions as MPERS.

- j. The annual cost incurred by MPERS and any other governmental entity in adjudicating appeals from the denial of spousal survivor benefits each year for the past ten years.

Response: MPERS has not incurred costs adjudicating appeals from the denial of spousal survivor benefits in the last ten years because it appears that there have been no such appeals. There are other public employee retirement systems located in the State of Missouri that have similar plan provisions, particularly the Missouri State Employees' Retirement System (MOSERS) that administers plans under the same or similar provisions as MPERS.

- k. The total number of Missouri Patrol Employees who, if they have a spouse or children, are eligible for survivor benefits.

Response: One hundred percent of the group is eligible. MPERS does not maintain any database or record regarding the marital status and children of active Missouri Patrol employees. The marital or parental status of a member,

and thus, eligibility is not documented with the System until a retirement or survivor application for benefits is submitted.

4. Please state in detail what additional costs, if any, MPERS would incur by providing survivor benefits to the partners of state troopers who are in same-sex domestic partnerships.

Response: The terms "domestic partner" and "same-sex domestic partnership" are not used or defined in MPERS' governing statutes. MPERS does not have any data from which to develop an estimate of the cost to provide the survivor benefits described in this question. An actuarial estimate for the costs would be dependent upon the terms of any proposed enabling legislation and speculative fact assumptions. The actual costs would be unknown until the System had historical experience under a change in the law.

5. Please state in detail any expected differences between the average cost per employee of giving survivorship benefits to the same-sex domestic partners of state troopers and the average cost per employee of giving survivorship benefits to the spouses of state troopers.

Response: The terms "domestic partner" and "same-sex domestic partnership" are not used or defined in MPERS' governing statutes. MPERS does not have any data from which to develop an estimate of the cost differences to provide for the survivor benefit described in this question. An actuarial estimate for the costs would be dependent upon the terms of any proposed enabling legislation and speculative fact assumptions. The actual costs would be unknown until the System had historical experience under a change in the law.

6. Please state in detail any expected differences between the average administrative burden per employee of giving survivorship benefits to the same-sex domestic partners of state troopers and the average cost per employee of giving survivorship benefits to the spouses of state troopers.

Response: The terms "domestic partner" and "same-sex domestic partnership" are not used or defined in MPERS' governing statutes. The administrative burden could be the same or different depending upon the definition of the terms and the related documentation requirements. For actuarial purposes, the present marriage presumption for death-in-service benefits is that 90% of participants are presumed to be married.

7. Please state in detail what proof, if any, MPERS requires deceased employees' opposite-sex widows and widowers to submit to MPERS prove they are eligible for survivor benefits.

Response: I have attached a copy of MPERS' "Survivor Application." MPERS requires this completed application to be submitted to document eligibility for a survivor benefit. The required proof documents to this application when submitted by a spouse of a deceased member would be a copy of the member's death certificate and a marriage certificate. In addition, MPERS requires "proof of lawful presence" which could be a valid Missouri Driver's License; Certificate of Citizenship; Certificate of Birth Abroad or US Birth Certificate; US Passport; Certificate of Naturalization; or a Valid Lawful Permanent Resident Card.

8. Please provide all documents relied upon in answering questions 1, 2, 4, 5, 6, and 7, set forth above.

Response: The benefit terms of the "Closed Plan" and the "Year 2000 Plan" are presented in Chapter 104 of the Revised Statutes of Missouri. I answered the questions above based upon my personal knowledge and in the specific instances noted I answered based upon research by my staff viewing identified

electronic databases maintained by MPERS. I have attached a copy of
MPERS' Survivor Application form.

Susie Dahl

Susie Dahl, Affiant
and
Executive Director

Missouri Department of Transportation and
Highway Patrol Employees' Retirement System

STATE OF MISSOURI)
) SS.
COUNTY OF COLE)

Subscribed and sworn to me on October 13, 2010.

Notary Public

Lois C. Wankum
Lois Wankum

My commission expires: 8-7-2013


LOIS C. WANKUM
Notary Public Notary Seal
STATE OF MISSOURI
Maries County
My Commission Expires: Aug 7 2013
Commission # 09751886

STATE OF MISSOURI)
) SS.
COUNTY OF COLE)

On this 13th day of October, 2010, before me, a Notary Public in and for this state, personally appeared Susie Dahl, known to me to be the person who executed the foregoing affidavit In the Matter or the Application of Mr. Kelly Glossip, Appeal No. 2010-1 and acknowledged to me that she executed it for the purposes therein stated.

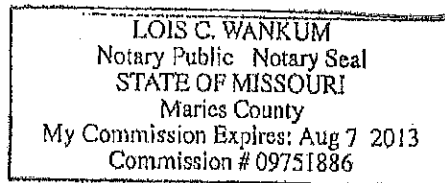
In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in the day and year last above written.

Notary Public



Lois Wankum

My Commission Expires: 8-7-2013





MoDOT & Patrol Employees' Retirement System
 PO Box 1930 · Jefferson City, MO 65102-1930
 Phone: (573) 298-6080 · (800) 270-1271
 Fax: (573) 522-6111 · Email: mpers@modot.mo.gov
 Website: www.mpers.org

Survivor Application

1. Complete all sections of this form (type or print clearly).
2. Attach the required proof documents.
3. Mail completed form to MPERS.

Deceased Member's Information (attach copy of death certificate)

Member's Name: (Last, First, MI)	Social Security Number:	Date of Death:
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Survivor Information

Survivor's Name: (Last, First, MI)	Social Security Number:	Date of Birth:
Mailing Address:	(City)	(State) (Zip Code)
Relationship to Deceased Member: <input type="checkbox"/> Spouse <input type="checkbox"/> Minor Child <input type="checkbox"/> Other	E-mail Address:	Phone Number:
		Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female

- An Affidavit of Natural Parent or Conservatorship must accompany the Survivor Application for each minor child (under the age of 18).
- Benefits for children stop at age 21 (unless the child is totally incapacitated).
- Guaranteed payment benefits stop at the end of guaranteed payment period.

Deceased Member's Child(ren) Under Age 21 (if active member death only)

List the deceased member's natural and adopted child(ren) under age 21.

Child's Full Name	Date of Birth	Child's Full Name	Date of Birth

Proof Documentation

Attach the following applicable documentation:

Proof-of-Age/Lawful Presence Document (required) <i>(Check type of document submitted from the following list.)</i> <input type="checkbox"/> Valid Missouri Drivers License <input type="checkbox"/> US Passport (valid or expired) <input type="checkbox"/> Certificate of Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Certificate of Birth Abroad <input type="checkbox"/> Valid Lawful Permanent Resident Card <input type="checkbox"/> US Birth Certificate (certified original)	Marriage Certificate (if applicable) If applicant is the spouse of the deceased member, please submit a copy of your marriage certificate (if not previously submitted).	Death Certificate (required) Attach a copy of the death certificate with this form.
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Beneficiary Designation (for the Final Benefit Payment)

Upon my death, I hereby request MPERS to forward my final monthly survivor payment to the following designated beneficiary.

Beneficiary's Name: (Last, First, MI)	Social Security Number:	Date of Birth:
Mail Address:	(City)	(State) (Zip Code) Phone Number:

Signature of Survivor, Natural Parent, or Conservator

I am applying to receive survivor benefits from MPERS. I have attached the member's death certificate and understand this document will not be returned to me. If applicable, I hereby agree to act as a special consultant and to abide by the provision of the statutes, by being available to give opinions in writing or orally, in response to requests by the Board. For this availability, I hereby apply for any benefits to which I may be eligible, under the statutes. I also hereby certify that the above information is true and correct.

Signature of Survivor/Natural Parent/Conservator:	Date:
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If there is any difference between the information provided on this form and the law or policies which govern MPERS, the law and policies will prevail.