

MAIL DATE: SEP 9 2010

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

IN RE: Account of Richard Balukas :  
Docket No. 2009-24 :  
Claim of Richard Balukas :

**ORDER**

WHEREAS, on November 30, 2009, Richard Balukas ("Claimant") filed an Appeal and Request for an Administrative Hearing before the Public School Employees' Retirement Board ("Board") appealing the denial of his request to purchase out-of-state school service rendered with the New York Teachers' Retirement System; and

WHEREAS, on December 15, 2009, the Public School Employees' Retirement System ("PSERS") filed its Answer to Claimant's Appeal and Request for Administrative Hearing; and

WHEREAS, by operation of NY Retire & S. Sec. §571(c), Claimant is prohibited from withdrawing his vested account with the New York Teachers' Retirement System; and

WHEREAS, the New York State Assembly is considering Bill No. S3510A that would rescind NY Retire & S. Sec. §571(c) thereby allowing Claimant to withdraw from the New York Teachers' Retirement System; and

WHEREAS, by letter dated August 6, 2010, PSERS advised Claimant that it would not oppose a request by Claimant to withdraw his appeal without prejudice, which would allow him resubmit his request to purchase his out-of-state service in the event the New York State Assembly revokes the restriction in NY Retire & S. Sec. §571(c) provided Claimant is an active member at the time of such request; and

WHEREAS, by letter received September 3, 2010, Claimant requested that he be permitted to withdraw his Appeal and Request for Administrative Hearing without

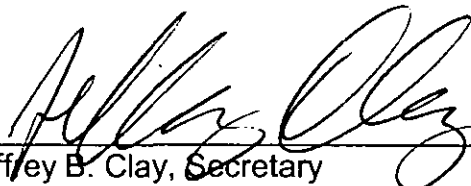
prejudice.

NOW THEREFORE, IT IS HEREBY ORDERED that Claimant's Appeal and Request for Administrative Hearing is hereby dismissed without prejudice; and it is

FURTHER ORDERED that the appropriate officer of the Board notify Claimant by certified, return receipt requested mail and U.S. 1<sup>st</sup> class mail, of the entry of this Order and provide a copy to PSERS' Office of Chief Counsel.

PUBLIC SCHOOL EMPLOYEES'  
RETIREMENT BOARD

Dated: 9/8/10

By:   
Jeffrey B. Clay, Secretary