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PENSIONS - ILLINOIS

Rosario v. Retirement Bd. of Policemen's Annuity and Ben. Fund for City of Chicago

United States Court of Appeals, Seventh Circuit - February 19, 2014 - F.3d - 2014 WL 636815

Retired city police officers brought civil rights action after the city police pension board refused to reconsider its prior denial of pension credit to police officers who retired during a 16-year period. The District Court dismissed the action, and the officers appealed.

The Court of Appeals held that:

- The 35-day period for seeking review of a decision of the Board under the Illinois Administrative Review Law (ARL) did not deprive retired police officers of procedural due process;
- Board, which by statute was made up of one-half police officers, was not impermissibly self-interested, so as to deprive pension applicants of procedural due process; and
- Board's denial of pension credit to police officers who retired during a 16-year period did not violate equal protection.

The 35–day period for seeking review under the Illinois ARL, rather than city police pension board rule permitting review or reconsideration of a police officer's pension application "at any time by majority vote of the Board for good cause shown," governed police officers' applications to reconsider the dispositions of their pension applications.

City police pension board's denial of pension credit to police officers who retired during the 16-year period after board changed its interpretation of statute governing the credit and before an appellate decision overturned that interpretation did not violate equal protection. Board's different treatment of those officers who retired before that period was rationally related to its legitimate interest in correctly calculating retiring officers' pension credits, and its different treatment of those officers who were awarded pension benefits after that period was rationally related to its legitimate interest in the finality of its judgments.

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