

Bond Case Briefs

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PENSIONS - RHODE ISLAND

Retirement Board of Employees' Retirement System of City of Providence v. Corrente

Supreme Court of Rhode Island - December 15, 2017 - A.3d - 2017 WL 6419144

City retirement board brought action, pursuant to city's honorable service ordinance, to confirm its decision to reduce pension benefits of retired city employee who was convicted of multiple felonies, and mayor and city moved to intervene.

The Superior Court permitted mayor and city to intervene and confirmed retirement board's decision. City and mayor appealed, and retirement board cross-appealed. The Supreme Court vacated, finding that Superior Court lacked subject-matter jurisdiction to issue its decision, but remanded by reason of newly-enacted statute now vesting Superior Court with jurisdiction. The Superior Court re-entered its judgment and parties again cross-appealed.

The Supreme Court of Rhode Island held that:

- Mayor and city rebutted presumption that city retirement board adequately represented their interests, and thus they were entitled to intervene;
- Standard of review for administrative appeals, as set forth in Administrative Procedures Act, applied to appeal of retirement board's decision;
- Decision of retirement board to reduce employee's pension benefits was not arbitrary, capricious, or affected by other errors of law; and
- Decision of retirement board to deny employee's request for tax credit was supported by legally competent evidence.