

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 512

An Act for the relief of Edward H. Henry.

[H 1575]

Approved March 23, 1995

Whereas, Edward H. Henry was formerly employed for many years as a teacher in the Fairfax County School system; and

Whereas, in August, 1983, Mr. Henry accepted a position on the coaching staff of the University of Virginia on the understanding that he could continue to draw retirement benefits from the Virginia Retirement System ("VRS") while employed; and

Whereas, on December 19, 1983, his application for retirement benefits was acknowledged by VRS; and

Whereas, in February 1989, VRS advised Mr. Henry that it had erroneously paid him retirement benefit payments during the time he was employed at the University of Virginia and immediately terminated those benefits and calculated the overpayment to him at \$53,344.18; and

Whereas, VRS further advised Mr. Henry that when he applied for full retirement again, his retirement benefit payments would not be received by him but would be credited against the \$53,344.18 paid to him in error by VRS until the amount was reduced to zero; and

Whereas, Mr. Henry's last day of employment at the University of Virginia was May 31, 1992; and

Whereas, since Mr. Henry was advised that he would not actually receive retirement benefits from VRS for several years, until the amount erroneously paid to him was reduced to zero, he believed he was not required to immediately file an application for retirement benefits with VRS and that the credits toward the total sum he owed would commence immediately on June 1, 1992, when his employment ceased; and

Whereas, VRS did not receive an application for retirement benefits until August 7, 1993; and

Whereas, VRS backdated Mr. Henry's effective retirement date to June 1, 1993, as authorized pursuant to § 51.1-205 D; and

Whereas, as a result, Mr. Henry was not able to use the period between June 1, 1992, through May 31, 1993, when he was clearly eligible to receive full retirement benefits, to offset the moneys he owed to VRS; and

Whereas, postponing the date when crediting began will deprive him of accrued benefits for one year; and

Whereas, Edward H. Henry has no other means of relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That notwithstanding any other provision of Title 51.1 of the Virginia Code to the contrary, the Virginia Retirement System shall allow a credit in the sum of \$12,571.32 against the total amount of \$53,344.18 owed by Edward H. Henry, the sum being equal to the amount of credit Edward H. Henry would have received had his effective retirement date been June 1, 1992.