

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Edward H. Henry.*

3 [H 1575]

4 Approved

5 Whereas, Edward H. Henry was formerly employed for many years as a teacher in the Fairfax
6 County School system ; and7 Whereas, in August, 1983, Mr. Henry accepted a position on the coaching staff of the University of
8 Virginia on the understanding that he could continue to draw retirement benefits from the Virginia
9 Retirement System ("VRS") while employed; and10 Whereas, on December 19, 1983 his application for retirement benefits was acknowledged by VRS;
11 and12 Whereas, in February 1989, VRS advised Mr. Henry that it had erroneously paid him retirement
13 benefit payments during the time he was employed at the University of Virginia and immediately
14 terminated those benefits and calculated the overpayment to him at \$53,344.18; and15 Whereas, VRS further advised Mr. Henry that when he applied for full retirement again, his
16 retirement benefit payments would not be received by him but would be credited against the \$53,344.18
17 paid to him in error by VRS until the amount was reduced to zero; and

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

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

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

25 Whereas, VRS backdated Mr. Henry's effective retirement date to June 1, 1993, as authorized
26 pursuant to § 51.1-205 D; and27 Whereas, as a result, Mr. Henry was not able to use the period between June 1, 1992, through May
28 31, 1993, when he was clearly eligible to receive full retirement benefits, to offset the moneys he owed
29 to VRS; and30 Whereas, postponing the date when crediting began will deprive him of accrued benefits for one
31 year; and32 Whereas, Edward H. Henry has no other means of relief except by action of this body; now,
33 therefore,

34 Be it enacted by the General Assembly of Virginia:

35 **1. § 1. That notwithstanding any other provision of Title 51.1 of the Virginia Code to the contrary,**
36 **the Virginia Retirement System shall allow a credit in the sum of \$12,571.32 against the total amount**
37 **of \$53,344.18 owed by Edward H. Henry, the sum being equal to the amount of credit Edward H.**
38 **Henry would have received had his effective retirement date been June 1, 1992.**