

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Robert Duchesne,

Complainant

against

State of Connecticut; State
Employees Retirement Commission,

Respondents

Report of Hearing Officer

Docket #FIC81-211

May 18, 1982

The above captioned matter was heard as a contested case on April 30, 1982, at which time the complainant and the respondent commission appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent commission is a public agency as defined by §1-18a(a), G.S.

2. By letter dated July 22, 1981, the complainant made a request of the respondent commission for the following:

- a) notification in writing of the time and location of a meeting scheduled for August 13, 1981, at which the complainant's request to purchase retirement credit was to be considered; and
- b) the opportunity to appear before the respondent commission at such meeting.

3. By letter dated August 18, 1981, the respondent commission informed the complainant that the matter of his request had been tabled at the August 13, 1981 meeting and that he would be notified of subsequent action taken by the respondent commission.

4. By letter dated October 13, 1981, the respondent commission informed the complainant that his request to purchase retirement credit had been denied at its October 8, 1981 meeting.

5. By letter of complaint filed with the Commission on November 12, 1981, the complainant alleged that the October 8, 1981 denial of his request, without a hearing and without personal notice, constituted a violation of the Freedom of Information Act, and requested that this Commission declare the denial decision null and void.

6. At hearing, the complainant alleged that the letter referred to in paragraph 2, above, constituted a request pursuant to §1-21c, G.S. for notice of meetings, and that no notice of the October 8, 1981 meeting had been sent by the respondent commission.

7. Also at hearing, the respondent commission moved to dismiss the complaint on the grounds that the Commission lacked jurisdiction to hear the complaint because:

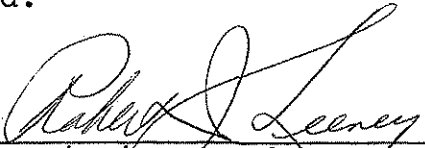
- a) no right to a hearing is conferred upon the complainant by the Freedom of Information Act; and
- b) the complaint was not filed within thirty days of the alleged violation.

8. It is found that the complaint was not filed within thirty days of the alleged denial of any right conferred by the Freedom of Information Act, within the meaning of §1-21i(b), G.S.

9. The respondent commission's motion to dismiss, therefore, is hereby granted.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.



Commissioner Robert J. Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of June 23, 1982.



Mary Jo Jolicœur
Clerk of the Commission