

SUPREME COURT OF INDIANA

Thatcher v. City of Kokomo, et al.

Thatcher v. City of Kokomo, 954 N.E.2d 457 (Ind. 2011) · No. 94S00-1109-CQ-570 · Decided October 7, 2011

SUMMARY

The Supreme Court of Indiana accepted certified questions from the United States District Court for the Southern District of Indiana concerning the application of Indiana statutes governing disability benefits and years of service under the 1977 Fund for police officers and firefighters. The order established briefing, appendix, filing, service, appearance, and related procedural requirements for the certified-question proceeding.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	October 7, 2011
DOCKET	94S00-1109-CQ-570
DISPOSITION	cert_granted
PROCEDURAL POSTURE	The United States District Court for the Southern District of Indiana certified two questions of Indiana state law to the Supreme Court of Indiana under Indiana Appellate Rule 64.
PRECEDENTIAL VALUE	Published procedural order accepting certified questions; no substantive statutory holding was issued.
PARTIES	Mark J. Thatcher v. City of Kokomo, et al.

TOPICS

appellate procedure statutory interpretation civil procedure municipal law

PRACTICE AREAS

appellate procedure civil procedure municipal law public employee disability benefits

QUESTIONS PRESENTED

- Whether to accept, under Indiana Appellate Rule 64, the federal district court's certified question concerning the applicability of Indiana Code section 36-8-4-7(a) to a 1977 Fund member receiving

disability benefits who was determined to have recovered under 35 Indiana Administrative Code 2-6-5(c).

2. Whether, if Indiana Code section 36-8-4-7(a) applies, Indiana Code section 36-8-8-12(e) makes time spent receiving disability benefits count toward years of service.

HOLDINGS

1. The Supreme Court of Indiana accepted the two certified questions for consideration under Indiana Appellate Rule 64.

KEY QUOTATIONS

“The certified questions, which each member of this Court has considered, are hereby ACCEPTED pursuant to Indiana Appellate Rule 64.” (954 N.E.2d at 457)

FACTUAL BACKGROUND

The underlying federal case concerns a member of Indiana's 1977 Fund, a disability pension fund for police officers and firefighters. The certified questions address whether statutory provisions concerning disability benefits, recovery from disability, eligibility, and years of service apply to that individual. The Indiana Supreme Court's order is procedural and contains no merits findings concerning the claimant's eligibility or benefits.

PROCEDURAL HISTORY

The certified questions arose in *Thatcher v. City of Kokomo*, No. 1:10-cv-101-WTL-TAB, pending in the Southern District of Indiana. The Indiana Supreme Court accepted the questions and established briefing, appendix, filing, service, appearance, and scheduling procedures; it did not answer the substantive questions in this order.

DISPOSITION

cert_granted

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