



RPEA WINS DENTAL PLAN DIMINISHMENT LAWSUIT

In January 2016, RPEA filed a lawsuit against the Commissioner of the Department of Administration for improperly imposing a new retiree dental plan in 2014 in place of the existing retiree Dental plan. This lawsuit claimed that the new Moda dental plan diminished the benefits under the existing dental plan thereby violating the DVA plan's constitutional protection (Dental/Vision/Audio). The State's position was that the plan is not constitutionally protected, and they could make changes to the plan at will, which they did on January 1, 2014.

In December 2016, the Court granted a partial summary judgment ruling that the DVA plan was constitutionally protected just like the retiree medical plan.

The trial to determine if the State's actions in 2014 resulted in diminishment was completed in October 2018. The Court had 6 months from the completion of the trial to issue a decision.

On April 16, 2019, the Court ruled entirely in RPEA's favor that the 2014 changes did diminish the retiree dental plan and were unconstitutional.

The full decision will be posted by tomorrow on the RPEA website:
<https://rpea-ak.org/lawsuits/DVA-Declaratory-Relief/2016-DVA-declatory-lawsuit.html>

RPEA will meet with the Department of Administration soon to discuss the remedies offered by the Court.

This decision will affect any retiree who purchased the retiree DVA plan, **even if it was purchased after the lawsuit was filed.**

If you know of any retiree who is not an RPEA member, please share this with them so they are aware of this court decision and their rights.

If anyone has questions, please let me know!
Sharon

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