

20-1087

No. 20-2024

Supreme Court, U.S.
FILED

SEP 15 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Leonard Hartford Tunnell — PETITIONER
(Your Name)

vs.

Public School Retirement System of Missouri — RESPONDENT(S)
+ Steve Yoakum

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 8th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Leonard Hartford Tunnell
(Your Name)

19362 Hartford Lane
(Address)

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(City, State, Zip Code)

417 438 5206
(Phone Number)

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FEB - 8 2021

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SUPREME COURT, U.S.

Questions

Please keep in mind that I am a pro se attorney. I have no law firm to do research and no clerical support. My background is in mathematical proof.

I have discovered a cancer in the USA that is wrecking the lives of Americans that have earned a retirement. It needs to be eradicated. PSRS in Missouri is damaging the lives of thousands of Missourians.

I am appealing the U.S. district court decision that said that since I was married to someone that was on a **government retirement system – Missouri Public Schools Retirement System (PSRS)** that a spouse's retirement was not protected. I was deprived of the retirement that was earned. I supported my wife for 47 years - her entire adult life, paying for her education and helping at her work.

The judge ruled that no spouses of members of governmental retirement systems are entitled to retirement rights. That would include the spouses of teachers, military personnel, and government employees. This implies that **nationally millions of spouses are at risk of losing their retirement.** That is a violation of federal law (supreme law) – the Retirement Equity Act of 1984 (House vote 413-0). This is now part of ERISA and is the product of Geraldine Ferraro and President Reagan. The theft of a spouse's retirement is a **gross injustice at a national level.** PSRS has been sued thousands of times over this issue.

PSRS (Missouri's Public Schools Retirement System) tells their retirees that they are allowed to give their retirement to someone other than the spouse. In a worst-case scenario, a homemaker wife could support her husband for 50 years (my wife and I were married 47 years) and find out at the time of his death that he has given the retirement away. When she contacts PSRS, they will refuse to tell her anything because her retirement was given away to someone else. My wife did not turn in a required beneficiary form (I was the automatic beneficiary) and PSRS gave my retirement away. PSRS may be profiting from this policy of giving away retirements. They don't require any waivers to be signed. **Neither me nor my wife would sign beneficiary waiver forms and give up beneficiary rights.** There is no other way to give up spousal rights to earned retirement. I also argue that this policy is robbing the spouse, destroying families, and probably generating suicides. At the time of my wife's death, PSRS immediately kept 50% of the retirement she earned and then did not distribute all of the remainder. PSRS probably kept 75% of the retirement. I believe by violating federal law PSRS made over an extra \$100,000.

One could also argue that the PSRS policy creates a new form of slavery and discrimination in the United States.

The public was told by President Ronald Reagan in 1984 that defined benefit plans, like PSRS, must protect the spouse and that each member of a marriage has contributed to the retirement (REA 1984). Each spouse is a joint owner of the retirement earned during their marriage.

The decision by the U.S. District court in K.C. implies that millions of spouses (of teachers, military personnel, government employees) are at risk. Thousands of spouses will lose their retirements in the future, many families will be destroyed and many suicides will occur.

The Supreme Court should find in my favor since PSRS is violating a Federal Law – The Retirement Equity act of 1984 and PSRS should be instructed to change their policy and stop damaging the lives of widows and widowers that are married to their members. All governmental retirement systems should do the same.

I have spent over 2 years (since March 2018) fighting for my retirement and the rights of thousands of Americans that have encountered a retirement system like PSRS. These people are old, invisible, and scattered across our nation. They spent their lives trusting a retirement system that failed them and the US courts that failed them. Now they have no retirement at an old age.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

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STATUTES AND RULES

ERISA (The Retirement Equity Act 1984 (House vote 413-0))

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at enclosed letter Aug 27, 2020 8th & Louis; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Sept 27 2020
Aug

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Case can be resolved by simply applying
The Retirement Equity Act 1984 now an
amendment to ERISA.

Precedence Law J Scott vs PSRS
Case No 09-4241-CV-C-NKL

STATEMENT OF THE CASE

The defendants are Public Schools Retirement System of Missouri (PSRS), and Steve Yoakum. The events occurred in Missouri March-April 2018. I have never been contacted by PSRS.

For decades PSRS has violated federal law by not protecting the spouses of their retirees. They allow their members to have beneficiaries other than their spouses. For example, it is possible for a homemaker married to a PSRS member for 50 years to find out at the time of her husband's death that her husband has given her retirement away. PSRS does not require that a waiver be signed to do this. This is a violation of the Retirement Equity Act of 1984 which states that all retirement is jointly owned by the husband and wife and a spouse must sign a waiver to give up their retirement. Many Missouri citizens have lost all or part of retirement because of this and many families in Missouri have been damaged by the PSRS ignoring the supreme law of the land. Today thousands of spouses of PSRS members have their retirement at risk. What PSRS is doing is a blight on the dignity of the state of Missouri.

PSRS is separately incorporated and it can sue and be sued. Especially when the suit is filed by a citizen of Missouri. It should also be pointed out that state funds and PSRS funds cannot be comingled.

My wife of 47 years died of cancer 1 month after she divorced me. She had no will. Before we signed the settlement agreement, we both agreed to put each other down as beneficiaries on our retirements, as required by federal law. I had her as the beneficiary on all my assets. She was required by her retirement system PSRS to turn in a beneficiary form within 30 days after the divorce was settled. She died unexpectedly and did not turn the required beneficiary form in. I had an agreement with her that I would be the beneficiary on her PSRS retirement (even though that was not needed under federal law) and of course she was the beneficiary on all my retirement. I have written evidence of the agreement. No waiver was signed by either of us to give up retirement money. PSRS sent my retirement money to her estate and then it was distributed to the children. This has occurred thousands of times in Missouri leaving a widow or widower, that had a nice retirement, penniless. I am asking that this PSRS retirement money be paid to me. While working on the marriage settlement, my wife told me that if she died first, I would receive $\frac{1}{2}$ of the monthly retirement payment she would be receiving. I would receive about \$900 per month. By Federal law, I am the automatic beneficiary of all retirement money that we earned. In the case of my wife, I spent a lot of time and money helping her acquire the credentials to be able to earn a PSRS retirement and her jobs.

The Court should put an end to the gross injustices perpetuated by PSRS. The policy at PSRS is to tell a spouse (that has a vested interest in a PSRS retirement) nothing, if they are not listed as the beneficiary. If the member

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switches beneficiaries, the spouse is told nothing. The member's spouse has no rights at PSRS. Missouri citizens do not think that their retirements can be stolen like this. But at PSRS it has been done thousands of times – a violation of the supremacy of the federal law. REA 1984

Court of 1 st instance	US District Court – Western District of Missouri
Court of 2 nd instance	US Court of Appeals 8 th Circuit

REASONS FOR GRANTING THE PETITION

Federal Law (supreme law) is being violated by PSRS in Missouri.

The U.S. District Court K.C. Mo. drew the conclusion that no government retirement plans are covered by ERISA or the REA 1984. The REA 1984 was specifically enacted to protect spouses of government retirement (motivated to protect the wives of military men). Pres. Reagan spelled this out to the public - see the speech.

Given that PSRS is violating Federal Law – the Retirement Equity Act of 1984 (an amendment to ERISA) – which had as its primary purpose the protection of the spouse's rights to all retirement earned during a marriage.

And given that a spouse must sign a waiver specifically giving up that beneficiary right or they retain the beneficiary right.

And given that the public is relying on our government to protect our retirement rights and the public believes they are joint holders of all retirement generated during a marriage REA 1984.

And given that PSRS of Missouri has destroyed the retirements of thousands of spouses married to their members over many years and in doing so has damaged many families in Missouri, and possibly caused suicides in doing so.

And given the fact that I have spent nearly 3 years of my retirement trying to get my retirement returned to me.

And given the fact that protection of the spouse is basic common sense and considered by society as fair play.

And given the fact that the U.S. Supreme court has now been made privy to the hundreds of thousands of Americans that unknowingly have their retirements at risk because a federal law is being violated.

I contend that my retirement be given to me with interest and punitive damages as the court sees just. Data concerning the retirement is being held by PSRS.

Also, all government retirement systems should be notified that they are to protect the rights of spouses by following federal law. The loss of retirement by military wives motivated the writing of REA 1984.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Leonard Hartford Jurnell

Date: Dec 21, 2020