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would not otherwise be entitled." Rainaldi v. Public Employees Retirement Board, 115 N.M. 650, 658, 857 P.2d 761, 769 (1993). The New Mexico Supreme Court has specifically refused to apply the principles of estoppel when it would result in the receipt of pension benefits to a retiree who was not otherwise entitled to those benefits.

The PERA report that this bill appears to arise from a case involving a judge who received an erroneous estimate prior to retirement. Reciprocity retirement pension estimates (which was given) are complicated and calculated manually. PERA is currently in the process of updating its pension administration system and part of that update will include calculating reciprocity retirements, thus eliminating the potential for human error. The error was discovered and corrected 5 months prior to the member's selected retirement date. The error did not preclude the judge from being eligible to retire. PERA has resolved this case in a manner that did not violate the terms of the trust.

JBE/ar