

ALFRED R. GROOMS, Petitioner v. STATE OF N.C. DEPARTMENT OF STATE  
TREASURER, RETIREMENT SYSTEMS DIVISION, Respondent

No. 401A01

(Filed 18 December 2001)

**Pensions and Retirement--local government employee--death after  
retirement--survivor's alternate benefit**

A decision of the Court of Appeals that the beneficiary of a county employee who died within 180 days of retirement was entitled to select the survivor's alternate benefit set forth in N.C.G.S. § 128-27(m) is reversed for the reason stated in the dissenting opinion in the Court of Appeals that the legislature did not intend for the alternate benefit provided by the statute to apply to the beneficiary of a government employee whose death occurred after his retirement.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 144 N.C. App. 160, 550 S.E.2d 204 (2001), reversing and remanding an order entered 23 February 2000 by Bullock, J., in Superior Court, Wake County. Heard in the Supreme Court 15 November 2001.

*Kilpatrick Stockton LLP, by James B. Trachtman, for  
petitioner-appellee.*

*Roy Cooper, Attorney General, by Robert M. Curran, Assistant  
Attorney General, for respondent-appellant.*

PER CURIAM.

For the reasons stated in the dissenting opinion by Judge Timmons-Goodson, we reverse the decision of the Court of Appeals.

REVERSED.