ATTACHMENT C

RESPONDENT'S ARGUMENT

RESPONDENT'S ARGUMENT IN FAVOR OF PROPOSED DECISION:

AGENCY CASE NO. 2022-0658

OAH CASE NO. 2023010189

In the Matter of the Application for Industrial Disability Retirement of CESAR G. URETA

Respondent, Dr. Cesar G. Ureta, hereby requests the CalPERS Board of Administration to ADOPT the Proposed Decision of Administrative Law Judge Michelle Dylan in this matter, for the following reasons:

1. The Proposed Decision includes a comprehensive account of the relevant facts and demonstrates knowledge and mastery of the underlying administrative record;

2. The Proposed Decision carefully analyzes the expert witness testimony;

3. The Proposed Decision applies the law to the facts in a logical and nuanced manner, including analysis of relevant precedents in light of the facts of this case; and

4. The Proposed Decision makes well-founded findings of fact and reaches well-founded conclusions of law.

In summary, the Proposed Decision is well-written and credible and displays numerous indications of reliability, including convincing findings of fact, logical analysis of the relevant precedents, and credible application of law to the facts. For all these reasons, it should be adopted.

Regarding the question of whether the Proposed Decision should be designated as precedential, Dr. Ureta has a strong preference against granting the decision precedential status, because the decision contains references to his personal health information. Dr. Ureta wishes to maintain the confidentiality of his personal health information, and for this reason, Dr. Ureta is opposed to any sort of circulation, publication or precedential designation of the Proposed Decision.