

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

Attachment A



California Public Employees' Retirement System
Legal Office

P. O. Box 942707, Sacramento, CA 94229-2707 | Phone: (916) 795-3675 | Fax: (916) 795-3659
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

September 25, 2024

Ref. No. 2023-0866

Via Certified Mail – Return Receipt Requested and First-Class Mail

Jose E. Saucedo Lazalde


**Subject: In the Matter of the Appeal for Industrial Disability Retirement of Jose E. Saucedo Lazalde, Respondent, and California Department of State Hospitals Atascadero, Respondent.
OAH No. 2024010723**

Dear Mr. Saucedo Lazalde:

We enclose a copy of the Board of Administration's Decision in the above matter. Please be advised that this Decision was made on September 18, 2024, pursuant to the Administrative Procedure Act (Government Code section 11370, et seq.) and California Code of Regulations, Title 2, sections 555-555.4.

Any party who participated in this case and is dissatisfied with this Decision has the right to petition the Board for reconsideration, and/or to appeal the Decision to superior court (Government Code sections 11521 and 11523). A Petition for Reconsideration and/or Petition for Writ are additional appeal process options available to you. You do not have to file a Petition for Reconsideration to file a Petition for Writ in superior court (Government Code section 11523). Both appeal processes are explained further detail below.

Petition for Reconsideration

Should you decide to petition the Board for reconsideration, your Petition must be *received* by the CalPERS Board Services Unit by October 18, 2024, in order to be included in the Board's agenda for its November 20, 2024 meeting. If your Petition for Reconsideration is not *received* by October 18, 2024, the Board will not be able to act on it and the enclosed Decision will become final. Once the effective date of the Decision has passed, the Board loses the authority to reconsider its Decision, and any Petition for Reconsideration filed after the expiration date will be rejected (Government Code section 11521).

Please title your submission "Petition for Reconsideration" and ensure that all personal information has been redacted (e.g., address, phone number, CalPERS ID number, Social Security number), because it will become a public document when included on the Board's agenda. Your Petition for Reconsideration should be no longer than six pages, legible, signed and dated.

Your Petition for Reconsideration may be mailed, emailed and/or faxed to:

Board Services Unit Coordinator
California Public Employees' Retirement System (CalPERS)
PO Box 942701
Sacramento, CA 94229-2701
Email: Board@CalPERS.ca.gov
FAX: 916-795-3972

In addition, it is recommended that you send, via fax, a copy of any Petition for Reconsideration to the attention of Matthew G. Jacobs, General Counsel, at (916) 795-3659.

Whatever delivery method you choose, please ensure the CalPERS Board Services Unit *receives* your Petition no later than October 18, 2024.

ONLY THE ABOVE METHODS OF DELIVERY SHOULD BE UTILIZED IN TRANSMITTING A PETITION FOR RECONSIDERATION. DO NOT DROP DOCUMENTS OFF AT ANY CALPERS REGIONAL OFFICE IN LIEU OF THE ABOVE INSTRUCTIONS, AS THERE IS NO GUARANTEE THAT THOSE DOCUMENTS WILL BE RECEIVED TIMELY BY THE BOARD SERVICES UNIT FOR INCLUSION ON THE AGENDA.

Petition for Writ of Mandate

If you do not file a Petition for Reconsideration or if your Petition for Reconsideration is denied, another option in the appeal process is to file a Petition for Writ of Mandate in superior court.

If you choose to file a Petition for Writ of Mandate, please submit a written request to our office for preparation of the administrative record. You are responsible to pay the costs to prepare the record, which is calculated at \$0.10/page.

A Petition for Writ of Mandate must be filed in superior court within 30 days after the last day on which reconsideration can be ordered (Government Code section 11523). Once you request and pay for CalPERS to prepare the Administrative Record, your time to file a Petition for Writ is 30 days after the Record is delivered to you (Government Code section 11523).

The deadlines for filing a writ petition are strict. Superior courts have numerous court rules regarding filing Petitions for Writ of Mandate. You may, but are not required to, consult with an attorney should you decide to file a writ in superior court.

Sincerely,



Matthew G. Jacobs
General Counsel
Legal Office

MGJ:tlh

Enclosure

cc: Personnel Officer, Department of State Hospitals - Atascadero

October 17th 2024

Hello my name is Jose Saucedo. I am sending this email for Petition for reconsideration. I was seen partially for one injury but have not been evaluated for my head/psych injury. I was seen by a psych eval by state funds but never received a follow up IME by calpers. I requested to be seen by the assigned doctor I was assigned, but after multiple attempts and pending approval per state funds. I was not able to see an professional for my head injury. I have went to my personal doctor and had her sign over the medical paperwork. It was sent to you 4 weeks ago as of you receiving this message. I am waiting for an IME appointment or further information requested from Calpers. Please email me at

[REDACTED] or call me at [REDACTED]

A handwritten signature in black ink, appearing to read 'Jose Saucedo', with a long horizontal flourish extending to the right.