



Board of Administration Educational Day
**Action Item – Proposed Decisions
of Administrative Law Judges 3.
Christopher L. Liddell**

January 13, 2025

Item Name: Proposed Decision – In the Matter of the Application for Disability Retirement of CHRISTOPHER L. LIDDELL, Respondent, and DEPARTMENT OF JUSTICE, Respondent.

Program: Disability and Survivor Benefits Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should adopt the Proposed Decision, as modified. Respondent Christopher L. Liddell's (Respondent) position is included in Attachment C, if any.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

Respondent submitted an application for service pending disability retirement based on a cardiological condition (chronic heart failure, dilated cardiomyopathy). CalPERS denied the application. Respondent appealed this determination, and the matter was heard by the Office of Administrative Hearings on October 1, 2024. Due to Respondent Department of Justice's (Respondent DOJ) failure to appear, the case proceeded as a default against Respondent DOJ only under Government Code section 11520. A Proposed Decision was issued on October 18, 2024, affirming CalPERS' determination and denying the appeal.

Alternatives

A. For use if the Board decides to modify and adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517, subdivision (c)(2)(C), which

authorizes the Board to “make technical or other minor changes in the proposed decision,” hereby modifies the Proposed Decision, by:

1. removing the word “industrial” before the words “disability retirement” in the caption on page 1, and the Issue paragraph on page 2;
2. removing the word “industrial” before “member” and replacing it with the word “safety” in the Factual Findings section, paragraph one, page 2, and Legal Conclusions section, paragraph one, page 7;
3. removing the acronym “IDR” and replacing it with the acronym “DR” in the Issue paragraph, page 2; the Factual Findings section, paragraphs two, three, fourteen, and seventeen on pages 3, 6, and 7; the Legal Conclusions section, paragraph one, four, and five, on pages 7 and 9;
4. removing the reference to Government Code section “20048” in the Factual Findings section, paragraph one, page 2, and Legal Conclusions section, paragraph one, page 7;
5. removing the reference to Government Code section “20382” in the Legal Conclusions section paragraph one, page 7; and
6. adding the word “claiming” after the word “application” in the Factual Findings section, paragraph sixteen, page 6.

Pursuant to these changes, the Board hereby adopts as its own Decision the Proposed Decision dated October 18, 2024, as modified, concerning the appeal of Christopher L. Liddell; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

B. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated October 18, 2024, concerning the appeal of Christopher L. Liddell; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

C. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated October 18, 2024, concerning the appeal of Christopher L. Liddell, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

D. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated October 18, 2024, concerning the appeal of Christopher L. Liddell, hereby rejects the Proposed Decision and refers the

matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

E. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Christopher L. Liddell, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Christopher L. Liddell.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Kimberly A. Malm
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