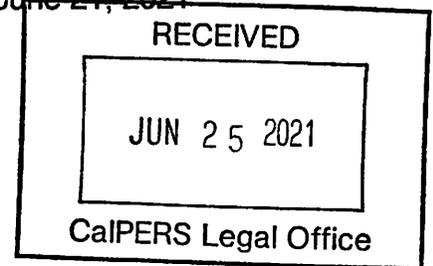


**ATTACHMENT A**

**RESPONDENT'S PETITION FOR RECONSIDERATION**

Cheree Swedensky, Assistant to the Board  
Executive Office  
California Public Employees' Retirement System  
P.O. Box 942701  
Sacramento, CA 94229-2701

June 21, 2021



**Petition for Reconsideration**

I would like the Calpers Board of Administration to reconsider its decision in the matter of my Disability Retirement Application. I have been completely incapacitated since February 2019, though Calpers has June 2019 as the date I officially stopped being able to work as a Civil Engineer for the Department of Transportation since that is when all of my leave balances were exhausted. It has been a ride, to say the least; to get all the doctors to come up with a more decisive diagnosis since some were thinking it was seronegative rheumatoid arthritis while others were thinking it was fibromyalgia. It has taken visits to a number of different rheumatologists all the way up to ones at University's Medical Departments and trial of various medications to determine that this is both conditions, with fibromyalgia being the main cause of incapacitation.

I mentioned to Calpers Attorney Austa Wakily that the diagnoses might need to be adjusted in one of my first telephone conversations with her back in 2019 due to the complexity of my condition. So, she was completely aware that I might need to amend the disability application. However, she was non-responsive for 7 months from July 2020 to February 2021 when she miraculously replied to deny a request I made to move the hearing date back since I had finally found a rheumatologist that would participate in a disability hearing and was securing the necessary contracts needed along with the law firm to have said disability hearing since rheumatologists at the University level do not voluntarily participate in such a thing or medical networks do not let their doctors do so either.

So, I am very sure everything could have been taken care of months ago in adjusting the application appropriately and lessened the uneasiness and helped with hopefully recovering sometime, if ever. I was told Calpers Attorney Austa Wakily was out sick for those 7 months apparently, that is why I never got a call or email response back. In the hearing, she said she was not the entity to notify of such a thing (again, 7 months later, and in the February 2021 hearing she was not willing to let me move back where the timing was out of my hands due to trial of medications but more so securing the needed parts to have a fair chance with covid-19 going on while having an immune related condition). Instead, apparently I am supposed to mail something in to Calpers though all correspondence from Calpers has mentioned that Calpers Attorney Austa Wakily is my point of contact moving forward.

This is a copy of the memo I sent Calpers on March 19, 2021 for reference, with no response to my recollection (I have also included portions of the mentioned medical documentation to convey the updated diagnoses that were all sent to Calpers and Attorney Austa Wakily months ago- see independent IME and UCLA 2nd Opinion):

## **Request to Amend Disability Retirement Application**

I have been trying to get a hold of Calpers Attorney Austa Wakily since July 2020 via email and phone. I was told she has been out sick. I did not hear back from her until February 2021. I have been trying to coordinate an update to my disability retirement application and she has waited 7 months to notify me that she is not the entity to notify of such a thing. Instead, apparently I have found out I am supposed to mail something in to Calpers though all correspondence from Calpers has mentioned that Calpers Attorney Austa Wakily is my point of contact moving forward.

So, this is my request to amend the disability retirement application to also include fibromyalgia. So, to further clarify, my disability retirement application should include these three illnesses:

- rheumatoid arthritis
- asthma
- fibromyalgia

Attached is additional medical documentation that Calpers Attorney Austa Wakily has apparently not forwarded on.

I am also requesting that Calpers confirms receipt of this memo and its contents via phone. I can be contacted at 916-764-7032.

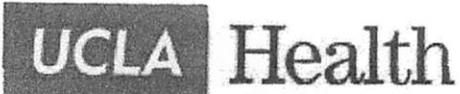
Thank you,  
Kian Hemmati



Eyes: [redacted] Normal, Left: Normal.  
 Ears: [redacted] Normal, Right: Normal, Left: Normal.  
 Nose: [redacted] Normal.  
 Throat: [redacted] Normal.  
 Neck: [redacted] Normal.  
 Lungs: [redacted] Normal.  
 Heart: [redacted] Normal.  
 Abdomen: [redacted] Normal.  
 Muscles: [redacted] Normal.  
 Nerves: [redacted] Normal.  
 Reflexes: [redacted] Normal.  
 Sensation: [redacted] Normal.

**Assessment/Plan**

#	Detail Type	Description
1.	Assessment	Fibromyalgia (M79.7).
		[redacted] anxiety, poor sleep, mental fogging
		[redacted] unable to tolerate
		[redacted] no help
		[redacted] of his house



SM RHEUMATOLOGY

Hemmati, Kian

Visit date: 3/26/2020

Hemmati, Kian

Tiong, Benedict K., MD  
Physician  
Medicine, Rheumatology

Consults  
Signed

Creation Time: 03/26/20 1133

INITIAL RHEUMATOLOGY CLINIC CONSULT NOTE

PATIENT: Kian Hemmati

DATE OF SERVICE: 3/26/2020

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Assessment and Plan**

**Visit Diagnosis:**

