

ATTACHMENT C

RESPONDENT'S ARGUMENT

RESPONDENTS ARGUMENT (Reference #2023-1018)

October 22, 2024

Kind Gentlemen of the CalPERS Board of Administration,

I am submitting this written document as a refutation of the proposed disposition in this matter set before you. I have been in the law enforcement field, and part of CalPERS, for 28.5 years before service retiring (pending Industrial Disability Retirement) in October of 2021. This career choice has been all I have known since I was 22 years old, and it was an extremely difficult decision to make as I felt I had more to provide to the community in my role as a "Parole Agent." However, retirement became necessary as my pain and inability to continue completing required tasks of the job duties, without further injury, became inevitable.

In the years 2017-2019, multiple requests for an "ergonomic" standing desk and equipment were submitted due to my hips, elbows, and back pain worsening over these years. My requests for this accommodation were not fulfilled until a workman compensation report was filed through my supervisor in February 2019. From the year 2019-2020, I remained working while receiving multiple therapy treatments to assist with my diagnosed cumulative industrial injuries. Despite these treatment measures I actively participated in, each time I returned to the firearms range/defensive tactics training (quarterly), and general job expectations, reinjury, weakness, and pain would increase profusely. As noted, in 2020, medical professionals placed me on modified work restrictions which prevented me from returning to my official work assignment.

I did continue various therapy treatments I was referred to, and they were helpful, but unfortunately the cumulative injuries I have will never return to a normal result. All medical reports, including the CalPERS independent QME, consistently note there are injury to my Bi-lateral hips and elbows (lateral epicondylitis, hip flexor strain, tendinitis, tearing of the ischial tuberosities and ischial attachments), lower back lumbar sprain (MRI-annular disc bulges L4 and L5), that still exist and will remain for the rest of my life.

My disagreement with the Industrial disability retirement denial is that I truly could no longer perform the required duties of a Parole Agent, forcing me to go out on disability, supplemented with my earned "sick" hours, until October 2021. In reviewing the CalPERS disability department phone recording, it states: IDR is for members unable to perform their job duties due to a physical or mental condition expected to last longer than 12 months. That statement clearly correlates to my case, as I am unable to continue employment in law enforcement and my confirmed industrial injuries have lasted much longer than a year and will continue forever.

Additionally, Gov. code 21151(a) -A state safety member who becomes incapacitated for the performance of her usual duties as the result of an industrial disability shall be retired for disability. My treating doctors described me as "permanent and stationary," "permanent incapacity" (noted on an official CalPERS document), and provided work restrictions that were not conducive to the essential job duties of a Parole Agent. Also, Gov. Code 20026-An applicant is "incapacitated for performance of duty" if she is substantially unable to perform the usual duties of her position. This statement once again is exactly what I am expressing regarding my inability to continue my career in law enforcement due to my documented industrial injuries and the permanent restrictions applied. The confusion I have with the prior denial decisions is that, although I admit I am not gravely disabled, I am however, a cumulative industrial injury subject with a disability rating of 48% from the "State Compensation Insurance Fund."

In closing, I would like to thank you for your time and consideration in my case forwarded to you for review on November 20, 2024.