

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

PETITION FOR RECONSIDERATION

Board Services ^{Unit} Coordinator
 California Public Employees Retirement System
 (CALPERS)

P.O. Box 942701

Sacramento, Ca 94229-2701

Re: In the Matter of the Ad Board's Resolution in the
 Appeal of Accepting The Application for Industrial
 Disability Applicant of IMELDA P FIESTA
 To The Distinguished Board Members



I implore The Board to first contemplate on (it) one of its core values of "ZERO TOLERANCE" to RETALIATION as seemingly to me half of the value/weight of your determination is based on Notice of Adverse Action which led to my Separation with the employer in question. It has all the elements of retaliation so that the State Personnel Board considered my Appeal to it.

Second and very important is The →over

pg.1

11-paged Proposed Decision has misrepresentations
The following pages I have serious question / issue.

#1. The last paragraph before The Factual Findings
on pg. 2 which partly states,

" CALPERS timely filed with OAH and served
respondent with a Complete copy of Exhibit 9
..... No objection was received from respondents
by Nov. 6, 2024. The record closed and the
matter was re submitted for decision on Nov. 7, 2024"

- I did not receive a mail / physical mail
as indicated by Ms. Savala's e-mail. (copies
of e-mail between us is included on/as
3rd page of my Petition)

- The Lead Counsel Ms. Cristina Andrade
did not discuss nor notified me of this
matter until I e-mailed her asking
about update of my case on 11/14/24.

- I did not SOLELY consent to e-mails
as my way of correspondence as it
was evidenced on my hearing with
OAH I needed assistance in setting up my
Zoom hearing. I am not tech-savvy

- As a result of this I unjustly lost ->

pg. 2

CalPERS' Exh. 9 SPB Decision Approving Stipulation for Settlement (ID 684019).pdf ☆

SS Savala, Sabrina 10/29/24
To: Me ▾

Good morning Ms. Fiesta,

Please see attached exhibit 9. A copy will be mailed to you today.

Thank you,
Sabrina

Sabrina Savala
CalPERS Legal Office | Legal Support Services,
Unit III

Re: CalPERS' Exh. 9 SPB Decision Approving Stipulation for Settlement (ID 684019).pdf ☆

F Me 11/15/24
To: Savala, Sabrina ▾

Hi, Ms. Savala...i just found this e-mail,i was waiting for a regular mail.Please explain to me the relation of thos to my Disability application.Thank you so much.

Sent from Yahoo Mail for iPhone



AA

My Case ☆

F Me 11/14/24
To: Andrade,...ria (Cristina) ▾

GreetingsI am wondering if i am missing a mail for the decision Ms.Andrade.I have been diligently sifting my mail regarding the hearing we had.Thank you.

Mrs. I. Fiesta

Sent from Yahoo Mail for iPhone

RE: [External**] - My Case** ☆

AC Andrade, Maria (Cristi... 11/15/24
To: Me ▾

Ms. Fiesta,

Because the judge reopened the record there will be a delay in the decision. Her order indicates that she re-closed the record on November 7. We will not get a decision until 30 days from November 7.

Cristina Andrade
Senior Attorney | CalPERS Legal Division |



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cont.

- my chance to object to the Judge regarding this matter.
- I was not afforded by your lead Counsel, Ms. Andrade (the) insufficient notification on the change that occurred specially with the fact that I was self-represented.

Thirdly, and very important as repeatedly stated by the Agency starting in page 3 of the same Proposed Decision packed under #4 which partly states,

"... and the discharge is neither the result of a disabling medical condition"

- I respectfully argue that as provided in the Government Code 20027, January 2005 Edition of the California Public Employment Retirement Law defined "Disability" "Disabled" "Incapacitated" for an allowance to a surviving child, inability to engage in any substantial gainful occupation by reason of any physical or MENTAL impairment that is determined by the Board on the basis of competent Medical or Psychiatric Opinion.

- I have/was awaiting for an IME regarding a true Psychiatric condition as I provided in my December 15 Letter which played a great part on that day of the Offense in the NOAA. Please refer to A49, A50 in the OAH packet.

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→OVER

The absence of Independent Medical Examination IME in my belief negatively impacted my Case apparent on the OAH's Analysis which partly states on page 10 #8. That

"CDCR's dismissal action against respondent was not the result of a disabling medical condition... and did not have a valid claim for disability retirement." is poorly grounded.

~~(It is also)~~ Please also review the truthfulness of what is included on pg. 7 #16 of the Factual Findings on the same Proposed Decision packet. It is the opposite fact as I recall. I do not recall Ms. Miranda ~~(on)~~ during our OAH Hearing saying that "the respondent has NO right mandatory reinstatement." I recall otherwise.

And lastly under Rule 106(?) There are 2 ^{my} important papers that was downplayed by the legal counsel ~~unstating~~ the 2 which "interprets" the same paper / settlement used against me. Please refer to pg. 7 #18. on the Proposed Decision packet. I cannot physically ~~continue my petition and based on this letter~~ i hope you reconsider. Thank you.

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~~I have gathered some strength to finish my petition.~~

I want the Board to know that regarding the Judge's statement on pg. 11 #8. ~~the~~

" Respondent did not sign her disability retirement application until 16 years later, on 5/31/23

- I was not given any information regarding Disability (Inform) Retirement by anyone (in my Emplo) surrounding up to the last day at work. I did not know until many years later as I stated in my Disability Application.
- They have medically retired one of my co-workers proving once more their discriminatory action.

Concluding, with my discovery of the New Edition (2025) of the California Public Retirement Law # 20027 I am also eligible to Disability Retirement, not only IDR. I am continuously being treated with my back injury which has reduced the quality of my retirement years.

I sincerely hope you reconsider my cases with all the issues I presented.

Sincerely,


IMELDA P. FIESTA 02/21/2025

Attention: Matthew G. Jacobs,
General Counsel

(916) 795-3659

Re: Agency Case No. 2024-0034
PETITION FOR RECONSIDERATION
6 pages excluding front cover page