

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE PETITION FOR
RECONSIDERATION**

RESPONDENT'S ARGUMENT

February 27, 2025

Board Services, ^{Unit} Coordinator
 California Public Employees Retirement System (CALPERS)
 P.O. Box 942701
 Sacramento, California 94229-2701

Re: In the Matter of The Appeal of Accepting the
 Application for Industrial Disability Retirement
 of IMELDA P. FIESTA

To The Distinguished Board.

I reiterate my issue first thru this Argument for Respondent, in support of my Petition for reconsideration of this provision which is similar to January 25 Edition, of the California PERL 20027, GC 20026 provides, "Disability" and "Incapacity" for performance of duty as a basis for retirement, mean disability of permanent and extended duration which is expected to last at least 12 consecutive months as determined by the Board or in the case of a local Safety member by The Governing body ON THE BASIS OF COMPETENT MEDICAL OPINION.

- I question the application of the precedents as the absence (incomplete) of DME especially for for both my physical and Psychological

Impairment / Disability Claim fails to justify the application of Precedents applied to my case :
 My employer (The State Prison) thru its disputed way of separating me improperly at work and it's absence during our OAH proceedings relegated it's duty to provide you records of my work injury so that the only records are from what i have kept and continued by Workman's Comp.
 The statement therefore in Factual Findings #20, pg 8-~~10~~9 which partly states " a worker's compensation ruling is not binding on the issue of eligibility for disability because (a) the focus of the issues and the parties is different " - - -
 A finding of Disability under WC laws is not the same as a finding for disability retirement with CALPENS " IS FAULTY.

2.) On the Legal Conclusions #1. (red) on pg 9. of the OAH should not be applied as I was not afforded the chance ~~that there were~~ to present the extraordinary circumstances I had around the day of my entering into the Settlement. I had not received proper legal advice being self represented, only with a Union Rep that I met during

pg 2.

Skelly the proceeding. There were economic pressures, I was about to lose my house. I was also with my spouse who is a USMC Veteran with issues from the war and at that time I was having a problem with, I signed to keep the peace in my family but would have transferred to other facilities instead. Your legal Counsel seemed to have callously disregarded my right to present these things and give me a better chance with the Judge's decision.

#3.) I cannot understand why this personnel records OAH Exh. B10, "stating (that) "Resignation Without Fault" and Dismissal "Cancelled" would be regarded as MERELY and in part on pg. 7-8 of the Factual Findings "describes the implementation of the settlement between respondent and CDCR that resolved her SPB appeal of the NOAA?"

- the statement itself verifies that (it) those 2 papers / official Papers are binding and should therefore ~~not~~ be implemented and respected. I have provided copies to you for your own ^{easy} referral. I am out time and despite the many violations of my former employer, please help me get justice at the end.

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Sincerely,
Joseph 2/27/25

STATE OF CALIFORNIA

NOTICE OF PERSONNEL ACTION
REPORT OF SEPARATION

PERSONNEL SERVICES DIVISION
ROUTE TO DEPARTMENT OF
C&R

ISSUE DATE 01/16/10



EMPLOYEE LAST NAME		FIRST NAME & MIDDLE INITIAL	
FIESTA		IMELDA P	
EMPLOYEE ADDRESS		ADDRESS WITHHOLD	
[REDACTED]		YES	
DEPARTMENT OF:		CLASSIFICATION TITLE	
DEPT C&R SUBSTANCE ABUSE TRTMENT FAC		REGISTERED NURSE, CORRECTIONAL FACILITY	
EFFECTIVE DATE	SEPARATION TYPE	APPOINTMENT STATUS	TIME BASE
10/12/07	DISMISSAL	CIVIL SERVICE PERMANENT	FULL TIME
SALARY PER	STATE		
	SERVICE		
\$ 8027.00 MONTH			

THE ACTION DESCRIBED HAS BEEN CANCELLED. YOU SHOULD RECEIVE ANOTHER NOTICE OF PERSONNEL ACTION WITHIN FIVE WORKING DAYS OR AN EXPLANATION FROM YOUR DEPARTMENTAL PERSONNEL OFFICE.

Exhibit B11

THIS SUBSTANTIATES THE SEPARATION INFORMATION AS ENTERED ON THE OFFICIAL EMPLOYMENT HISTORY RECORD. INFORMATION SHOWN ON THIS DOCUMENT IS ASSUMED CORRECT. IF NOT, NOTIFY THE DEPARTMENTAL PERSONNEL OFFICE IN WRITING OF ERRORS WITHIN 30 CALENDAR DAYS FROM ISSUE DATE.

STATE OF CALIFORNIA
ISSUE DATE 01/16/10

NOTICE OF PERSONNEL ACTION
REPORT OF SEPARATION

PERSONNEL SERVICES DIVISION
ROUTE TO DEPARTMENT OF
C&R



EMPLOYEE LAST NAME	FIRST NAME & MIDDLE INITIAL		
FIESTA	IMELDA P		
EMPLOYEE ADDRESS	ADDRESS	WITHHOLD	
		YES	
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DEPT C&R SUBSTANCE ABUSE TRTMENT FAC	REGISTERED NURSE, CORRECTIONAL FACILITY		
EFFECTIVE DATE	SEPARATION TYPE	APPOINTMENT STATUS	TIME BASE
12/12/07	RESIGNATION WITHOUT FAULT	CIVIL SERVICE PERMANENT	FULL TIME
SALARY PER STATE	SERVICE		
\$ 8027.00 MONTH			

THE REASON FOR YOUR SEPARATION IS: AS INDICATED ON YOUR RESIGNATION FORM THE REGULAR SALARY PAYMENT FOR THE PAY PERIOD OF SEPARATION IS BASED ON: 009 DAYS 0000.0 HOURS

IF YOU RETURN TO WORK WITHIN 6 MONTHS FROM YOUR DATE OF SEPARATION, YOU WILL RETAIN ANY SICK LEAVE HOURS ACCUMULATED AND CREDITED WHEN SEPARATED AS WELL AS YOUR SENIORITY FOR PRIOR SERVICE.

YOU HAVE PERMISSIVE REINSTATEMENT ELIGIBILITY AS DEFINED IN G.C. 19140. THIS MEANS YOU MAY RETURN TO CIVIL SERVICE EMPLOYMENT (WITHOUT TAKING AN EXAMINATION) IN THE SAME CLASS YOU LEFT OR IN A CLASS WITH THE SAME OR LOWER SALARY LEVEL. CONTACT STATE AGENCIES DIRECTLY IF YOU WISH REEMPLOYMENT UNDER THIS CONDITION. THIS SEPARATION DOES NOT PLACE YOUR NAME ON A LIST FOR FUTURE REHIRE.

IF YOU DID NOT COMPLETE A FORM ELECTING THE DISPOSITION OF YOUR RETIREMENT CONTRIBUTIONS AND YOU WANT A REFUND OF THESE CONTRIBUTIONS, WRITE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM. DEPENDING ON YOUR CURRENT STATUS, YOU MAY BE ENTITLED TO A REFUND. IF YOU HAVE REQUESTED A REFUND BUT DO NOT RECEIVE IT WITHIN 10 WEEKS, CONTACT CALPERS. BY MAIL AT PUBLIC EMPLOYEES' RETIREMENT SYSTEM, P.O. BOX 942711, SACRAMENTO, CA. 94229-2711, ATTENTION: REFUND SECTION; OR PHONE (888) 225-7377; OR E-MAIL www.calpers.ca.gov.

THIS SUBSTANTIATES THE SEPARATION INFORMATION AS ENTERED ON THE OFFICIAL EMPLOYMENT HISTORY RECORD. INFORMATION SHOWN ON THIS DOCUMENT IS ASSUMED CORRECT. IF NOT, NOTIFY THE DEPARTMENTAL PERSONNEL OFFICE IN WRITING OF ERRORS WITHIN 30 CALENDAR DAYS FROM ISSUE DATE.

Exhibit B¹⁰