

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

From: [I](#)
To: [CalPERS Board of Administration](#)
Subject: **[**External**]** - Petition for reconsideration
Date: Friday, March 21, 2025 3:53:07 PM
Attachments: [Matthew Hoch Petition for Reconsideration.pdf](#)

CAUTION: This email originated from outside the CalPERS organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Board of Administration,

Please accept the signed attached PDF as my official request for reconsideration. I do have my full name included, but redacted my personal information. Please let me know if I need to redact more. I understand this document will become a public document once submitted, I just want to ensure I am protected as I am representing myself pro se. Last, If the Board concedes to my request, I will need to know how to make payment and the total amount whether \$10k, \$18, 874.94, or \$22, 358.06. I can pay in full with check, cashier check, or debit. Please advise.

Respectfully,

Matthew J. Hoch

Please confirm receipt of this email!

From: [I](#)
To: [CalPERS Board of Administration](#)
Subject: **[**External**]** - Petition for reconsideration
Date: Friday, March 21, 2025 4:20:31 PM
Attachments: [Matthew Hoch Petition for Reconsideration.pdf](#)

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Hello Board of Administration,

Please accept the signed attached PDF as my official request for reconsideration. I do have my full name included, but redacted my personal information. Please let me know if I need to redact more. I understand this document will become a public document once submitted, I just want to ensure I am protected as I am representing myself pro se. Last, If the Board concedes to my request, I will need to know how to make payment and the total amount whether \$10k, \$18, 874.94, or \$22, 358.06. I can pay in full with check, cashier check, or debit. Please advise.

Respectfully,

Matthew J. Hoch

Can someone please confirm receipt of this email. It's due today.

Thank you

March 21, 2025

ATT: Board Services Unit Coordinator
California Public Employees' Retirement System (CalPERS)
PO Box 942701
Sacramento, CA 94229-2701
Email: Board@CalPERS.ca.gov
FAX: 916-795-3972

Dear Board of Administration,

After a thorough and careful review of all evidence before me, to my chagrin and with great humility, I concede to the facts presented, with one exception, the amount owed, which is clearly and unmistakably erroneous. February 11, 2023, falls on a Saturday. I did not start working for CVFD until February 13, 2023, the following Monday. Nevertheless, to maintain consistency, I will concede that I started working for CVFD on February 11, 2023 (without waiving my right to recovery). Accordingly, I only worked 17 days in the month of February 2023, which totals \$5,883.70 ($9690.80 \div 28 = 346.1 * 17$). Although I got paid February 01, 2023, CalPERS is unjustly, erroneously, and unlawfully enriching themselves by trying to recoup payment for a period that I was fully retired and not required to be reinstated. Pursuant to CalPERS own website, my payment for February 01, 2023, was not for the month of February as CalPERS calculated erroneously; My February 01, 2023, retirement payment was for the month of January, 2023, which was a bona fide period of retirement in which no unlawful unemployment occurred (<https://www.calpers.ca.gov/retirees/retirement-checks/pay-days#:~:text=Benefits%20are%20paid%20at%20the,are%20placed%20in%20your%20account>). As such, my payment on March 01, 2023, was for the month of February 2023, and should have been \$5,883.70 - not \$9,690.80 because I was only unemployed unlawfully for 17 days in the month of February 2023. I was fully retired with no periods of unlawful employment during the month of January 2023; therefore, my retirement payment for that month should not be recouped. To do so would be excessive and a violation of my 14th Amendment right to equal protection.

I did work the full month of March 2023, and if repayment is required for that month, I will oblige and have no qualms with CalPERS recouping the full amount of \$9,690.80. For the month of April 2023, I only worked a total of 21 days; therefore, the amount of unlawful retirement payment I received for that month was \$6,783.56 - not \$9,690.80 ($9690.8/30 = 323.02 * 21 = \$6,783.56$). When considering the facts and the applicable laws, **I am only required to reimburse CalPERS the amount of retirement allowance [I] received during the period of unlawful employment.** Nothing more, nothing less. That period of unlawful employment was from February 11, 2023, to April 21, 2023 (68 calendar days total), as the AJL and CalPERS conceded already. The actual amount CalPERS paid me for my period of unlawful employment when prorated correctly is \$22,358.06 ($5883.70 + 6783.56 + 9690.8$), not \$29,072.40 as CalPERS calculated erroneously. Therefore, that must be the amount owed (\$22,358.06). Anything more would equate to unjust enrichment, which is not the intent of PUB33. If for some reason the Board deems my prorated calculations inaccurate, please provide me with an itemized payment breakdown detailing how the board determined the total amount owed to preserve my

right to due process. If the board concedes to my proposed amount of \$22,358.06, I humbly request a sympathetic waiver or reduction from \$22,358.06 to \$10k. I am not trying to exploit the board's sympathy with this request. My request is based on the reasonable assessment that I only worked one full month unlawfully, which was during the month of March 2023. In that month, I received \$9,690.80 in retirement benefits - hence why I am requesting to pay only \$10k. The other two months, February and April, I only worked for part of the month – 38 days total for both months combined.

Moreover, please consider that pursuant to PUB33, the *intent* of restrictions on post-retirement employment is to prevent the "**double-dipping**" of a retiree receiving a monthly CalPERS retirement benefit while also receiving a salary from permanent or regular staff employment with a CalPERS employer. If I knew fully that taking a job in which I grossed less than \$4k monthly would cost me to forfeit \$9690.80, and then potential COLA benefits in perpetuity, I would have declined the job. I only took the job because I thought I was protected under *California Government Code section 7522.56*. In retrospect, I was wrong. I was foolish not to consult with a legal expert or CalPERS' Working After Retirement Division prior to taking the job and assuming I was protected, and if not, the consequences would be light - not excessive or dire. I undermined and underestimated my role in ensuring I was protected by doing my own due diligence to research and investigate applicable laws governing post-retirement employment. I understand that I put myself in this precarious position. This is my fault. Therefore, I am at the Board's mercy. All I can do is give you a better understanding of why I put myself in this position, which I hope prompts leniency and preservation of jurisprudence in return. It is fair to perceive the Board would agree that no reasonably prudent person would forfeit \$9690.80 of monthly income for a mere \$4k just to "double-dip." It is clear that I was under the impression that I was protected and would not be jeopardizing or forfeiting my retirement income, which I depend on solely to support myself and family. I would not take \$4k monthly to lose \$6k monthly; that would defeat the purpose of my post-retirement employment. The sole purpose of me working was to get myself out of the financial hardship that was created by having to wait 180 days for my first retirement payment from CalPERS – not to "double-dip" or deceive CalPERS.

During that six-month waiting period, I went from making \$11,200 monthly, to \$0. I was forced to liquidate most of my savings and forced to do odd jobs to sustain myself financially. Odd jobs were not a sustainable or reliable source of income, so I sought other means to support myself. After doing research on post-retirement employment, I discovered *Gov. Code 7522.56*. I should have relied on PUB33 or contacted CalPERS directly, albeit I naively latched onto the language of "*limited duration*" and failed to read the *fine print*. I sought work with confidence after reading *Gov. Code 7522.56* because I did not see a definition of *limited duration*, I presumed one did not exist. I was under the impression that as long as I did not work longer than the allotted "*limited duration*," which was not clearly defined in *Gov. Code 7522.56 (c)*, I was good, and if not, I would resign immediately. I worked for CVFD for a total of 68 days. When I learned that I was not protected, I resigned immediately on my own merit to alleviate "double-dipping" and potential reinstatement. To preserve the intent of PUB33 and all other governing laws for post-retirement employment, I have no issues forfeiting the total amount I was paid during my period of unlawful employment with the CVFD, which was \$9,184.14 (see attached paystub). In addition to paying CalPERS the amount CVFD paid me for my period of unlawful employment,

I am also willing to pay CalPERS \$9,690.80 for the retirement benefits I received unlawfully in March of 2023. When combining both amounts, the total I would pay CalPERS outright would be **\$18,874.94** (\$9,184.14+\$9,690.80), instead of the \$22,358.06 I calculated. Although the prorated amount of \$22,358.06 is lawful, that amount is still unjustly enriching to CalPERS, which vitiates the intent and efficacy of PUB33, i.e., to strictly prevent "*double-dipping*," **not punish or deter retirees from post-retirement employment.**

To allow CalPERS to recoup my entire retirement benefit for only 16 or 21 days of unlawful employment, would set a precedent that could be injurious to future retirees who may make the same innocuous mistake as me, but for a shorter unlawful employment period. For example, if the Board upholds the ALJ's proposed decision and CalPERS is able to recoup my entire retirement benefit for the entire months of February and April, even though, I only worked 16 and 21 days respectively, what is to stop them from recouping a full month of retirement benefits from a retiree who innocuously worked one or two days unlawfully. As such, I implore the Board to correct CalPERS miscalculation of the amount owed from the unlawful employment period of February 11, 2023, to April 21, 2023, which is \$22,381.96. Furthermore, I ask the Board to sympathetically accept my offer of paying CalPERS a total of \$18,874.94 immediately and waive my requirement to reinstate myself from retirement for the period of February 11, 2023, to April 21, 2023, as CalPERS offered me previously (see Ex 11, A94). I understand CalPERS explicitly stated that if I did not choose a remedy, the offer would be revoked permanently. I am not trying to be the exception. Please just know, I was naïve about how to correct the erroneous amount of \$29,072.40 that CalPERS suggested was owed and felt indignant. I felt if I conceded to that substantially erroneous amount, I would be allowing CalPERS to exploit and extort me inadvertently. I have already had previous trauma because of exploitation in the past. I involuntarily resigned because of it. As such, my PTSD sometimes, if not most times, gets the best of me and causes me to respond viscerally instead of with reasonable prudence.

Please do not allow my desperation and zeal to provide for my family and subsequent lapse of circumspect to cause them harm. I made an innocuous mistake in good faith. CalPERS and the ALJ did not contend when I asserted that CalPERS is not an injured party in this matter. If CalPERS is not injured and I am willing to pay them up to the amount owed prorated, I do not see why I should bear the brunt of burden or consequences. I am already creating financial hardship by paying over \$18k outright. If reinstatement is required, that would cause another hardship that could have long term adverse effects on my COLA and other potential benefits. CalPERS already offered to waive reinstatement requirements if I absolved my debt fully, which I am attempting to do now. Please accept this payment as absolution of all of my CalPERS retirement warrants and any reinstatement requirements with prejudice. Thank you for your time and consideration.

Respectfully, *Matthew Hoch*

Matthew Hoch

Attachment:

1. Proof of CVFD income for the unlawful employment period of 02/11/2023 to 04/21/2023

Form **W-2 Wage and Tax Statement** 2023

c Employer's name, address, and ZIP code

CHINO VALLEY FIRE DISTRICT
14011 CITY CENTER DRIVE
CHINO HILLS, CA 91709

e Employee's name, address, and ZIP code

MATTHEW HOCH

7 Social security tips 0.00	1 Wages, tips, other comp. 9184.14	2 Federal income tax withheld 561.72
8 Allocated tips 0.00	3 Social security wages 0.00	4 Social security tax withheld 0.00
9 Verification code	5 Medicare wages and tips 9797.79	6 Medicare tax withheld 142.07
10 Dependent care benefits 0.00	11 Nonqualified plans 0.00	12a See instructions for box 12 C 106.15
13 Statutory employee Retirement plan Third-party sick pay Suff. X		12b
b Employer identification number (EIN) 33-0469716		12c
a Employee's social security no.		12d
14 Other 401A - 1153.85 PERS - 613.65 UNION - 104.05		

15 State CA	Employer's state I.D. no. 69-814895	16 State wages, tips, etc. 9184.14	17 State income tax 57.93	18 Local wages, tips, etc. 10748.77	19 Local income tax 96.72	20 Locality name CASDI
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Copy B To Be Filed With Employee's FEDERAL Tax Return

This information is being furnished to the Internal Revenue Service.
OMB No. 1545-0008

Dept. of the Treasury - IRS
Visit the IRS Web Site at www.irs.gov/efile

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

Form **W-2 Wage and Tax Statement** 2023

c Employer's name, address, and ZIP code

CHINO VALLEY FIRE DISTRICT
14011 CITY CENTER DRIVE
CHINO HILLS, CA 91709

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Copy C For EMPLOYEE'S RECORDS (See Notice to Employee on back of Copy B)

OMB No. 1545-0008

Dept. of the Treasury - IRS

Form **W-2 Wage and Tax Statement** 2023

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CHINO VALLEY FIRE DISTRICT
14011 CITY CENTER DRIVE
CHINO HILLS, CA 91709

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Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return

OMB No. 1545-0008

Dept. of the Treasury - IRS

Form **W-2 Wage and Tax Statement** 2023

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CHINO VALLEY FIRE DISTRICT
14011 CITY CENTER DRIVE
CHINO HILLS, CA 91709

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OMB No. 1545-0008

5206

Dept. of the Treasury - IRS