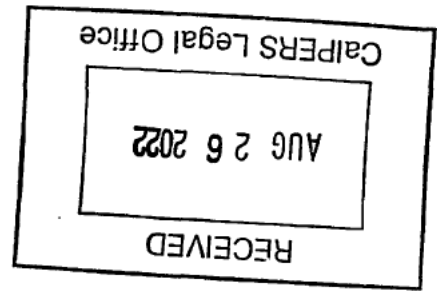


ATTACHMENT C

RESPONDENT'S ARGUMENT

August 22, 2022



CERTIFIED MAIL-RETURN REQUESTED

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

RE: Respondent Argument

This letter of appeal is in response to the denial of the effective date of my disability retirement with CalPERS.

As a member of CalPERS, I became disabled to a work-related injury. I sought treatment for my injuries for more than 2 years. In submitting my medical records to CalPERS for review several times, my records document my injuries and medications records, stating I hit my head during the injury and I continued to suffer from headaches. As a result of my head injury, I now wear prescription glasses. I did not wear glasses before the injury. By CalPERS' documentation and testimony, I was not clear on my rights and status of my disability retirement after several calls to the phone center. I was given conflicting information by CalPERS phone representatives.

Which is the reason for the multiple calls to the phone center. The phone representatives were quick to just mail out publications rather than hear my request and thoroughly assist me as a member. None of the phone representatives took the time to read the notes documented from my calls to CalPERS to resolve my concerns or clarify the disability process. None of these phone representatives took the time to ask if my disability affected my comprehension, vision, or hearing. The process is just to mail you out brochures, then hide behind their own rules and regulations and attorney. Then decide what you should have read and understood.

Which, is not a fair legal process as the administration of my retirement account. CalPERS should work in my best interest and support members who have become disabled. Due to my work-related injuries, I have been classified 30% disabled. I was not offered a disability specialist or assigned an agent to assist me with the disability application or process. I will admit due to my work-related injuries and losing my job resulted in my suffering from depression.

In failure to get the support I needed; I took it upon myself to visit the CalPERS office in the city of Orange. It was not until I sat down with a representative in the CalPERS office, I received clear direction and understanding of my disability retirement application process. That same CalPERS field office representative informed me that I was entitled to retroactive pay as of my separation date from Long

Beach Unified School district due to my disability. Due to her admission, the process is rather confusing as she removed and edited my application. The CalPERS field office representative also confirmed she saw electronic documents from Tristar Risk Management and The Long Beach Unified Payroll Department, but the documents were just sitting there not being processed, there were no notes or documentation in the electronic regarding those documents. Mailing out a brochure does not ensure the member has a full understanding of the process for disability retirement.

Although CalPERS is not my employer, The Americans with Disability Act, require reasonable accommodations for disabled citizens with physical or mental disabilities. CalPERS failed to notify me of my rights to have assistants with completing the application process or offer me assistance as a disabled member.

Instead, when Long Beach Unified Notified CalPERS, I was no longer a contributing member; the burden was placed on me further adding to the unforeseen shock of becoming disabled. CalPERS instead hides behind my prior inquires as a contributing member, which is my right as a member, and uses that documentation against me to deny my earlier retirement date of July 1, 2018, to rightfully pay the retirement I was just fully due at the time.

CalPERS is one of the largest retirement companies in southern California, Shame on them for taking money from employees who become disabled, and only have the burden of mailing out a brochure.

However, CalPERS can track your calls and publications mailed to members but not communicate with the members once the employer has informed CalPERS, I am no longer a contributing member. The burden then lies on the member who is already at a disadvantage.

This process requires one to get an attorney or legal support to appropriately respond and have a full understanding of their rights of the law regarding the retirement legal process. Haven't I suffered enough as a result of becoming disabled from a work-related injury, no longer able to fulfill the physical obligations of my job, suffering from depression as a result of the mentioned factors, and now the process has burdened me even further mentally. It's enough to make a person want to give up after entrusting CalPERS as my retirement funds and trusting them to support me along this process after they comb through my medical records, they further torment me by telling me I failed to comprehend or complete the process mailed to me in a brochure instead of having an obligation to reach out and set up an appointment for me to come into a field office and have the opportunity to sit with someone to support disabled members.

When I mailed my original CalPERS Disability Application retirement, I called CalPERS in December of 2019, I was told my Tristar and Long Beach Unified Documents were on file but my application had not been received. I was instructed by the phone representative the mail may be behind due to holidays and call back in January. I called the phone representative back in January, but still had not received my Disability Retirement application, I was informed during the call I could send a copy of the application and proof mailed application, which I did.

When my application was received by CalPERS, the supporting documents were not scanned in with the copy of the application. I was contacted by a CalPERS representative, which went over the application with me. She informed me the applications would be returned due to the missing document.

Once the application was returned, my documentation of proof was not included. When I called back to the CalPERS phone center, I was told the mail goes to the mailroom and is then processed to be scanned in. Whoever received the document failed to include the supporting documents.

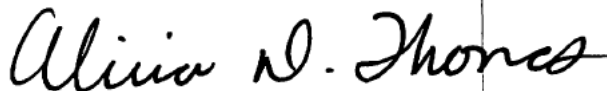
This process clearly shows there is a breakdown in the system of receiving and processing mail.

While there are laws and regulations in place for CalPERS and members, there has been a breakdown in the system and on both parts.

However, I'm the only one suffering the financial loss and having to bear the burden of proof of my actions during the pandemic when things were tragic and chaotic.

I am appealing for what I have earned and contributed to CalPERS.

Sincerely,



Alicia D. Thomas
Member

