

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

F A X



To: Matthew G. Jacobs
Fax number: 1(916)795-3659

From: Janice Adams
Fax number:

Date: March 19, 2024

Regarding: Janice Adams Petition for Reconsideration

Phone number for follow-up:
Phone [REDACTED]

Comments:

To: Matthew G. Jacobs,
Attached you will find my Petition for Reconsideration.
4 pages with Fax Cover.

Thank you for your attention to this matter.

Janice Adams

CalPERS ID: [REDACTED]

March 18, 2024

ATTN:

Matthew G. Jacobs
General Counsel- Legal Office

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

Re: Janice Adams, In the Matter of the Application for Industrial Disability Retirement and Earlier Retirement Date

CalPERS Case No. 2022-0824

OAH Case No.2023080057

PETITION FOR RECONSIDERATION

Members of the Board of Administration:

This letter shall serve as Respondent, Janice Adams', Petition for Reconsideration of the Board of Administration of the California Public Employees' Retirement System's February 21, 2024 Decision ("Decision"). The primary issue in this matter remains the industrial disability retirement date. Ms. Adams requests that her industrial disability retirement date be retroactive to December 19, 2013. Ms. Adams became substantially incapacitated from the performance of her usual duties due to suffering from Valley Fever which was contracted during her employment and at her place of employment, Coalinga State Hospital.

This letter is timely submitted on March 19, 2024, in response to correspondence from

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CalPERS dated February 26, 2024, which provided the Board's Decision and provided Respondent the opportunity to submit a Petition for Reconsideration.

Respondent's Petition

The Decision rests upon an improper determination to not retroactively apply industrial retirement benefits. Gov. Code, Sec. 21252, subd.(a) states that a member's retirement application for a disability retirement is "deemed to have been submitted on the last day for which salary was payable" if: (1) CalPERS receives the application within nine months of the member's discontinuation of state service; and (2) the member is substantially incapacitated from the performance of her usual duties continuously from the date on which she discontinued state service until CalPERS receives her application (Proposed Decision, Feb. 26, 2024, pg. 5).

Government Code section 20160 authorizes correction of a mistake due to excusable inadvertence, oversight, or mistake of fact or law on the part of the claimant. Under Govt. Code sec. 20160 Ms. Adams retirement date should be corrected to December 19, 2013, due to the delay in submitting her application due to mistake, inadvertence, surprise, or excusable neglect. Ms. Adams had always intended to return to work, however she could not predict the future and see the suffering and harm to herself which would leave her unable to perform her duties and thus unable to work after getting Valley Fever. DHS could not accommodate her disabilities long-term and had no alternative position for her.

Ms. Adams was in contact with CalPERS multiple times during her injury, however, she was not informed that she had to file for industrial retirement within nine months from when "last day for which salary was payable." At no point does the record show she was informed of this specific requirement. Further, Ms. Adams was suffering physically, mentally, and emotionally from Valley Fever which she contracted while working at Coalinga State Hospital. The consequences of which she still severely suffers from today.

CalPERS has concluded that Ms. Adams had knowledge of the [disability retirement] application process" (Proposed Decision, Feb. 26, 2024, pg. 4). Ms. Adams inquired about retirement in general, but not industrial retirement specifically because if she had been informed

that she had to file for industrial disability retirement, or she would become ineligible, then it is illogical that she did not file for it earlier. Ms. Adams did contact CalPERS for various issues; however it was not all for industrial disability. Furthermore, she would contact them and forget what she contacted them for due to being under strong medications and poor mental health. She was so sick, she "could barely sign her name" (Proposed Order, Feb. 26, 2024, Pg. 12). The CalPERS application process is long and tedious, and she was not fit enough to do it. She did seek out help from CalPERS and her employer but feels that they just passed her back and forth without substantively helping her.

DSH, Coalinga State Hospital does not object to Ms. Adams' request for an earlier retirement date as is evidenced by their lack of dispute (Proposed Order, Feb. 26, 2024, Pg. 1).

Conclusion and Requested Action

In conclusion, it is reasserted that Ms. Adams' industrial retirement be retroactive to December 19, 2013, when she became physically disabled and unable to perform her work duties due to consequences of Valley Fever. Ms. Adams' medical team was constantly in contact with DHS. CalPERS' core duty is to discharge its duties solely in the interest of and for the exclusive purposes of providing benefits to, participants and their beneficiaries. Ms. Adams served the state of California since 1982. Principles of equity require CalPERS honor the good faith expectations that Ms. Adams has regarding her retirement benefits she has worked diligently to earn. For numerous reasons, including good public policy, the CalPERS Board of Services should reconsider the Decision.

Best Regards,



Janice Adams

Date: _____

3/19/24

cc: Matthew G. Jacobs, General Counsel, by facsimile only