



Board of Administration

Agenda Item 9a1

April 19, 2022

Item Name: Proposed Decision – In the Matter of the Appeal to Purchase Comprehensive Employment and Training Act Service Credit of SAMUEL B. VILLALOBOS, Respondent.

Program: Member Account Management Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should adopt the Proposed Decision.

Respondent Samuel B. Villalobos' (Respondent Villalobos) position is included in Attachment C, if any.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

Respondent Villalobos was an employee of Los Angeles County (L.A. County) from March to December 1977 in a position sponsored by the Comprehensive Employment and Training Act of 1973 (CETA). The Los Angeles County Employees' Retirement Association (LACERA) informed Respondent Villalobos that, if otherwise eligible, he could purchase the service credit resulting from his CETA employment from LACERA. Nonetheless, Respondent Villalobos requested that he be allowed to purchase CETA service credit from CalPERS for his time as an L.A. County employee. CalPERS determined that Respondent Villalobos is not eligible to purchase CETA service credit from CalPERS because he performed the services as an employee of L.A. County, and L.A. County's eligible employees receive retirement benefits through LACERA. Respondent Villalobos appealed CalPERS' determination and the matter was heard by the Office of Administrative Hearings on November 10, 2021, December 6, 2021, and December 7, 2021. A Proposed Decision was issued on February 10, 2022, affirming CalPERS' determination and denying the appeal.

Alternatives

- A. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated February 10, 2022, concerning the appeal of Samuel B. Villalobos; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

- B. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated February 10, 2022, concerning the appeal of Samuel B. Villalobos, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

- C. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated February 10, 2022, concerning the appeal of Samuel B. Villalobos, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

- D. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Samuel B. Villalobos, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Samuel B. Villalobos.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Anthony Suine
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Customer Services and Support