

ATTACHMENT C

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

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FAX TRANSMITTAL FORM

TO: Cheree Swedensky, Assistant to FROM: Maribeth Aragoes
COMPANY: the Board CALPERS

FAX NUMBER: (916) 795-3972

- URGENT
- FOR REVIEW
- PLEASE REPLY

DATE SENT: May 25, 2021

TIME SENT: _____

NUMBER OF PAGES (Including Cover): 4

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MESSAGE:

TO: Ms. Swedensky this is a Respondent's Argument.
Thank you very much.

Maribeth Aragones

[REDACTED]

May 25, 2021

Cheree Swedensky, Assistant to the Board
CalPERS Executive Office
P. O. Box 942701
Sacramento, CA 94229-2701

Dear Ms. Swedensky,

I have attached the respondent's argument to this letter. This will be for June 16, 2021 Board Members' meeting. I appreciate your help.

Thank you very much.

Sincerely,


Maribeth Aragones

Maribeth Aragones

May 25, 2021

Respondent's Argument

Thank you to the Board members and to all of you who are present on June 16, 2021 meeting.

As I mentioned on my request for reconsideration letter, I had discectomies and fusions on C3- C5 on April 8, 2021 at UC Davis Hospital. I have attached on the said letter the documentation of the procedure that had been done by Dr. Duk Kim.

I had a post-surgery appointment with Dr. Kim on May 17, 2021. We discussed about me going to physical therapy for arms only. The neck area and the surgery site is still healing, and any work out is not recommended yet. There are activities/function that I am limited to perform at this time like: driving, lifting/carrying weights, running, bending, twisting, reaching objects under and over my head. I have limited range of motion on my neck area. Because of my physical limitations, I cannot perform the duties and responsibilities of a Licensed Vocational Nurse at Pelican Bay State Prison.

I am also having pain on my lower back, and on both legs and feet due to lumbar spine injury. The pain on my left leg and foot just started around three months ago. I will discuss this issue with Dr. Dylan Deatrich (treating physician) on my next appointment. I continue to be incapacitated and not be able to work at this time.

ARTICLE 2. Definitions [20010 - 20071]

(Article 2 added by Stats. 1995, Ch. 379, Sec. 2.)

20026.

"Disability" and "incapacity for performance of duty" as a basis of retirement, mean disability of permanent or extended duration, which is expected to last at least 12 consecutive months or will result in death, as determined by the board, or in the case of a local safety member by the

governing body of the contracting agency employing the member, on the basis of competent medical opinion.

(Amended by Stats. 2017, Ch. 241, Sec. 1. (SB 525) Effective January 1, 2018)

Thank you again. I am hoping that my petition for industrial disability retirement be granted at this time.