

ATTACHMENT C

RESPONDENT'S ARGUMENT

Attachment C

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From: Tenillia Hebron

Phone #: [REDACTED]

Subject: Respondent's Argument

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Respondent's Argument

In the Matter of the Application for Industrial Disability Retirement of: Tenilla Hebron, and Department of State Hospitals-Atascadero, Respondents.

Agency Case No. 2022-0255

OAH No. 2022070315

In light of the information you've provided, here is an argument against the proposed decision to deny your application for industrial disability retirement:

Introduction:

I am writing to respectfully present an argument against the proposed decision to deny my application for industrial disability retirement. My case is centered around the undeniable and persistent physical limitations I have experienced as a result of a workplace injury sustained during my service as a Hospital Police Officer at the Department of State Hospitals, Atascadero. The medical evidence, as well as the professional assessments of qualified orthopedic surgeons, clearly support my need for industrial disability retirement due to the severe and lasting impact on my ability to effectively perform my job duties.

Medical Evidence and Professional Assessments:

The medical history and evaluations by esteemed orthopedic surgeons, such as Dr. Otto Schuckler and Dr. Jeffrey M. Lundeen, provide substantial evidence of the extent of my injuries and their lasting effects. The MRI scans taken on November 29, 2018, and December 27, 2019, clearly document bone contusions, cartilage abnormalities, effusion, and atrophy in my right knee. Dr. Lundeen's detailed evaluation on September 23, 2020, meticulously outlines the ongoing symptoms I experience, including severe pain, instability, and limitations in various essential movements, such as squatting, kneeling, and climbing.

Job Performance Implications:

As a dedicated Hospital Police Officer, my primary responsibility is to ensure the safety and security of the hospital environment, both for fellow employees and the individuals under our care. However, due to the debilitating effects of my knee injury, I am no longer capable of fulfilling these duties effectively. Tasks such as squatting, kneeling, pivoting, and climbing, which are integral to our daily responsibilities, have become insurmountable challenges for me. These limitations render me unable to perform my duties and could potentially jeopardize the safety of both staff and patients. Moreover, my inability to jog, walk upstairs without assistance, or protect

a coworker from assault leaves me susceptible to harm and makes me ill-equipped to uphold the standards of a Hospital Police Officer.

Risk and Liability:

The decision to deny my application for industrial disability retirement has critical implications for both my safety and the well-being of those I am tasked with protecting. A situation in which I am unable to respond effectively to potential threats or to provide assistance during emergencies could result in harm to myself, fellow officers, or the individuals we serve. This potential risk poses a significant liability not only to me but also to the institution and its personnel.

Conclusion:

In light of the undeniable medical evidence and the expert opinions of qualified orthopedic surgeons, I respectfully urge you to reconsider the proposed decision to deny my application for industrial disability retirement. The limitations imposed by my knee injury have left me incapable of fulfilling the essential duties of a Hospital Police Officer, thereby compromising the safety and security of both the hospital environment and its personnel. Granting me the relief of industrial disability retirement is not only a just and equitable decision, but it is also one that safeguards the well-being of all those involved.

Thank you for your time and consideration.

Sincerely,
Tenillia Hebron