

**ATTACHMENT A**

**RESPONDENT'S PETITION FOR RECONSIDERATION**

**Petition for Reconsideration**

**Board Services Unit Coordinator**

**CalPERS**

**P.O. Box 942701**

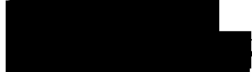
**Sacramento, CA 94229-2701**

**ATTN: Mathew G. Jacobs,**

**General Counselor**

Fax: (916) 795-3659

**Donald White**



## **Petition for Reconsideration**

**In the Matter of the Appeal of Accepting the Late Application for Industrial Disability Retirement of Donald W. White and Sierra Conservation Center, California Department of Corrections and Rehabilitation.**

**Agency Case No. 2121-0846**

**OAH No. 2022030066**

**Response to the Board of Administration's Decision to deny my late application for industrial disability.**

*Over my 30-year career in the prison system, I have sustained a number of injuries, broken bones, cracked ribs, pulled muscles, exposure to disease from needle sticks to outright gassing. I was on the CRT team for over 15 years of my career and was very much in the physical aspects of being a Correctional Officer, I have had a total of 4 surgeries, all work related, yet I still continued to work for over 30 years. For the rest of my life, I will have pain and limitations with my back and knee. There should be no argument that I do not meet the medical requirements for industrial disability.*

*On October 24<sup>th</sup>, 2019 I was placed on Total Temporarily Disabled (RE: Right Knee) work status Pending Orthopedic Surgeon Consult Oct 29, 2019, At the time I was placed on Total Temporarily Disability, Work Comp would not pay for my time off of work because my original injuries were over five years old. I had already used most of my sick leave and vacation time due to my injuries and I found myself in a situation where I felt that I should retire as soon as possible.*

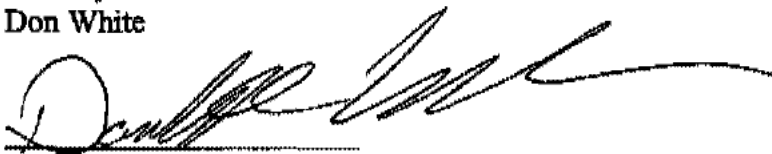
*I had previously talked to a CalPERS counselor on July 23, 2018 regarding retirement at which time, I was informed that I could apply for Service credit retirement or industrial disability retirement, however to apply for industrial disability retirement, I only had 30 days to complete the doctor's portion of the package or my disability retirement would be denied and I would not be able to apply for industrial disability at a later time. Therefore, I decided to first apply for service credit retirement and felt that I had plenty of time to change it to Industrial disability retirement.*

***I was not informed that if my application was denied due to the fault of the physician, I could re-apply, I believe that this is the main issue in denying my late application. (Government Code section 20160), state that an exception can be made for late application because of a mistake or error. CalPERS argues that the mistake or failure was caused by myself (the member) to make a reasonable inquiry***

***. I argue that the entire reason I was seeing a CalPERS counselor in the first place was that I was attempting to make a reasonable inquiry. The fact***

***that I do not work as a CalPERS counselor should be considered in determining my lack of knowledge regarding Government Codes and timelines.***

Thank you.  
Don White

A handwritten signature in black ink, appearing to read "Don White", written over a horizontal line. The signature is stylized and cursive.