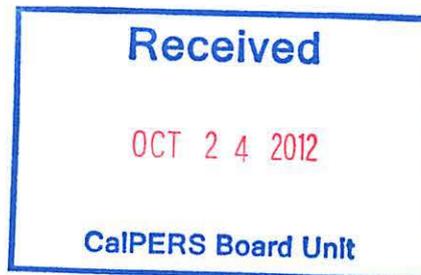


ATTACHMENT C
RESPONDENT'S ARGUMENT

October 2, 2012

DEBRA J. PEREZ-HASZ
[REDACTED]
[REDACTED]
[REDACTED]



RESPONDENT

AGENCY CASE NUMBER - 9326
O.A.H. CASE NUMBER - 2012020471

“ RESPONDENTS ARGUMENT “

I would first like to relay, I am no longer represented by my Attorney, Peter Slater. I feel I was totally, irresponsibly, represented by him. I plan to offer further evidence that was not delivered at all or not sent in a timely manner as requested on two separate occasions for **DISCOVERY (section.11507.6)** on dates of March 6th 2012, and on July 5th, 2012 by Ms. Ainsworth, Senior Staff Counsel.

Mr. Slater did not respond until August 5th, 2012, failing to offer substantial evidence in support of being determined **permanent and stationary disabled** to return to work as a Carpenter in the CDC & Rehabilitations Facility. He also failed to ask for disclosure of who was going to testify against my case so that we **{or I}** would have been efficiently prepared. After given testimony from Dr. Henrichsen and Mr. Junker, Mr. Slater refused to allow me back to the stand to rectify some of the testimony that had been given.

Dr. Bryan Barber, Dr. Smith-Hoefer, and Dr. Kofoed were not subpoenaed to give any response or support to the medical reports or tests they had performed which gave indication I was **permanent and stationary disabled to perform my duties as a carpenter**. Therefore Dr. Barber's three reports he had done since February, 2008 were considered HERESAY. Only Dr. Robert K. Henrichsen, M.D. Orthopedic Surgeon, with respect to the fact that he is a CALPERS doctor was allowed to introduce his report and testimony favoring CALPERS as he acknowledged he has also done on various other claims with CALPERS.

I offer as ATTACHMENT {A } written testimony from **LARRY GREENSLATE, PAINTER, III a fellow, reliable co-worker**. He states the realistic job situations and accomplishments **he saw me do** in various areas of the Institution. Working with or without inmates. If handled properly by my attorney, I would have offered additional

competent testimonies from several other responsible co-workers. I also would have entered as **exhibits**, pictures of different jobs I had worked on and completed to further elaborate on what I did do physically.

I would like to address the content of **Page 8 in the PROPOSED DECISION REPORT**. Referring back to the DUTY STATEMENT OF A CARPENTER II. **EXHIBIT 14** in one of the **JURISDICTIONAL DOCUMENTS**. It lists specific responsibilities required down to the EXACT PERCENTAGE of what is to be done **each and every day**. This Duty Statement is delusional and no way possible to be executed at all times. My physical work performance demands changes with each assignment given to me to complete in the timeliest manner possible.

The needs and demands of the Correctional Facility are ever changing with each crisis that arises. You **do not** always have a Co-worker, or Inmate as indicated in the document. I was hired by the Institution as an Apprentice Carpenter. To complete this four year apprenticeship, I alone had to perform **all aspects** of learning the trade in order to complete the required expectations of an apprentice to graduate as a Carpenter. As I progressed and worked towards Carpenter I and Carpenter II, my Exceptional Experience and Work Performance was considered and recommended for **each** promotion. I know the State did not ensure my training or occurrence of maintaining my employment as a State employee for the purpose of **“maintaining a “stand back” posture to constantly observe inmates.”** Per Mr. Junker in his testimony on **Page 4 in the PROPOSED DECISION**. Who would with any self worth or any type of personal ethics or pride, **not work simultaneously with inmates when needed to work or not**. If I had not been working on the project as attested to in the **W.C. report dated August, 2006**, how did I hurt myself? The W.C. Awarded me a 24% disability stipulation for my work related injury. Is that not a statement in itself.

ATTACHMENT { B } indicates the knowledge, skills and abilities of All Levels of being a Carpenter. Please pay particular attention to the Special Physical Characteristics that are expected. This description is from the page of the CARPENTER [CORRECTIONAL FACILITY] SERIES. CALIFORNIA STATE PERSONNEL BOARD SPECIFICATION. Following the responsibilities needed shows you must be physically capable on the job without compromising **there health {myself} and fellow employees or that of inmates**. How would I not be able to compromise others ,if not fit at 100% physical capacity to do my job as a carpenter successfully.

The following is an exert from Dr. Henrichsen in his verbal assessment of my physical requirements stated on **page 4 of the PROPOSED DECISION**. He explained, “ Based on what I see, **these symptoms would not be present** if she **had not had** this carpentry occupation. If she had an occupation as a Carpenter for TEICHERT CONSTRUCTION, it is **medically likely** she would have similar symptoms.” This was entered as evidence, **EXHIBIT 12, IN CALPERS DOCUMENTS**.

Referring again back to **page 4 of the PROPOSED DECISION** my daily work review was totally misconstrued. I did not or intend to imply on most jobs I worked alone without any assistance of co-workers or inmate help if available or needed. I know how much weight I am capable of lifting, pushing, pulling, twisting, or dragging. What was

meant to be shown was that at anytime I would be required to perform regular or extreme duties as pertaining to the job I was doing at that particular time. After being injured, I was never at the optimal level as referenced by Dr. Bryan Barber, M.D., Orthopedic Surgeon in his reports that were not allowed. He introduces the **AMA GUIDELINES FOR DISABILITY STATUS** as pertaining to my disability. Again he reinforces that “**Ms. Perez-Hasz is again permanent & stationary and has reached maximum medical improvement.**” in his report dated June 23rd, 2010.

NOW REFERRING TO MEMO DATED JULY 31ST 2007 offered as ATTACHMENT [A] from my {RESPONDENTS} Attorney that was submitted on August 5th, 2012 to Ms. Ainsworth, Senior Counsel. These were the conditions and exceptions that were available for me to return to work. I knew I could not do the requirements needed to be done as a fully functioning Carpenter. The reports from the doctors gave proof that I was not **fully capable to returning to my duties as a carpenter.**

I include now **ATTACHMENT [C]** with reference to my physical requirements limitations. I could still not perform the intended duties of a carpenter in any situation or place of employment with my disability. I was **never released without any restrictions to perform my duties at 100% capacity which is needed at the facility.** The Institution, represented by the **Warden, Mr. D.K. SISTO** never allowed me to return as a fully capacitated carpenter nor offered any further assistance to help me. Each and every

memorandum for approval or disapproval of a **Limited term light duty**, was signed by him. This enforces the fact I was not able or capable to perform my usual duties as a Carpenter II, with regards to my injury **before retirement, and before applying for industrial disability retirement.**

In further regard to Mike Junker, CSP-SOLANO, Chief Engineer I, I would like to speak of his honesty and integrity while giving testimony in the Court Room on August 9th, 2012. On **PAGE 4 - PROPOSED DECISION**, he states he was **my immediate Supervisor for the last 3 years of my working there** and saw on almost a daily basis what I actually did and the work I accomplished every day. Looking back to my **ATTACHMENT [C]** it shows and I quote, “**you will continue to report to your supervisor, Nancy Freitas, SBT.**” **And that isn't pertaining to Mr. Junker who testified as being my immediate supervisor.** In regards to Mr. Junker being the ‘**MORE CREDIBLE WITNESS**’, {pg. 5 - **PROPOSED DECISION**} he freely and openly lied while under oath. He was not my immediate supervisor over the last 3 years. He was at one time an SBT overseeing our Carpenter shop and other maintenance shops at the same time. Mr. Junker was higher in the Chain of Command at that time period. On several occasions he did go out to our job sites to check [our progress] on jobs that had **High Priority and Deadlines** due to the needs of the Institution. In reviewing back to his testimony, it should be realized, his every manner and answers were monotone calm, and emotionless as he spoke of my directives. He was actually repeating the **S.O.P. [standard operation procedure] of a Carpenter II.** No supervisor in the Maintenance Department diligently went out to **visually observe** every worker on a daily basis. I feel you erred to my credibility as a witness. I was giving as

much information, in such a quick amount of time, under pressure in trying to relay what I did and had accomplished for the past 16 years of my Carpenter career with the State. I did not lie under oath, nor did I try to embellish my work requirements or actions. I was established **permanent and stationary** by an esteemed and highly Doctrined Orthopedic Surgeon, {**Dr. Bryan Barber, M.D.**} whom was introduced to me per **Workmans Comp. assistance** as to follow through with for a **QME** . Requesting immediate request from my Surgeon, Ms. Smith-Hoefer at that time. This was also stated in her written reports twice.

Needless to say I have entered into my seventh page of re-establishing my **Entitlement of Industrial Disability Retirement** . I would also ask that you please observe the attached page sent to me from SCIF. Dated Dec. 12th , 2007. I think the possibility of being offered **modified or alternative work** when a employee is disabled in their respective duties, would be a reason to set precedent for future members who are additionally disabled such as I was. This would have been so beneficial to me and the STATE if I had been allowed to perform alternative work for the CDC or other State Agencies.

I sincerely appreciate your consideration of the material I have included for myself. I hope you will allow my submissions in regards to the lack of an attorney representing me to present a written appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra J. Perez-Hasz". The signature is written in a cursive, flowing style with a large loop at the end.

DEBRA J. PEREZ-HASZ
RESPONDENT

MEMORANDUM

**Attachment
(A)**

To: Whom It May Concern

From: L. Greenslate, Painter III

Date: Sept. 19, 2012

Re: Debbie Perez Haus

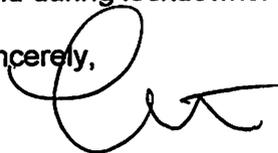
I worked with Ms. Perez for several years at CSP-Solano.

There were numerous times we worked on the same jobs together and many other times we were working in close proximity. She never shirked from doing her share of the work. I saw her doing many of the jobs common to her trade during the time we worked together for the state. These jobs would include working on floors, hanging sheetrock and exterior siding, forming and pouring concrete pads and walls, installing equipment, patching roofs and many special projects.

One project she was directed to work on was a "Path of Travel" for security checks of the prison's perimeter fencing. On that job she worked side-by-side with the other carpenters assigned to the job, moving dirt with pick and shovel, installing support posts and retaining walls and gravel.

Additionally she was commonly assigned to work several on the support buildings outside the security perimeter of the institution like: Gun Posts and Towers, Friendship House, Records Trailers, Gun Range, In Service Training, Mailroom and Administration. Inmate usage is very restricted outside of the security perimeter and forbidden in the case of armed posts, the lethal fence and during lockdowns.

Sincerely,



Larry Greenslate

Painter III

CSP-Solano

o years of varied experience as a journey level carpenter; and completion of a recognized apprenticeship in carpentry.

OR II

Attachment (B)

Six years of varied carpentry experience. An Associate of Arts or Certificate of Arts Degree in Carpentry from an accredited community college or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310.2 may be substituted for two years of the required experience. (Students who are within six months of completing their degree will be admitted to the examination but they must present evidence of completion prior to appointment.)

Knowledge, Skills and Abilities

All Levels:

Knowledge of: Principles, methods, materials, tools, and equipment used in carpentry; Safety Orders of the Division of Industrial Safety applicable to carpentry; and building codes.

Skill in: Both rough and finish carpentry and the use of hand and power carpentry tools.

Ability to: Read and write English at a level required for successful job performance; read blueprints and work from and interpret plans and specifications; recognize lumber grades and types; keep records and make simple reports; prepare rough sketches of carpentry work; and make estimates of material and labor.

Carpenter I (Correctional Facility)

Ability to: All of the above, and follow oral and written instructions; instruct and lead unskilled assistants.

Carpenter II (Correctional Facility)

Ability to: All of the above, and instruct, direct, and coordinate the work of a small crew; follow oral and written instructions.

Carpenter III (Correctional Facility)

Ability to: Plan, lay out, direct and inspect the work of a crew of carpenters and helpers; obtain accurate fittings or heavy framing.

Special Physical Characteristics

All Levels:

Persons appointed to positions in this class must be reasonably expected to have and maintain sufficient strength, agility, and endurance to perform during stressful (physical, mental, and emotional) situations encountered on the job without compromising their health and well-being or that of their fellow employees or that of inmates.

Assignments during tour of duty may include sole responsibility for the supervision of inmates and/or the protection of personal and real property.

Class History

Memorandum

ATTACHMENT
(c)

Date : JUNE 29, 2007

To : **DEBRA PEREZ-HASZ**
Carpenter II
DOI: 08/01/06

From : **California State Prison-Solano, Vacaville 95696-4000**

Subject : **LIMITED TERM LIGHT DUTY ASSIGNMENT REQUEST APPROVED**

Your request for a Limited Term Light Duty Assignment is approved. You have been assigned to continue your regular duties effective immediately. Your work hours will continue to be 0730 – 1530 with Saturday and Sunday as your regular days off. You will continue to report to your supervisor, Nancy Freitas, Supervisor of Building Trades. Remember that it is your responsibility to work within the following work restrictions at all times:

No lifting over 4 pounds;
Push/pull/twist up to 4 pounds;
Avoid forceful repetitive grasping/pinching.

This assignment is approved through July 24, 2007, and may be terminated earlier if you have recovered or the institution needs have changed. Be certain to contact the Return to Work Coordinator to arrange for a return to Full Duty or to request an extension of this Light Duty assignment prior to the expiration of the assignment.

Please be advised that under **NO** circumstances will a light duty assignment exceed 60 calendar days.

If you have questions about this assignment or any other concerns, please contact Danielle Brennan, Return to Work Coordinator at extension 3278.


D. K. SISTO
Warden

Cc: IDL Specialist
Nancy Freitas, Supervisor of Building Trades
Personnel Specialist
Return to Work Office
State Compensation Insurance Fund

STATE
COMPENSATION
INSURANCE
FUND

IN REPLY REFER TO:

CERTIFIED MAIL

December 14, 2007

Debbie Perez-Hasz
[REDACTED]
[REDACTED]

Claim Number: 04996478
Employee: Debbie Perez-Hasz
Date of Injury: 08/01/2006
Employer: Calif State Prison, Solano

**NOTICE OF POTENTIAL RIGHT TO SUPPLEMENTAL JOB DISPLACEMENT BENEFIT
FORM**

If your injury causes permanent partial disability, which prevented you from returning to work within 60 days of the last payment of temporary disability, and the claims administrator has not provided you with a Form DWC-AD 10133.53 "Notice of Offer of Modified or Alternative Work," you may be eligible for a supplemental job displacement benefit in the form of a nontransferable voucher for education-related retraining or skill enhancement, or both, at state approved or accredited schools.

The amount of the voucher for the supplemental job displacement benefit will be as follows:

Up to four thousand dollars (\$4,000) for a permanent partial disability award of less than 15%.

Up to six thousand dollars (\$6,000) for a permanent partial disability award between 15 and 25 %.

Up to eight thousand dollars (\$8,000) for a permanent partial disability award between 26 and 49 %.

Up to ten thousand dollars (\$10,000) for a permanent partial disability award between 50 and 99 %.

A permanent partial disability award is issued by a Workers' Compensation Administrative Law Judge or the Workers' Compensation Appeals Board. You may also settle your potential eligibility for a voucher as part of a compromise and release settlement for a lump sum payment. Any settlement must be reviewed and approved by a Workers' Compensation Administrative Law Judge.

The voucher may be used for payment of tuition, fees, books, and other expenses required by the school for retraining or skill enhancement. Not more than 10 percent of the voucher moneys may be used for vocational or return to work counseling. A list of vocational return

02 636378 000000008 001 002 04996478

Proof Of Service By Mail

I declare that:

I am (resident of/employed in) the county of San Diego California. I am over the age of eighteen years, my (business/residence) address is:

[Redacted address]

On 10/3/12, I served the attached Respondents on the Agency Case No. 93216 in said case, by placing a true copy thereof enclosed in a

sealed envelope with postage thereon fully paid, in the United State mail at

U.S. Post Office addressed as follows
200 Prairie Road
Vacaville, CA 95687

I declare under penalty of perjury under the laws of the State of California that the

foregoing is true and correct, and that this declaration was executed on

(date) October 3, 2012, at Vacaville California.

Type or print name Debra Joy Perez-Hasz

Signature Debra Joy Perez-Hasz

Received
OCT 24 2012
CalPERS Board Unit

Received
CALPERS Board Unit