

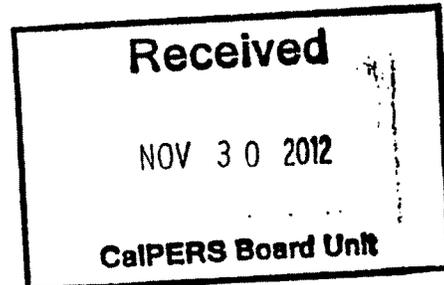
**ATTACHMENT C**  
**RESPONDENT(S) ARGUMENT(S)**  
**(Submitted)**

**Michael Campbell**

DEC - 3 2012

November 27, 2012

Cheree Swedensky, Assistant to the Board  
CalPERS Executive Office  
Post Office Box 942701  
Sacramento, California 94229-2701

**Respondent's Argument**

Dear Ms. Swedensky:

I disagree with the judges ruling from the hearing held on 12 September 2012. I was made to understand that regardless of the evidence I presented, the judge had to follow the rules of Estoppel. I maintain that this is a case of "Reliance Liability". I relied upon the information supplied to me by CalPERS several times in making my decision to retire. The letter sent to me on 30 April 2009 did not state that the service time stated was an estimate, therefore as I do not understand how CalPERS computes service time I believed the information given to me to be factual. I signed my retirement papers based upon that information.

It was not my intent for additional service credit time to be added, but to be made whole for the lose of income over my life expectancy. As your attorney stated in the hearing, the monthly amount would be in excess of \$750 without any cost of living increases (over a thirty year period the total amount is in excess of \$270,000). I was relying on that money to pay my wife's monthly medical premiums; we now have to take that money out of savings each month; an expense we had not anticipated. I would not have retired had I not been fully confident that I would receive the full monthly amount anticipated.

It has come to my attention after speaking with present and former CalPERS employees that a policy was in place which allowed for staff members to make fair and equitable adjustments to a member's final compensation if it was determined CalPERS employees had made errors. The adjustment was not made solely on the years of service, but also on the member's expectations and financial commitments. This policy was delivered through CalPERS legal department for staff to administer. Somewhere along the line that policy has been changed allowing staff members to continue making errors and the member to carry the financial burden.

It is in both our best interests to reach a fair and equitable settlement in order to avoid prolonging this aggravation and possible public embarrassment. Ms. Yelland stated during the hearing held on 12 September 2012; that if we had been in a civil court, she had no doubt I would win my case based on admitted numerous errors by CalPERS staff and the preponderance of evidence. Over and above the financial hardship, this has become a matter of principal. If we are not able to reach a settlement I will retain an attorney and pursue this matter. I have never felt that my former employer, City of Lancaster, should be culpable for the mistakes made by CalPERS; but CalPERS liability insurance should handle the financial burden.

November 27, 2012

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As I stated in my summation during the hearing, CalPERS has not adequately trained or supervised their staff as they continue to make errors. CalPERS has known for many years there was a problem with their software and failed to update it to prevent these types of mistakes. I feel CalPERS will never change their actions as long as they are able to hide behind an obscure law. CalPERS is negating their duty to their members who continue to bear the sometimes devastating effects of CalPERS actions. I have spoken with other retirees who left the system as much as fifteen years ago who experienced equally difficult problems and had to sue CalPERS in civil court where they prevailed.

Again I am optimistic that we can reach an equitable settlement.

Respectfully,

A handwritten signature in black ink that reads "Michael Campbell". The signature is written in a cursive, flowing style.

Michael Campbell

**Attachments:**

Letter from CalPERS dated April 30, 2012

Timeline made from CalPERS CTP Report and various other CalPERS documents

Letter to CalPERS from Michael Campbell dated October 8, 2009



**Member Services Division**  
P.O. Box 942704  
Sacramento, CA 94229-2704  
**888 CalPERS** (or 888-225-7377)  
TDD: (916) 795-3240  
Interpreting Services (Deaf): (916) 795-4120

April 30, 2009

Michael T Campbell

Dear Michael T Campbell

This is in response to your request on 04/30/2009 regarding your account with the California Public Employees' Retirement System (CalPERS).

Your account balances are the following:

|                     |                          |
|---------------------|--------------------------|
| Current Balance:    | Years of Service Credit: |
| <b>\$313,250.41</b> | <b>39.107</b>            |

Your balances are based on payroll reported by your employer. The interest credited to your account was computed at the annual interest crediting rate of 6%.

You do not have personal access to these contributions. Your account contributions cannot be loaned or borrowed under any circumstances. Per Government Code 20731, you cannot refund or rollover your contributions unless you permanently separate from all CalPERS covered employment.

If you have additional questions, please contact us at the above toll free number, or visit our web site at [www.calpers.ca.gov](http://www.calpers.ca.gov).

Sincerely,  
CalPERS Member Services Division

**Michael T. Campbell**

October 8, 2009

Linda C. Cox  
Retirement Program Specialist I  
Account Maintenance Unit  
Actuarial & Employer Services  
Post Office Box 942709  
Sacramento, California 94229-2709

Dear Ms. Cox:

The City of Lancaster implemented an incentive program to eliminate salaries, thereby reducing the 2009-2010 budget and allowing eligible participants to retire earlier than they had planned.

I signed up to take advantage of this incentive program. My decision to do so was based on the calculation of service years credit provided to me by CalPers. I contacted CalPers numerous times by telephone to obtain the correct number of years of service credit. I requested, in writing, a statement of years of credit service. Also, Linda Boderius, of the City of Lancaster's Human Resources Department, contacted CalPers and requested the total number of service credit years for me. She was given the number of thirty-nine point five-four years (39.54), the same number as was provided to me.

I was not going to take the incentive package until I had received confirmation, in writing, from CalPers as to the correctness of the 39.54 years that I received verbally over the telephone. One day prior to the deadline (May 14<sup>th</sup>) for me to take advantage of the package, I received a written statement from CalPers verifying I had in excess of thirty-nine (39) years of service credit time. On May 15<sup>th</sup>, based on this written statement, I submitted my resignation and took the incentive package.

On Wednesday, June 17<sup>th</sup>, I received a letter from CalPers stating I had a little over thirty-six (36) years of service credit. I called CalPers Glendale office that afternoon and called the Sacramento office on the 18<sup>th</sup>. I was promised someone from the accounting office would return my call and explain the discrepancy.

I spoke with the City Manager regarding this situation and the possibility of my reinstatement with the City of Lancaster. He explained to me that although my position had not been eliminated, the budget had been finalized and there was no funding for my position. With the current in service credit years I am receiving approximately six-hundred dollars (\$600) less on my retirement. This lack of funding negates the incentive that was offered by the City of Lancaster and is causing financial hardship for me and my wife.

I have spoken with CalPers representatives several times in the past few months with no resolution. I retired based on the information provided to me by CalPers, not once but several times. Reliance Liability - I retired based on information provided by you. This matter needs to be resolved now.

I would appreciate a call from CalPers from someone who has the authority to resolve this matter.

Respectfully,

Michael T. Campbell

## Timeline

### Service Credit Timeline

### Errors Found by CalPers

|         |   |  |
|---------|---|--|
| 6/30/07 | 29.519 (Exhibit H, page 2)<br>2007 Annual Member Statement  |  |
| 5/2/08  | 30.761 as of June 30, 2007 (Exhibit T, paragraph 2)<br>Letter from CalPers<br>Tana Camargo<br>Community Property Unit   |  |
| 4/22/09 | 39.42 - CTP Report (Exhibit R, page 14, paragraph 1)<br>Taj Lawrence (HR)<br>Actuarial & Employer Svs   |  |
| 4/28/09 | 39.474 - CTP Report (Exhibit R, page 13, paragraph 5)<br>Call from City of Lancaster Human Resources<br>Dominic Trillo (HR)<br>Actuarial & Employer Svs   |  |
|         | 39.474 (Exhibit R, page 13, paragraph 4)<br>Call from Michael Campbell<br>Robert Borrelli Jr. (Mbr)<br>Customer Service   |  |
| 4/30/09 | 39.107 (Exhibit B, page 4)<br>Letter From CalPers<br>Member Services  |  |
| 5/15/09 | 39.107 (Exhibit R, page 13, paragraph 3)<br>Member met with CalPers rep. to sign<br>retirement papers-rep. told member &<br>wife member had more sc time than in letter<br>as city did not report time until end of April.<br>Mario Baluyot<br>Field Services |  |
| 5/18/09 | 39.52 - CTP Report (Exhibit R, page 13, paragraph 2)<br>Call to Michael Campbell from<br>Mario Baluyot<br>Field Service   |  |
|         | 6/2/09  | double post of 1.975 yrs - CTP Report<br>(Exhibit R, page 12, paragraph 3)<br>no idea why<br>Jessica Carter<br>Member Services |

**Timeline**  
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|                |   |                 |  |
|----------------|---|-----------------|--|
|                |   | <b>6/2/09</b>   | <b>note redeposit was doubled to members account (3.025 yrs) CTP Report (Exhibit R, page 12, paragraph 3) Jessica Carter Member Services</b> |
| <b>6/12/09</b> | <b>36.519 (Exhibit D, page 1) Letter From CalPers Member Services</b>   |                 |  |
|                |   | <b>6/17/09</b>  | <b>note 3.025 yrs correct - CTP Report (Exhibit R, page 11, paragraph 2) 1.975 yrs - still no idea why Jenny Bolanos Member Services</b>     |
| <b>7/6/09</b>  | <b>35.783 (Exhibit G, page 1) Letter received by mbr 9/22/09 stating correct Service Credit Time Linda Cox Actuarial &amp; Emp. Svs.</b>  | <b>7/6/09</b>   | <b>found 0.736 posting error CTP Report (Exhibit R, page 9, paragraph 3) Linda Cox Actuarial &amp; Emp. Svs</b>                              |
|                |   | <b>10/29/09</b> | <b>notified member dbl posting of 3.025 years Linda Cox - CTP Report (Exhibit R, page 8, paragraph 2) Actuarial &amp; Emp. Svs.</b>          |
|                |   | <b>8/1/11</b>   | <b>notified member of 0.736 posting error - called member CTP Report (Exhibit R, page 1, paragraph 3) Jackie Member Services</b>             |
| <b>12/7/11</b> | <b>35.783 (Exhibit M, page 1, paragraph 2) Letter stating member had been paid on 36.519 should have been 35.783. has to pay back - if choose 12 month option would pay twice amount over paid.</b> |                 |  |