



## Consent

### Agenda Item 5d1

December 12, 2012

**ITEM NAME:** Petition for Reconsideration -- In the Matter of the Application for Industrial Disability Retirement of DEBRA J. PEREZ-HASZ, Respondent, and DEPARTMENT OF CORRECTIONS, Respondent, Case No. 9326.

**PROGRAM:** Benefit Services Division

**ITEM TYPE:** Action Consent

#### **PARTIES' POSITIONS**

Staff argues that the Board of Administration should deny the Petition for Reconsideration.

Respondent argues that the Board of Administration should grant the Petition for Reconsideration.

#### **STRATEGIC PLAN**

This item is not a specific product of either the Strategic or Annual Plans. The conduct of administrative hearings and determination of appeals is a power reserved to the Board of Administration.

#### **PROCEDURAL SUMMARY**

The Board, at its November 15, 2012, meeting, adopted the Proposed Decision of the Administrative Law Judge. The Decision denied the application for industrial disability retirement of Respondent Debra Perez-Hasz.

Respondent has been notified of the date of the Board meeting and of her opportunity to present written argument at the Board meeting on December 12, 2012.

## **ALTERNATIVES**

- A. For use if the Board decides to deny the Petition for Reconsideration:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System denies the Petition for Reconsideration submitted by Debra J. Perez-Hasz concerning the Board's decision of November 15, 2012; the Board's Decision of November 15, 2012, is effective December 15, 2012, and Respondent has 30 days thereafter to appeal to the courts.

- B. For use if the Board decides to grant the Petition for Reconsideration and decide the matter upon the record. A transcript of the hearing would be provided to each Board member, and the Board would receive written and/or oral argument at a subsequent meeting and adopt a new decision upon reconsideration:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, grants the Petition for Reconsideration submitted by Debra J. Perez-Hasz concerning the Board's decision dated November 15, 2012, and issues a Stay of Execution in this matter; RESOLVED FURTHER that the reconsideration shall be made at a subsequent Board meeting, after notice is given to all affected parties, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board.

- C. For use if the Board decides to grant the Petition for Reconsideration and assign the case to an Administrative Law Judge, subject to the procedures provided in Government Code section 11517. The matter would be remanded to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System grants the Petition for Reconsideration submitted by Debra J. Perez-Hasz and concerning the Board's decision dated November 15, 2012; RESOLVED FURTHER that the reconsideration shall be scheduled for hearing with the Office of Administrative Hearings, after notice is given to all affected parties, where the Administrative Law Judge may base his or her findings upon the record produced before the Administrative Law Judge at prior hearing(s) and any additional evidence including written and oral argument presented by the parties as may be permitted.

**ATTACHMENTS**

- Attachment A: Respondent's Petition for Reconsideration
- Attachment B: Staff's Argument
- Attachment C: Respondent's Argument
- Attachment D: Decision
- Attachment E: Proposed Decision

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Deputy Executive Officer  
Customer Services and Support