

ATTACHMENT C
RESPONDENT'S ARGUMENT

Respondent's Argument

November 27, 2013

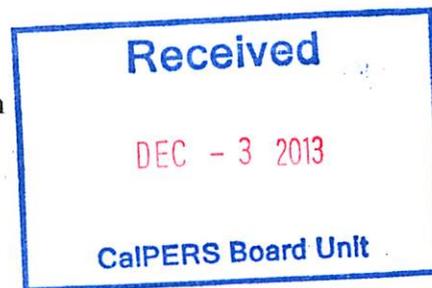
Cheree Swedensky, Assistant to the Board

CalPERS California Public Employees' Retirement System

Executive Office

P.O. Box 942701

Sacramento, CA 94229-2701



Re: GEORGE A. PUGA, respondent, Case No. 8269, In the matter of the Earlier Effective Date of Retirement

This written response is to serve as my written respondent's argument to appeal the proposed decision which was made by Administrative Law Judge Amy Yerkey on November 8th, 2013, that I was inexcusably two days late in applying for my early retirement date.

Although Judge Yerkey did side with me in correcting CalPers that I did indeed have nine months in filing my disability application, as found in factual finding number nine in her decision, I believe she should have further considered the fact of my trouble obtaining medical records due to the fact that I was sent to multiple orthopedic (back) specialists by the City of Pomona, in addition to my own specialist. Judge Yerkey touched upon this issue in fact finding number eight, but I feel it should weigh more on the board's decision because it did cause a significant delay in my attempt to file my application.

In addition to the difficulty I incurred obtaining my medical information, I would like the board to also consider the trouble I encountered when calling CalPERS for assistance. On multiple days, I called CalPERS numerous times seeking assistance and guidance vital to completing my disability paperwork. On every occasion, I was met with a generic recording stating that due to the high volume of calls, CalPERS was unable to help me, and that I should call again. My frustration at not being able to get through to someone to help me, drove me to my decision of hiring an attorney, a decision that was not made lightly due to my inexperience at that time with using the internet and lack of access to a computer.

The challenge of finding an attorney was also compounded by the fact that there is a lack of local attorneys who specialize in CalPERS cases. When I finally did find an attorney who worked CalPERS cases, he was located all the way in San Diego. The distance made it difficult for me to transfer my information to him because I had to either pay for faxing services or wait for the postal service to deliver it. Furthermore, my back injury and pain limited my mobility,

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severely impacting my time restriction. Without these challenges, I am more than confident that my paperwork would have been filed on time without question.

I am very disappointed that after ten loyal years of membership with CalPERS and because I am not leaving on my own will but because I was physically hurt, two days seem to exceed your demands (Date of Separation-November 5, 2002- Filing Date-August 7, 2003). Not to mention that my effective retirement date of August 1, 2003 falls within the nine month period for filing my paperwork. I believe it is obvious that for my part, I tried very diligently to fulfill my responsibilities but was met with challenges outside of my control that I would hope CalPERS board will understand and consider when making their decision.

Thank you for your time,

George A. Puga

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