

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

Re

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MAY 29 2014

CalPERS Board Unit

PETITION FOR RECONSIDERATION

To: Board of CalPERS

Date: 5/25/14

From: Robert P. Valenzuela

Case #: 2012-0979

I, Robert P. Valenzuela, a disabled state worker since 2001, am asking the Board to please reconsider your initial decision, dated May 21, 2014.

Reconsider, using these facts, and diluted testimonial findings from CalPERS:

CalPERS subpoenaed their key, live testimonial witness, Dr. Neil Halbridge to appear in a court setting with a 9 month prior notice to appear. In disputing Judge Abraham Levys' decision:

- 1) How should one give merit to a paid witness who failed to appear?
- 2) My request that the main orthopedic surgeon (Dr. T.Easley, whose care I was under for the first 8 years) be used as part of my 'live testimony' was forgotten, denied, and even left out of the equation. On my request, Dr. T. Easley's 8 years of medical finding were initially made as evidence by Judge Levy, but never mentioned in proposed decision. Although, a professional doctor, Neil Halbridge, who failed to call or leave a legal reason as to why he couldn't appear, was absent. Three times, during the court hearing, breaks were taken by CalPERS attorney, Elizabeth Yelland, to call hoping to find Dr. Halbridge.
- 3) Is Dr. Halbridge a professional, unbiased doctor, or a detective? For the record: I testified that I went a court ordered IME. This was to be performed by Dr. Halbridge, and it was held in a 'make-shift' medical exam room. Dr. Halbridge stated he had already reviewed my medical history reports (11 years worth), and that he knew what he was doing. After approximately 2 minutes of unbiased observation of my disabled left dominant elbow, he left the room. His assistant came in and said I could leave and that the doctor would submit his findings to CalPERS. Dr. Halbridge was asked, but didn't know I already had 3 surgical procedures, and a 4th one had been requested for the last 4 years.
- 4) Judge Abraham states that based on Dr. Halbridge's report:
 - a. Exhibit #10 – Two minutes is hardly a thorough, unbiased, integral exam.
 - b. Exhibit #11 – Dr. Halbridge is abusing the job description of "medical professional" and by acting as a 'private investigator'.
 - c. Exhibit #11 – All these images were taken 4 years ago and it is a fact, my left arm, over the years have taken a painful, physical toll. Both arms have diminished in strength.

- d. Exhibit #11 – No mention of the testimony from CalPERS private investigator, Mark Hatter, who testified, “On another surveillance video captured, it appears Mr. Valenzuela is attempting to open a small plastic bottle, and is struggling to even open the lid.” That shows my inconsistent ability to use my arm, if needed, especially in a safety and security area of my duties in a state prison.

In closing, please reconsider my current state of disabilities:

- 1) Will my disability become a liability?
- 2) Can I cook/assist in the production of 4,000 meals, 3 times a day, during any lock-down, or institutional needs?
- 3) Does an injury, that already has had 3 surgeries, get better or worse over 13 years?
- 4) Does a 2 minute greeting/exam by Dr. Halbridge, and a failure to appear deserve the merit it received?
- 5) If Dr. Halbridge shows up at the hearing, and I don't, I can assume I may forfeit my defense, and probably lose my case. But I did show up to defend and he did not even after calls from Ms. Yelland throughout the hearing.

Your most positive consideration in this most sensitive matter is greatly appreciated.

Most Respectfully Submitted,



Robert P. Valenzuela