

**ATTACHMENT C**  
**RESPONDENT'S ARGUMENT**

Date: 03-06-2015

**To: CALPERS**  
**From: Theresa Rushton-Office**  
**Subject: Retirement Disability**



**RE: Rebuttal to Judges Decision from hearing dated 01/21/2015.**

Please be advised that I disagree with Administrative Judge Karen J. Brandt decision to deny my retirement disability because I didn't present competent medical evidence. I had suffered a life threatening, traumatic and fearful near death experience which took place while on the job on November 10, 2010. The stressful work conditions and frustrations weighed heavily on my illness and has caused my mental and physical health to decline.

In 1991, I transferred from the State of California Franchise Tax Board to the State of California Attorney General's Office Bureau of Medi-Cal Fraud and Elder Abuse. In or around the time of 1995, I was promoted to an Office Technician Typist position. At this time, I was working for Special Agents and Attorneys. This was the first and last time I promoted after numerous attempts to be upgraded to a higher position. For 20 years out of 60 employees I was the only African-American female working in the bureau. My co-workers couldn't believe the unjust and unfair treatment I endured for so many years. But I just kept smiling and doing my job the best I could under the circumstances.

In 2006, my Union Representative and I filed a grievance against my Supervisor for harassment. He had only been with the Department for a short time before being promoted to a Supervisors position. I was terrified of him and my family encouraged me to report him to his superiors. He made my work days dreadful. He would follow me at work and spy on me when I would be on my break or on the phone taking care of office related business. This was the very first time I have ever experienced anything like this. It was scary and my co-workers couldn't believe how I was being treated. I requested that I would feel better if I was in another unit. My request was granted and I was placed in the Complaint In-Take Unit. I began working under the direction of another supervisor. I enjoyed my new position

**because I was helping and protecting the elderly from abuse and neglect. And all the while I just kept smiling and doing my job the best I could under the circumstances.**

**In 2007, due to the amount of stress I was going through on the job, I had a tumor growing inside my stomach. The tumor had continued to grow therefore my doctor felt that it was necessary to operate immediately. The tumor weighed almost 7lbs. and was tested benigned. I was placed on State Disability for 2 months to recuperate. I felt so good and rested before returning back to work.**

**In December 2010, not even one month after my heart failed, I returned to work. My Cardiologist at the time stated that I could return to work. While in the hospital, I contracted an infection called "C-Diff". The symptoms were fever and severe diarrhea. This infection lasted for months. So with the infection and the medicines taken for heart and water pills to keep fluid from around the heart, it was difficult to concentrate and stay focus on my day to day work activity. Not to mention the sudden death of my brother who at age 52 died of a heart attack. Six years prior to his death he was diagnosed with Congestive Heart Failure. I couldn't help but to keep thinking that I could be next to die. The work load became overwhelming and I was exhausted by the end of each day. Former co-workers have told me that after I retired the bureau has hired two employees to do the work that I had once did. In March 2011 after 26 years of state service I retired. My income changed drastically. I went from bringing home \$2,000.00 a month to \$1,000.00 a month. As a single woman it was hard making ends meet. I would sometimes have to borrow money from family and friends to help pay mortgage, utilities, food and gas. My life is much more important than dying at a job that was filled with so much stress.**

### **Facts**

**Studies show that African-American risks levels are higher than whites and are at a greater risk for heart disease based on the following:**

**Poorer physical functioning**

**Poorer mental functioning**

**Lower quality of life**

**More chest pain**

**Worse physical limitations**

**Women fare worse than men after heart attacks as African-Americans risk detection increases.**

**There needs to be more research done in the medical field regarding heart disease in African-Americans. Not everyone that is overweight or hypertension has heart disease.**

**My cousin who is a 50 year old female is 5'7 and weighs approximately 250 lbs. has neither hypertension nor heart disease. She is a stay at home mother of five. My former attorney's mother has Congestive Heart Failure. She's in her 80's, she's 5'3 and only weighs 110 pounds. She worked many years as a housekeeper at a hotel. NBA Basketball All-Star of 16 years Anthony Mason died last week of Congestive Heart Failure. He was only 48 years old. All African-Americans.**

**I feel that there are other underlying health issues that medical professionals are missing. There should be more research in regards to Congestive Heart Failure. Such as stress, geographics and anxiety.**

### **Conclusion**

**At a consultative psychiatric evaluation conducted in March 2014 by Amy Eargle, Ph.D, she diagnosed me with suffering from major depressive disorder and post traumatic stress disorder (PTSD). I am currently being treated with psychotherapy and medications.**

**Finally, doctors report that I am well enough to go back to work but I beg to differ with them. They don't know how I feel. I am unable to go back to work because I still have an enlarged heart and a leak in my left heart valve. I still suffer from heart palpitations and shortness of breath. I have to continue to take heart medicine and blood pressure medicine for the rest of my life.**

**I am now living a stress-free life. I no longer care for my ailing mother who has been living out of state for past 1 1/2 year. I spend time with my grandchildren at least once a month and I spend time with my new husband gardening, reading and watching movies. We were married last year. I continue to see my therapist on a regular basis and most of all I'm not working outside of the home. I am so blessed to be alive to tell my story.**

**I'm requesting that the CALPERS Board overturn Judge Brandt's decision to grant me my retirement disability benefits as requested 4 years ago.**

**Thank you for giving me the opportunity to voice my opinion in hopes that the struggles I went throughout my work experience will help someone else in the same situation.**

*Sherrae Rushton - Office*