ATTACHMENT B

STAFF'S ARGUMENT

STAFF'S ARGUMENT TO ADOPT THE PROPOSED DECISION

Respondent Tina Liles (Respondent) applied for Disability Retirement (DR) based on psychological (stress, depression, anxiety) conditions. CalPERS determined that Respondent was not disabled from the performance of her duties as a Motor Vehicle Field Representative (MVFR) with Respondent Department of Motor Vehicles (DMV). Respondent appealed. A hearing was completed on January 21, 2015.

Prior to the hearing, CalPERS explained the hearing process to Respondent and the need to support her case with witnesses and documents. CalPERS provided Respondent with a copy of the administrative hearing process pamphlet. CalPERS answered Respondent's questions, and provided her with information on how to obtain further information on the process. Nevertheless, Respondent did not appear at the hearing, and did not present any witnesses or documents.

As part of CalPERS' review of her medical condition, Respondent was sent for a psychiatric Independent Medical Examination (IME) to Dr. Andrea Bates. Dr. Bates performed a mental status exam on Respondent and documented her findings in an IME report. Dr. Bates did not diagnose any personality disorder, and found that Respondent presented with an inconsistent pattern. Dr. Bates did not find any psychosis, auditory or visual hallucinations, nor delusions.

Following her examination and review of all documentation, Dr. Bates opined that Respondent was not substantially incapacitated from performance of her usual job duties. Dr. Bates believes that there are no job duties Respondent is unable to perform because of her psychological condition. At the hearing, Dr. Bates testified about her examination and reports.

The Administrative Law Judge (ALJ) found that the burden of proof is on Respondent to present competent medical evidence to show that, as of the date she applied for DR, she was substantially unable to perform the usual duties of a MVFR with the DMV. The ALJ found that Respondent failed to make any showing of substantial disability. She may have a history of depression; however, according to Dr. Bates, Respondent's symptoms at the time she filed her DR application were not disabling. Respondent is not currently receiving treatment for depression or anxiety and has stopped taking anti-depressants. Respondent's decision to leave work was precipitated by a conflict with her supervisor. Respondent did not appear at the hearing to offer additional information. The ALJ found insufficient evidence that Respondent's mental health issues prevent her from resuming her customary duties as a MVFR.

The ALJ concluded that Respondent failed to establish that she was substantially unable to perform her usual job duties as a MVFR for the DMV. The ALJ concluded that Respondent's appeal should be denied. The Proposed Decision is supported by the law and the facts. Staff argues that the Board adopt the Proposed Decision.

Because the Proposed Decision applies the law to the salient facts of this case, the risks of adopting the Proposed Decision are minimal. The member may file a motion with the Board under Government Code section 11520(c), requesting that, for good cause shown, the Decision be vacated and a new hearing be granted.

April 15, 2015

ELIZABETH YELLAND
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