

ATTACHMENT B
STAFF'S ARGUMENT

STAFF'S ARGUMENT TO ADOPT THE PROPOSED DECISION

Respondent Lori Ralls (Respondent Ralls) applied for disability retirement on the basis of orthopedic (cervical and lumbar spine) and psychiatric (anxiety and depression) conditions. By virtue of her employment with Respondent Beaumont Unified School District as a Confidential Payroll Assistant, Respondent Ralls is a local miscellaneous member of CalPERS.

As part of CalPERS' review of her medical conditions, Respondent Ralls was sent for Independent Medical Examinations (IME) to Gregory Chun, M.D., a board-certified Orthopedic Surgeon, and to Lawrence Warick, M.D., a board-certified Psychiatrist.

Dr. Chun reviewed Respondent Ralls' medical records and job description, took a medical history, took x-rays of the cervical spine, and performed a physical examination. Dr. Chun prepared an IME report of his findings and testified at the hearing. Dr. Chun diagnosed Respondent Ralls with degenerative cervical spondylosis at C4-5 and C5-6, and severe degenerative disease at L3-4, L4-5 and L5-S1. Dr. Chun opined that while Respondent Ralls "has advanced degenerative changes of the cervical and lumbar spine, [...] based upon the job descriptions reviewed and today's evaluation, it is felt that she is able to perform the described job duties."

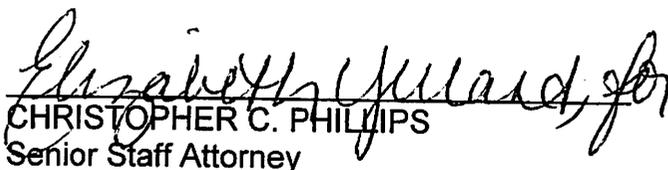
Dr. Warick reviewed medical records, took a medical, psychiatric, personal, educational, military, occupational, marital and social history, and performed a mental status examination. Dr. Warick prepared an IME report of his findings and testified at the hearing. Dr. Warick opined that Respondent Ralls was not psychiatrically incapacitated to perform her job duties from a psychiatric perspective. Dr. Warick provided a detailed analysis and the Administrative Law Judge (ALJ) found Dr. Warick's testimony and report persuasive.

Respondent Ralls offered the testimony of her treating physician, Dr. Omar Bashir, a board-certified Internist. Dr. Bashir described the orthopedic injuries and history of treatment that Respondent Ralls has undergone. The ALJ determined that Dr. Bashir credibly testified that Respondent Ralls is incapacitated for her usual job duties and that Dr. Yundt, a pain management specialist that works collaboratively with Dr. Bashir, established that Respondent Ralls has remained symptomatic through the present time.

The ALJ concluded that Respondent Ralls' appeal should be granted due to her orthopedic conditions. 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. Since the member prevailed it is not likely that she will file a Writ Petition in Superior Court seeking to overturn the Decision of the Board.

August 19, 2015


CHRISTOPHER C. PHILLIPS
Senior Staff Attorney