ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

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Received
JUL 9 2015
CalPERS Board Unit

Attorney for Respondent, Robert Mahon

BOARD OF ADMINISTRATION

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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In the Matter of the Application for Industrial Disability Retirement of: ROBERT MAHON, Respondent,	REFERENCE NO.: 2012-0092 OAH NO.: 2014060841
and	**PETITION FOR RECONSIDERATION**
CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION, CENTRAL CALIFORNIA WOMEN'S FACILITY, Respondent.	ALJ: Jonathan Lew Date of Hearing: March 18, 2015 Location: Fresno

Respondent, Robert Mahon (hereinafter referred to as "Mahon"), presents the following petition for reconsideration:

1. The Decision (based on the Proposed Decision of ALJ Jonathan Lew) is essentially based on the assumption that knee replacement surgery being recommended for Mahon, is available for him, except that he has refused to undergo the surgical knee replacement. However, no evidence has been presented that the proposed surgery would be authorized and provided by the employer through the workers' compensation claim which arose out of the industrial injury to the left knee.

2. At the hearing in this matter, CalPERS presented no evidence as to whether the knee replacement surgery would be authorized if it was requested.

3. Mahon intends to have his primary treating physician, Cyril Rebel, M.D., request that the workers' compensation claims examiner authorize the proposed knee replacement surgery. Once the Request for Authorization is submitted, the workers' compensation administrator will have a period of fourteen (14) days to submit the matter to Utilization Review. Pursuant to Labor Code §4610.6(d) Utilization Review shall have a period of thirty (30) days thereafter to determine whether the Request for Authorization of the knee replacement surgery will be granted.

4. Pursuant to California Government Code §11521(a) we are requesting that an additional forty (40) days be allowed to consider and grant this petition for reconsideration. Within that time, we will advise as to the status of the Request for Authorization of the knee replacement surgery. If the knee replacement surgery is not authorized, we will ask the Board to reconsider its decision in light of the fact that Mahon would not be able to obtain the subject surgery.

WHEREFORE we respectfully request that this petition be granted and that a decision on reconsideration be stayed for a period of at least forty (40) days, if not longer, in order for a determination to be made regarding authorization of the subject surgery.

Date: July 7, 2015

THOMAS J. TUSAN
Attorney for Respondent,
Robert Mahon

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 1233 West Shaw, Suite 100, Fresno, CA 93711.

On July 7, 2015, I served the foregoing document described as Petition for Reconsideration on Parties Listed Below in this action by placing a true copy thereof enclosed in a sealed envelope and by causing such envelope to be delivered as noted below:

__X__ MAIL – Placed in the United States Mail at Fresno, California.

_____ EXPRESS MAIL – Placed in the Express Mail Box of the United States Mail at Fresno, California.

_____ PERSONAL SERVICE – Delivered by hand to the Addressee addressed as follows:

_____ FACSIMILE – Sent by FAX at the number indicated.

Matthew G. Jacobs, General Counsel
Renee Salazar, Senior Staff Attorney
CalPERS – Legal Office
P.O. Box 942707
Sacramento, CA 94229-2707

Robert Mahon

Cheree Swedensky, *(by mail & fax (916) 795-3972)*
Assistant to the Board of Executive Officer
California Public Employees' Retirement System
P.O. Box 942701
Sacramento, CA 94229-2701

Executed on July 7, 2015, at Fresno, California.

I declare under penalty of perjury that the above is true and correct.

TERESA J. PERALES