ATTACHMENT C

RESPONDENT'S ARGUMENT

RESPONDENTS ARGUMENT OCTOBER 4, 2015
RE: C/O BRUCE FLORES NO. 2013-0420

CHEREE SWEDENSKY, ASSISTANT TO THE BOARD
CALPERS EXECUTIVE OFFICE
P.O. BOX 942701
SACRAMENTO, CA 94229-2701

Received
OCT 8 2015
CalPERS Board Unit

TO: WHOM IT MAY CONCERN

ON AUGUST 5TH, 2010 WHILE WORKING AS A CORRECTIONAL OFFICER AT HIGH DESERT STATE PRISON I WAS INJURED WHILE WORKING IN THE A DINING HALL. WHILE SERVING CHOW ONE OF THE FOODCARTS STARTED TO ROLL DOWN THE EMBANKMENT OF THE TRACK. THE FOOD CART WAS FULL OF FOOD WEIGHING APPROXIMATELY 400 TO 500 POUNDS AND AS I WAS TRYING TO KEEP THE CART FROM TIPPING OVER THE WHEELS DROPPED DOWN INTO A LARGE CRACK IN THE ASPHAUT. AS I WAS ATTEMPTING TO KEEP THE CART FROM FALLING OVER MY SHOULDER POPPED LOUDLY AND I FELT AN EXTREME PAIN AND A HORRIBLE BURNING SENSATION. I THEN FINISHED SERVING CHOW THE BEST THAT I COULD WHILE UNDER A SEVERE AMOUNT OF PAIN AND LIMITED MOBILITY. AFTER SERVING CHOW I IMMEDIATELY REPORTED THIS TO MY SERGENT WHO WROTE THE INCIDENT REPORT. I CONTINUED TO WORK WHILE IN PAIN AND WITH LIMITED MOBILITY UNTIL NOVEMBER 15TH, 2010 WHEN I COULD NO LONGER BARE THE PAIN. I WAS THEN SEEN BY DOCTOR KYLY SWANSON WHO SCHEDULED ME FOR REPAIR SURGERY ON THE LEFT SHOULDER FOR DECEMBER 24TH, 2010. APPROXIMATELY FIVE MONTHS AFTER REPAIR SURGERY DOCTOR SWANSON . DID A RETURN TO WORK EVALUATION AND SAID THAT THE SHOULDER WAS STATIONARY ANDIMPINGED PERMANENTLY IT COULD NOT BE REPAIRED AGAIN. I WOULD NOW NEED TOTAL SHOULDER REPLACEMENT SURGERY. DUE TO THIS INJURY AND THE TIME IT HAS TAKEN TO GET THROUGH THIS PROCESS I HAVE NOT BEEN ABLE TO WORK. MY DOCTOR HAS FILLED OUT THE REQUIRED FORMS

RESPONDENTS ARGUMENT PAGE 2
RE: C/O BRUCE FLORES NO. 2013-0420

STATING I AM NO LONGER ABLE TO PERFORM THE DUTIES OF A CORRECTIONAL OFFICER AS LAYED OUT IN THE DEPARTMENT OF CORRECTIONS HIRE MANUAL. I AM UNABLE TO GO TO WORK AT THE PRISON AND PROTECT MYSELF, OTHER STAFF MEMBER OR INMATES. I AM IN CONSTANT PAIN WITH MY SHOULDER AND AM SEEING A WORK COMPENSATION DOCTOR IN SUSANVILLE FOR IT AND WILL BE GETTING REFERRED TO A NEW ORTHOPEDIC DOCTOR FOR REPLACEMENT OF MY LEFT SHOULDER. THERE IS NO GUARANTEE THAT TOTAL REPLACEMENT OF THIS SHOULDER WILL EVER GIVE ME FULL STRENGTH AND MOBILITY BACK IN THIS SHOULDER AS EXPLAINED TO ME BY DOCTOR SWANSON.

C/O BRUCE E. FLORES