

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

Oct. 5, 2015

To whom this may concern,

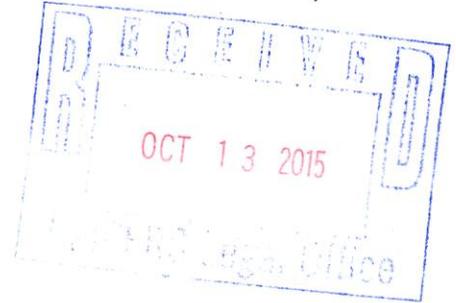
Please Reconsider my Request to begin my CALPERS Disability payment on 2/24/2010. My injury was on 1/29/2009 at the Fillmore Unified School District. My last paid day was on Feb 23, 2010. I then Received Workers Compensation. I had my first Surgery on Oct. 16, 2009 with DR. Rudin. Second surgery by DR. Bardhanna on Nov. 23, 2010. I have Been heavily medicated due to my pain, Surgeries and time to heal from two major Surgeries and two more surgeries which makes a total of four surgeries (major). I was unable to ~~make~~ make any decisions. I wasn't in the right frame of mind mentally and physically to apply for disability Retirement. There has to be some ~~thing~~ thing or some way the School District could of helped me with this. Shame on them. I'm a God loving and honest person. Thank you for giving <sup>me</sup> another chance to explain my physical condition from 2009 to 2010 Thank you, Debbie Hinojosa

2012/10/12 08:29:25 S6 795

10/10/2012

To CalPERS - Benefits Services Division

Re Debbie Hinojosa



I was recently made aware that I am eligible for CalPERS retirement benefits I was injured at my employment with Fillmore Unified School District on 01/29/2009 and my employment ended with Fillmore Unified 02/23/2010

While injured I was never informed that I could have been collecting a disability retirement from CalPERS The reason I left employment was because of my injury and I have remained injured and disabled ever since

I was actually made aware of the normal retirement recently when my old union representative contacted me and actually came to my home to help me fill out the service retirement application She came over on 10/09/2012 I was ready to submit my service retirement application when I was contacted by a CalPERS representative

The PERS representative informed me that I could be eligible to qualify for Disability Retirement and I should have submitted the paperwork when I left Fillmore Unified

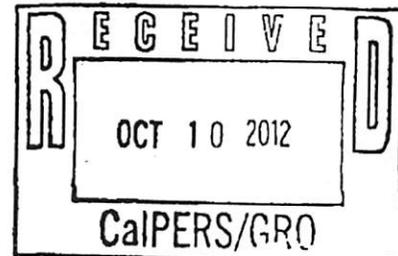
What I am requesting is that CalPERS allow me to backdate my retirement date to the day after my last day on payroll which was 02/23/2010 I was uninformed and would have submitted any and all documents to CalPERS had I been aware that I had these benefits

Please adjust my retirement date to be effective after my benefits ended with Fillmore Unified School District

Thank you in advance

Sincerely

Debbie Hinojosa



September 17, 2013

Anthony Sune, Chief Benefit Services Division  
CalPERS – Benefit Services Division  
PO Box 2796  
Sacramento, CA 95812-2796

RECEIVED SACRAMENTO  
CALPERS  
DDC # 17

2013 SEP 19 AM 9 10

RE Debbie Hinojosa

Dear Mr Sune,

This letter is an Appeal of the CalPERS determination regarding my request of an earlier retirement date for disability reasons

When I ran out of paid leave with my school district, Fillmore Unified School District, I hoped that I would be able to get well and return to work That was why I didn't apply for a disability retirement immediately afterward My District placed me on a 39 months rehire list (health leave of absence) pending an improvement in my health disability

There is a government code Section 21183 that requires an employer (the school district) to apply for a Disability Retirement when an employee cannot return to work due to a physical condition – after exhaustion of all leaves Although in a prior questionnaire my husband said that I did not advise Fillmore Unified School District of my disability and my inability to return to work In fact, the school district must have known of my inability to return to work because it was a Workers' Compensation case Their Risk Manager should have known The District should have sent a Disability Retirement to CalPERS for me

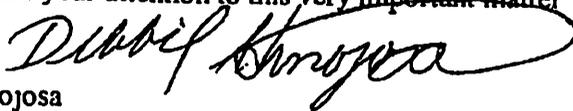
At the time I ran out of leave, I was on multiple medications – for various reasons, I continue on many of these medications I truly did not know I was eligible for a disability retirement at that time I do not remember requesting the estimates you mentioned in your letter of August 26, 2013 However, I do have a copy of the estimate done for me on October 9, 2012 This was just a few days before I completed my application for a Disability Retirement

I have not worked since January 29, 2009, when I was injured at work So far, I've had three back surgeries and more may be pending I am not well – I have not healed My last paid day with the District was 02/23/2010

Had my school district explained to me that I was eligible for a disability retirement, I would have applied much sooner The School District broke the law when they didn't apply for a disability retirement for me

Please reconsider my request to begin my CalPERS Disability payment on 02/24/2010

Thank you for your attention to this very important matter



Debbie Hinojosa

RECEIVED SACRAMENTO  
CALPERS  
DDC - # 9

2013 SEP 19 PM 4 25

2013/09/21 10:33:56 S8 2946

2013/09/21 10:33:56 S8 2946