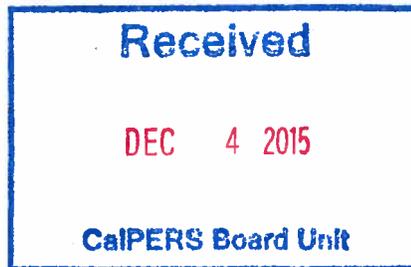


ATTACHMENT C
RESPONDENT(S) ARGUMENT(S)

December 4, 2015

Brenda K. Noel



Case No. 2014-0388

OAH No. 2014050848

In response to the August 25, 2015 hearing, I Brenda K. Noel am I dispute of the CalPERS proposed decision to not grant me the requested disability retirement benefits based on injuries sustained while employed by the California Department of Motor Vehicles (DMV).

The basis of my appeal is based on the fact that I have provided proper medical evidence to support the injuries sustained as a DMV employee and have been under the care of several physicians for these injuries since 2011. Enclosed are documents that pertain to my medical history while employees with the Department of Motor Vehicles.

Background on injuries sustained:

In August 2009 I reported repetitive neck, back and shoulder pain as a result of the job I was doing at the time, for the Department of Motor Vehicles (DMV). Based on the back and neck pain I was experiencing I was no longer able to perform my required job duties and thus based on my treating physicians recommendation I requested reasonable accommodations.

Effectlve March 25, 2011, I was appointed to my current classification, Motor Vehicle Field Representative In the DMV Call Center. Prior to coming to the call center I experienced a significant loss of hearing while working at my pervious Department of Motor Vehicles Headquarters location; however at the time of the transfer I was unaware of the significant loss of my auditory abilities. About two months into my current position I was experiencing extreme difficulty in hearing customers properly on the phone and went to an Audiologist, for which it was determined that I had lost 50% of my hearing in my left ear.

After being diagnosed with 50% hearing loss I repeatedly asked the DMV to provide me with reasonable accommodations as a result of it being difficult to work in a Call Center environment, however they refused to do so. I continued to perform my job duties to the best of my ability; however the Call Center work environment is very loud and not conducive to my loss of hearing issue. As a result of not being able to properly hear while talking work phone calls I constantly tilted my head and neck straining to hear what customers were saying. The continued tilting of my head and neck has further exacerbated the painful condition I am currently experiencing in my neck, back and shoulder/arm.

I have been seen by numerous physicians that substantiate the painful conditions I am experiencing (of which many documents supporting this have been previously submitted). As well as currently under the care of a Pain Management Specialist. These conditions are inhibiting me from being able to perform my required job duties. My physician has continuously reduced the number of hours I am able to work as a result of the great deal of pain that I am experiencing. Based on a degenerated disk in my back, severe neck pain, numbness and tingling in my arms and hands all of which were injuries sustained from my employment with the Department of Motor Vehicles I no longer to perform my job duties therefore I am requesting that my petition for retirement disability be granted.

Sincerely

Brenda K. Noel