



Full Board Hearing Decision – Richard Lewis January 19, 2016

ITEM NAME: Full Board Hearing Final Decision – In the Matter of the Final Compensation Calculation of RICHARD LEWIS, Respondent, and CITY OF SAN BERNARDINO, Respondent.

PROGRAM: Employer Account Management Division

ITEM TYPE: Action

ACTION REQUIRED: Adopt Final Decision

PARTIES' POSITIONS

This matter came before the Board for a full hearing on December 16, 2015. At that time, the Board determined to adopt its own decision in the matter. Pursuant to the Board's direction, staff prepared the Final Decision (see Attachment B). A track changes version of the Final Decision is included with this agenda item (see Attachment A). This Decision must be adopted by the Board in order to become effective. Adoption cannot be delayed due to the "100 day rule" in the Administrative Procedure Act.

PROCEDURAL SUMMARY

At its October 21, 2015, meeting, the Board of Administration requested a Full Board Hearing in connection with the appeal of Richard Lewis. The Board of Administration considered the Proposed Decision of the Administrative Law Judge (ALJ) and concluded not to adopt it, but instead to decide the matter itself on the record after affording the parties the opportunity for further argument.

On December 16, 2015, the Board conducted a Full Board Hearing on this matter. Counsel for Respondent Lewis and CalPERS were present and presented oral argument. After considering the entire record, as well as oral argument, the Board voted to deny Respondent Lewis' appeal in full.

BOARD'S RESOLUTION

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System adopts Attachment B as the Final Decision of the Board concerning the appeal of Richard Lewis; RESOLVED FURTHER that this Final Decision shall be effective immediately upon the Board's adoption.

ATTACHMENTS

- Attachment A: Track Changes – Final Decision
- Attachment B: Final Decision

DONNA RAMEL LUM
Deputy Executive Officer
Customer Services and Support