

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

January 20, 2016



Ref. No. 2013-0159

To Board of Administration, California Public Employees' Retirement System:

I am asking that this Board of Administration grant my petition for reconsideration based on the information provided below. It is my opinion California Public Employees' System violated my right to a fair hearing.

- A. I'm enclosing the letter I provided to CalPERS via certified mail on January 5, 2015. Which states I refused to see Dr. Maloff a second time, however I was willing to see a different doctor in order to provide Judge Jacobs the medical information she requested to make a decision in this case. CalPERS never responded to my letter.
- B. During the second day of hearing before the record was opened Judge Jacobs addressed my letter. I informed her that I didn't object to another medical evaluation just not by Dr. Maloff. This is where CalPERS attorney stated that if I didn't submit to a medical evaluation from Dr. Maloff, he can recommend that CalPERS take my pension away. This is where I believe my rights were violated to a fair hearing. Since I was not working at the time and my pension was my only source of income to take care of my family I had no choice but to submit to this medical evaluation.
- C. I was never provided the second medical report that Dr. Maloff issued until the day of the final hearing. This did not allow me the adequate time to prepare for my hearing.

All I'm asking of the Board of Administration is to consider the facts above and grant me another day in court so I may get a fair hearing. I look forward to hearing from this Board at its earliest convenience.

Thank You,

Marcos Rivera

January 5, 2015

OAH No. 2013050668

Case No. 2013-0159

To California Public Employees' Retirement System (CalPERS):

I am writing this letter to inform you that I will not be attending the Independent Medical Examination (IME) with Dr. Maloff on January 22, 2015 at 12:00 p.m. However in order to provide Judge Jacobs the medical information she requested I'm willing to submit to another IME with a doctor CalPERS and I can agree upon. I look forward to hearing from you.

Thank You,



Marcos Rivera

Rory J. Coffey

Senior Staff Counsel

CalPers

PO BOX 942707

Sacramento, CA 94229-2707

Office of Administrative Hearing

1350 Front Street, Room 3005

San Diego, CA. 92101