

**ATTACHMENT B**  
**STAFF'S ARGUMENT**

## **STAFF'S ARGUMENT TO DENY PETITION FOR RECONSIDERATION**

The hearing on this case was completed over two days, June 23, 2015 and September 30, 2015. Following the hearing, a Proposed Decision was issued on October 28, 2015. The Proposed Decision was in favor of CalPERS (denial of Respondent's appeal of CalPERS' determination to reinstate Respondent from Industrial Disability Retirement (IDR) to her former position with CHP). The CalPERS Board adopted the Proposed Decision on December 16, 2015. Respondent submitted this Petition for Reconsideration on January 14, 2016.

Respondent Stacy (Bridges) Ramos (Respondent) was employed by the CA Department of Highway Patrol (Respondent CHP) as a Safety Dispatcher II (Dispatcher). Respondent filed for IDR on July 7, 2004, on the basis of psychological condition (anxiety, depression and stress caused by CHP working environment). She was initially approved for IDR, but upon routine audit, her case came up for review. During that review, she was found no longer substantially incapacitated and she should return to work. Respondent appealed.

At the hearing, CalPERS presented testimony from the Independent Medical Examination (IME) conducted by Psychiatrist Dr. Edward Ritvo. Dr. Ritvo did a comprehensive psychiatric examination, and opined that Respondent did not have a psychiatric disorder, was experiencing moderate psychosocial stressors in her daily life, and had a normal level of functioning. He found nothing unusual in Respondent's IME exam. Dr. Ritvo opined that Respondent can perform all her job duties, and that she is not disabled.

Respondent testified on her own behalf, but did not call any physicians or other medical professionals to testify.

After considering all the evidence, the ALJ concluded that Respondent's appeal should be denied.

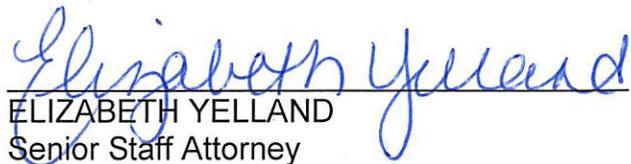
Respondent's grounds for reconsideration are based on disagreement with the ALJ's findings, and disagreement with the ALJ's legal analysis of competent medical evidence. Respondent was given two days to present her case. In fact, the first day of the hearing was adjourned specifically to provide her additional time to present testimony and documentary evidence in support of her appeal. Respondent was also given the opportunity to cross-examine Dr. Ritvo at hearing.

With respect to Respondent's disagreement with the ALJ's findings of fact and legal analysis, it is clear from the Proposed Decision that evidence was taken, and numerous exhibits were submitted. Evidence was taken on the underlying facts, medical evidence, and Respondent's claimed disability. Based upon the facts and the law, the ALJ found against Respondent. Respondent's Petition for Reconsideration has not raised any new evidence or change in circumstances which would warrant reconsideration. She made the same arguments at hearing.

For all of the reasons stated above, staff argues the Board deny the Petition for Reconsideration and uphold its decision.

Because the Decision applies the law to the salient facts of this case, the risks of denying the Petition for Reconsideration are minimal. Respondent may file a writ petition in superior court seeking to overturn the decision of the Board.

February 18, 2016

  
ELIZABETH YELLAND  
Senior Staff Attorney