



Board of Administration Agenda Item 10

June 15, 2016

Item Name: Designation of Precedential Decision – In the Matter of Accepting the Application for Industrial Disability Retirement of PHILLIP D. MACFARLAND, Respondent, and CALIFORNIA STATE PRISON, SACRAMENTO, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, Respondent.

Program: Benefit Services Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration designate its final decision in this matter, as adopted on November 18, 2015, as a Precedential Decision of the Board.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

On November 18, 2015, the Board adopted the Proposed Decision upholding CalPERS' determination that Phillip D. MacFarland's application for Industrial Disability Retirement should be permanently rejected under the "Haywood" doctrine. At the March 16, 2016 Board meeting, the Board directed Legal Office staff to solicit written comments from the public regarding whether the November 18, 2015 Board Decision should be designated precedential and upon receipt of these comments, to return to the Board for further consideration of a precedential designation.

Alternatives

- A. For use if the Board decides to designate its final Decision, as adopted on November 18, 2015, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, acting pursuant to Government Code section 11425.60, hereby designates its final Decision concerning the Industrial Disability Retirement of Phillip D. MacFarland as a Precedential Decision of the Board.

- B. For use if the Board decides not to designate its final Decision, as adopted on November 18, 2015 as Precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of all written public comments and its staff argument, determines not to adopt its November 18, 2015 final Decision concerning the Industrial Disability Retirement determination of Phillip D. MacFarland as precedential.

- C. For use if the Board decides to designate certain parts of its final Decision as adopted on November 18, 2016 as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of all written public comments and its staff argument, determines to designate the following PARTS of its final Decision concerning the Industrial Disability Retirement of Phillip D. MacFarland as precedential: [Board to insert here a description of the parts to be designated as precedential].

Budget and Fiscal Impacts: Not applicable

Attachments

- Attachment A: Final Decision of the Board, as adopted on November 18, 2015
Attachment B: March 21, 2016 Request for Public Comments re: Designation of Board Decision in PHILLIP D. MACFARLAND matter as precedential
Attachment C: Copies of all written comments received
Attachment D: Staff's Argument

DONNA RAMEL LUM
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Customer Services and Support