

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE
PETITION FOR RECONSIDERATION**

Cheree Swedensky, Assistant to the Board
CalPERS Executive Office
P.O. Box 942701
Sacramento, Ca. 94229-2701
FAX NUMBER # (916) 795-3972



Date: June 2, 2016

" RESPONDENT'S ARGUMENT "

This letter is in response to your dated letter of May 31, 2016 that you addressed to myself.

I am respectfully requesting FOR THE Board to grant my Petition for Reconsideration in the Matter of the Cancellation of the Application for Industrial Disability Retirement of FREDERICK JOHNSON, Respondent- Ref No. 2014-0148. And to approve my Industrial Disability case filing.

My request is based upon the factual statements:

1. The false allegations that were the basis for my wrongful termination was based upon the allegations that were presented at an Internal Affairs Investigatory interview on December 7, 2010, which was conducted by 2 Expert Internal Affairs Special Agents.
2. During a hearing before an Administrative Law Judge on October 27, 2011 AND November 23, 2011, in which Valley State Prison, Institutional Personnel Officer Nancy Clark and Employee Relation Officer Kristina Hensley represented VSP. The Administrative Law Judge questioned these two representatives about every allegation that was used as grounds for my wrongful termination at the December 7, 2010 Internal Affairs Investigatory interview.
3. Institutional Personnel Officer Nancy Clark and Employee Relations Officer Kristina Hensley are on record as the Respondents Representatives before the Administrative Law Judge on October 27, 2011 and November 23, 2011.
4. I am giving my permission for the Boards Members *only* to have access to, for the purposes of review, my evidence that I submitted on March 3, 2016. **The following evidence is as follows and CalPers has already in its in possession :**

a. The June 18, 2011 Panel QME Report from Dr. O. S. Glover “(this is the Respondents Doctor whom I was directed to be evaluated by) note : this Doctor has represented Respondent in State and Federal Courts)” .

b. The audio recording tapes of the October 27, 2011 and November 23, 2011 Administrative Hearing before the Administrative Law Judge. In which the ALJ ruled that I was a Credible Claimant- Appellant *APPROX. 30 MINUTES TOTAL*

c. Administrative Law Judge Esther L. Beltran’s DECISION

 These 3 factual pieces of evidence was NOT entered as exculpatory evidence on my behalf at the State Personnel Board Appeal hearing THAT WAS HEARD 6 months later. The Respondent was / is well aware of the Administrative Law Judges DECISION regarding the allegations used as reasons for termination . They chose to instead, to create a “ruse” for Respondent to use the defense of :

a. *Haywood vs. American River Fire Protection District* (1999) 67 Cal. App 4th 1292 (*Haywood*).

b. *Smith vs. City of Napa* (2004) 120 Cal. App 4th 194 (*Smith*).

c. *Precedential Decision, In the Matter of the Application for Industrial Disability of Robert Vandergroot.*

I, Frederick Johnson, am in litigation in California Superior Court, Los Angeles County, at this time, for the purpose of a claim I filed against the attorney who represented me before the State Personnel Board Appeal Hearing that sustained the termination of my employment with the Department of Corrections/ Valley State Prison. I filed a claim of negligence against the attorney for withholding/ not producing exculpatory evidence that would have changed the outcome of my Appeal.

This withholding of evidence enabled Respondent; Valley State Prison to deceitfully use the defense of:

1. *Haywood vs. American River Fire Protection District* (1999) 67 Cal. App 4th 1292 (*Haywood*).
2. *Smith vs. City of Napa* (2004) 120 Cal. App 4th 194 (*Smith*).
3. *Precedential Decision, In the Matter of the Application for Industrial Disability of Robert Vandergroot*.

I humbly request that you allow the legal proceedings that is before the California Superior Court, to go forward before you make your decision (or both) to make your decision based on the evidence that I am authorizing the Boards Members to review. The facts in my claim will prove that I would have applied for Industrial Disability due to the injuries I suffered while employed and that the above-mentioned cases would not have been a defense for Valley State Prison in denying my Industrial Disability claim and that I was indeed a victim of "calumny", which caused me mental and psychological stress, along with the physical injury I sustained.

I am hoping that the Board can spend at least 1-2 hours in reviewing my evidence, after working 18 years for the State of California, I can only pray for the Boards time.

Respectfully Submitted,



Frederick Johnson
June 2, 2016

Faxed to : Attention: Cheree Swedensky, Assistant to the Board
CalPers Executive Office

(916) 795-3972