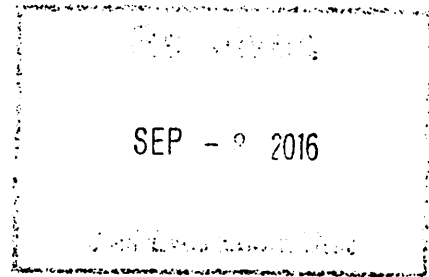


ATTACHMENT C
RESPONDENTS ARGUMENT

August 30,2016

Cal Pers Legal Office

Ref. No. 2015-0550



This is my written argument against my denied proposed decision. I am at your mercy. Mark Chipley, Attorney for Cal Pers had many good points against me at my hearing July 12,2016, but with that said, Mr. Chipley also told me out of all his cases he wished he would lose my case, he understood my situation. Mr. Chipley was doing his job as an attorney for Cal Pers and I understand that, but he also understood my situation. Ms. Cobbler Cal Pers Specialist, indicates I had made an error and I was neglect in not submitting my retirement application as she was in my hearing, which I didnt understand why Ms. Cobbler was there and who she was representing because no one from California Substance Abuse Training Facility Personnel Specialist did not attended the hearing, yes Ms. Cobbler knows policy and procedures, but that was never given nor granted to me. I have never spoken to Ms Cobbler and she has judge me of what I neglected to do, I did not neglect to apply I was never told I had a deadline, she is correct in the fact that I should of applied prior to July 2014, but is incorrect in the fact the she nor anyone explained nor counselled me on the booklets I received and that is the fact. I believe it is CalPers job to help and counsel State employee's understand to their full knowledge of what they are receiveing and explain each step of retirement or disability retirement process, In which I was not given this information. I understand the procedure and protocal now, but please understand it is not my intention to hurt, disrespect nor collect money, but my concern is to have my retirement date retro for my Health, Vision and Dental benefits that I am entitled to. I have approximatley 22 years of State Service and I had no choice but to retire pending medical retirement in which I was approved by Cal Pers. Now I am totally disabled due to a work injury and not recieving any health benefits because Cal Pers Coordinator/ Department of Corrections Personnel/ Return to Work did not counsel nor inform me of my options. Yes, Cal Pers sent me booklets and estimates, but never explained to me any cut off dates or the 120 Days that was so crucial to me and now I am at your mercy. Once again the retro pay is not of that important as my health benefits. I ask you please understand I was in severe pain from bilateral shoulders and 5 herniated discs. State Compensation took approximately one year to approve my left shoulder surgery which was March 19,2012 then I underwent extensive physical therapy. My right shoulder was then approved for surgery September 11,2014 and followed with extensive physical therapy again. Please note that I had been on State Compensation for over 4 years receiving State Comp and Disability the entire time. I did not know nor was I counseled that I had to retire nor did I ever anticipate that I was going to have to retire. This was all so complicated for me with the lack of knowledge, had I been appropriately counseled by a Cal Pers Employee(s) when I spoke to them over the phone multiple times I would not be in this situation. They sent me booklets and estimates that were irrelevant to my knowledge at that time. I have earned to have my benefits and the only way I can is to have my retirement date retro. The person I spoke to at Cal Pers when I took my retirement package was, Amada, which she told me to retire pending medical retirement and that Cal Pers would have to retro my retirement date, that's all I know and she was the one who told me I should have been counseled about the 120 Days especially since I had been off work since Februrary 15,2011. Februrary 28,2011 was my last State Employee payroll check. I retired June 1,2014. I also spoke with Mrs. Solano at Cal Pers in June 2016. She looked up my records and advised me that it looked like no one had documented that I

was ever counseled and notes were unclear, only that booklets and estimates were sent to me. I am not asking for anything I am not entitled to. I ask to please grant my retro date so I can receive my health benefits that is due to me. I am at your mercy and as God as my witness I say the truth. I thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana Flores". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Diana Flores