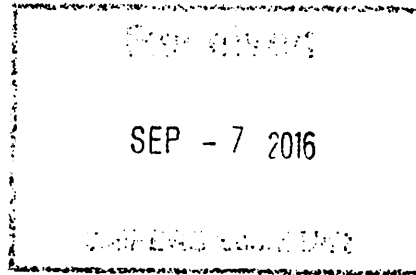


ATTACHMENT C
RESPONDENTS ARGUMENT

September 05, 2016

Cheree Swedensky, Assistant to the Board
CalPERS Executive Office
P.O. Box 942701
Sacramento, CA 94229-2701



Subject: Accepting the Late Application for Industrial Retirement of Michael Antonucci Jr, Respondent and the City of Upland, Respondent. REF: 2015-0855

CalPERS Board;

Please consider this written appeal to the decision rendered by Judger Roy Hewitt, July 27, 2016, as Judge Hewitt has ruled that CalPERS had the legal right to deny the late application. The facts are more human then legal. CalPERS is charged in being the employees' advocate and has not been that for me since I retired.

This entire process has been flawed not by CalPERS but by my employer, the city of Upland. Just look at the city of upland track record during the dates of my employment and the duration of this case.

June 2010 – The city of Upland is raided by the FBI and the ultimate outcome is that the Mayor is arrested and convicted for illegal practices as to money laundering and bribery.

August 2011 – The City Manager of the City of Upland is terminated and ultimate arrested for illegal actions, and convicted.

August/September 2011 – I submit my letters of retirement as requested by the new city manager (former finance director) requesting an IDR in one letter and in another letter to the city council thanking them for their support of the fire department. – HR director tells me that I cannot and the city will not submit IDR to PERS because the workers compensation case is still pending on my back surgery (with two rods and 8 screws placed). This worker compensation surgery took place in June 2010 and to this date is still not resolved.

September 28 2011 – The New City Manager of the City of Upland asks me to stay for 6 months because they had many retirements and did not look for a new fire chief yet. I agreed on contract, with modified duties.

April 2011 – I separate service from the contract.

Since these occurrences' above the city has fired two additional city managers and now has a retired police chief from upland serving as interim city manager, has let go 2 fire chiefs and the current one is on administrative leave pending an investigation.

I think there is a pattern shown for incompetence, criminal processes, lying, vindictiveness as well as unfair management practices. That is exactly what they did to me and PERS is allowing this cycle of correction to continue.

I have been working a desk job for the County of San Bernardino just to make ends meet. This chronic back issue has forced me to hire a housecleaner, pool service and gardener. In addition to the unfunded medications that I am prescribed, the additional gas and electricity to heat the whirlpool needed for my back, this comes to a very expensive way to spend your retirement.

I am years old and have put in 40 years, 35 under PERS. IDR does not cost the city of CalPERS any additional funds, its tax money. The city is only falsifying their position for vindictiveness. Just contact most any employee and they will give to examples of additional retaliation or vindictiveness.

This written appeal is short and sweet, as I really do not expect the right thing to be done at this level either. I do however appeal to your charge to be an advocate of employees and don't let cities that contract with PERS use CalPERS to further their misbehavior and set an example to the thousands of employees in PERS that you are the advocate for the people that are in your system.

In the next few months you will see the city of upland further remove ties from CalPERS as to medical benefits and they also are forming a JPA with another city in hopes of pulling out of the system and providing for lower retirement costs.

In closing I just want to say that in this entire process CalPERS employees have been very professional with even your legal counsel helping me at the Administrative Law Judge hearing (I represented myself).

Thank you for considering this appeal and I respectfully request that you rule to proceed with the IDR for me.

Thank You.

Respectfully,



Michael Antonucci Jr.