

ATTACHMENT C
RESPONDENT ARGUMENT

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Attorneys for Respondent – Deschelle R. Walker

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

IN THE MATTER OF THE APPLICATION FOR)	Case No. 2014-0354
Industrial Disability Retirement of)	OAH NO. 2014070378
DESCHELLE R. WALKER,)	
Respondent)	WRITTEN ARGUMENT FOR
and)	THE PROPOSED DECISION
CALIFORNIA STATE PRISON – LOS ANGELES)	CALPERS BOARD MEETING:
County, California Department of)	FEBRUARY 15, 2017
Corrections and Rehabilitation)	
Respondent.)	

Respondent, Deschelle Walker, supports the 11/21/16 Proposed Decision from Administrative Law Judge Carla Garrett. This does not appear to be a close call. The ALJ found that Walker was clearly incapable of substantially performing her job duties and, therefore, per *Mansperger v. PERS* (1970) 6 Cal App 3d873,877, Respondent is entitled to Service Connected Disability Retirement Benefits from CalPERS.

Credibility is an issue always reserved to a judge for consideration (California Evidence Code Section 780). The ALJ found Dr. Greenspan to be more persuasive than Dr. Hendricks and, in fact, specifically felt that Dr. Hendricks was not credible. This determination by the ALJ is hers alone to make. The record clearly shows that Respondent performed a strenuous job. The ALJ correctly determined that due to her impairment, the Respondent is incapable of performing her job duties. Therefore, Respondent supports the Proposed Decision and request that it be adopted.

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Date: February 3, 2017

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By: DANNY T. POLHAMUS
Attorney for Applicant