

ATTACHMENT A
THE PROPOSED DECISION

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BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
STATE OF CALIFORNIA

In the Matter of the Application for Disability Retirement of:

SHERI M. MEYER,

Respondent,

and

STATE COMPENSATION INSURANCE FUND,

Respondent.

Case No. 2016-0794

OAH No. 2016090582

PROPOSED DECISION

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter on January 31, 2017, in Sacramento, California

Austa Wakily, Senior Staff Attorney, represented the California Public Employees' Retirement System (CalPERS).

Respondent Sheri M. Meyer represented herself.

No one appeared for or on behalf of respondent State Compensation Insurance Fund (SCIF), its default was entered, and this matter proceeded as a default proceeding pursuant to Government Code section 11520 as to SCIF only.

Evidence was received, and the record was left open for the parties to submit additional documents. CalPERS's additional documents are marked as Exhibits 17, 18, and 19, and Ms. Meyer's additional documents are marked as Exhibits J, K, and L. All of the parties' additional documents are admitted for jurisdictional purposes only. The record was closed and the matter submitted for decision on February 10, 2017.

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CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM
FILED 2/27 20 17
Debra Wooten

SUMMARY

The sole issue on appeal is whether Ms. Meyer was permanently and substantially incapacitated for the performance of her usual job duties as a Claims Adjuster for SCIF due to orthopedic (neck and back), psychological (stress), and/or neurological (migraines) conditions at the time SCIF submitted a Disability Retirement Election Application on her behalf.¹ Neither SCIF nor Ms. Meyer produced persuasive medical evidence establishing she was substantially incapacitated at that or any other time. Therefore, SCIF's Disability Retirement Election Application seeking a disability retirement on behalf of Ms. Meyer should be denied, and Ms. Meyer's appeal from CalPERS's denial of that application should be denied.

FACTUAL FINDINGS

Procedural Background

1. Ms. Meyer is a state miscellaneous member of CalPERS by virtue of her employment as a Claims Adjuster with SCIF. She has met the minimum service credit to qualify for a disability retirement.
2. On December 23, 2015, CalPERS received a Disability Retirement Election Application from SCIF. The unsigned application indicated Ms. Meyer was still working, but requested disability retirement on her behalf. No information about her specific disability, when or how it occurred, what limitations or preclusions it imposed on her work, or how it has affected her ability to perform her job duties was provided on the application.
3. On January 5, 2016, CalPERS sent Ms. Meyer correspondence acknowledging receipt of the employer-originated application for disability retirement. The correspondence advised her of the right to provide CalPERS evidence regarding her eligibility for disability retirement, enclosed a blank Disability Retirement Election Application form, and instructed her to "complete and return the application to this office if you agree with the application for disability retirement submitted by your employer."
4. At the time, Ms. Meyer did not want to retire for disability, and she did not respond to the correspondence. CalPERS sent her correspondence on January 7, 2016, which contained the same information as its previous correspondence. She did not respond to the subsequent correspondence either.

¹ The Statement of Issues alleges Ms. Meyer submitted an application on February 10, 2016. While that is true, the evidence established it was SCIF who initiated the application process, CalPERS denied SCIF's application, and Ms. Meyer appealed CalPERS's denial of SCIF'S application. No evidence of the outcome of Ms. Meyer's application was introduced.

5. On January 26, 2016, CalPERS sent Ms. Meyer correspondence which stated, in part:

This letter is regarding the application for disability retirement filed on your behalf by your employer.

Please be aware that, by law all CalPERS-covered employers are to file an application for disability for their employee, if they feel the employee is unable to perform their duties (Government Code section 2113).

We have not received your application. We believe it is in your best interest to cooperate with the development of this application. By doing so, you are able to provide medical records and reports supporting your view.

[¶] ... [¶]

Whether you feel you are or are not disabled, it is very important for you to comply with our requests. Therefore, please forward any medical information regarding your ability/inability to perform your usual duties. This information will be considered in our review. In the event you are not currently receiving treatment, we are willing to schedule an Independent Medical Examination to establish if you are presently, substantially incapacitated from your job duties.

Your file will be placed in suspense for 21 days from the date of this letter in anticipation of your response. If we do not hear from you within that time, we will assume you do not wish to cooperate with the development of the application. We will then have no alternative but to make a determination based upon medical records, if any, submitted by your employer.

However, if we are unable to make a determination the application will be canceled and you and your employer will be notified. If canceled, you would need to submit a new application for any future retirement request. Please be aware that with a new application your retirement effective date cannot be earlier than the first day of the month the application is received by CalPERS, if not currently on pay status. You could lose retroactive benefits that you may now be entitled to under the current application. You may also lose other benefits provided by your employer.

6. On February 10, 2016, Ms. Meyer signed, and CalPERS received, a Disability Retirement Election Application seeking disability retirement due to “Migraines, stress, back, neck, nosebleeds, ortho – wc.” She identified her disabilities as worker’s compensation injuries due to “cumulative trauma, stress, sexual/general harassment, migraines, ortho issues.” She indicated, “When I have flare-ups, I need to take medications or miss work. I can miss up to 4-5 days a month. My boss makes it so much worse.” She wrote on her application she continues to work full-time, despite her disabilities.

7. CalPERS denied SCIF’s application by correspondence dated May 19, 2016. Ms. Meyer timely appealed the denial, and Anthony Suine, Chief of CalPERS’s Benefit Services Division, signed the Statement of Issues solely in his official capacity on August 18, 2016.

Employment History

8. Ms. Meyer’s hearing testimony was disjointed and convoluted. She explained she started working for SCIF on April 1 or 2, 2003, as a Program Technician. She became a Claims Adjuster the following year, and has held that position ever since. As of the date of hearing, Ms. Meyer last worked on January 13, 2017. She estimated she worked a total of three or four days in January, and “maybe” nine or 10 days the previous December. She believes she is physically capable of performing her job duties on a more consistent basis if her medical needs are accommodated and she is allowed to work a modified work week.

9. Ms. Meyer testified to having a personality conflict with one of her previous supervisors, which began sometime in 2005. An investigation of her complaint of general and sexual harassment was initiated and ultimately decided in her favor. She was given a different supervisor, but continued to have problems. She explained her claim for stress is due to her being harassed and retaliated against for having filed a complaint. She believes her coworkers talk about her behind her back, which impairs her ability to obtain promotions.

Physical Requirements of a Claims Adjuster

10. A document entitled “Physical Requirements of Position/Occupational Title” signed by a representative of SCIF and Ms. Meyer indicates a Claims Adjuster must be able to perform the following physical tasks for the following durations:

Constantly:² Sitting.

Frequently: Fine manipulation, simple grasping, repetitive use of hand(s), keyboard use, and mouse use.

² “Constantly” is more than six hours, “frequently” is three to six hours, and “occasionally” is up to three hours.

Occasionally: Standing, walking, bending, bending waist, twisting neck, twisting waist, reaching above shoulder, reaching below shoulder, pushing and pulling, and lifting/carrying up to 10 pounds.

Never: Running, crawling, kneeling, climbing, squatting, power grasping, and lifting/carrying greater than 10 pounds.

Medical Evidence

CalPERS's evidence

Robert D. Ansel, M.D.

11. At CalPERS's request, Dr. Ansel, a board-certified neurologist, performed an independent medical examination (IME) of Ms. Meyer on April 4, 2016. He prepared a report documenting his IME, and that report was admitted into evidence. He also testified at hearing.

12. During the IME, Ms. Meyer reported having a history of "migraine headaches" dating back to June 1995 when she suffered a closed-head injury. Imaging studies documented some degree of "brain bleeding." She suffered severe headaches during the following several months, but they appeared to eventually resolve. However, she stated the headaches returned in the last three to five months preceding the IME, and they were more severe, more frequent, and lasted longer than before. She estimated she misses four to five days of work each month because of severe headaches.

13. Ms. Meyer described her headaches as unilateral,³ and explained they may be on either the right or left side of her head. The headaches are often associated with nausea, vomiting, and photophobia.⁴ At the time of hearing, her last severe headache occurred one week prior, awoke her from sleep, and resulted in a trip to the emergency room. Current medications include Amerge, nortriptyline, Topamax, and Depakote.

14. Physical examination of Ms. Meyer's scalp and head revealed a slight degree of tenderness over the right superficial temporal artery. Otherwise, the external canals, tympanic membrane, nose, and throat were unremarkable. Cranial nerves II through XII were thoroughly tested, and were unremarkable.

15. While acknowledging Ms. Meyer's subjective complaints of headaches, Dr. Ansel opined there were no specific job duties she was unable to perform due to a neurologic condition. Therefore, he concluded she was not substantially incapacitated for the

³ Headaches which occur on only one side of the head.

⁴ Extreme sensitivity to light.

performance of her usual job duties as a Claims Adjuster due to a neurologic (migraines) condition at the time SCIF filed an application to have her retired for disability.

16. Dr. Ansel testified consistently with his IME report. He explained she “had a normal examination” from a neurological standpoint. Additionally, he did not disagree she suffers from migraines from time to time, but explained the migraines do not render her substantially incapacitated.

Arthur M. Auerbach, M.D.

17. Dr. Auerbach, a board-certified orthopedic surgeon, performed an IME of Ms. Meyer on March 29, 2016, at CalPERS’s request. He subsequently prepared a written report, which was admitted into evidence, and testified at hearing.

18. During the IME, Ms. Meyer disclosed that she was involved in a motor vehicle accident in which she injured her neck when she was 10 years old. Her injury resolved after visiting a chiropractor. She played high school sports, “and most probably had some degree of contact involving the neck in those sports.” In 2012, she injured her neck when she slipped and fell on a flight of stairs. Her injury did not require medical treatment.

19. At the time of the IME, Ms. Meyer reported frequent neck pain and stiffness and frequent tightness in her upper trapezius, bilaterally. She attributed those problems, in part, to repetitive bending at her desk and rotating her neck while sitting and typing at the computer. She took Percocet on an as-needed basis.

20. Upon physical examination, Ms. Meyer had a reduced range of motion in her neck, back, and shoulders. The circumferential measurements of her arm, forearm, and thigh showed no signs of muscle atrophy, which indicated she was not favoring one side of her body over the other due to pain. She was able to straight leg raise 45 degrees on the right and 80 degrees on the left, but extremes on the right caused low back pain.

21. Dr. Auerbach opined there were no specific job duties Ms. Meyer was unable to perform due to an orthopedic (neck and back) condition. Therefore, he concluded she was not substantially incapacitated for the performance of her usual job duties as a Claims Adjuster.

22. Dr. Auerbach testified consistently with his IME report. Additionally, he explained Ms. Meyer told him at the IME she was performing her regular workload, but with pain. He also explained that while she showed a loss of range of motion upon physical examination and had subjective complaints of pain, he found no significant orthopedic ailment that would prevent her from performing her job duties, and she was in fact performing them.

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Michael S. Barnett, M.D.

23. Dr. Barnett, a psychiatrist, performed an IME of Ms. Meyer on April 15, 2016, at CalPERS's request. His written report was admitted into evidence, and he testified at hearing.

24. During the IME, Ms. Meyer reported she was continuing to work full-time as a Claims Adjuster, but missed approximately four days each month due to back pain, migraines, and stress. She also stated her employer applied for disability retirement on her behalf, but she did not want to retire.

25. A mental status exam showed her to be anxious, depressed, and in mild psychiatric distress. Her speech was relevant, coherent, and organized, and she was oriented with regard to who she was, where she was, and what time it was. She had a depressed mood, and her affect was blunted. She displayed no psychotic or suicidal ideations.

26. Dr. Barnett opined Ms. Meyer "has moderate symptoms of major depression and would benefit from sleeping at night, but I do not feel that her symptomatology would interfere with her performance in the workplace." Therefore, he concluded she was not substantially incapacitated for the performance of her usual duties as a Claims Adjuster.

27. Dr. Barnett testified in a manner consistent with his IME report. He also explained that aside from being mildly depressed, her mental status exam was "normal." She did not show any signs of a cognitive deficit. He further explained that a patient suffering from major depressive disorder could have symptoms that are incapacitating. But in this case, Ms. Meyer was continuing to work despite her suffering from major depressive disorder, so her symptoms were not incapacitating.

Ms. Meyer's evidence

28. Ms. Meyer did not call any medical experts to testify at hearing. However, she introduced several Physician's Report on Disability forms completed by various physicians who have treated her. Each of the physicians who completed the forms, except for one (James Kim, M.D.), opined Ms. Meyer was substantially incapacitated by checking the box next to "Yes" in response to the following question: Is the member currently, substantially incapacitated from performance of the usual duties of the position for their current employer?" However, they also provided information contradictory to their opinions.

29. For example, Francesca Lane, M.D., a family practitioner, wrote that Ms. Meyer's inability to perform her duties was "intermittent." Rochelle Frank, M.D., a neurologist, explained Ms. Meyer was "Still Working," and "Ms. Meyer is only incapacitated from performing the duties on intermittent basis (i.e. during episodes of migraine flare ups)." Peter Yip, M.D.'s, an occupational medicine physician, opinion that Ms. Meyer has been

unable to perform her duties since September 22, 2015, contradicted her admission that she worked on numerous occasions after that date.⁵

Discussion

30. When all the evidence is considered, neither SCIF nor Ms. Meyer introduced sufficient competent medical evidence to establish she was substantially incapacitated for the performance of her usual duties as a Claims Adjuster with SCIF at the time SCIF applied for disability retirement on her behalf. The opinions of CalPERS's medical experts that Ms. Meyer was not substantially incapacitated were persuasive. Their respective reports were detailed and thorough, and provided a sufficient explanation for their opinions. Each opinion was supported by the results of the physician's physical examination of Ms. Meyer. Each physician's testimony was comprehensive, and persuasively explained the bases for his opinion.

31. SCIF had the burden of producing sufficient competent medical evidence to establish Ms. Meyer was substantially incapacitated at the time it applied for disability retirement on her behalf. It failed to do so. Ms. Meyer's sole medical evidence at hearing was the Physician's Report on Disability forms. None constituted persuasive medical evidence of a substantial incapacity for the reasons discussed above.

Summary

32. Neither SCIF nor Ms. Meyer produced sufficient persuasive medical evidence to establish she was substantially incapacitated for the performance of her usual duties as a Claims Adjuster with SCIF at the time SCIF applied for disability retirement on her behalf. Therefore, SCIF's Disability Retirement Election Application should be denied, and Ms. Meyer's appeal from CalPERS's denial of the application should be denied.

LEGAL CONCLUSIONS

Applicable Burden/Standard of Proof

1. SCIF has the burden of proving Ms. Meyer qualifies for disability retirement, and it must do so by a preponderance of the evidence. (*McCoy v. Board of Retirement* (1986) 183 Cal.App.3d 1044, 1051-1052, fn. 5 [“As in ordinary civil actions, the party asserting the affirmative at an administrative hearing has the burden of proof, including both the initial burden of going forward and the burden of persuasion by a preponderance of the

⁵ Irving Hellman, Ph.D., also completed a Physician's Report on Disability form. The internet printout listing his qualifications (Exhibit E) was admitted solely as administrative hearsay. There was no direct evidence of his qualifications for the printout to supplement or explain. Therefore, no evidentiary foundation for his opinion Ms. Meyer was substantially incapacitated was provided, and his opinion was entitled to no weight.

evidence”].) Evidence that is deemed to preponderate must amount to “substantial evidence.” (*Weiser v. Board of Retirement* (1984) 152 Cal.App.3d 775, 783.) And to be “substantial,” evidence must be reasonable in nature, credible, and of solid value. (*In re Teed’s Estate* (1952) 112 Cal.App.2d 638, 644.)

Applicable Statutes

2. Either the member or her current employer may apply for disability retirement. (Gov. Code, § 21152, subd. (a).) In fact,

[A]n employer may not separate because of disability a member otherwise eligible to retire for disability but shall apply for disability retirement of any member believed to be disabled, unless the member waives the right to retire for disability and elects to withdraw contributions or to permit contributions to remain in the fund with rights to service retirement as provided in Section 20731.

(Gov. Code, § 21153.)

3. Government Code section 20026 provides, in pertinent part:

“Disability” and “incapacity for performance of duty” as the basis of retirement, mean disability of permanent or extended and uncertain duration, as determined by the board . . . on the basis of competent medical opinion.

4. Government Code section 21150, subdivision (a), provides:

A member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if he or she is credited with five years of state service, regardless of age, unless the person has elected to become subject to Section 21076, 21076.5, or 21077.

5. Government Code section 21156, subdivision (a), provides, in pertinent part:

(1) If the medical examination and other available information show to the satisfaction of the board . . . that the member in the state service is incapacitated physically or mentally for the performance of his or her duties and is eligible to retire for disability, the board shall immediately retire him or her for disability

(2) In determining whether a member is eligible to retire for disability, the board . . . shall make a determination on the basis of competent medical opinion and shall not use disability retirement as a substitute for the disciplinary process.

6. The courts have interpreted the phrase “incapacitated for the performance of duty” to mean “the substantial inability of the applicant to perform [her] usual duties.” (*Mansperger v. Public Employees’ Retirement System* (1970) 6 Cal.App.3d 873, 877.) It is not necessary that the person be able to perform any and all duties since public policy supports employment and utilization of the disabled. (*Schrier v. San Mateo County Employees’ Retirement Association* (1983) 142 Cal.App.3d 957, 961.) Instead, the frequency with which the duties she cannot perform are usually performed as well as the general composition of duties she can perform must be considered. (*Mansperger v. Public Employees’ Retirement System, supra*, 6 Cal.App.3d at pp. 876-877 [while applicant was unable to lift or carry heavy objects due to his disability, “the necessity that a fish and game warden carry a heavy object alone is a remote occurrence”].)

7. Discomfort, which may make it difficult for one to perform her duties, is insufficient to establish permanent incapacity. (*Smith v. City of Napa* (2004) 120 Cal.App.4th 194, 207 [mere discomfort which makes it difficult to perform one’s job does not constitute a permanent incapacity]; citing, *Hosford v. Board of Administration* (1978) 77 Cal.App.3d 854, 862.) Furthermore, an increased risk of further injury is insufficient to constitute a present disability, and prophylactic restrictions on work duties cannot form the basis of a disability retirement. (*Hosford v. Board of Administration, supra*, 77 Cal.App.3d. at p. 863.)

8. At hearing, Ms. Meyer expressed concern over the possibility that SCIF will terminate her employment if she is not granted a disability retirement. CalPERS previously addressed the situation where a member’s employer concludes the member is unable to perform her usual job duties due to a disability but the member has been denied a disability retirement in the precedential decision *In the Matter of the Application for Disability Retirement of Ruth A. Keck (Keck)*, Precedential Decision No. 00-05 (September 29, 2000):

Respondent Keck argues that an employee who is terminated for disability but later found ineligible for disability retirement is placed in a “catch-22” situation. Further, she asserts that because the purpose of disability retirement is to eliminate financial hardship, an employee, such as respondent Keck, should be given the benefit of the doubt and granted disability retirement. She cites *Raygoza v. County of Los Angeles* (1983) 148 Cal.App.3d 1985 and *Leili v. County of Los Angeles* (1983) 148 Cal.App.3d 985 in support of the foregoing. In *Raygoza v. County of Los Angeles*, a deputy marshal had been medically terminated following a Workers’ Compensation Appeals Board decision containing a restriction precluding him

from "situations where he may have to use a weapon." (17 Cal.App.4th at 1242.) The deputy's employer filed for disability retirement on his behalf, but the county retirement board denied the application after a full hearing, finding that he was capable of performing his job duties. (*Id.* at 1243.) In reviewing the trial court's denial of the deputy's petition for a writ of mandate seeking reinstatement to his job, the Court of Appeal ruled that the deputy was entitled to reinstatement under Government Code section 31725, part of the County Employee's Retirement Law of 1937.

Under that section, a county employee who has been terminated based on a disability and is later denied a disability retirement because the evidence presented to the county retirement board does not establish "that the member is incapacitated physically or mentally for the performance of the duties," must be reinstated to his or her position. (*Id.* at 1244) If the employer disagrees with the retirement board's determination, the employer may file a petition for writ of mandate, or join in a writ filed by the employee, seeking to compel a disability retirement. If the employer fails to do so, or if the court upholds the retirement board's decision, the employee must be reinstated. (*Id.*) The *Raygoza* court explained:

The purpose of enacting this section was to eliminate severe financial consequences to an employee resulting from inconsistent decisions between an employer and the retirement board concerning an employee's ability to perform his duties. Prior to the enactment of the statute, a local government employer could release an employee on the grounds of physical incapacity, and the retirement board could then deny the employee a pension on the ground that he was not disabled. (Id., quoting Leili v. County of Los Angeles, supra, at 988).

The court concluded that, in such a circumstance, the Legislature had left the final decision to the retirement board. (*Raygoza, supra*, at 1247)

Although Government Code section 31725 is part of a different statutory framework than the Public Employees' Retirement Law, Government Code section 20000, et. seq., which governs the operation of CalPERS, the *Leili* court noted that the

California Attorney General had reached the conclusion that the same right to reinstatement exists for CalPERS members. (*Leili*, 148 Cal.App.3d at 988, *citing* 57 Ops.Cal.Atty.Gen. 86 [1974]⁶.) Consequently, an employer cannot terminate a member of CalPERS, such as respondent Keck, for medical reasons after CalPERS has denied disability retirement to the employee on a finding that he/she is able to perform the duties of his/her position.

⁶ The Attorney General was asked whether a state civil service employee may be medically terminated pursuant to Government Code section 19253.5, subdivision (d), after CalPERS has denied him a disability retirement. Concluding the employee could not be medically terminated, the Attorney General concluded: "upon a determination by the Public Employees' Retirement System that a member *can* perform the duties of his position, an employer of said member cannot thereafter terminate said employee on the grounds that he *cannot* perform such duties under Government Code section 19253.5." (57 Ops.Cal.Atty.Gen. 86, 89 [1974]; italics original.) In reaching such conclusion, the Attorney General explained that Government Code section 19253.5, subdivision (d), applies only when the member is not eligible for a disability retirement due to an insufficient number of years of service with CalPERS, whereas Government Code section 21153 applies when the member has the minimum five years of service credit and is therefore eligible for a disability retirement. (57 Ops.Cal.Atty.Gen. 86, 87 [1974]). Finally, the Attorney General concluded:

The decision of the Public Employees' Retirement System (PERS) is determinative in the employer's subsequent effort to terminate the employee for medical reasons. A contrary decision would create a severe financial consequence to an employee resulting from inconsistent decisions between an employer and the Board of Administrators of the Public Employees' Retirement System as to whether a particular employee is incapacitated and unable to perform the duties of his position. ... [¶] ... The employer is thus bound by the PERS decision. To conclude otherwise would render the procedures outlined by Government Code section [21153] meaningless. It is not reasonable for the employee to go through the PERS hearing if the employer is not bound by said decision. The employer cannot terminate an employee for medical reasons after the PERS has denied disability retirement to the member upon a finding that the employee can perform the duties of the position.

(57 Ops.Cal.Atty.Gen. 86, 88 [1974])

Raygoza and Leili established that, following the final decision denying her application for disability retirement, respondent Glendora Unified School District is required to reinstate her to her former position. If respondent Glendora Unified School District refuses, respondent Keck's remedy is to file a petition for writ of mandate compelling respondent Glendora Unified School District to do so.

Based on the forgoing analogy, since CalPERS has determined that respondent Keck is able to substantially perform her usual duties, she must be reinstated.

Respondent Glendora Unified School District, a respondent in this case, had a right to participate in this hearing and elected not to do so. Respondent Glendora Unified School District has an obligation to reinstate her, even if the employer believes that she is not ready to return to work.

(Italics original.)

SCIF was named as a party in the Statement of Issues, but chose not to participate in this proceeding just as the Glendora Unified School District did in *Keck*. SCIF's attorney explained in correspondence addressed to CalPERS, "At this time, State Fund does not intend to make an appearance at the hearing set for January 31, 2017. As such, State Fund does not intend to call any witnesses or introduce any documents at hearing." Therefore, for the same reasons why the Glendora Unified School District was bound by CalPERS's determination of the employee's disability status, so is SCIF bound by CalPERS's determination of Ms. Meyer's disability status.

Conclusion

9. Neither SCIF nor Ms. Meyer produced sufficient persuasive medical evidence to establish she was substantially incapacitated for the performance of her usual duties as a Claims Adjuster with SCIF at the time SCIF applied for disability retirement on her behalf. Therefore, SCIF's Disability Retirement Election Application should be denied, and Ms. Meyer's appeal from CalPERS's denial of that application should be denied.

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ORDER

State Compensation Insurance Fund's Disability Retirement Election Application is DENIED. Sheri M. Meyer's appeal is DENIED.

DATED: February 23, 2017

DocuSigned by:
Coren D. Wong
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COREN D. WONG
Administrative Law Judge
Office of Administrative Hearings