ATTACHMENT C

RESPONDENT’S ARGUMENT REGARDING THE PETITION FOR RECONSIDERATION
September 2, 2017

Reference No. 2016-0810

RESPONDENT’S ARGUMENT

Subject: In the Matter of Accepting the Late Application for Disability Retirement of Vera Elliott.

I am requesting the Board accept my application for the following reasons:

- The original application was submitted during the four month period following service retirement.
- CalPERS allows re-application if an application is not completed within a 30 day period.
- There is not a limit imposed on the number of times an application can be re-submitted.
- There were two separate injuries resulting in disability.
- Both injuries happened while working for CDCR.
- Both injuries were deemed career ending by an independent medical examiner.
- The extent of the hip injury was not diagnosed until 2014.
- Worker's Compensation accepted that injury in 2015 as herniated spinal discs.
- CalPERS accepted my application three times setting precedent for late applications.
- The 30 day time limit for submitting all requested information is not supported in the Government Code.
The decision to service retire as opposed to disability retire was based on information provided by CalPERS.

It is the right thing to do.

I am requesting my completed application be reviewed for its merit.

Vera Elliott