

ATTACHMENT C

RESPONDENT'S ARGUMENT

November 3, 2019

Ref. No. 2019-0273

"Respondent's Argument"

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

NOV - 5 2019

Ms. Swedensky, Board,

I respectfully request your consideration of this argument against the proposed decision. In addition, I hereby request the Board to designate the decision as precedent. Specifically, the general application of "gaslighting" is likely to recur. For a more complete interpretation of gaslighting, please refer to the Wikipedia document submitted by this respondent into evidence on 09/04/2019 OAH Case No. 2019050262; Agency Case No. 2019-0273. Issues impacting gaslighting include psychiatric disability; cherry picking "facts"; opaque process supported by archaic technology; uneven playing field; unprotected whistleblower; financial, housing, and health insecurity.

With regard to psychiatric disability, a crucial point is that this respondent completed over half a century of life and over 17 years of state employment working with Level IV psychotic inmate/patients and this respondent has no history and no physical evidence or other evidence of psychosis, delusions, schizoid, etc. However, in one fell swoop, a psychologist who never met this respondent, slapped this respondent with false and punitive labels, with heavy and punitive consequences. Additionally, the denial focussed eyes of

Dr. Patricia Wiggins made those false labels stick twice, when she stated , "...subjective complaints of irritant respiratory symptoms have not been caused by a verifiable workplace exposure. It is my opinion that (respondent's) respiratory and irritant eye/skin complaints are caused as a manifestation of panic/anxiety and delusional thinking." (P,008/015
If you could hear my voice, it would resemble the late Elijah Cummings, "Come on, man!"

Righteous indignation is not a psychiatric disability. There is much more to be said, but moving on to to the issue of cherry picking "facts", page P.010/015 underlines Dr. Wiggins "fact" "The job description states that there are no exposures to dust, gas, fumes, or chemicals." This is the job description that respondent was required to sign in order to retire. It does not reflect the response of the respondent. More could be said but ~~one~~ example is given. The next issue is that of the "opaque process supported by archaic technology." For example, if the respondent's interviews were videotaped and if the respondent's actual words were transcribed into text, which could be accomplished by current and inexpensive technologies, the machinery of the deep blue state could be made more transparent. The video would have captured the worker's compensation medical examiner, Dr. Michael's, ignoring hundreds of documents that respondent brought to the interview as evidence of circumstances, dates, events, persons involved

in incidents to substantiate the claims. The video would have shown that Dr. Michaels informed the respondent that he would deny the stress claim, before the "interview" began. Perhaps the qualifications are different in Mexico. In addition, a smell detection technology is needed to insure that claimants with chemical sensitivity related disabilities can be interviewed in a fragrance free environment. Furthermore, if such progressive and inexpensive technologies were utilized in the workplaces, "heresay " could be greatly eliminated, repetitive motion keyboarding injuries could be reduced, and growing numbers of employees with asthma, chemical sensitivities, and so on, could breathe better. Now, as a "gaslit" claimant/respondent, insofar as the focus has shifted from the facts to "the delusional, disgruntled " respondent, I also bear the burden of proof of my sound mind, intelligence, and gifts.

Moving on to the issue of the uneven playing field, an injured employee may have fallen to the ground, is too exhausted to fight or get up, and their area of expertise is not law. They are not provided with any attorney, and may not have the energy and/or the funds to hire one. This increases the risk that they will be gaslit. In itself, to be gaslit over and over is a source of trauma. In addition, there are multiple uneven playing fields in the workplace that exploit an employee that may be a soft target. For example, one employee is in a more powerful union than another, one employee has the resources to live in a low crime neighborhood in a house, and

another employee lives in a substandard apartment surrounded by criminals, noise all night, retaliation for trying to get assistance so they can get some rest. An additional uneven playing field is exemplified by an employee, such as myself, with a combination of injuries. No one injury can satisfy the criteria of various entities, such as CalPERS, Worker's Compensation, and American Disabilities Act, and it doesn't matter that the "combo" doesn't stack up in the eyes of the state. And to add insult and injury to injury, the gaslit employee now faces an even more uncertain future in attempting to live and work with the heavy labels slapped on them. Furthermore, an employee, such as myself, who does not worship at the throne of psychology, the American Psychological Association, or whatever diabolical behavioral theory is currently trending, is completely off the playing field. Although I do not believe in psychological testing and it is against my religion, I was forced to participate in it in order to pursue my stress claim. And, as previously stated, the labels that have no basis in physical reality have been applied to multiple claims and in multiple circumstances, such as at my appeal hearing. By the way, the courts have already decided that we can believe what we want, we can have beliefs that other people find unusual. This does not constitute medical, scientific evidence that one is delusional or out of touch with reality. But it does make it very convenient to gaslight someone when all you have to do is give them a fill in the circle test, and never even meet them. He never walked one step down the mainline, down the cellblock tier, through the office fumes, into the cramped cubicles. I walked it for over 17 years.

The next issue impacting gaslighting is the unprotected whistleblower. It is an American value to want to be able to speak up when something is just plain wrong. "Come on, man!" It should be an American value to do the right thing, but it no longer is. Unfortunately, many an employee has to choose between survival or doing the right thing. Interfacing with Worker's Compensation and CalPERS industrial disability retirement process can include types of whistleblowing. However, there are no protections, such as anonymity, for the employee who hit the walls of cover-up, secrecy, impunity and ended up broken. The employee is at an increased risk for being gaslit as the playbook to retaliation, ritual humiliation in front of co-workers, blackballing, and so on, destroys the life of the one who comes forward. The whistleblower will also be put under surveillance, and will conveniently be called delusional, paranoid, etc. if they are aware of the surveillance. As a final consideration to impacts on gaslighting, there is the the issue of financial, housing, and health insecurity. The gaslit injured worker will have a difficult time presenting themselves in a better light, and fighting for justice, based on these insecurities. Furthermore, while adverse life experiences put one at risk for illness and mental illness, and poverty is linked to worse health outcomes and adversity, these factors are used to gaslight and deny an employee who is vulnerable, and in need of protection more than they are in need of punishment. For a better understanding of toxic stress, asthma triggers, and the public health crisis of adversity, consult with California surgeon general, Dr. Nadine Burke Harris.

For this final page of my statement, I will highlight some facts culled from piles of documents, reports, etc. that are found in their entirety in my CalPERS file.

CalPERS . . . Page DRRRR000054: Dr. Wiggins "(Respondent) reports a fear of irritant chemical and fume exposure...endorses a number of bizarre thoughts suggesting the presence of delusions." Page DRRRR000055 Dr. Wiggins: "(Respondent's) presentation is consistent with delusional thinking that causes an unreasonable fear of unknown chemicals and fumes." Page DRRRR000193 Dr. Khasigian: "The member put forth her best effort in the physical examination." Page DRRRR000281 Dr. Becker: "(Respondent) was seriously putting forth her best effort to tell her story without inappropriate exaggeration and without histrionic embellishment. I found her to be an adequate historian." Page DRRRR000452, Dr. Gillespie: "...evaluation of chemical sensitivity due to exposures at work. She was referred to Occupational health for further evaluation." Page DRRRR000453 SCIF claims examiner "your treating physician has informed us that your injury has left you with a permanent disability." Page DRRRR000459 "...a few areas reading above 800 ppm and could be understood to be more irritating to employees who may have heightened sensitivity to environmental settings." Regarding Vacaville Psychiatric Program Indoor Air Quality Info. Page DRRRR000460. NIOSH letter "Employees were moved from the wing while the building's maintenance employees tried to determine the source of the odor. However, three employees reported difficulty breathing after being exposed to this odor..." Page DRRRR000464 Dr. Sun "Irritant sinusitis" Page DRRRR000465 Dr. Sun: "Acute Irritant reaction" Page DRRRR000466 "Exposure to respiratory irritant