



## Board of Administration

# Agenda Item 9a28

---

**November 20, 2019**

**Item Name:** Proposed Decision – In the Matter of the Reinstatement from Disability Retirement of AMANDA K. RELVA, Respondent, and CORRECTIONAL TRAINING FACILITY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, Respondent.

**Program:** Disability and Survivor Benefits Division

**Item Type:** Action

### **Parties' Positions**

Staff argues that the Board of Administration should adopt the Proposed Decision, as modified.

Respondent Amanda K. Relva's (Respondent Relva) position is included in Attachment C, if any.

Respondent Correctional Training Facility, California Department of Corrections and Rehabilitation's (Respondent CDCR) position is included in Attachment C, if any.

### **Strategic Plan**

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

### **Procedural Summary**

On or about October 29, 2014, Respondent Relva submitted an application for disability retirement based on a cardiovascular (heart) condition. CalPERS approved the application for disability retirement and Respondent Relva retired for disability effective December 31, 2014. In 2018, Respondent Relva was reevaluated and CalPERS determined that Respondent Relva is no longer incapacitated from performing the duties of an Associate Governmental Program Analyst. Respondent Relva appealed this determination and the matter was heard by the Office of Administrative Hearings on September 10, 2019. Due to Respondent CDCR's failure to appear, the case proceeded as a default under Government Code section 11520. A Proposed Decision was issued on October 8, 2019, rejecting CalPERS' determination and granting Respondent Relva's appeal.

## Alternatives

- A. For use if the Board decides to modify and adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517 (c)(2)(C) which authorizes the Board to "make technical or other minor changes in the proposed decision," hereby modifies the Proposed Decision, by replacing "CO" with "AGPA" on page 21, paragraph 6, line 5 and removing "industrial" before "disability retirement" on page 3, paragraph 1, line 6; page 3, paragraph 2, line 5; page 16, paragraph 25, line 3; and page 20, paragraph 2, line 2 of the Proposed Decision, and hereby adopts as its own Decision the Proposed Decision dated October 8, 2019, as modified, concerning the appeal of Amanda K. Relva; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

- B. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated October 8, 2019, concerning the appeal of Amanda K. Relva; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

- C. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated October 8, 2019, concerning the appeal of Amanda K. Relva, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

- D. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated October 8, 2019, concerning the appeal of Amanda K. Relva, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

E. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Amanda K. Relva, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Amanda K. Relva.

**Budget and Fiscal Impacts:** Not applicable

**Attachments**

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

---

Donna Ramel Lum  
Deputy Executive Officer  
Customer Services and Support