

**ATTACHMENT C**  
**RESPONDENT(S) ARGUMENT(S)**

Attachment C

1

Vega

To Whom It May Concern,

I, Rebecca Ann Vega, am writing to appeal the decision regarding my reinstatement hearing on August, 5<sup>th</sup>, 2019. I am respectfully asking that you please reconsider your decision.

On October, 7<sup>th</sup>, 2012 I was injured on the clock while performing my duties as a Corrections officer as assigned, this injury was severe enough to lead me into two separate surgeries attempting to repair the damage my arm had suffered. Within the past 7 years, it has been an ongoing problem, causing me to have visited several doctors, engage in physical therapy, and has also caused me severe emotional turmoil. During October in the year 2017, I had an appointment with Dr. Ernest Miller in Fresno, CA in which I was seen for approximately 30 minutes. When I visited with Dr. Miller, he asked me what the reason was for me being there to see him, to which I replied with a statement that I was sent a letter by CalPERS referring me to him regarding an Independent Medical Examination. During our visit, Dr. Miller reviewed my entire medical history via my record on file, he spoke of Dr. Aveena, who had performed my first operation to my elbow, referring to him as a "kook." This led me to question Dr. Miller if Dr. Aveena had "messed" my arm up, to which Miller responded to by stating that the operation should not have occurred in the first place. Throughout the remainder of my appointment, Dr. Miller refused to make eye contact with me and appeared cold, sparse with his care, and I ultimately felt like I was not being treated or examined with respect or true professional care. A similar occurrence took place on August 5, 2019, during my hearing as I was testifying, Dr. Miller exhibited the same behavior towards me, and did not make eye contact. He also testified under oath that my evaluation with him lasted for a whole hour, whereas it had actually lasted only about half of an hour. Due to this behavior and the examination itself, I feel I was not given a fair IME or evaluation. This made me feel discriminated against, I believe due to my circumstance and as well as me taking my prescription medication, my examination was rushed and conducted in bad practice.

What I am asking for is another doctor to evaluate me and give me another IME. Although, Dr. Miller sure is a professional, I do not believe that his evaluation, which was used in my hearing, was correct or fair. Currently I have not visited with or been provided for by any other medical professional, both my surgeries and physical therapy have proved little help – and they are my only resources as of now. I firmly believe my condition has worsened since my first operation. Now, I depend on prescription pain medication to help me operate and function physically without hinderance. Due to this, I am nor confident in my ability to return to work and perform the duties I once did as a Corrections officer, before my injury. Under the physical requirements as a Corrections officer, I would be expected to lift and carry up to 100lbs. or more occasionally, and often up to three hours, for me this would be impossible with my arm injury, especially considering its worsened state. This would not only hinder my abilities, but also my performance and response time, namely in a situation that would require me to defend myself or my partners, ultimately, I would be putting both of our lives in jeopardy.

Vega

Respectfully, once again, I am asking that you reconsider your decision in this case.

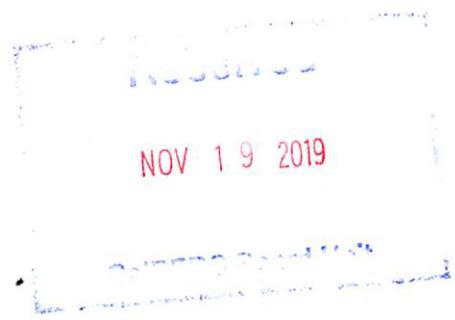
I greatly appreciate you taking the time to read this and consider the circumstances in this matter.

Sincerely,  
Rebecca Ann Vega

A handwritten signature in black ink, appearing to read 'Rebecca Ann Vega', written in a cursive style.

# The UPS Store

161 W Hanford Armona Road Ste J  
Lemoore, CA 93245  
559.423.5890 Tel  
559.423.5909 Fax  
store6786@theupstore.com  
theupsstorelocal.com/6786



## Fax

To Cheree Swedensky

From ROBERCA A. VEGA

Company CAIPERS EXEC OFFICE

Phone number [REDACTED]

Fax number (916) 795-3972

Fax number \_\_\_\_\_

Date 11/18/2019

Total pages 2

Job number \_\_\_\_\_

Editable text area "Respondent's ARGUMENT"