

**ATTACHMENT C**

**RESPONDENT(S) ARGUMENT(S)**



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December 2, 2019

**VIA PRIORITY EXPRESS MAIL**

Cheree Swedensky  
 Assistant to the Board  
 CalPERS Executive Office  
 PO Box 942701  
 Sacramento, CA 94229-2701

DEC - 3 2019

**Re: RESPONDENT'S ARGUMENT  
 In the Matter of the Appeal of Dina Bitton  
 as Beneficiary of Retiree Philip S. Ryan, Deceased  
CalPERS Reference No. [REDACTED]**

To the Board of Administration:

Respondent Dina Bitton ("Bitton") submits her Respondent's Argument in opposition to the Proposed Decision of the Administrative Law Judge and in support of her appeal from the decision of the California Public Employees' Retirement System ("CalPERS"). Ms. Bitton respectfully requests that the Board of Administration decline to adopt the Proposed Decision denying her lifetime monthly benefits, also including health coverage, as the surviving spouse of CalPERS retiree Philip S. Ryan ("Ryan").

**The Right To Lifetime Benefits Is "Fundamental In Nature"**

Ms. Bitton's right to continuing monthly benefits and health care coverage as the surviving lifetime beneficiary of her husband (Ryan) is fundamental in nature. CalPERS bears a special relationship to Ryan and Bitton such that they were entitled to repose trust and confidence in the agency which, in turn, owed a heightened duty to protect Ryan's and Bitton's interests and prevent conduct that might have induced Ryan to believe that he was not required to take actions necessary to perfect those interests. (*Driscoll v. County of Los Angeles* (1967) 67 Cal. 2d 297, 308, 310, fn. 11.)

CalPERS' extreme, admitted, and apologetic delay in not responding to Ryan's March 2017 inquiry for *seven months* was the substantial cause of Ryan's failure to complete CalPERS' procedural requirements in time to perfect Bitton's status as his lifetime beneficiary. Testimony before the Administrative Law Judge established that (1) CalPERS should have immediately advised Ryan in March 2017 (but did not) that he still needed to take further action to perfect Bitton's interest as his surviving lifetime beneficiary and (2) had CalPERS acted within its 90-day time period for giving a response, all of its procedural hurdles would have been timely met. CalPERS' sole excuse for its extreme delay – that it was too busy – is insufficient as a matter of law and fact and is unjust. Bitton pleads for relief from the harsh consequences of CalPERS' delay pursuant to Government Code §20160(a) and, in addition, under the doctrine of equitable estoppel.

**Ryan Reasonably Relied On Calpers' Inaction After Making His March 2017 Inquiry**

In denying benefits to Bitton, CalPERS has wrongly suggested that Ryan did not intend to designate Bitton as his surviving lifetime beneficiary when he retired in 1999 and that, following his marriage to Bitton, he made no effort to change his retirement benefits until 2016. The opposite is the case. Ryan could not have designated Bitton as his surviving lifetime beneficiary when he retired in 1999 because they were unregistered domestic partners at the time and the statute permitting beneficiary designations was not amended to include domestic partners until January 1, 2006. (Exh. A, Transcript of Proceedings before the Administrative Law Judge ("Tr.") at 64:13-25; CalPERS Exhs. 8 and 16; Bitton Exhs. 202 and 219.)<sup>1,2</sup>

Upon their 2002 marriage, Bitton became entitled to a CalPERS lump sum benefit upon Ryan's death. (CalPERS Exh. 4, para. 2; Bitton Exh. 209 [same].)<sup>3</sup> Ryan took immediate steps to add Bitton to his CalPERS medical plan. (Tr. at 17:16-25 and 32:12-33:10; CalPERS Exh. 18, p. 15; Bitton Exhs. 203 and 205.) When asked at the hearing if it was clear in 2002 that Ryan wanted Bitton "to continue to be within the health care system of CalPERS," CalPERS' representative (Robert Ball) testified, "Yes. He added her to his health." (Tr. at 33:7-10.) Thus, any suggestion that Ryan did nothing to insure that Bitton was cared for pursuant to his CalPERS benefits is inaccurate.

Based on what Ryan had told her, Bitton believed that her right to lifetime health care coverage as his survivor had been perfected. Her belief was confirmed when she was asked to sign and notarize a CalPERS form in October 2017 acknowledging her designation as Ryan's lifetime option beneficiary. (Tr. at 68:10-69:2 and 72:5-19; Bitton Exh. 212.) Bitton's CalPERS health coverage was later taken away after Ryan's July 2018 passing due to CalPERS' determination that Ryan had not timely perfected her interest as his surviving lifetime option beneficiary; this was because Bitton's continued health care coverage was and is tied to her entitlement to lifetime monthly benefits. (Tr. at 11:8-13.)

In January 2016, Ryan had visited a CalPERS office in order to ensure that Bitton was protected as his lifetime beneficiary. (Tr. at 69:21-70:1.) In her Proposed Decision, the Administrative Law Judge observed that his daughter (who happens to be a lawyer) went with him. However, Ryan's daughter was not his caregiver; Bitton was. Further, no evidence was adduced that Ryan's daughter was acting as his attorney or had any experience with CalPERS regulations. The evidence showed nothing beyond a daughter supporting her elderly father. CalPERS (and the Administrative Law Judge) criticized Ryan for failing to utilize information given to him, but in doing so unfairly minimizes the fact that shortly after his 2016 inquiry, Ryan suffered a massive heart attack from which he never fully recovered. His heart attack followed years of chemotherapy, radiation treatments and surgeries necessitated by a lengthy battle with lung cancer and cancer of the larynx beginning in 2005. (Tr. at 65:6-66:21 and 67:13-68:9.) As a result of these long-running health problems, Ryan suffered from lapses of memory and periods of confusion and lack of concentration. (*Id.* at 66:25-67:12.) And although CalPERS points out that Mr. Ryan was a retired attorney, no evidence was presented that he was in any way knowledgeable about CalPERS'

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<sup>1</sup> A copy of the Reporter's Transcript of the hearing before the Administrative Law Judge is attached and copies of the Exhibits admitted at the hearing and cited in this letter are submitted herewith.

<sup>2</sup> Government Code section 21626.5 (Deering's California Codes, Volume 11, p. 71 (LexisNexis, 2011).)

<sup>3</sup> CalPERS' Statement of Issues erroneously stated that the marriage occurred in 2010. (CalPERS Exh. B at 2:15-16; Tr. at 32:6-11.)

regulations. CalPERS was aware or should have been aware that its retiree (Ryan) was 77 years of age when he made his 2016 inquiry. (Bitton Exh. 201 [Ryan's birthdate, October 18, 1939].)

Ryan's intention that Bitton should be entitled to lifetime benefits after his death was clear. (Tr. at 68:1-15.) Bitton testified that Ryan had told her that his purpose in going to the CalPERS office in January 2016 was "to make sure I would get survivor benefits." (Tr. at 69:21-70:1.)

The critical event in this case occurred in March 2017 when Ryan made a new inquiry to CalPERS in which he sought to confirm that Bitton was his lifetime beneficiary. This inquiry erased any doubt about Ryan's intent -- and CalPERS' awareness of his intent -- as Touch Point notes for that date state that Ryan, "[C]alled to inquire what spouse will receive when he passes away. Specifically he wants to make sure she's eligible to receive a monthly benefit so he's assured the health coverage will continue for the spouse as a survivor. Please send to verified address." (CalPERS Exh. 18 at p. 10; Bitton Exh. 217 at p. 10 [same].) There is no evidence that Ryan was informed by CalPERS at the time of his March 2017 inquiry about any forms or that he was told he had to submit something in writing or do anything further at all.

Ryan's intent that Bitton be entitled to lifetime benefits (including health coverage) as recorded in CalPERS' Touch Point notes was immediately forwarded to a CalPERS analyst that very day via the CalPERS "workflow" system by its call center representative. (Tr. at 23:19-25, 25:1-5, 34:1-9 and 34:21-35:6.) If Ryan had to take further action to perfect Bitton's lifetime beneficiary interest (as he expressly intended) that fact was surely obvious to any CalPERS analyst upon initial review. CalPERS should have (but did not) undertaken immediate steps to warn Ryan, especially since CalPERS' witness (Mr. Ball) testified that a retiree could make beneficiary changes without waiting for the issuance of a CalPERS' "death estimate letter." (Tr. at 59:19-61:6.)

The Proposed Decision erroneously assumes that Ryan knew that he "could have submitted the modification form without waiting for receipt of the letter" from CalPERS in response to his inquiry. (Proposed Decision at pp. 7-8.) There is no basis for that assumption, especially given that CalPERS Publication No. 98 ("What You Need To Know About Changing Your Beneficiary After Retirement") states otherwise. (Tr. at 57:12-61:6; Bitton Exh. 223 at p. 7 ["Before you can made an election to add or change a payment option beneficiary, you must obtain an estimate of your new retirement allowance"].)

In light of these undisputed facts, Bitton is entitled to relief under Government Code §20160(a). Ryan made an inquiry, and he did so while suffering from debilitating health conditions including the massive heart attack he suffered following his previous visit. As Bitton explained when asked if Ryan had discussed his 2016 visit to CalPERS, "You have to understand that, over a period of two years, he was hospitalized almost every month, and that was our focus." (Tr. at 70:11-17.) After making his March 2017 inquiry, Ryan acted as any reasonable person would have acted in circumstances similar to his -- he relied on CalPERS to implement his expressed intention and was rightfully entitled to believe (as any reasonable person would) that the absence of further instructions meant that no further action on his part was needed to fulfill his intention. Moreover, because of the duty of trust and confidence owed by CalPERS, Ryan was entitled to rely.

Ms. Bitton has satisfied the first and third requirements necessary for relief under section 20160(a): her request was timely made and she is not seeking any benefit to which she would not be entitled to receive but for the procedural delays which resulted in the failure to timely perfect her rights. (Cal. Govt. Code §20160(a)(1) and (3).) CalPERS' sole contention has been that Ryan's failure to complete all of the procedural steps required by CalPERS to perfect Bitton's rights more than one year prior to his (Ryan's) death is not the result of an error or omission that qualifies for relief under Code of Civil Procedure section 473, as required by the second prong of section 20160(a). This conclusion is wrong.

Under Section 473, relief is available if any one of these conditions is present: mistake, inadvertence, surprise, or excusable neglect. (Cal. Code Civ. Proc. Section 473(b).)

(1) Mistake of Fact or Law. Relief is available under Section 473 where a party was mistaken as to a fact material to a duty to respond by reason of which a timely response was not made. (*Higley v. Bank of Downey* (1968) 260 Cal. App. 2d 640, 643-645.) A mistake of law separately supports relief where, as here, unique statutory and regulatory requirements apply to the perfection of lifetime benefits and the retired member (Ryan) and his beneficiary (Bitton) reasonably relied on CalPERS' conduct. (*City of Ontario v. Superior Court* (1970) 2 Cal.3d 335, 345-46.)

(2) Inadvertence. Relief on the grounds of inadvertence is available where a person's oversight is "such as might have been the act of a reasonably prudent person under the same circumstances." (*Hearn v. Howard* (2009) 177 Cal. App. 4<sup>th</sup> 1193, 1206.)

(3) Surprise. Surprise refers to situations where a party is unexpectedly placed to his or her injury without any negligence of his or her own, which ordinary prudence could not have guarded against. (*Credit Managers Association, supra*, 162 Cal. App. 3d at 1172-73.)

(4) Excusable Neglect. Relief under Section 473 is available where neglect is excusable. (*Shapiro v. Clark* (2018) 164 Cal.App.4th 1128, 1143.) Illness and lapse of memory are examples of sufficient excuses for which relief is available under Section 473. (*Id.* at 1141-1143 and fn. 1.)

"[C]ategorical statements about what can be found to constitute excusable neglect – and what cannot – are highly suspect." (*Shapiro v. Clark* (2008) 164 Cal. App. 4<sup>th</sup> 1128, 1141-42.) All of the circumstances must be examined in each case to determine if neglect is excusable under section 473. (*Id.* at 1143.) The totality of the circumstances in this case shows that Ms. Bitton is unquestionably entitled to relief on the grounds of excusable neglect given the facts that (1) Ryan made a timely inquiry in March 2017 while suffering from multiple health problems which caused lapses of memory and periods of confusion and lack of concentration; (2) CalPERS owed Ryan a heightened duty given the fundamental rights at stake; (3) CalPERS could have (but did not) immediately notified Ryan that we needed to take further action to add Bitton as his lifetime option beneficiary; (4) CalPERS delayed alerting Ryan to the fact that further action would be required on his part for approximately seven months – over twice CalPERS' "standard" 90-day processing time, and (5) the delay was entirely the fault of CalPERS. (Tr. at 41:6-8 [standard processing is *within* 90 days]; 61:22-63:9 [Ryan would have timely perfected Bitton's interest if notified within 90 days].) When it did finally contact Ryan seven months later, CalPERS acknowledged that the information was "important" and admitted its delay in providing it. (CalPERS Exh. 4; Bitton Exh. 208 [same].)

Once Ryan initiated contact with CalPERS in 2017, it was CalPERS (not Ryan) that was negligent. (Tr. at 39:22-40:8.) The testimony of CalPERS' Robert Ball at the administrative hearing established (all facts of the case being the same) that had CalPERS responded on or before its standard 90-day processing deadline, Ryan could and would have timely complied with all of CalPERS' procedural requirements and there would have been no question about Bitton's entitlement to lifetime monthly benefits and healthcare coverage. (Tr. at 61:25-63:9.)

CalPERS' delay was inexcusable; the press of business cannot *by itself* constitute grounds for relief under section 473. (*Martin v. Taylor* (1968) 267 Cal. App. 2d 112, 117; Exh. B, Weil and Brown, *California Practice Guide: Civil Procedure Before Trial* (The Rutter Group, 2019), para. 5:342.) Moreover, there is no evidence that even a further inquiry by Ryan would have resulted in a different outcome. An undisclosed "press of business" so extreme that it resulted in delay of over twice CalPERS' response time reflects a problem that could not have suddenly developed and should not be borne by the beneficiaries. The evidence reflects the problem: Ryan inquired by phone and

spoke to an intake person who could not personally address the problem but immediately sent a “workflow” request electronically to a CalPERS analyst; the analyst should have (but did not) immediately contacted Ryan to let him know that he had to take further action to add Bitton as his beneficiary; the matter then languished with CalPERS for *seven months*. Ryan could not have known of CalPERS’ internal problems regarding handling of retirees’ inquiries, and CalPERS never informed Ryan that it was experiencing delays. (Tr. at 57:12-18.) The Proposed Decision elevates CalPERS’ internal operating problems over the substantive rights of Ryan and Bitton, contrary to the policy of the Section 473 which requires the protection of substantive rights over procedural oversights. (*Credit Managers Assn of Southern California v. National Independent Business Alliance* (1984) 162 Cal. App. 3d 1166, 1172-73.)

It again bears emphasis that CalPERS owed a heightened duty to protect Ryan and Bitton. It let them down here. Bitton is entitled to relief under section 473. She should not be penalized for a problem for which CalPERS was the substantial cause. The statutory grounds for relief under Government Code section 20160(a) were met here. The Board of Administration should exercise its discretion to grant relief to Bitton.<sup>4</sup>

The same facts also satisfy the elements necessary to entitle Bitton to relief under the doctrine of equitable estoppel. (*Driscoll v. City of Los Angeles, supra*, 67 Cal. 2d at 305-308.) Equitable estoppel may be applied against the government when “justice and right require it.” The existence of estoppel requires consideration of the totality of the circumstances. (*Id.*) A public entity’s silence is sufficient to establish an estoppel when (as here) it knew or should have known of the material facts (*Canfield v. Prod* (1977) 67 Cal. App. 3d 722, 731), and in this situation silence was effectively implicit advice that no further action was required. (*Fredrichsen v. City of Lakewood* (1971) 6 Cal. 3d 353, 358-359.) Estoppel is more readily established where, as here, the conduct of a public entity has caused a failure to comply with a procedural pre-condition to eligibility that results in great hardship to the claimant. (*Lentz v. McMahon* (1989) 49 Cal. 3d 393, 401-402.) Under the facts and circumstances of this case, the elements of estoppel have been established, particularly given the fact that a fundamental right is at stake, the denial of which has and will continue to cause enormous, unintended hardship to Bitton. And inasmuch as Bitton retired from work shortly after her marriage to become Ryan’s primary caregiver, she has no other source of supplemental health care benefits. (Tr. at 66:22-24 and 73:2-74:12.)

The Proposed Decision does not address, the two-step analysis utilized by the Supreme Court in the *Driscoll* case for determining whether the doctrine of equitable estoppel should be applied in an administrative context. The first factor requires an examination of the culpability or negligence of CalPERS. (*Driscoll* at 306-308.) The evidence at the administrative hearing established that Ryan could and would have timely completed the procedural steps required by CalPERS had it responded to his March 2017 inquiry within its 90-day response period, and that CalPERS was entirely at fault for its delay. (Tr. at 39:22-40:8 and 61:22-63:9.) Given that it knew its 77 year-old retiree faced a

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<sup>4</sup> Section 20160(a) requires an exercise of discretion by the CalPERS Board of Administration. (Cal. Govt. Code section 20021.) The Board, by rule, delegated authority to its Executive Officer to act on its behalf in certain circumstances, but relief under section 20160 does not appear to be one of those circumstances. (Exh. C, 2 Cal. Code Regs. §555.) There is no evidence that the Board, its Executive Officer or any other authorized person made the decision to deny Bitton’s appeal. Mr. Ball testified that Bitton’s appeal was discussed and denied by his “management team” following a discussion about “potential delay.” (Tr. at 50:12-52:6.) The existence of an unprivileged memorandum prepared by Mr. Ball and recommending denial of Bitton’s appeal was revealed during Mr. Ball’s testimony at the hearing, but that memo was not produced by CalPERS. Mr. Ball testified that his memorandum did not discuss the delay issue and that the delay issue was not recorded in CalPERS’ “Touch Point” notes. (*Id.*)

further one-year waiting period even after completing its procedural requirements, and given its heightened duty of care to Ryan, CalPERS is responsible for the admitted delay in this case and is the substantial and proximate cause of Ryan's failure to complete all of CalPERS' procedural steps in time to insure his long-standing and clearly expressed intent would be carried out.

The second *Driscoll* factor is undisputed: a claim for a pension by the surviving spouse of a retired CalPERS member implicates a fundamental right as a matter of law, the denial of which gravely impacts the welfare of the employee. (*Id.* at 308 and 310.) Bitton is a 74-year old Medicare recipient and retired from work. (Bitton Exh. 202.) The lifetime retirement income and supplemental health care coverage she planned on receiving are in jeopardy over a procedural oversight caused by CalPERS' delay.

### Conclusion

Based on the totality of the circumstances and in the interest of justice and fairness, Bitton implores the Board of Administration to grant relief:

- Beginning in 2005, Ryan underwent chemotherapy, radiation treatments, and surgeries in a battle with lung cancer and cancer of the larynx. As a result, he suffered from lapses of memory and periods of confusion and reduced ability to concentrate.
- Ryan suffered a massive heart attack after his 2016 CalPERS visit to inquire about Bitton's right to survivor's benefits.
- By March 17, 2017, CalPERS was aware that Ryan intended that Bitton should receive CalPERS lifetime monthly benefits and health coverage as his surviving spouse.
- Ryan was not informed of any action he needed to take when he called CalPERS on March 17, 2017; his inquiry was immediately forwarded to a CalPERS analyst.
- The CalPERS analyst took no action to warn Ryan that further action was needed to perfect Bitton's interest as his lifetime option beneficiary.
- There is no evidence that Ryan was aware that he "could have submitted the modification form without waiting" for receipt of a letter from CalPERS after his March 2017 inquiry.
- CalPERS' standard response time for responding to inquiries such as Ryan's was on or before 90 days after receipt of the inquiry.
- CalPERS did not provide a response to Ryan for nearly seven months, over twice its standard response time.
- Had CalPERS responded to Ryan's March 2017 inquiry by its 90-day outside response deadline, Ryan could and would have timely complied with the CalPERS' procedural requirements necessary to perfect Bitton's interest in lifetime monthly income and health coverage as his surviving spouse.
- The sole cause of CalPERS' delay was its press of business, and Ryan had no knowledge that there was a delay or the cause of the delay.
- Ryan was in no way at fault for CalPERS' delay and acted in good faith.
- CalPERS owed a heightened duty of care to Ryan and Bitton.
- A grave injustice will result if Bitton is denied lifetime benefits.

All mitigating factors weigh in favor of relief. Ryan and Bitton were without fault for CalPERS' unreasonable, admitted delay which was the substantial and proximate cause of the harm in this case. Bitton should not bear the consequences of that delay and should be granted relief.

Respectfully Submitted.



James A. Lassart  
Adrian G. Driscoll

3600919

Cc: Dina Bitton

Exhibit A

BOARD OF ADMINISTRATION

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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In the Matter of the Appeal  
of Lifetime Monthly Benefit  
Payable Upon the Death of  
Philip S. Ryan by

Agency Case No. 2019-0388

OAH No. 2019060147

PHILIP S. RYAN,

Deceased,

and

DINA D. BITTON,

Respondent.

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Tuesday, September 24, 2019

9:00 a.m.

Oakland, California

BEFORE ADMINISTRATIVE LAW JUDGE KAREN REICHMANN

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Reported by: ANN R. LEITZ, CSR NO. 9149

DIAMOND COURT REPORTERS  
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APPEARANCES

ADMINISTRATIVE LAW JUDGE KAREN REICHMANN  
OFFICE OF ADMINISTRATIVE HEARINGS  
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FOR THE RESPONDENT, DINA BITTON:  
MURPHY, PEARSON, BRADLEY & FENEY  
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EXHIBIT INDEX

Exhibit No.	Description	Id/Rev'd
CalPERS Exhibits:		
201	- Application for Service Retirement	pm/7
202	- Marriage License	pm/7
203	- Letter from Mr. Ryan to CalPERS dated 9/30/02	pm/7
204	- Annotated letter from Mr. Ryan to CalPERS dated 9/30/02	pm/7
205	- CalPERS Certification of Medicare Status for Dina Bitton	pm/7
206	- CalPERS Customer Touch Point Report (date range 1/19/16 - 3/27/17)	pm/7
207	- CalPERS Customer Touch Point Report (date range 3/27/17 - 10/27/17)	pm/7
208	- 10/17/17 CalPERS letter to Mr. Ryan	pm/7
209	- 10/27/17 CalPERS letter to Mr. Ryan	pm/7
210	- 10/27/17 CalPERS letter to Mr. Ryan	pm/7
211	- 10/27/17 CalPERS letter to Mr. Ryan	pm/7
212	- Completed Spousal/Domestic Partner Notification form dated 10/27/17	pm/7
213	- 11/06/17 CalPERS letter to Mr. Ryan	pm/7
214	- My/CalPERS Retirement Benefit Calculation Results dated 11/6/17	pm/7
215	- Certificate of Death for Philip S. Ryan	pm/7
216	- CalPERS Application for Retirement/Payee Survivor Benefits by Dina Bitton	pm/7
217	- CalPERS Customer Touch Point Report	pm/7
218	- 8/21/18 CalPERS letter to Dina Bitton	pm/7
219	- 8/26/18 letter from Dina Bitton to CalPERS	pm/7
220	- 11/27/18 CalPERS letter to Dina Bitton	pm/7
221	- 12/5/18 letter from Dina Bitton to Keith Riddle	pm/7
222	- Dina Bitton's Notice of Appeal	pm/7
223	- CalPERS Publication	pm/7
224	- 6/18/19 CalPERS letter to James Lassart	pm/7
225	- 6/25/19 CalPERS letter to James Lassart	pm/7
226	- Brief	8/8

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1 EXHIBITS CONTINUED:

2 Respondent's		
3 Exhibit No.	Description	Id/Rev'd
4 1	- Application for Service Retirement dated March 2, 1999	pm/7
5 2	- Justification for Non-Signature of Spouse dated May 13, 1999	pm/7
6 3	- Election of Optional Settlement and Beneficiary Designation dated May 13, 1999	pm/7
7 4	- CalPERS letter to Philip Ryan dated October 17, 2017	pm/7
8 5	- CalPERS letter to Philip Ryan with attachments/forms dated October 27, 2017	pm/7
9 6	- CalPERS Acknowledgments Letter dated November 6, 2017	pm/7
10 7	- CalPERS letter to Dina Bitton dated August 21, 2018	pm/7
11 8	- Letter to CalPERS from Dina Bitton dated August 26, 2018	pm/7
12 9	- CalPERS letter to Dina Bitton dated November 27, 2018	pm/7
13 10	- Appeal dated December 5, 2018	pm/7
14 11	- CalPERS letter dated December 21, 2018	pm/7
15 12	- Appeal dated January 31, 2019	pm/7
16 13	- Statement of Issues	pm/7
17 14	- Notice of Hearing	pm/7
18 15	- Proof of Service	pm/7
19 16	- Marriage Certificate dated May 21, 2002	pm/7
20 17	- Certificate of Death dated August 2, 2018	pm/7
21 18	- Customer Touch Point (CTP) Notes	pm/7
22 19	- Changing Your Beneficiary or Monthly Benefit After Retirement	pm/7

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1 PROCEEDINGS

2 ---oOo---

3 Tuesday, September 24, 2019

4 JUDGE REICHMANN: I'm opening the record before the  
5 California Public Employees' Retirement System in the matter  
6 of the appeal brought by Dina Bitton regarding the  
7 retirement benefits of Philip Ryan.

8 The Agency's Case No. is 2019-0388 and the Office of  
9 Administrative Hearings Case No. is 2019060147.

10 My name is Karen Reichmann; I'm an Administrative  
11 Law Judge for the Office of Administrative Hearings. I've  
12 been assigned to hear this matter today. Today is  
13 September 24th, 2019, and we are in Oakland, California.

14 Counsel, can I have appearances for the record,  
15 please.

16 MR. LASSART: Good morning, Your Honor, James  
17 Lassart appearing on behalf of Ms. Bitton. My client is  
18 present.

19 JUDGE REICHMANN: Good morning, Mr. Lassart.

20 MR. COFFEY: Good morning, Your Honor. Rory,  
21 R-o-r-y, Coffey, C-o-f-f-e-y, appearing on behalf of  
22 California Public Employees' Retirement System, CalPERS, and  
23 with me is Robert Ball.

24 JUDGE REICHMANN: Good morning.

25 So we discussed before we went on the record that

1 the Agency will present its case-in-chief first and then  
2 we'll hear from the appellant.

3 Do the parties want to make opening statements?

4 MR. COFFEY: I'll waive opening statement, Your  
5 Honor. And just as we discussed off the record, I believe  
6 we are in agreement and we will stipulate to the admission  
7 into evidence all of the exhibits in respondent's exhibit  
8 packet, and I think the reciprocal stipulation is that the  
9 CalPERS exhibits will also come in.

10 MR. LASSART: Yes, we would join in the stipulation  
11 that Exhibits 201 through and including 225 in our packet be  
12 placed in evidence and also Exhibit No. 1 through and  
13 including 19 of CalPERS be placed in evidence.

14 JUDGE REICHMANN: So I have the CalPERS exhibits on  
15 the bench right now. If respondent wants to hand me your  
16 packet.

17 MR. LASSART: Yes, Your Honor.

18 JUDGE REICHMANN: So CalPERS Exhibits 1 through 19  
19 will be admitted. And Ms. Bitton's exhibits, which start  
20 with 201 and go through 225, are admitted at this time.

21 (Exhibits 1-19 and 201-225 received into evidence.)

22 MR. COFFEY: Thank you, Your Honor.

23 JUDGE REICHMANN: Do you want to make an opening  
24 statement, Mr. Lassart.

25 MR. LASSART: No, Your Honor. Other than I would

1 say that we filed an appeal brief that can exist, stand as  
2 our opening statement.

3 JUDGE REICHMANN: I did see the brief, and is that  
4 included in your binder? Just asking. Not putting you in  
5 on the spot.

6 MR. LASSART: I don't have it, but I've learned to  
7 carry extras.

8 JUDGE REICHMANN: Thank you. So do you have a copy?

9 MR. COFFEY: Yes. For the record, Your Honor, I did  
10 receive a copy of Mr. Lassart's appeal brief, and we had  
11 also discussed off the record, when we conclude today, I'll  
12 ask Your Honor for possibly two weeks just so I can file a  
13 written response. I see that there's some certain legal  
14 arguments made, I think are better addressed in a written  
15 response rather than oral closing argument.

16 MR. LASSART: As a said, we have no objection to  
17 that.

18 JUDGE REICHMANN: So I'm just going to mark the  
19 brief for identification as 226, and it will be admitted as  
20 argument.

21 (Exhibit 226 marked for identification  
22 and received into evidence.)

23 JUDGE REICHMANN: We'll set out our briefing  
24 timeline at the end of the hearing.

25 MR. LASSART: Yes, Your Honor.

1 MR. COFFEY: Great. I would like to call Robert  
2 Ball.

3 JUDGE REICHMANN: Mr. Ball, please raise your hand.

4 ---oOo---

5 ROBERT BALL,

6 having been duly sworn as a witness by the  
7 Administrative Law Judge, testified as follows:

8 ---oOo---

9 THE WITNESS: I do.

10 JUDGE REICHMANN: Please be seated. And if you  
11 could please state and spell your name for the record.

12 THE WITNESS: My name is Robert Ball; R-o-b-e-r-t;  
13 last name B-a-l-l.

14 JUDGE REICHMANN: Thank you. Mr. Coffey?

15 MR. COFFEY: Thank you, Your Honor.

16 oOo

17 DIRECT EXAMINATION

18 MR. COFFEY: Q. Good morning.

19 A. Good morning.

20 Q. By whom are you employed?

21 A. I'm employed with CalPERS.

22 Q. How long have you worked at CalPERS?

23 A. I've worked at CalPERS for about seven years.

24 Q. What is your current job title?

25 A. Currently, I work in the survivor benefit processing

1 unit. It's the exceptional processing unit.

2 Q. How long have you worked in the survivor benefit  
3 processing unit?

4 A. My entire career at CalPERS. The first four years  
5 at CalPERS, I worked as a retirement program specialist I,  
6 and I reviewed the more basic survivor benefit  
7 determinations. In about 2016, I was promoted to the  
8 exceptional processing unit, where we handled the most  
9 complex cases, including dispute resolutions.

10 Q. Give us an idea of what you do on a daily basis in  
11 your role as a retirement program specialist in the survivor  
12 benefit processing unit.

13 A. On a daily basis, in my previous position, I would  
14 just be assigned cases, and, essentially, you would go  
15 through and review the documentation that's on file,  
16 complete beneficiary determinations in accordance with the  
17 public employees' retirement law. If there was ever a case  
18 that was more complex or had some sort of dispute that was  
19 going on with it, it would be referred to the exceptional  
20 processing unit for an additional more advanced review.

21 Q. What kind of benefits are we talking about?

22 A. There are several benefits. Most cases typically  
23 have a retired death benefit, which is an employer-paid  
24 benefit that's defined by the law, usually it's either 500  
25 or \$2,000; there are other amounts. There's a lump sum

1 prorated allowance for if a member survives for a certain  
2 number of days in the month that we're required to pay out,  
3 and there are also monthly benefits, including monthly  
4 options for -- that a member can name anyone to receive, and  
5 also monthly benefits that are defined by statutes, for  
6 something like a surviving spouse or a disabled child or  
7 minor child.

8 Q. What was your first involvement with this matter  
9 involving potential death benefits payable to Ms. Bitton?

10 A. Well, the case was referred to me for review because  
11 we received a dispute of our determination that Ms. Bitton  
12 was not entitled to monthly benefits and, thus, not entitled  
13 to continued health care coverage. So it's my job to  
14 essentially go through the case and review everything.

15 The lower-level analyst will provide a summary of  
16 events. I kind of use that as a just a general idea of what  
17 had happened. I still go back and confirm that all the  
18 information is correct. So I complete a thorough review and  
19 then I, of course, use the law to determine whether or not,  
20 you know, Ms. Bitton would be entitled to a monthly benefit,  
21 and it was determined that she was not.

22 Q. In any particular case, including this one, do you  
23 approach your job, your task with any kind of agenda,  
24 meaning, I'm going to see if there's any way I can get the  
25 benefit paid to the individual versus I'm going to do my

1 level best to make sure nothing gets paid out, any agenda  
2 bias on your part?

3 A. Absolutely not. My job is to pay benefits in  
4 accordance with the law, and that's what a I do. It makes  
5 no difference to me in terms of if someone gets a benefit or  
6 if they don't.

7 Q. Let's take a look at the CalPERS exhibit packet;  
8 those are numbered Exhibits 1 through 19.

9 Take a look at Exhibit 1. Have you seen this  
10 document before?

11 A. Yes, I have.

12 Q. What is Exhibit 1?

13 A. This is an Application for Service Retirement. This  
14 was completed by Mr. Ryan in 1999.

15 Q. Is there anything reflected in Exhibit 1 that has  
16 any significance to you in terms of the determination made  
17 by CalPERS or Ms. Bitton's appeal?

18 A. The form does state that Mr. Ryan is not married, so  
19 that would enable me to conclude that the survivor  
20 continuance lifetime allowance that's payable to a surviving  
21 spouse for having been married a year prior to retirement  
22 would not be a payable a benefit.

23 Q. Let's turn to Exhibit 2. Have you seen that  
24 document before?

25 A. Yes, I have.

1 Q. What is Exhibit 2?

2 A. This is a form Justification for Non-Signature of  
3 Spouse. This is required when you submit your retirement  
4 application. And the reason that was placed -- or checked  
5 is that Mr. Ryan was not legally married. He was never  
6 married, divorced or widowed.

7 Q. Could you turn to Exhibit 3. Have you seen that  
8 document before?

9 A. Yes, I have.

10 Q. What is Exhibit 3?

11 A. This is the form 898. This is the actual retirement  
12 election. This is where you're permitted -- a members are  
13 permitted to elect which retirement option they wish to  
14 choose.

15 On this form, Mr. Ryan elected the highest possible  
16 allowance, not-yet modified allowance. This allowance  
17 doesn't leave any benefit payable to a beneficiary. And,  
18 also, in Section C for the retired death benefit, which is  
19 the lump sum benefit I spoke of earlier, he designated Kelly  
20 Ryan, which is his daughter.

21 Q. You talked about retirement election and mentioned  
22 the term "options." Describe for the record what we're  
23 talking about here.

24 A. So there are several options, and Mr. Ryan elected  
25 the unmodified allowance, which is technically an option you

1 can choose. Outside of that, you can elect the option one,  
2 which would leave a return of contributions and interest,  
3 and it's based on annuity factors. So, after about usually  
4 eight to ten years, the contributions and interest are  
5 exhausted. It's the second highest benefit you can receive  
6 as a member in terms of your retirement allowance.

7 Q. Robert, I'm going to interrupt you. I think you're  
8 getting too granular.

9 A. Sorry.

10 Q. That's okay. When a CalPERS member such as Mr. Ryan  
11 decides to retire, what's the process?

12 A. So, essentially, it's sort of a best guess in terms  
13 of what option you want to choose. Each option provides you  
14 less money so that -- you know, like option two or three or  
15 even four allow you to name a specific person for a lifetime  
16 option. Option two is the same amount as your retirement  
17 allowance. Option three is you get more money, but they  
18 only get half of your retirement allowance. And then option  
19 four is sort of blend of you can name specific percentages,  
20 you can name multiple beneficiaries, you can name, you know,  
21 three or four different people, if you would like.

22 So -- I mean, it's the decision a member has to make  
23 in terms of how much money they need versus how much money  
24 they would like to pay out to a beneficiary should they pass  
25 away.

1 Q. We're looking at CalPERS form Exhibit 3, yes?

2 A. Yes.

3 Q. In order for a CalPERS member to start receiving a  
4 service retirement benefit, whatever option they choose,  
5 what does CalPERS require?

6 A. To submit this 898 retirement form with the option  
7 you would like to select.

8 Q. So CalPERS will act on an individual CalPERS  
9 member's completion of a service retirement election option  
10 form?

11 A. Correct.

12 Q. Can a CalPERS member like Mr. Ryan who ceases being  
13 a member by virtue of the fact that they service retire,  
14 after the date of their service retirement, can the option  
15 election be changed?

16 A. Yes, it can, but only under limited circumstances.

17 Q. We'll get into those later.

18 A. Sure.

19 Q. But, although, the form might say this is  
20 irrevocable, we've carved it in stone, there are situations  
21 where CalPERS allows retirees to change their benefit  
22 option?

23 A. Correct.

24 Q. Could you turn to -- let's see if this makes sense.  
25 Let's go ahead and turn to Exhibit 16.

1 Have you seen that document before?

2 A. Yes, I have.

3 Q. What is Exhibit 16?

4 A. This is a Marriage Certificate for Philip and Dina.

5 It indicates they were married on January 5th, 2002.

6 Q. Is there anything of significance to you contained

7 in the document Exhibit 16?

8 A. Yes. This would indicate this would be one of those  
9 what's called a "qualifying event," which is marrying  
10 somebody, marriage or remarriage, which would allow Mr. Ryan  
11 the ability to essentially change his retirement option to  
12 name the spouse, if you would like to.

13 Q. Could you turn to Exhibit 17. Have you seen that  
14 document before?

15 A. Yes, I have.

16 Q. And what is Exhibit 17?

17 A. This is Mr. Ryan's death certificate.

18 Q. Is the only significance of this document the date  
19 of death?

20 A. Yes. July 20th, 2018.

21 Q. Could you turn to Exhibit 18. Do you recognize that  
22 multipage document?

23 A. Yes, I do. This is several pages of participant  
24 notes from Mr. Ryan's file.

25 Q. What are participant notes?

1           A. Participant notes are essentially notes that are  
2 logged into the system by a a CalPERS representative during  
3 -- anytime a member could call in or contact CalPERS in  
4 almost anyway, these interactions are logged into the  
5 system.

6           Q. On page one of Exhibit 18 -- I'll clarify that.  
7 Physical page one of Exhibit 18, in the lower left-hand  
8 corner says page 15 of 15; do you see that?

9           A. I see it, yes, the first page.

10          Q. At the top of that page, there's a reference  
11 Customer Touch Point Report. Is that also known as the CTP  
12 notes or CTP report?

13          A. Correct.

14          Q. Is that the same thing as participant notes?

15          A. Yes.

16          Q. If we look at that first physical page of  
17 Exhibit 18, we see some columns with information moving left  
18 to right. Could you explain to us what information is  
19 contained in each of those columns, just generically?

20          A. So, in each column, there's a sort of a general list  
21 referencing the type of interaction it was. In this case,  
22 it was a health enrollment. It took place on August 13,  
23 2004, and it was regarding -- it was noted that the member  
24 will mail in a copy of the Medicare Part B Form effective  
25 October 1st, 2004.

1 Q. Once again, Robert, I apologize. My question was  
2 not clear enough. You're getting a little granular for us.

3 But just in general, do you have access to the CTP  
4 system in what you do in your job to make entries?

5 A. Yes.

6 Q. Describe for us in a generic fashion how you go  
7 about doing that.

8 A. We'll, just generally speaking, if you were to  
9 receive a phone call from a member, you essentially discuss  
10 whatever topic it was, and then you go into the system and  
11 enter the note in. Once you enter the note, you cannot  
12 delete it or change it, so it's permanently in there.

13 Q. Is the note referenced by other information such as  
14 dates?

15 A. Yes. There's date, and the categories like this one  
16 was a health enrollment. There can be, you know, numerous  
17 categories throughout CalPERS, and there's all kinds of  
18 things -- different categories.

19 Q. Are these notes kept in the normal course of CalPERS  
20 business operations?

21 A. Yes.

22 Q. Have you reviewed the entirety of the CTP notes for  
23 purposes of your review in this matter?

24 A. Yes, I have.

25 Q. Are there entries that have some significance to

1 you?

2 A. Yes.

3 Q. Could you turn to what's identified as page ten of  
4 15 of Exhibit 18. Do you have that?

5 A. Yes, I do.

6 Q. At the bottom of the page, do you see an entry with  
7 a date of 1/19/2016?

8 A. Yes, I do.

9 Q. Without reading the entirety of the entry made, you  
10 have reviewed that information as part of your determination  
11 in this matter?

12 A. Yes.

13 Q. What did you understand from the entry as you read  
14 it?

15 A. My understanding of the entry is that the member  
16 went in for a retirement counseling session.

17 Q. That would be Mr. Ryan?

18 A. Mr. Ryan, correct.

19 Q. And you say "went in." What was --

20 A. To the Sacramento regional office. Physically went  
21 into the CalPERS headquarters downtown Sacramento. And  
22 during this meeting, the representative educated Mr. Ryan on  
23 his marriage being a qualifying event, requested a copy of  
24 the marriage certificate and birth certificate and provided  
25 a publication 98. The publication 98 essentially provides

1 all the forms, essentially would change your retirement  
2 option to leave a monthly benefit to his new spouse. It was  
3 explained that there will be a 12-month waiting period,  
4 because they were married in 2002 and the election to change  
5 the option wasn't made within 12 months of that date.

6 Q. Could you turn to Exhibit 19.

7 A. Yes.

8 Q. Have you seen that document before?

9 A. Yes. This will be publication 98.

10 Q. This would have been -- or this was a copy of the  
11 publication that would have been given to Mr. Ryan at this  
12 January 2016 meeting?

13 A. Correct, yes, it's the version that was available at  
14 that time.

15 Q. Again, without going through the entirety of the  
16 publication, what information is contained in that  
17 publication?

18 A. There's information that describes the different  
19 qualifying events, including marriage. There's an  
20 application for modification of a lifetime option. This is  
21 the form that's needed to be completed in order to begin the  
22 process of naming a new beneficiary. And there's a lot of  
23 information just about changing beneficiaries and the  
24 different retirement options.

25 Q. Let's go back to page ten of Exhibit 18. At the top

1 of that page, the first entry is dated 3/27/2017. Do you  
2 see that?

3 A. Yes.

4 Q. And you reviewed the contents or the summary, as  
5 noted?

6 A. Yes.

7 Q. What did you understand or take away from reading  
8 that summary?

9 A. Mr. Ryan had called in to CalPERS to inquire what  
10 benefits his spouse could receive should he pass away and if  
11 she would be entitled to continued health coverage.

12 Q. Between the document in January of 2016,  
13 face-to-face meeting with CalPERS staff, was there any  
14 documentation of Mr. Ryan taking any action, doing anything  
15 to name or identify Ms. Bitton as a survivor beneficiary  
16 before the March 27, 2017 entry?

17 A. No, there was not.

18 Q. Looking at that March 27 entry, including in the  
19 summary is, quote, "specifically he wants to make sure she's  
20 --" and that would be Ms. Bitton "-- eligible to receive a  
21 monthly benefit so he's assured the health care coverage  
22 will continue for spouse as a survivor," end quote.

23 Those of us sitting here today don't know  
24 specifically what was said by Mr. Ryan or said by the  
25 CalPERS person who spoke to Cheryl Dooley, D-o-o-l-e-y, but

1 I'm going to ask you to assume, in this March 2017 telephone  
2 conversation, Mr. Ryan said something in essence, Look, I  
3 want to make sure my wife is going to receive a continued  
4 benefit after I die. Can I -- if I tell you that,  
5 Ms. Dooley, can you make it happen because of this telephone  
6 call?

7 A. No, she would not be able to do it based on the  
8 telephone call, but she can begin the process through  
9 another unit.

10 Q. Why couldn't Ms. Dooley, the CalPERS person that  
11 Mr. Ryan spoke with in March of 2017, why couldn't she, on  
12 the basis of that telephone conversation, effect a change in  
13 beneficiary designation?

14 A. Because in accordance with the government code  
15 21462, any change like that needs to be done so in writing  
16 and filed with a report. So a telephone call would be  
17 insufficient to begin that process.

18 Q. So just like when a CalPERS member decides to  
19 service retire, CalPERS wants a completed form? Similarly,  
20 if a now CalPERS retiree wants to change a beneficiary,  
21 CalPERS requires a completed form?

22 A. Correct.

23 Q. And that's in the PERL, the Public Employees'  
24 Retirement Law?

25 A. Yes.

1 Q. Could you turn to Exhibit 4?

2 A. Yes.

3 Q. Have you seen Exhibit 4 before today?

4 A. Yes, I have.

5 Q. What is Exhibit 4?

6 A. Exhibit 4 is referred to in the survivor benefits  
7 unit as a death estimate letter. This letter essentially  
8 explains what retirement option the member has and what  
9 benefits would be payable currently should he pass away.  
10 Also included in this letter was some specific language in  
11 terms of what he can do to modify his option to name a new  
12 beneficiary.

13 Q. I'm going to go back and forth a bit between  
14 Exhibit 18, that page 10 that we were looking at, and, also,  
15 Exhibit 4. So we've looked at the note for the date of  
16 3/27/17. And do you understand that as being a request by  
17 Mr. Ryan for a death estimate letter?

18 A. Yes.

19 Q. And how would that be triggered within the CalPERS  
20 system at the time, do you know?

21 A. Yes. So the call center representative would create  
22 a -- what's called a "Workflow" and send it over to the  
23 survivor benefits unit that would be assigned to an analyst  
24 to review the entire member file and generate the estimate  
25 letter.

1 Q. Is there documentation of that Workflow process that  
2 you just described found anywhere in these CTP notes?

3 A. I don't believe so.

4 Q. Should it have been somehow documented in the CTP  
5 notes?

6 A. It would be in a different tab. It would be in the  
7 inquiry tab through my/CalPERS. It is in the system, but I  
8 just don't see it in front of me.

9 Q. We don't know, but it might be in Ms. Bitton's  
10 documents. We'll see if it's there in her documents.

11 A. Yeah.

12 Q. So the call by Mr. Ryan back in March of 2017, that  
13 you understand as a request for a death estimate letter?

14 A. Correct.

15 Q. And that's what we have when we look at Exhibit 4?

16 A. Correct. Actually, on this note above here,  
17 actually, this is the death workflow. This was -- on page  
18 10 of 15, this is what would be sent to the survivor  
19 benefits unit. It would be sent exactly as it is, and then  
20 they would process it that way. That is my mistake.

21 Q. And you know that because of what?

22 A. Well, the Category Type is Death and the Note Type  
23 is Workflow. Yeah, so a call center representative would  
24 categorize this specific inquiry as the Workflow in the  
25 Death category.

1 Q. So the fact that Workflow appears opposite Note Type  
2 in that entry for 3/27/2017, that tells us that the person  
3 Mr. Ryan spoke with created a request, what is called a  
4 Workflow --

5 A. That's correct, on that day.

6 Q. So back to Exhibit 4, on page one, in the first  
7 paragraph, the author of the letter wrote in part, quote,  
8 Thank you for your patience in awaiting this delayed reply,"  
9 end quote.

10 In your review of this matter, were you able to  
11 investigate or look into, first of all, was the reply, the  
12 death estimate letter in October, a delayed reply?

13 A. Yes, it was.

14 Q. And how or why, can you tell us, did that in the  
15 CalPERS scheme of things would be considered a delayed  
16 reply?

17 A. Standard processing for these death estimate letters  
18 is 90 days. In this case, it took between six and seven  
19 months, and it was due to a backlog in estimate requests.

20 Q. Is the information provided to Mr. Ryan in the death  
21 estimate letter Exhibit 4 accurate?

22 A. Yes.

23 Q. Can you tell from reading the January 2016 CTP note  
24 and comparing that to the contents of Exhibit 4, whether in  
25 Exhibit 4 Mr. Ryan was being told anything new or different

1 from what he had previously been told from the January  
2 meeting?

3 A. It would appear to be, for the most part, the same  
4 information.

5 Q. From your review, were you able to determine or get  
6 an idea of whether Mr. Ryan took any action in response to  
7 receipt of the October 17, 2017, letter?

8 A. Yes, it was. I believe it was about ten days later,  
9 he had contacted CalPERS to begin the process to name Dina  
10 as his new lifetime beneficiary.

11 Q. Do you know how or what steps Mr. Ryan took, whether  
12 he went to a regional office in person, whether he went  
13 online, something else?

14 A. Yeah, after the communication with the CalPERS  
15 representative, he went online and submitted multiple  
16 requests and canceled the first request. You can't have two  
17 requests for the modification of the lifetime option, you  
18 can only do it once. But I believe it was on the -- they  
19 were both done on the same day.

20 Q. Could you take a look at Exhibit 5.

21 A. Yes.

22 Q. You've seen Exhibit 5 before?

23 A. Yes.

24 Q. What is Exhibit 5?

25 A. So this is a letter from CalPERS.

1 Q. Does this --

2 A. This is requesting the spousal acknowledgment form.

3 Q. Looking at the first physical page of Exhibit 5, a  
4 letter from CalPERS to Mr. Ryan dated October 27, 2017, it  
5 seems to document or confirm a new retirement payment  
6 option, and they identify option 3W. That would be one of  
7 those --

8 A. Correct.

9 Q. -- changes available to Mr. Ryan?

10 A. Yes.

11 Q. And then, below that, it says, "New Payment Option  
12 Beneficiary Designation: Dina Bitton."

13 A. Yes.

14 Q. Now, does this letter give us any kind of effective  
15 date for Mr. Ryan's stated desire to change the beneficiary  
16 option to 3W and to change the beneficiary to Ms. Bitton?

17 A. No, it does not.

18 Q. Why?

19 A. Because Mr. Ryan needs to submit the spousal  
20 acknowledgment form, having his surviving spouse sign off on  
21 his choice.

22 Q. Again, is that information, is that contained in  
23 that publication that Mr. Ryan was given in January of 2016?

24 A. Yes, it is.

25 Q. Do you know when, if ever, Mr. Ryan and Ms. Bitton

1 submitted the forms that CalPERS said you needed to submit?

2 A. Could you repeat that?

3 Q. Sure. After this date in October 27, 2017 date, do  
4 you know when, if ever, Mr. Ryan submitted the forms that  
5 CalPERS asked for?

6 A. Oh, I'm not sure of the exact date, but it was  
7 shortly thereafter.

8 Q. Could you look at Exhibit 6.

9 A. Yes.

10 Q. Have you seen Exhibit 6 before?

11 A. Yes, I have.

12 Q. And what is Exhibit 6?

13 A. This is a letter from CalPERS to Mr. Ryan indicating  
14 that he has elected the option 3W, named his spouse Dina,  
15 and that the effective date of this election will be  
16 December 1st, 2018.

17 Q. Do you know why the effective date would be  
18 December 1, 2018, rather than, say, the date of the letter,  
19 November 6?

20 A. Because the law requires that there's a 12-month  
21 waiting period. Because he married Dina in 2002, and had he  
22 made that election to change his option in 2002, within a  
23 year, then it would have been effective sort of immediately,  
24 but because it was not done, so there's the 12-month waiting  
25 period. So it was done after the qualifying event.

1 Q. So according to your understanding of the statutes  
2 that are at play here, Mr. Ryan, after sending in the  
3 required forms, would have to have survived until that  
4 effective date of December 1, 2018?

5 A. Correct.

6 Q. Could you turn to Exhibit 9. Have you seen this  
7 before?

8 A. Yes, I have.

9 Q. What is Exhibit 9?

10 A. This is a letter to Ms. Bitton from our assistant  
11 division chief; his name is Keith Riddle. It essentially is  
12 a denial letter providing an explanation as to why she isn't  
13 entitled to a monthly benefit and it provides appeal rights.

14 Q. Did you review this letter as part of your  
15 assignment?

16 A. Yes.

17 Q. And as you reviewed the contents of -- strike that.  
18 Can I call this letter Exhibit 9 "the CalPERS determination  
19 letter"?

20 A. Sure.

21 Q. It states the determination made by CalPERS and  
22 advances the reasoning or the argument, if you will, that  
23 CalPERS believes supports that determination?

24 A. Correct.

25 Q. As you made your own -- strike that. Move back.

1 Exhibit 9, page three, advises Ms. Bitton that she  
2 can appeal the CalPERS determination?

3 A. Correct.

4 Q. And she did do that?

5 A. Yes.

6 Q. And it was after Ms. Bitton exercised her right to  
7 appeal the CalPERS determination that the matter comes to  
8 you for review?

9 A. Yes.

10 Q. So part of your review would be to have gone through  
11 the determination letter to see if you have any different  
12 view or new information?

13 A. Of course, yes.

14 Q. Was there anything that you were able to find or  
15 develop that would allow you to make a determination  
16 different than that stated in Exhibit 9?

17 A. No.

18 Q. Robert, could you turn to page five of Exhibit 18.

19 A. Page five of 15?

20 Q. Yes. Do you see the first entry with your name and  
21 the date of 11/15/2018?

22 A. Yes, I do.

23 Q. Did you make that entry?

24 A. I did.

25 Q. And do you recall having a conversation with

1 Ms. Bitton?

2 A. Yes.

3 Q. Is what you put in your summary a fair and accurate  
4 documentation of what you recall from your conversation?

5 A. Yes.

6 MR. COFFEY: Thank you. No further questions at  
7 this time.

8 ---oOo---

9 CROSS-EXAMINATION

10 MR. LASSART: Q. Good morning, Mr. Ball.

11 A. Good morning.

12 Q. Let me ask you to look at the binder before you, the  
13 white one that we produced that begins with Exhibit 201. I  
14 know the exhibits are somewhat the same, but I'm familiar  
15 with that one.

16 A. Sure.

17 Q. In looking at -- in reviewing your specialty, your  
18 specialty is to -- is in retirement survivor benefit area?

19 A. Correct, yes.

20 Q. As a result, you're very familiar with the process  
21 and procedures to determine who a survivor would be under  
22 the various categories that are selected by a participant;  
23 is that right?

24 A. Correct.

25 Q. Now, were you responsible for -- or did you draft

1 the position of CalPERS that was filed in this case? In  
2 other words, there's a pleading that looks like the CalPERS  
3 pleading. Have you looked at that? It's not in the binder  
4 in front of you. I'm just curious if you've looked at that?

5 A. I don't believe so.

6 Q. So in the pleading is an indication that Mr. Ryan  
7 and Ms. Bitton were married in 2010; that's inaccurate.  
8 They were married in 2002; isn't that correct?

9 A. Oh, yes, yes.

10 Q. I just want to make sure that we're clear on that.

11 A. That's correct, yes.

12 Q. Now, Mr. Ryan placed -- let me take you now to  
13 Exhibit 203, if I may, and let you take a look at that.

14 As part of your review of this file, have you seen  
15 this letter before?

16 JUDGE REICHMANN: This is Exhibit 203, a letter  
17 dated December 30th, 2002.

18 MR. LASSART: That's correct.

19 THE WITNESS: Yes, I have.

20 MR. LASSART: Q. That would be where Mr. Ryan  
21 placed Ms. Bitton on his -- in his health care; is that  
22 correct?

23 A. Yes.

24 Q. And in looking at the exhibit, at some time,  
25 Mr. Ryan made it clear in Exhibit 205 -- if you would take a

1 look at that, and that is a one-page document and attached  
2 Medicare card. Do you recognize what that is?

3 A. Generally, yes.

4 Q. That's a Certification of Medicare Status, is that  
5 right?

6 A. Uh-huh (affirmative).

7 Q. So it's clear that Mr. Ryan wants Ms. Bitton to  
8 continue to be within the health care system of CalPERS;  
9 would that be a fair statement?

10 A. Yes. He added her to his health.

11 Q. Now, I would like you to take a look at Exhibit 206.  
12 Exhibit 206, I've taken the opportunity to just take out  
13 that one page out of Touch Point that you discussed earlier.

14 A. Sure.

15 Q. This is the page that is page 10 of 15, and it's the  
16 first -- it is the March 27, 2017, communication by Mr. Ryan  
17 to a Ms. Cheryl Dooley; is that correct?

18 A. Yes.

19 Q. And in looking at this, would it be fair to state  
20 that Mr. Ryan specifically requested his wife be the  
21 survivor after his death and receive health care benefits?

22 A. It feels it's a little more -- you know, he's  
23 inquiring what she would receive, but I would say that he  
24 does want to make sure she's eligible for a monthly benefit,  
25 I would say that.

1 Q. Ms. Dooley says, if I may, "Specifically he wants  
2 to make sure she's eligible to receive a monthly benefit so  
3 he's assured the health coverage will continue for spouse as  
4 a survivor."

5 A. Correct.

6 Q. Mr. Ryan expressed -- orally expressed his absolute  
7 intent with regard to his wife at that time, isn't that  
8 right?

9 A. I would say so.

10 Q. Now, according to your testimony earlier, you can't  
11 act on an oral requirement based on your regulations?

12 A. Correct.

13 Q. Now, on that same day, March 27 -- let me take you  
14 to Exhibit 207, if I may. This is, once again, a Touch  
15 Point, page 9 of 15, and you read up on Touch Point, not  
16 down.

17 Starting on the bottom, on the same day, March 27,  
18 it appears that Mr. Ryan asked for identification cards for  
19 PERS care and health and dental; would that --

20 A. Yes, correct.

21 Q. And then Ms. Triplett, in a Workflow note -- now  
22 Workflow means what, exactly?

23 A. Workflow is -- it would be essentially transferring  
24 an inquiry to, like, a call center representative who  
25 doesn't have the specialty in a certain area, would transfer

1 an inquiry through the system to that specialty area to  
2 answer a question or address the specific request.

3 Q. So you go from an individual who can't -- who  
4 doesn't have that specialty to someone who has that  
5 specialty? In other words, it's an inter-office transfer?

6 A. Correct.

7 Q. And so, making a request for an estimate letter.  
8 What is an estimate letter?

9 A. An estimate letter is essentially it explains  
10 what your retirement option is, explains the benefits you  
11 currently -- what death benefits are payable should you pass  
12 away, and sometimes it includes additional information  
13 about -- like, in this case, Mr. Ryan was provided  
14 information about change in the retirement options.

15 Q. Is there some significance to the receipt of a death  
16 estimate letter -- of a death benefit estimate letter -- let  
17 me put that all together; sorry.

18 Is there some significance to that in receiving a  
19 benefit?

20 A. Not in receiving a benefit. It really is  
21 informational for the member so the member understands, you  
22 know, what's payable should he pass away.

23 Q. Can a member change an option before he gets the  
24 death estimate?

25 A. Yes.

1 Q. He can?

2 A. Yeah.

3 Q. Let me take you to page seven of Exhibit 223; that's  
4 the publication 98.

5 JUDGE REICHMANN: What page is it?

6 MR. LASSART: Page seven within that publication,  
7 Your Honor.

8 JUDGE REICHMANN: Thank you.

9 MR. LASSART: Q. Now Exhibit 223, is this  
10 publication the one that was in effect at the time of  
11 Mr. Ryan's March communication?

12 A. Yes.

13 Q. Now, this publication comes out annually, correct?

14 A. It's not annual. They do corrections periodically.

15 Q. So there was one in 2016?

16 A. For the most part -- the information, for the most  
17 part, is the same, but they do some minor updates.

18 Q. In this particular, on page seven, there's an  
19 estimate -- Estimate Your New Retirement Allowance. Do you  
20 see that?

21 A. Uh-huh, yes.

22 Q. Is that the standard language that's been in this  
23 pamphlet for years?

24 A. I can't answer that question. I'm not sure. I  
25 would assume so.

1 Q. Okay. It says, "Before you can make an election to  
2 add or change a payment option beneficiary, you must obtain  
3 an estimate of your new retirement allowance."

4 It's a requirement to receive an estimate of your  
5 new retirement allowance before you change your --

6 A. Yes, it is.

7 Q. So until Mr. Ryan received his death benefit  
8 estimate, he couldn't change his retirement allowance; is  
9 that correct?

10 A. No, it's not. Those are two different things.

11 Q. What did he need to receive to change his payment  
12 option?

13 A. When they're referring to this kind of estimate, the  
14 estimate is the reduction he will have to take to his own  
15 retirement allowance to name a new beneficiary.

16 The death estimate letter is just -- these are what  
17 your benefits -- these are benefits that are payable upon  
18 your death. This would be an actual calculation that's done  
19 to show the reduction that you would have to take.

20 Q. Isn't that what occurred when Mr. Ryan ultimately  
21 made a change?

22 A. When he logged on online, I believe the online  
23 system has the capability to provide an estimate for him.

24 Q. But until he logged on online in October, he did not  
25 receive an estimate of his benefits; isn't that correct?

1           A. So there's -- before the online capability was  
2 available, in this publication there's an application, it's  
3 the application to modify your lifetime option beneficiary.  
4 On that form you provide the information, including the  
5 name, birth date, and supporting documentation showing who  
6 your new beneficiary is going to be, and that is what would  
7 be sent in to trigger the estimate to be created, and then,  
8 you know, an election form would be sent to the member.

9           Q. So at the time on March 28, when Ms. Triplett  
10 requested an estimate letter, where was that letter going to  
11 be sent?

12          A. That letter was going to be sent to Mr. Ryan's  
13 address.

14          Q. And what was the purpose of that estimate letter  
15 that was going to be sent to Mr. Ryan's address?

16          A. The purpose was in response to his inquiry as to he  
17 was -- wanted to know what benefits would be payable should  
18 he pass away, and so, that letter essentially explains all  
19 that information.

20          Q. And was it his request to the individual in March  
21 that he wanted to make sure Ms. Bitton was going to be his  
22 survivor beneficiary?

23          A. That was also included in ...

24          Q. That was the primary purpose of the call, isn't it?  
25 You're looking at the notes?

1 A. It's difficult to say what the primary purpose was.  
2 It sounds like he wanted to know what was payable. I mean,  
3 you can make that argument.

4 Q. Well, he said -- you can go back to Exhibit 206 --  
5 "Member called to inquire what spouse will receive when he  
6 passes away. Specifically, he wants to make sure she's  
7 eligible to receive a monthly benefit so he's assured the  
8 health coverage will continue for spouse as a survivor."

9 Doesn't that state his primary concern was to make  
10 sure she was assured a survivor benefit?

11 A. Sure.

12 Q. Now, at that time, apparently, Ms. Triplett  
13 forwarded a request for the estimate letter. The purpose of  
14 the estimate letter was to allow him to know what benefits  
15 you had so he could change his survivor; isn't that right?

16 A. Well, the purpose was to provide what benefits are  
17 payable currently and the additional language that was  
18 provided to go along with his request to ensure that she's  
19 going to receive a monthly benefit and health care coverage  
20 was the information regarding modifying his retirement  
21 option.

22 Q. Now, you said that there was a delay of this  
23 particular response to his request; is that right?

24 A. Correct.

25 Q. And the delay was not the fault of Mr. Ryan?

1 A. It was due to a backlog. I don't think he would  
2 have any control over backlog.

3 Q. Mr. Ryan didn't cause the backlog?

4 A. No.

5 Q. So, basically, the reason for the delay was the  
6 workload on CalPERS after -- that was in existence after he  
7 made his request; is that right?

8 A. Correct.

9 Q. That's why the death benefit estimate letter was not  
10 forwarded to him for seven months after the request?

11 A. [REDACTED]

12 Q. Well, if you look above on Exhibit 207, I believe on  
13 October 16, 2017, it says the "death benefit estimate letter  
14 mailed."

15 A. You said October 16th?

16 Q. Pardon me?

17 A. You're going a little too fast. You're talking  
18 October 16th?

19 Q. Yes.

20 A. Yes, that was when it was mailed out.

21 Q. The letter that went to Mr. Ryan that you thought  
22 was the -- that you indicated was the -- was that letter,  
23 that would be in Exhibit 208; is that correct?

24 A. Correct.

25 Q. And that letter is a letter dated October 17th?

1 A. Yes.

2 Q. Now, it says, "Thank you for your patience in  
3 awaiting this delayed reply."

4 This is referring to the backlog, correct?

5 A. Correct.

6 Q. And usually it's 90 days response, within 90 days  
7 response time with CalPERS when a request is made?

8 A. That's standard processing, yes.

9 Q. This letter also contains a note; it says, "there is  
10 a new online process to apply for a modification of option."  
11 Do you see that, in the third full paragraph?

12 A. Yes, I do.

13 Q. Was this part of the backlog that went on that they  
14 were attempting to put in the new online process?

15 A. No. These are two -- modifying a lifetime option  
16 and generating a death estimate letter are done by two  
17 different units.

18 Q. So when they said there is a new online process to  
19 apply for a modification of option, there was an online  
20 process before?

21 A. Well, they're indicating it's a new online process.  
22 Before it was done just via paper.

23 Q. So, when Mr. Ryan requested the information and  
24 wanted to make sure his wife was a survivor, he was awaiting  
25 a paper response from the CalPERS; correct?

1 A. The death estimate letter is what he requested, and  
2 that's what we sent.

3 Q. That was a paper response he would have been waiting  
4 for?

5 A. Yes.

6 Q. And then, in October 17, this is after -- this is  
7 when the new online process went in to send -- that he could  
8 have used, is that right?

9 A. Correct. Yeah, I'm not sure when that process  
10 began.

11 Q. Would it have begun sometime between his March  
12 request and your October letter? "Your" meaning CalPERS,  
13 not you, personally.

14 A. Like I said, I'm not sure when that new capability  
15 was available. I would assume it probably was available to  
16 him at that time.

17 Q. At that time being at what time?

18 A. When he requested the estimate letter.

19 Q. I think the online process was in place in March of  
20 2017.

21 A. I would assume so. I'm not sure.

22 Q. Now, let me take you to Exhibit 209, if I may. Do  
23 you recognize what Exhibit 209 is?

24 A. Yes, I do.

25 Q. What is that?

1 A. This is an acknowledgment that was sent out to  
2 Mr. Ryan regarding CalPERS received his modification of a  
3 lifetime option election form.

4 Q. Then, attached to that, is a copy of the -- second  
5 copy of the marriage certificate; is that correct?

6 A. Correct.

7 Q. And then, Exhibit 210 is another one-page document  
8 from CalPERS dated October 27. This is just another  
9 communication accepting -- talking about modification of the  
10 original election?

11 A. So this letter in particular is indicating that the  
12 modification was canceled.

13 Q. That's because there appeared to be some confusion  
14 in Mr. Ryan attempting to use the online system; isn't that  
15 right?

16 A. I'm not sure what exactly happened with Mr. Ryan on  
17 that date.

18 Q. Let me take you to our Exhibit No. 217, which is  
19 page 5 of 15 within the Touch Point report there.

20 At the top of the page, there is a November 15,  
21 2018, notation by yourself. Do I have that correct?

22 A. Correct.

23 Q. It's under Workflow, right?

24 A. Yes.

25 Q. And then, during that conversation, you had a

1 conversation with Ms. Bitton at that time?

2 A. Yes.

3 Q. And this is a recordation of notes concerning what  
4 she told you at the time, is that right?

5 A. Correct.

6 Q. She said that she told you that she had been a  
7 domestic partner with Mr. Ryan in 1997 on, but had not  
8 married -- had not had a registered partnership; isn't that  
9 correct?

10 A. Yes. It was an unregistered partnership.

11 Q. Right. At the bottom of your note, you said "I did  
12 notice that there was a MOLOB cancellation letter."

13 Can you translate MOLOB, please?

14 A. Of course. Modification Of Lifetime Option  
15 Beneficiary.

16 Q. "However, it appears to be a result of member  
17 applying for MOLOB several times in one day."

18 In other words, Mr. Ryan attempted to use the online  
19 system a number of times in one day to accomplish a change  
20 in beneficiary?

21 A. Correct.

22 Q. "The same day, a letter was generated approving his  
23 request for the MOLOB."

24 And you basically say there was no -- therefore, no  
25 delay; is that right?

1 A. There was no delay.

2 Q. There was no delay after he attempted to use the  
3 MOLOB system?

4 A. No, there was not.

5 Q. He apparently, in your review -- I take it, you were  
6 able to look at the metadata in your MOLOB system in some  
7 way or another to determine how many times it was accessed  
8 by a member?

9 A. I don't have that available to me, but I believe  
10 CalPERS does have that capability.

11 Q. How did you know there were a number of attempts by  
12 him on that day?

13 A. Because I could see cancellation letter and then an  
14 approval letter, and it really resulted in -- it made sense  
15 to me at the time and still does.

16 Q. Now, let me take you to our Exhibit 211, if I may?

17 JUDGE REICHMANN: 211.

18 MR. LASSART: 211, yes.

19 Q. Do you recognize this CalPERS letter with this  
20 attachment, which is the same as Exhibit 5?

21 A. Yes.

22 Q. And this is where you're explaining that his  
23 lifetime option request has been accepted but he has to wait  
24 a period of time; is that right?

25 A. Not on this form, no. This is the form requesting

1 the next page, requesting his spouse to sign off on this  
2 election.

3 Q. Let me take you to Exhibit 212. Do you recognize  
4 this as a CalPERS document stamped "Received" on  
5 November 2nd of 2017?

6 A. Yes.

7 Q. And is this the document that Ms. Bitton apparently  
8 executed in front of a notary on October 27 and then it was  
9 forwarded to CalPERS and received on November 2?

10 A. Yes.

11 Q. So, as of that time, Mr. Ryan had done everything he  
12 could to make and position Ms. Bitton as his survivor; is  
13 that correct?

14 A. Yes.

15 Q. Now, from the date of the letter that was sent, how  
16 much time passed between the date of the letter was sent to  
17 Mr. Ryan in which it -- there was the statement that there  
18 was delay and the time that they sent into CalPERS  
19 Ms. Bitton's authorization to change his beneficiary?

20 A. Are you referring to the death estimate letter?

21 Q. Yes.

22 A. I would just have to see the date again of the  
23 estimate letter. It's October 17, 2017. And then, this  
24 form was submitted -- or essentially signed and notarized  
25 October 27, 2017, and received by CalPERS on November 2nd.

1 Q. So Mr. Ryan, apparently, within ten days  
2 accomplished everything from the time of the benefit letter  
3 to the time of changing beneficiary within ten days;  
4 correct?

5 A. Yes.

6 Q. Now, let me take you to Exhibit 213, and, perhaps,  
7 you can tell me what -- this is a November 6 letter from  
8 CalPERS. What is this, the document?

9 A. This document is essentially -- it's a letter that  
10 was sent to Mr. Ryan confirming that he has completed  
11 everything he needs to do to modify his option and that the  
12 election will be effective December 1st, 2018.

13 Q. Let me take you to Exhibit 214. 214 is a, looks  
14 like, three-page document that are pictures of the screen.  
15 It's "Approved To Retain," is what's stamped on the lower  
16 part of the first page.

17 What is this document?

18 A. This document is a calculation sheet. It's just  
19 kept for our records to -- it's a printout and it's an image  
20 in the system to show the reduction -- you can see in the  
21 middle of the page the MOLOB effective date 12/1/18. This  
22 is done by the separate unit that processes the  
23 modifications.

24 Q. So this shows all the calculations that went into  
25 the reduction in his normal monthly, and the determination

1 is that Ms. Bitton is going to be the survivor benefit  
2 beneficiary, right?

3 A. Yes.

4 Q. Now, sometime in August, I believe, CalPERS received  
5 a copy of the death certificate, [REDACTED], CalPERS  
6 received a copy of the death certificate of Mr. Ryan; is  
7 that right?

8 A. I believe so.

9 Q. It was shortly after his death?

10 A. Sure.

11 Q. And he passed away on [REDACTED]; is that  
12 right?

13 A. Correct.

14 Q. Now, in looking in that time frame -- let's go to  
15 Exhibit 217, which is my Touch Point exhibit.

16 First of all, let's go to page 9 of 15. Are you  
17 there?

18 A. Yes, I am.

19 Q. Between the March 28th request for estimate letter,  
20 there was one contact by Mr. Ryan with CalPERS; correct?

21 A. Yeah, September 18, 2017.

22 Q. Right. Now, there also was a communication from  
23 Mr. Ryan on October 26 with CalPERS; is that correct?

24 A. Correct.

25 Q. And he called and said he wants to change the option

1 and beneficiary to his current wife; correct?

2 A. Correct.

3 Q. That's the same request he made in March; is that  
4 right?

5 A. It would appear the intent was the same.

6 Q. There is a -- there is a November -- if you go to  
7 page 8 of 15 and go forward a page -- I'm sorry; backward.

8 A. Is it backwards?

9 Q. Yes.

10 A. I'm there.

11 Q. Page 8 of 15.

12 A. Yes, okay.

13 Q. On November 2nd Mr. Ryan also states he was sent an  
14 MOLOB application but received a cancellation letter. So,  
15 apparently, he was advised it was canceled per request;  
16 however, an MOLOB application was sent on November -- on  
17 October 27. "Advised member we sent an acknowledgment  
18 letter to member and that we were just waiting for the  
19 spousal notification form. Member states he mailed it and  
20 we should be receiving it soon. Advised it will take up to  
21 30 days to process once received."

22 So, in other words, there was some confusion about  
23 the MOLOB application, but it got straightened out right  
24 away in October?

25 A. Yes.

1 Q. Now, it appears that on [REDACTED], if you go to  
2 page 7 of 15, Ms. Bitton reported Mr. Ryan's passing away,  
3 and she started to complete a packet on October 9. When we  
4 get to page six, Ms. Bitton clarifies that they lived  
5 together as domestic partners since 1997, if you look at  
6 note October 1.

7 A. Okay.

8 Q. And then, they were married in [REDACTED] of 2002.  
9 This is all information gathering right after or in the time  
10 frame near Mr. Ryan's death; correct?

11 A. After, yes.

12 Q. Now, we've spoken about, on page five, your  
13 November 15 Workflow note.

14 Let's go to page four. Page four, at the bottom of  
15 the page, there's your note Capture Date, and the note says  
16 "Memo to Shayne for review." What are you talking about  
17 there?

18 A. So Shayne is my manager, and so, I essentially  
19 gathered the facts of the case, laid out a chronological  
20 review of what had transpired, provided recommendation based  
21 on the law as to how I believe the case should be paid, and  
22 then it's up for management review.

23 Q. And have you seen and reviewed that memorandum that  
24 you wrote before testifying today?

25 A. Yes.

1 Q. And do you know if that memorandum has been provided  
2 to Ms. Bitton?

3 A. It was not provided directly to Ms. Bitton.

4 Q. Okay. Is there some privilege you're asserting on  
5 your memorandum?

6 A. I don't believe so. It's an internal CalPERS  
7 document.

8 Q. Is there a recommendation in that by you?

9 A. Yes, there is.

10 Q. And the recommendation is to deny?

11 A. Yes, it was.

12 Q. Does your recommendation include any possible  
13 defenses about delay in this case?

14 A. I know that on this particular case, I did meet and  
15 discuss with my management team regarding potential delay,  
16 but ultimately decided that it's denied.

17 Q. Is that reflected in your memorandum?

18 A. No, it was a discussion that we all had.

19 Q. Did you reflect the delay caused by CalPERS in any  
20 of the notes in Touch Point?

21 A. I'm not entirely certain if I stated anything about  
22 the delay or not.

23 Q. You've reviewed your Touch Point notes recently?

24 A. Yes.

25 Q. In your review, did it refresh your recollection if

1 you had mentioned "delay" at any time?

2 A. I don't believe so.

3 Q. I'm sorry; that was an unclear question.

4 You don't believe it refreshed your recollection or  
5 you don't believe you wrote "delay"?

6 A. I don't believe I mentioned the delay.

7 Q. Let me show you Exhibit 218, if I may. This is an  
8 August 23rd, 2018, letter from -- it's not signed, so I'm  
9 not sure who the signatory would be.

10 Do you know if you were the author of this letter?

11 A. No, I was not.

12 Q. What does this letter -- in looking at this letter,  
13 what does this letter basically say?

14 A. Essentially, when a surviving spouse that may or may  
15 not be eligible for a lifetime allowance, the survivor  
16 benefit unit will process the benefits with expedited  
17 processing, but if they, after the review, they determine  
18 that the spouse is ineligible for monthly benefit then they  
19 essentially deny that expedited review and it goes to  
20 standard a review.

21 Q. What kind of review -- was there an expedited review  
22 of this claim?

23 A. Could you be more specific about the claim?

24 Q. Was this talking about an overpayment allowance?

25 A. Yes, there was an overpayment for the August 1st,

1 2018.

2 Q. It was an overpayment because?

3 A. Because it was issued after the date of death. So,  
4 yeah, Mr. Ryan passed away in July, and the check was issued  
5 after he passed away.

6 Q. I'm going to take you to Exhibit 219; it's a letter  
7 from Ms. Bitton to CalPERS. Have you reviewed this letter?

8 A. Yes.

9 Q. And did you review it at the time -- at the time of  
10 determination -- did you review it before you wrote your  
11 memorandum to your supervisor?

12 A. Yes.

13 Q. Now, Ms. Bitton was requesting or making a claim at  
14 the time in Exhibit 219, is that right, that she wanted to  
15 be a survivor beneficiary?

16 A. Yes, she was disputing our determination.

17 Q. Now, she made that request in October, that dispute?  
18 I mean August.

19 A. August.

20 Q. And November 27 -- let me take you to Exhibit 220.  
21 Do you recognize Exhibit 220?

22 A. Yes.

23 Q. And this is a letter authored by Mr. Riddle?

24 A. Correct.

25 Q. And Mr. Riddle indicated that there was a delayed

1 death estimate letter, is that right? Rather than you going  
2 through the hunt, let's go to the second page, the last  
3 paragraph on the second page.

4 A. Thank you.

5 Q. It says, "Philip did not contact CalPERS again  
6 regarding death benefits until March 27, when he called in  
7 to inquire what his spouse will receive after he passes  
8 away. CalPERS responded by writing a delayed (sic) death  
9 estimate letter on October 17, 2017"; is that right?

10 A. I think it says "detailed."

11 Q. Pardon me? Oh, "detailed estimate letter."

12 A. Yeah. I don't see a mention in this paragraph of  
13 "delay."

14 Q. I'm sorry; I misread. It's "detailed death  
15 benefit."

16 A. "Detailed," yes.

17 Q. That October 17 letter was the death estimate  
18 letter; correct?

19 A. Yes.

20 Q. And it was one that was delayed -- is my word,  
21 "delayed" -- from March forward until October; correct?

22 A. Yes, as stated in the letter. The death estimate  
23 letter, not this letter.

24 Q. Now, let me take you to Exhibit 221. Ms. Bitton  
25 responded on December 5th; is that right?

1 A. Yes.

2 Q. Now, is there a particular portion of Bulletin 98  
3 that talks about the death benefit letter?

4 A. The Publication 98?

5 Q. Publication 98.

6 A. Does it reference the death estimate letter?

7 Q. Yes.

8 A. I don't believe so.

9 Q. So the only reference to any form of a letter of --  
10 as the change in option is on page seven; is that correct?

11 A. Let me take a look at it.

12 Q. Sure.

13 JUDGE REICHMANN: Counsel, how much --

14 MR. LASSART: We're right there.

15 JUDGE REICHMANN: We need a break soon.

16 MR. LASSART: Sure, I understand Your Honor. It's  
17 not a lawyer's "almost there," it's a real "almost there."  
18 It's a distinction with a difference.

19 THE WITNESS: On page 12, there's discussion  
20 regarding modifying your original election of retirement.  
21 It's not just on page seven. Page seven is regarding --  
22 kind of briefly discussing the estimate.

23 MR. LASSART: Q. This talks about the  
24 modifications; correct?

25 A. Yes.

1 MR. LASSART: I don't have any further questions.

2 JUDGE REICHMANN: No further questions. Let's go  
3 off the record.

4 (Off the record at 10:33 a.m.)

5 (Resumed at 10:43 a.m.)

6 JUDGE REICHMANN: We're back on the record. And the  
7 court reporter asked me for some clarification on one of the  
8 questions and responses from cross. She's going to read the  
9 question and response.

10 (Record read and clarified for the court reporter.)

11 JUDGE REICHMANN: Any redirect?

12 MR. COFFEY: Possibly one or two questions,  
13 hopefully.

14 ---oOo---

15 REDIRECT EXAMINATION

16 MR. COFFEY: Q. Robert, in response to Counsel's  
17 questions, you referenced two different units. My notes  
18 reflect death estimate letter in one unit, and then, I'm not  
19 sure if it was something related to my/CalPERS.

20 Do you remember that question and your response?

21 A. I believe we were talking about where the death  
22 estimate letter goes versus the modification request goes.

23 Q. Can you add some meat on that, clarify that for us,  
24 if you would, please?

25 A. Yes. So the death estimate letter goes to an

1 analyst in the survivor benefits unit. The modification for  
2 lifetime option beneficiary change request goes to the  
3 retirement calculation unit. We're two separate units, so  
4 -- with two separate different caseloads, and, you know,  
5 processing time.

6 MR. COFFEY: Thank you.

7 MR. LASSART: I really have one question.

8 JUDGE REICHMANN: I have a question, but you go  
9 first.

10 ---oOo---

11 RE-CROSS-EXAMINATION

12 MR. LASSART: Q. So, in Publication 98, Changing  
13 Your Beneficiary or Monthly Benefit After Retirement, that  
14 document, which is Exhibit 223, in that document, a  
15 participant would have no idea, based on information in  
16 that, of the difference between what unit in CalPERS would  
17 be handling what particular benefit?

18 A. Correct.

19 MR. LASSART: I don't have any further questions.

20 JUDGE REICHMANN: I just want to clarify. So the  
21 death estimate letter, you're saying that's generated by the  
22 survivor benefit unit?

23 THE WITNESS: Correct.

24 JUDGE REICHMANN: It's when a request comes in,  
25 that's who --

1 THE WITNESS: That's where the request is routed, to  
2 an analyst there.

3 JUDGE REICHMANN: And then, when the actual  
4 modification paperwork is submitted, it goes to?

5 THE WITNESS: It goes to the retirement calculation  
6 unit, which is a separate unit.

7 JUDGE REICHMANN: And then, the death estimate  
8 letter in this case, Exhibit 4, where's the death estimate?

9 THE WITNESS: Going back to the other binder. The  
10 death estimate is a term kind of to describe the letter, and  
11 so, in the second paragraph, this is, you know, the estimate  
12 of what is going to happen should you pass away.

13 MR. LASSART: What exhibit are you referring to?

14 THE WITNESS: No. 4 in the black binder. See how it  
15 explains that Mr. Ryan elected the unmodified allowance,  
16 which is the highest retirement benefit, and it says "This  
17 benefit is payable for your lifetime and will not be payable  
18 to anyone else after you pass away," and then it explains  
19 that, just generally, Dina will be entitled to the retired  
20 death benefit and any partial month payment, which is the  
21 prorated allowance, in the event that Mr. Ryan passes away.

22 MR. LASSART: I'm sorry, can I ask a question?

23 ---oOo---

24  
25



1 Q. But if you are worried about survivor benefits, you  
2 can't make -- you can't modify, you can't have a  
3 modification for the beneficiary until the death benefit  
4 letter comes out? If you don't understand that, we can  
5 start that over.

6 A. You said death estimate?

7 Q. You have a death benefit estimate letter comes out,  
8 right?

9 A. Yes.

10 Q. If I want to change my beneficiaries, send me a  
11 letter. What's the death estimate letter that comes out?

12 A. So you're saying, I want to change my beneficiary,  
13 you can do that at that time. But you're saying -- but  
14 Mr. Ryan was asking I don't know what benefits are payable,  
15 so I need to know what that is first, so please, you know,  
16 tell me what benefits could be payable when I pass away?

17 Q. Right.

18 A. Yeah.

19 Q. And in Mr. Ryan's situation, could there be a  
20 modification until the death estimate letter comes out?

21 A. Well, Mr. Ryan could have modified his retirement in  
22 2016.

23 Q. We're talking about as of March 2017, when he made  
24 the oral request, could he have -- could there have been a  
25 modification of his retirement until the death estimate

1 letter came out?

2 A. He could have modified his retirement prior to the  
3 estimate letter coming out.

4 Q. So between March of 2017 and October, he could have  
5 modified his benefit?

6 A. Correct.

7 Q. Without a death -- without an estimate letter?

8 A. So we're talking about the death estimate letter? I  
9 think you're referring to, in the publication, you need an  
10 estimate from the retirement --

11 Q. Yes.

12 A. -- so you need to apply for the modification, and  
13 they generate -- the service retirement unit will generate  
14 an estimate for you.

15 Q. Had CalPERS acted in the normal course of business,  
16 Mr. Ryan, in that he only waited ten days after he got the  
17 letter, after he got the October 17th letter, would he have  
18 been within the one year?

19 MR. COFFEY: Objection; calls for speculation,  
20 incomplete hypothetical.

21 MR. LASSART: Let me flesh the hypothetical.

22 Q. Mr. Ryan, on March 27 of 2017, made a request and  
23 they were going to give him an estimate letter; correct?

24 A. Correct.

25 Q. That estimate letter didn't come out until October

1 of 2017; is that right?

2 A. Correct.

3 Q. If, in the normal course of business, CalPERS gave  
4 the estimate letter, he would have had that letter roughly  
5 in the end of June of 2017, correct, 90 days?

6 A. Would have taken three months, yes.

7 Q. Ninety days?

8 A. Yes. If the math is correct, yes.

9 Q. Let's say 3/27/17 request; 6/27/17 outside last date  
10 under normal course of business. Are we okay with that?

11 A. That's roughly, yeah, 90 days.

12 Q. Now, Mr. Ryan, in what he did once he got that  
13 letter, in ten days, within ten days, completed everything  
14 he needed to do to make Dina Bitton his survivor; correct?

15 A. Yes.

16 Q. So, on October 27, ten days later, so we add ten  
17 days, which would be June 27 of 2017; if, going along with  
18 this hypothetical, would you agree it would be June 27,  
19 2017?

20 MR. COFFEY: No.

21 MR. LASSART: Ten days on top of June 20.

22 MR. COFFEY: Ten days on top --

23 MR. LASSART: Q. Ten days on top of June 27; June  
24 is 30 days. November (sic) 7th?

25 A. You mean July 7th?

1 Q. Yes. My head is into November. Yes, July 7th.  
2 A. Roughly, yeah.  
3 Q. That would have been timely?  
4 A. I suppose, yeah.  
5 Q. Mr. Ryan passed away on [REDACTED]  
6 A. He did, [REDACTED].  
7 Q. 2018. So that would have been within the one-year  
8 period?  
9 A. I believe so.

10 MR. LASSART: I'm sorry.

11 JUDGE REICHMANN: It's okay. Thank you.

12 Anything further, Mr. Coffey?

13 MR. COFFEY: No, Your Honor.

14 JUDGE REICHMANN: Thank you, Mr. Ball.

15 Nothing further, Mr. Coffey?

16 MR. COFFEY: Nothing further, Your Honor.

17 MR. LASSART: I call Ms. Bitton.

18 JUDGE REICHMANN: Ms. Bitton, if you'll please come  
19 up to the witness stand.

20 DINA BITTON,

21 having been duly sworn as a witness by the  
22 Administrative Law Judge, testified as follows:

23 ---oOo---

24

25

1 JUDGE REICHMANN: You'll have to speak up a little  
2 bit so the court reporter can hear you. If you'll just  
3 state your name for the record.

4 THE WITNESS: Dina Bitton.

5 ---oOo---

6 DIRECT EXAMINATION

7 MR. LASSART: Q. Can you spell your last name for  
8 the court reporter, please.

9 A. B-i-t-t-o-n.

10 Q. Ms. Bitton, you are the petitioner in this matter,  
11 correct?

12 A. Correct.

13 Q. And you were the spouse of Mr. Philip Ryan?

14 A. Correct.

15 Q. When did you first start living with Mr. Ryan as a  
16 partner?

17 A. In 1997.

18 Q. And at some time while you were living with him, did  
19 Mr. Ryan retire from a position in state government?

20 A. I believe he did. I was not keeping a record.

21 Q. Ultimately, did you determine that he had actually  
22 retired in 1999?

23 A. Yes, I believe that's true.

24 Q. Now, when were you married to Mr. Ryan?

25 A. In [REDACTED]

1 Q. Now, in [REDACTED], after you were married, did  
2 Mr. Ryan's health deteriorate in some manner?

3 A. Not right away. He had been diagnosed with  
4 Non-Hodgkin's Lymphoma before we were married, but his  
5 condition was very stable.

6 Q. And did his condition at some time begin to  
7 deteriorate?

8 A. Yes. About three years after we were married, he  
9 was diagnosed with another form of cancer.

10 Q. Do you know what that was?

11 A. That was lung cancer.

12 Q. And that would be in roughly what, 2005 or so?

13 A. Yes.

14 Q. Now, from the time that Mr. Ryan was diagnosed with  
15 lung cancer, did he undergo treatment for that?

16 A. Yes. He underwent major surgery where they removed  
17 part of his left lung.

18 Q. Do you know when that was?

19 A. I am not completely sure, but I think it was about  
20 2006 or 2007.

21 Q. And after the removal of a portion of his lung, were  
22 there any other --

23 A. Yes.

24 Q. Did his health continue to deteriorate?

25 A. His health continued to deteriorate. He was

1 diagnosed, yet, with another type of cancer in his larynx,  
2 and he underwent many rounds of very aggressive chemotherapy  
3 and radiation.

4 Q. Do you know -- did you have any rough count of the  
5 rounds of chemotherapy before his death?

6 A. Yes. Over 25 rounds.

7 Q. And as a result of this deteriorating health, aside  
8 from the surgery of his lungs, did he have any other  
9 surgery?

10 A. Yes. He had three other surgeries.

11 Q. And what was that for?

12 A. He had a lot of complications from the chemotherapy  
13 treatments and he fell many times, and three times after  
14 falling, he broke his wrist, his knee, and had to undergo  
15 surgery.

16 Q. Now, Mr. Ryan's profession was a lawyer; is that  
17 right?

18 A. Yes.

19 Q. And he had surgeries as a result of his broken wrist  
20 and knee?

21 A. Yes.

22 Q. During the course of this time until his death in  
23 2018, who was his caregiver?

24 A. I was his primary caregiver.

25 Q. And what were the -- were there any psychological

1 after effects that you could observe with regard to Mr.  
2 Ryan during the course of this time?

3 A. Oh, absolutely. He became very forgetful and very  
4 irritable. And he had a very hard time concentrating and  
5 getting anything done, especially if it involves being on  
6 the computer.

7 Q. Was Mr. Ryan's mental makeup so that he easily gave  
8 up control of doing things for himself?

9 A. No. He was very controlling and didn't -- and also  
10 very proud, so whenever I offered help in paperwork or  
11 administrative work, he refused the help and insisted he  
12 could do it himself.

13 Q. Now, when we talk in terms of a time frame today  
14 from about January of 2016, when he apparently went in and  
15 spoke to somebody in CalPERS, and then March 27, when he  
16 again recontacted CalPERS, were there any health care events  
17 that occurred in that period of time, in that year or so  
18 period of time?

19 A. Multiple 911 calls and stays in intensive care unit,  
20 and, in 2016, he had a massive heart attack.

21 Q. And did that put him in the hospital for a while?

22 A. Yes.

23 Q. And then, how long, do you know, did he -- how long  
24 was his convalescence from the heart attack?

25 A. He never fully recovered from it. Made him very

1 weak and very prone to falling.

2 Q. Did you observe confusion in the manner in which he  
3 dealt with things?

4 A. Yes.

5 Q. And I think you said, forgetfulness?

6 A. Yes, very much so. I was trying to control his  
7 taking of his medications. He had 14 different pills he  
8 needed to take every day, and I was worried that he was not  
9 taking the right pills at the right time.

10 Q. Did Mr. Ryan ever express to you his intent with  
11 regard to you being his survivor so that you would have  
12 health care after his death?

13 A. Yes. In fact, I always assumed that I would keep  
14 the health care coverage, since I had been on it for 16  
15 years. And I really didn't know about his interaction with  
16 CalPERS until he told me I had to fill out that form and get  
17 it notarized.

18 Q. And that would have been -- let me go to a document  
19 so that we can know what form you're talking about. I'm  
20 going to take you to, in the exhibit binder --

21 A. October 2017.

22 Q. I'm going to take you to Exhibit 212 in there. If  
23 you will look at that exhibit binder, the white one, please.

24 A. Yes.

25 Q. Is this the form you were referring to?

1 A. Exactly. That's when I became aware that I was not  
2 automatically going to be covered.

3 MR. LASSART: I have no further questions.

4 JUDGE REICHMANN: Do you have any questions on  
5 cross-examination?

6 MR. COFFEY: I do, thank you.

7 ---oOo---

8 CROSS-EXAMINATION

9 MR. COFFEY: Q. Good morning, Ms. Bitton. We have  
10 confirmation of Mr. Ryan going to the Sacramento PERS  
11 regional office on January 19 of 2016. Did you go with him?

12 A. No. His daughter went with him.

13 The reason he was in Sacramento was visiting with  
14 his daughter, and she is also a lawyer and wanted to help  
15 him get his affairs in order, so she suggested that they go  
16 together to the CalPERS office.

17 Q. You were present when you heard Mr. Ball testify.  
18 You've probably seen a lot of the documents we've been  
19 referring to today?

20 A. Yes.

21 Q. Before Mr. Ryan went to the regional office in  
22 January of 2016, did he discuss with you what he was going  
23 to -- or the purpose of that visit?

24 A. He just kept saying he wanted to put his affairs in  
25 order and wanted to make sure that I would get survivor

1 benefits. But he didn't share any details.

2 Q. You used the phrase "getting affairs in order," and  
3 with your permission, I think we all use and have a kind of  
4 common understanding of what that includes.

5 But was there a conversation that you had with  
6 Mr. Ryan before the January 2016 visit to the PERS regional  
7 office where he and you specifically discussed you  
8 continuing to receive a CalPERS benefit after his death and  
9 continued to receive health care coverage?

10 A. No. I don't believe we had an explicit discussion.

11 Q. Did you have that kind of conversation with Mr. Ryan  
12 at any time between the January 2016 visit he had with  
13 CalPERS staff and the March 2017 telephone call where he  
14 spoke with CalPERS staff?

15 A. I don't recall that we had those discussions. You  
16 have to understand that, over a period of two years, he was  
17 hospitalized almost every month, and that was our focus.

18 Q. Could I ask you, Ms. Bitton, to turn to the CalPERS  
19 exhibits -- probably a black binder -- and could you turn to  
20 Exhibit 18. And I'll direct your attention to what is page  
21 11 of 15, if you look in the lower left-hand corner.

22 A. This is the most creative page numbering I've ever  
23 seen.

24 Q. Do you have a page that the very top entry has a  
25 date of 1/19/2016?

1 A. I do.

2 Q. And that would seem to be the same day that we know  
3 Mr. Ryan came to the Sacramento regional office; agreed?

4 A. Yes.

5 Q. And the entry for that first entry on page 11 of  
6 Exhibit 18 is, quote, "Provided POA and 90 day timeframe to  
7 process." POA, I have seen as an acronym for Power Of  
8 Attorney.

9 Did you have Power Of Attorney for Mr. Ryan?

10 A. I did at some point, but I've -- we had agreed that  
11 it would be better to have his daughter have the Power Of  
12 Attorney.

13 Q. Did you have a specific CalPERS Power Of Attorney  
14 form completed by Mr. Ryan where he designated you to be his  
15 Power Of Attorney for CalPERS benefits?

16 A. I don't recall.

17 Q. Do you know if that was ever a subject of discussion  
18 between you and Mr. Ryan?

19 A. It was not.

20 Q. Ms. Bitton, could you turn to the white binder and  
21 Exhibit 219; do you have that?

22 A. Yes.

23 Q. That is your letter of August 26, 2018, to CalPERS?

24 A. Yes.

25 Q. Now, I believe, just a few minutes ago, you

1 testified in part that you had assumed that you would  
2 continue to be covered with health care coverage after  
3 Mr. Ryan passed away?

4 A. Correct.

5 Q. If we look at the second paragraph of Exhibit 219,  
6 which begins, "My husband had added me to his PERS health  
7 care (sic) coverage several years ago," and then it  
8 continues, "From then on, he --" and that would be Mr. Ryan?

9 A. Yes.

10 Q. "-- He had assumed that I would receive survivor  
11 benefits and continue to have health coverage after his  
12 death."

13 What, if anything, about your conversations with  
14 Mr. Ryan or things he may have told you allowed you to make  
15 that statement when you wrote the letter?

16 A. The way he almost said, almost jokingly, that his  
17 main contribution to our marriage was his wonderful health  
18 coverage, but he never -- I guess I didn't think of it. I  
19 never doubted I would not have health coverage.

20 Q. Did you -- strike that.

21 My understanding is that you have had your own  
22 career?

23 A. I did.

24 Q. And how -- what kind of work did you do?

25 A. I'm a computer scientist, and I worked for Stein

1 (phonetic) Academia and in the industry.

2 Q. Did you have any potential to have health care  
3 coverage after you retired because of any position you had  
4 either in a public institution, including a university, or  
5 your private industry employment?

6 A. I did, you know, at first, when we were partners.  
7 But I decided to quit my job as an employee in a major  
8 corporation, mostly because of his health, and I became an  
9 independent contractor, which gave me a lot of freedom and  
10 control of my time. But at that point, I couldn't get any  
11 employer health coverage.

12 Q. We know you and Mr. Ryan were married in [REDACTED]?

13 A. Correct.

14 Q. And when was it that you ceased working, I'll say,  
15 full-time outside the home so that you could be a caregiver  
16 to Mr. Ryan and, as I seem to understand, also, be a  
17 consultant?

18 A. Yes.

19 Q. About when was that?

20 A. Well, I did it in two phases. I first became an  
21 independent consultant, I believe, in 2003 for a year or  
22 year-and-a-half, but then I was offered a very good job at a  
23 major software company, and I went back as an employee in  
24 2005, and for a couple of years, I had health coverage from  
25 that company as well as through CalPERS. But in 2007, I

1 left that job because of his health and I became an  
2 independent consultant and remained independent until he  
3 died.

4 Q. Do you know if, as you made the decision to leave  
5 the position you had had in approximately 2007, do you know  
6 if you had the ability, if you had elected to or chosen to,  
7 to enroll in, pay for any kind of continued health care  
8 through that employer?

9 A. I could have gotten COBRA, which I believe I did for  
10 a few months. But then, I was coming close to being  
11 eligible for Medicare myself, so I guess I waited out for my  
12 own Medicare.

13 MR. COFFEY: Thank you, Ms. Bitton. No further  
14 questions.

15 MR. LASSART: I have no further questions.

16 JUDGE REICHMANN: Thank you, Ms. Bitton. You can  
17 step back down.

18 MR. LASSART: We rest.

19 JUDGE REICHMANN: So Mr. Coffey wants to file  
20 written closing argument brief?

21 MR. COFFEY: If I may, Your Honor. If not Friday  
22 this week, but Friday of the next week, would that be okay?

23 MR. LASSART: Will there be an opportunity to reply  
24 to that?

25 MR. COFFEY: Certainly, sure.

1 JUDGE REICHMANN: And so, CalPERS' brief will be  
2 submitted by October 4.

3 MR. COFFEY: Okay.

4 JUDGE REICHMANN: Is that what you're asking?

5 MR. COFFEY: Yes.

6 JUDGE REICHMANN: Mr. Lassart, a week or two weeks?

7 MR. LASSART: A week.

8 JUDGE REICHMANN: So October 11 for your reply.

9 MR. LASSART: October 11, yes.

10 MR. COFFEY: Thank you, Your Honor.

11 JUDGE REICHMANN: We're off the record.

12 (Hearing adjourned at 11:20 a.m.)

13 ---oOo---

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1 REPORTER'S CERTIFICATE

2  
3 STATE OF CALIFORNIA )

4 ) ss.

5 COUNTY OF SACRAMENTO )  
6

7 I, Ann R. Leitz, Certified Shorthand Reporter in the  
8 State of California, hereby certify that I was duly  
9 appointed and qualified to take the foregoing matter:  
10

11 That acting as such reporter, I took down in stenotype  
12 notes the testimony given and proceedings had;  
13

14 That I thereafter transcribed said shorthand notes  
15 into typewritten longhand, the above and foregoing pages  
16 being a full, true and correct transcription of the  
17 testimony given and proceedings had.  
18

19 /s/Ann R. Leitz  
20 \_\_\_\_\_

21 ANN R. LEITZ, CSR NO. 9149  
22

23 DATED: October 7, 2019  
24  
25

Exhibit B

# **California Practice Guide**

## **CIVIL PROCEDURE BEFORE TRIAL**

Chapters 1-7

### **ORIGINAL AUTHORS**

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**JUDGE CURTIS E.A. KARNOW**  
San Francisco Superior Court

2019

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- c) [5:342] “Press of business” alone no excuse: The mere fact that a lawyer was busy and therefore allowed a default to be taken against D is *not enough by itself* to justify *discretionary* relief under CCP §473(b). [*Martin v. Taylor* (1968) 267 CA2d 112, 117-118, 72 CR 847, 850-851]

(But coupled with other extenuating circumstances, “press of business” may be a factor showing the neglect was excusable; see ¶5:347 ff.)

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Appeal of Dina Bitton  
as Beneficiary of Retiree Philip S. Ryan,  
Deceased.

Agency Case No. 2019-0388  
OAH No. 2019060147

DEC - 3 2019

**CALPERS' ADMINISTRATIVE LAW HEARING EXHIBITS NOS. 4, 8, 9, 16  
AND 18 SUBMITTED IN SUPPORT OF  
RESPONDENT DINA BITTON'S ARGUMENT**

**CERTIFICATE OF SERVICE**

I, Anne Montastier declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San Francisco, California 94108.

On December 2, 2019, I served the following document(s) on the parties in the within action:

**CALPERS' ADMINISTRATIVE LAW HEARING EXHIBITS NOS. 4, 8, 9, 16  
AND 18 SUBMITTED IN SUPPORT OF  
RESPONDENT DINA BITTON'S ARGUMENT**

X	<p><b>VIA OVERNIGHT SERVICE:</b> The above-described document(s) will be delivered by overnight service, to the address listed below</p> <p>Cheree Swedensky Assistant to the Board CalPERS Executive Office PO Box 942701 Sacramento, CA 94229-2701</p>
---	--

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on December 2, 2019.

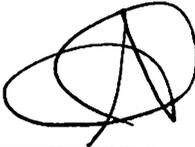
By   
Anne Montastier

Exhibit 4



P.O. Box 1652 Sacramento, CA 95812-1652  
888 CalPERS (or 888-225-7377)  
TTY: (877) 249-7442 | Fax: (916) 795-1281  
[www.calpers.ca.gov](http://www.calpers.ca.gov)

California Public Employees' Retirement System  
Benefit Services Division

October 17, 2017

**PLEASE KEEP FOR FUTURE REFERENCE**

Reply to: Section 440

Refer to: [REDACTED]

Phillip S. Ryan  
[REDACTED]

Dear Mr. Ryan,

This is regarding your March 27<sup>th</sup> request for information about the benefits that may be payable upon your death. I understand you married after retirement so this letter includes important information on how you may designate your wife to receive a **monthly** death benefit. Thank you for your patience in awaiting this delayed reply.

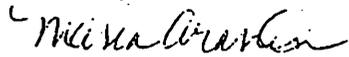
You are receiving the Unmodified (highest) retirement benefit and your allowance is \$1,401.61 per month, plus Medicare reimbursement. This benefit is payable for your lifetime and will not be payable to anyone else after you pass away. The death benefits will include the \$2,000.00 Retired Death Benefit and the lump sum prorated retirement allowance due for the days you are living in the month of death. These lump sum death benefits are payable to your wife, Dina Bitton and if she does not survive you the benefits would be paid to your closest surviving family member(s).

A marriage after retirement is an event that allows you to modify your option to give your wife a lifetime monthly death benefit as a designated beneficiary. There is a new on-line process to apply for a modification of option. Please go online to **[my.calpers.ca.gov](http://my.calpers.ca.gov)** and follow the prompts from the **Retirement** tab to **Change Retirement Benefit**. You will be able to create and save the estimate to modify your option under the various retirement options. The system will estimate the reduced retirement allowance amount and the amount that your wife could receive as the beneficiary. You can then elect to make the change online, or you can print and mail your signed election document. You will need to upload or send a copy of your marriage certificate and proof of your wife's birthdate such as copy of her birth certificate or her driver's license. When you log into your "my|CalPERS account" and follow the tabs there will be further instructions.

There is no obligation to make this type of change which would cause a reduction in your retirement benefit. There is a one-year waiting period before the new option amount would take effect. If you pass away before the future modification of option effective date, or if you do not elect a new option then no monthly benefit would be paid to Dina and her health insurance coverage will cease upon your death. However, she will then have the opportunity to buy coverage under the federal COBRA law. At the time of your death she will receive information on continuing her health insurance through COBRA.

Mr. Ryan, I hope this information is helpful to you for financial and estate planning purposes.

Sincerely,



Maria Aranda, Retired Annuitant  
Survivor Benefits Section

Exhibit 8

Dr. Dina Bitton

8/26/2018

CalPERS Retirement System, Benefit Services Division  
P.O Box 1652  
Sacramento, CA 95812-1652

Re: Appealing denial of Survivor Benefits [REDACTED]

I received your letter dated August 21, 2018, informing me that you cannot automatically start my Survivor Continuance monthly allowance and that my health coverage will immediately stop. The reason you provide is that I would have had to been married one year prior to the member's (my husband Philip Ryan) retirement date. We indeed got married in [REDACTED], but were domestic partners since 1997, which would have been more than one year prior to his retirement.

My husband had added me to his Pers health coverage several years ago. From then on, he had assumed that I would receive survivor benefits and continue to have health coverage after his death. When, in March 2017, he became aware that I may not be covered after his death (see enclosed letter), he immediately contacted Pers and was told to fill out a form for change of beneficiary. Unfortunately, due to Pers' clerical mistakes which he dealt with at a time of declining health, the application for change of beneficiary was not approved until months later, in November 6, 2017. Since he died on July 20, 2018, we didn't meet the full year waiting period for the change to become effective.

For the above reasons, I therefore dispute your decision to:

1. Not automatically start paying me my Survivor Continuance monthly allowance
2. Not put in effect the change of beneficiary that my husband requested in March 2017

Based on the additional information provided in this letter, I sincerely hope that you will be able to approve my Survivor benefits. Please let me know at your earliest convenience if there are any claim forms I need to fill out.

Sincerely,



Dr. Dina Bitton

2018 AUG 30 AM 10:10  
L. [REDACTED]  
DDC # 16

Exhibit 9



P.O. Box 1652 Sacramento, CA 95812-1652  
888 CalPERS (or 888-225-7377)  
TTY: (877) 249-7442 | Fax: (916) 795-1281  
www.calpers.ca.gov

California Public Employees' Retirement System  
Benefit Services Division

November 27, 2018

Reply To: 440/RB  
Refer To: [REDACTED]

Certified Mail Return Receipt Requested

Dina Bitton  
[REDACTED]

Dear Ms. Bitton:

This letter is being sent to you in response to your letter dated August 26, 2018. This letter is to advise you of the death benefits that were payable from CalPERS and our determination of the eligible beneficiary due to the death of CalPERS retiree Philip Ryan. The lump sum \$2,000.00 Retired Death Benefit and \$922.35 pro-rated payment were payable. The law provides that these benefits are first payable in accordance with a member's written beneficiary designation. If there is no written beneficiary designation on file, as in this case, the benefits become payable to the highest-ranking classification of statutory beneficiary (Government Code sections 21490 and 21493). As Philip's surviving spouse, you are entitled to these benefits, so CalPERS issued both one-time payments on October 15, 2018.

In your letter you are disputing our determination that you are not entitled to a lifetime monthly benefit. You are claiming that you should be entitled as Philip's option beneficiary and survivor entitled to Survivor Continuance. You allege that CalPERS made clerical mistakes that delayed the processing of the modification of the lifetime option resulting in Philip not surviving to the effective date of the election. You allege that you were also Philip's domestic partner since 1997, so you should qualify for Survivor Continuance.

Government Code Section 21624 defines a "Surviving Spouse" in reference to eligibility for Survivor Continuance. A surviving spouse is a husband or wife who was married to the member for a continuous period beginning at least one year prior to his or her retirement and ending on the date of his or her death. Government Code 21626.5 states a domestic partner shall be treated in the same manner as a "Surviving Spouse" so long as the domestic partnership was registered at least one year prior to a member's service retirement date. Since you were not married to Philip at least a year prior to retirement and you did not officially register as domestic partners in 1997, you do not meet the legal standard to receive Survivor Continuance.

All benefits are paid in accordance with the California Government Code and based upon the retirement elections and beneficiary designations filed by the member. Generally, the law

provides that a member's election of a retirement option and designation of a beneficiary for a lifetime option benefit are irrevocable after the issuance of the first retirement benefit payment. However, in accordance with Government Code Section 21462, the law provides for limited qualifying events that permit a member the right to elect to provide for a new option beneficiary; this is referred to as a recalculation of options. There is a cost to the member to provide for a new option beneficiary; the cost is reflected as a permanent reduction to the member's monthly retirement allowance to pay for the new option benefit that the member is electing to provide. The recalculation of options can only become effective if the member submits the formal election document and if both the member and new option beneficiary are alive on the effective date for the recalculation of options.

The effective date of the recalculation of options is determined by whether or not the request to change the retirement option was received within 12 months of a qualifying event. A qualifying event could be one of the following; death of a retirement option beneficiary, entering into a marriage/domestic partnership, or ending a marriage/domestic partnership through divorce, annulment, legal separation or termination. If the request was not submitted within 12 months of one of these qualifying events, then there is a mandatory 12-month waiting period from the date the election was made before the option change will be effective.

When Philip retired on March 1, 1999, he elected to receive the unmodified allowance and named his daughter as beneficiary for the lump sum Retired Death Benefit. The unmodified allowance is the highest possible retirement allowance a member can elect and does not provide a lifetime monthly benefit to anyone after death.

Philip married you in [REDACTED], which revoked his previous designation for the lump sum death benefits. About 14 years later, on January 19, 2016, Philip went into the CalPERS Sacramento Regional Office to inquire about death benefits. The CalPERS representative explained the unmodified retirement option and the lump sum benefits that he can designate a beneficiary for. He was informed that his marriage to you was a qualifying event that would permit him to modify his retirement option to name a new lifetime beneficiary. However, there will be a 12-month waiting period since the modification was not made within 12 months of the qualifying event, or date of marriage. The representative provided Philip with a CalPERS Publication 98, "Changing Your Beneficiary or Monthly Benefit after Retirement". The Publication 98 provides a substantial amount of information regarding the process of naming a new beneficiary for a lifetime option, and the forms needed to apply for such a change are enclosed within it.

Philip did not contact CalPERS again regarding death benefits until March 27, 2017 when he called in to inquire what his spouse will receive after he passes away. CalPERS responded by providing a detailed death estimate letter on October 17, 2017. The letter provides essentially the same information he received during his visit to the regional office on January 19, 2016. The letter stated that his new spouse is only entitled to the lump sum death benefits payable since he elected the unmodified allowance. The letter also explained that CalPERS has a new online process to modify his retirement option through the CalPERS website, but there will be a one-year waiting period before a modification would become effective. The letter further advised that should he choose to not modify his retirement option, no monthly allowance will be payable, and his spouse would only be entitled to health coverage through COBRA.

On October 26, 2017 and October 27, 2017, Philip logged on to the CalPERS website and applied three times to modify his retirement option to name you as his Option 3W beneficiary. Two of the applications were cancelled since they were duplicate requests. This resulted in CalPERS sending a cancellation letter and an approval letter for the modification request to Philip dated October 17, 2017. On November 6, 2017, CalPERS sent an approval letter to Philip indicating his new Option 3W beneficiary will be his spouse, but due to the 12-month waiting period this election will not become effective until December 1, 2018. Philip then passed away on [REDACTED], about 4 and a half months short of the effective date.

Unfortunately, based on these circumstances, CalPERS cannot pay a lifetime monthly benefit to you. It's reasonable to conclude that Philip was well informed of his ability to name a new beneficiary for a lifetime option, the 12-month waiting period, and was provided the necessary forms about one year and 8 months before he chose to start the process to do so. He then passed away before the effective date of his election to modify his retirement allowance, causing the modification to become invalid. Additionally, you do not qualify as an eligible survivor for Survivor Continuance, because you were not married a year prior to Philip's retirement date and you did not enter into a registered domestic partnership. Therefore, the lump sum death benefits that were issued to on October 15, 2018, are the only benefits that you are entitled to.

I hope this information is helpful in your understanding of the CalPERS benefits and our determination. It is unfortunate that I am unable to provide a more favorable response. I understand and sympathize with your position, but CalPERS benefits must be paid in accordance with the law.

If you wish to appeal our determination that you should be entitled to a lifetime monthly benefit from CalPERS, you have the right to do so. An appeal must be filed in writing with CalPERS here in Sacramento, within 30 days of the mailing of this letter. The right to appeal is provided for under sections 555 – 555.4, Title 2, of the California Code of Regulations. A copy of the applicable code sections is attached for your information. An appeal, if filed, must contain the factual basis and the legal authorities for the appeal. If you file an appeal, you will be provided with a statement of issues and notified of the hearing date by our Legal Office. All appeal hearings are held in California. The Legal Office will contact you and handle all requests for information.

Ms. Bitton, if an appeal request is not received from you within 30 days, I will assume you do not wish to appeal our decision. Should you have any questions, please contact Robert Ball directly at (916) 795-4682.

Sincerely,



Keith Riddle, Assistant Chief  
Benefit Services Division

Enclosure: OSS-197

Exhibit 14



Exhibit 18



# Customer Touch Point Report

## Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Category Type	Health Enrollment
Note Type	Participant
Note Text	med card to DMS
Staff	
Note Capture Date	8/13/2004
Category Type	Health Enrollment
Note Type	Participant
Note Text	Title: med Category: Health Events Topic: Change Coverage Related To: Member Date/Time: 08/13/2004 17:47:47 COMET Analyst Login: jdepris
Staff	
Note Capture Date	7/15/2004
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 07/15/2004 11:20:32 Process Category Type: No Category DivP Analyst Name: Chin, Frank K Inquiry Category: Health Benefit Services Inquiry Subject: Medicare Person Contacting: Ryan, Philip S Contacting About: Philip Ryan Note Text: Mbr will mail in copy of Med Part B, eff 10/1/2004...



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	
Note Capture Date	1/22/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/22/2008 16:38:42 Process Category Type: Dental DivP Analyst Name: Romo,Leticia Note Text: rebuild
Staff	
Note Capture Date	1/17/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/17/2008 09:49:24 Process Category Type: No Category DivP Analyst Name: Romo,Leticia Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Caller Contact: 6140800 Contacting About: Philip Ryan Note Text: Left a message for the member need to verify the date of service and retro the dental enrollment to reflect the addition of the spouse, per ribs the member was never charged a two-party plan. **CALPERS processed an enrollment on Smartdesk. [REDACTED]
Staff	
Note Capture Date	1/14/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/14/2008 15:24:22 Process Category Type: No Category DivP Analyst Name: King,Christian A Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Caller Contact: 6140800 Contacting About: Philip Ryan Note Text: The member added spouse to Delta Dental coverage effective 10/1/2002. We never updated RIBS to change deduction to 2 party premium. The member's wife had treatment in October 2007, but Delta never had her as a dependent. Delta is now denying payment for the bill. I called Delta and had spouse added but they could only make it effective 1/1/2008. Please call the member to advise, his phone is [REDACTED] Thank you very much.
Staff	
Note Capture Date	8/13/2004



# Customer Touch Point Report

## Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Category Type	Conversion
Note Type	Participant
Note Text	Customer Contact
Staff	
Note Capture Date	9/19/2011
Category Type	Conversion
Note Type	Participant
Note Text	Dental
Staff	
Note Capture Date	9/19/2011
Category Type	Conversion
Note Type	Participant
Note Text	EBlues
Staff	
Note Capture Date	9/1/2010
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 09/01/2010 10:45:18 Process Category Type: No Category DivP Analyst Name: Cool,Vickie E Inquiry Category: Health Benefit Services Inquiry Subject: Deductions/Premiums Person Contacting: Ryan, Philip S Caller Contact: 4250277 Contacting About: Philip Ryan Note Text: questions on the premiums. Wife went on Medicare, effective date 9/01/2010
Staff	
Note Capture Date	4/4/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 04/04/2008 15:30:06 Process Category Type: No Category DivP Analyst Name: Caldwell,Reginald Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Contacting About: Philip Ryan Note Text: Mbr wanted to change plans



### Customer Touch Point Report

#### Inputs

CalPERS ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	San Francisco, CA 94102  Please confirm!  Philip S. Ryan
Staff Note Capture Date Category Type Note Type Note Text	Ellen Morisawa 12/20/2012 CSOD - Mbr Escalation Workflow Received workflow inquiry, requesting list of pharmacy used by Caremark. Called member and verified his account information. explained to member that we do not have pharmacy list and gave contact number to Caremark for information(855)479-3660.
Staff Note Capture Date Category Type Note Type Note Text	Karen Andersson 12/18/2012 CSOD - Mbr Escalation Workflow Member needs to discuss HB and Medicare Part D. Please contact at verified ██████████ Gave 3 business day call back timeframe.
Staff Note Capture Date Category Type Note Type Note Text	Karen Andersson 12/18/2012 Health Enrollment Participant Per member request, navigated online to 2013 CalPERS Medicare Enrollment Guide, navigated to member services contact number and website for Pharmacy Directory.
Staff Note Capture Date Category Type Note Type Note Text	Denise Horton 1/21/2012 Health Enrollment Participant Thank you for contacting the California Public Employees Retirement System (CalPERS). CalPERS only handles eligibility and enrollment. However, your health plan should pick up what Medicare does not. Please call them for clarification at 1-877-737-7776. Ask CalPERS #: 448307 Date Submitted: 2011-11-01 Time Submitted: 13:41:13 Question: I have been prescribed physical therapy. My physical therapist doesnt accept Medicare. Will Calpers reimburse me for part of the treatment fees?
Staff Note Capture Date	 9/19/2011



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Phillip Ryan  
 Start Date: Aug 13, 2003  
 End Date: Jun 5, 2019

	benefit.
Staff	Monica Chavez
Note Capture Date	1/19/2016
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Provided POA and 90 day timeframe to process.
Staff	Paul G. Ryan
Note Capture Date	2/7/2014
Category Type	Health Enrollment
Note Type	Participant
Note Text	Explained that he is fully vested and receives 100% of the state's full share for a 2-party plan. Retiree pays zero.
Staff	Denise Horton
Note Capture Date	6/29/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Responded to inquiry
Staff	
Note Capture Date	6/28/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Thanks.
Staff	Denise Horton
Note Capture Date	6/27/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Responded to inquiry
Staff	
Note Capture Date	6/24/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	I have been trying to get CalPERS and Anthem Blue Cross to change my address for two days. My new mailing and residence address is: [REDACTED]



### Customer Touch Point Report

#### Inputs

CalPERS ID: ██████████  
 Customer Name: Phillip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	Thank you, Phillip S. Ryan
Staff	Cheryl Dooley
Note Capture Date	3/27/2017
Category Type	Death
Note Type	Workflow
Note Text	Member called to inquire what spouse will receive when he passes away. Specifically he wants to make sure she's eligible to receive a monthly benefit so he's assured the health coverage will continue for spouse as a survivor. Please send to verified address. Thank you
Staff	Cheryl Dooley
Note Capture Date	3/27/2017
Category Type	Demographic Update
Note Type	Participant
Note Text	While verifying the account it was discovered members contact information required updating so communication details have been updated on the account.
Staff	
Note Capture Date	1/5/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Notice of Change provided by JPMORGAN CHASE
Staff	Daniel Huskin
Note Capture Date	12/7/2016
Category Type	Benefit Payments
Note Type	Participant
Note Text	Member called to change their direct deposit information to a new institution. Explained they would need to submit a new form, or log into MSS to make the change. Advised they can also obtain the form online. Member will login to change their payment options via MSS. Provided SCO cutoff date, and advised the effective date of change to their retirement check. Confirmed address on file.
Staff	Monica Chavez
Note Capture Date	1/19/2016
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Mbr came into SRO to inquire about death benefits. Educated on unmodified allowance and RD benefit and pro-rata check. Educated on marriage being a qualifying event to modify option. Will need copy of marriage certificate and proof of spouse birthdate. Provided Changing Bene pub and both spouse and mbr needing to be alive for 12 mos after submission of election form. Educated on health after mbr passes for spouse if mbr elects to leave spouse a monthly



### Customer Touch Point Report

**Inputs**

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2001  
 End Date : Jun 5, 2019

Staff	Bryan Micheletti
Note Capture Date	10/27/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	MOLOB acknowledgement letter sent to member.
Staff	Robert Aguilar
Note Capture Date	10/26/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Member called. Wants to change option and beneficiary to current wife. Advised can submit option change form and get estimate. From there can decided if he wants to do it because will lower his pension. Advised will not go into effect for a years from when last form is received.
Staff	Maria Aranda
Note Capture Date	10/16/2017
Category Type	Death
Note Type	Participant
Note Text	Death benefit estimate letter mailed; copy to file.
Staff	
Note Capture Date	9/18/2017
Category Type	Unknown
Note Type	Workflow
Note Text	Am I covered for hospitalizations outside USA? For example, on a cruise or a stay in Mexico?  Phil Ryan
Staff	Tiffany Triplett
Note Capture Date	3/28/2017
Category Type	Death
Note Type	Workflow
Note Text	Forwarding request for estimate letter.
Staff	
Note Capture Date	3/27/2017
Category Type	Participant Admin
Note Type	Workflow
Note Text	Could you send me identification cards for PersCare and Delta Dental?



### Customer Touch Point Report

#### Inputs

CalPERS [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	
Note Capture Date	12/1/2017
Category Type	Unknown
Note Type	Workflow
Note Text	I've been receiving emails from Silver Sneakers offering exercise support. Does my Calpers cover this? If so, how do I apply?  Philip Ryan [REDACTED]
Staff	Bryan Micheletti
Note Capture Date	11/6/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Processed deferred MOLOB for 12/1/18 effective date. Member selected option 3W and named Dina Britton as lifetime beneficiary. First reduced warrant to be issued 1/1/19.
Staff	Linh Nguyen
Note Capture Date	11/2/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Mbr states he sent in a MOLOB application but received a cancellation letter. I advised it was cancelled per request, however another MOLOB application was sent on 10/27/17. Advised mbr we sent an acknowledgement letter to mbr and that we are just waiting for the spousal notification form. Mbr states he mailed it and we should be receiving it soon. Advised it will take up to 30 days to process once received.
Staff	
Note Capture Date	11/1/2017
Category Type	Unknown
Note Type	Workflow
Note Text	I've received emails from www.covered.ca.gov soliciting open enrollment. Is this Perscare? Is this connected with CALPERS?  I thought I was fully covered by Perscare and have no need to use other program. IS THIS CORRECT  PHILIP S. RYAN
Staff	Aubrey Cannon
Note Capture Date	10/27/2017
Category Type	Unknown
Note Type	Workflow
Note Text	Received confirmation of marriage certificate in Document History files.



### Customer Touch Point Report

**Inputs**

CalPERS ID: [REDACTED]  
 Customer Name: Phillip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Note Type	Participant
Note Text	Spoke with Dina Bitton. Discussed status of the file and explained she's not entitled to a monthly benefit because member did not live until MOLOB effective date of 12/1/18. Since she's not receiving a monthly benefit, she's not eligible for continued health and dental, and we cannot automatically deduct the overpayment from benefits. Gave her the option of having the funds deducted from the RB & PR or she can send in a reimbursement check. She prefers to send in a check. Also on her tax form she provided roll over IRA for the RB. Informed of the RB and she wants direct payment instead of roll over due to the benefit amount. She said she will be writing in a dispute regarding the monthly benefit. She said member originally started the recalc process 08/2017, however CalPERS made an oversight and cancelled the application. She said this could have saved some time of the one year waiting period. Advised to include all of this info in her dispute and we will review.
Staff	Carly Berry
Note Capture Date	8/20/2018
Category Type	Death
Note Type	Workflow
Note Text	Case no longer ASAP as there is no monthly allowance payable to surviving spouse Dina Bitton. Member did not live until MOLOB effective date of 12/1/18. RB \$2000 and PR \$922.35 are payable to Dina as the stat bene. Sending ASAP Denial Ltr and Cobra Ltr to Dina and requesting return of the overpayment of \$1,652.83
Staff	Adrian Cea
Note Capture Date	8/9/2018
Category Type	Death
Note Type	Participant
Note Text	Mbr's spouse, Dina Bitton [REDACTED] called for assistance in completing application for death benefits. Provided general assistance and advised to complete application packet to the best of their ability. Advised to return application along with a copy of death certificate. Advised to allow up to 45 days for processing once all documents have been received.
Staff	Nina Torres-Young
Note Capture Date	8/2/2018
Category Type	Death
Note Type	Workflow
Note Text	ASAP 1st
Staff	Lindsay Tracy
Note Capture Date	8/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spouse Dina Bitton [REDACTED] called to report members' death on 7/20/2018. Processed the death report and provided processing timeframe of 7-10 days for receipt of claim packet. Explained that once the packet is received, to fill it out to the best of their ability and return it with a copy of the death certificate. Provided processing timeframe of 45-90 business days.



### Customer Touch Point Report

**Inputs**

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	SOE review.
Staff	Carly Berry
Note Capture Date	10/3/2018
Category Type	Death
Note Type	Participant
Note Text	SOE in member's doc history id ██████████ to be reviewed by EPU after benefits released to Dina.
Staff	Carly Berry
Note Capture Date	10/3/2018
Category Type	Death
Note Type	Workflow
Note Text	Ok to pay stat bene, Dina Bitton, the RB \$2,000 and PR \$922.35. LDR date 9/4/18. File to calc box and case to RB/PR calc task.  After benefits released to Dina, file needs to be forwarded to EPU for review of Dina's appeal of the denial of her monthly allowance.
Staff	Carly Berry
Note Capture Date	10/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spoke with Dina Bitton regarding her domestic partnership with member as she noted on her correspondence regarding denial of the monthly allowance. She said she and member were domestic partners and lived together since 1997, however they never legally registered. They then married in 01/2002. Advised file still needs to be reviewed regarding the monthly allowance but in the meantime we can pay her the RB and PR. Will be moving case forward to have lump sum benefits paid to her.
Staff	Carly Berry
Note Capture Date	10/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spoke with Dina Bitton regarding her domestic partnership with member as she noted on her correspondence regarding denial of the monthly allowance. She said she and member were domestic partners and lived together since 1997, however they never legally registered. They then married in 01/2002. Advised file still needs to be reviewed regarding the monthly allowance but in the meantime we can pay her the RB and PR. Will be moving case forward to have lump sum benefits paid to her.
Staff	Carly Berry
Note Capture Date	8/20/2018
Category Type	Death



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	Robert Ball
Note Capture Date	11/15/2018
Category Type	Death
Note Type	Workflow
Note Text	Spoke with Dina, informed her that I met with the management team regarding her dispute of our determination. After reviewing the facts of the case, unfortunately we will be denying her request to pay her a lifetime allowance. She does not qualify for PRSA since she was not married or in a registered domestic partnership with the member a year prior to retirement. She does not qualify as a lifetime option bene since the member did not survive to the effective date of the MOLOB. During a retirement counseling session at the Sacramento Regional Office in January of 2016, member was informed by a CalPERS representative of what needed to be done to modify his lifetime option and there would be a 12-month waiting period since the qualifying event, marriage, was in 2002. A publication 98, which explains the process of changing a beneficiary after retirement, was provided to him during that meeting. Its reasonable to conclude the member was informed of the process, but chose to wait over a year to start the process to make the change to modify his retirement option. She did not agree with our determination. She feels that the timeframes we are using to deny her a lifetime allowance and continued health coverage are arbitrary. She stated CalPERS also made several clerical errors which resulted in a delay of the processing of the MOLOB. I advised that all of the rules we are referencing are provided in the Public Employees Retirement Law. These rules are set forth through legislation and we are required to abide by them. After reviewing the file for clerical errors, I did notice that there was a MOLOB cancellation letter; however, it appears to be a result of the member applying for a MOLOB several times in one day. The cancellation letter was a result of the system cancelling the multiple requests. The same day, a letter was also generated approving his request for the MOLOB. There was no delay in the processing of the MOLOB that I saw. She stated she will be contacting an attorney for advice. A letter will be provided to her offering appeal rights. She needs to respond within the timeframe set forth in the letter in order to move forward with the appeal. Explained the appeal process.
Staff	Navjit Chohan
Note Capture Date	11/7/2018
Category Type	Death
Note Type	Workflow
Note Text	Member called regarding survivor health benefits. Please call member to provide a status update. Thank you. She is appealing her decision. Thank you. [REDACTED] Thank you.
Staff	Carty Berry
Note Capture Date	10/20/2018
Category Type	Death
Note Type	Participant
Note Text	Case still under review with EPU but file is being forwarded to awaiting docs.
Staff	Marika Andrews
Note Capture Date	10/8/2018
Category Type	Death
Note Type	Workflow
Note Text	Released RB \$2,000 and PR \$922.35 to Dina Bitton CID [REDACTED] Issue date is 10/15/18. File/workflow to the EPU for



### Customer Touch Point Report

#### Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Note Text	Incoming call from surviving spouse Dina D Bitton ██████████ regarding if she should enroll in COBRA. Informed her that the COBRA documents were sent out to her on August 2, 2018 and she has 60 days to elect if she wants the COBRA. She wants to see if she could elect to still have the COBRA because she is appealing to continue with the monthly benefit and health. Please contact her.
Staff	Priscilla Navarro
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow
Note Text	W/F forwarded to Health due to COBRA inquiry.
Staff	Sabila Iyyaz
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow
Note Text	Returned survivor's call in regards to COBRA enrollment. Spouse indicates she did not submit COBRA as she was appealing the survivor benefits decision with CalPERS however, she needs to enroll in COBRA. Per survivor she is willing to pay the retroactive premiums and understands it is 102% of the gross premium. Advised her to submit the COBRA enrollment form with an explanation of why it was submitted after the 60 day window and we will review her request.
Staff	Beatrice Collins
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Workflow
Note Text	Incoming call from surviving spouse Dina D Bitton ██████████ regarding if she should enroll in COBRA. Informed her that the COBRA documents were sent out to her on August 2, 2018 and she has 60 days to elect if she wants the COBRA. She wants to see if she could elect to still have the COBRA because she is appealing to continue with the monthly benefit and health. Please contact her.
Staff	Beatrice Collins
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Workflow
Note Text	W/F forwarded to Health due to COBRA inquiry.
Staff	Robert Ball
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Participant
Note Text	Memo to Shayne for review.



## Customer Touch Point Report

### Inputs

CalPERS ID: [REDACTED]  
Customer Name: Philip Ryan  
Start Date : Aug 13, 2003  
End Date : Jun 5, 2019

Staff	Makenna Stoebe
Note Capture Date	11/28/2018
Category Type	Death
Note Type	Participant
Note Text	Spouse, Dina Bitton, CID# [REDACTED] called to check on the status of letter with appeal rights. Explained letter was mailed on 11/27/2018 and to allow 7-10 business days for mailing.
Staff	Mariah Hansen
Note Capture Date	11/28/2018
Category Type	Health Enrollment
Note Type	Participant
Note Text	Spouse Dina Bitton CID# [REDACTED], called to check status of her COBRA application. Confirmed receipt of documents on 11/26/2018 and provided 30-45 calendar days processing timeframe for review of health transactions. Dina inquired about another COBRA form that was mailed to her. Advised Dina we do not need another at the moment, because we received one already. Dina inquired if she would pay CalPERS directly for COBRA and I advised her she would pay directly to the health plan.
Staff	Robert Ball
Note Capture Date	11/27/2018
Category Type	Death
Note Type	Participant
Note Text	Mailed certified letter with appeal rights to Dina Bitton. File to my suspense drawer.
Staff	Shayne Day-Bolar
Note Capture Date	11/27/2018
Category Type	Death
Note Type	Participant
Note Text	Recommendation to deny Dina's request to receive a monthly allowance has been approved. Case returned to Rob to send the determination letter.
Staff	Shayne Day-Bolar
Note Capture Date	11/21/2018
Category Type	Death
Note Type	Participant
Note Text	Recommendation routed to Daniel and Keith for review/approval.
Staff	Beatrice Collins
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow

Page 3 of 15

Jun 5, 2019  
8:44:45 AM

SPS3186

DRRR000003



## Customer Touch Point Report

### Inputs

CalPERS ID: ██████████  
Customer Name: Philip Ryan  
Start Date : Aug 13, 2003  
End Date : Jun 5, 2019

Staff	Tony Ta
Note Capture Date	1/30/2019
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Dina Bitton lawyer called because he want to know where he can file his appeal. He want to drop appeal off. I provide SRO address.
Staff	Robert Ball
Note Capture Date	1/17/2019
Category Type	Death
Note Type	Participant
Note Text	Dina called me back. I reiterated the information provided in the voicemail I sent her. Restated the February 1, 2019 deadline for submission. She understood.
Staff	Robert Ball
Note Capture Date	1/17/2019
Category Type	Death
Note Type	Participant
Note Text	Left a message with Dina Bitton, advised that her appeal needs to be sent to us in writing and should present a factual basis as to why she should be entitled to a monthly allowance. Provided my direct line again if there is any additional need for clarification.
Staff	Robert Ball
Note Capture Date	12/21/2018
Category Type	Death
Note Type	Participant
Note Text	Mailed certified letter to Dina Bitton informing of new deadline for appeal of February 1, 2019.
Staff	Robert Ball
Note Capture Date	12/18/2018
Category Type	Death
Note Type	Participant
Note Text	Left a message with Dina Bitton, stated that we are granting her request for an extension to the deadline for appeal to February 1, 2019. I will be sending a letter to her confirming this extension.
Staff	Shayne Day-Bolar
Note Capture Date	12/12/2018
Category Type	Death
Note Type	Participant
Note Text	Letter dated 12/5/18 from Dina Bitton forwarded to Rob.

Page 2 of 15

Jun 5, 2019  
8:44:45 AM

SP53186

DRRR000002



## Customer Touch Point Report

### Inputs

CalPERS [REDACTED]  
Customer Name: Philip Ryan  
Start Date : Aug 13, 2003  
End Date : Jun 5, 2019

Staff	Nancy Hao
Note Capture Date	4/30/2019
Category Type	Legal Office
Note Type	Participant
Note Text	Dina Bilton's appeal re lifetime monthly allowance has been assigned to attorney Rory Coffey. Please refer appeal inquiries to him at (916) 795-3675.
Staff	Nancy Hao
Note Capture Date	4/22/2019
Category Type	Legal Office
Note Type	Participant
Note Text	Dina Bilton's appeal re lifetime monthly allowance was received in the Legal Office on April 19, 2019, and will be assigned to an attorney. Until an attorney is assigned, please refer appeal inquiries to Legal's main line at (916) 795-3675.
Staff	Shayne Day-Bolar
Note Capture Date	4/17/2019
Category Type	Death
Note Type	Participant
Note Text	Request for assistance regarding appeal routed to LEGO via Daniel/Keith/Anthony.
Staff	Robert Ball
Note Capture Date	4/16/2019
Category Type	Death
Note Type	Participant
Note Text	Legal assistance/Appeal memo to Shayne.
Staff	Julie Mumme
Note Capture Date	3/22/2019
Category Type	Death
Note Type	Participant
Note Text	Ann Montaspler with Murphy Pearson Bradley & Feeney called regarding status of appeal of denial of benefits, advised client needs to request status.
Staff	Stefanie Steel
Note Capture Date	2/1/2019
Category Type	Legal Office
Note Type	Participant
Note Text	The Legal Office was served on January 31, 2019 with an Appeal of the Determination of the CalPERS Benefit Services Division. Documents were routed to Death Benefits.

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Appeal of Dina Bitton  
as Beneficiary of Retiree Philip S. Ryan.  
Deceased.

Agency Case No. 2019-0388  
OAH No. 2019060147

DEC - 3 2019

**BITTON'S ADMINISTRATIVE LAW HEARING EXHIBITS NOS. 201, 202,  
203, 205, 208, 209, 212, 217, 219, 220 AND 223 SUBMITTED IN SUPPORT OF  
RESPONDENT DINA BITTON'S ARGUMENT**

**CERTIFICATE OF SERVICE**

I, Anne Montastier declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San Francisco, California 94108.

On December 2, 2019, I served the following document(s) on the parties in the within action:

**BITTON'S ADMINISTRATIVE LAW HEARING EXHIBITS NOS. 201, 202, 203, 205, 208, 209, 212, 217, 219, 220 AND 223 SUBMITTED IN SUPPORT OF RESPONDENT DINA BITTON'S ARGUMENT**

X	<p><b>VIA OVERNIGHT SERVICE:</b> The above-described document(s) will be delivered by overnight service, to the address listed below</p> <p>Cheree Swedensky Assistant to the Board CalPERS Executive Office PO Box 942701 Sacramento, CA 94229-2701</p>
---	--

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on December 2, 2019.

By  \_\_\_\_\_  
Anne Montastier

Exhibit 201



Benefit Application Services Division  
 P.O. Box 942711  
 Sacramento, CA 94229-2711  
 Telephone Device for the Deaf - (916) 326-3240  
 (916) 326-3232; FAX (916) 326-3934

SSN NO: [REDACTED]  
 RETIREMENT DATE: [REDACTED]  
 AGE AT RETIREMENT: 59.25  
 SERVICE CREDIT: 5.284  
 SICK LEAVE SERVICE: 0.000  
 TOTAL SERVICE: 6.284

PHILIP S. [REDACTED]  
 PO BOX 1150  
 JEROME  
 CA 95430

THIS SERVICE RETIREMENT CALCULATION IS BASED ON LAW AND THE INFORMATION IN YOUR FILE PLUS ADJUSTIONS TO YOUR DATE OF RETIREMENT BY ASSUMING SERVICE THROUGH FEBRUARY 17, 1996. YOUR SERVICE CREDIT DOES NOT INCLUDE CREDIT FOR UNUSED SICK LEAVE. YOU WILL BE ADJUSTED INTO YOUR ALLOWANCE AS ADJUSTED TO INCLUDE SICK LEAVE.  
 A CHANGE IN SERVICE, CONTRIBUTIONS OR EARNINGS MAY RESULT IN AN ADJUSTMENT WHEN YOUR PAYROLL INFORMATION IS RECEIVED.

**OPTIONAL SETTLEMENT INFORMATION (AMOUNTS ARE APPROXIMATE)**

Options available	Your monthly allowance	Your beneficiary's monthly allowance after your death	Your monthly allowance upon the death of your beneficiary
UNMODIFIED ALLOWANCE	\$ 7,001.01 per month for life	Retired Death Benefit	\$ 7,001.01 per month for life
OPTION 1	\$ 953.21 per month for life	Your remaining contributions*	\$ 953.21 per month for life
OPTION 2	\$ / / per month for life	\$ / / per month for life	\$ / / per month for life
OPTION 2W	\$ / / per month for life	\$ / / per month for life	\$ / / per month for life
OPTION 3	\$ / / per month for life	\$ / / per month for life	\$ / / per month for life
OPTION 3W	\$ / / per month for life	\$ / / per month for life	\$ / / per month for life
OPTION 4			

OPTION 1 PROVIDES THAT UPON YOUR DEATH YOUR BENEFICIARY WILL RECEIVE THE BALANCE OF YOUR CONTRIBUTIONS TOTALING \$25,699.62 LESS \$223.21 FOR EACH MONTH YOU RECEIVED BY ALLOWANCE.

OUR RECORDS INDICATE YOU HAVE NO ONE ELIGIBLE FOR THE SURVIVOR CONTINUANCE BENEFIT (SEE REVERSE). IF YOU DO, YOU MUST CONTACT THIS SYSTEM.

RETURN THIS DOCUMENT TO CALPERS  
 THIS DOCUMENT MAY NOT BE FAXED

DRRR000268

ELECTION OF OPTIONAL SETTLEMENT AND BENEFICIARY DESIGNATION

474346

PERS-BAS-898 (Rev. 12/95)

H 159522-01 4/16/1999

This document allows you to elect an optional settlement in lieu of the Unmodified Allowance, and to designate a beneficiary to receive benefits provided by the allowance you choose. Promptly complete this form. Both you and your spouse must sign it, and have your signatures notarized or witnessed by an authorized employee of CalPERS. Important: Your election cannot be processed without either your spouse's signature acknowledging the information provided on this form, or the completed Justification for Non Signature of Spouse, form BAS-800.

A. ELECTION: Having considered the retirement and optional settlement information provided me, I elect to receive. (Check and complete ONLY ONE of the following)

Form with two options: 1. I elect to receive the UNMODIFIED ALLOWANCE in the amount of \$1,001.01 per month. 2. I elect to receive OPTION NUMBER and I expect to receive \$ per month. Includes fields for beneficiary name, relationship, address, and phone number.

B. PLEASE ENTER YOUR CURRENT MAILING ADDRESS—Your monthly warrant will be mailed to this address until Direct Deposit service is established. This address will also be used to mail your annual tax statement. To select Direct Deposit, please complete the enclosed "Direct Deposit Authorization" form.

Form for mailing address with fields for Address and City, both of which are redacted.

C. RETIRED DEATH BENEFIT: I hereby designate [redacted] who is my [redacted], and whose address is [redacted] to receive the lump sum death benefit which may be payable upon my death. I understand that I may change this beneficiary at any time and that any change in my marital status or the birth/adoption of a child revokes this designation.

D. SIGNATURES/NOTARIZATION

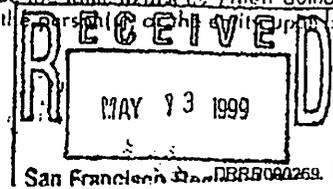
Member's Signature: CDL 60215742. Spouse's Signature: [redacted]

State of \_\_\_\_\_ County of \_\_\_\_\_

On May 13, 1999 before me, [redacted] personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary signature and stamp: RPSI SFAO

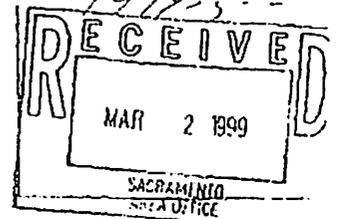


1. RETURN THIS DOCUMENT TO CALPERS...

**APPLICATION FOR SERVICE RETIREMENT**  
PERS-BAS-369S (9/94)

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
Benefit Application Services Division  
P.O. Box 942711 (400 P Street, Sacramento, CA 95814)  
Sacramento, CA 94229-2711  
(916) 326-3232 (8:00AM to 5:00PM Weekdays, Voice Mail 24 Hours A Day)  
Telecommunications Device for the Deaf - (916) 326-3240  
FAX (916) 326-3934

99 MAR -2 PM 4:31



**IMPORTANT:** This application should be mailed directly to CalPERS 90 days in advance of your planned retirement date. Your retirement date cannot be earlier than the first of the month in which your application is received by CalPERS.

PLEASE PRINT OR TYPE

1. Social Security Number		[REDACTED]	
2. Name (First Name, Middle Initial, Last Name)		3. Birthdate	4. Retirement Effective Date
Philip Scott Ryan		[REDACTED]	[REDACTED]
5. Mailing Address (Street, Avenue, Road, P.O. Box, etc.)		6. Telephone Number	
[REDACTED]		Home: [REDACTED]	
City		Work: [REDACTED]	State
[REDACTED]		CA	ZIP
7. Last Day on Pay Status		9. Position Title (Do Not Abbreviate)	
2 / 17 / 99		Board Member	
8. Employer California Unemployment Insurance Appeals Board (CUIAB)			
10. TEMPORARY ANNUITY - I desire to have my monthly allowance further modified for life to provide for additional temporary annuity allowance. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", age desired (59 1/2 or whole age 60 to 68) _____ Amount \$ _____ 00			
Please calculate my options with the following beneficiary information: (Note: This is not a beneficiary designation.)			
11. BENEFICIARY NAME		Birthdate	Sex Relationship
[REDACTED]		/ /	<input type="checkbox"/> M <input type="checkbox"/> F
The following information is necessary to ensure that your retirement allowance calculation correctly reflects any survivor benefits that may be payable upon your death. Payments will be made in accordance with the Public Employees' Retirement Law. Please answer all four questions and complete the required information for each section that is answered "yes".			
12. Are you currently married? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Spouse's Full Name		Social Security Number	Birthdate Date of Marriage
[REDACTED]		[REDACTED]	/ / / /
13. Do you have any natural or adopted unmarried children under 18? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Child's Full Name		Social Security Number	Birthdate
[REDACTED]		[REDACTED]	/ / / /
14. Do you have any unmarried children who were disabled prior to their 18th birthday and who have remained disabled until the present time? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Child's Full Name		Social Security Number	Birthdate
[REDACTED]		[REDACTED]	/ / / /
15. Are your parents dependent upon you for at least one-half of their support? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Parent's Full Name		Social Security Number	Birthdate
[REDACTED]		[REDACTED]	/ / / /
Parent's Full Name		Social Security Number	Birthdate
[REDACTED]		[REDACTED]	/ / / /

THE REVERSE SIDE OF THIS FORM MUST BE COMPLETED WITH YOUR SIGNATURE TO BE VALID.

16. OTHER RETIREMENT SYSTEMS: Are you a member of another public funded retirement system based in California, other than Social Security, military or railroad retirement?

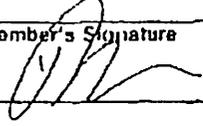
Yes  No If "Yes", please complete the section below.

Name of System:	Dates of Service Credited:	Date of Retirement
	/ / - / /	/ /

17. FINAL COMPENSATION TO BE USED: "Final Compensation" is the highest average compensation earnable by you during a one year or three consecutive year period of employment, whichever your agency has contracted for, immediately preceding the effective date of your retirement, or the date of your last separation from employment, if earlier, or during any other period specified by you on this application. Unless a different period is specified by you, your final compensation will be calculated based upon the one year or three consecutive year period immediately preceding your retirement or separation date.

OTHER PERIOD TO BE USED: FROM \_\_\_\_\_ TO \_\_\_\_\_

18. I hereby certify under penalty of perjury that this information submitted hereon is true and correct according to the best of my knowledge. I understand that to cancel this application I must submit written notice to the system prior to the mailing of my first retirement warrant. I further understand that the beneficiary named above is not an official designation of my beneficiary. This will be done on the Election of Optional Settlement and Beneficiary Designation form (PERS-BAS-898) which will be provided at a later date.

Member's Signature	Date Signed
	March 7, 1999

**INFORMATION PRACTICES STATEMENT**

The Information Practices Act of 1977 and the Federal Privacy Act require the Public Employees' Retirement System to provide the following information to individuals who are asked to supply information. The information requested is collected pursuant to the Government Code (Sections 20000, et seq.) and will be used for administration of the Board's duties under the Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to supply the information may result in the System being unable to perform its functions regarding your status. Portions of this information may be transferred to state and public agency employers, California State Attorney General, Office of the State Controller, Teale Data Center, Franchise Tax Board, Internal Revenue Service, Workers' Compensation Appeals Board, State Compensation Insurance Fund, County District Attorneys, Social Security Administration, beneficiaries of deceased members, physicians, insurance carriers, and various vendors who prepare the microfiche/microfilm for PERS. Disclosure to the aforementioned entities is done in strict accordance with current statutes regarding confidentiality.

You have the right to review your membership file maintained by the System. For questions concerning your rights under the Information Practices Act of 1977, please contact the Information Coordinator, PERS, 400 P Street, P.O. Box 942702, Sacramento, CA 94229-2702.

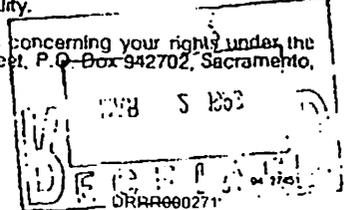


Exhibit 202

**STATE OF CALIFORNIA**  
**CERTIFICATION OF VITAL RECORD**

**CITY and COUNTY of SAN FRANCISCO**

**LICENSE AND CERTIFICATE OF MARRIAGE**

MUST BE LEGIBLE - MAKE NO ERASURES, WHITE OUTS OR OTHER ALTERATIONS

<b>GROOM PERSONAL DATA</b>	1. NAME OF GROOM - FIRST (GIVEN)		10. MIDDLE	10. LAST FAMILY	7. DATE OF BIRTH - MONTH, DAY, YEAR	
	PHILIP		SCOTT	RYAN	[REDACTED]	
	2. RESIDENCE - STREET AND NUMBER		30. CITY	30. ZIP CODE	30. COUNTY - OUTSIDE CALIFORNIA	
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	
<b>BRIDE PERSONAL DATA</b>	11. MARITAL ADDRESS - IF DIFFERENT		8. NUMBER OF PREVIOUS MARRIAGES	11A. LAST MARRIAGE ENDED BY		11. DATE - MONTH, DAY, YEAR
	[REDACTED]		1	<input type="checkbox"/> DEATH <input checked="" type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT		[REDACTED]
	11A. USUAL OCCUPATION		11B. USUAL KIND OF BUSINESS OR INDUSTRY		9. EDUCATION - YEARS COMPLETED	
	AUTHOR		PUBLISHING		20	
<b>AFFIDAVIT</b>	10A. FULL NAME OF FATHER		110A. STATE OF BIRTH	11A. FULL MARRIAGE NAME OF MOTHER		110B. STATE OF BIRTH
	JOHN LESLIE RYAN		CALIFORNIA	ZELDA MILANI		CALIFORNIA
	12A. NAME OF BRIDE - FIRST (GIVEN)		120. MIDDLE	12C. CURRENT LAST FAMILY	12D. MARRIAGE LAST FAMILY (IF DIFFERENT THAN 12C)	13. DATE OF BIRTH
	DINA		DANY	BITTON	[REDACTED]	[REDACTED]
<b>LICENSE TO MARRY</b>	12A. RESIDENCE - STREET AND NUMBER		140. CITY	140. ZIP CODE	140. COUNTY - OUTSIDE CALIFORNIA	
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	
	14. MARITAL ADDRESS - IF DIFFERENT		12. NUMBER OF PREVIOUS MARRIAGES	11A. LAST MARRIAGE ENDED BY		110B. DATE - MONTH, DAY, YEAR
	[REDACTED]		1	<input type="checkbox"/> DEATH <input checked="" type="checkbox"/> DISSOLUTION <input type="checkbox"/> ANNULMENT		[REDACTED]
<b>WITNESS(ES) (ONE REQUIRED)</b>	14A. USUAL OCCUPATION		14B. USUAL KIND OF BUSINESS OR INDUSTRY		13. EDUCATION - YEARS COMPLETED	
	CHIEF EXECUTIVE OFFICER		SOFTWARE		20	
	15A. FULL NAME OF FATHER		150. STATE OF BIRTH	15A. FULL MARRIAGE NAME OF MOTHER		150B. STATE OF BIRTH
	PROSPER BITTON		MOROCCO	ALEGRIA BENCHAYA		MOROCCO
<b>CERTIFICATION OF PERSON SOLEMNIZING MARRIAGE</b>	16. WE, THE UNDERSIGNED, AN UNMARRIED MAN AND UNMARRIED WOMAN, STATE THAT THE FOLLOWING INFORMATION IS CORRECT AND TRUE TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBSTACLE TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US, AND HEREBY APPLY FOR A LICENSE AND CERTIFICATE OF MARRIAGE.					
	22. SIGNATURE OF GROOM			24. SIGNATURE OF BRIDE		
	[Signature]			[Signature]		
	17. AUTHORITY AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF CALIFORNIA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF CALIFORNIA TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS. ACCORDING CONSENTS FOR THE ISSUANCE OF THIS LICENSE ARE ON FILE.					
<b>YEAR, MONTH, DAY OF MARRIAGE</b>	25A. ISSUED DATE - MONTH, DAY, YEAR	25B. LICENSE EXPIRES AFTER - MONTH, DAY, YEAR	25C. LICENSE NUMBER	25D. COUNTY OF ISSUE		
	[REDACTED]	[REDACTED]	[REDACTED]	San Francisco		
	26A. NAME OF COUNTY CLERK		26B. SIGNATURE OF COUNTY CLERK (OR CLERK)		26C. CITY, STATE AND ZIP CODE	
	Ryan Brooks		[Signature]		S.F., Ca 94118	
<b>DEPUTY ASSESSOR-RECORDER</b>	26A. SIGNATURE OF LOCAL REGISTRAR (County Registrar)		26B. SIGNATURE OF DEPUTY (IF APPLICABLE)		26. DATE ACCEPTED FOR REGISTRATION	
	[Signature]		[Signature]		FEB 25 2002	
	27A. SIGNATURE OF WITNESS		27B. ADDRESS - STREET AND NUMBER	27C. CITY, STATE AND ZIP CODE		27D. RELIGIOUS DENOMINATION (IF CLERGY)
	[Signature]		174 9th Ave	S.F., Ca 94118		None
28. I HEREBY CERTIFY THAT THE ABOVE NAMED BRIDE AND GROOM WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA		29A. SIGNATURE OF PERSON SOLEMNIZING MARRIAGE (TYPE OR PRINT)		29B. OFFICIAL TITLE		
ON JANUARY 5 2002		Willie L. Brown, Jr.		Deputy Registrar		
at Mendocino Mendocino CALIFORNIA		29C. MAILING ADDRESS		29D. ZIP CODE		
[REDACTED]		City Hall Rm. 200 SF 94102		94102		

74703

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

This is a true and exact reproduction of the document officially registered and placed on file in the office of the SAN FRANCISCO ASSESSOR-RECORDER.

AT TEST: [Signature]  
DEPUTY ASSESSOR-RECORDER

DATE ISSUED: MAY 21 2002

This copy is valid unless prepared on engraved border displaying date and signature of Deputy Assessor-Recorder.

DOUGLAS M. WARD  
SAN FRANCISCO ASSESSOR-RECORDER

Exhibit 203





Exhibit 205

2 22 0720201



Office of Employer and Member Health Services  
P O Box 942714  
Sacramento, CA 94229-2714  
888 CalPERS (or 888-225-7377)  
TDD - (916) 795-3240  
FAX - (916) 795-1277

279334  
Unemplmnt Insur Appeals Brd  
Notice 11  
State Retired

9/1/10  
2792  
CA

### Certification of Medicare Status

Please complete Section 1, and either Section 2, 3 or 4. Sign and date the form and return it to CalPERS at address above.

Section 1 Please enter the Member's/Dependent's name and Social Security Number

CalPERS Retiree Name Philip S Ryan	CalPERS Retiree Social Security Number [REDACTED]
Medicare-Eligible Member/Dependent Dina D Bitton	Member/Dependent Social Security Number [REDACTED]

Section 2 For Member/Dependent Enrolled in Medicare Part A and B

I am enrolled in Medicare Part A and Medicare Part B. This is the information reflected on my red, white and blue Medicare card or Notice of Entitlement from the Social Security Administration.

Name of Medicare Beneficiary DINA D BITTON
Medicare Claim Number [REDACTED]
HOSPITAL (PART A) effective date 9 / 1 / 2010
MEDICAL (PART B) effective date 9 / 1 / 2010

RECEIVED/SACRAMENTO  
CALPERS  
2010 JUN 30 PM 12:13  
DDC - 1

Section 3 For Member/Dependent claiming Medicare Ineligibility

I am not eligible for premium-free Medicare Part A (in my own right or through a spouse). I have verified this with the Social Security Administration and have attached documentation of this fact (Check both boxes that apply to you.)

<input type="checkbox"/> I did not work for any Social Security covered employment
<input type="checkbox"/> I worked for Social Security covered employment, but have less than 40 quarters
<input type="checkbox"/> I do not have a spouse (current, former or deceased) that qualifies me for Medicare Part A

Section 4 For Member/Dependent who works and has Employer Group Health Plan coverage

I have deferred Medicare Part B enrollment due to working beyond age 65 and have coverage in my/ my spouse's Employer's Group Health Plan and have attached documentation of this fact

1 Name of your current employer _____
2 Name of your Group Health Plan provided by your employer _____

HEALTH

I certify that the above information is true and complete

Signature [Signature]  
(415) 425-5500  
Daytime telephone number

Date 6/10/2010

PER520140210MC (02/2005)

HQS2017 OSOEL14A (03/0)  
HQS2018-0015204P  
HQS308-0000771

2.22 07202010

602

<b>MEDICARE</b>			<b>HEALTH INSURANCE</b>	
1-800-MEDICARE (1-800-633-4227)				
NAME OF BENEFICIARY				
DINA D BITTON				
MEDICARE CLAIM NUMBER			SEX	
[REDACTED]			FEMALE	
IS ENTITLED TO		EFFECTIVE DATE		
HOSPITAL (PART A)		09-01-2010		
MEDICAL (PART B)		09-01-2010		
SIGN HERE →		<i>D. Bitton</i>		

FPC - 1

7:10 10

ORRR000172

Exhibit 2008



P.O. Box 1652 Sacramento, CA 95812-1652  
888 CalPERS (or 888-225-7377)  
TTY: (877) 249-7442 | Fax: (916) 795-1281  
www.calpers.ca.gov

California Public Employees' Retirement System  
Benefit Services Division

October 17, 2017

**PLEASE KEEP FOR FUTURE REFERENCE**

Reply to: Section 440  
Refer to: [REDACTED]

Phillip S. Ryan  
[REDACTED]

Dear Mr. Ryan,

This is regarding your March 27<sup>th</sup> request for information about the benefits that may be payable upon your death. I understand you married after retirement so this letter includes important information on how you may designate your wife to receive a **monthly** death benefit. Thank you for your patience in awaiting this delayed reply.

You are receiving the Unmodified (highest) retirement benefit and your allowance is \$1,401.61 per month, plus Medicare reimbursement. This benefit is payable for your lifetime and will not be payable to anyone else after you pass away. The death benefits will include the \$2,000.00 Retired Death Benefit and the lump sum prorated retirement allowance due for the days you are living in the month of death. These lump sum death benefits are payable to your wife, Dina Bitton and if she does not survive you the benefits would be paid to your closest surviving family member(s).

A marriage after retirement is an event that allows you to modify your option to give your wife a lifetime monthly death benefit as a designated beneficiary. There is a new on-line process to apply for a modification of option. Please go online to **my.calpers.ca.gov** and follow the prompts from the **Retirement** tab to **Change Retirement Benefit**. You will be able to create and save the estimate to modify your option under the various retirement options. The system will estimate the reduced retirement allowance amount and the amount that your wife could receive as the beneficiary. You can then elect to make the change online, or you can print and mail your signed election document. You will need to upload or send a copy of your marriage certificate and proof of your wife's birthdate such as copy of her birth certificate or her driver's license. When you log into your "my|CalPERS account" and follow the tabs there will be further instructions.

There is no obligation to make this type of change which would cause a reduction in your retirement benefit. There is a one-year waiting period before the new option amount would take effect. If you pass away before the future modification of option effective date, or if you do not elect a new option then no monthly benefit would be paid to Dina and her health insurance coverage will cease upon your death. However, she will then have the opportunity to buy coverage under the federal COBRA law. At the time of your death she will receive information on continuing her health insurance through COBRA.

Mr. Ryan, I hope this information is helpful to you for financial and estate planning purposes.

Sincerely,



Maria Aranda, Retired Annuitant  
Survivor Benefits Section

Exhibit 209



P O Box 942711 Sacramento CA 94229 2716  
888 CalPERS (or 888 225 7377)  
TTY (877) 249 7442 | Fax (916) 795 3480  
www calpers ca gov

California Public Employees Retirement System  
Benefit Services Division

October 27, 2017

Reply To 419  
Refer To [REDACTED]

Philip S Ryan  
[REDACTED]

Dear Mr Ryan,

This is to acknowledge the receipt of your **Modification of Original Election at Retirement election form**

If you wish to cancel this election, you must do so within 30 days of the issuance of your first adjusted benefit check

If you have any questions, please visit our website at [www calpers ca gov](http://www.calpers.ca.gov), or you may call us toll free at 888 CalPERS (or 888-225-7377)

Retirement Application and Calculation Section

2017/11/01 15:20:48 57 1376

04 15 2 5 27 1 7  
09 17

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

CITY and COUNTY of SAN FRANCISCO

LICENSE AND CERTIFICATE OF MARRIAGE

STATE FILE NUMBER [REDACTED] LOCAL REGISTRATION NUMBER [REDACTED]

MUST BE LEGIBLE - MAKE NO ERASURES, WRITINGS OR OTHER ALTERATIONS

1A NAME OF GROOM - FIRST (GIVEN) PHILIP 1B MIDDLE SCOTT 1C LAST (FAMILY) RYAN 1 DATE OF BIRTH - MONTH, DAY, YEAR [REDACTED]

2A RESIDENCE - STREET AND NUMBER [REDACTED] 3A CITY [REDACTED] 4 ZIP CODE [REDACTED] 5 COUNTY - OUTSIDE CALIFORNIA [REDACTED] 6 STATE OF BIRTH [REDACTED]

**GROOM PERSONAL DATA**

7 MARITAL ADDRESS - IF DIFFERENT [REDACTED] 8 NUMBER OF PREVIOUS MARRIAGES 1 9A LAST MARRIAGE ENDED BY:  DEATH  DISSOLUTION  ANNULMENT 9B DATE - MONTH, DAY, YEAR [REDACTED]

10A USUAL OCCUPATION AUTHOR 10B USUAL KIND OF BUSINESS OR INDUSTRY PUBLISHING 10C EDUCATION - YEARS COMPLETED 20

11A FULL NAME OF FATHER JOHN LESLIE RYAN 11B STATE OF BIRTH CALIFORNIA 11C FULL MARRIAGE NAME OF MOTHER ZELDA MILANI 11D STATE OF BIRTH CALIFORNIA

12A NAME OF BRIDE - FIRST (GIVEN) DINA 12B MIDDLE DANY 12C CURRENT LAST (FAMILY) BITTON 12D MARRIAGE LAST (FAMILY) (IF DIFFERENT THAN 12C) [REDACTED] 12E DATE OF BIRTH - MONTH, DAY, YEAR [REDACTED]

13A RESIDENCE - STREET AND NUMBER [REDACTED] 13B CITY [REDACTED] 13C ZIP CODE [REDACTED] 13D COUNTY - OUTSIDE CALIFORNIA [REDACTED] 13E STATE OF BIRTH [REDACTED]

**BRIDE PERSONAL DATA**

14 MARITAL ADDRESS - IF DIFFERENT [REDACTED] 15 NUMBER OF PREVIOUS MARRIAGES 1 16A LAST MARRIAGE ENDED BY:  DEATH  DISSOLUTION  ANNULMENT 16B DATE - MONTH, DAY, YEAR [REDACTED]

17A USUAL OCCUPATION CHIEF EXECUTIVE OFFICER 17B USUAL KIND OF BUSINESS OR INDUSTRY SOFTWARE 17C EDUCATION - YEARS COMPLETED 20

18A FULL NAME OF FATHER PROSPER BITTON 18B STATE OF BIRTH MOROCCO 18C FULL MARRIAGE NAME OF MOTHER ALEGHIA BENCHAYA 18D STATE OF BIRTH MOROCCO

**AFFIDAVIT**

WE, THE UNDERSIGNED, AN UNMARRIED MALE AND UNMARRIED FEMALE, STATE THAT THE FOREGOING REPRESENTS CORRECT AND TRUE TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT NO LEGAL OBSTACLE TO THE MARRIAGE OF THE ABOVE NAMED PERSONS IS KNOWN TO US, AND HEREBY APPLY FOR A LICENSE AND CERTIFICATE OF MARRIAGE.

23 SIGNATURE OF GROOM [Signature] 24 SIGNATURE OF BRIDE [Signature]

**LICENSE TO MARRY**

25A ISSUANCE DATE - MONTH, DAY, YEAR [REDACTED] 25B LICENSE EXPIRES AFTER - MONTH, DAY, YEAR [REDACTED] 25C LICENSE NUMBER [REDACTED] 25D COUNTY OF ISSUE San Francisco

25E NAME OF COUNTY CLERK Ryan Brooks 25F SIGNATURE OF COUNTY CLERK [Signature] 25G CITY, STATE AND ZIP CODE S.F. Ca 94118

26A SIGNATURE OF WITNESS Cleo Jones 26B ADDRESS - STREET AND NUMBER 174 9th Ave 26C CITY, STATE AND ZIP CODE S.F. Ca 94118

26D SIGNATURE OF WITNESS [Signature] 26E ADDRESS - STREET AND NUMBER [REDACTED] 26F CITY, STATE AND ZIP CODE [REDACTED]

**CERTIFICATION OF PERSON SOLICITING MARRIAGE**

27 I HEREBY CERTIFY THAT THE ABOVE NAMED BRIDE AND GROOM WERE JOINED IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA

28A DATE JANUARY 5 2002 28B NAME OF PERSON SOLICITING MARRIAGE Willie C. Proctor 28C ADDRESS - STREET AND NUMBER City Hall Rm. 200 94102 28D CITY, STATE AND ZIP CODE 94102

29A SIGNATURE OF LOCAL REGISTRAR [Signature] 29B SIGNATURE OF DEPUTY OF APPLICABLE [Signature] 29C DATE ACCEPTED FOR REGISTRATION FEB 25 2002

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

This is a true and exact reproduction of the document officially registered and placed on file at the office of the SAN FRANCISCO ASSESSOR-RECORDER.

ATTEST: Bernard Jong

DATE ISSUED: MAR 17 2014

This copy not valid unless prepared on engraved border displaying date, seal and signature of Deputy Assessor-Recorder.



Carroll Chan  
Carroll Chan  
San Francisco Assessor - Recorder



Exhibit 2/2

2017/11/02 14:58:24 58  
2017/11/02 14:58:24 58

Member Name Philip S Ryan

RECEIVED SACRAMENTO CALPERS ID [REDACTED]

SPOUSAL/DOMESTIC PARTNER NOTIFICATION FORM

CALPERS  
DDC # 11

Pursuant to Government Code Section 21261 the spouse or partner of a CalPERS member must acknowledge the selection of retirement benefits designation of beneficiary or change of beneficiary

2017 NOV -2 AM 10 03

New Retirement Payment Option Option 3w

New Payment Option Beneficiary Designation Dina Bitton

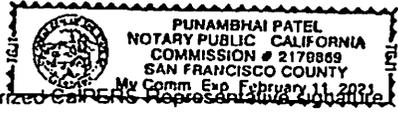
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness accuracy or validity of that document

[Signature] 10/27/2017  
Spouse s or Domestic Partner's Signature Date (mm/dd/yyyy)

State of California County of SAN FRANCISCO

On 10/27/17 before me PUNAMBHAI PATEL  
Date (mm/dd/yyyy) Name of Notary/Witness

personally appeared DINA DANY BITTON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/ their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct



Notary Seal

Witness my hand and official seal or authorized CalPERS Representative Signature

[Signature] NOTARY PUBLIC 10/27/17  
Signature of Notary or CalPERS Representative Position Title Date (mm/dd/yyyy)

PUNAMBHAI PATEL  
Printed Name CalPERS Office (if applicable)

Mail to Benefit Services Division P O Box 942711 Sacramento CA 94229 2711

myCalPERS 0591



Exhibit

217



### Customer Touch Point Report

#### Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	Nancy Hao
Note Capture Date	4/30/2019
Category Type	Legal Office
Note Type	Participant
Note Text	Dina Bitton's appeal re lifetime monthly allowance has been assigned to attorney Rory Coffey. Please refer appeal inquiries to him at (916) 795-3675.
Staff	Nancy Hao
Note Capture Date	4/22/2019
Category Type	Legal Office
Note Type	Participant
Note Text	Dina Bitton's appeal re lifetime monthly allowance was received in the Legal Office on April 19, 2019, and will be assigned to an attorney. Until an attorney is assigned, please refer appeal inquiries to Legal's main line at (916) 795-3675.
Staff	Shayne Day-Bolar
Note Capture Date	4/17/2019
Category Type	Death
Note Type	Participant
Note Text	Request for assistance regarding appeal routed to LEGO via Daniel/Keith/Anthony.
Staff	Robert Ball
Note Capture Date	4/16/2019
Category Type	Death
Note Type	Participant
Note Text	Legal assistance/Appeal memo to Shayne.
Staff	Julie Mumme
Note Capture Date	3/22/2019
Category Type	Death
Note Type	Participant
Note Text	Ann Montaspier with Murphy Pearson Bradley & Feeney called regarding status of appeal of denial of benefits, advised client needs to request status.
Staff	Stefanie Steel
Note Capture Date	2/1/2019
Category Type	Legal Office
Note Type	Participant
Note Text	The Legal Office was served on January 31, 2019 with an Appeal of the Determination of the CalPERS Benefit Services Division. Documents were routed to Death Benefits.



## Customer Touch Point Report

### Inputs

CalPERS ID: [REDACTED]  
Customer Name: Philip Ryan  
Start Date : Aug 13, 2003  
End Date : Jun 5, 2019

Staff	Tony Ta
Note Capture Date	1/30/2019
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Dina Bitton lawyer called because he want to know where he can file his appeal. He want to drop appeal off. I provide SRO address.
Staff	Robert Ball
Note Capture Date	1/17/2019
Category Type	Death
Note Type	Participant
Note Text	Dina called me back. I reiterated the information provided in the voicemail I sent her. Restated the February 1, 2019 deadline for submission. She understood.
Staff	Robert Ball
Note Capture Date	1/17/2019
Category Type	Death
Note Type	Participant
Note Text	Left a message with Dina Bitton, advised that her appeal needs to be sent to us in writing and should present a factual basis as to why she should be entitled to a monthly allowance. Provided my direct line again if there is any additional need for clarification.
Staff	Robert Ball
Note Capture Date	12/21/2018
Category Type	Death
Note Type	Participant
Note Text	Mailed certified letter to Dina Bitton informing of new deadline for appeal of February 1, 2019.
Staff	Robert Ball
Note Capture Date	12/18/2018
Category Type	Death
Note Type	Participant
Note Text	Left a message with Dina Bitton, stated that we are granting her request for an extension to the deadline for appeal to February 1, 2019. I will be sending a letter to her confirming this extension.
Staff	Shayne Day-Bolar
Note Capture Date	12/12/2018
Category Type	Death
Note Type	Participant
Note Text	Letter dated 12/5/18 from Dina Bitton forwarded to Rob.

Page 2 of 15

Jun 5, 2019  
8:44:45 AM

SP53186

DRRR000002



## Customer Touch Point Report

### Inputs

CalPERS ID: [REDACTED]  
Customer Name: Philip Ryan  
Start Date : Aug 13, 2003  
End Date : Jun 5, 2019

Staff	Makenna Stoebe
Note Capture Date	11/28/2018
Category Type	Death
Note Type	Participant
Note Text	Spouse, Dina Bitton, CID# [REDACTED] called to check on the status of letter with appeal rights. Explained letter was mailed on 11/27/2018 and to allow 7-10 business days for mailing.
Staff	Mariah Hansen
Note Capture Date	11/28/2018
Category Type	Health Enrollment
Note Type	Participant
Note Text	Spouse Dina Bitton CID# [REDACTED], called to check status of her COBRA application. Confirmed receipt of documents on 11/26/2018 and provided 30-45 calendar days processing timeframe for review of health transactions. Dina inquired about another COBRA form that was mailed to her. Advised Dina we do not need another at the moment, because we received one already. Dina inquired if she would pay CalPERS directly for COBRA and I advised her she would pay directly to the health plan.
Staff	Robert Ball
Note Capture Date	11/27/2018
Category Type	Death
Note Type	Participant
Note Text	Mailed certified letter with appeal rights to Dina Bitton. File to my suspense drawer.
Staff	Shayne Day-Bolar
Note Capture Date	11/27/2018
Category Type	Death
Note Type	Participant
Note Text	Recommendation to deny Dina's request to receive a monthly allowance has been approved. Case returned to Rob to send the determination letter.
Staff	Shayne Day-Bolar
Note Capture Date	11/21/2018
Category Type	Death
Note Type	Participant
Note Text	Recommendation routed to Daniel and Keith for review/approval.
Staff	Beatrice Collins
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow

Page 3 of 15

Jun 5, 2019  
8:44:45 AM

SPS3186

DRRR000003



### Customer Touch Point Report

#### Inputs

CalPERS [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Note Text	Incoming call from surviving spouse Dina D Bliton [REDACTED] regarding if she should enroll in COBRA. Informed her that the COBRA documents were sent out to her on August 2, 2018 and she has 60 days to elect if she wants the COBRA. She wants to see if she could elect to still have the COBRA because she is appealing to continue with the monthly benefit and health. Please contact her.
Staff	Priscilla Navarro
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow
Note Text	W/F forwarded to Health due to COBRA inquiry.
Staff	Sabila Iyyaz
Note Capture Date	11/20/2018
Category Type	Death
Note Type	Workflow
Note Text	Returned survivor's call in regards to COBRA enrollment. Spouse indicates she did not submit COBRA as she was appealing the survivor benefits decision with CalPERS however, she needs to enroll in COBRA. Per survivor she is willing to pay the retroactive premiums and understands it is 102% of the gross premium. Advised her to submit the COBRA enrollment form with an explanation of why it was submitted after the 60 day window and we will review her request.
Staff	Beatrice Collins
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Workflow
Note Text	Incoming call from surviving spouse Dina D Bliton [REDACTED] regarding if she should enroll in COBRA. Informed her that the COBRA documents were sent out to her on August 2, 2018 and she has 60 days to elect if she wants the COBRA. She wants to see if she could elect to still have the COBRA because she is appealing to continue with the monthly benefit and health. Please contact her.
Staff	Beatrice Collins
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Workflow
Note Text	W/F forwarded to Health due to COBRA inquiry.
Staff	Robert Ball
Note Capture Date	11/19/2018
Category Type	Death
Note Type	Participant
Note Text	Memo to Shayne for review.



## Customer Touch Point Report

### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	Robert Ball
Note Capture Date	11/15/2018
Category Type	Death
Note Type	Workflow
Note Text	Spoke with Dina, informed her that I met with the management team regarding her dispute of our determination. After reviewing the facts of the case, unfortunately we will be denying her request to pay her a lifetime allowance. She does not qualify for PRSA since she was not married or in a registered domestic partnership with the member a year prior to retirement. She does not qualify as a lifetime option bene since the member did not survive to the effective date of the MOLOB. During a retirement counseling session at the Sacramento Regional Office in January of 2016, member was informed by a CalPERS representative of what needed to be done to modify his lifetime option and there would be a 12-month waiting period since the qualifying event, marriage, was in 2002. A publication 98, which explains the process of changing a beneficiary after retirement, was provided to him during that meeting. Its reasonable to conclude the member was informed of the process, but chose to wait over a year to start the process to make the change to modify his retirement option. She did not agree with our determination. She feels that the timeframes we are using to deny her a lifetime allowance and continued health coverage are arbitrary. She stated CalPERS also made several clerical errors which resulted in a delay of the processing of the MOLOB. I advised that all of the rules we are referencing are provided in the Public Employees Retirement Law. These rules are set forth through legislation and we are required to abide by them. After reviewing the file for clerical errors, I did notice that there was a MOLOB cancellation letter, however, it appears to be a result of the member applying for a MOLOB several times in one day. The cancellation letter was a result of the system cancelling the multiple requests. The same day, a letter was also generated approving his request for the MOLOB. There was no delay in the processing of the MOLOB that I saw. She stated she will be contacting an attorney for advice. A letter will be provided to her offering appeal rights. She needs to respond within the timeframe set forth in the letter in order to move forward with the appeal. Explained the appeal process.
Staff	Navjit Chohan
Note Capture Date	11/7/2018
Category Type	Death
Note Type	Workflow
Note Text	Member called regarding survivor health benefits. Please call member to provide a status update. Thank you. She is appealing her decision. Thank you. [REDACTED] Thank you.
Staff	Carly Berry
Note Capture Date	10/20/2018
Category Type	Death
Note Type	Participant
Note Text	Case still under review with EPU but file is being forwarded to awaiting docs.
Staff	Marika Andrews
Note Capture Date	10/8/2018
Category Type	Death
Note Type	Workflow
Note Text	Released RB \$2,000 and PR \$922.35 to Dina Bitton CID [REDACTED] Issue date is 10/15/18. File/workflow to the EPU for



### Customer Touch Point Report

**Inputs**

CalPERS ID: [REDACTED]  
 Customer Name: Phillip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	SOE review.
Staff	Carly Berry
Note Capture Date	10/3/2018
Category Type	Death
Note Type	Participant
Note Text	SOE in member's doc history id [REDACTED] to be reviewed by EPU after benefits released to Dina.
Staff	Carly Berry
Note Capture Date	10/3/2018
Category Type	Death
Note Type	Workflow
Note Text	Ok to pay stat bene, Dina Bitton, the RB \$2,000 and PR \$922.35. LDR date 9/4/18. File to calc box and case to RB/PR calc task.  After benefits released to Dina, file needs to be forwarded to EPU for review of Dina's appeal of the denial of her monthly allowance.
Staff	Carly Berry
Note Capture Date	10/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spoke with Dina Bitton regarding her domestic partnership with member as she noted on her correspondence regarding denial of the monthly allowance. She said she and member were domestic partners and lived together since 1197, however they never legally registered. They then married in 01/2002. Advised file still needs to be reviewed regarding the monthly allowance but in the meantime we can pay her the RB and PR. Will be moving case forward to have lump sum benefits paid to her.
Staff	Carly Berry
Note Capture Date	10/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spoke with Dina Bitton regarding her domestic partnership with member as she noted on her correspondence regarding denial of the monthly allowance. She said she and member were domestic partners and lived together since 1997, however they never legally registered. They then married in 01/2002. Advised file still needs to be reviewed regarding the monthly allowance but in the meantime we can pay her the RB and PR. Will be moving case forward to have lump sum benefits paid to her.
Staff	Carly Berry
Note Capture Date	8/20/2018
Category Type	Death



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Note Type	Participant
Note Text	Spoke with Dina Bitton. Discussed status of the file and explained she's not entitled to a monthly benefit because member did not live until MOLOB effective date of 12/1/18. Since she's not receiving a monthly benefit, she's not eligible for continued health and dental, and we cannot automatically deduct the overpayment from benefits. Gave her the option of having the funds deducted from the RB & PR or she can send in a reimbursement check. She prefers to send in a check. Also on her tax form she provided roll over IRA for the RB. Informed of the RB and she wants direct payment instead of roll over due to the benefit amount. She said she will be writing in a dispute regarding the monthly benefit. She said member originally started the recalc process 08/2017, however CalPERS made an oversight and cancelled the application. She said this could have saved some time of the one year waiting period. Advised to include all of this info in her dispute and we will review.
Staff	Carly Berry
Note Capture Date	8/20/2018
Category Type	Death
Note Type	Workflow
Note Text	Case no longer ASAP as there is no monthly allowance payable to surviving spouse Dina Bitton. Member did not live until MOLOB effective date of 12/1/18. RB \$2000 and PR \$922.35 are payable to Dina as the stat bene. Sending ASAP Denial Ltr and Cobra Ltr to Dina and requesting return of the overpayment of \$1,652.83
Staff	Adrian Cea
Note Capture Date	8/9/2018
Category Type	Death
Note Type	Participant
Note Text	Mbr's spouse, Dina Bitton (CID# [REDACTED]), called for assistance in completing application for death benefits. Provided general assistance and advised to complete application packet to the best of their ability. Advised to return application along with a copy of death certificate. Advised to allow up to 45 days for processing once all documents have been received.
Staff	Nina Torres-Young
Note Capture Date	8/2/2018
Category Type	Death
Note Type	Workflow
Note Text	ASAP 1st
Staff	Lindsay Tracy
Note Capture Date	8/1/2018
Category Type	Death
Note Type	Participant
Note Text	Spouse Dina Bitton CID# [REDACTED], called to report members' death on 7/20/2018. Processed the death report and provided processing timeframe of 7-10 days for receipt of claim packet. Explained that once the packet is received, to fill it out to the best of their ability and return it with a copy of the death certificate. Provided processing timeframe of 45-90 business days.



### Customer Touch Point Report

**Inputs**

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	
Note Capture Date	12/1/2017
Category Type	Unknown
Note Type	Workflow
Note Text	I've been receiving emails from Silver Sneakers offering exercise support. Does my Calpers cover this? If so, how do I apply?  Philip Ryan [REDACTED]
Staff	Bryan Micheletti
Note Capture Date	11/6/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Processed deferred MOLOB for 12/1/18 effective date. Member selected option 3W and named Dina Britton as lifetime beneficiary. First reduced warrant to be Issued 1/1/19.
Staff	Linh Nguyen
Note Capture Date	11/2/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Mbr states he sent in a MOLOB application but received a cancellation letter. I advised it was cancelled per request, however another MOLOB application was sent on 10/27/17. Advised mbr we sent an acknowledgement letter to mbr and that we are just waiting for the spousal notification form. Mbr states he mailed it and we should be receiving it soon. Advised it will take up to 30 days to process once received.
Staff	
Note Capture Date	11/1/2017
Category Type	Unknown
Note Type	Workflow
Note Text	I've received emails from www.covered.ca.gov soliciting open enrollment. Is this Perscare? Is this connected with CALPERS?  I thought I was fully covered by Perscare and have no need to use other program. IS THIS CORRECT  PHILIP S. RYAN
Staff	Aubrey Cannon
Note Capture Date	10/27/2017
Category Type	Unknown
Note Type	Workflow
Note Text	Received confirmation of marriage certificate in Document History files.



### Customer Touch Point Report

#### Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	Bryan Micheletti
Note Capture Date	10/27/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	MOLOB acknowledgement letter sent to member.
Staff	Robert Aguilar
Note Capture Date	10/26/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Member called. Wants to change option and beneficiary to current wife. Advised can submit option change form and get estimate. From there can decided if he wants to do it because will lower his pension. Advised will not go into effect for a years from when last form is received.
Staff	Maria Aranda
Note Capture Date	10/16/2017
Category Type	Death
Note Type	Participant
Note Text	Death benefit estimate letter mailed; copy to file.
Staff	
Note Capture Date	9/18/2017
Category Type	Unknown
Note Type	Workflow
Note Text	Am I covered for hospitalizations outside USA? For example, on a cruise or a stay in Mexico?  Phil Ryan
Staff	Tiffany Triplett
Note Capture Date	3/28/2017
Category Type	Death
Note Type	Workflow
Note Text	Forwarding request for estimate letter.
Staff	
Note Capture Date	3/27/2017
Category Type	Participant Admin
Note Type	Workflow
Note Text	Could you send me identification cards for PersCare and Delta Dental?



### Customer Touch Point Report

#### Inputs

CalPERS ID: ██████████  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	Thank you. Philip S. Ryan
Staff	Cheryl Dooley
Note Capture Date	3/27/2017
Category Type	Death
Note Type	Workflow
Note Text	Member called to inquire what spouse will receive when he passes away. Specifically he wants to make sure she's eligible to receive a monthly benefit so he's assured the health coverage will continue for spouse as a survivor. Please send to verified address. Thank you
Staff	Cheryl Dooley
Note Capture Date	3/27/2017
Category Type	Demographic Update
Note Type	Participant
Note Text	While verifying the account it was discovered members contact information required updating so communication details have been updated on the account.
Staff	
Note Capture Date	1/5/2017
Category Type	Benefit Payments
Note Type	Participant
Note Text	Notice of Change provided by JPMORGAN CHASE
Staff	Daniel Huskin
Note Capture Date	12/7/2016
Category Type	Benefit Payments
Note Type	Participant
Note Text	Member called to change their direct deposit information to a new institution. Explained they would need to submit a new form, or log into MSS to make the change. Advised they can also obtain the form online. Member will login to change their payment options via MSS. Provided SCO cutoff date, and advised the effective date of change to their retirement check. Confirmed address on file.
Staff	Monica Chavez
Note Capture Date	1/19/2016
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Mbr came into SRO to Inquire about death benefits. Educated on unmodified allowance and RD benefit and pro-rata check. Educated on marriage being a qualifying event to modify option. Will need copy of marriage certificate and proof of spouse birthdate. Provided Changing Bene pub and both spouse and mbr needing to be alive for 12 mos after submission of election form. Educated on health after mbr passes for spouse if mbr elects to leave spouse a monthly



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	benefit.
Staff	Monica Chavez
Note Capture Date	1/19/2016
Category Type	Retirement Counseling/Class
Note Type	Participant
Note Text	Provided POA and 90 day timeframe to process.
Staff	Paul G. Ryan
Note Capture Date	2/7/2014
Category Type	Health Enrollment
Note Type	Participant
Note Text	Explained that he is fully vested and receives 100% of the state's full share for a 2-party plan. Retiree pays zero.
Staff	Denise Horton
Note Capture Date	6/29/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Responded to inquiry
Staff	
Note Capture Date	6/28/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Thanks.
Staff	Denise Horton
Note Capture Date	6/27/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	Responded to inquiry
Staff	
Note Capture Date	6/24/2013
Category Type	Participant Admin
Note Type	Workflow
Note Text	I have been trying to get CalPERS and Anthem Blue Cross to change my address for two days. My new mailing and residence address is: [REDACTED]



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

	[REDACTED]
	Please confirm!
	Philip S. Ryan
Staff	Ellen Morisawa
Note Capture Date	12/20/2012
Category Type	CSOD - Mbr Escalation
Note Type	Workflow
Note Text	Received workflow inquiry, requesting list of pharmacy used by Caremark. Called member and verified his account information. explained to member that we do not have pharmacy list and gave contact number to Caremark for information(855)479-3660.
Staff	Karen Andersson
Note Capture Date	12/18/2012
Category Type	CSOD - Mbr Escalation
Note Type	Workflow
Note Text	Member needs to discuss HB and Medicare Part D. Please contact at verified [REDACTED] Gave 3 business day call back timeframe.
Staff	Karen Andersson
Note Capture Date	12/18/2012
Category Type	Health Enrollment
Note Type	Participant
Note Text	Per member request, navigated online to 2013 CalPERS Medicare Enrollment Guide, navigated to member services contact number and website for Pharmacy Directory.
Staff	Denise Horton
Note Capture Date	1/21/2012
Category Type	Health Enrollment
Note Type	Participant
Note Text	Thank you for contacting the California Public Employees Retirement System (CalPERS). CalPERS only handles eligibility and enrollment. However, your health plan should pick up what Medicare does not. Please call them for clarification at 1-877-737-7776. Ask CalPERS #: [REDACTED] Date Submitted: 2011-11-01 Time Submitted: 13:41:13 Question: I have been prescribed physical therapy. My physical therapist does not accept Medicare. Will Calpers reimburse me for part of the treatment fees?
Staff	
Note Capture Date	9/19/2011



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Phillip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Category Type	Conversion
Note Type	Participant
Note Text	Customer Contact
Staff	
Note Capture Date	9/19/2011
Category Type	Conversion
Note Type	Participant
Note Text	Dental
Staff	
Note Capture Date	9/19/2011
Category Type	Conversion
Note Type	Participant
Note Text	EBLues
Staff	
Note Capture Date	9/1/2010
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 09/01/2010 10:45:18 Process Category Type: No Category DivP Analyst Name: Cool,Vickie E Inquiry Category: Health Benefit Services Inquiry Subject: Deductions/Premiums Person Contacting: Ryan, Philip S Caller Contact: 4250277 Contacting About: Philip Ryan Note Text: questions on the premiums. Wife went on Medicare, effective date 9/01/2010
Staff	
Note Capture Date	4/4/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 04/04/2008 15:30:06 Process Category Type: No Category DivP Analyst Name: Caldwell,Reginald Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Contacting About: Philip Ryan Note Text: Mbr wanted to change plans



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Staff	
Note Capture Date	1/22/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/22/2008 16:38:42 Process Category Type: Dental DivP Analyst Name: Romo,Leticia Note Text: rebuild
Staff	
Note Capture Date	1/17/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/17/2008 09:49:24 Process Category Type: No Category DivP Analyst Name: Romo,Leticia Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Caller Contact: 6140800 Contacting About: Philip Ryan Note Text: Left a message for the member need to verify the date of service and retro the dental enrollment to reflect the addition of the spouse, per ribs the member was never charged a two-party plan. **CALPERS processed an enrollment on Smartdesk. [REDACTED]
Staff	
Note Capture Date	1/14/2008
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 01/14/2008 15:24:22 Process Category Type: No Category DivP Analyst Name: King,Christian A Inquiry Category: Health Benefit Services Inquiry Subject: Dental Person Contacting: Ryan, Philip S Caller Contact: 6140800 Contacting About: Philip Ryan Note Text: The member added spouse to Delta Dental coverage effective 10/1/2002. We never updated RIBS to change deduction to 2 party premium. The member's wife had treatment in October 2007, but Delta never had her as a dependent. Delta is now denying payment for the bill. I called Delta and had spouse added but they could only make it effective 1/1/2008. Please call the member to advise, his phone is [REDACTED]. Thank you very much.
Staff	
Note Capture Date	8/13/2004



### Customer Touch Point Report

#### Inputs

CalPERS ID: [REDACTED]  
 Customer Name: Philip Ryan  
 Start Date : Aug 13, 2003  
 End Date : Jun 5, 2019

Category Type	Health Enrollment
Note Type	Participant
Note Text	med card to DMS
Staff	
Note Capture Date	8/13/2004
Category Type	Health Enrollment
Note Type	Participant
Note Text	Title: med Category: Health Events Topic: Change Coverage Related To: Member Date/Time: 08/13/2004 17:47:47 COMET Analyst Login: jdepries
Staff	
Note Capture Date	7/15/2004
Category Type	Conversion
Note Type	Participant
Note Text	Date/Time: 07/15/2004 11:20:32 Process Category Type: No Category DivP Analyst Name: Chin, Frank K Inquiry Category: Health Benefit Services Inquiry Subject: Medicare Person Contacting: Ryan, Philip S Contacting About: Philip Ryan Note Text: Mbr will mail in copy of Med Part B, eff 10/1/2004...

Exhibit 219

Dr. Dina Bitton

8/26/2018

CalPERS Retirement System, Benefit Services Division  
P.O Box 1652  
Sacramento, CA 95812-1652

Re: Appealing denial of Survivor Benefits [REDACTED]

I received your letter dated August 21, 2018, informing me that you cannot automatically start my Survivor Continuance monthly allowance and that my health coverage will immediately stop. The reason you provide is that I would have had to been married one year prior to the member's (my husband Philip Ryan) retirement date. We indeed got married in [REDACTED], but were domestic partners since 1997, which would have been more than one year prior to his retirement.

My husband had added me to his Pers health coverage several years ago. From then on, he had assumed that I would receive survivor benefits and continue to have health coverage after his death. When, in March 2017, he became aware that I may not be covered after his death (see enclosed letter), he immediately contacted Pers and was told to fill out a form for change of beneficiary. Unfortunately, due to Pers' clerical mistakes which he dealt with at a time of declining health, the application for change of beneficiary was not approved until months later, in November 6, 2017. Since he died on [REDACTED], we didn't meet the full year waiting period for the change to become effective.

For the above reasons, I therefore dispute your decision to:

1. Not automatically start paying me my Survivor Continuance monthly allowance
2. Not put in effect the change of beneficiary that my husband requested in March 2017

Based on the additional information provided in this letter, I sincerely hope that you will be able to approve my Survivor benefits. Please let me know at your earliest convenience if there are any claim forms I need to fill out.

Sincerely,

  
Dr. Dina Bitton

2018 AUG 30 AM 10:10  
DCC # 18

Exhibit 220



P.O. Box 1652 Sacramento, CA 95812-1652  
888 CalPERS (or 888-225-7377)  
TTY: (877) 249-7442 | Fax: (916)795-1281  
www.calpers.ca.gov

California Public Employees' Retirement System  
Benefit Services Division

November 27, 2018

Reply To: 440/RB  
Refer To: [REDACTED]

**Certified Mail Return Receipt Requested**

Dina Bitton  
[REDACTED]  
[REDACTED]

Dear Ms. Bitton:

This letter is being sent to you in response to your letter dated August 26, 2018. This letter is to advise you of the death benefits that were payable from CalPERS and our determination of the eligible beneficiary due to the death of CalPERS retiree Philip Ryan. The lump sum \$2,000.00 Retired Death Benefit and \$922.35 pro-rated payment were payable. The law provides that these benefits are first payable in accordance with a member's written beneficiary designation. If there is no written beneficiary designation on file, as in this case, the benefits become payable to the highest-ranking classification of statutory beneficiary (Government Code sections 21490 and 21493). As Philip's surviving spouse, you are entitled to these benefits, so CalPERS issued both one-time payments on October 15, 2018.

In your letter you are disputing our determination that you are not entitled to a lifetime monthly benefit. You are claiming that you should be entitled as Philip's option beneficiary and survivor entitled to Survivor Continuance. You allege that CalPERS made clerical mistakes that delayed the processing of the modification of the lifetime option resulting in Philip not surviving to the effective date of the election. You allege that you were also Philip's domestic partner since 1997, so you should qualify for Survivor Continuance.

Government Code Section 21624 defines a "Surviving Spouse" in reference to eligibility for Survivor Continuance. A surviving spouse is a husband or wife who was married to the member for a continuous period beginning at least one year prior to his or her retirement and ending on the date of his or her death. Government Code 21626.5 states a domestic partner shall be treated in the same manner as a "Surviving Spouse" so long as the domestic partnership was registered at least one year prior to a member's service retirement date. Since you were not married to Philip at least a year prior to retirement and you did not officially register as domestic partners in 1997, you do not meet the legal standard to receive Survivor Continuance.

All benefits are paid in accordance with the California Government Code and based upon the retirement elections and beneficiary designations filed by the member. Generally, the law

provides that a member's election of a retirement option and designation of a beneficiary for a lifetime option benefit are irrevocable after the issuance of the first retirement benefit payment. However, in accordance with Government Code Section 21462, the law provides for limited qualifying events that permit a member the right to elect to provide for a new option beneficiary; this is referred to as a recalculation of options. There is a cost to the member to provide for a new option beneficiary; the cost is reflected as a permanent reduction to the member's monthly retirement allowance to pay for the new option benefit that the member is electing to provide. The recalculation of options can only become effective if the member submits the formal election document and if both the member and new option beneficiary are alive on the effective date for the recalculation of options.

The effective date of the recalculation of options is determined by whether or not the request to change the retirement option was received within 12 months of a qualifying event. A qualifying event could be one of the following; death of a retirement option beneficiary, entering into a marriage/domestic partnership, or ending a marriage/domestic partnership through divorce, annulment, legal separation or termination. If the request was not submitted within 12 months of one of these qualifying events, then there is a mandatory 12-month waiting period from the date the election was made before the option change will be effective.

When Philip retired on March 1, 1999, he elected to receive the unmodified allowance and named his daughter as beneficiary for the lump sum Retired Death Benefit. The unmodified allowance is the highest possible retirement allowance a member can elect and does not provide a lifetime monthly benefit to anyone after death.

Philip married you in [REDACTED] which revoked his previous designation for the lump sum death benefits. About 14 years later, on January 19, 2016, Philip went into the CalPERS Sacramento Regional Office to inquire about death benefits. The CalPERS representative explained the unmodified retirement option and the lump sum benefits that he can designate a beneficiary for. He was informed that his marriage to you was a qualifying event that would permit him to modify his retirement option to name a new lifetime beneficiary. However, there will be a 12-month waiting period since the modification was not made within 12 months of the qualifying event, or date of marriage. The representative provided Philip with a CalPERS Publication 98, "Changing Your Beneficiary or Monthly Benefit after Retirement". The Publication 98 provides a substantial amount of information regarding the process of naming a new beneficiary for a lifetime option, and the forms needed to apply for such a change are enclosed within it.

Philip did not contact CalPERS again regarding death benefits until March 27, 2017 when he called in to inquire what his spouse will receive after he passes away. CalPERS responded by providing a detailed death estimate letter on October 17, 2017. The letter provides essentially the same information he received during his visit to the regional office on January 19, 2016. The letter stated that his new spouse is only entitled to the lump sum death benefits payable since he elected the unmodified allowance. The letter also explained that CalPERS has a new online process to modify his retirement option through the CalPERS website, but there will be a one-year waiting period before a modification would become effective. The letter further advised that should he choose to not modify his retirement option, no monthly allowance will be payable, and his spouse would only be entitled to health coverage through COBRA.

On October 26, 2017 and October 27, 2017, Philip logged on to the CalPERS website and applied three times to modify his retirement option to name you as his Option 3W beneficiary. Two of the applications were cancelled since they were duplicate requests. This resulted in CalPERS sending a cancellation letter and an approval letter for the modification request to Philip dated October 17, 2017. On November 6, 2017, CalPERS sent an approval letter to Philip indicating his new Option 3W beneficiary will be his spouse, but due to the 12-month waiting period this election will not become effective until December 1, 2018. Philip then passed away on [REDACTED] about 4 and a half months short of the effective date.

Unfortunately, based on these circumstances, CalPERS cannot pay a lifetime monthly benefit to you. It's reasonable to conclude that Philip was well informed of his ability to name a new beneficiary for a lifetime option, the 12-month waiting period, and was provided the necessary forms about one year and 8 months before he chose to start the process to do so. He then passed away before the effective date of his election to modify his retirement allowance, causing the modification to become invalid. Additionally, you do not qualify as an eligible survivor for Survivor Continuance, because you were not married a year prior to Philip's retirement date and you did not enter into a registered domestic partnership. Therefore, the lump sum death benefits that were issued to on October 15, 2018, are the only benefits that you are entitled to.

I hope this information is helpful in your understanding of the CalPERS benefits and our determination. It is unfortunate that I am unable to provide a more favorable response. I understand and sympathize with your position, but CalPERS benefits must be paid in accordance with the law.

If you wish to appeal our determination that you should be entitled to a lifetime monthly benefit from CalPERS, you have the right to do so. An appeal must be filed in writing with CalPERS here in Sacramento, within 30 days of the mailing of this letter. The right to appeal is provided for under sections 555 – 555.4, Title 2, of the California Code of Regulations. A copy of the applicable code sections is attached for your information. An appeal, if filed, must contain the factual basis and the legal authorities for the appeal. If you file an appeal, you will be provided with a statement of issues and notified of the hearing date by our Legal Office. All appeal hearings are held in California. The Legal Office will contact you and handle all requests for information.

Ms. Bitton, if an appeal request is not received from you within 30 days, I will assume you do not wish to appeal our decision. Should you have any questions, please contact Robert Ball directly at (916) 795-4682.

Sincerely,



Keith Riddle, Assistant Chief  
Benefit Services Division

Enclosure: OSS-197

Exhibit 223



What You Need to Know About

## **Changing Your Beneficiary or Monthly Benefit After Retirement**

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## INTRODUCTION

After you retire, certain life events can impact your CalPERS benefits. This publication explains what you need to consider if one of these events happens to you. Depending on the type of event, you may wish to:

- Add or change your beneficiary designation,
- Remove a beneficiary designation, or
- Request a pop-up increase.

The changes you're eligible for depend on the life event, the retirement payment option you chose at retirement, and the type of change you want to make.

When you retired, you may have designated a beneficiary (or beneficiaries) to receive a retired lump-sum death benefit, a continuing monthly benefit, or both. If it's been more than 30 days since you received your first retirement check, you may be limited on the type of change you can make.

As you read this publication, it will be helpful to know who you named as your beneficiary to receive the retired lump-sum death benefit, the retirement payment option you chose, and who you named as your retirement payment option beneficiary, if any. If you do not have this information, you can find it by logging in to your personal myCalPERS account at [my.calpers.ca.gov](http://my.calpers.ca.gov) or call us toll free at 888 CalPERS (or 888-225-7377).

## ADD OR CHANGE A LUMP-SUM BENEFICIARY

A lump-sum benefit is a one-time payment paid to your named beneficiary (or beneficiaries) upon your death. You can add or change a lump-sum beneficiary at any time. It's important to keep your beneficiary designation up to date.

The different lump-sum benefits are:

- **Retired Death Benefit**
  - The amount paid ranges from \$500 to \$5,000 depending on your employer's contract with us.
  - The highest amount contracted will be paid to your beneficiary if you had service with more than one employer.
  - If you last worked with another California retirement system that provides a similar benefit, then the CalPERS retired death benefit is not paid.
- **Option 1 Balance**
  - If you selected retirement payment Option 1 or Option 4 – 2W or 3W combined\* with Option 1 when you retired, your remaining member contributions, if any, will be paid to your named beneficiary. In most cases, no member contributions remain after approximately 10 years of retirement, which means no payment will be made to your beneficiary.
- **Temporary Annuity Balance**
  - If you elected to receive a temporary annuity when you retired and you die before your temporary annuity payments stop, a lump-sum payment for the current value of the remaining payments will be paid to your beneficiary. See *A Guide to Your CalPERS Temporary Annuity* (PUB 13) for more information about temporary annuity.

A **statutory beneficiary** is defined by law rather than designated in a will, or on an annuity or life insurance policy.

If there is not a valid beneficiary designation in effect at the time of your death, lump-sum benefits will be paid to your **statutory beneficiary** in the order determined by law:

- Spouse or domestic partner; or if none,
- Children; or if none,
- Parent(s); or if none,
- Brother(s) and sisters(s); or if none,
- Your probated estate; or if not probated,
- Your trust; or if none,
- Stepchildren; or if none,
- Grandchildren, including step-grandchildren; or if none,
- Niece(s) and nephews(s); or if none,
- Great-grandchildren; or if none,
- Cousins.

\* The Option 1 balance becomes payable upon the death of the Option 4 – 2W or 3W beneficiary.

An existing lump-sum beneficiary designation is automatically revoked with any of the following:

- Marriage
- Domestic partnership
- Dissolution or annulment of marriage, or termination of a domestic partnership. (If you change your designation **after** the start of one of these legal processes, your designation is **not** revoked when the legal process is finalized.)
- Birth or adoption of a child

Lump-sum benefits may be considered community property, and it is up to the court to make a final determination. If you are legally married or in a domestic partnership, your spouse or domestic partner may be entitled to his or her community property share even if you name someone other than your spouse or domestic partner to receive the benefit.

If you are a **nonmember** or if you marry or establish a registered domestic partnership **after** you retire, your spouse or domestic partner generally does not have a community property interest in your death benefits.

Change your lump-sum beneficiary designation any time through your personal myCalPERS account or complete and mail the *Post-Retirement Lump-Sum Beneficiary Designation* or *Post-Retirement Nonmember Lump-Sum Beneficiary Designation* form. You can find these forms in this publication or on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

A **nonmember** is the former spouse of a CalPERS member whose awarded interest is transferred into his or her own separate CalPERS account.

## ADD OR CHANGE A PAYMENT OPTION BENEFICIARY

A payment option beneficiary is the person (or persons) you named to receive an ongoing monthly benefit after your death. When you retired, you chose either a payment option for your lifetime only, or one that would leave a lump-sum benefit, a continuing monthly benefit, or a combination of the two, to a named beneficiary (or beneficiaries). If your circumstances have since changed and you want to make a change to your original selection, you may only do so if you have a qualifying life event. This is called the **Modification of Original Election at Retirement** process.

Qualifying life events may be:

- Marriage
- Domestic partnership
- Death of your beneficiary
- Annulment of marriage
- Being awarded your entire CalPERS interest upon
  - Divorce
  - Legal separation
  - Termination of domestic partnership

### **Good to Know!**

- If you named someone as your lifetime beneficiary, then later marry or enter into a domestic partnership with that same person, this is not a qualifying event because he or she is already your lifetime beneficiary.
- If you want to name a new lifetime beneficiary due to marriage or registration of domestic partnership, you must name your new spouse or domestic partner as the lifetime beneficiary.
- If you are a nonmember, then you do not need to be awarded total interest in your CalPERS benefit.
- If you were required by court order at the time of retirement to designate your former spouse or former legally recognized domestic partner as a Community Property Option 4 beneficiary, you are required to maintain your former spouse or domestic partner as the Community Property Option 4 beneficiary. You may only change your beneficiary for your portion of the benefit.

Your **lifetime beneficiary** is the person you named to receive a continuing monthly benefit upon your death.

## How Your Retirement Allowance Is Impacted

When you add or change a payment option beneficiary through the Modification of Original Election at Retirement process, your current retirement benefit is reduced to fund your new beneficiary's future benefit.

How much it's reduced depends on:

- Your original payment option, and
- Your and your beneficiary's age and life expectancy at the time of election.

Your cost-of-living adjustment and Purchasing Power Protection Allowance is also recalculated using your new lower base allowance.

## Estimate Your New Retirement Allowance

Before you can make an election to add or change a payment option beneficiary, you must obtain an estimate of your new retirement allowance. To do this, go to [my.calpers.ca.gov](http://my.calpers.ca.gov) and follow the prompts from the Retirement tab to Change Retirement Benefit.

You will be able to create and save estimates based on different life event and beneficiary scenarios. You can then elect to make the change online or you can print and mail us your signed election document. You'll need to submit supporting life event and beneficiary documentation for us to process your request.

If you are unable to create an estimate through your myCalPERS account, call us toll free at 888 CalPERS (or 888-225-7377) and we will mail you a *Modification of Option and/or Life Option Beneficiary Estimate Request* form.

### **Important!**

If you choose to modify your original election at retirement, your new election is irrevocable.

**Base allowance** is your monthly retirement allowance prior to any cost-of-living adjustments.

## Do You Have a Qualifying Life Event?

Refer to the chart below to see if you're eligible to make a change to your original retirement option. For a description of the retirement options, see the Retirement Option Reference Chart on page 14.

If your current retirement payment option is...	And the life event is...	Then you...
<ul style="list-style-type: none"> <li>• Unmodified</li> <li>• Option 1</li> </ul>	<ul style="list-style-type: none"> <li>• Death of your current beneficiary</li> <li>• Annulment of marriage</li> <li>• You are awarded your entire CalPERS interest upon                             <ul style="list-style-type: none"> <li>– Divorce</li> <li>– Legal separation</li> <li>– Termination of domestic partnership</li> </ul> </li> </ul>	<p>Do not have a qualifying life event that allows you to change your retirement payment option.</p> <p><b>Remember:</b> You can change your Option 1 beneficiary at any time.</p>
<ul style="list-style-type: none"> <li>• Unmodified</li> <li>• Option 1</li> <li>• Option 2</li> <li>• Option 2W</li> <li>• Option 3</li> <li>• Option 3W</li> <li>• Option 4 – 2W &amp; Option 1 combined</li> <li>• Option 4 – 3W &amp; Option 1 combined</li> <li>• Any other Option 4 types</li> </ul>	<ul style="list-style-type: none"> <li>• Non-spouse or non-domestic partner beneficiary disclaims their entitlement to your CalPERS benefits</li> </ul>	<p>Do not have a qualifying life event that allows you to change your retirement payment option.</p> <p><b>Remember:</b> You can change your Option 1 beneficiary at any time.</p>
<ul style="list-style-type: none"> <li>• Unmodified</li> </ul>	<ul style="list-style-type: none"> <li>• Marriage</li> <li>• Registration of domestic partnership</li> </ul>	<p>Can change your retirement payment option to:</p> <ul style="list-style-type: none"> <li>• Option 1*</li> <li>• Option 2</li> <li>• Option 2W</li> <li>• Option 3</li> <li>• Option 3W</li> <li>• Option 4 – 2W &amp; Option 1 combined*</li> <li>• Option 4 – 3W &amp; Option 1 combined*</li> <li>• Any other Option 4 types</li> </ul>

\* If you have been retired for 10 years or more, you may not be able to choose Option 1, Option 4 – 2W & Option 1 combined, or Option 4 – 3W & Option 1 combined because you may no longer have member contributions remaining in your account.

If your current retirement payment option is...	And the life event is...	Then you...
<ul style="list-style-type: none"> <li>• Option 1</li> </ul>	<ul style="list-style-type: none"> <li>• Marriage</li> <li>• Registration of domestic partnership</li> </ul>	<p>Can change your retirement payment option to:</p> <ul style="list-style-type: none"> <li>• Option 2</li> <li>• Option 2W</li> <li>• Option 3</li> <li>• Option 3W</li> <li>• Option 4 – 2W &amp; Option 1 combined*</li> <li>• Option 4 – 3W &amp; Option 1 combined*</li> <li>• Any other Option 4 types</li> </ul>
<ul style="list-style-type: none"> <li>• Option 2</li> <li>• Option 2W</li> <li>• Option 3</li> <li>• Option 3W</li> <li>• Option 4 – 2W &amp; Option 1 combined</li> <li>• Option 4 – 3W &amp; Option 1 combined</li> <li>• Any other Option 4 types</li> </ul>	<ul style="list-style-type: none"> <li>• Marriage</li> <li>• Registration of domestic partnership</li> <li>• Death of your current lifetime beneficiary</li> <li>• Annulment of marriage</li> <li>• You are awarded your entire CalPERS interest upon <ul style="list-style-type: none"> <li>– Divorce</li> <li>– Legal separation</li> <li>– Termination of domestic partnership</li> </ul> </li> </ul>	<p>Can change your retirement payment option to:</p> <ul style="list-style-type: none"> <li>• Option 1*</li> <li>• Option 2</li> <li>• Option 2W</li> <li>• Option 3</li> <li>• Option 3W</li> <li>• Option 4 – 2W &amp; Option 1 combined*</li> <li>• Option 4 – 3W &amp; Option 1 combined*</li> <li>• Any other Option 4 types</li> </ul>
<ul style="list-style-type: none"> <li>• Court-Ordered Community Property Option 4 <ul style="list-style-type: none"> <li>– Unmodified</li> <li>– Option 1</li> <li>– Option 2W</li> <li>– Option 3W</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Marriage</li> <li>• Registration of domestic partnership</li> <li>• Death of your current lifetime beneficiary</li> <li>• Annulment of marriage</li> <li>• You are awarded your entire CalPERS interest upon <ul style="list-style-type: none"> <li>– Divorce</li> <li>– Legal separation</li> <li>– Termination of domestic partnership</li> </ul> </li> </ul>	<p>Can change your retirement payment option to</p> <ul style="list-style-type: none"> <li>• Court-Ordered Community Property Option 4 <ul style="list-style-type: none"> <li>– Option 1*</li> <li>– Option 2W</li> <li>– Option 3W</li> </ul> </li> </ul>

\* If you have been retired for 10 years or more, you may not be able to choose Option 1, Option 4 – 2W & Option 1 combined, or Option 4 – 3W & Option 1 combined because you may no longer have member contributions remaining in your account.

## REMOVE A BENEFICIARY

You can remove a lump-sum beneficiary any time, but you can only remove a lifetime beneficiary under limited circumstances.

If you named your spouse or registered domestic partner as your lifetime beneficiary, you may only remove him or her if you get an annulment in which the court confirms the annulment, divorce, or legal separation, or you terminate your domestic partnership and you are awarded 100 percent of your CalPERS retirement.\* Otherwise, he or she will still receive a monthly lifetime benefit upon your death.

To remove a former spouse or registered domestic partner, send us a written request along with a copy of the court document validating your annulment or the judgment that awarded you full interest in your CalPERS retirement.

If you named someone other than a spouse or registered domestic partner as your lifetime beneficiary, you may remove this beneficiary only if he or she waives entitlement to his or her benefit. The beneficiary must sign a *Non-Spouse or Non-Domestic Partner Disclaimer* form. The signature must be notarized and the form returned to us for approval. Call us toll free at 888 CalPERS (or 888-225-7377) to request this form.

To remove a non-spouse or non-domestic partner, submit a written request along with the completed *Non-Spouse or Non-Domestic Partner Disclaimer* form.

Mail your written request and supporting documents to:

CalPERS Benefit Services Division  
P.O. Box 942711  
Sacramento, CA 94229-2711

### Good to Know!

Removing a lifetime beneficiary does not change your retirement allowance.

\* If you are a nonmember, then you do not need to be awarded total interest in your CalPERS benefit.

## ARE YOU ELIGIBLE FOR A POP-UP INCREASE?

You can only "pop up" to the **Unmodified Allowance** if you chose retirement payment Option 2 or Option 3 and one of the following life events happens:

- Your Option 2 or Option 3 beneficiary dies.
- You are awarded your entire CalPERS interest\* upon:
  - Divorce
  - Legal separation
  - Termination of domestic partnership
  - You can find the *Request for Option 2 or 3 Pop-Up Increase* form in this publication or on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).
- Your marriage is annulled.
- Your Option 2 or Option 3 non-spouse/non-domestic partner beneficiary disclaims entitlement to his or her benefit.
  - Call us toll free at 888 CalPERS (or 888-225-7377) to request a *Non-Spouse or Non-Domestic Partner Disclaimer* form. Your beneficiary's signature must be notarized and the form returned to us with your *Request for Option 2 or 3 Pop-up Increase* form.

**The Unmodified Allowance** is the highest retirement benefit. This is the amount you would have received when you retired if you had not named a beneficiary for the Option 2 or Option 3 benefit.

## WHEN YOUR CHANGES TAKE EFFECT

When your changes take effect depends on the type of change you are making and when we receive the required forms and documentation to process your request.

### Lump-Sum Beneficiary Designation

If you change your lump-sum beneficiary designation in your personal myCalPERS account, the change takes effect immediately. If you submit a *Post-Retirement Lump-Sum Beneficiary Designation* or *Post-Retirement Nonmember Lump-Sum Beneficiary Designation* form, the change takes effect when it is processed. Please allow 30 days for us to process your new lump-sum beneficiary designation.

\* If you are a nonmember, then you do not need to be awarded total interest in your CalPERS benefit.

## Modification of Original Election at Retirement

If you make an election to change your original retirement selection **within 12 months** of the qualifying event, the change takes effect the first day of the month following receipt of your completed election document.

**Example:** Your qualifying event date was May 1, 2016, and you submitted your completed election document on July 15, 2016. The effective date of change would be August 1, 2016.

If you make an election to change your original retirement selection **more than 12 months** after the qualifying event, the change does not take effect until 12 months after you make the election. By law, both you and your new beneficiary must be living on the **deferred election effective date** or the change cannot be processed.

**Example:** Your qualifying event date was January 1, 2015, and you submitted your completed election document on February 12, 2016. Your deferred election effective date would be March 1, 2017.

## Pop-Up

The effective date of the pop-up adjustment depends on your qualifying life event.

- **Death of Your Option 2 or Option 3 Beneficiary**
  - Pop-up effective date is the first of the month following your beneficiary's date of death.
- **Dissolution of Marriage, Termination of Domestic Partnership, or Legal Separation**
  - Pop-up effective date is the first of the month after we receive all required legal documentation, not when the event actually occurred.
- **Annulment of Marriage**
  - Pop-up effective date is the first of the month after we receive all required legal documentation, not when the event actually occurred.
- **Non-Spouse or Non-Domestic Partner Beneficiary Disclaimer**
  - Pop-up effective date is first of the month after we receive an acceptable form.

Our processing time frame is 30 days from the date we receive the required documentation.

## HEALTH COVERAGE FOR YOUR BENEFICIARY

If you have CalPERS health coverage for you and your dependents, you must immediately notify us if you:

- Divorce or annul your marriage,
- Terminate your domestic partnership, or
- Suffer the death of a spouse or domestic partner (or other dependent).

Incorrect health premiums may be deducted from your monthly benefit if you do not notify us of changes that affect coverage for your dependents.

### **Important!**

If you want your new spouse or domestic partner to be eligible for continued health or dental coverage upon your death, you must choose an option that provides him or her an ongoing monthly benefit. Refer to the Retirement Option Reference Chart on page 14 to see if the option you chose provides an ongoing monthly benefit to your beneficiary.

Refer to the CalPERS *Health Program Guide* for more information about dependent eligibility and enrollment. You can add or delete your health dependents by logging in to your personal myCalPERS account, or you can complete and mail the *Health Benefits Plan Enrollment for Retirees* form.

All CalPERS health benefit publications and forms are available in the **Forms & Publications** area of our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

## RETIREMENT OPTION REFERENCE CHART

The following chart describes each retirement option and what it provides to your beneficiary upon your death.

Retirement Option	Description
Option 1	Upon your death, provides a lump-sum payout of any remaining member contributions in your account to one or more named beneficiaries. This option does not provide your beneficiary an ongoing monthly benefit.
Option 2	Provides 100 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. If your beneficiary dies before you, or you have another qualifying event, such as a change in marital status, you will "pop up" to the Unmodified Allowance.
Option 2W	Provides 100 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. Does not include a pop-up provision.
Option 3	Provides 50 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. If your beneficiary dies before you, or you have another qualifying event, such as a change in marital status, you will "pop up" to the Unmodified Allowance.
Option 3W	Provides 50 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. Does not include a pop-up provision.
Option 4 – 2W & 1 Combined	Provides 100 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. Upon both your deaths, a lump-sum payout of any remaining member contributions in your account will be paid to one or more named secondary beneficiaries.
Option 4 – 3W & 1 Combined	Provides 50 percent of the option portion of your ongoing monthly benefit to your named beneficiary upon your death. Upon both your deaths, a lump-sum payout of any remaining member contributions in your account will be paid to one or more named secondary beneficiaries.

Retirement Option	Description
Option 4 Specific Dollar Amount to Beneficiary	Provides an ongoing monthly benefit of a specific dollar amount of your Unmodified Allowance to your named beneficiaries upon your death.
Option 4 Specific Percentage to Beneficiary	Provides an ongoing monthly benefit of a specific percentage of your Unmodified Allowance to your named beneficiaries upon your death.
Option 4 Multiple Lifetime Beneficiaries	Provides an ongoing monthly benefit to more than one beneficiary upon your death. Your named beneficiaries can receive equal shares or you can designate specific dollar or percentage amounts for each beneficiary.

## INSTRUCTIONS FOR COMPLETING FORMS

### Post-Retirement Lump-Sum Beneficiary Designation

#### Section 1 – Member Information

- Enter your full name as it appears on your Social Security card.

If you have changed your name, you must provide us a photocopy of the document validating the change (marriage certificate, court order, etc.). Additionally, the IRS requires us to obtain a photocopy of your updated Social Security card with your new name before we can stop using your former name.

- Enter your Social Security number or CalPERS ID.
- Enter your birth date (month, day, and year).
- Enter your daytime phone number.
- Check either Box 1 or Box 2.
  - Box 1 – Check this box if you want your beneficiaries to receive all applicable lump-sum benefits upon your death.
  - Box 2 – Check this box if you want to designate a different beneficiary to receive the payable lump-sum death benefits.

#### Section 2 – Beneficiary Designation

Your beneficiary can be:

- Any person regardless of their relationship to you. You cannot designate a guardian to receive benefits for another person.
- A class of next-of-kin as a group. For example, you can list your “grandchildren” or “siblings” instead of writing out individual names.
- A corporation that is registered in any state with the Secretary of State.
- Your estate. CalPERS can only pay to your estate if it is probated.
- Your trust. Provide the title and date of your trust, and the name and address of the person who has a copy of the document. Do not name the trustee.

If you designate a minor child as your beneficiary and the child is still a minor when the benefit becomes payable, the surviving parent can claim the child's death benefit without a court order if the child is in his or her care. If the child is not in the parent's custody, we will request a court order that appoints someone as guardian of the child's estate. Or you may choose to complete a *California Uniform Transfers to Minors Act – Nomination for Custodian of Minor* form to nominate a custodian to claim any benefits that may become payable to your minor child. Do not name the guardian or custodian as your beneficiary; just name the child.

Find the *Nomination for Custodian of Minor* form in the **Forms & Publications** area of our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

You can name primary and secondary beneficiaries. The benefit is paid to your primary beneficiary (or beneficiaries) first. If the primary beneficiary dies, the benefit will go to your secondary beneficiary. We pay equal shares unless you enter a percentage for each beneficiary. If you enter a percentage, the total must equal 100 percent. Complete all fields for your primary and/or secondary beneficiaries.

If you want to name additional primary or secondary beneficiaries, attach a blank sheet of paper with your additional beneficiary information to the *Post-Retirement Lump-Sum Beneficiary Designation* form. Provide the same beneficiary information as required on the form and indicate whether the beneficiary is primary or secondary. You must sign and date the paper and include your CalPERS ID. There is no limit to the number of beneficiaries you can name.

### Section 3 – Required Signatures

This section must be completed or your form will not be processed. If you are married or in a legally recognized domestic partnership, your current spouse or domestic partner must sign to acknowledge your beneficiary designation. If you are not able to obtain your spouse's or registered domestic partner's signature, you must complete the *Justification for Absence of Spouse's or Registered Domestic Partner's Signature* form. Find the form in this publication or on our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).





# Post-Retirement Lump-Sum Beneficiary Designation

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

## Section 1

### Member Information

When completing this form, be sure to clearly print with a ballpoint pen or type your information.

Name of Member (First Name, Middle Initial, Last Name) \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_

Birth Date (mm/dd/yyyy) \_\_\_\_\_ Daytime Phone \_\_\_\_\_

Check either Box 1 or Box 2. If you check Box 2, also indicate benefit type.

1.  I hereby designate the following person(s) who survive me, **share and share alike** if no percentage (%) is given, as **beneficiaries** for any lump-sum death benefits payable under the Public Employees' Retirement Law in the event of my death.
- ..... or .....
2.  I hereby designate separate beneficiaries for the various lump-sum benefits that may be payable. This designation is for:
- Retired Death Benefit                       Option 1 Balance
- Temporary Annuity Balance                       Option 4 - Option 1 Balance

## Section 2

### Beneficiary Designation

To name additional primary or secondary beneficiaries, attach a blank sheet of paper with your additional beneficiary information.

Provide the same beneficiary information as required on this form and indicate whether the beneficiary is primary or secondary. Sign and date the paper and include your CalPERS ID.

If a percentage (%) is entered, make sure the total equals 100%.

I understand that if I am married or in a registered domestic partnership, but do not name my spouse or registered domestic partner as beneficiary, they may be entitled to a community property share of the balance of contributions (Option 1) or Temporary Annuity balance. The community property share will be based on one-half of the contributions or one-half of the service credit earned during the marriage/registered domestic partnership. If the marriage or partnership occurred after my retirement date, then my spouse or registered domestic partner is not entitled to a community property interest. If a community property interest applies, my designated beneficiary(ies) will receive the portion of my lump-sum Option 1 or Temporary Annuity balance that is not payable to my spouse or registered domestic partner as their community property share.

### Primary Beneficiaries

Name of Primary Beneficiary (First Name, Middle Initial, Last Name) \_\_\_\_\_ Birth Date (mm/dd/yyyy) \_\_\_\_\_

Relationship to Member \_\_\_\_\_ Percentage of Benefit \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Name of Primary Beneficiary (First Name, Middle Initial, Last Name) \_\_\_\_\_ Birth Date (mm/dd/yyyy) \_\_\_\_\_

Relationship to Member \_\_\_\_\_ Percentage of Benefit \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Section 2 continues on page 2.

Put your name and Social Security number or CalPERS ID at the top of every page

Name of Member

Social Security Number or CalPERS ID

**Section 2, continued**

**Primary Beneficiaries, continued**

Name of Primary Beneficiary (First Name, Middle Initial, Last Name)

Birth Date (mm/dd/yyyy)

Relationship to Member

Percentage of Benefit

Social Security Number or CalPERS ID

Address

City

State

ZIP

**Secondary Beneficiaries**

In the event I survive the person(s) named as primary beneficiary, I hereby designate the following person(s) who survive me, share and share alike if no percentage (%) is given, as beneficiaries.

Name of Secondary Beneficiary (First Name, Middle Initial, Last Name)

Birth Date (mm/dd/yyyy)

Relationship to Member

Percentage of Benefit

Social Security Number or CalPERS ID

Address

City

State

ZIP

Name of Secondary Beneficiary (First Name, Middle Initial, Last Name)

Birth Date (mm/dd/yyyy)

Relationship to Member

Percentage of Benefit

Social Security Number or CalPERS ID

Address

City

State

ZIP

This form continues on page 3.

Put your name and Social Security number or CalPERS ID at the top of every page

Name of Member

Social Security Number or CalPERS ID

**Section 3**

**Required Signatures**

Before submitting your completed form, be sure to make a copy to keep with your important retirement information.

**Member's Acknowledgement**

Should I survive all of the persons named, I understand that the benefits payable upon my death will be paid to my statutory beneficiaries, or to such other beneficiary or beneficiaries that I may hereafter designate in writing to CalPERS, all in accordance with applicable provisions of law.

By this beneficiary designation, I hereby revoke any previous designation I have filed. I understand that my marriage or domestic partnership, final dissolution or annulment of my marriage or the termination of my domestic partnership, or the birth or adoption of a child subsequent to the date this form is filed with CalPERS will automatically void this designation.

I understand that a designation filed **after** the initiation of dissolution or annulment of marriage or domestic partnership or legal termination of domestic partnership will **not** be revoked when the legal process is finalized.

Are you legally married or in a registered domestic partnership?  Yes  No

If yes, your spouse or registered domestic partner must sign this form. If no, please indicate:

Never Married/Never in Registered Domestic Partnership  Divorced/Annulled  Widowed

**Important:** You must complete the *Justification for Absence of Spouse's or Registered Domestic Partner's Signature* form if you are married or in a registered domestic partnership but your spouse or registered domestic partner is unable to sign below.

Provide the date you signed the form.

Signature of Member

Date (mm/dd/yyyy)

**Spouse's or Registered Domestic Partner's Acknowledgement**

If spouse's or registered domestic partner's signature is not included, the *Justification for Absence of Spouse's or Registered Domestic Partner's Signature* form must be completed.

By signing this beneficiary designation form, I acknowledge that I am aware of the designation made by my spouse or registered domestic partner. I also hereby state that I am the current spouse or registered domestic partner. **If no spouse's or domestic partner's signature or certification is included, the *Justification for Absence of Spouse's or Registered Domestic Partner's Signature* form must be completed.**

Signature of Spouse or Registered Domestic Partner

Date (mm/dd/yyyy)

Date of Marriage or Registered Domestic Partnership (mm/dd/yyyy)

**Mail to:**

CalPERS Benefit Services Division • P.O. Box 942711, Sacramento, California 94229-2711

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# Justification for Absence of Spouse's or Registered Domestic Partner's Signature

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

## Section 1

Please include the month, day, and year for all dates as follows: mm/dd/yyyy.

## Member Information

Name of Member (First Name, Middle Initial, Last Name)

Social Security Number or CalPERS ID

Pursuant to Government Code Section 21261, a member's current spouse or registered domestic partner must be made aware of the selection of benefits or change of beneficiary made by the member. The spouse or domestic partner of a CalPERS member must acknowledge the submission of a request for refund of contributions, election of retirement optional settlement, and designation of beneficiary for retirement death benefits.

If a spouse's or registered domestic partner's signature does not appear on one of the above-named documents, the following information must be completed by the member.

Select either 1 or 2 and indicate specifics:

- 1  By checking this box, I indicate that I am not legally married or in a registered domestic partnership because:
  - Never married or never in registered domestic partnership.
  - Divorced/marriage annulled or registered domestic partnership terminated. Date (mm/dd/yyyy)
  - Widowed. Date (mm/dd/yyyy)
- 2  By checking this box, I indicate that I am married or have a registered domestic partner, but my spouse or registered domestic partner did not sign this form because:
  - I do not know and have taken all reasonable steps to determine the whereabouts of my spouse or registered domestic partner; or
  - My spouse or registered domestic partner has been advised of the application and has refused to sign the written acknowledgment; or
  - My spouse or registered domestic partner is incapable of executing the acknowledgment because of an incapacitating mental or physical condition; or
  - My spouse or registered domestic partner has no identifiable community property interest in the benefit; or
  - My spouse or registered domestic partner and I have executed a marriage settlement or partnership agreement that makes the community property law inapplicable to the marriage or partnership.

## Section 2

## Information Certification

I certify under penalty of perjury that the foregoing information is true and correct.

Signature of Member

Date (mm/dd/yyyy)

Mail to:

CalPERS Benefit Services Division • P.O. Box 942711, Sacramento, California 94229-2711

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## Post-Retirement Nonmember Lump-Sum Beneficiary Designation

### Section 1 – Nonmember Information

- Enter your full name as it appears on your Social Security card.

If you have changed your name, you must provide us a photocopy of the document validating the change (marriage certificate, court order, etc.). Additionally, the IRS requires us to obtain a photocopy of your updated Social Security card with your new name before we can stop using your former name.

- Enter your Social Security number or CalPERS ID.
- Enter your birth date (month, day, and year).
- Enter your daytime phone number.
- Check either Box 1 or Box 2.
  - Box 1 – Check this box if you want your beneficiaries to receive all applicable lump-sum benefits upon your death.
  - Box 2 – Check this box if you want to designate a different beneficiary to receive the payable lump-sum death benefits:
    - Pro rata
    - Option 1 Balance
    - Option 4 – Option 1 Balance

### Section 2 – Beneficiary Designation

Your beneficiary can be:

- Any person regardless of their relationship to you. You cannot designate a guardian to receive benefits for another person.
- A class of next-of-kin as a group. For example, you can list your “grandchildren” or “siblings” instead of writing out individual names.
- A corporation that is registered in any state with the Secretary of State.
- Your estate. CalPERS can only pay to your estate if it is probated.
- Your trust. Provide the title and date of your trust, and the name and address of the person who has a copy of the document. Do not name the trustee.

**Pro rata** is a lump-sum payment equal to your retirement allowance divided by the number of days in the month of your death, then multiplied by the number of days you lived.

If you designate a minor child as your beneficiary and the child is still a minor when the benefit becomes payable, the surviving parent can claim the child's death benefit without a court order if the child is in his or her care. If the child is not in the parent's custody, we will request a court order that appoints someone as guardian of the child's estate. Or you may choose to complete a *California Uniform Transfers to Minors Act – Nomination for Custodian of Minor* form to nominate a custodian to claim any benefits that may become payable to your minor child. Do not name the guardian or custodian as your beneficiary; just name the child.

Find the *Nomination for Custodian of Minor* form in the Forms & Publications area of our website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

You can name primary and secondary beneficiaries. The benefit is paid to your primary beneficiary (or beneficiaries) first. If the primary beneficiary dies, the benefit will go to your secondary beneficiary. We pay equal shares unless you enter a percentage for each beneficiary. If you enter a percentage, the total must equal 100 percent. Complete all fields for your primary and/or secondary beneficiaries.

If you want to name additional primary or secondary beneficiaries, attach a blank sheet of paper with your additional beneficiary information to the *Post-Retirement Nonmember Lump-Sum Beneficiary Designation* form. Provide the same beneficiary information as required on the form and indicate whether the beneficiary is primary or secondary. You must sign and date the paper and include your CalPERS ID. There is no limit to the number of beneficiaries you can name.

### **Section 3 – Required Signature**

You must complete this section or your form will not be processed.



# Post-Retirement Nonmember Lump-Sum Beneficiary Designation

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

## Section 1

When completing this form, be sure to clearly print with a ballpoint pen or type your information.

### Nonmember Information

Name of Nonmember (First Name, Middle Initial, Last Name) \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_  
 Birth Date (mm/dd/yyyy) \_\_\_\_\_ Daytime Phone (\_\_\_\_) \_\_\_\_\_

Check either Box 1 or Box 2. If you check Box 2, also indicate benefit type.

1.  I hereby designate the following person(s) who survive me, share and share alike if no percentage (%) is given, as beneficiaries for any lump-sum death benefits payable under the Public Employees' Retirement Law in the event of my death.

OR

2.  I hereby designate separate beneficiaries for the various lump-sum benefits that may be payable. This designation is for:

- Prorated Allowance       Option 1 Balance       Option 4 - Option 1 Balance

## Section 2

To name additional primary or secondary beneficiaries, attach a blank sheet of paper with your additional beneficiary information.

Provide the same beneficiary information as required on this form and indicate whether the beneficiary is primary or secondary. Sign and date the paper and include your CalPERS ID.

If a percentage (%) is entered, make sure the total equals 100%.

### Beneficiary Designation

#### Primary Beneficiaries

Name of Primary Beneficiary (First Name, Middle Initial, Last Name) \_\_\_\_\_ Birth Date (mm/dd/yyyy) \_\_\_\_\_  
 Relationship to Nonmember \_\_\_\_\_ Percentage of Benefit \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Name of Primary Beneficiary (First Name, Middle Initial, Last Name) \_\_\_\_\_ Birth Date (mm/dd/yyyy) \_\_\_\_\_  
 Relationship to Nonmember \_\_\_\_\_ Percentage of Benefit \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Name of Primary Beneficiary (First Name, Middle Initial, Last Name) \_\_\_\_\_ Birth Date (mm/dd/yyyy) \_\_\_\_\_  
 Relationship to Nonmember \_\_\_\_\_ Percentage of Benefit \_\_\_\_\_ Social Security Number or CalPERS ID \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Section 2 continues on page 2.

Put your name and Social Security number or CalPERS ID at the top of every page

Name of Nonmember

Social Security Number or CalPERS ID

**Section 2, continued**

**Secondary Beneficiaries**

In the event I survive the person(s) named as primary beneficiary, I hereby designate the following person(s) who survive me, share and share alike if no percentage (%) is given, as beneficiaries.

Name of Secondary Beneficiary (First Name, Middle Initial, Last Name)

Birth Date (mm/dd/yyyy)

Relationship to Nonmember

Percentage of Benefit

Social Security Number or CalPERS ID

Address

City

State

ZIP

Name of Secondary Beneficiary (First Name, Middle Initial, Last Name)

Birth Date (mm/dd/yyyy)

Relationship to Nonmember

Percentage of Benefit

Social Security Number or CalPERS ID

Address

City

State

ZIP

**Section 3**

**Required Signature**

Before submitting your completed form, be sure to make a copy to keep with your important retirement information.

**Nonmember's Acknowledgement**

Should I survive all of the persons named, I understand that the benefits payable upon my death will be paid to my statutory beneficiaries, or to such other beneficiary or beneficiaries that I may hereafter designate in writing to CalPERS, all in accordance with applicable provisions of law.

By this beneficiary designation, I hereby revoke any previous designation I have filed. I understand that my marriage or domestic partnership, final dissolution or annulment of my marriage or the termination of my domestic partnership, or the birth or adoption of a child subsequent to the date this form is filed with CalPERS will automatically void this designation.

Provide the date you signed the form.

Signature of Nonmember

Date (mm/dd/yyyy)

**Mail to:**

**CalPERS Benefit Services Division • P.O. Box 942711, Sacramento, California 94229-2711**

## Request for Option 2 or 3 Pop-Up Increase

### Section 1 – Participant and Beneficiary Information

- Enter your full name as it appears on your Social Security card.

If you have changed your name, you must provide us a photocopy of the document validating the change (marriage certificate, court order, etc.). Additionally, the IRS requires us to obtain a photocopy of your updated Social Security card with your new name before we can stop using your former name.

- Enter your Social Security number or CalPERS ID.
- Enter your complete mailing address.
- Enter your current Option 2 or Option 3 beneficiary's full name.
- Tell us the beneficiary's relationship to you.
- Enter your retirement date.

### Section 2 – Qualifying Events

Check the box that applies to you. You must submit the appropriate documentation or your request will not be processed.

- Death of Option 2 or Option 3 beneficiary – Submit a copy of the death certificate.
- Dissolution or legal separation of marriage, or termination of domestic partnership – Submit the entire endorsed filed court order that awards you 100 percent of your CalPERS benefit. The copy of the court order must be complete and should contain a legible filed stamp and the judge's signature.
- Annulment of marriage – Submit a copy of the court document validating the annulment.

### Section 3 – Disclaimer of Benefit Request

- Non-spouse/Non-domestic partner disclaimed Option 2 or Option 3 benefit – Submit the completed *Non-Spouse or Non-Domestic Partner Disclaimer of CalPERS Benefits* form.

### Section 4 – Certification of Participant

You must sign this form or your request will not be processed.





# Request for Option 2 or 3 Pop-Up Increase

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

## Section 1

Provide your full name and address and your current beneficiary information.

### Participant and Beneficiary Information

Name of Participant (First Name, Middle Initial, Last Name)

Social Security Number or CalPERS ID

Address

City

State

ZIP

### Current Option 2 or 3 Beneficiary

Name of Beneficiary (First Name, Middle Initial, Last Name)

Relationship to You

Date of Retirement (mm/dd/yyyy)

## Section 2

Please submit a copy of appropriate legal document, such as certified death certificate, marriage certificate, certificate of domestic partnership, or endorsed-filed court order with this application.

### Qualifying Events

Eligibility for Option 2 or 3 "pop-up" increase is based on one of the following events:

Indicate the event that applies.

- Death of current life option beneficiary (provide copy of the certified death certificate)

Name of Beneficiary (First Name, Middle Initial, Last Name)

Date of Death (mm/dd/yyyy)

- Divorce, annulment, or legal separation from spouse or ex-spouse who is your life option beneficiary (provide copy of the endorsed-filed court order)

divorce

annulment

legal separation

- Dissolution or termination of domestic partnership from domestic partner or ex-domestic partner who is your life option beneficiary (submit a copy of the endorsed-filed court order)

Date Effective (mm/dd/yyyy)

## Section 3

### Disclaimer of Benefit Request

- Check here to have CalPERS send you a **Non-Spouse or Non-Domestic Partner Disclaimer of CalPERS Benefits** form. Your non-spouse or non-domestic partner beneficiary can voluntarily disclaim entitlement to your option benefit. The form must be returned to CalPERS with your beneficiary's notarized signature and be approved by CalPERS before your monthly benefit amount is increased.

## Section 4

### Certification of Participant

I hereby certify under penalty of perjury that the foregoing information is true and correct.

Signature of Participant

Date (mm/dd/yyyy)

Daytime Phone

Evening Phone

## Mail to:

CalPERS Benefit Services Division • P.O. Box 942711, Sacramento, California 94229-2711

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## FREQUENTLY ASKED QUESTIONS

**I recently married. Will my new spouse automatically receive a monthly benefit upon my death?**

No. You must elect to change your original retirement selection and name your spouse as your new lifetime beneficiary. Otherwise, you can designate your spouse to receive a lump-sum death benefit only.

**I recently entered into a registered domestic partnership and added my partner as a dependent on my health plan. Will her health coverage continue when I die?**

If you named your domestic partner to receive a continuing monthly benefit upon your death, health coverage will continue. If not, your partner will lose health coverage when you die. To name your new domestic partner for a lifetime benefit, you must modify your original retirement selection and name your partner as your lifetime beneficiary.

**How do I remove my former spouse as my lifetime beneficiary?**

We need your written request with a copy of the entire court order showing you were awarded 100 percent of your CalPERS benefit.

**My current lifetime beneficiary is not my spouse, and I want to remove him. Can I do that?**

You may remove your current lifetime beneficiary only if he disclaims entitlement to his future benefit. He must complete the *Non-Spouse or Non-Domestic Partner Disclaimer of CalPERS Benefits* form, and you must submit a written request with the completed form asking us to remove him.

**If I remove my non-spouse lifetime beneficiary, can I change my retirement option and name a new beneficiary?**

No. If your non-spouse (or non-domestic partner) disclaims entitlement to your CalPERS benefit, you may only ask us to remove him or her as your lifetime beneficiary. Disclaiming a benefit is not a qualifying life event that allows you to change your retirement payment option and name someone new.

**I have a nonmember account and recently divorced. Do I have to be awarded 100 percent of my CalPERS benefit in order to make changes to my retirement benefit?**

No. Your nonmember account was awarded to you from a previous marriage (or domestic partnership) and it is considered your sole and separate property. You do not need to be awarded your entire CalPERS interest to change your retirement option or beneficiary.

## BECOME A MORE INFORMED MEMBER

### CalPERS Website

Visit [www.calpers.ca.gov](http://www.calpers.ca.gov) for information on all our benefits and services.

### my|CalPERS

Log in at [my.calpers.ca.gov](http://my.calpers.ca.gov) to access real-time details and balances of your CalPERS accounts. With my|CalPERS you can:

- View, print, and save current and past statements.
- Select mailing preferences for your statements, newsletters, and retirement checks.
- Search for medical premium rates and health plans available in your area and confirm which dependents are covered on your health plan.
- Estimate your future retirement benefit and save the estimates to view later.
- Send and receive secure messages.
- Order and download publications.
- Send account information to third parties, such as banks.
- Apply for service retirement.
- Change your beneficiary designation.
- Retirees can update contact information, set up direct deposit, and change tax withholdings.

### CalPERS Education Center

Whether you're in the early stages of your career or getting ready to retire, visit the CalPERS Education Center in my|CalPERS to:

- Take online classes that help you have a better understanding of your CalPERS benefits.
- Register for instructor-led classes at a location near you.
- Download class materials and access information about your current and past classes.
- Schedule a one-on-one appointment with a representative at your nearest CalPERS Regional Office.

### Experience CalPERS Through Social Media

- Facebook: [www.facebook.com/myCalPERS](http://www.facebook.com/myCalPERS)
- Twitter: [www.twitter.com/CalPERS](http://www.twitter.com/CalPERS)
- Instagram: [www.instagram.com/CalPERS](http://www.instagram.com/CalPERS)
- YouTube: [www.youtube.com/CalPERSNetwork](http://www.youtube.com/CalPERSNetwork)
- LinkedIn: [www.linkedin.com/company/calpers](http://www.linkedin.com/company/calpers)

### Reach Us by Phone

Call us toll free at 888 CalPERS (or 888-225-7377).  
Monday through Friday, 8:00 a.m. to 5:00 p.m.  
TTY: (877) 249-7442

**Visit Your Nearest CalPERS Regional Office**

**Fresno Regional Office**  
10 River Park Place East, Suite 230  
Fresno, CA 93720

**Glendale Regional Office**  
Glendale Plaza  
655 North Central Avenue, Suite 1400  
Glendale, CA 91203

**Orange Regional Office**  
500 North State College Boulevard, Suite 750  
Orange, CA 92868

**Sacramento Regional Office**  
Lincoln Plaza East  
400 Q Street, Room 1820  
Sacramento, CA 95811

**San Bernardino Regional Office**  
650 East Hospitality Lane, Suite 330  
San Bernardino, CA 92408

**San Diego Regional Office**  
7676 Hazard Center Drive, Suite 350  
San Diego, CA 92108

**San Jose Regional Office**  
181 Metro Drive, Suite 520  
San Jose, CA 95110

**Walnut Creek Regional Office**  
Pacific Plaza  
1340 Treat Boulevard, Suite 200  
Walnut Creek, CA 94597

Visit the CalPERS website for directions to your local office.  
Regional Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

## PRIVACY NOTICE

The privacy of personal information is of the utmost importance to CalPERS. The following information is provided to you in compliance with the Information Practices Act of 1977 and the Federal Privacy Act of 1974.

### Information Purpose

The information requested is collected pursuant to the Government Code (sections 20000 et seq.) and will be used for administration of Board duties under the Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to comply may result in CalPERS being unable to perform its functions regarding your status. Please do not include information that is not requested.

### Social Security Numbers

Social Security numbers are collected on a mandatory and voluntary basis. If this is CalPERS' first request for disclosure of your Social Security number, then disclosure is mandatory. If your Social Security number has already been provided, disclosure is voluntary. Due to the use of Social Security numbers by other agencies for identification purposes, we may be unable to verify eligibility for benefits without the number.

Social Security numbers are used for the following purposes:

1. Enrollee identification
2. Payroll deduction/state contributions
3. Billing of contracting agencies for employee/employer contributions
4. Reports to CalPERS and other state agencies
5. Coordination of benefits among carriers
6. Resolving member appeals, complaints, or grievances with health plan carriers

### Information Disclosure

Portions of this information may be transferred to other state agencies (such as your employer), physicians, and insurance carriers, but only in strict accordance with current statutes regarding confidentiality.

### Your Rights

You have the right to review your membership files maintained by the System. For questions about this notice, our Privacy Policy, or your rights, please write to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811 or call us at 888 CalPERS (or 888-225-7377).

*CalPERS is governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811.*

**California Public Employees' Retirement System**

400 Q Street  
P.O. Box 942701  
Sacramento, CA 94229-2701

**888 CalPERS (or 888-225-7377)**

**[www.calpers.ca.gov](http://www.calpers.ca.gov)**

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