



## Board of Administration

# Agenda Item 9a15

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**February 19, 2020**

**Item Name:** Proposed Decision – In the Matter of the Appeal of Accepting the Late Application for Disability Retirement of MARIO U. MANANSALA, JR., Respondent, and METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, Respondent.

**Program:** Disability and Survivor Benefits Division

**Item Type:** Action

### **Parties' Positions**

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

Respondent Mario U. Manansala, Jr.'s (Respondent Manansala) position is included in Attachment C, if any.

Respondent Metropolitan Water District of Southern California's (Respondent District) position is included in Attachment C, if any.

### **Strategic Plan**

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

### **Procedural Summary**

Respondent Manansala filed a late application for disability retirement. CalPERS denied Respondent Manansala's request to change from a service retirement to a disability retirement, because he was unable to establish that a correctable mistake had been made pursuant to Government Code section 20160. Respondent Manansala appealed and the matter was heard by the Office of Administrative Hearings on December 12, 2019. A Proposed Decision was issued on January 10, 2020, affirming CalPERS' determination and denying Respondent Manansala's appeal.

### **Alternatives**

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517 (c)(2)(C) which authorizes the Board to "make technical or other minor changes in the proposed decision," hereby modifies the

Proposed Decision, by replacing “subject to Government Code sections 21151 and 21154” with “subject to Government Code sections 21150 and 21154” on page 2, paragraph 2, line 4; and replacing the date “February 1, 2018” with “January 31, 2018” on page 5, paragraph 13, line 1; and hereby adopts as its own Decision the Proposed Decision dated January 10, 2020, as modified, concerning the appeal of Mario U. Manansala, Jr.; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated January 10, 2020, concerning the appeal of Mario U. Manansala, Jr.; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated January 10, 2020, concerning the appeal of Mario U. Manansala, Jr., hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated January 10, 2020, concerning the appeal of Mario U. Manansala, Jr., hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

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

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

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

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Mario U. Manansala, Jr.

**Budget and Fiscal Impacts:** Not applicable

**Attachments**

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

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Anthony Suine  
Deputy Executive Officer  
Customer Services and Support