

**ATTACHMENT C**

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

To whom it may concern,

I Lynette Hollinshed am appealing the decision by Timothy J. Aspinwall, Administrative Judge for the State of California Public Employees Retirement System (Calpers) on the basis that the decision is based solely on retribution on behalf of the California Employment Development Department ( EDD).

According to Calpers one must meet the following element in order to qualify for a Calpers retirement.

- A) A disabling or illness that prevents you from performing your usual job
- B) At least 5 years of service credit.

I currently have a disabling illness that prevents me from performing my usual job duties. Which has been confirmed by Muhammad S Zia who is a Psychiatry Specialist who is licensed ( C40085) by the State of California in both Psychiatry and Neurology. Dr. Zia graduated with honors in 1970, has more than 50 years of diverse experiences and has been affiliated with the Josephs Medical Center of Stockton.

According to the American with Disabilities Act, a disability is a physical or mental impairment that substantially limits a major life activity or major bodily function, what's more is that a psychiatric and mental impairment are frequently defined, in part, by disordered brain function, which is a major life activity under the ADA. A functional neurological disorder is a medical condition in which there is a problem with the functioning of the nervous system and how the brain and body sends and or/receives signals, rather than a structural disease process such as multiple sclerosis or stroke.

In the ruling by Judge Timothy J. Aspinwall, he is implying that my disability is not valid and that nothing is wrong with me. By this implication the Judge is simply reproducing discriminatory norms and values. Instead of addressing the cultural and economic forces that precipitates them The crucial problem is that disabled people, regardless of the type or severity of their impairment are not a homogenous group that can be accommodated easily within a society that takes little account of my individual or collective needs. Clearly my situation cannot be understood by any policy based on narrow theories of conventional normality or uniformity.

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What happened to me at the hands of the California Employment Development Department cannot be explained, it had to be lived in order to understand the impact that it had on my psychological well being.

Having to be subjected to a hostile work environment on a daily basis due to my skin color, my cultural norms, my economic background and religious beliefs, is what caused my neurological disability that has been confirmed by Dr. Zia.

The medical forms that have been submitted are competent, objective, and establish medical evidence that at the time of my application I was diagnosed by a qualified licensed physician Dr. Zia as having a permanent disability that incapacitated me from performing my usual duties in my position as a Employment Development Representative with the California Employment Development Department.

By producing these medical reports I have met the burden of proof and I must be afforded my Calpers disability. I refuse to sit by idly and be discriminated again by the same institution that employed and allowed one of their very own to call me a "dirty bitch nigger".

Date: February 20, 2020

Plaintiff



Lynette Hollinshed