ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION
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Attorney for Respondent, Jack Howard  

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  

JACK HOWARD  
Respondent,  

v.  

PLEASANT VALLEY STATE PRISON,  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION  
Respondent.  

Respondent, Jack Howard, hereinafter referenced as "respondent" submits the following Petition for Reconsideration in the above-captioned matter.  

I. PRELIMINARY STATEMENT  

By letter dated March 27, 2020, the CalPERS Legal Office notified respondent's attorney of the proposed adverse decision and informed respondent's counsel that a written argument could be submitted on behalf of respondent. Accordingly, by letter brief dated April 1, 2020, respondent's counsel submitted a written argument (attached hereto as Exhibit 1) to the CalPERS Executive Office. When the Legal Office issued the June 5, 2020 cover sheet to the Board, there was no reference to the fact that respondent has submitted the written argument. Therefore, as a precaution, respondent's counsel sent a cover letter, together with another copy of the written argument.
argument, to the CalPERS Executive Office, to the attention of Cheree Swendensky. We have a fax confirmation that this fax transmission was received by the designated recipient on June 9, 2020.

We have never received any written (letter, fax, or email), or oral, acknowledgment from the CalPERS Board, its Executive Office, or its Legal Office that the respondent’s afore-referenced written argument was considered, let alone received, in making the final decision in this case. It is noted that neither the June 18, 2020 cover letter, nor the Decision makes any reference to, or acknowledgment of, respondent’s written argument which was duly submitted for consideration in the determination of this matter.

II. REQUEST FOR RECONSIDERATION

Therefore, respondent is concerned and aggrieved that the Board has not made any consideration of the written argument that he was invited to submit in this matter. Accordingly, we respectfully request that reconsideration be granted for the purpose of having the Board read and consider the April 1, 2020 written argument submitted by respondent herein, and acknowledging that is has seriously considered that written argument in rendering its decision in this matter.

Date: June 22, 2020

THOMAS J. TUSAN
Attorney for Respondent,
Jack Howard
PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 1233 West Shaw, Suite 100, Fresno, CA 93711.

On June 22, 2020, I served the foregoing document described as Respondent Jack Howard’s Petition for Reconsideration on Parties Listed Below in this action by placing a true copy thereof enclosed in a sealed envelope and by causing such envelope to be delivered as noted below:

- **MAIL** – Placed in the United States Mail at Fresno, California.
- **EXPRESS MAIL** – Placed in the Express Mail Box of the United States Mail at Fresno, California.
- **PERSONAL SERVICE** – Delivered by hand to the Addressee addressed as follows:
- **FACSIMILE** – Sent by FAX at the number indicated.

Jack Howard

(Sent via express mail and fax to (916) 795-3659) EMB92302023US

Helen Louie, Esq.
CalPERS Legal Office
P.O. Box 942707
Sacramento, CA 94229-2707

CalPERS Executive Office
P.O. Box 942701
Sacramento, CA 94229-2701

Executed on June 22, 2020, at Fresno, California.

I declare under penalty of perjury that the above is true and correct.

TERESA J. PERALES