

**ATTACHMENT A**

**RESPONDENT'S PETITION FOR RECONSIDERATION**

Attachment A

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 4 California State Bar #054712

5 Attorney for Respondent, Jack Howard

7 BOARD OF ADMINISTRATION  
 8 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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<p>10 JACK HOWARD</p> <p>11 Respondent,</p> <p>12</p> <p>13 v.</p> <p>14 PLEASANT VALLEY STATE PRISON,          15 CALIFORNIA DEPARTMENT OF          CORRECTIONS AND          16 REHABILITATION</p> <p>17 Respondent.</p>	<p>) AGENCY CASE NO.: 2019-0399          OAH NO.: 2019070788</p> <p><b>RESPONDENT JACK          HOWARD'S PETITION FOR          RECONSIDERATION</b></p>
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18 Respondent, Jack Howard, hereinafter referenced as "respondent" submits the  
 19 following Petition for Reconsideration in the above-captioned matter.

20 I. PRELIMINARY STATEMENT

21 By letter dated March 27, 2020, the CalPERS Legal Office notified respondent's  
 22 attorney of the proposed adverse decision and informed respondent's counsel that a  
 23 written argument could be submitted on behalf of respondent. Accordingly, by letter  
 24 brief dated April 1, 2020, respondent's counsel submitted a written argument (attached  
 25 hereto as Exhibit 1) to the CalPERS Executive Office. When the Legal Office issued  
 26 the June 5, 2020 cover sheet to the Board, there was no reference to the fact that  
 27 respondent has submitted the written argument. Therefore, as a precaution,  
 28 respondent's counsel sent a cover letter, together with another copy of the written

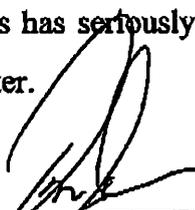
1 argument, to the CalPERS Executive Office, to the attention of Cheree Swendensky.  
 2 We have a fax confirmation that this fax transmission was received by the designated  
 3 recipient on June 9, 2020.

4 We have never received any written (letter, fax, or email), or oral,  
 5 acknowledgment from the CalPERS Board, its Executive Office, or its Legal Office  
 6 that the respondent's afore-referenced written argument was considered, let alone  
 7 received, in making the final decision in this case. It is noted that neither the June 18,  
 8 2020 cover letter, nor the Decision makes any reference to, or acknowledgment of,  
 9 respondent's written argument which was duly submitted for consideration in the  
 10 determination of this matter.

11 **II. REQUEST FOR RECONSIDERATION**

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

18  
 19 Date: June 22, 2020

  
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 THOMAS J. TUSAN  
 Attorney for Respondent,  
 Jack Howard

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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.

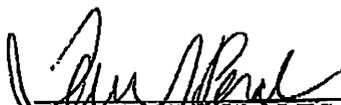
Jack Howard  
[Redacted]

(Sent via express mail and fax to (916) 795-3659)    **EM692302023US**  
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