ATTACHMENT C

RESPONDENT(S) ARGUMENT(S)

08/26/2021 6:38PM (GMT-04:00)

ATTACHMENT C

Fax

CalPERS Executive Office

August 26, 2021

Cheree Swedensky,

Assistant to the Board

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Total Pages Including Cover: 3

Urgent ☐ Reply ASAP ☐ Please Comment ☐ Please Review ☐ For Your Information ☒

Comments: Dear Cheree Swedensky, here is a fax copy of my argument that needed to be received by your office today. I will be following up this fax copy with a hard copy mailed to the address listed above. Please let me know if you need anything further. Thank you, John Medcalf

John Medcalf

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August 26, 2021

Ref. No. 2020-0202

Board of Administration
California Public Employees' Retirement System
State of California

Subject: In the Matter of Accepting the Late Application for Industrial Disability Retirement of JOHN E. MEDCALF, Respondent, and CALIFORNIA HIGHWAY PATROL, Respondent.

RESPONDENT'S ARGUMENT

Dear Board Members,

First and foremost, I want to thank all of you for taking the time out of your busy day to consider my appeal. It is greatly appreciated. I've read the proposed decision by Administrative Law Judge (ALJ), Julie Cabos-Owen, and I am in complete agreement with her decision. I feel this way not only because her decision favors me, but also because I truly feel it was the right decision based on all of the facts.

Leading up to my retirement and throughout the entire retirement process, I was very proactive, engaged and not lax at all. In fact, on the contrary, I tried to be as informed as I possibly could, and I believe the ALJ realized this after hearing all of the facts and reviewing all of the evidence.

I called CalPERS on numerous occasions and spoke to several representatives in order to gather as much information about the retirement process as possible. I even requested the appropriate CalPERS publications to assist me in making sure I was doing everything correctly. I submitted my Service Pending IDR application and all pertinent documentation within the required time frame. Unfortunately, two outside entities that were required to submit documents on my behalf failed to do so, and beyond my control, my application was cancelled. Despite this fact, I continued to be very proactive and communicated my concerns to CalPERS. Unfortunately, I later found out I was not provided correct information by several CalPERS representatives regarding the ability to re-submit my IDR application. In addition, written correspondence received from CalPERS never explained to me or advised me of what my options or rights were in regards to rectifying the issue at hand.

My hope is that after reviewing the Judge's proposed decision and looking at all of the facts, you will agree that I tried to do all I possibly could to stay informed and

"On top of things" during the entire process. Most people only retire once in their lifetime and don't go through this process on a regular basis. With that being said, we (retirees) rely heavily on the information provided to us by the representatives at CalPERS along with the publications that are available on-line that are supposed to guide us through the process. If the information provided to us is incorrect, inconsistent or is inadvertently omitted, how can we be held to such a high expectation of knowing what to do?

Regarding asking the Board to designate this proposed decision as precedent; I have no objection to this. If the Board believes this decision could possibly assist CalPERS and/or its members in the future and assist with clarifying the retirement process, then I am in full support.

Thank you again for all of your efforts in reviewing this appeal,

John E. Medcalf