

ATTACHMENT C

RESPONDENT(S) ARGUMENT(S)

Oct 27, 2021

To: Cheree Swedensky
CalPers Executive Office
Fax: (916) 795-3972

From: Amanda Jones

CASE # 2020-1013

DAH # 2021010202

October 25, 2021

Cheree Swedensky, Assistant to the Board
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Re: Jones VS CalPers Case # 2020-1013 OAH# 2021010202

Respondents written argument against the boards adoption of the proposed decision

THE PROPOSED DECISION SHOULD NOT BE ADOPTED BECAUSE IT INCORRECTLY EVALUATES RESPONDENTS MEDICAL CONDITION.

The proposed decision states that the responded did not meet the burden of proof or provide medical evidence that she is unable to do the duties of a Correctional Officer.

The responded provided medical evidence during the hearing from numerous medical doctors and orthopedic doctors that she has seen over the past 4 years that all say she has a contracture of her right arm and is substantially incapacitated from her duties as a Correctional Officer and is unable to return to her job.

CalPers Dr. Henrichsen seen responded Jones for approximately 1 hour, during this one hour interview and examine he determines that yes she has a contracture of the right arm but is able to return to her position as a

Correctional Officer because it is all subjective evidence with no exact cause of the contracture. Just because the injury does not show up on a CT, X-ray or MRI does not mean that she is not incapacitated. Dr Henrichsen made a personal opinion that it's unreasonable fear that the responded can't extend her right arm. When in fact a contracture is the shortening of muscles and tendons and is not controlled by fear. All medical care is rendered on subjective complaints from the patient. Government code sec 20026 does not require objective "medical evidence to prove disability." It merely requires competent medical opinion, in which Ms. Jones provided from numerous doctors. Physicians are rarely able to determine an exact cause of injury or illness.

CONCLUSION

For reasons set forth, respondent requests that the board not adopt the proposed decision, but that it enter a new and different decision which finds that Ms. Jones is substantially incapacitated from her duties as a Correctional Officer and award her, her disability retirement.

Sincerely,
Amanda Jones