

**ATTACHMENT C**

**Respondents' Arguments**

## ATTACHMENT C



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<b>FROM</b>	Messing Adam & Jasmine (Sac)
<b>TO</b>	Cheree Swedensky
<b>COMPANY</b>	
<b>FAX NUMBER</b>	19167953972
<b>DATE</b>	2022-03-28 17:07:33 PDT
<b>RE</b>	Respondent's Argument re Proposed Decision re Appeal of Thomas S. Blanco - Case No. 2020-1209 - OAH Case No. 2021030825

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**MESSAGE**

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Message: Attached, please find Respondent's Argument re: Proposed Decision in the Matter of the Appeal Regarding the Final Compensation Calculation of Thomas S. Blanco and California Department of Corrections and Rehabilitation; Agency Case No. 2020-1209; OAH Case No. 2021030825. A hard copy will follow.

Jon Davis

Legal Assistant to Lina Balciunas Cockrell & David Kruckenberg

MESSING ADAM & JASMINE LLP

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SACRAMENTO  
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March 28, 2022

**VIA FACSIMILE AND PERSONAL DELIVERY**  
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Cheree Swedensky  
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CalPERS Executive Office  
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Sacramento, CA 95811

**Re: Respondent's Argument re: Proposed Decision in the Matter of the Appeal Regarding the Final Compensation Calculation of Thomas S. Blanco and California Department of Corrections and Rehabilitation; Agency Case No. 2020-1209; OAH Case No. 2021030825**

Dear Ms. Swedensky:

The undersigned represents respondent Tom Blanco in the above-referenced matter. We urge the Board to adopt the Proposed Decision issued by administrative law judge Wim van Rooyen on or about February 23, 2022. The issue in this case was whether Mr. Blanco's out-of-class pay earned in his final compensation period constituted pensionable special compensation pursuant to Government Code section 20636(g) or whether it was excluded pursuant to Title 2, Section 571 of the California Code of Regulations. Judge van Rooyen conducted a comprehensive review of the applicable law, legislative history and interpreting representations by CalPERS and concluded that Section 571 does not apply to state CalPERS members as a matter of law. The Board should give deference to Judge van Rooyen reasoned and well-supported analysis and adopt the Proposed Decision.

Sincerely,

MESSING ADAM & JASMINE LLP

A handwritten signature in black ink, appearing to read 'Lina Balciunas Cockrell', written over a light gray grid background.

Lina Balciunas Cockrell

LBC:jpd  
00121154-1

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