

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION



Fax Cover Sheet

Date JUNE 23, 2023

Number of pages 5 (including cover page)

To:

Name Matthew G. Jacobs

Company CALPERS / General Counsel

Telephone (916) 795-3675

Fax (916) 795-3659

From:

Name Delia R. Snipes

Company _____

Telephone _____

Comments Please be advised this packet is the complete packet, previous one did not include last page.



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RESPONDENT'S PETITION FOR RECONSIDERATION

June 23, 2023

Board Services Unit Coordinator

California Public Employees' Retirement System

Post Office Box 942701

Sacramento, CA 94229-2701

Email: Board@CalPERS.ca.gov

Facsimile: (916) 795-3972

Re: In the Matter of the Appeal for an Earlier Effective Date of Disability Retirement of Delia R. Snipes. (OAH NO. 2022080349).

Dear CalPERS,

On June 21, 2023, I received a copy of the Board of Administration's Decision in the above matter, pursuant to the Administrative Procedure Act, (Gov. Code 11370 et seq.) and California Code of Regulations, title 2, sections 555.555.4 on June 20, 2023.

I am requesting a review, of "The error or omission was the result of mistake, inadvertence, surprise or excusable neglect, as each of those terms is used in Section 473 of the Civil Code Procedure".

In the Disability Retirement Election Application handbook, page 11, states, "The effective date of your retirement can be no earlier than the day following your last day on payroll, as long as your application is received by CalPERS within nine months of that date. If not, the retirement date can be no earlier than the first of the month in which CalPERS receives your application". I have attached the letter stating I was permanently separated from CalPERS, dated October 30, 2020. This date justifies my separation and is within the nine-month requirement. (May 1, 2021).

Furthermore, I continued the interactive process through the year (2020-2021) until I was formerly advised through my attorney to retire. At this time, I was ill-advised of the date to put down for retirement. I respect the professionalism and authoritative position of attorneys, so I acknowledged his advice.

With the ongoing anticipation of returning to work, I was excited and inattentive to timeframes, therefore, your consideration in, the fact that I was inadvertent, an excusable act.

I am requesting an earlier retirement date of October 30, 2020, the date I was permanently separated.

Respectfully,

Delia R. Snipes

6. On October 30, 2020, CalPERS sent respondent a letter stating, in part, as follows:

You have received this letter because one or more of your former employers have notified us that you have permanently separated from CalPERS-covered employment. We are providing the information below to help you make an informed decision about your CalPERS membership.

[¶] . . . [¶]

When requesting retirement:

- Submit your retirement application within 9 months of separating from employment to receive the earliest retirement date.
- By submitting your retirement application more than nine months after separation from employment, your retirement date can be no earlier than the first of the month in which your application was received.

7. On January 13, 2021, following a telephone conversation between respondent and a CalPERS staff member regarding service retirement and industrial disability retirement, CalPERS sent respondent a copy of its publication *A Guide to Completing Your Disability Retirement Election Application*, effective December 2020, which at page 12, in a highlighted box states:

The effective date of your retirement can be no earlier than the day following your last day on payroll, as long as your