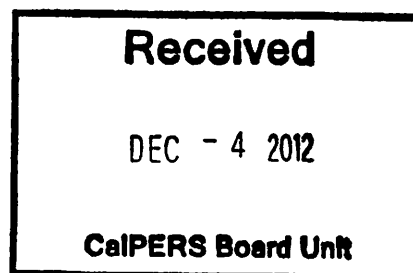


ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE
PETITION FOR RECONSIDERATION**

November 28, 2012

Cheree Swedensky, Assistant to the Board
CalPERS Executive Officer
P.O. Box 942701
Sacramento, CA 94229-2701



Re: Brenda Stevenson, Case No. 8381, REMAND hearing date of August 23, 2012

“Respondent’s Argument”

This is a brief written response to appeal the **Proposed Decision after Remand** administered by Administrative Judge Diane Schneider dated 11/2/12. Judge Schneider denied my claim for disability retirement.

On November 8, 2012, I received a phone call by the Secretary of Senior Staff Attorney, Patricia B. Miles, stating that she just emailed me a copy of the decision of the August 23, 2012 Remand Hearing. I informed her I wasn’t aware of this and that I didn’t even know how to get on my email. She then told me that she was mailing me a copy of the Remand Hearing and that I had until November 30, 2012, to reply with a written response. On November 9, 2012, I received a copy of the Remand Hearing decision, by way of Fed Ex. I find this very ironic that I have three weeks to respond to the denial of the Remand Hearing and CalPERS had six plus years to respond to my claim for disability retirement, and it is still ongoing.

With time restraints put upon me, and the serious nature of my claim, I am requesting that I be allowed to present an **oral argument** on my behalf to the Board of Administration’s on December 12, 2012, which is the date they will be making a decision on my appeal. Although I was informed that I cannot present an oral argument from the Legal Office, and a written response is the only resource I can present, according to the General Procedures for Administrative decisions, I may come and argue the case before the Board, and/or submit written argument. I choose to submit an oral argument. My argument will include:

- Time limitation for disability appeal process. (Disability retirement app. filed 2006)
- Senior Staff Attorney, Patricia Miles, withholding information.
- The competency of Dr. Wellborn. (View the hearing transcript)
- Bias universal questions that CalPERS’ appointed doctor’s must answer which leans most decisions in CalPERS’ favor in denying one’s claim.
- My physical condition.

I will address these arguments in detail, so I am now respectfully requesting ample time in doing so.

If I don't hear from you on whether I'm allow to attend the Board of Administration's meeting or not, I will assume that my request has been denied; as I will not drive all the way out to Sacramento on the chance that I may be able to speak! (Anyway, I don't know the location.)

Also, at this time I am not asking the Board to designate their decision as **precedent**. When the whole appeal process is finally exhausted, then I will decide whether my case should be **precedent**. (I thought **precedent** means to expedite. Certainly after all these years, expedience can't be a concern?)

I look forward to hearing from you in the near future. If I do not hear from you prior to December 12, 2012, the date of the Board meeting, please send me the Board's decision regarding my appeal, and all pertinent information, within a timely manner.

Thank you in advance for your cooperation.

Sincerely,



Brenda C. Stevenson