

ATTACHMENT C
RESPONDENT(S) ARGUMENT(S)

MAY 3, 2016



REF NO: 2015-0345

OAH No. 201507501

SUBJECT: Application for Disability Retirement of
PATRICIA LOUISE O'KEEFE-MINJAREZ, Respondent and
Newport-Mesa Unified School District, Respondent

RESPONDENTS ARGUMENT

Patricia Louise O'Keefe-Minjaray
5/3/2016

Respondent's Argument

May 3, 2016

I am designating PRECEDENT in whole, in this argument.

Background

On September 20, 2012, the day of the incident, the ratio of Teacher/student was Not sufficient. In fact the teacher of the other class went to lunch and asked us to watch her students on the playground, while one of her two aids performed toileting duty inside the bathroom and her other aid was one on one with a student who had gotten bit by another student. That left myself and two others to supervise all of our students and all of the other class on a large playground with a shed blocking view of a huge area of playground.

We were NOT assigned "areas" to supervise on the playground at that time. One week AFTER the incident, however, our principal created "positions" and "areas" for all aids and teachers to stand and observe during recess. There was also new rules about not going to break or lunch during recess and toileting had to be done before going out to recess. All AFTER this horrible accident. Too Late!

On the day of the incident it was very hot. The substitute teacher in our class, our other aid stood under a tree watching the students play from a distance and looking at their cell phones. I was all over the playground. That is why I was the first responder to the horrific event. I saved that child's life! I believe she would not be alive if I had not gotten there when I did.

I suffered considerable anxiety over the threat of disciplinary action by the school district. I was a hero. I still have major anxiety just thinking about how they treated me.

Medical Evaluation

Dr. Warwicks findings are based on 40 minutes face to face with me, and multiple tests in which Dr. Warwick instructed my sister to help me answer. Fifty percent of those answers are my sisters, per his instructions! His evaluations and conclusions cannot possibly be as accurate and complete as my THREE personal doctors who have seen me for 3 years. My doctors know me and my conditions. Three doctors who came to the same conclusion, I am permanently disabled, and one doctor who barely knows me who disagrees! I think this speaks volumes. All of my doctors were completely aware of all my specific job duties with NMUSD and all agree I cannot ever work there again. I still suffer daily. I am permanently disabled.

Undercover Surveillance

During 2013 my husband was working 6 days a week, 14 hour days as an Aerospace Engineer for Parker Hannifin. Because of his absence, and the fact that my daughters work, my sister could not be here daily, I was forced to run errands on my own. This is something Dr. Sandhu encouraged! He instructed me to take ½ Xanax, one half hour before I needed to leave the house to prevent an anxiety attack. Make sure I wasn't out for more than 2 hours because the medication may lose its affect. We had to have groceries, I had to have my prescriptions. I had no choice but to run errands ALONE! I was never instructed by any of my doctors not to drive, quite the opposite! It was my anxiety and agoraphobia, my own personal feelings, fear of leaving my home, that I was speaking of when I said "I can't drive". My doctors wanted me to get out and try as much as possible. What was seen was me following my doctors orders.

Dr. Sandhu and Dr.. Alpert were both fully aware I was being followed and videoed! We discussed it during our sessions. I was made aware of it by my workers comp. Attorney, the first time it happened and shared it with my doctors.

The meeting at Denny's was NOT for pleasure! Donna Hunt and I were meeting with the NMUSD, Union President trying to get some help and advice regarding THIS incident!

Closing

I continue to have nightmares five to six nights a week. Anything "bloody" on TV causes me to have an anxiety attack. I have multiple social "triggers" that cause anxiety attacks. Many having to do with school settings, which would prevent me from ever working at or near a school. I still have flashbacks of that day, her bloody face, blood all over my arms and blouse, him with the shovel. These are daily events that bring me to the point of tears and nausea.

I turned 60 last year. I am on multiple medications that keep me sedated. I cannot work sedated like this, however, I cannot function without these medications either. It would be impossible for me to retain gainful employment anywhere but least of all in a school setting where I could never function.