

ATTACHMENT C

RESPONDENT(S) ARGUMENT(S)



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Board Services Unit Coordinator
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Re: Respondent's Argument re: Proposed Decision in the Matter of the Appeal of Survivor Allowance Payable Upon the Death of the Honorable Richard M. Sims, III, by LINDA H. WALLIHAN, Respondent, and GEORGIANA C. SIMS, Respondent; Agency Case No. 2021-0929; OAH No. 2022040941

To Whom it May Concern:

The undersigned represents respondent Linda Wallihan in the above-referenced matter. We urge the Board to adopt the Proposed Decision issued by administrative law judge Coren D. Wong on or about December 22, 2022. The issue in this case was whether Ms. Wallihan is entitled to the surviving spouse allowance pursuant to Government Code section 75077 in the Judges' Retirement System. Judge Wong conducted a comprehensive analysis of the applicable law, including reopening the record to request additional briefing, and made a determination that adheres to the Public Employees' Retirement Law and promotes public policy. The Board should give deference to Judge Wong's reasoned and well-supported analysis and adopt the Proposed Decision.

Sincerely,

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