

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

Petition for Reconsideration

Matthew G Jacobs, General Counsel
Board Serviced Unit
California Public Employee's Retirement System
P.O. Box 942701
Sacramento, Ca 94229-2701

Dear Mr Jacobs,

I am appealing the decision rendered by Judge, Corey D. Wong. He is basing his decision solely on the 2 Drs that Calpers hired to evaluate me. I had to self represent because of the enormous cost to me to hire an attorney and pay witnesses in my defense.

Dr Filanosky met me and sat me down and the first thing he told me was "I don't want to hear the gory details just tell me what happened" I immediately shut down because I wanted out of there. When someone gets upset, angry or shows a lack of concern my PTSD goes through the roof. I cannot think clearly, I immediately have a panic attack, and my short term memory is messed up now because of my PTSD. Also, his assistant was cramming things in my ear and being aggressive to the point I started crying. Dr Filanosky only sat with me for 15 minutes and then put me in a room on a computer for what seemed like a long time. Dr Filanosky never said goodbye or came back in to check on me. He hated me even being there from the beginning and was extremely mean and rude from the first sentence out of his mouth. I could hardly answer his questions.

Dr Smith purged in court and completely changed his story. Dr Smith told me in person that he would write his report to grant me Disability Retirement and stated " You cannot go back to that job!" "You have suffered so much already!" "I can see you have tinnitus and PTSD" he also told me he could recommend hearing aids that would help with my tinnitus, TBI, and PTSD. I told him that worker's compensation already paid for my hearing aides. He also told me a female family member suffered a similar experience and that she was not physically attacked like I was but still took a long time to recover and couldn't go back to work. I was so upset to hear that he took Dr Filanosky's Report and mimic it. It's unfortunate for me that both Drs only took one sentence from Dr Alloys report and ran with it to deny me Disability Retirement.

My job ended after my employer put me in harm's way. They knew this assailant had a history of homicidal tendencies. He already beat a pregnant nurse and held a teacher and several students against their will before beating me unconscious. After I was attacked my employer let this person who beat me in the building for 6 more months and then I had to get administration involved to get him removed. They didn't even debrief us for 6 weeks after the incident. There is a lot no one knows about my working conditions or me and how different I am now. Dr Alloy rendered me 80% disabled and I don't understand why Dr Filanosky or Dr Smith (who purged)

in court are the only ones whose reports matter. I throw myself on your mercy to change this decision as it's not fair to me and I don't know why the laws are so different. I am currently on disability with Social Security, was rendered disabled by Workers compensation, and rendered 80% disabled by Dr Alloy ... all of these agencies spent 2+ years with me and saw me on a weekly basis but I meet with Dr Filanosky and Dr Smith and their voices are the only ones that count.

I was beaten and rendered unconscious and suffer on a daily basis with PTSD, pain, depression, suicidal tendencies, and severe anxiety. I wanted to work in that capacity and I paid \$47,000 for my bachelors degree in Criminal Justice Administration. I do not have a history of lying in court and I have great credibility in my community and always have. I have no criminal history. All I asked is that you change this decision and grant me disability retirement because of my injuries and not because 2 Drs did not give me a fair evaluation and were paid to be in court. I'm a human being who has suffered greatly and will never be the same person that I was ... I am sorry this letter is quick but I was only given 2 days after getting the paperwork by mail to respond to you.

Thank l'm advance for your consideration in this matter that will affect me for the rest of my life.



Dawn Cales



Calpers ID #

Social Security #



May 14, 2023

Matthew G Jacobs, General Counsel
Helen Louie Attorney
California Public Employees Retirement System
Lincoln Plaza North
400 Q Street
Sacramento, Ca 94229-2707

Case # 2021-1039

Your Honor,

My name is Dawn Cales and I worked for SISKIYOU County as a crisis worker when I was assaulted on October 24, 2018 by an angry client. I was held against my will and had to try and save my life. I was asked to take this homicidal person to my office (alone) at SISKIYOU Behavioral Health and interview him. I was told by my supervisor he just needed to talk to someone.

As I was walking down the hallway this offender ask me "Have you ever seen anyone dead?!" I quickly redirected the conversation and told him let's go into my office where I was going to sit him down and go get another employee to assist me. We were almost to my office door when he asked me again "Have you seen anyone dead, how many, one, two, tell me!?" I knew I was in trouble the 2nd time he asked about seeing someone dead. I again told him we can discuss this in my office. As we entered the doorway he put his hand on the wall to block me from exiting the office and said "If you have anything to say you will stand right there and ask me!" Needless to say I knew I was in serious trouble and needed to get out of my office safely. I asked him to please take a seat and he refused. At this point I looked for our panic button and because it was near my computer screen I was unable to push it. His right hand could easily punch me in the face and break my jaw. I looked at the offender and his eyes narrowed and were very dark in color. I knew he was going to attack me. I told him "Oh, wait I forgot something" and he lowered his hand a bit and I went 2 office doors down where my coworker was sitting with his door open. I leaned in and said "Hey, William can you" and that's all the words I got out before I felt a blow that hit me so hard it felt like a brick and my head slammed into the metal door jam leaving a dent in my skull. After I was on the floor unconscious this offender proceeded to punch me with full swings from one side of my head to the other, this I do not remember because I was out.

My right ear was split open and required sutures. I suffered a spinal neck injury in which my C4, my C5, and my C6 are all out of alignment and the only way to fix it is to fuse them together. I cannot do this because I am blind in my left eye and need my head to rotate so I can see on my left side. I have severe nerve damage going from my 4th and 5th fingers all the way up my neck and head, severe PTSD, a moderate TBI (that has altered my whole person and my short term memory), tinnitus (severe ringing all the time), loss of hearing, medication to help with my depression, pain, and night terrors that I suffer with daily. Also, I now have a thyroid issue I

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never had before from the trauma of my whiplash to my neck. I am in pain daily and try constantly to maintain my life as normal as I can. I struggle to be around crowded places, around certain types of people, don't like to be touched, my quality of life is altered forever.

After the assault I went back to work against Drs orders and I was sorry I did. My employer continued to let my attacker in our building for 6 months after the assault and I was a nervous wreck. I had to go to the county administrative office and have a sit down with the director of behavioral health to get this violent offender removed. This offender had a history of beating small women with dark hair and holding people against their will.

After I was taken off work I tried to get help from calpers for my disability retirement in 2019 I was unable to meet with anyone because all offices were on Covid lockdowns. I asked if I could get disability retirement and I was told if I put \$13,000 back into my calpers account I could probably get 50% of my income. So I did as they asked. When I got my first temporary disability check it was only \$135 and this was going to be my monthly payout. I was confused and every time I called for help my call was not returned for several days to weeks. I was going through tons of physical testing, PTSD therapy, and severe depression that hindered my quality of life.

After my attack I asked my employer to hire a security guard in our building and have a single point of entry so that these people I interviewed daily would not bring in their weapons. I have been handed knives and shanks by individuals who were in my office. My employer stated "we cannot accommodate you" to make my work environment safe. Because I was struggling to process the incident and my safety was a huge concern, my workers compensation Dr decided I needed to be done there so I could try and heal some. My injuries are permanent and stationary at this point I will never be myself again. I was told after doing 11.5 hours of neuropsychology testing that I needed to accept "the new me". I am 80% disabled and I'm on social security disability, and was deemed disabled by the worker's compensation (York insurance) company. My hearing that appears to be in question is altered forever because the neurological part of my brain has been damaged; it's not always my hearing it's my ability to understand what is being said. This is why I needed to sit and talk with someone at Calpers.

The only reason I am writing this letter to you is because attorney, Helen Louie with Calpers said "all my 2500 pages of evidence is inadmissible without witnesses" she said "it's all hearsay anyway because of case law" apparently she found a case that will deny me my disability retirement. If my Drs reports are hearsay then Calpers appointed Drs should be hearsay as well. All I have is a few pieces of paper with the incident, my correspondents, and my experience. I checked about hiring an attorney to defend me and it will cost me \$40,000+ to even get my case done. I just can't afford that being on Disability and having a limited income.

In item IV the documents stated I no longer wanted to pursue my Disability based on my neck, thoracic spine, hearing loss, tinnitus, and neurological conditions ... this is not true. Why would I eliminate all my issues when I'm pursuing disability? I said I didn't want to go to anymore Drs because I had to have a test that was an electric shock which left bruises on my arm and neck, lots of painful physical therapy, and extensive testing for 2 years and I was already deemed

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permanent and stationary with an 80% disability. I know Calpers states that my injuries are not "incapacitating for performance of my duty" I am asking is that you look at my trauma, my permanent injuries, the lack of concern for my safety by my previous employer, and my PTSD. You will see I cannot go back to that horrible place, ever!. My hearing and my ability to understand is a huge concern because I evaluate people for a danger to self, a danger to others, and gravely disabled. If I cannot hear or understand the answers to my questions effectively, I cannot do my job and keep myself safe.

I am currently on social security disability and had to retire because of my pain, my TBI, and PTSD. I spent \$47,000 on my education and could not finish out my career. I was cheated out of 11 years of work and that would have given me 16 years of retirement with Calpers. Calpers told me I will only get \$262 or something like that a month if I was to get my disability retirement. If this hearing is not in my favor I will continue to get \$135 a month for the rest of my life. If I had known what I know now I would have withdrawn my \$20,000 and got out of the calpers retirement system.

So with that being said I have to throw myself on the mercy of the court. I am my only witness other than my family who know I am different.

Thank you for hearing me out, your honor.

Sincerely,

Dawn Cales