



Board of Administration

Agenda Item 8a9

September 17, 2025

Item Name: Proposed Decision – In the Matter of the Appeal for an Earlier Effective Date of Industrial Disability Retirement of STEVEN MONDAY, Respondent, and CITY OF SOUTH LAKE TAHOE, Respondent.

Program: Sharon Hobbs Disability and Survivor Benefits Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should adopt the Proposed Decision.

Respondent Steven Monday's (Respondent) position is included in Attachment C, if any.

Respondent City of South Lake Tahoe's (Respondent City) position is included in Attachment C, if any.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

On January 4, 2024, Respondent submitted an application for service retirement pending industrial disability retirement (IDR). Respondent was approved for IDR, but CalPERS denied his request for an earlier effective retirement date of December 31, 2022. Respondent appealed CalPERS' determination, and the matter was heard by the Office of Administrative Hearings on June 16, 2025. Closing briefs were submitted by the parties on July 14, 2025, and the matter was submitted for decision. A Proposed Decision was issued on August 13, 2025, granting Respondent's appeal.

Alternatives

A. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated August 13, 2025, concerning the appeal of Steven Monday; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

- B. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated August 13, 2025, concerning the appeal of Steven Monday, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

- C. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated August 13, 2025, concerning the appeal of Steven Monday, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

- D. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Steven Monday, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Steven Monday.

Budget and Fiscal Impacts: Not applicable

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Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Kimberly A. Malm
Deputy Executive Officer
Customer Services and Support