

ATTACHMENT C

RESPONDENTS ARGUMENTS



October 23, 2025

Board Services Unit Coordinator

California Public Employees Retirement System

Subject: Respondent's Argument

Appealing Decision on IDR late application decision August 20, 2025

Ref. No. 2024-0531

CalPers ID [REDACTED]

I am writing to respectfully appeal the decision made on August 20, 2025 regarding my late Industrial Retirement application that was denied due to being submitted after the deadline.

I sincerely apologize for the delay in submitting my application. The lateness was due to me misunderstanding the timeframe, I thought I had a year to file for Industrial Retirement. I filed for Industrial retirement the first time on May 25, 2022, I also filed another time and I was denied. I have been dealing with my injuries since 2013. My case is still open, I have had 6 surgeries and just found out that the surgeries did not work. I am waiting for my doctor appointment and waiting to see a surgeon. On September 18, 2025, I was told by Doctor Yoa Liu that I need to definitely have surgery on my right elbow soon or I may lose all movement on my right arm.

I have been working for the Department of Corrections for 30 plus years, started in 1990. I retired July 30, 2021 Regular Service retirement pending IDR. My cases were still pending and are still active today.

On 2/6/20, I went to Cal Pers and inquired about IDR and SR retirement. I submitted a SR pending IDR estimate.

On 6/29/21, I called Cal Pers and indicated I wanted to retire SR and when my cases were closed then apply for IDR retirement. I was hoping my cases were closing before the year was up. Unfortunately I'm still dealing with my injuries from 2013. I retired July 29, 2021. I'm sorry but no one told me I only had 4 months. Refer to A153, Michelle Martinez did not tell me I had only 4 months to apply for IDR.

It states in A11 that they sent letters for updated Physician reports, section A326 On 6/6/22, I sent a Treating Physician Report. My paperwork states they sent a letter, but all I received were blank Disability Retirement Election Application books. No letter attached, I thought they sent it by mistake.

A419 states they sent a letter to my personnel office regarding me changing my service retirement to IDR. Why would you talk to personnel? At Personnel Gladis Miranda did not speak to me or even ask questions. All they do is sign the paperwork. The paper work should have been submitted to Diana Smyers CSATF Return to work Coordinator who knows of all my injuries. Also you could have contacted Sharon Hubble at Kern Valley State prison Return to work coordinator.

I had my 1st surgeries in 2014 and 2015 at Kern Valley State Prison. When I recovered from my surgeries, I went to annual training and my hands went numb and couldn't complete my gun training. I was put off work again, I went to a personal trainer at my own expense to build my hand strength.

A426-A429 On 8/12/22, I responded to some questions. Please refer to those pages. It was my QME that was done approximately a month after I retired. You can get a copy of my Doctor's report from Craig Nelson State Fund Adjuster.

Please contact Craig Nelson at State Fund and get all my medical records and see that I have serious injuries and still am dealing with them. On 11/13/24, I received a voucher from State Fund to be retrained because I am no longer able to be a correctional Sergeant. (I will attach a copy)

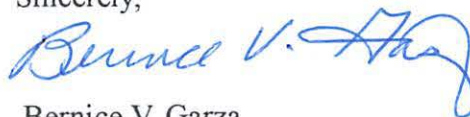
Please look at my late application and review all my medical records. Look at Doctor Randi Gallis's report. I did over 30 years with CDCR, please change your decision, and review my case. I don't believe that my request is unreasonable. I have injuries that will be with me for the rest of my life. My pay will be the same but for tax purposes is what I am asking for. I am asking for my pay to be 50% tax free, or whatever percent I qualify for. I am unable to work another job to pay taxes. I understand and respect the importance of adhering to deadlines; however, I hope you might consider my situation as an exceptional case.

Despite the delay, I have met all other application requirements and remain hopeful. I would be deeply grateful if you could reconsider my application for review.

Please let me know if there is any additional information or documentation I can provide to support my request.

Thank you for your understanding and consideration.

Sincerely,



Bernice V. Garza

November 13, 2024

Bernice Garza
[REDACTED]

Claim Number: 06568028
Employee: Bernice Garza
Date of Injury: 11/02/2020
Employer: Sub Abuse Treat, Corcoran
Attn: Rtwc

**Supplemental Job Displacement
Nontransferable Training Voucher Form**

You have been determined eligible for this supplemental job displacement non-transferrable \$6,000 voucher.

You may apply the voucher to any of the following expenses: The voucher may be applied to any of the following expenses at your choice.

- (1) Payment for education-related retraining or skill enhancement, or both, at a California public school or with a provider that is certified and on the state's Eligible Training Provider List (ETPL), as authorized by the federal Workforce Investment Act (P.L. 105-220), including payment of tuition, fees, books, and other expenses required by the school for retraining or skill enhancement.
- (2) Payment for occupational licensing or professional certification fees, related examination fees, and examination preparation course fees.
- (3) Payment for the services of licensed placement agencies, vocational or return-to-work counseling, and résumé preparation, all up to a combined limit of 10 percent of the amount of the voucher.
- (4) Purchase of tools required by a training or educational program in which the employee is enrolled.
- (5) Purchase of computer equipment (including but not limited to monitors, software, networking devices, input devices such as keyboard and mouse, peripherals such as printers, and tablet computers), up to one thousand dollars (\$1,000).
- (6) Up to five hundred dollars (\$500) as a miscellaneous expense reimbursement or advance, payable upon request and without need for itemized documentation or accounting. You will not be entitled to any other voucher payment for transportation, travel expenses, telephone or Internet access, clothing or uniforms, or incidental expenses.

Please complete the Employee Section (page 2) of the form. Failure to complete ALL required fields may result in the rejection of this form by the Division of Workers Compensation (DWC). Keep a copy for your records.

To initiate your training, you can take this voucher to a California public school or to a state-certified provider on the eligible Training Provider List, at <http://etpl.edd.ca.gov>. For return to work counseling, you can also present this voucher to a counselor, which can be selected from the list on the DWC's website at http://www.dir.ca.gov/dwc/SJDB/VRTWC_list.pdf. The school and/or counselor should contact me regarding direct payment from your supplemental job displacement benefit.

This voucher will expire two years after the date it is furnished to you (the employee), or five years after the date of injury, whichever is later. You will not be entitled to payment or reimbursement of any expenses that have not been incurred and submitted with appropriate documentation prior to the expiration date.

Settlement or commutation of a claim for the supplemental job displacement benefit is not permitted.

Sincerely

Craig Nelson

Craig Nelson
Claims Representative
(916) 924-5009
Fax: (707) 646-6621

Enc: Supplemental Job Displacement Non-Transferable Voucher Form (DWC-AD 10133.32 - Eff. 10/1/2015)
cc: Andrew Scott, 101 Moody Ct Ste 203, Thousand Oaks, CA 91360-7816

Front Counter Express Log

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OCT 28 2025

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Bernice G...



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