

ATTACHMENT A

THE PROPOSED DECISION

**BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

ANGELA Y. LOGAN, Respondent

Agency Case No. 2021-0473

OAH No. 2025010610

PROPOSED DECISION

Timothy J. Aspinwall, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on August 6, 2025, at the Office of Administrative Hearings, State of California.

Vasilios S. Spyridakis, Senior Attorney, represented the California Public Employees' Retirement System (CalPERS).

Angela Y. Logan (respondent or Ms. Logan) appeared and represented herself.

Oral and documentary evidence was received. The record was held open until September 4, 2025, for the parties to submit written closing and rebuttal arguments, which were timely submitted. The record was then closed and the matter deemed submitted for decision on September 4, 2025.

ISSUE

The appeal is limited to the issue of whether CalPERS correctly determined that Ms. Logan is not entitled to a Post-Retirement Survivor Allowance (PRSA) benefit.

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Ms. Logan's father was a miscellaneous member of CalPERS based on his employment with the University of California, Los Angeles, from 1960 through 1997. Ms. Logan's father passed away in 2020, without a surviving spouse.

2. On May 8, 2020, Ms. Logan submitted an application for retired member survivor benefits, with an accompanying letter dated May 7, 2020, from her treating optometrist Philip Cook, OD, stating that Ms. Logan is legally blind due to Stargardt's Disease which she contracted at the age of 14.

3. On July 14, 2020, CalPERS sent Ms. Logan a Disabled Child Packet for the purpose of establishing eligibility for potential benefits through her father.

4. During August through December 2020, Ms. Logan and her treating clinicians provided additional information to CalPERS regarding her visual impairment and her employment as a cafeteria assistant with the public school system in Tulsa, Oklahoma.

5. On February 11, 2021, CalPERS sent a letter to Ms. Logan denying her eligibility for PRSA as an adult disabled child of her father. CalPERS reasoned that Ms.

Logan did not establish she is “unable to engage in [a] substantial gainful occupation” because of her visual impairment.

6. On March 25, 2021, Ms. Logan, through an attorney, timely filed an appeal of the denial. On December 3, 2021, CalPERS wrote a letter to Ms. Logan’s attorney requesting supplemental medical information. During March 2022 through March 2024, Ms. Logan provided additional medical and employment information to CalPERS.

7. On May 22, 2024, CalPERS sent a letter to Ms. Logan informing her that she remained ineligible for PRSA due to evidence that her visual impairment has not continuously prevented her from engaging in substantial gainful employment. On June 20, 2024, Ms. Logan timely filed a request for an administrative hearing. This hearing followed.

Evidence and Argument

8. The evidence established, and there is no dispute, that Ms. Logan is legally blind due to Stargardt’s disease, which she contracted when she was 13 or 14 years of age.

9. Shayne Day-Bolar, a CalPERS Staff Services Manager, testified regarding CalPERS’s consideration of Ms. Logan’s eligibility for PRSA benefits. CalPERS evaluated whether Ms. Logan is capable of “substantial gainful” employment based on whether she is capable of earning the monetary equivalent of minimum wage 40 hours per week.

10. The evidence established that Ms. Logan was employed by the Tulsa public schools as a cafeteria assistant during 2013 through 2021, and that she worked

30 hours per week approximately nine months per year. During this time, she was paid hourly wages ranging from \$7.93 (2013) to \$10.36 (2021), which was more than the hourly minimum wage in Oklahoma (\$7.25 per hour in 2025). Evidence was not presented regarding the Oklahoma minimum wage in years prior to 2025, though there is no evidence it was higher than \$7.25 per hour.

11. Ms. Logan's annual taxable earnings were \$9,576.82 (2013), \$11,896.03 (2014), \$10,886.45 (2015), \$8,014.64 (2016), \$1,620.10 (2017), \$7,221.89 (2018), \$9,491.19 (2019), \$7,463.98 (2020), and \$8,771.35 (2021). Because she did not work full-time throughout the year, Ms. Logan earned less on an annual basis than a person working 40 hours per week, 52 weeks per year, at the minimum wage.

12. On the issue of whether and to what degree her legal blindness impairs her ability to engage in gainful employment, Ms. Logan submitted written statements and clinical records from treating clinicians including Phillip Cook, OD, David Sarraf, M.D., Jordan Sugarman, M.D., and Alan Hromas, M.D.

13. Dr. Cook stated in a CalPERS questionnaire signed July 30, 2020, that Ms. Logan is legally blind but that he is "uncertain about her inabilities." He acknowledged that she was then employed 30 hours per week with the Tulsa public schools.

14. Dr. Sarraf stated in a clinical note regarding a June 23, 2014, office visit with Ms. Logan, that she is "[a]ble to function day-to-day with magnifiers and reading glasses, able to work – can no longer drive." Dr. Sarraf stated in a CalPERS questionnaire signed October 26, 2020, that Ms. Logan is legally blind, and employed 30 hours per week in a school cafeteria. In a CalPERS questionnaire signed November 18, 2020, Dr. Sarraf checked the "yes" box indicating that he finds Ms. Logan "incapable of maintaining employment on a full-time basis." He explained that "patient

has severe visual impairment in both eyes that limit the ability for patient to accomplish daily tasks.” In a CalPERS questionnaire signed March 8, 2022, Dr. Sarraf responded to questions of how many days per year, how many hours per week, and how many hours per day Ms. Logan is capable of working as a cafeteria assistant. He did not precisely answer any of these questions, and instead responded to each question by stating that Ms. Logan’s “legal blindness as described above limits ability to perform detailed tasks.” Dr. Sarraf responded similarly to the same questions in a CalPERS questionnaire signed April 19, 2022. Dr. Sarraf stated in a clinical note regarding a January 23, 2024, office visit with Ms. Logan, that her “depth perception has decreased” that she “has fallen a few times and [is] bumping into large objects” that she “cannot see light sometimes” and “needs guidance getting around.”

15. Dr. Sugarman stated in a CalPERS questionnaire signed on January 30, 2023, that Ms. Logan is unable to work 12 months per year as a cafeteria assistant because “at this stage she has poor vision in both eyes.” In response to the question of how many hours per day Ms. Logan is capable of working as a cafeteria assistant, Dr. Sugarman stated that she “will not be able to work at all during the day due to her visual impairment.”

16. Dr. Hromas stated in a CalPERS questionnaire signed on March 12, 2024, that Ms. Logan’s legal blindness precludes her from working as a cafeteria assistant because she “may be required to read and understand food handling instructions, warnings, expiration dates, etc.; as well as warnings or instructions on cleaning supplies.” He understands that she has been working as a cafeteria assistant, however, he stated “I do not recommend that she continue to work in this capacity.”

Analysis of the Evidence

17. The medical evidence clearly established that Ms. Logan is legally blind due to Stargardt's disease, which she contracted when she was 13 or 14 years of age. The medical evidence is also clear that Ms. Logan's vision has been deteriorating since at least 2023, and per Drs. Sugarman and Hromas she is no longer able to work as a cafeteria assistant due to her blindness.

18. On the question of whether Ms. Logan was unable to maintain full-time employment for medical reasons during 2013 through 2021, Dr. Sarraf's opinion is not persuasive. On November 18, 2020, Dr. Sarraf checked the "yes" box on a CalPERS questionnaire indicating that he found Ms. Logan "incapable of maintaining employment on a full-time basis." His explanation was incomplete and did not directly address how Ms. Logan's impairment would prevent her from working an additional 10 hours per week throughout the year. He simply stated that "patient has severe visual impairment in both eyes that limit the ability for patient to accomplish daily tasks." In follow-up questionnaires in March and April 2022, Dr. Sarraf provided essentially nonresponsive, and therefore unpersuasive, explanations to questions about how much Ms. Logan could work, stating "legal blindness as described above limits ability to perform detailed tasks." Dr. Sarraf's more detailed note of January 23, 2024, is clear and persuasive regarding the decline in Ms. Logan's abilities since 2023.

19. Ms. Logan worked approximately 30 hours per week, nine months per year, during 2013 through 2021, at rates substantially above the minimum wage. As set forth above, the evidence did not establish that Ms. Logan was unable, for medical reasons, to work full-time, 40 hours per week, throughout the year, during 2013 through 2021.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. As the applicant for benefits, Ms. Logan has the burden of proving by a preponderance of the evidence that she is eligible for the PRSA benefits. (Evid. Code, § 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051, fn. 5.) The term preponderance of the evidence means “more likely than not” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387), or “evidence that has more convincing force than that opposed to it.” (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Applicable Law

2. Government Code section 20027 states:

“Disability,” “disabled,” or “incapacitated” means, with respect to qualification for an allowance payable to a surviving child, **inability to engage in any substantial gainful occupation by reason of any physical or mental impairment** that is determined by the board, on the basis of competent medical or psychiatric opinion, to be of permanent or extended and uncertain duration. [Emphasis added.]

3. Government Code section 21629 states, in relevant part, as follows:

Upon the death, after the effective date of retirement, of a state miscellaneous member . . . a monthly allowance . . .

shall be paid to the surviving spouse throughout life. If there is no surviving spouse . . . the allowance shall be paid collectively to every unmarried child of the deceased member who has not attained age 18, or **who is disabled by a condition which disabled that child prior to attaining age 18 and which has continued without interruption after age 18**, until the disability ceases.

[Emphasis added.]

Analysis and Conclusions

4. As set forth in the Factual Findings, the preponderance of the evidence did not establish that Ms. Logan has been continuously disabled from engaging in substantial gainful employment due to her visual impairment, as would be necessary for her to qualify for a PRSA benefit under terms of Government Code sections 20027 and 21629. Therefore, based on the Factual Findings and Legal Conclusions as a whole, Ms. Logan's appeal must be denied.

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ORDER

CalPERS's denial of respondent Angela Y. Logan's application for PRSA benefits is SUSTAINED, and respondent's appeal is DENIED.

DATE: September 25, 2025

Timothy Aspinwall

TIMOTHY J. ASPINWALL

Administrative Law Judge

Office of Administrative Hearings