



Board of Administration Educational Day

Action Item - Proposed Decisions of Administrative Law Judges

5. Jacob DiPiero

January 20, 2026

Item Name: Proposed Decision – In the Matter of the Appeal of Accepting the Application for Industrial Disability Retirement of JACOB DIPIERO, Respondent, and CITY OF CAMPBELL, Respondent.

Program: Disability and Survivor Benefits Division

Item Type: Action

Parties' Positions

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

Respondent Jacob DiPiero's (Respondent) position is included in Attachment C, if any.

Respondent City of Campbell'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

In January 2023, Respondent applied for industrial disability retirement. In June 2024, CalPERS cancelled his application on the basis of the *Haywood* case and its progeny. Respondent appealed CalPERS' cancellation of his application. The matter was heard by the Office of Administrative Hearings on October 14, 2025. A Proposed Decision was issued on October 31, 2025, determining that the appeal was granted in part and denied in part.

Alternatives

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

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517, subdivision (c)(2)(C), which authorizes the Board to "make technical or other minor changes in the proposed decision," hereby modifies the Proposed Decision, by changing the words "Both DiPiero and the City timely

appealed" on page 2, paragraph 5 of the Proposed Decision to "DiPiero timely appealed," and hereby adopts as its own Decision the Proposed Decision dated October 31, 2025, as modified, concerning the appeal of Jacob DiPiero; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

B. 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 October 31, 2025, concerning the appeal of Jacob DiPiero; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

C. 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 October 31, 2025, concerning the appeal of Jacob DiPiero, 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.

D. 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 October 31, 2025, concerning the appeal of Jacob DiPiero, 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.

E. 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 Jacob DiPiero, 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 Jacob DiPiero.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Kimberly A. Malm
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Customer Services and Support