

ATTACHMENT A

THE PROPOSED DECISION

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

In the Matter of the Application for Industrial Disability

Retirement of:

LINDA P. LAMPKIN and LEGISLATIVE COUNSEL BUREAU,

Respondents

Agency Case No. 2024-0907

OAH Case No. 2025040393

PROPOSED DECISION

Brian Weisel, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on November 20, 2025, via videoconference from Sacramento, California.

Austa Wakily, Senior Attorney, appeared on behalf of the California Public Employees' Retirement System (CalPERS).

Respondent Linda P. Lampkin (Lampkin) appeared and represented herself.

CalPERS properly served respondent Legislative Counsel Bureau (Bureau) with the Statement of Issues and Notice of Hearing. The Bureau made no appearance. This

matter proceeded as a default against the Bureau pursuant to Government Code section 11520, subdivision (a).

Evidence was received, the record closed, and the matter submitted for decision on November 20, 2025.

ISSUE

Was Lampkin substantially incapacitated from performing her usual and customary duties as a Senior Legal Typist for the Bureau due to her ophthalmological (eye) condition when she filed her industrial disability retirement application?

FACTUAL FINDINGS

Jurisdiction

1. Lampkin was employed by the Bureau as a Senior Legal Typist. By virtue of her employment, Lampkin was a state miscellaneous member of CalPERS subject to Government Code section 21150. On April 24, 2024, Lampkin retired for service and simultaneously submitted an industrial disability retirement application (IDR application) with CalPERS based on her eye condition.

2. On her IDR application under the heading "specific disability," Lampkin provided: "partially blind, light sensitivity, stabbing pain in right eye." Lampkin noted the disability first occurred on January 8, 2021.

3. Lampkin provided her medical records to CalPERS for its review. On September 16, 2024, CalPERS notified Lampkin it reviewed her records and the reports

of Elise Harris, M.D., James. D. Brandt, M.D., and Christian L. Serdahl, M.D. Dr. Serdahl conducted an independent medical evaluation (IME) of Lampkin on CalPERS's behalf. CalPERS determined Lampkin was not substantially incapacitated for the performance of hers duties as a Senior Legal Typist due to her eye condition. Consequently, CalPERS denied Lampkin's IDR application.

4. Lampkin timely appealed CalPERS's determination. On March 12, 2025, Sharon Hobbs, in her official capacity as Chief of CalPERS's Disability and Survivor Benefits Division, signed and later filed the Statement of Issues for purposes of Lampkin's appeal. The matter was set for an evidentiary hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

Duties of a Senior Legal Typist

5. Lampkin provided CalPERS with the essential functions and physical requirements for a Senior Legal Typist at the Bureau. Physical requirements include sitting or standing for hours at a time, using a computer throughout the day, typing, answering phones, and interacting with staff and the public.

6. The duties of a Senior Legal Typist include document formatting, typing, and publishing documents for the use of Legislative Counsel staff and the public. A Senior Legal Typist typically works in a cubicle in an office setting. One should expect to spend long periods of sitting, using a keyboard and mouse, and viewing computer screens.

Independent Medical Evaluation

7. Chrисitan L. Serdahl, M.D., graduated from the University of Southern California School of Medicine in 1987. He is board certified in ophthalmology by the American Board of Ophthalmology. He previously served as the Chief of Ophthalmology at Mercy General Hospital and Sutter General Hospital, both in Sacramento, California. He currently operates a private practice in Sacramento.

8. Dr. Serdahl reviewed Lampkin's medical records, employment history, IDR application, and the physical requirements and duties of a Senior Legal Typist provided by Lampkin. Dr. Serdahl conducted an IME of Lampkin in his office on August 19, 2024. Dr. Serdahl prepared a report summarizing the visit, his review of Lampkin's records, and his opinion regarding Lampkin's potential incapacity from her eye condition.

9. Dr. Serdahl described Lampkin's medical history. Lampkin has decreased visual acuity in both eyes due to glaucoma. Dr. Serdahl measured Lampkin's vision to be 20/50- in her right eye and 20/100 in her left eye. He opined that her decreased vision in her right eye is likely permanent. Her left eye may improve with cataract surgery. Dr. Serdahl stated that generally a threshold vision of 20/70 in each eye is considered legally blind. Based on his examination, in his opinion Lampkin did not meet that threshold.

10. Lampkin told Dr. Serdahl that she experienced increased sensitivity to light because of her eye condition. She believed she could not work in environments with substantial brightness. Dr. Serdahl opined that this is the opposite of his normal expectation for a patient with her diagnoses. Patients with glaucoma and cataracts have impaired vision, particularly in their peripheral vision. They normally experience more difficulty seeing in low light settings. Additional light may increase, not decrease

their ability to see clearly. A patient may expect light sensitivity if they suffer from inflammation in either eye. However, Dr. Serdahl examined Lampkin's eyes and did not observe any inflammation. Dr. Serdahl stated he did not observe an objective basis for Lampkin's subjective complaint regarding light sensitivity.

11. Dr. Serdahl noted Lampkin drove herself to and from her appointment, alone. The examination occurred during daylight hours. Lampkin told Dr. Serdahl that she can still drive, though she has trouble driving at night. Dr. Serdahl explained that driving a car is more dangerous and visually intensive than using a computer screen. He explained that if Lampkin could drive to her eye appointment without significant difficulty, that would be inconsistent with a finding that she is substantially incapacitated for the purposes of disability due to her decreased vision as a Senior Legal Typist.

12. Dr. Serdal compared the results of his IME to Lampkin's medical records, and the duties and functions of her prior employment. He ultimately concluded Lampkin is not substantially incapacitated in performance of her duties as a Senior Legal Typist.

Lampkin's Testimony

13. Lampkin worked for the Bureau for approximately 19 years. She loved her job and always performed to a high standard. In 2021, Lampkin began to experience vision problems. She experienced pain and blurriness in her right eye. She also experienced sensitivity to bright light at her work station. Lampkin wore dark sunglasses for the duration of the hearing conducted via videoconference. She explained bright lights or computer screens can harm her vision.

14. Lampkin explained her condition to her employer. Bureau staff eventually installed a canopy to reduce brightness over her work station. That worked for some time. After approximately four years, Bureau staff removed the canopy. Someone told Lampkin the canopy was a fire hazard. Lampkin asked to telework and perform her duties at home. Her request was denied.

15. Lampkin's condition continued to worsen. One night, when Lampkin was driving, she heard a noise and her right eye went "dark." Lampkin did not know at the time, but later learned she suffered from glaucoma and cataracts in both eyes. She underwent cataract surgery in one eye which was partially successful. She has not undergone surgery for the other eye. She may in the future.

16. After speaking with her primary physician, Lampkin believed that if she continued to strain her eyes reading small print or near bright lights she would further damage them. She did not believe she could perform any work around bright lights or computers without jeopardizing her health. Lampkin felt she had no choice but to retire to maintain what little vision she still had.

17. Lampkin stated she no longer drives. She also stated she does drive "around the corner" to go to a store or run an errand at times. Lampkin stated she can no longer work in an office. She also stated if the Bureau allowed her to return to her position she could once again perform her duties as a Senior Legal Typist, although at a reduced rate of speed.

Analysis

18. Lampkin filed her IDR application based on claimed ophthalmological conditions that render her substantially incapacitated from her duties as a Senior Legal Typist. She bears the burden at hearing to support her IDR application. Lampkin failed

to submit evidence based upon competent medical opinion that, when she applied for industrial disability retirement, she was incapacitated for performing the usual duties of a Senior Legal Typist based on her eye condition.

19. Lampkin provided some inconsistent statements at hearing. She stated that she could continue to work as a Senior Legal Typist, albeit with some conditions. She also stated she could no longer perform her usual duties. She drove to her IME. Lampkin originally stated she no longer drives. She later stated she continues to drive, at least for short distances to a store or for other errands.

20. Lampkin also stated she cannot work near computers, as her eye conditions make her particularly sensitive to bright lights. Dr. Serdahl persuasively opined that Lampkin's aversion to bright lights is not consistent with her glaucoma or cataracts diagnoses. He also did not observe any inflammation of the eye or other conditions consistent with her complaint.

21. Dr. Serdahl measured each of Lampkin's eyes and found that her vision, though impaired, does not rise to the level of legal blindness. He further persuasively opined that driving a vehicle is inconsistent with a finding that Lampkin is substantially incapacitated from her duties using a computer as a Senior Legal Typist. His ultimate opinion that Lampkin was not substantially incapacitated in performance of her duties as a Senior Legal Typist was persuasive.

22. Lampkin argues that straining her eyes with bright lights or reading small print causes further strain and degradation due to her glaucoma. Lampkin determined that the risk of further loss of eyesight was untenable and retired. However, none of the medical evidence presented at hearing indicated she was unable to perform her job duties at the time of her IDR application. Lampkin's concerns, though sincere, are

all prospective. They relate to a possible risk of future eye disease, and not her ability to perform the duties of a Senior Legal Typist at the time of her IDR application. Lampkin admitted she could perform her job today. That is inconsistent with a finding she is substantially incapacitated.

23. An applicant's disability must be presently existing and cause an inability to perform, rather than an increased risk of future injury or aggravation. (*In the Matter of the Application for Reinstatement from Industrial Disability Retirement of Willie Starnes* (Precedential Decision 99-03); *Wolfman v. Bd. of Trustees* (1983) 148 Cal.App.3d 787, 791.) And discomfort, which may make it difficult to perform one's duties, is insufficient to show permanent incapacity from performance of one's position. (*Smith v. City of Napa* (2004) 120 CalApp.4th 194, 207, citing *Hosford v. Bd. of Administration*, 77 Cal.App.3d 854, 862.)

24. When all the evidence is considered, Lampkin failed to present competent medical evidence to demonstrate that her ailments rendered her incapacitated for the performance of her usual duties at the time of her IDR application. Consequently, her appeal must be denied.

LEGAL CONCLUSIONS

1. The burden of proof is on an applicant to demonstrate, via competent medical evidence, she is permanently and substantially unable to perform her usual duties such that she is permanently disabled. (*Harmon v. Bd. of Retirement of San Mateo County* (1976) 62 Cal.App.3d 689, 697; *Glover v. Bd. of Retirement* (1980) 214 Cal.App.3d 1327, 1332.) This burden requires proof by a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

2. Government Code section 21150, subdivision (a), provides:

A member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if he or she is credited with five years of state service, regardless of age, unless the person has elected to become subject to Section 21076, 21076.5, or 21077.

3. To qualify for industrial disability retirement, Lampkin must prove that she is "incapacitated physically or mentally for the performance of [her] duties " (Gov. Code, § 21156, subd. (a)(1).) Government Code section 20026 defines "disability" and "incapacity for performance of duty" as a basis of retirement, to mean "disability of permanent or extended duration, which is expected to last at least 12 consecutive months or will result in death ... on the basis of competent medical opinion."

4. Considering the Factual Findings and Legal Conclusions as a whole, Lampkin did not establish she was incapacitated for the performance of her duties as a Senior Legal Typist at the time of her IDR application. Therefore, her appeal must be denied.

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ORDER

Respondent Linda P. Lampkin's application for industrial disability retirement is DENIED.

DATE: December 18, 2025

Brian Weisel

Brian Weisel (Dec 18, 2025 14:58:10 PST)

BRIAN WEISEL

Administrative Law Judge

Office of Administrative Hearings