

ATTACHMENT B

STAFF'S ARGUMENT

STAFF'S ARGUMENT TO ADOPT THE PROPOSED DECISION, AS MODIFIED

Linda P. Lampkin (Respondent) worked as a Senior Legal Typist for the Legislative Counsel Bureau (Bureau). By virtue of this employment, Respondent was a state miscellaneous member of CalPERS.

Respondent submitted an application for disability retirement on April 24, 2024. Respondent applied for disability retirement based on her ophthalmological condition (eyes).

As part of CalPERS' review of Respondent's medical condition, Christian L. Serdahl, M.D., a board-certified Ophthalmologist, performed an Independent Medical Examination (IME). Dr. Serdahl interviewed Respondent, reviewed her work history and job descriptions, obtained a history of her past and present complaints, and reviewed her medical records. Dr. Serdahl opined that Respondent was not substantially incapacitated from her position as a Senior Legal Typist.

To be eligible for disability retirement, competent medical evidence must demonstrate that an individual is substantially incapacitated from performing the usual and customary duties of his or her position. The injury or condition which is the basis of the claimed disability must be permanent or of an extended duration which is expected to last at least 12 consecutive months or will result in death.

After reviewing all medical documentation and the IME reports, CalPERS determined that Respondent was not substantially incapacitated from performing the duties of her position.

Respondent appealed this determination and exercised her right to a hearing before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. A hearing was held on November 20, 2025. Respondent represented herself at the hearing. The Bureau did not appear at the hearing and a default was taken as to the Bureau only.

Prior to the hearing, CalPERS explained the hearing process to Respondent and the need to support her case with witnesses and documents. CalPERS provided Respondent with a copy of the administrative hearing process pamphlet, answered Respondent's questions, and clarified how to obtain further information on the process.

At the hearing, Dr. Serdahl testified in a manner consistent with his examination of Respondent and the IME report. Dr. Serdahl described Respondent's medical history and his interview with Respondent. Dr. Serdahl testified that Respondent has decreased visual acuity in both eyes due to glaucoma. He measured Respondent'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 examined Respondent's eyes and did not observe any inflammation.

Dr. Serdahl testified that Respondent told him she experienced increased sensitivity to light because of her eye condition. She believed she could not work in environments with substantial brightness. Dr. Serdahl testified that this is the opposite of his normal expectation for a patient with Respondent's 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, which Dr. Serdahl did not observe with Respondent. Dr. Serdahl stated he did not observe an objective basis for Respondent's subjective complaint regarding light sensitivity.

Dr. Serdahl noted that Respondent drove herself to and from her appointment, alone. The examination occurred during daylight hours. Dr. Serdahl explained that driving a car is more dangerous and visually intensive than using a computer screen. He explained that if Respondent 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.

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

Respondent testified that she worked for the Bureau for approximately 19 years and loved her job. In 2021, Respondent began to experience vision problems. She experienced pain and blurriness in her right eye. She also experienced sensitivity to bright light at her workstation. Respondent wore dark sunglasses for the duration of the hearing conducted via videoconference. She explained bright lights or computer screens can harm her vision.

Respondent testified that the Bureau initially responded to her complaints about vision issues by installing a canopy to reduce brightness over her workstation. After approximately four years, Bureau staff removed the canopy because it was allegedly a fire hazard. Respondent's request to perform her duties remotely was denied. Respondent testified that her condition continued to worsen. One night, when she was driving, she heard a noise, and her right eye went "dark." Respondent 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. Respondent decided to retire to avoid risk of further loss of eyesight.

Respondent testified that she no longer drives. She also stated she does drive "around the corner" to go to a store or run an errand at times. Respondent 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.

After considering all the evidence introduced, as well as arguments by the parties, the ALJ denied Respondent's appeal. The ALJ found that Respondent failed to meet her burden of proving she is substantially incapacitated based on competent medical opinion.

More specifically, the ALJ found that Respondent provided inconsistent statements at the 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. Respondent originally stated she no longer drives (although she drove to her IME appointment). She later stated she continues to drive, at least for short distances, to a store or for other errands.

Further inconsistency noted by the ALJ was that Respondent stated that she cannot work near computers, as her eye conditions make her particularly sensitive to bright lights. Dr. Serdahl opined that Respondent'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.

Also supporting the denial of Respondent's appeal, the ALJ explained that Dr. Serdahl measured each of Respondent's eyes and found that her vision, though impaired, does not rise to the level of legal blindness. He further opined that driving a vehicle is inconsistent with a finding that Respondent is substantially incapacitated from her duties using a computer as a Senior Legal Typist. Thus, the ALJ determined that Dr. Serdahl's ultimate opinion that Respondent was not substantially incapacitated from the performance of her duties as a Senior Legal Typist was persuasive.

Pursuant to Government Code section 11517, subdivision (c)(2)(C) the Board is authorized to "make technical or other minor changes in the Proposed Decision." To avoid ambiguity, staff recommends removing the word "Industrial" each time it appears in the Proposed Decision, except on page 8, in paragraph 23, referencing the Precedential Decision name "In the Matter of the Application for Reinstatement from Industrial Disability Retirement of Willie Starnes."

For all the above reasons, staff argues that the Proposed Decision, as modified, should be adopted by the Board.

February 18, 2026

Austa Wakily
Senior Attorney