

ATTACHMENT A

THE PROPOSED DECISION

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

**In the Matter of the Appeal of Accepting the Late Request to
Change Service Retirement of:**

**ANGELA M. WOODARD and CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, Respondents**

Agency Case No. 2024-0898

OAH Case No. 2025070512

PROPOSED DECISION

Brian Weisel, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on November 26, 2025, via videoconference from Sacramento, California.

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

CalPERS properly served respondents Angela M. Woodard (Woodard) and California Department of Corrections and Rehabilitation (CDCR) with the Statement of Issues and Notice of Hearing. Neither respondent appeared. This matter proceeded as

a default pursuant to Government Code section 11520, subdivision (a), as to both Woodard and CDCR.

Evidence was received, the record closed, and the matter submitted for decision on November 26, 2025.

ISSUE

(1) Was Woodard's failure to request a change in her retirement status from service to disability retirement due to an error, omission, mistake, inadvertence, surprise, or excusable neglect; and if so, (2) was her application for industrial disability retirement (IDR) timely?

FACTUAL FINDINGS

Jurisdiction

1. Woodard was employed by CDCR as a Correction Case Records Analyst. By virtue of her employment, Woodard was a state industrial member of CalPERS. On October 20, 2011, Woodard retired for service with an effective retirement date of October 29, 2011. She received her first retirement allowance warrant on or about November 14, 2011.

2. On March 13, 2013, Woodard contacted CalPERS and inquired about changing her service retirement status to disability retirement. CalPERS provided Woodard with disability retirement information and an IDR application form. Between 2013 and 2024, Woodard and CalPERS exchanged a series of letters wherein Woodard submitted an incomplete IDR application, CalPERS requested additional information,

and CalPERS cancelled the application for failure to submit additional documentation, discussed further below. On January 24, 2024, CalPERS reopened Woodard's application. On February 11, 2025, CalPERS denied Woodard's application as untimely. Woodard timely appealed the denial.

3. On June 24, 2025, Sharon Hobbs, in her official capacity as Chief of CalPERS's Disability and Survivor Benefits Division, signed and later filed a Statement of Issues for purposes of Woodard's applications. 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.

Woodard's Applications and CalPERS's Responses

4. Woodard retired for service with an effective retirement date of October 29, 2011. On March 13, 2013, Woodard contacted CalPERS staff and requested to change her service retirement to disability retirement. CalPERS staff mailed Woodard its publication titled, "Guide to Completing Your CalPERS Disability Retirement Election Application," commonly called "Pub 35."

5. On April 1, 2013, Woodard submitted an IDR application to CalPERS, claiming disability based on "fluid surrounding heart" and infectious bronchitis. On April 24, 2013, CalPERS sent Woodard a letter rejecting Woodard's IDR application as it was incomplete. On May 21, 2013, Woodard submitted a corrected IDR application to CalPERS.

6. CalPERS requested Woodard provide CalPERS a job duty statement. On June 10, 2013, CalPERS received a letter from Woodard stating a duty statement was not available. On August 8, 2013, CalPERS sent Woodard another letter requesting Woodard provide additional information, including the job duty statement, the

physical requirements of her position, a physician's report on disability, and a workers' compensation carrier request form. The letter states that if Woodard did not provide the additional documents within 30 days, the application would be cancelled.

7. CalPERS did not receive any additional documents. On October 11, 2013, CalPERS sent Woodard a letter notifying her that her application was cancelled for failure to provide the requested documents.

8. On February 26, 2014, Woodard contacted CalPERS via telephone and inquired about the status of her IDR application. CalPERS staff notified Woodard that her IDR application was cancelled. Staff further notified Woodard that if she still wished to be considered for disability retirement, she would need to submit a new IDR application. CalPERS mailed another Pub 35 to Woodard's address.

9. On June 11, 2014, Woodard submitted a new IDR application to CalPERS. On August 22, 2014, CalPERS sent Woodard a letter requesting she provide additional documents with her application. The letter again asked Woodard to provide the job duty statement, the physical requirements of her position, and a physician's report on disability. The letter states that if Woodard does not provide the additional information within 21 days, her application would be cancelled.

10. CalPERS did not receive additional documents. On October 4, 2014, CalPERS sent Woodard a letter notifying her that her application was cancelled for failure to provide the requested documents.

11. On October 10, 2014, Woodard contacted CalPERS and requested another IDR application. CalPERS subsequently sent another IDR application included in another Pub 35.

12. On January 7, 2020, Woodard submitted a new IDR application to CalPERS. On January 16, 2020, CalPERS sent Woodard another letter requesting additional documents, including the job duty statement, the physical requirements of her position, a physician's report on disability, a workers' compensation carrier request form, and medical records. The letter states that if Woodard does not provide the additional information within 21 days, her application would be cancelled.

13. On February 13, 2020, CalPERS sent Woodard a letter notifying her that her application was cancelled for failure to provide the requested documents. After submitting its cancellation letter, CalPERS received the physician's report on disability from Woodard. The form states that a treating physician who specializes in the member's disabling condition should complete the form. Instead, Woodard wrote at the top of the form: "No Doctor to fill this out, Doctor that diagnosed me I started seeing 2/17." CalPERS did not reopen the application.

14. On March 5, 2020, CalPERS received another IDR application from Woodard. The IDR application provides a signature date of January 7, 2020. On March 10, 2020, CalPERS sent another letter similar to the ones discussed above requesting the same missing documentation with the IDR application. On March 30, 2020, CalPERS sent Woodard an additional letter requesting the same documentation. The letters state that if Woodard does not provide the additional information within 21 days her application would be cancelled. CalPERS did not receive additional documents. On June 15, 2020, CalPERS sent Woodard another letter notifying her that her application was cancelled for failure to provide the requested documents.

15. Woodard submitted eight additional similar IDR applications between January 13, 2021, and November 13, 2023. For each, CalPERS sent Woodard a similar letter requesting additional documents as discussed above. Woodard never submitted

any additional documents. CalPERS subsequently cancelled each IDR application via letter for failure to submit additional documents as requested.

16. On January 24, 2024, CalPERS reopened Woodard's applications. On February 11, 2025, CalPERS denied Woodard's applications as untimely.

Analysis

17. Woodard's status as a CalPERS member ceased upon her service retirement on October 29, 2011. She received her first pay warrant for service retirement on or about November 14, 2011. To change her retirement status, Woodard needed to file a request to make that change with CalPERS within 30 days of receipt of her first warrant. Woodard applied for a change of retirement status on April 1, 2013. As her requested change was submitted more than 30 days after receipt of her first warrant, her application is untimely.

18. An untimely application may be considered if the request is filed a reasonable time after discovery of an error or omission on the application. According to Government section 20160, a "reasonable time" may not exceed six months from discovery of the omission or error. In her more than 10 applications spanning more than nine years, Woodard did not provide any information to CalPERS which could be considered a proposed error or excuse explaining her untimely application filed in 2013, or for any subsequent application. CalPERS responded to each application requesting additional information. Woodard did not adequately supplement any of her applications.

19. Woodard also did not appear despite being properly served notice of the hearing. She did not provide any testimony or documentary evidence explaining how she learned of her claimed disability more than one year after her initial service

retirement, or for the applications in the years that followed. The party seeking correction of an error or omission bears the burden of presenting documentation to establish her right to correct her application. Woodard did not meet her burden. Consequently, she did not meet the necessary criteria under Government Code section 20160 that would allow CalPERS to find the correction of a mistake in Woodard's untimely filing of her IDR application. Thus, when all the evidence is considered, her appeal must be denied.

LEGAL CONCLUSIONS

1. The general purpose of the public retirement system, as set forth in the Public Employees' Retirement Law is "to prevent hardship to state employees who because of age or disability are replaced by more capable employees." (*Quintana v. Board of Administration* (1976) 54 Cal.App.3d 1018, 1021.)

2. A person ceases to be a member of CalPERS "[u]pon retirement, except while participating in reduced worktime for partial service retirement....." (Gov. Code, § 20340, subd. (a).)

3. Government Code section 21453 provides, in relevant part:

An election, revocation, or change of election shall be made within 30 calendar days after the making of the first payment on account of any retirement allowance or, in the event of a change of retirement status after retirement, within 30 calendar days after the making of the first payment on account of any retirement allowance following the change in retirement status. "Change in retirement

status” includes, but is not limited to, change from service to disability retirement, from disability retirement to service retirement, from nonindustrial disability retirement to industrial disability retirement, or from industrial to nonindustrial disability retirement.

[¶] . . . [¶]

4. Government Code section 20160 provides, in relevant part:

(a) Subject to subdivisions (c) and (d), the board may, in its discretion and upon any terms it deems just, correct the errors or omissions of any active or retired member, or any beneficiary of an active or retired member, provided that all of the following facts exist:

(1) The request, claim, or demand to correct the error or omission is made by the party seeking correction within a reasonable time after discovery of the right to make the correction, which in no case shall exceed six months after discovery of this right.

(2) The error or omission was the result of mistake, inadvertence, surprise, or excusable neglect, as each of those terms is used in Section 473 of the Code of Civil Procedure.

(3) The correction will not provide the party seeking correction with a status, right, or obligation not otherwise available under this part.

Failure by a member or beneficiary to make the inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an "error or omission" correctable under this section.

(b) Subject to subdivisions (c) and (d), the board shall correct all actions taken as a result of errors or omissions of the university, any contracting agency, any state agency or department, or this system.

(c) The duty and power of the board to correct mistakes, as provided in this section, shall terminate upon the expiration of obligations of this system to the party seeking correction of the error or omission, as those obligations are defined by Section 20164.

(d) The party seeking correction of an error or omission pursuant to this section has the burden of presenting documentation or other evidence to the board establishing the right to correction pursuant to subdivisions (a) and (b).

[¶] . . . [¶]

5. As stated in the Factual Findings above, Woodard's IDR applications were submitted more than six months after she ceased to be a CalPERS member. Thus, they

are untimely. Woodard failed to establish by a preponderance of the evidence that she learned of a correctible error or omission which would allow CalPERS to accept her untimely applications. Therefore, her appeal is denied, and CalPERS's denial of her IDR applications is affirmed.

ORDER

CalPERS's determination to deny respondent Angela M. Woodard's request to file a late application for disability retirement is AFFIRMED. The appeal filed by respondent Angela M. Woodard is DENIED.

DATE: December 23, 2025

Brian Weisel

Brian Weisel (Dec 23, 2025 18:43:53 PST)

BRIAN WEISEL

Administrative Law Judge

Office of Administrative Hearings