



Board of Administration

Agenda Item 8a4

February 18, 2026

Item Name: Proposed Decision on Remand – In the Matter of the Application for Disability Retirement of CELINA S. BERNARD, Respondent, and COUNTY OF RIVERSIDE, Respondent.

Program: Disability and Survivor Benefits Division

Item Type: Action

Parties' Positions

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

Respondent Celina S. Bernard's (Respondent) 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

Respondent submitted an application for disability retirement based on orthopedic conditions (avascular necrosis in hips, bilateral total hip replacement, herniated discs, and broken left ankle) and internal conditions (severe deep tissue damage). CalPERS denied the application. Respondent appealed this determination and exercised her right to a hearing before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. An initial hearing was held on June 10, 2025. At the hearing, the Statement of Issues (SOI) was amended to reflect that the issues on appeal were limited to the following: (1) Whether Respondent's application for disability retirement is timely submitted pursuant to Government Code section 21154; and (2) If Respondent's application for disability retirement is timely filed, whether she is substantially incapacitated from the performance of her duties as a Social Services Practitioner III. A Proposed Decision was issued on July 14, 2025.

Although the ALJ granted CalPERS' motion to amend the SOI, which was included in a footnote, the Proposed Decision decided the issue on “[w]hether Respondent's application for disability retirement was timely submitted pursuant to Government Code section 21154 or otherwise excused from compliance with section 21154 due to a 'correctable mistake' pursuant to Government Code section 20160.” The Board considered the Proposed Decision, and on September 17, 2025, remanded the matter back to the ALJ to issue a decision based on the amended SOI. Due to Respondent County of Riverside's (Respondent County) failure to appear, the case proceeded as a default under Government Code section 11520 as to

Respondent County only. A Proposed Decision on Remand was issued on January 14, 2026, affirming CalPERS' determination and denying the appeal.

Alternatives

A. For use if the Board decides to modify and adopt the Proposed Decision on Remand 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 on Remand, by changing "January 26, 2023" on page 16 to "February 15, 2024" of the Proposed Decision on Remand, and hereby adopts as its own Decision the Proposed Decision on Remand dated January 14, 2026, as modified, concerning the appeal of Celina S. Bernard; 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 on Remand 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 on Remand dated January 14, 2026, concerning the appeal of Celina S. Bernard; 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 on Remand, 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 January 14, 2026, concerning the appeal of Celina S. Bernard, hereby rejects the Proposed Decision on Remand 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 on Remand dated January 14, 2026, concerning the appeal of Celina S. Bernard, hereby rejects the Proposed Decision on Remand 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 Celina S. Bernard, 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 Celina S. Bernard.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

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