

ATTACHMENT C

RESPONDENTS ARGUMENTS

From: [Anderson, Kayla](#)
To: [LEGO, Court Filing](#)
Cc: [Ortega, Christina](#); [Lemus, Marina](#)
Subject: FW: [**External**] - Respondent's Argument - Austin, Juwan OAH NO. 2025080876
Date: Tuesday, February 10, 2026 9:38:38 AM

Good morning,

Please see below Respondent's Argument for Juwan Austin.

Thank you!

Kayla Anderson
CalPERS Board Services Unit
Office: 916-795-0809 Cell: 916-330-0675

From: [REDACTED]
Sent: Tuesday, February 10, 2026 9:34 AM
To: CalPERS Board of Administration <CalPERS_Board_of_Administration@CalPERS.CA.GOV>
Subject: [**External**] - Respondent's Argument - Austin, Juwan OAH NO. 2025080876

CAUTION: This email originated from outside the CalPERS organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

February 10, 2026

Respondent's Argument

In the Matter of the Application for Disability Retirement of

Juwan A. Austin

Agency Case No. 2025-1083
OAH No. 2025080876

To the Honorable Members of the Board of Administration:

I respectfully submit this argument regarding the Proposed Decision dated January 27, 2026.

I. Notice and Opportunity to Respond

The Proposed Decision states that written argument must be received by January 29, 2026. However, USPS tracking confirms that the decision was delivered to me on January 31, 2026. I therefore did not receive notice of the deadline until after it had

already passed.

While the notice states the Board may proceed even if the deadline is missed, I was not given a realistic opportunity to submit a response within that timeframe. I am submitting this argument promptly after receiving the decision and respectfully request that it be fully considered.

II. The Proper Question Before the Board

The central issue is whether I was substantially unable to perform the usual duties of my position at the time of my application.

This is ultimately a practical question. It is not simply whether a single medical exam appeared “normal.” It is whether I could safely and reliably perform the essential duties of a Maintenance Technician.

I understand that the Board has the authority to independently review the evidence, and I respectfully ask that you do so here.

III. The Decision Does Not Fully Address the Job-Specific Functional Evidence

Exhibit C, the Functional Impairment Table admitted into evidence, directly connects my documented medical conditions with the essential duties of my job.

That exhibit explains how my conditions affected my ability to:

- Safely operate utility trucks and heavy equipment due to excessive daytime sleepiness;
- Troubleshoot and make independent decisions due to cognitive fatigue and slowed processing;
- Climb ladders and work in confined spaces due to balance and stamina limitations;
- Respond reliably to emergencies and on-call situations due to chronic fatigue and unpredictable sleep patterns.

These are not minor parts of the job. They are core, safety-sensitive responsibilities.

The IME doctors testified generally that I did not show “present impairment” during their examinations. However, neither doctor directly addressed whether I could safely and consistently perform the specific duties listed above.

A normal exam in a controlled setting does not necessarily mean someone can safely perform emergency field work, operate heavy equipment, or respond at unpredictable

hours. I respectfully believe that distinction was not fully addressed in the Proposed Decision.

IV. Absence of a Specific Physician Letter Should Not Be Dispositive

The Proposed Decision notes that no treating physician provided a written opinion directly contradicting the IMEs.

However, my medical records document chronic conditions and long-term functional limitations. Exhibit C was created to clearly connect those documented impairments to the essential duties of my position.

There is no requirement that a doctor use specific wording such as “substantially incapacitated.” The question is whether the overall evidence shows that I could perform the job safely and reliably. I believe the record demonstrates that I could not.

V. The SSA Disability Determination

The Social Security Administration determined that I have been disabled since March 2021, which overlaps with the period at issue in this case.

I understand that SSA determinations are not binding in CalPERS proceedings. However, I respectfully ask that the Board consider that a federal agency, reviewing extensive medical evidence, concluded that I was unable to sustain work beginning during the same timeframe.

That determination is consistent with the medical history and functional limitations presented in this case.

VI. The Totality of the Record

The record reflects:

- Chronic traumatic brain injury-related symptoms;
- Persistent hypersomnia and fatigue;
- Cognitive slowing and executive function impairment;
- Balance and stamina limitations;
- Inability to reliably respond to emergencies or perform on-call duties;
- A federal disability determination effective March 2021.

Even if certain examinations appeared normal at a single point in time, my daily functional limitations and inability to safely perform essential duties were ongoing and sustained.

When viewed as a whole, I respectfully believe the evidence shows that I was substantially unable to perform the essential functions of my position.

VII. Request for Relief

For these reasons, I respectfully request that the Board:

1. Reject the Proposed Decision and grant disability retirement; or
2. In the alternative, remand the matter for further consideration of the functional evidence presented.

I also respectfully request that this submission be considered in full, given the notice timing issue described above.

Thank you for your time and consideration.

Respectfully submitted,

Juwan A. Austin

Juwan Austin

