

ATTACHMENT C

**RESPONDENT'S ARGUMENT REGARDING THE PETITION FOR
RECONSIDERATION**

RESPONDENT'S ARGUMENT

In the Matter of the Application for Industrial Disability Retirement of

Ronette O. Strown

CalPERS Ref. No. 2024-0299

OAH No. 2025030153

I. INTRODUCTION

Respondent, Ronette O. Strown, respectfully submits this written argument in support of her Petition for Reconsideration.

The Proposed Decision issued January 20, 2026 should not be adopted because it is not supported by substantial evidence and reflects a misapplication of the legal standard governing Industrial Disability Retirement under Government Code section 21151.

The Administrative Law Judge improperly discounted the Qualified Medical Evaluator's detailed and job-specific findings of permanent incapacity and instead relied upon a later Independent Medical Evaluation that was speculative and inconsistent with the statutory standard. The record, when properly weighed, compels a finding that Respondent is permanently incapacitated from performing her usual and customary duties.

II. THE QME PROVIDED SUBSTANTIAL, JOB-SPECIFIC EVIDENCE OF PERMANENT INCAPACITY

Dr. G. Sunny Uppal conducted a comprehensive evaluation, reviewed Respondent's job description, and determined that she was permanent and stationary with restrictions that preclude performance of her usual duties.

The relevant legal inquiry is whether the member can perform her usual and customary duties — not whether she can perform modified work or hypothetical duties.

The QME directly addressed Respondent's job functions and concluded that her restrictions prevent her from performing them. This constitutes substantial medical evidence. The Proposed Decision does not adequately justify rejecting this evidence.

III. RELIANCE ON THE LATER IME WAS MISPLACED

The Independent Medical Evaluation relied upon by CalPERS did not establish that Respondent could perform her full range of usual duties on a sustained basis.

Speculation regarding potential improvement does not defeat present permanent incapacity. The statute requires assessment of current ability to perform usual duties — not conjecture regarding future recovery.

The Proposed Decision improperly elevated speculative conclusions over detailed, duty-specific findings.

IV. EMPLOYER ACTION CONFIRMS INCAPACITY

The employer's inability to return Respondent to her position due to permanent restrictions is objective evidence that she cannot perform the essential functions of her job.

Industrial Disability Retirement determinations must be grounded in actual job requirements. Where an employer cannot accommodate permanent restrictions within the usual duties of the position, that fact strongly supports incapacity.

V. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Board:

Reject the Proposed Decision dated January 20, 2026; and

Grant Industrial Disability Retirement benefits pursuant to Government Code section 21151.

Dated: February 26, 2026

Respectfully submitted,

Ronette O. Strown