

ATTACHMENT E

THE PROPOSED DECISION

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

**In the Matter of the Appeal for an Earlier Effective Date of
Industrial Disability Retirement of:**

**MONICA C. STINSON; CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, FOLSOM STATE
PRISON; and DEPARTMENT OF STATE HOSPITALS,
COALINGA, Respondents**

Agency Case No. 2023-1052

OAH No. 2025050228

PROPOSED DECISION

Patrice De Guzman Huber, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on December 8, 2025, from Sacramento, California.

Austa Wakily, Senior Attorney, represented the California Public Employees' Retirement System (CalPERS).

There was no appearance by or on behalf of respondent Monica C. Stinson (Stinson), respondent California Department of Corrections and Rehabilitation (CDCR),

Folsom State Prison (FSP), or respondent Department of State Hospitals, Coalinga (DSH-C). Each respondent was duly served with the Notice of Hearing. Consequently, the matter proceeded as a default hearing pursuant to Government Code section 11520, subdivision (a).

Evidence was received on December 8, 2025. The record was held open for CalPERS to submit a closing brief by January 9, 2026. CalPERS submitted its closing brief on that date, which was marked as Exhibit 22 and admitted as argument. The record closed and the matter submitted for decision on January 9, 2026.

ISSUES

1. Whether Stinson is entitled to July 1, 2015, as the effective date of her industrial disability retirement (IDR).
2. If Stinson is entitled to July 1, 2015, as the effective date of her IDR, whether CalPERS may reinstate Stinson from retirement based on her employment with DSH-C on July 3, 2017.
3. If Stinson is entitled to July 1, 2015, as the effective date of her IDR, and if CalPERS may reinstate Stinson from retirement based on her employment with DSH-C on July 3, 2017, whether CalPERS may collect industrial disability retirement benefits paid to Stinson following such reinstatement.

FACTUAL FINDINGS

Jurisdiction and Background

1. Stinson was employed by CDCR, R.J. Donovan Correctional Facility, from August 25, 2008, through August 13, 2009. By virtue of her employment, she became a state safety member of CalPERS. Her membership terminated on December 29, 2009, when she applied for and received a refund of her contributions.

2. From October 26, 2010, through July 1, 2015, Stinson was employed by CDCR, FSP, as a Licensed Vocational Nurse (LVN). By virtue of her employment, she became a state safety member of CalPERS. Her membership terminated on July 2, 2015, when she applied for and received a refund of her contributions.

3. From July 3, 2017, through August 1, 2017, Stinson was employed by DSH-C, Secure Treatment Facility. By virtue of her employment, she is a state safety member of CalPERS.

INDUSTRIAL DISABILITY RETIREMENT APPLICATION AND APPROVAL

4. On March 23, 2020, Stinson inquired with CalPERS regarding applying for IDR. CalPERS staff told Stinson "she cannot proceed with her IDR application because she refunded her account back in 2015." However, this was inaccurate as Stinson was in March 2020, and currently is, a CalPERS member by virtue of her employment by DSH-C. Nevertheless, CalPERS staff advised Stinson that "she has the option to redeposit her account and bring it up to date while her IDR application can process."

5. On April 1, 2020, CalPERS received Stinson's IDR application. She claimed disability on the basis of "plantar fasciitis right foot which has become chronic,

posterior tibial tendonitis right foot" (grammar in original) since May 2013. The IDR indicated FSP as Stinson's last CalPERS-covered employer and July 1, 2015, as the last date she worked.

6. On May 1, 2020, CalPERS staff told Stinson she will "need to redeposit 3.252 years of SC [service credit] for [CalPERS] to make a final determination on IDR." CalPERS staff also advised Stinson her "earliest retirement date . . . would be the day after her SCP [service credit purchase] packet is received by CalPERS."

7. By email to CalPERS staff on May 7, 2020, Stinson inquired why she was required to redeposit the previously refunded contributions for her IDR application to be granted. She wrote (grammar in original):

You stated that my application for continuous IDR payments was approved on condition that I redeposit the withdrawn funds of 2015. You also said that my request for the application to be back dated to 2015 as per government code 21153 was denied. Could you please explain why. You also stated that the effective date would be the service credit purchase date and not the employment separation date of 07 /01/2015. Could you please kindly explain the government code that informed your decision.

8. On June 24, 2020, CalPERS staff answered Stinson's inquiry about her IDR effective date, stating "that per [Government Code section] 21050[,] the earliest retirement date she can elect would be the day after her SCP packet is received by

CalPERS.” However, Government Code section 21050 addresses service credit election, not IDR.

9. On June 29, 2020, CalPERS received Stinson’s SCP packet indicating she would redeposit \$20,365.57 for 3.252 years of service credit.

10. On July 8, 2020, CalPERS approved Stinson’s IDR application and sent a letter confirming the approval. The letter states CalPERS found her substantially incapacitated from the performance of her usual duties “based upon [her] podiatric (right foot) condition.” The letter states Stinson’s IDR is effective immediately. No effective date is specified.

REQUEST FOR EARLIER EFFECTIVE DATE, DENIAL, AND APPEAL

11. CalPERS set June 30, 2020, as the IDR’s effective date, one day after Stinson submitted her SCP packet. She subsequently requested July 1, 2015, as the effective date. By email on July 24, 2020, Stinson explained (grammar in original):

I indicated that I would like to have my IDR retirement date 7/1/2015 retroactively, which is the date I was separated from my employer.....I am not accepting the 6/30/2020 as a retirement date. That is when I purchased the service credit..... Could you please cancel the 6/30/2020 that you chose for me as my retirement date?My service credit purchase election date was 6/30/2020 but my retirement date is 7/1/2015.

12. By letter dated October 1, 2020, CalPERS denied Stinson’s request. The letter explains that CalPERS relied on Government Code section 21050, subdivision

(d)(1), to determine the effective date of IDR. That subdivision states that an election to redeposit previously refunded contributions and interest would be effective on “the earlier of the member’s retirement date[] or the first day of the month following approval . . . of the election.” According to the letter, CalPERS concluded “August 1, 2020[,] is the earliest [IDR] effective date CalPERS can provide.” Notwithstanding this letter, there is no evidence CalPERS changed the effective date of the IDR from June 30, 2020, to August 1, 2020.

13. By letter dated November 10, 2022, Stinson asked CalPERS to reconsider the effective date of her IDR.

14. On April 8, 2025, Sharon Hobbs, Chief of the Disability and Survivor Benefits Division of CalPERS, signed and thereafter filed a Statement of Issues for purposes of Stinson’s appeal. 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.

Hearing Testimony

15. Greg Neill, Associate Governmental Program Analyst at CalPERS, testified. He is assigned to disability retirements and death benefits, and his duties include reviewing disability applications and supporting documentation. Mr. Neill explained a member may choose to redeposit previously refunded contributions to accrue service credits for purposes of service retirement. Such redepositing has no bearing on an IDR application because IDR has no required minimum service credit.

16. In Mr. Neill’s experience, it is not common for an applicant to list on an IDR application a previous CalPERS-covered employer and previous last date worked, instead of the most recent employer and most recent last date worked. For an

unspecified or unknown reason, CalPERS staff “did not catch” that Stinson used a previous last date worked, and they did not ask for a corrected IDR application. Mr. Neill believes CalPERS “made a mistake” in approving Stinson’s IDR application with inaccurate information.

Analysis

17. The facts in this case reveal a number of errors: (1) the IDR application indicated the wrong last date worked; (2) CalPERS staff “did not catch” the inaccurate information on the IDR application; and (3) CalPERS relied on Government Code section 21050 to set the effective date of the IDR to June 30, 2020, one day after Stinson elected to redeposit her previously withdrawn contributions. Each error is discussed in turn below.

18. Stinson listed July 1, 2015, on her IDR application as the last date she worked for a CalPERS-covered employer. This is inaccurate as her true last date worked was August 1, 2017. For an unspecified or unknown reason, CalPERS staff failed to identify or seek correction of the wrong last date worked on the IDR application. Mr. Neill’s testimony is credible that CalPERS “made a mistake” in processing and approving Stinson’s IDR application with inaccurate information.

19. Upon approval of Stinson’s IDR application, CalPERS relied on Government Code section 21050 to set the effective date to the day after she submitted her redeposit election. Government Code section 21050 provides for service credit election as it relates to accruing service credits for purposes of service retirement. CalPERS’s reliance is flawed. Accrual of service credits is irrelevant to IDR, which can be granted regardless of a member’s amount of service. CalPERS provides

no legal authority establishing that a service credit election date determines an IDR's effective date.

20. A few weeks after IDR approval, Stinson emailed CalPERS staff to identify June 30, 2020, as an erroneous IDR effective date. In October 2020, CalPERS informed Stinson, "August 1, 2020[,] is the earliest effective date CalPERS can provide." For reasons not established at hearing, CalPERS did not change the effective date to August 1, 2020, despite its assertion in its October 2020 letter.

21. Notwithstanding Stinson's error in listing the wrong last date worked in her IDR application, CalPERS is charged to correctly determine her benefits. As the court in *Rodie v. Board of Administration* (1981) 115 Cal.App.3d 559, 566 reasoned:

[Cal]PERS is required to "determine . . . benefits for service and disability." (Gov. Code, § 20123.) If it has miscalculated, it has failed to determine benefits in accordance with its legislative mandate to afford benefits based on the employee's status and service.

Our conclusion complies with the established policy requiring a liberal interpretation of pension statutes in favor of the applicant. (See *Cavitt v. City of Los Angeles* (1967) 251 Cal.App.2d 623, 626, 59 Cal.Rptr. 690.)

22. CalPERS ultimately approved Stinson's IDR application. Competent medical evidence must have established that Stinson was substantially incapacitated from the date she last worked for a CalPERS-covered employer to the time she submitted her application. (Gov. Code, §§ 21154 & 21156.)

23. Because Stinson filed her IDR application in April 2020, more than nine months after August 1, 2017, the date she actually last worked for a CalPERS-covered employer, the effective date of her IDR “shall be the first day of the month in which the member’s application is received.” (Gov. Code, § 21252, subd. (a).) That date is April 1, 2020. Thus, CalPERS setting the IDR effective date to June 20, 2020, was an error and a “fail[ure] to determine benefits in accordance with its legislative mandate to afford benefits based on the employee’s status and service.” (*Rodie, supra*, 115 Cal.App.3d at p. 566.)

24. Stinson identified the error in the effective date within a few weeks of the approval of the IDR. CalPERS’s error was a result of a mistake, and correcting it would not give Stinson a benefit to which she is not entitled. (Gov. Code, § 20160, subd. (a).) Accordingly, to correct the error and accurately determine Stinson’s benefits, the effective date of Stinson’s IDR’s must be set to the correct date of April 1, 2020.

25. Because the other issues presented in this matter are predicated upon a finding that the IDR effective date is July 1, 2015, addressing them is not necessary to this Decision.

LEGAL CONCLUSIONS

1. This Decision liberally construes Stinson’s request for an earlier IDR effective date to be a request for correction of the effective date. She bears the burden to prove by a preponderance of the evidence that she is entitled to such correction. (*McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051; Evid. Code, § 115 [“Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.”].) A preponderance of the evidence means “evidence

that has more convincing force than that opposed to it." (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

2. An individual may apply for disability retirement on her own behalf. (Gov. Code, § 21152.) A state safety member of CalPERS can be granted an IDR regardless of age or amount of service. (Gov. Code, § 21151.) To qualify for disability retirement, competent medical evidence must establish that at the time the applicant applied, they were physically or mentally incapacitated to perform their duties from the date they discontinued their state service to the time they submitted their IDR application. (Evid. Code, § 115; Gov. Code, §§ 21154 & 21156, subd. (a)(1); *Harmon v. Bd. of Retirement of San Mateo County* (1976) 62 Cal.App.3d 689, 697; *Glover v. Bd. of Retirement* (1980) 214 Cal.App.3d 1327, 1332.)

3. Government Code section 21252, subdivision (a), provides:

A member's written application for retirement, if submitted to the board within nine months after the date the member discontinued his or her state service, and, in the case of retirement for disability, if the member was physically or mentally incapacitated to perform his or her duties from the date the member discontinued state service to the time the written application for retirement was submitted to the board, shall be deemed to have been submitted on the last day for which salary was payable. The effective date of a written application for retirement submitted to the board more than nine months after the member's discontinuance of state service shall be the first day of the month in which the member's application is received at an office of the

board or by an employee of this system designated by the board.

4. Pursuant to Government Code section 20160, subdivision (a), the Board may correct errors or omissions provided that all of the following exists:

(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.

5. A correction shall adjust the status, rights, and obligations of parties "to be the same that they would have been if the act that would have been taken, but for

the error or omission, was taken at the proper time," unless such a retroactive adjustment is not feasible. (Gov. Code, § 20160, subd. (e).)

6. CalPERS approved Stinson's IDR application which contained the wrong last date she worked for a CalPERS-covered employer. CalPERS erroneously relied on Government Code section 21050, a statute relevant to service retirement, to set the effective date of the IDR. CalPERS ultimately approved Stinson's IDR application, which she submitted in April 2020, more than nine months after August 1, 2017, the last date she worked at a CalPERS-covered employer. Therefore, the correct effective date of IDR is the first day of the month in which she submitted her application, April 1, 2020.

7. Stinson identified the error to CalPERS within a few weeks of approval of the IDR. As discussed above, the error was the result of a mistake, and correcting it would not give Stinson a benefit not otherwise available to her. Accordingly, the correct effective date of Stinson's IDR is April 1, 2020.

ORDER

The request for correction of the effective date of respondent Monica C. Stinson's industrial disability retirement is GRANTED. The effective date of her industrial disability retirement is April 1, 2020.

DATE: January 22, 2026



PATRICE DE GUZMAN HUBER

Administrative Law Judge

Office of Administrative Hearings