

**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 Application for  
Industrial Disability Retirement of:**

**TRAVIS M. GIANNINI and CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION, Respondents**

**Agency Case No. 2025-0147**

**OAH No. 2025070490**

**PROPOSED DECISION**

Jennevee H. de Guzman, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter by videoconference on February 9, 2026, from Sacramento, California.

Bryan Delgado, Attorney, appeared on behalf of the California Public Employees' Retirement System (CalPERS).

Respondent Travis M. Giannini (respondent) appeared without an attorney.

Respondent California Department of Corrections and Rehabilitation (CDCR) did not appear, and a default was taken pursuant to Government Code section 11520.

Evidence was received and the hearing concluded on February 9, 2026. The ALJ held the record open for the parties to submit written closing briefs. CalPERS and respondent timely submitted their briefs, which were respectively marked as Exhibits 21 and H. Exhibits 21 and H were admitted as argument. The record then closed and the matter submitted for decision on March 16, 2026.

## **ISSUE**

Whether respondent is precluded from filing an application for disability retirement by operation of *Haywood v. American River Fire Protection District* (1998) 67 Cal.App.4th 1292 (*Haywood*) and CalPERS Precedential Decision *In the Matter of the Application for Industrial Disability Retirement of Robert Vandergoot* (2013) Precedential Decision No. 13-01 (*Vandergoot*).

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. CDCR, Office of Internal Affairs, employed respondent as a special agent from October 30, 2006, through June 17, 2023. By virtue of this employment, respondent became a state safety member of CalPERS subject to Government Code section 21154.

2. On May 9, 2023, respondent submitted a written resignation letter to CDCR. Respondent wrote, in pertinent part, as follows:

This decision has been exceptionally difficult for me to make. However, the personal hardships my family has

endured during the past months while I was on family medical leave and with the ongoing medical care required for my family in the future, I know in my heart I have to move forward with this decision so I can be present and care for my family on a daily basis in person.

Respondent also wrote he intended to exhaust his non-cashable leave credit prior to his official resignation date because it would “allow [him] to utilize [his] remaining medical benefits for [his] family which [they] will need in the upcoming months for medical procedures.”

3. On June 13, 2023, CalPERS notified respondent of his permanent separation from all CalPERS-covered employment and his options at separation. The letter presented three options for respondent’s consideration regarding his CalPERS membership: retire with CalPERS; leave his contributions on deposit; or receive a refund of his member contributions.

4. On September 30, 2024, respondent signed and thereafter submitted an industrial disability retirement election application (application) to CalPERS. On his application, respondent indicated he had resigned from CDCR and was unable to perform his duties as a special agent due to the cumulative trauma sustained over the course of his employment.

5. On December 27, 2024, CalPERS canceled respondent’s application “due to *Haywood-Vandergoot*.” On this same day, CalPERS notified respondent that he was ineligible for industrial disability retirement because his employment relationship with CDCR was severed on June 17, 2023.

6. Respondent appealed CalPERS's cancellation of his application on January 27, 2025. This hearing followed.

## **CalPERS's Evidence**

7. Rebecca Shelton, CDCR Manager II, testified at hearing. Ms. Shelton oversees all payroll and benefits staff. She reviewed respondent's employment file and understood he voluntarily resigned due to personal reasons. Ms. Shelton stated there was no indication the resignation was related to respondent's personal medical reasons.

8. Greg Neill, CalPERS Analyst II, also testified at hearing. Mr. Neill has been with the CalPERS Disability and Benefits Division since February 2022. He confirmed the above CalPERS actions and communications with respondent.

9. CalPERS also submitted respondent's CDCR record of attendance for May and June 2023. Respondent's last physical day at CDCR was May 3, 2023. Respondent exhausted his leave credits from May 4, 2023, through June 16, 2023.

## **Respondent's Evidence**

### **RESPONDENT'S TESTIMONY**

10. Respondent is 45 years old. Throughout his 17-year career, respondent stated he was exposed to traumatic events and believes he consequently developed Post Traumatic Stress Disorder (PTSD) in 2017. Respondent explained that by June 2023, his PTSD prevented him from effectively performing his job duties. He stated he exhausted his leave credits in an attempt to "heal himself" and "deal with PTSD." Respondent explained he was "psychiatrically incapacitated" when he wrote his resignation letter. He stated he wrote his resignation letter in a "nonconfrontational

manner” and did not understand the legal implications of how he had phrased the reasons for his resignation.

11. Respondent stated his PTSD symptoms are ongoing and include anxiety, hypervigilance, sleep disturbance, and dysregulation. Since his resignation, respondent explained he is unable to perform any tasks requiring sustained concentration, including filing out his application. Respondent explained any deficiencies in his application were due to his PTSD.

### **DOCUMENTARY EVIDENCE**

12. Respondent submitted diagnostic psychological evaluation reports that were prepared in support of his workers’ compensation claim. In April 2024, the evaluator initially concluded respondent had a diagnosis of PTSD, became “temporarily totally disabled on an industrial psychiatric basis from 06/17/23 to 04/11/24,” and required additional treatment. The evaluator noted:

According to the reasonable medical evidence presented by the applicant and the reviewed medical records, the predominant cause of applicant’s mental disorder is the series of traumatic events that the applicant was exposed to during the course of his employment, such as repeatedly investigating prison incidents involving death and injuries of inmates as well as other distressing prison[-]related events. It is reasonable that over the course of his employment he could develop a posttraumatic stress disorder in response to these events. The applicant

reported no previous mental health problems before his employment with [CDCR].

13. After a subsequent evaluation in November 2024, the evaluator confirmed his initial conclusions. He finally concluded respondent had “reached permanent and stationary status on a psychiatric basis as of 11/05/24,” “has a mild level of permanent psychiatric disability,” and “100% of [respondent’s] permanent disability can be apportioned to industrial causes.”

## **Analysis**

### ***HAYWOOD AND ITS PROGENY***

14. CalPERS determined respondent was precluded from applying for disability retirement pursuant to the holdings in *Haywood* and *Vandergoot*. In *Haywood*, the American River Fire Protection District (District) terminated Mr. Haywood for cause following a series of disciplinary actions it had taken against him. (*Haywood, supra*, 67 Cal.App.4th at p. 1295.) Mr. Haywood subsequently applied for disability retirement claiming the stress from the disciplinary actions resulted in depression and rendered him incapable of performing his usual firefighter job duties. (*Ibid.*) He subsequently recovered from his depression and became fully capable of performing his former job duties. (*Id.* at pp. 1295-1296.) Haywood claimed he nevertheless remained entitled to disability retirement because he would likely suffer additional depression, making him unable to perform his usual duties, if he were to return to the District. (*Id.* at p. 1296.) Following an administrative hearing, the District denied Mr. Haywood’s application for disability retirement. (*Ibid.*) He successfully appealed the decision to the superior court, and the District appealed to the appellate court. (*Ibid.*)

The *Haywood* court reversed and found Mr. Haywood was ineligible for disability retirement. (*Haywood, supra*, 67 Cal.App.4th at pp. 1308-1309.) The *Haywood* court noted the District had properly terminated Mr. Haywood for cause, and there was “no claim, or evidence which would support a claim, that the termination for cause was due to behavior caused by a physical or mental condition.” (*Id.* at pp. 1305-1306.) Rather, Mr. Haywood asserted he became psychologically unable to return to the District “as the result of his reaction to the disciplinary proceedings which resulted in a complete severance of the employment relationship.” (*Id.* at p. 1306.)

The *Haywood* court highlighted the significance of Mr. Haywood’s complete severance from the District within the context of a disability retirement application. (*Haywood, supra*, 67 Cal.App.4th at p. 1305.) The *Haywood* court noted disability retirement laws “contemplate the potential reinstatement of that relationship if the employee recovers and no longer is disabled.” (*Ibid.*) The court continued:

Until an employee on disability retirement reaches the age of voluntary retirement, an employer may require the employee to undergo a medical examination to determine whether the disability continues. And an employee on disability retirement may apply for reinstatement on the ground of recovery. If an employee on disability retirement is found not to be disabled any longer, the employer may reinstate the employee, and his disability allowance terminates.

(*Id.* at p. 1305, internal citations omitted.) Accordingly, the complete severance of Mr. Haywood’s employment relationship “eliminat[ed] a necessary requisite for disability

retirement – the potential reinstatement of his employment relationship with the District if it ultimately is determined that he no longer is disabled.” (*Id.* at p. 1306.)

The *Haywood* court recognized two exceptions to the general rule of preclusion where there has been a complete severance of an employment relationship. (*Haywood, supra*, 67 Cal.App.4th at p. 1307.) An employee who has completely severed his employment relationship with his employer is not precluded from applying for disability retirement if he can establish the severance was the ultimate result of a disabling condition or preempted his otherwise valid claim for disability retirement. (*Ibid.*)

15. The latter exception was clarified in *Smith v. City of Napa* (2004) 120 Cal.App.4th 194 (*Smith*). The *Smith* court reasoned that a disability retirement claim must have "matured" in order to find that a disciplinary action preempts the right to receive a disability retirement pension. (*Id.* at p. 206.) "The key issue is thus whether [the applicant's] right to a disability retirement matured before [the applicant's] separation from service." (*Ibid.*)

16. The *Smith* court further clarified the "outer limits of maturity" and instructed on the proper application of equitable principles when considering whether the severance of the employment relationship preempted an otherwise valid claim for disability retirement. (*Smith, supra*, 120 Cal.App.4th at pp. 206-207.) Specifically, the *Smith* court provided two examples supporting the equitable application of this exception: (1) if an employee "had an impending ruling on a claim for a disability pension that was delayed, through no fault of his own, until after his dismissal," and (2) if there is undisputed evidence that the employee "was eligible for a CalPERS disability retirement, such that a favorable decision on his claim would have been a foregone conclusion (as perhaps with a loss of limb)." (*Id.* at p. 207.)

17. *Vandergoot* expands *Haywood's* preclusion to cases where the applicant resolves a pending disciplinary action by voluntarily resigning and waiving any ability to return to his former employer in the future in lieu of being terminated. (See *City of Fremont v. Bd. of Administration* (1989) 214 Cal.App.3d 1026, 1033 ["the Board's interpretation of the Public Employees' Retirement Law is accorded great weight unless clearly erroneous."].) *Vandergoot* reasoned, "[t]his is because *Haywood* makes it clear that a necessary requisite for disability retirement is the potential reinstatement of the employment relationship with the District if it ultimately is determined that respondent is no longer disabled." (*Vandergoot, supra*, Precedential Dec. No. 13-01 at p. 8.) *Vandergoot* thus held that "the terms of the Stipulation for Settlement [are] tantamount to a dismissal for purposes of applying the *Haywood* criteria." (*Ibid.*; see also *Martinez v. Public Employees' Retirement System* (2019) 33 Cal.App.5th 1156, 1176 [approving *Vandergoot's* expansion of *Haywood*].)

### **APPLICATION OF HAYWOOD AND ITS PROGENY TO RESPONDENT'S CIRCUMSTANCES**

18. It is undisputed that respondent resigned from CDCR effective June 17, 2023. Respondent's resignation resulted in the complete severance of his employment relationship with CDCR and thus "eliminat[ed] a necessary requisite for disability retirement." (*Haywood, supra*, 67 Cal.App.4th at p. 1306; see also *In the Matter of the Appeal of the Cancellation of Industrial Disability Retirement Benefits and Change to Service Retirement of Finn O. McClafferty, et al.* (2021) Precedential Decision No. 2020-0325 at p. 38 ["Whether the employee was fired for cause, resigned with charges pending, or left employment under other circumstances is not important. The critical issue is whether the employee can be reinstated to his former job."].) Consequently,

respondent cannot be reinstated to his former job with CDCR and is, therefore, subject to *Haywood*.

19. Respondent argues the evidence supports the application of both *Haywood* exceptions to his case. Not so. The evidence does not establish that respondent's severance from CDCR was the ultimate result of a disabling condition. Rather, the preponderance of the evidence established respondent resigned from CDCR because he wished to assume a full-time caregiving role for his family. In his resignation letter, respondent acknowledged he had been on family medical leave in the months preceding his offer of resignation and expressly stated his intent to exhaust his leave credits in a manner that was beneficial for his family due to upcoming "medical procedures."

20. Respondent attempts to minimize the effect of his stated reasons for resignation by arguing that he also resigned due to PTSD. He argues PTSD left him substantially incapacitated from performing his duties as a CDCR special agent. Respondent heavily relies on the medical opinion of a permanent disability for purposes of a workers' compensation claim. It is well-settled, however, that "a workers' compensation ruling is not binding on the issue of eligibility for disability retirement because the focus of the issues . . . is different." (*Smith, supra*, 120 Cal.App.4th at p. 207, citing *Bianchi v. City of San Diego* (1989) 214 Cal.App.3d 563, 567, *Summerford v. Bd. of Retirement* (1977) 72 Cal.App.3d 128, 132.) Respondent's medical evidence was silent as to whether he was substantially incapacitated from the performance of his special agent duties. Consequently, respondent's medical evidence likewise fails to support that his right to disability retirement matured prior to the severance of his employment relationship with CDCR.

21. Moreover, the circumstances of this case are unsuitable for equitable relief. For the reasons discussed above, respondent's medical evidence in support of his eligibility for disability retirement is highly disputable and thus a favorable decision on his claim is not a foregone conclusion. (See *Smith, supra*, 120 Cal.App.4th at p. 207.)

22. When all evidence and arguments are considered, respondent failed to establish that he should be allowed to file an application for industrial disability retirement. Consequently, respondent's appeal must be denied.

## LEGAL CONCLUSIONS

### Burden and Standard of Proof

1. CalPERS has the burden of proving respondent's disability retirement application is barred by *Haywood* and its progeny. (Evid. Code, § 500 ["Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting."].) The standard of proof is a preponderance of the evidence. (Evid. Code, § 115 ["Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence"].) Evidence that is deemed to preponderate must amount to "substantial evidence." (*Weiser v. Bd. of Retirement* (1984) 152 Cal.App.3d 775, 783.) To be "substantial," evidence must be reasonable in nature, credible, and of solid value. (*In re Teed's Estate* (1952) 112 Cal.App.2d 638, 644.) If CalPERS meets its burden, the burden then shifts to respondent to show he meets either of the exceptions to preclusion under *Haywood*. (Evid. Code, § 500.)

## Applicable Law

2. An individual may apply to the CalPERS Board for disability retirement on his own behalf. (Gov. Code, § 21152, subd. (d).) By virtue of his employment with CDCR, respondent became a state safety member of CalPERS subject to Government Code section 21154. Government Code section 21154 provides:

an application shall be made only (a) while the member is in state service, or (b) while the member for whom contributions will be made under Section 20997, is absent on military service, or (c) within four months after the discontinuance of the state service of the member, or while on an approved leave of absence, or (d) while the member is physically or mentally incapacitated to perform duties from the date of discontinuance of state service to the time of application or motion.

“Incapacitated for the performance of duty” means “disability of permanent or extended and uncertain duration, as determined by the board, or in the case of a local safety member by the governing board of the [employer], on the basis of competent medical opinion.” (*Haywood, supra*, 67 Cal.App.4th at p. 1303, quoting Gov. Code, § 20026; see also *Petrillo v. Bay Area Rapid Transit Dist.* (1988) 197 Cal.App.3d 798, 811 [employee must establish a substantial inability to perform his usual duties].)

3. A civil service employee who has permanently severed his employment relationship with his employer is precluded from applying for disability retirement pursuant to *Haywood* and its progeny. (*Haywood, supra*, 67 Cal.App.4th at p. 1297; *Vandergoot, supra*, Precedential Dec. No. 13-01 at p. 8; *In the Matter of the Appeal of*

*the Cancellation of Industrial Disability Retirement Benefits and Change to Service Retirement of Finn O. McClafferty, et al., supra*, Precedential Decision No. 2020-0325 at p. 38.) Exceptions to this preclusion include: (1) when the employee established that the severance was the ultimate result of a disabling condition; or (2) when the employee established that the severance preempted his otherwise valid claim for disability retirement. (*Haywood, supra*, 67 Cal.App.4th at p. 1307; see also *Smith, supra*, 120 Cal.App.4th at pp. 206-207.)

4. For the reasons explained in the Analysis section of the Factual Findings, CalPERS met its burden of establishing respondent had completely severed his employment relationship with CDCR when he voluntarily resigned for family reasons. Respondent did not establish any exceptions to *Haywood*. Thus, CalPERS properly precluded respondent from applying for disability retirement. Accordingly, respondent's appeal must be denied.

## **ORDER**

Respondent Travis M. Giannini's appeal from CalPERS's cancellation of his Industrial Disability Retirement application is DENIED.

DATE: March 27, 2026

*Jennevee H. de Guzman*

Jennevee H. de Guzman (Mar 27, 2026 14:25:13 PDT)

JENNEVEE H. DE GUZMAN

Administrative Law Judge

Office of Administrative Hearings