

ATTACHMENT C

RESPONDENTS ARGUMENTS

BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM In the Matter of the Appeal of Accepting the Application for Industrial Disability Retirement of:

TRAVIS M. GIANNINI Agency Case No. 2025-0147 OAH No. 2025070490 RESPONDENT'S ARGUMENT AGAINST ADOPTION OF PROPOSED DECISION TO THE BOARD OF ADMINISTRATION:

I respectfully request that the Board reject or remand the Proposed Decision issued in this matter because the decision improperly applies Haywood v. American River Fire Protection District and fails to adequately consider the medical evidence, testimonial evidence, and psychiatric realities surrounding my separation from employment with the California Department of Corrections and Rehabilitation (CDCR). The evidence established that I suffered from industrially caused Post Traumatic Stress Disorder (PTSD) prior to separation from service, that my psychiatric condition substantially impaired my ability to continue performing the essential duties of a Special Agent, and that my psychiatric deterioration materially contributed to my resignation.

I. THE PROPOSED DECISION APPLIES HAYWOOD IN AN OVERLY RIGID AND MECHANICAL MANNER The Proposed Decision effectively treats resignation as an automatic bar to Industrial Disability Retirement under Haywood without adequately analyzing whether my industrial psychiatric disability itself substantially caused or contributed to the separation. Haywood recognizes exceptions where: • the severance is the ultimate result of disability; or • the separation preempted an otherwise valid disability retirement claim. The evidence supported application of those exceptions here.

Unlike Haywood: • I was not terminated for misconduct; • I was not found psychologically fit for duty; • I was not attempting to avoid disciplinary consequences; • and the record established industrial psychiatric injury prior to separation. The Proposed Decision therefore applies Haywood too rigidly and without adequate consideration of the unique circumstances presented by industrial PTSD in a law enforcement environment.

II. THE PROPOSED DECISION IMPROPERLY ELEVATES THE WORDING OF THE RESIGNATION LETTER OVER THE TOTALITY OF THE EVIDENCE The Proposed Decision relies heavily upon the wording of my resignation letter while minimizing the substantial evidence of industrial psychiatric impairment. Although the resignation letter referenced family hardship and caregiving responsibilities, the evidence also established that I was suffering from severe PTSD symptoms at the time of resignation, including: • hypervigilance; • anxiety; • emotional dysregulation; • impaired concentration; • sleep disturbance; • impaired judgment; • and ongoing psychiatric deterioration caused by cumulative exposure to traumatic prison-related incidents during my employment. At hearing, I testified that: • I was psychiatrically incapacitated at the time I submitted my resignation; • I drafted the letter in a non-confrontational manner; • I did not fully appreciate the legal significance of the wording used; • and my PTSD impaired my judgment, emotional regulation, concentration, and decision-making abilities. The Proposed

Decision acknowledges this testimony but does not meaningfully analyze or explain why my sworn testimony regarding psychiatric impairment and diminished judgment was discounted. Instead, the decision effectively treats the wording of the resignation letter as dispositive while minimizing the realities of industrial PTSD and the substantial psychiatric evidence presented.

III. THE EVIDENCE ESTABLISHED PSYCHIATRIC DETERIORATION PRIOR TO

SEPARATION The record established that my last physical day worked at CDCR was May 3, 2023, after which I remained continuously off work utilizing leave credits until my separation became effective on June 17, 2023. This evidence is highly significant because it demonstrates that I had already ceased functioning in my position well before formal separation from service. The evidence did not establish that I was successfully performing the essential duties of a Special Agent immediately prior to resignation. Rather, the evidence demonstrated ongoing psychiatric deterioration and inability to continue functioning in the position during the period leading up to separation. The Proposed Decision failed to adequately consider the significance of this prolonged absence from active duty.

IV. THE PROPOSED DECISION IMPROPERLY TREATS FAMILY HARDSHIP AND

PSYCHIATRIC DISABILITY AS MUTUALLY EXCLUSIVE The Proposed Decision concludes that I resigned for “family reasons” rather than because of psychiatric disability. However, those circumstances are not mutually exclusive. Industrial PTSD can substantially impair an employee’s ability to continue functioning professionally while simultaneously increasing dependence on family support and caregiving responsibilities. My resignation letter reflected the reality that my psychiatric deterioration had affected both my professional and personal functioning. The fact that I referenced my family’s needs does not negate the substantial evidence establishing industrial psychiatric injury and occupational impairment.

V. THE MEDICAL EVIDENCE ESTABLISHED INDUSTRIAL PSYCHIATRIC DISABILITY

PRIOR TO SEPARATION The medical evidence established: • diagnosis of PTSD; • industrial causation; • temporary total psychiatric disability; • permanent psychiatric impairment; • and 100% industrial apportionment. The evaluator specifically concluded that my PTSD resulted from repeated exposure to traumatic prison-related events during my employment with CDCR. The Proposed Decision discounted this evidence largely because the evaluator did not specifically use the phrase “substantially incapacitated from duty.” However, the substance of the medical findings established significant psychiatric impairment affecting concentration, cognition, emotional regulation, occupational functioning, and ability to continue functioning effectively in a law enforcement environment. The absence of precise statutory wording should not defeat an otherwise valid disability retirement claim where the medical evidence clearly establishes industrial psychiatric impairment and functional deterioration. Importantly, no psychiatric expert testified that I was psychologically capable of safely performing the essential duties of a CDCR Special Agent at the time of separation.

VI. THE EMPLOYING AGENCY DID NOT APPEAR TO CONTEST MY DISABILITY CLAIM

CDCR did not appear at hearing and did not present evidence disputing: • industrial causation; • psychiatric deterioration; • incapacity; • or inability to continue functioning in the position. No

evidence was introduced establishing that I was psychologically fit for duty at the time of separation.

VII. THE PROPOSED DECISION FAILS TO ADEQUATELY CONSIDER THE REALITIES OF PTSD IN LAW ENFORCEMENT CULTURE

Law enforcement culture frequently discourages vulnerability and encourages minimization of psychological symptoms. PTSD commonly causes: • emotional suppression; • avoidance behavior; • delayed treatment-seeking; • impaired judgment; • and difficulty articulating the true severity of psychiatric deterioration. My resignation letter was not drafted as a legal document but during a period of severe psychological distress while attempting to avoid confrontation and protect my family. The Proposed Decision failed to adequately consider these realities when interpreting the language of the resignation letter.

VIII. MY PSYCHIATRIC CONDITION ALSO IMPAIRED MY ABILITY TO TIMELY PURSUE THE DISABILITY RETIREMENT PROCESS

PTSD itself materially impaired my ability to promptly recognize, organize, and pursue the disability retirement process. At hearing, I testified that I struggled even completing the application due to psychiatric symptoms affecting concentration and sustained functioning. The delayed filing should therefore not be interpreted as evidence that I lacked incapacity prior to separation.

IX. THE PROPOSED DECISION IS NOT SUPPORTED BY THE WEIGHT OF THE EVIDENCE

The Proposed Decision selectively emphasizes isolated wording from the resignation letter while minimizing: • un rebutted psychiatric evidence; • industrial causation findings; • testimony regarding psychiatric incapacity; • evidence of prolonged absence from duty; • and the realities of PTSD in a law enforcement setting. The decision therefore is not supported by the weight of the evidence and fails to adequately consider the totality of circumstances surrounding my separation from employment.

X. REMAND WOULD BETTER SERVE THE INTERESTS OF JUSTICE

At minimum, this matter should be remanded for further evidentiary development regarding the extent of psychiatric incapacity and the relationship between my industrial PTSD and separation from employment. I appeared in this matter without legal counsel while suffering from industrial PTSD in a highly technical administrative disability proceeding against represented CalPERS counsel. Under these circumstances, remand for additional medical clarification would better serve the interests of justice than outright denial of my claim.

XI. CONCLUSION For the foregoing reasons, I respectfully request that the Board reject or remand the Proposed Decision and allow my Industrial Disability Retirement application to proceed on the merits.

DATED: 25/13/2026

Respectfully submitted,  TRAVIS M. GIANNINI