

**ATTACHMENT C**

**RESPONDENTS ARGUMENTS**



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May 27<sup>th</sup>, 2026

Board Services Unit Coordinator  
California Public Employees' Retirement System  
PO Box 942701  
Sacramento CA 92229-2701  
RE: **RESPONDENT'S ARGUMENT**, N. Prado, OAH 2025110334

Greetings:

I write on behalf of Ms. Nancy Prado as her Union representative and advocate. I have been in consultation with Ms. Prado and her counsel for quite some time regarding her case and appeal. I understand she appeared at a hearing via videoconference on April 16<sup>th</sup>, 2026. At this hearing her appeal to be able to repurchase the service credit she lost due to this unfortunate situation was denied.

Having read the response from CalPERS as quoted in the OAH decision, a few things are clear. Firstly, CalPERS seems wedded strictly to a literal interpretation of the governing statute/s and was not willing to consider the exigent circumstances and the meaning of the statute/s. Secondly, the timeline and events which Ms. Prado experienced were not contemplated by the legislation. Lastly, the opportunity for the board to exercise discretion and interpret the statute/s in a more sensible way than literally is available to us here and now.

The assertion from CalPERS at the video hearing continually reiterated that no repurchase was possible because Ms. Prado's ex-spouse did not apply for a refund of contributions and instead received a death benefit. As acknowledged, the very day that he gained the ability to do so, he passed away. It is likely he was never even aware of this option. Given the amount of money involved and the short (non-vested) service credit involved, it is virtually certain he would have requested a refund had he been able. Maintaining the account would have served no meaningful benefit to him. Any rational person would have filed for a refund as soon as practicable to put those funds to use as they saw fit.

The board has an opportunity—and the ability--to issue a common-sense decision to benefit this member. Ideally a revised statute in the future would prevent this unfairness but for now, it is hoped the board can make this right for Ms. Prado. In the future it would be prudent to revise the law to create a 30 or even 14 day window. If the new non-member account owner (similarly situated to Paul Prado) passes within that window, before they have made an election, it would be treated as a refund. Mr. Prado

clearly had no opportunity to consult with a financial advisor, his family, anyone really. If he had, the rational course would have been to take the refund. No one wins in this situation and only Nancy Prado loses. You can do right by her and allow her to repurchase her service credit and help secure her future. I urge you to exercise this authority and overturn the administrative law judge's decision. Thank you for your careful consideration.

Sincerely,



John Vigrass  
Executive Director  
Citrus Belt UniServ, CTA/NEA