ATTACHMENT A

THE PROPOSED DECISION

BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Applications for

Disability Retirement by:

AMY M. EDELEN, Respondent;

DEPARTMENT OF CONSUMER AFFAIRS, Respondent.

Agency Case No. 2025-1092

OAH No. 2026011090

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on July 29, 2026, by videoconference.

Senior Attorney Cristina Andrade appeared representing complainant Sharon Hobbs, Chief, Disability and Survivor Benefits Division, California Public Employees' Retirement System.

Respondent Amy M. Edelen appeared representing herself.

Attorney Laura Freedman appeared representing the State of California, Department of Consumer Affairs.

The matter was submitted for decision on July 29, 2026.

FACTUAL FINDINGS

1. Respondent Amy M. Edelen was an employee of the State of California, Department of Consumer Affairs. Because of her employment, respondent is a member of the California Public Employees' Retirement System (CalPERS).

2. In October 2024, respondent applied to CalPERS to retire for disability. By letter dated December 27, 2024, CalPERS staff member Tina Matthews notified respondent that CalPERS would not evaluate the application on its medical merits, because respondent is not eligible to apply for disability retirement. Respondent timely appealed.

3. In May 2026, while the appeal was pending, respondent filed another application to retire for disability. By letter dated July 24, 2026, an unidentified staff member in the CalPERS Disability Retirement Section notified respondent that CalPERS also would not evaluate this application, for the same reason.

4. Acting in her official capacity as Chief of the CalPERS Disability and Survivor Benefits Division, complainant Sharon Hobbs filed a statement of issues against respondent in January 2026, relating to the application, denial, and appeal summarized in Finding 2. Complainant amended the statement of issues on July 27, 2026, to relate as well to the application and denial summarized in Finding 3.

5. Complainant alleges that respondent has not been in state service since 2010 or earlier, and has not been incapacitated for such service continuously since then. For these reasons, complainant asks the CalPERS Board of Trustees to confirm that respondent was not and is not eligible to retire for disability.

6. Respondent's employing agency, the Department of Consumer Affairs, concurs with complainant. Respondent acknowledges that she was not working for the Department between 2009 and 2023, but contends that since October 2023, she has been in state service, within the meaning of Government Code section 21154.

Respondent's Prior Disability Retirement and Reinstatement

7. Respondent began working for the State of California in 1994. Her earlier state employment history is not in evidence, but in 2009 respondent was an Associate Governmental Program Analyst with the Veterinary Medical Board, in the Department of Consumer Affairs. She stopped actively working for the Veterinary Medical Board, or receiving compensation for such work, in August 2009.

8. In September 2010, respondent applied to retire for disability. Her application stated that she no longer could perform her duties because of "cognitive impairment, severe fatigue, inability to sit/stand still for a few minutes at a time, severe pain, severe & regular headaches, sensitivity to lights, sounds, smells, energy." After medical evaluation, CalPERS approved respondent's September 2010 disability retirement application, "based upon your rheumatological [fibromyalgia] condition."

9. CalPERS re-evaluated respondent's continuing eligibility for disability retirement at intervals. In July 2021, Matthews notified respondent by letter that the most recent re-evaluation had shown that respondent no longer was incapacitated from the typical duties of a Veterinary Medical Board Associate Governmental Program Analyst. The letter stated further that CalPERS would terminate respondent's disability retirement on this basis, and that she would have the right to resume her former position at the Veterinary Medical Board.

10. Respondent appealed the determination summarized in Finding 9. Ultimately, after a hearing, the CalPERS Board of Trustees ordered respondent's reinstatement from disability retirement. Respondent did not challenge this CalPERS order through a petition for writ of mandate, and the deadline for filing such a petition passed in early September 2023.

11. Respondent testified at the hearing on the appeal described in Finding 10, and presented testimony from one of her treating physicians. She contended that she remained unable to work as an Associate Governmental Program Analyst because of "widespread pain, fatigue, headaches, cognitive difficulties, brain fog, anxiety, and sometimes irritable bowels." Respondent stated that because of illness, she would not be able to "commit to any schedule," to use a computer, to talk on the telephone, or perform arithmetic calculations.

12. The CalPERS decision identified in Finding 10 relied, however, on contrary medical expert testimony by physicians that in turn reflected examinations of respondent, review of her medical history, and review of surveillance video showing respondent engaging in various activities of daily living. These physicians concluded that respondent was physically and mentally capable of performing work requiring attention and executive function, such as the work of an Associate Governmental Program Analyst at the Veterinary Medical Board. The CalPERS Board of Trustees found their opinions more persuasive than the opinion of respondent's physician, and more persuasive as to respondent's abilities than respondent's own testimony.

13. CalPERS discontinued respondent's disability retirement allowance effective October 13, 2023.

14. Respondent has never returned to work at the Veterinary Medical Board, or for any other state agency. Rather, respondent has stated consistently in correspondence with personnel staff members at the Department of Consumer Affairs, and in correspondence with potential colleagues at the Veterinary Medical Board, that she cannot return to any kind of work. She has performed no service of any kind for the Veterinary Medical Board, for any other department or agency of the State of California, or for any other government agency that contracts with CalPERS, since leaving her position at the Veterinary Medical Board in 2009.

15. Beginning on October 13, 2023, the Department of Consumer Affairs identified respondent as an active employee on unpaid leave. For reasons that the evidence does not explain, the Department of Consumer Affairs changed respondent's status between April 14 and May 2, 2025, to "administrative time off," and she received some compensation for this period. Respondent has not received any compensation from the State of California for any period since May 2, 2025.

Respondent's October 2024 Disability Retirement Application

16. The October 2024 application described in Finding 2 requests an effective retirement date of October 13, 2023 (the effective date of discontinuance of respondent's previous disability retirement allowance).

17. The application states that respondent is unable to work as an Associate Governmental Program Analyst because of:

> chronic fatigue and immune dysfunction syndrome, neuroinflammatory disease, mitochondria dysfunction, orthostatic intolerance, tachycardia, severe daily incapacitating fatigue, cognitive dysfunction/brain fog

(memory, focus, recall of words, concentration) . . . headaches, dizziness, blurred vision, . . . cognitive impairment with inability to focus.

18. The application states that some of respondent's medical problems became "debilitating" in 2009, whereas others arose in September 2022 or April 2023.

Respondent's May 2026 Disability Retirement Application

19. The May 2026 application described in Finding 3 requests an effective retirement date of May 2, 2025 (the last day of the "administrative time off" described in Finding 15).

20. The application states that respondent is unable to work as an Associate Governmental Program Analyst because of:

> myalgic encephalomyelitis/chronic fatigue syndrome (G93.32)[,] a serious complex condition with autonomic dysfunction and orthostatic intolerance impacting multiple organ systems; chronic migraine; PTSD and other conditions[.]

21. The application states that the "injury/illness" began on April 3, 2023 (the date of the proposed decision following the hearing described in Finding 10).

LEGAL CONCLUSIONS

1. A CalPERS member with at least five years of "state service" may retire for disability if she is "incapacitated for the performance of duty." (Gov. Code, § 21150.)

The applicant bears the burden of proving, by a preponderance of the evidence, that she qualifies for disability retirement.

2. Disability retirement is not available if the disability arises after a person already has discontinued state service. Specifically, under Government Code section 21154, an application for disability retirement must occur

> (a) while the member is in state 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.

3. The Public Employees Retirement Law defines "state service" as service rendered to a state agency for compensation. (Gov. Code, § 20069.) The matters stated in Findings 7 and 14 establish that respondent last performed "state service" in 2009.

4. Respondent contends that because the Department of Consumer Affairs has never formally terminated her employment, she remains in "state service" as long as she retains any right to return to her former position. This contention is incorrect. Respondent did not render "state service" while she was receiving her disability retirement allowance. Having never actually returned to her position, respondent also has rendered no "state service" since her reinstatement from retirement.

5. Respondent contends further that because she received compensation during April and May 2025, she was in "state service" for this period. This contention also is incorrect, because respondent concedes (as summarized in Finding 14) that she performed no service to the state during this period. Respondent offers no authority

for her contention that paid "administrative time off" qualifies as "state service," and under the totality of the circumstances in this case it does not.

6. Neither of the applications described in Findings 2 and 3 occurred while respondent was in "state service." For this reason, she was not eligible at either time under Government Code section 21154, subdivision (a), to apply for disability retirement.

7. The matters summarized in Findings 9 through 12 establish that respondent is not eligible under Government Code section 21154, subdivision (d), to apply for disability retirement, because she was not incapacitated for the entire period between her discontinuance of state service in 2009 and her applications in either 2024 or 2026.

8. Finally, respondent contends that her October 2024 application is timely under Government Code section 21154, subdivision (c), because she submitted it while on a "leave of absence." The matters summarized in Findings 7 through 13 establish no "leave of absence" between 2009 and 2023, however. Rather, these matters establish only that respondent discontinued state service in 2009, became eligible to return to service in 2021, and became ineligible to continue receiving a disability retirement allowance in 2023.

9. The provision in Government Code section 21154, subdivision (c), for application while on "leave of absence" allows an approved "leave of absence" to extend the four-month grace period for timely application following discontinuance of state service. It does not allow a person to cease state service for more than four months and then to apply for disability retirement during an unpaid, no-work "leave of absence." Any other interpretation of this subdivision would conflict with subdivision

(d), because it would allow a person who does not satisfy subdivision (d)'s continuous incapacity requirement to leave state service for more than four months and then to return solely for the purpose of applying for disability retirement.

10. Because of the matters stated in Legal Conclusions 6 through 9, CalPERS correctly declined to evaluate the medical merits of either of the applications described in Findings 2 and 3.

ORDER

The appeal by respondent Amy M. Edelen is denied. Respondent is not eligible to retire for disability.

DATE: 08/17/2026

Juliet E. Cox

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings