Board of Administration

Agenda Item 8a2

November 18, 2026

Item Name: Proposed Decision – In the Matter of the Appeal of Accepting the Late Application for Industrial Disability Retirement of RAQUEL N. GREEN, Respondent, and CALIFORNIA STATE PRISON - LOS ANGELES COUNTY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, Respondent.

Program: Disability and Survivor Benefits Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should decline to adopt the Proposed Decision and remand back to the Office of Administrative Hearings, as argued by Staff.

The position of Respondent Raquel N. Green (Respondent), if any, is included in Attachment C.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

Respondent submitted an appeal of CalPERS' denial to accept Respondent's Service Pending Industrial Disability Retirement (SPIDR) Application and thereby her request to change from a service retirement to an industrial disability retirement. The matter was heard by the Office of Administrative Hearings on July 27, 2026. Due to California State Prison - Los Angeles County, California Department of Corrections and Rehabilitation's (Respondent CDCR) failure to appear, the case proceeded as a default as to Respondent CDCR only. A Proposed Decision was issued on August 18, 2026, granting Respondent's appeal.

Alternatives

A. For use if the Board decides to modify and adopt the Proposed Decision as its own Decision:

   RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517, subdivision (c)(2)(C), which authorizes the Board to "make technical or other minor changes in the proposed decision," hereby modifies the Proposed Decision, by changing "Bryan Delado" to "Bryan Delgado" on page 1; changing "210 days" to "120 days" on page 8, paragraph 31; changing "(Gov. Code

§ 2026.)" to "(Gov. Code § 20026.)" on page 14, paragraph 2; changing "a reasonable time after discovery or" to "a reasonable time after discovery of" on page 15, paragraph 4; and modifying "Government Code sections 20160, subdivision (e), and 21525" to "Government Code section 20160, subdivision (e)." on page 22, paragraph 3 of the Proposed Decision, and hereby adopts as its own Decision the Proposed Decision dated August 18, 2026, as modified, concerning the appeal of Raquel N. Green; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

B. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated August 18, 2026, concerning the appeal of Raquel N. Green; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

C. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated August 18, 2026, concerning the appeal of Raquel N. Green, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

D. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated August 18, 2026, concerning the appeal of Raquel N. Green, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

E. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Raquel N. Green, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

   RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Raquel N. Green.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondent(s) Argument(s)

Kimberly A. Malm
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Customer Services and Support