ATTACHMENT C

RESPONDENT'S ARGUMENT

BEFORE THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
BOARD OF ADMINISTRATION RESPONDENT'S PETITION FOR RECONSIDERATION

In the Matter of the Lifetime Monthly Allowance Payable
Upon the Death of Barry C. Lewis by:

Carole de Géry,
Respondent,

Agency Case No. 2025-0082
OAH No. 2026020178

Respondent Carole de Géry respectfully submits these Exceptions to the Proposed Decision issued by Administrative Law Judge Frances M. Valdez on September 2, 2026, and requests that the Board reject or modify the Proposed Decision and grant Carole de Géry the Option 3W lifetime monthly allowance.

This case presents a pure question of equity and substantial compliance in the complete absence of any competing claimant. Barry Lewis retired under Option 3W, later divorced and was awarded 100 percent of his CalPERS retirement interest, married Carole de Géry, and for the next twenty years consistently expressed his intent that Carole de Géry receive the survivor benefit he had purchased with a permanently reduced retirement allowance. The ex-spouse has, twice, expressly withdrawn any claim. No one is currently receiving the survivor benefit. CalPERS has retained the actuarial value of the reduction for more than two and a half years. Recognizing Carole de Géry creates no double payment and no actuarial harm to the System.

California public-pension laws are liberally construed to effectuate legislative intent and protect earned retirement benefits, while remaining subject to the governing statutory framework.

I. THE PROPOSED DECISION DOES NOT ADEQUATELY ADDRESS SUBSTANTIAL COMPLIANCE

The Proposed Decision correctly recognizes that Government Code section 21462 establishes a procedure by which a retired member may change a beneficiary following dissolution of marriage. But the Proposed Decision does not adequately address the California cases establishing that pension beneficiary requirements may be satisfied through substantial compliance. See *Watenpaugh v. State Teachers' Retirement System* (1959) 51 Cal.2d 675, 680–682; *Wicktor v. County of Los Angeles* (1960) 177 Cal.App.2d 390; *Coughlin v. Board of Administration* (1984) 152 Cal.App.3d 70; *Manderson-Saleh v. Regents of University of California* (2021) 60 Cal.App.5th 674, 701–704. *Watenpaugh* recognized that literal compliance with pension beneficiary procedures is not necessarily controlling where a member clearly manifests an intention to change the beneficiary and takes steps directed toward accomplishing that purpose. *Manderson-Saleh* likewise reaffirmed that substantial compliance may apply in the public-employee pension context and requires consideration of the purpose of the procedural requirement, the member's intent, and affirmative conduct.

The Proposed Decision's reasoning effectively converts the formal election procedure into an absolute forfeiture rule. That is inconsistent with the substantial-compliance doctrine recognized in California pension law.

II. Barry Lewis's DOCUMENTED CONDUCT ESTABLISHES A CLEAR AND CONSISTENT INTENT TO DESIGNATE Carole de Géry

The evidence establishes a consistent course of conduct extending from Barry Lewis's divorce through his death twenty years later. First, the 2005 stipulated judgment awarded Barry Lewis his retirement benefits as his sole and separate property (*see Attachment #1*). Second, Barry Lewis married Carole de Géry in 2007 and remained married to her until his death. Third, Barry Lewis repeatedly told Carole de Géry and other individuals that she would receive his pension after his death. Multiple witnesses submitted affidavits corroborating those statements.

Most importantly, Barry Lewis took affirmative action to designate Carole de Géry as his 100-percent beneficiary through an online beneficiary system bearing CalPERS branding. Although the Proposed Decision concludes that this designation concerned the 457 plan, that conclusion does not eliminate its significance as evidence of Barry Lewis's affirmative effort to change his beneficiary.

The Proposed Decision characterizes this evidence as showing only that Barry Lewis intended to change the beneficiary of his 457 plan. But that conclusion does not adequately account for the evidence concerning the online system, the CalPERS branding, the absence of a clearly identified account number or account name on the beneficiary page (*see Attachment #2*), and Barry Lewis's demonstrated belief that he had accomplished his intended beneficiary change.

Even if Barry Lewis misunderstood which CalPERS-related account the online system controlled, his action is still highly probative and demonstrates that he was attempting to designate Carole de Géry as his beneficiary. The evidence concerning the online system (*see Attachments #3&4*), together with Barry Lewis's demonstrated difficulty navigating institutional systems, provides a reasonable explanation for why he believed the beneficiary change had been completed. Under *Watenpaugh*, *Wicktor*, *Coughlin*, and *Manderson-Saleh*, this affirmative conduct is material to whether Barry Lewis's substantially complied with the beneficiary requirements.

III. THE DIVORCE JUDGMENT IS POWERFUL EVIDENCE OF Barry Lewis's SOLE OWNERSHIP AND INTENT

Government Code section 21462 specifically addresses a dissolution in which the judgment dividing community property awards the total interest in the retirement system to the retired member. The 2005 judgment did precisely that. The 2005 stipulated judgment of dissolution is a central part of the documentary record and should be considered together with Barry Lewis's subsequent conduct.

The judgment expressly provided: "Petitioner sets over and confirms onto Respondent, as his sole and separate property, all of the following:

e. All retirement and other deferred compensation benefits earned by Respondent at any time through his employment, including but not limited to Respondent's PERS retirement."

The judgment did not merely divide a portion of Barry Lewis's retirement. It awarded him, as his sole and separate property, all retirement and other deferred compensation benefits earned through his employment and expressly included his PERS retirement. The judgment did not reserve a community-property interest in Barry Lewis's retirement for the ex-wife. It did not award the ex-wife the Option 3W lifetime allowance. Nor did it state that the ex-wife would remain Barry Lewis's beneficiary notwithstanding dissolution.

Government Code section 21462 specifically addresses dissolution of marriage where the judgment dividing community property awards the total interest in the retirement system to the retired member. The judgment here expressly awarded Barry Lewis his PERS retirement as his sole and separate property.

The Proposed Decision emphasizes that the judgment does not use the words "Option 3W." However, the beneficiary designation forms signed by Barry Lewis in 2002, as well as the letter sent to him regarding his retirement benefits, did not state that a divorce judgment must contain the words "Option 3W" (*see Attachments #5 & 6*). Nothing in section 21462 states that a divorce judgment must contain the words "Option 3W," nor does the statute state that a judgment must separately identify every actuarial or beneficiary consequence of the retirement election. It addresses whether the judgment awards the total interest in the retirement system to the retired member.

At a minimum, the judgment is compelling documentary evidence of Barry Lewis's post-divorce ownership of his retirement interest and must be considered together with his subsequent marriage, beneficiary designation, and repeated statements concerning Carole de Géry. Accordingly, the Board should apply the statutory language enacted by the Legislature rather than impose an additional terminology requirement not contained in section 21462

IV. THE PURPOSE OF THE FORMAL PROCEDURES IS NOT FRUSTRATED BY RECOGNIZING Barry Lewis's INTENT

The formal beneficiary procedures serve legitimate purposes, including establishing the member's intent, permitting appropriate actuarial calculations, and protecting CalPERS against competing claims and double payment.

The absence of a competing claimant and the absence of double payment are relevant to substantial compliance. *Watenpaugh* recognized protection against double payment as one purpose underlying beneficiary-filing requirements, while *Coughlin* and *Manderson-Saleh* emphasize consideration of the purpose of the procedural requirement rather than allowing technical form to defeat demonstrated intent where the substantive purpose has been satisfied.

V. THE ACTUARIAL REQUIREMENT SHOULD PROTECT THE SYSTEM, NOT AUTOMATICALLY DEFEAT Barry Lewis's INTENT

The actuarial requirement serves an important purpose: protecting the financial integrity of CalPERS and ensuring that the retirement allowance reflects the applicable beneficiary election. But nothing in the record establishes that recognizing Carole de Géry would create an additional unfunded liability or otherwise prejudice the System.

If an actuarial adjustment is legally required, CalPERS can calculate and apply the adjustment required by law. The existence of an actuarial requirement should therefore not automatically operate as a forfeiture where the member clearly demonstrated the beneficiary he intended to designate.

The Board can protect the System while also giving effect to Barry Lewis's documented intent.

VI. GOVERNMENT CODE SECTION 20160 AND CALPERS'S FIDUCIARY DUTIES SUPPORT CONSIDERATION OF THE COMPLETE RECORD

Government Code section 20160 authorizes the Board, subject to specified conditions, to correct errors or omissions resulting from mistake, inadvertence, surprise, or excusable neglect where the correction does not provide a status, right, or obligation otherwise unavailable under the PERL.

The evidence supports consideration of section 20160. Barry Lewis affirmatively used a CalPERS online beneficiary system, identified Carole de Géry as his 100-percent beneficiary, repeatedly represented that Carole de Géry would receive his pension, and lived for years with the understanding that he had accomplished his intended beneficiary change.

Article XVI, section 17 of the California Constitution also imposes fiduciary obligations upon the CalPERS Board, including administration of the system solely in the interests of participants and beneficiaries and with prudence and loyalty.

These duties do not permit CalPERS to disregard the PERL. Rather, they reinforce the importance of considering material evidence bearing directly upon the identity and rights of beneficiaries and applying the statutory framework faithfully and consistently with governing California precedent.

The complete record supports substantial compliance:

- the 2005 dissolution judgment awarding Barry Lewis his PERS retirement as his sole and separate property;
- Barry Lewis's subsequent marriage to Carole de Géry in 2007;
- the CalPERS online beneficiary designation naming Carole de Géry as his 100-percent beneficiary;
- documentation concerning Carole de Géry's status as Barry Lewis's spouse;
- Barry Lewis remained married to Carole de Géry until his death;
- the $5,000 retired-death benefit paid to Carole de Géry;
- affidavits and testimony concerning Barry Lewis's repeated statements that Carole de Géry would receive his pension;
- the ex-wife's written withdrawal of her claim to the lifetime allowance;
- the disputed benefit has not been paid to the ex-wife; and
- recognizing Carole de Géry would not result in double payment.

The Board should evaluate this evidence cumulatively rather than isolating the absence of a formal election and treating the remaining evidence as legally insignificant. The Proposed Decision gives controlling significance to Barry Lewis's failure to complete one formal

administrative step but does not give comparable weight to the evidence demonstrating his intent and affirmative conduct.

California's substantial-compliance doctrine requires consideration of substance, intent, affirmative action, statutory purpose, and prejudice. The evidence here supports a finding that Barry Lewis substantially complied with the beneficiary requirements or, alternatively, that the circumstances warrant correction under Government Code section 20160.

Denying Carole de Géry solely because Barry Lewis failed to complete the final administrative step would elevate form over substance despite the documentary evidence, affirmative conduct, absence of a competing claimant, and absence of prejudice to CalPERS.

VIII. CONCLUSION

The documentary record establishes Barry Lewis's clear and consistent intent that Carole de Géry receive the applicable CalPERS survivor benefit. The Board should give appropriate legal effect to that intent rather than treating the absence of one formal administrative filing as an automatic forfeiture. The substantial-compliance doctrine exists precisely because technical noncompliance does not necessarily defeat a member's demonstrated intent when the substantive purposes of the requirement have otherwise been fulfilled. The Board should therefore consider Barry Lewis's entire course of conduct rather than treating the absence of a formal election as dispositive.

1. The State of California is a sub-corporation under the United States Corporation.

2. The Chevron Deference case decided by the US Supreme Court applies to the State of California.

3. The Chevron Deference decision bars government agencies from violating statutes by creating and enforcing administrative rules or policies that violate the intent of statutes.

4. California statutes define the order of beneficiaries. A wife is listed in California statutes as the Primary Beneficiary of a decedent.

5. CalPERS may not violate California statutes by creating and enforcing admirative rules or policies that violate the intent of California statutes.

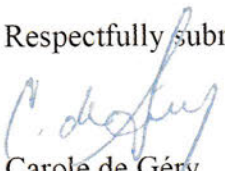
6. Should CALPERS violate California statutes it will create a personal liability for CALPERS board members due to their lawful Fiduciary Duties to the Respondent.

7. Should CALPERS board decide to violate California statutes by enforcing administrative rules or policies in contrast to California statutes their actions will create lawful standing to bring suit in this matter.

For the foregoing reasons, Respondent Carole de Géry respectfully requests that the Board:

1. **REJECT** the Proposed Decision insofar as it denies Carole de Géry's appeal;
2. **FIND** that Barry Lewis clearly manifested his intent that Carole de Géry receive the survivor benefit associated with his CalPERS retirement;
3. **FIND** that Barry Lewis substantially complied with the requirements governing a beneficiary change, or alternatively that the circumstances warrant correction under Government Code section 20160;
4. **FIND** that the 2005 dissolution judgment awarded Barry Lewis his total retirement-system interest as his sole and separate property within the meaning and purposes of Government Code section 21462;
5. **GIVE APPROPRIATE LEGAL EFFECT** to the ex-wife's written statement that she no longer seeks the lifetime allowance;
6. **DIRECT CALPERS**, consistent with the governing statutes and applicable actuarial requirements, to recognize Carole de Géry as the beneficiary entitled to the Option 3W lifetime monthly allowance;
7. **DESIGNATE THE BOARD'S DECISION IN WHOLE AS PRECEDENT IF THE DECISION IS ADOPTED**, to the extent permitted by applicable law and CalPERS procedures; and
8. **GRANT SUCH OTHER RELIEF** as the Board determines is authorized and appropriate under the PERL.

Respectfully submitted,



Carole de Géry
Respondent, In Pro Per

Date: October 5, 2026

Attachments

In the Matter of the Lifetime Monthly Allowance Payable
Upon the Death of Barry C. Lewis by: Carole de Géry, Respondent,

Agency Case No. 2025-0082
OAH No. 2026020178

1. Attachment 1 – 8/10/2025 Lewis Stipulated Judgement of Dissolution Number F 078328 page 1 o2, 2 of 2, pages 1, 2 & 7

2. Attachment 2 – CalPERS online change of beneficiary form

3. Attachment 3 – CalPERS resource manual page re: Beneficiary Designation stating members can go change beneficiary; online updated: November 20, 2019

4. Attachment 4 - Screen shots showing CalPERS members benefits website and CalPERS Deferred 457 website home pages similar / log on icons identical

5. Attachment 5 - 7/19/2002 CalPERS Benefit Services Division Letter PAS313 / P2313D

6. Attachment 6 - 3/16/2002 CalPERS beneficiary designation form PERS BSD 509-A (1/01) page 2 of 2

7. Attachment 7 - Ex-wife, K. Lewis' written statement to CalPERS ex-wife's stating she no longer seeks the lifetime allowance of Barry Lewis.

Attachment 1

FL-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
[redacted] TELEPHONE NO.: [redacted] FAX NO. (Optional): [redacted] E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Barry C. Lewis	ENDORSED FILED SAN MATEO COUNTY AUG 10 2005 Clerk of the Superior Court By CEDRIC A. CARTER DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: Hall of Justice and Records MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME:	
MARRIAGE OF PETITIONER: KATHLEEN L. LEWIS RESPONDENT: BARRY C. LEWIS	
JUDGMENT [X] DISSOLUTION [ ] LEGAL SEPARATION [ ] NULLITY [ ] Status only [ ] Reserving jurisdiction over termination of marital or domestic partnership status [ ] Judgment on reserved issues **Date marital or domestic partnership status ends:** 8/4/05 ~~Upon Entry of Judgment~~	CASE NUMBER: F 078328

1. [ ] This judgment [ ] contains personal conduct restraining orders [ ] modifies existing restraining orders. The restraining orders are contained on page(s) of the attachment. They expire on *(date):*

2. This proceeding was heard as follows: [X] Default or uncontested [X] By declaration under Family Code section 2336
   [ ] Contested
   a. Date: 8/4/05 Dept.: 19 Room: 7d
   b. Judicial officer *(name):* Kathleen McKenna [ ] Temporary judge
   c. [ ] Petitioner present in court [ ] Attorney present in court *(name):*
   d. [ ] Respondent present in court [ ] Attorney present in court *(name):*
   e. [ ] Claimant present in court *(name):* [ ] Attorney present in court *(name):*
   f. [ ] Other *(specify name):*

3. The court acquired jurisdiction of the respondent on *(date):* February 11, 2004
   a. [ ] The respondent was served with process.
   b. [X] The respondent appeared.

THE COURT ORDERS, GOOD CAUSE APPEARING

4. a. [X] Judgment of dissolution is entered. Marital or domestic partnership status is terminated and the parties are restored to the status of single persons
   (1) [X] on *(specify date):* ~~Upon Entry of Judgment~~ 8/4/05
   (2) [ ] on a date to be determined on noticed motion of either party or on stipulation.
   b. [ ] Judgment of legal separation is entered.
   c. [ ] Judgment of nullity is entered. The parties are declared to be single persons on the ground of *(specify):*

   d. [ ] This judgment will be entered nunc pro tunc as of *(date):*
   e. [ ] Judgment on reserved issues.
   f. The [ ] petitioner's [ ] respondent's former name is restored to *(specify):*
   g. [ ] Jurisdiction is reserved over all other issues, and all present orders remain in effect except as provided below.
   h. [ ] This judgment contains provisions for child support or family support. Each party must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change, by filing an updated form. The *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

Form Adopted for Mandatory Use
Judicial Council of California
FL-180 [Rev. January 1, 2005]

JUDGMENT
(Family Law)

Legal Solutions Plus

Family Code, §§ 2024, 2340, 2343, 2346

CASE NAME *(Last name, first name of e... party)*: In Re the Marriage of: LEWIS, BARRY & KATHLEEN	CASE NUMBER: F 078328

4. *(Cont'd.)*
   i. ☐ A settlement agreement between the parties is attached.
   j. ☒ A written stipulation for judgment between the parties is attached.
   k. ☒ Child custody and visitation are ordered as set forth in the attached
      (1) ☒ settlement agreement, stipulation for judgment, or other written agreement.
      (2) ☐ *Child Custody and Visitation Order Attachment* (form FL-341).
      (3) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
      (4) ☐ other *(specify):*

   l. ☒ Child support is ordered as set forth in the attached
      (1) ☒ settlement agreement, stipulation for judgment, or other written agreement.
      (2) ☐ *Child Support Information and Order Attachment* (form FL-342).
      (3) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
      (4) ☐ other *(specify):*

   m. ☒ Spousal or partner support is ordered as set forth in the attached
      (1) ☒ settlement agreement, stipulation for judgment, or other written agreement.
      (2) ☐ *Spousal, Partner, or Family Support Order Attachment (form FL-343).*
      (3) ☐ other *(specify):*

      NOTICE: It is the goal of this state that each party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal or partner support.

   n. ☒ Property division is ordered as set forth in attached
      (1) ☒ settlement agreement, stipulation for judgment, or other written agreement.
      (2) ☐ *Property Order Attachment to Judgment* (form FL-345).
      (3) ☐ other *(specify):*

   o. ☐ Parentage is established for children of this relationship born prior to the marriage or domestic partnership.
   p. ☒ Other *(specify):* As more fully set forth in "Attachment 4(p)" attached hereto and incorporated herein by this reference.

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions.

Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: 8/4/05

Kathleen McKenna KATHLEEN McKENNA
JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

5. Number of pages attached: -7-

6. This form ☐ does ☒ does not contain the locations of, or identifying information about, the assets and debts listed.
   NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment may be issued without additional proof if child, family, partner, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

In Re the Marriage of:
LEWIS, Barry & Kathleen

Case No. F 078328

Stipulated Judgment of Dissolution
Attachment 4(p)

IT IS HEREBY STIPULATED by and between Petitioner, KATHLEEN L. LEWIS, and Respondent, BARRY C. LEWIS, that the following becomes the order of the Court, and that said Stipulation is incorporated into the attached Judgment of Dissolution of Marriage:

I. Division of Property

The following property, both real and personal, is awarded to Respondent and includes Respondent's separate property and his share of the agreed to division of community property of the parties, taking into account the assignment of debts and obligations provided for in this Stipulated Judgment, and represents the parties' compromise and settlement of various disputes with respect to what constitutes community property and separate property, the proper valuations thereof and any reimbursement claims of the parties. Petitioner sets over and confirms onto Respondent, as his sole and separate property, all of the following:

a. All income and accumulations thereon earned by Respondent after the date of separation (December 24, 2003).

b. 1984 Mercedes 300SD and 2001 Suzuki motorcycle.

c. Household furniture and furnishings and all other personal property in Respondent's possession or under Respondent's control;

d. All checking, savings, credit union or other bank accounts in Respondent's name or under Respondent's control;

e. All retirement and other deferred compensation benefits earned by Respondent at any time through his employment, including but not limited to Respondent's PERS retirement;

f. An undivided one half (½) interest in the following accounts:

1) [redacted]

2) ING [redacted]

3) MFS [redacted]

4) Oppenheimer [redacted]

Petitioner will not withdraw her share of any of the above funds at this time. If a party subsequently withdraws funds, the other party shall be entitled to a comparable withdrawal.

g. The remaining balance of approximately [redacted] in the joint savings account.

h. Respondent's [redacted] separate property cash investment in a limited liability corporation known as [redacted] common interest in a 304 unit apartment complex located at [redacted], Nevada. The parties agree:

1) Respondent's capital contribution of [redacted] is confirmed as Respondent's sole and separate property and shall be reimbursed to Respondent upon sale or other disposition of the investment described herein.

2) All income and cash distributions from this investment shall be divided equally between Petitioner and Respondent.

3) Upon sale or other disposition, the parties shall equally share any amounts received in excess of Respondent's [redacted] separate property investment.

V. Attorney Representation

Petitioner acknowledges that she has been informed of her right to representation by counsel of her choice in the negotiation and preparation of this Stipulated Judgment; that she has been encouraged to seek the advice, counsel and representation of her own counsel; and that the attorney for Respondent represents only the interests of Respondent. Petitioner acknowledges that she has not received any legal advice from Respondent's attorney. She has decided to proceed without independent counsel, and freely and voluntarily waives her rights thereto.

VI. Attorneys Fees and Costs

Each party shall pay his or her own attorneys fees and costs incurred in the negotiation and preparation of this Stipulated Judgment.

VII. Waiver of Final Declaration of Disclosure

The parties waive preparation and service of Final Declarations of Disclosure.

Both parties have complied with Family Code §2104, and Preliminary Declarations of Disclosure have been completed and exchanged.

Dated: 6.5.05

KATHLEEN L. LEWIS
Petitioner

Dated: 6-7-05

BARRY C. LEWIS
Respondent

Personal Information

Last Login Date: Information not available

Keep your information up to date by reviewing at least annually. Review and verify who you are authorizing to view your account information and keep your banking info updated to support timely transaction processing.

<Back to My Profile

Profile Information

+ Basic Info

Address Information

+ City Of Brisbane

Permissions

- Linked Accounts

Manage connected apps

These apps have access to some of your Voya data and accounts.

0 apps with access

Banking Information

+ City Of Brisbane

Beneficiary Information

- City Of Brisbane

Primary Beneficiary(ies)

Name
CAROLE DE GERY

Add/Edit

Date of Birth
[redacted]

Social Security Number
[redacted]

Relationship
Spouse

Percentage
100%

Contingent Beneficiary(ies)

Name
JE[redacted]

Social Security Number
[redacted]

Relationship
Other

Percentage
100%

Attachment 3

CalPERS Beneficiary Designation

https://www.calpers.ca.gov/members/death-benefits/beneficiary-designation

Beneficiary Designation

Death benefits are paid according to the valid beneficiary designation on file. Benefits may be paid per statutory beneficiary order if there is no designation on file or the designation was revoked.

CalPERS will determine who the death benefits are payable to after we receive and review all the required documents.

Naming or Changing Your Beneficiary

Online | By Mail

Log in to myCalPERS to name, review, or change your beneficiary.

Beneficiary designations made after August 5, 2013 are available in myCalPERS. If you submitted a previous beneficiary designation, it may still be valid, but not viewable online. Contact us if you have questions about your account.

Beneficiary Designation Revocation

The beneficiary designation on file with CalPERS becomes invalid or revoked when any of the following events occur:

- Annulment
- Birth or adoption of a child
- Dissolution
- Marriage or registration of domestic partnership
- Member received a refund of contributions
- Termination of a registered domestic partnership

A beneficiary designation filed **after** the initiation of a dissolution of marriage, an annulment, or termination of a registered domestic partnership is not revoked when the dissolution, annulment, or termination is finalized.

Statutory Member Beneficiary Order

Unless a valid beneficiary designation is in effect at the time of death, benefits are paid to the closest surviving family members in the following order:

1. Spouse or registered domestic partner
2. Children (natural or adopted)
3. Parents
4. Brothers and sisters
5. Probated estate
6. Trust, if one exists
7. Stepchildren
8. Grandchildren (including stepgrandchildren)
9. Nieces and nephews
10. Great grandchildren
11. Cousins

Community Property

If a member was legally married or in a registered domestic partnership at the time of death, their spouse or registered domestic partner may be entitled to their community property share of the contributions and interest earned during the marriage or registered domestic partnership, even if they named someone else as the beneficiary.

Updated: November 20, 2019

Death Benefits

Application Process for Survivor Benefits
Beneficiary Designation
Benefits Payable

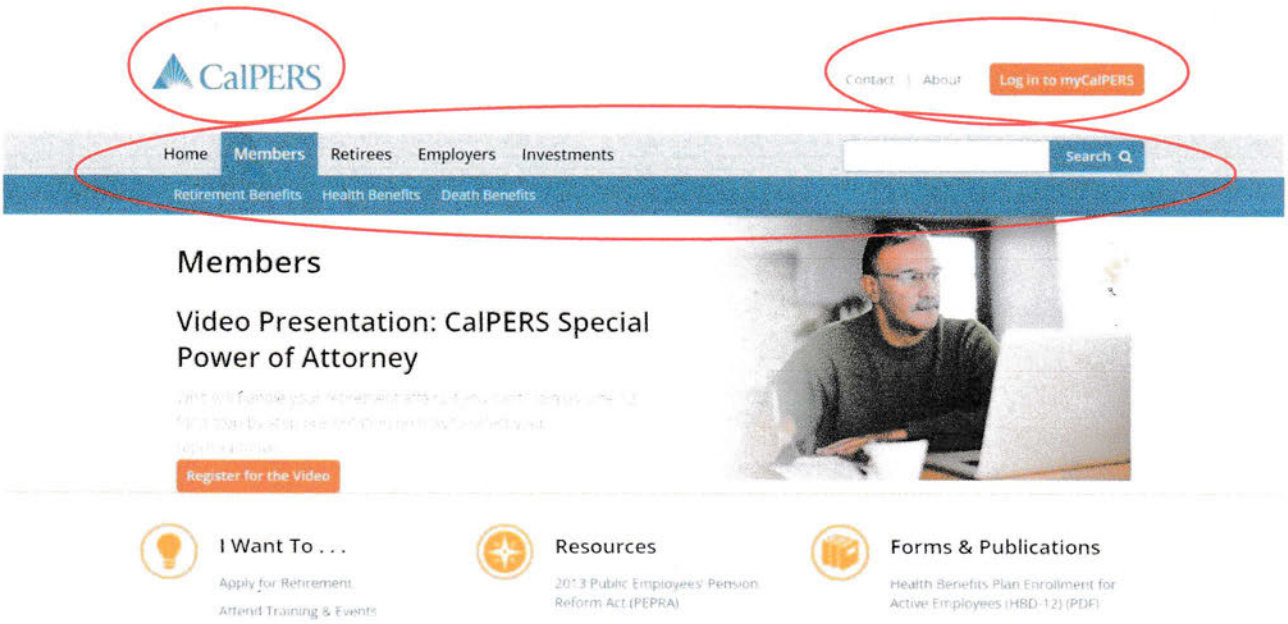
Resources

Health Eligibility & Enrollment
Long-Term Care
Social Security Administration

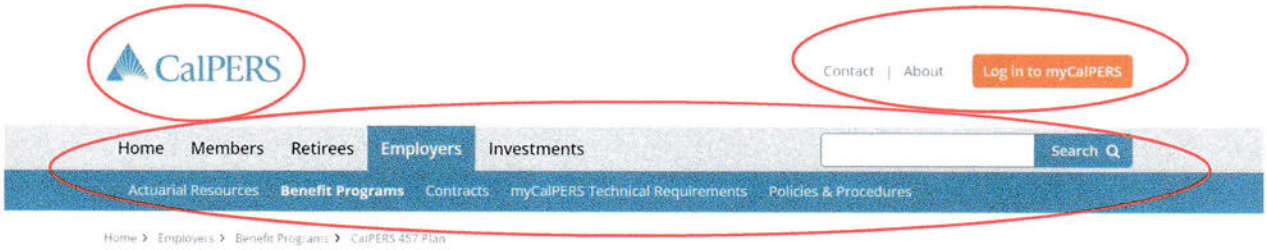
Forms & Publications

Changing Your Beneficiary or Monthly Benefit After Retirement (PUB 98) (PDF)
Pre-Retirement Lump Sum Beneficiary Designation (PDF)

CalPERS websites similar home page



Same CalPERS logo
Same header
Same icon to "Log in my CalPERS"
Log in icon does NOT say "Log in to my CalPERS pension" or "Log in to my "457 Plan"



Home > Employers > Benefit Programs > CalPERS 457 Plan

CalPERS 457 Plan

Since 1995, CalPERS has provided a deferred compensation plan to public agency and school employers and their employees. The CalPERS 457 Plan provides employees a low-cost, convenient way to save for retirement through payroll deductions. Moreover, there's no cost to your agency.

To start the adoption process for your agency or for more information on how to sign up, visit the CalPERS 457 Plan Employer Resource Center. You also can call us toll free at (800) 696-3907 to speak with a representative, or email us. To see a list of agencies that offer our plan, view CalPERS 457 Plan Participating Agencies.

When you sign up for the CalPERS 457 Plan, we take care of the rest. CalPERS:

- Selects the investment options
- Acts as the trustee of your employees' deferred compensation assets
- Leverages existing payroll deduction feeds into myCalPERS to receive your employees' CalPERS

Benefit Programs

California Employers' Pension Prefunding Trust (CEPPT) Fund
California Employers' Retiree Benefit Trust (CERBT) Fund
CalPERS 457 Plan
Health Benefits
Retirement Benefits
Social Security & Medicare

Resources

CalPERS 457 Plan Employer Resource Center

FILE COPY

Benefit Services Division
P.O. Box 942711
Sacramento, CA 94229-2711
Telcommunications Device For
The Deaf - (916) 326-3240
(916) 326-3232; FAX (916) 326-3934

Reply To: Section 415
Refer To: [redacted]:00

July 19, 2002

Barry C Lewis

YOUR SERVICE RETIREMENT ALLOWANCE:

Your election to receive the Option 3W Allowance has been processed. Your monthly retirement benefit is $[redacted] based on your retirement date of 07/06/2002. This amount does not include any deduction you have authorized this system to make. Your first regular warrant will arrive on or shortly after 09/01/2002 and will cover the period of 08/01/2002 through 08/31/2002. Your retroactive warrant will be issued on 08/02/2002, and will cover the period of 07/06/2002 through 07/31/2002. Your future retirement warrants will be mailed to arrive on or shortly after the first of the month following the month to which they apply.

Please endorse and cash or deposit each warrant promptly. Unless direct bank mailings are authorized, your personal endorsement is required. If you have requested direct deposit, it will take effect in 30 to 60 days.

Your retirement allowance shown above is an approximation of the amount you are eligible to receive. An adjustment to your account, if needed, to reflect an increase in service (i.e. Golden Handshake service credit), a change in retirement date, or increase in salary will be completed after final payroll information has been received. Any questions concerning an adjustment or pertaining to your future retirement benefits should be directed to the Benefit Services Division, P.O. Box 942716, Sacramento, CA 94229-2716 or by telephoning (916) 326-3848 or (800) 352-2238.

BENEFICIARY/SURVIVOR ALLOWANCE:

Upon your death, benefits will be paid to your beneficiary in accordance with the designation indicated on your retirement election document. If you elected a benefit which requires marriage and/or birth documentation and you have not submitted these documents, please send them immediately to the Benefit Services Division. If the documents are not in file at the time of your death, it may be necessary to delay payment of benefits to your beneficiary.

You may modify your election upon marriage after retirement if a former spouse was not named as the beneficiary. If a former spouse was named, you must have a court order that awards you the entire interest in your CalPERS before you can name a new spouse as beneficiary. You may modify your election upon divorce, annulment or legal separation if you have a court order that awards you the entire interest in your CalPERS benefits.

To request a modification of election to name a new beneficiary for a lifetime option allowance, please contact the Benefit Services Division for information about a recalculation of allowance and the required documentation.

[redacted]

Member Acknowledgment

Should I survive all of the persons named, I understand that the benefits payable on account of my death will be paid to my statutory beneficiaries, or to such other beneficiary or beneficiaries that I may hereafter designate in writing to the CalPERS Board of Administration, all in accordance with the applicable provisions of law.

By this beneficiary designation, I hereby revoke any previous designation I have filed. I understand that my marriage, dissolution or annulment of my marriage, or the birth or adoption of a child subsequent to the date I execute this form will automatically void this designation.

Member's Signature — Date: 3/6/2002

Spouse's Acknowledgment

By signing this beneficiary designation form, I acknowledge that I am aware of the designation made by my spouse. I also hereby state that I am the current spouse.

Spouse's Signature — Date: 3/16/2002

Date of Marriage: 9/27/1986

Please Note: If you are not legally married OR if your spouse does not sign this form, you must complete and submit a Justification for Absence of Spouse's Signature (PERS-BSD-800-B) with this Beneficiary Designation.

Important Information

This form should be used only:

- to name multiple beneficiaries;
- to name one person for one type of lump sum benefit and another person for another type (i.e., Retired Death Benefit, Option 1, or Temporary Annuity Balance). A separate designation form is required to name someone for each type of lump sum benefit;
- to name someone who has no relationship to you or who is not your closest survivor (i.e., to name a child instead of your spouse); or
- to name a secondary beneficiary when electing an Option 4 for either a 2W & 1 Combined or 3W & 1 Combined. The secondary beneficiary will receive the Option 1 portion if both you and your beneficiary die.

If you do not complete a designation form, all of your lump sum death benefits will **automatically** be paid to your closest living survivor in the following order: spouse, children, parents, brothers and sisters, estate (if probated), trust (if one exists), or other survivors in the order prescribed by law.

Your marriage, initiation of a divorce or annulment, or birth or adoption of a child will **automatically** revoke any beneficiary designation on file. In this event, benefits will be paid to the closest living survivor based on the order shown above.

Your beneficiary can be any person (regardless of relationship to you), a corporation registered with the Secretary of State, your estate, or your trust (if one exists). Payment to an estate cannot be made unless it is probated. To name your trust, give the title and date of the trust and the name and address of the person who has a copy of the document. Do not designate the trustee, since this can change. You may designate your children or grandchildren as a group. You may not designate a guardian to receive benefits for another person.

JUNE 16, 2026

TO WHOM IT MAY CONCERN,

I AM NO LONGER INTERESTED IN PURSUING LIFETIME PAYMENTS ALLOWANCE UPON THE DEATH OF BARRY C. LEWIS.

AGENCY CASE NO 2025-0082
CALPERS

KATHLEEN LEWIS - RESPONDENT

[redacted]