



BOARD OF RETIREMENT

Staff Report

File #: 23-383.1

Agenda Date: 7/11/2024

Agenda #: 31.

FROM: Barbara Hannah, Chief Counsel

SUBJECT: Disability Retirement Application of Suzanna Martinez

RECOMMENDATION:

Approve and adopt the proposed findings and recommendations of the referee regarding the Service-Connected Disability Retirement with Supplemental Retirement Allowance of Suzanna Martinez - San Bernardino County - Public Health.

BACKGROUND:

This matter is in closed session because the Applicant failed to meet her burden of proving that she is not capable of gainful employment, and therefore, the hearing officer is recommending to the Board to deny Applicant's application for a Supplemental Disability Retirement Allowance. Under the *Procedures For Disability Retirement and Formal Hearings*, Applicant has an opportunity to address the Board in closed session.

In summary, the Hearing Officer affirmed the Board's denial of the supplemental retirement allowance, and recommends that the Board adopt the earlier effective date of April 2, 2021, rather than the March 1, 2022 date.

Procedural Background:

At the September 7, 2023, meeting of the Board of Retirement, the Board granted Applicant's request for a Service-Connected Disability Retirement, with an effective date of March 1, 2022, the date of application. The Board denied Applicant's request for a Supplemental Retirement Benefit.

On September 26, 2023, October 1, 2023, and October 3, 2023, Applicant submitted her Administrative Review of Initial Hearing requests to proceed to an Expedited Administrative Review for a Supplemental Disability Retirement Allowance Benefit and an earlier effective date of Disability Retirement Benefits.

On April 16, 2024, Applicant Suzanna Martinez was served with the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Recommended Decision, dated March 8, 2024, and was given 10 days to file objections.

On April 22, 2024, SBCERA sent a letter to the Hearing Officer to request that a revised recommendation be provided to specifically address the Effective Date of the Disability Retirement application, as the original findings was silent on the subject.

On May 9, 2024, the Hearing Officer submitted his Amendment to Proposed Findings of Fact and Conclusions of Law and Recommended Decision to address the effective date.

On May 17, 2024, Applicant was served with the Hearing Officer's Amendment to Proposed Findings dated May 9, 2024, and was given 10 days to file objections. Applicant did not file any objections to the Hearing Officer's Recommendations.

Other Options Available if Staff's Recommendation is Not Adopted:

Although staff recommends approving the hearing officer's findings, pursuant to Government Code Section 31534, upon receiving the final proposed findings and recommended decision of the referee, the board may, in the alternative:

- (a) Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon the receipt thereof the board shall take such action as in its opinion as indicated by such evidence, or
- (b) Refer the matter back with or without instructions to the referee for further proceedings, or
- (c) Set the matter for hearing before itself. At such a hearing, the board shall hear and decide the matter as if it had not been referred to the referee.

Attorney - None.

STAFF CONTACT:

Barbara Hannah
David Lantzer

ATTACHMENTS:

- Exhibit A: Demographic Information
- Exhibit B: Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Recommended Decision
- Exhibit C: SBCERA Request for Amendment to Address Effective Date
- Exhibit D: Hearing Officer's Amendment to Proposed Findings of Fact, Conclusions of Law, and Recommended Decision
- Exhibit E: Request for Administrative Review of Initial Hearing
- Exhibit F: Applicant's Statement of Facts and Physician's Report
- Exhibit G: Department Statement of Facts
- Exhibit H: Job Description, Physical Requirements Questionnaire