



Santa Barbara County Employees' Retirement System

DATE: January 25, 2023

Agenda Item # C5

TO: SBCERS BOARD OF RETIREMENT

FROM: Danielle Azoury, Disability Retirement Analyst

RE: **Emily Moore, Applicant for Disability Retirement**

Recommendation

Grant Referee Irene Ayala's request for extension of her jurisdiction to January 24th, 2023, to accommodate an agreed upon hearing of January 24th, 2023.

Attachments

(1) Request from Referee Ayala

IRENE P. AYALA
Attorney

256 South Robertson Boulevard
Beverly Hills, California 90211

Telephone: (213) 703-5550

January 10, 2023

Emily Moore
749 Hartnell Road
Orcutt, CA 93455

Patrick McCarthy
McCarthy & Kroes
125 E. Victoria Street, Suite A
Santa Barbara, CA 93101

Re: NOTICE OF HEARING – Revised Hearing Date
Application for Disability Retirement – Emily Moore

The hearing in this matter has been set for **January 24, 2023 at 9:30 a.m.** The hearing will be conducted virtually. SBCERS will arrange for a court reporter for the hearing.

The referee is Irene P. Ayala. SBCERS is represented by Patrick McCarthy, Attorney at Law. The Applicant will represent herself.

The issues to be heard as determined by the Board are the following:

1. Is the Applicant currently incapacitated from the performance of her usual duties due to a psychiatric condition?
2. If the Applicant is currently incapacitated, is such incapacity permanent?
3. Does there exist within Applicant's pre-injury job class a permanent assignment, the duties of which Applicant is substantially capable of performing?
4. If Applicant is permanently incapacitated, is the permanent incapacity the result of injury or disease arising out of and in the course of employment with the County of Santa Barbara, and did that employment contribute substantially to the incapacity?

Pursuant to section 508 (c) of the SBCERS bylaws, continuances are disfavored and may be granted only upon stipulation by all interested parties, or upon clear showing of good cause. Mistake or inadvertence occasioned by ignorance of these bylaws shall not constitute good cause for a continuance.

Section 508 of the bylaws governs prehearing procedures and section 508(f) governs the requirements regarding advance disclosure of evidence. SBCERS will provide the parties with copies of Applicant's medical records. Applicant shall disclose any additional materials or

documents she intends to submit, if any, to the referee, Patrick McCarthy, and Danielle Azoury on or before **January 19, 2023**.

The hearing shall be conducted in accordance with Sections 509 and 510, after which the referee shall issue a written decision in accordance with section 511. A copy of the bylaws has previously been provided to each of the above parties.

If any matter has to be resolved prior to the hearing date, please contact Danielle Azoury of SBCERS at (805) 770-1250, so that a conference call can be arranged for the parties.

Very truly yours,

/s/ Irene P. Ayala

Irene P. Ayala
Referee

Cc: Cristal Rodriguez
Danielle Azoury
Katrina Gutierrez