



May 8, 2024

Board of Retirement
Ventura County Employees' Retirement Association
1190 South Victoria Avenue, Suite 200
Ventura, CA 93003

SUBJECT: ASSIGN A NEW HEARING OFFICER FOR DISABILITY CASE # 20-023; GEOFF BRUTON WITH A NEW 270-DAY DEADLINE OF FEBRUARY 14, 2025

Dear Board Members:

This letter requests that the Board assign a new Hearing Officer to the Service-Connected Disability Case # 20-023 for Geoff Bruton ("Applicant"), pursuant to Rule 5 of the Board's Disability Hearing Rules, following a series of permitted "good-cause" continuances requested by the applicant's attorney and the retirement announcement of the currently-assigned Hearing Officer (also referred to as "Referee").

Case Summary:

Ventura Sheriff's Department employee Geoff Bruton, a Forensic Science Laboratory Manager hired in March 2001, filed for Service-Connected Disability on 12/2/2020 due to severe anxiety, depression, and PTSD. At the 12/6/2021 Disability Meeting, VCERA recommended the application be granted. After considering objections made by County Risk Management, the Board decided to send the case to an evidentiary hearing. The long timeline of this application is due, in part, to the extensions for hearing requested by the applicant's attorney due to the attorney's wife's medical condition and treatment.

Hearing Schedule Summary:

On 1/4/2022, Hearing Officer Ms. Wissley was assigned to the case. At the 7/24/2023 Board of Retirement meeting, the New Model Disability Retirement Hearing Rules ("Disability Hearing Rules") were adopted by the Board; the Board also directed that outstanding cases, including this one, have the hearing occur within 6 months, or by 1/24/2024. The hearing was then scheduled for 1/22/2024. On 11/16/2023, the Applicant's attorney requested an unopposed 90-day continuance of the hearing date due to his wife's serious illness. The hearing was rescheduled to 5/8/2024. On 4/19/2024, the Applicant's attorney requested a hearing continuance of unspecified duration due to his wife's ongoing illness. Given the circumstances, the County and VCERA's attorney voiced no objection to a 270-day continuance. The Hearing Officer granted the Applicant's request to continue with the hearing with a finding of good cause.

New Model Disability Hearing Rules:

Rule 5 of the Board's Disability Hearing Rules states:

"If the first day of hearing is not commenced by 5:00p.m. on the 270th day, or the date to which the deadline was extended under these Hearing Rules, the Referee's jurisdiction shall lapse. No later than thirty (30) days after the lapse of jurisdiction, the Referee shall provide to the Board a written report setting forth the reasons the hearing was not brought to a timely conclusion, along with the Referee's recommendations regarding further proceedings. If said reasons include a party's unreadiness or unwillingness to proceed, the Board may in its discretion impose penalties on the party or parties for noncompliance, including, but not limited to, exclusion or limited admission of evidence, and dismissal of the application. In addition, the Board may (a) reinstate the Hearing Officer's jurisdiction with a new hearing commencement deadline; (b) assign a new Hearing Officer with a new 270-day or other revised hearing commencement deadline; (c) set the hearing before the Board; or (d) take any other action consistent with applicable law."

In accordance with Rule 5, Hearing Officer Wissley submitted a report on 4/25/2024, stating, "a hearing, testimony transcription, briefing and a recommendation on the application will likely extend the matter well into 2025- and beyond what will be my likely retirement date as a VCERA hearing officer." She is not requesting that her jurisdiction be extended beyond its current expiration date of May 24, 2024. In addition, Ms. Wissley has informed VCERA that, in light of her retirement, she will not be seeking renewal of her contract to serve as a hearing officer for VCERA.

Based on the Referee's report concerning the grounds for the hearing continuance, and other information above, VCERA recommends that the Board assign a new Hearing Officer with a new 270-day deadline (commencing on the date of Board Action on May 20, 2024, and ending on February 14, 2025). Hearing officers are normally assigned on an objective rotating basis from the panel of officers that VCERA has contracted with. If the Board approves the request to assign a new hearing officer, staff will direct the case to the next hearing officer in the rotation, with the parties having reassignment request rights as permitted by the Disability Hearing Procedures.

RECOMMENDATION: ASSIGN A NEW HEARING OFFICER FOR DISABILITY CASE # 20-023; GEOFF BRUTON WITH A NEW 270-DAY DEADLINE OF FEBRUARY 14, 2025.

Staff would be happy to answer any questions you may have at the May 20, 2024 meeting.

Sincerely,



Amy Herron, CPA, CPFO, PMP
Retirement Administrator