

BEFORE THE  
TEACHERS' RETIREMENT BOARD  
OF THE STATE OF CALIFORNIA

In the Matter of the Statement of Issues for Retirement Benefits (Disability Retirement Effective Date):

MARC BASHARA,  
Respondent.

**PRECEDENTIAL DECISION  
18-03**

**Effective: July 18, 2018**

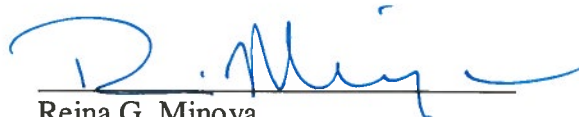
Case No. APL20151207-0000714  
OAH No. 2016100708

On July 18, 2018, the Appeals Committee of the Teachers' Retirement Board, acting pursuant to Government Code section 11425.60 and Section 800 D of the Teachers' Retirement Board Policy Manual on Designating Precedential Decisions, designated the entire decision of *In the Matter of the Statement of Issues for Retirement Benefits (Disability Retirement Effective Date) of MARC BASHARA* as a Precedential Decision.

The attached copy of the Notice of Decision and Order is a true and correct copy thereof as adopted and designated as precedential by the Appeals Committee.

Once a decision or part of a decision has been designated as a Precedential Decision, it is binding in future administrative adjudications unless the Appeals Committee has rescinded the designation. The Precedential Decision shall be added to an index containing all of CalSTRS' Precedential Decisions and will be publicized annually in the California Regulatory Notice Registry. The designation of a decision or part of a decision, or failure to designate a decision or part of a decision, as a precedential decision is not subject to judicial review.

Dated: July 24, 2018



Reina G. Minoya  
Assistant General Counsel  
Office of the General Counsel  
California State Teachers' Retirement System



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Case No. APL20151207-0000714

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**NOTICE OF DECISION AND ORDER**

Pursuant to Government Code section 11517, subdivision (c)(2)(C), the attached proposed decision of the administrative law judge was adopted on July 14, 2017 by the Appeals Committee of the Teachers' Retirement Board of the State of California as its decision in the above-entitled matter. The Appeals Committee adopted the proposed with the following minor technical or other minor changes, which do not affect the factual or legal basis of the proposed decision:

1. On page 3, paragraph 2, line 2, change “,” to “....”

Dated: July 14, 2017

Reina G. Minoya  
Assistant General Counsel  
Office of the General Counsel  
California State Teachers' Retirement System

BEFORE THE  
TEACHERS' RETIREMENT BOARD  
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In the Matter of the Statement of Issues for  
Retirement Benefits (Disability Retirement  
Effective Date) of:

MARC BASHARA,

Respondent.

Case No. APL20151207-0000714

OAH No. 2016100708

CALSTRS LEGAL

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**PROPOSED DECISION**

Administrative Law Judge Regina Brown, State of California, Office of Administrative Hearings, heard this matter on January 26, March 6, and April 24, 2017, in Oakland, California.

Nicholas Braden Pate, Staff Counsel, represented the California State Teachers' Retirement System.

Jeff Park, Attorney at Law, represented respondent Marc Bashara who was present throughout the hearing.

The matter was submitted on April 24, 2017.

**ISSUE PRESENTED**

Whether respondent's effective date of disability retirement may be changed from the current effective date of June 30, 2011, to a backdate of September 15, 2007.

**FACTUAL FINDINGS**

1. Complainant Andrew Roth, acting solely in his official capacity as the Deputy Chief Executive Officer of the Benefits and Services Branch, California State Teachers' Retirement System (CalSTRS), filed the Statement of Issues pursuant to the authority of Government Code section 11504.

**Pursuant to Government Code section 11425.60, this decision is designated as a Precedential Decision.**