

# **Bond Case Briefs**

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## **PUBLIC PENSIONS - CALIFORNIA**

### **Casson v. Orange County Employees Retirement System**

**Court of Appeal, Fourth District, Division 3, California - January 30, 2023 - Cal.Rptr.3d - 2023 WL 1097958 - 2023 Daily Journal D.A.R. 888**

Retired firefighter, who suffered on-the-job injury and received a disability pension from county retirement system, filed petition for writ of mandate after county retirement system imposed a “disability offset” due to firefighter’s receipt of pension from California Public Employees Retirement System (CalPERS) from his prior job.

The Superior Court denied the petition, and retired firefighter appealed.

The Court of Appeal held that disability pension was not subject to offset, as firefighter did not elect reciprocity.

Retired firefighter’s disability pension from county retirement system was not subject to a “disability offset” based on firefighter’s receipt of pension from California Public Employees Retirement System (CalPERS) from his prior job, where firefighter did not elect reciprocity, but chose to treat the two pensions as separate.

When a pensioner receives a service retirement under a pension governed by the County Employees Retirement Law of 1937 and becomes a member of a second pension governed by that law, but does not elect reciprocity, his or her first service pension cannot be considered part of a “disability allowance” under statute prohibiting a pensioner from receiving a disability allowance from two pensions greater than the amount that would have been received if all the pensioner’s service had been with only one entity.