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JOB-RELATED ISN'T ENOUGH

Court Limits When CalPERS Can Forfeit a Pension

Myres v. Board of Administration for Public Employees' Retirement System
A170516, 2025 WL 8957813
Cal. Ct. App. December 26, 2025

A California appellate court recently delivered an important reminder for public employees, especially law enforcement, about when a felony conviction **does (and does not)** cost you your CalPERS pension.

In *Myres v. Board of Administration For Public Employees' Retirement System*, the plaintiff, a 20-year tenured deputy sheriff filed a homeowners insurance claim after her house had been burglarized. Among the items she claimed were stolen were dozens of personal belongings, including her department-issued firearm, which she listed as her own property. Federal prosecutors later determined that parts of her insurance claim were false, including misstatements about some luxury items. As a result, she was convicted of **mail and wire fraud** based on her false statements to the insurance company.

After her conviction, CalPERS ruled that the plaintiff-deputy had committed a felony "connected to her job" and ordered her to forfeit part of her pension under a state law that applies when a public employee is convicted of a felony arising out of official duties.

The Court of Appeals disagreed and drew an important distinction. The Court ruled that the pension-forfeiture law applies **only** when the felony (1) arises out of the performance of official duties, **or** (2) occurs while the employee is actually performing those duties. A loose or indirect "job related" connection to the job is **not enough.**

The Court of Appeals found in the case that even though the plaintiff-deputy's crime involved her department-issued firearm, her fraudulent conduct occurred while she was handling a **private homeowner's insurance claim**, not while she was acting as law enforcement officer. Filing a homeowners insurance claim was not part of her job, and that fact mattered. Because the crime did **not** occur during the performance of official duties or arose out of those official duties, the pension forfeiture did not apply.

TAKEAWAY

A public employee does **not** automatically lose pension benefits just because a felony has some connection to the job. Under California law, pension forfeiture is limited to crimes committed in the course of performing official duties, not merely conduct that is job-related. This case reinforces a critical boundary, off-duty misconduct is not the same as on-duty criminal conduct, especially when pensions are on the line.

Stay Safe and Healthy!