

Fax

From

Charles Harold

To

RASC

Number of pages

12

Message

Please see the attached letter to UCLA Police Department regarding further misclassification of my retirement status and denial of my rights. This letter should be entered as evidence into my audit request. Thanks!

DATE: February 8, 2026

REPLY DUE: February 18, 2026

VIA: Electronic Mail (chobanian@ucpd.ucla.edu)

TO: Captain Jeff Chobanian #307
UCLA Police Department
601 Westwood Plaza
Los Angeles, CA 90095-1364

FROM: Charles A. Harold Jr., UCPD Badge #341 (Retired?)
1455 N. Tomahawk Rd, Apache Junction, AZ 85119
(818) 652-6400 | chuckharold@gmail.com

**RE: Service Credit Correction, POBR Records Request, and Due Process Demand
Regarding CCW Denial of August 25, 2023**

cc: UCLA Chief of Police, Craig Valenzuela
info@ucpd.ucla.edu
valenzuela@ucpd.ucla.edu

UC Retirement Administration Service Center (RASC)
Via fax : 1-800-792-5178
Federated University Police Officer's Association (FUPOA)
info@federateduniversitypoa.org

Daily Bruin
winward@dailybruin.com
news@dailybruin.com

UCLA Luskin Center for History and Policy
Professors Aomar Boum, Eddie Cole, David N. Myers
luskincenter@history.ucla.edu

Captain Chobanian:

I am writing in response to your email of August 25, 2023, (attached) in which you stated: *"After a comprehensive review of your file, I have determined you are ineligible for a CCW. Your status was designated as medically separated on March 1, 1996."*

This letter addresses four issues: (1) the service credit calculation underlying your denial; (2) the federal law you cited, the state case law you applied, and why the University of California's own

subsequent actions eliminated the basis for your denial; (3) the file you say you reviewed; and (4) a formal records request pursuant to the Public Safety Officers Procedural Bill of Rights Act.

1. THE SERVICE CREDIT CALCULATION IS INCORRECT

On August 22, 2023, you wrote that my "tenure as an officer with UCLAPD was within a span of fewer than ten years" and that "in accordance with LEOSA," a CCW "would not be feasible." You are referring to the 10-year threshold in 18 U.S.C. § 926C(c)(3)(A).

Three different calculations of my law enforcement service years exist. None of them supports your conclusion:

CALCULATION	SOURCE	YEARS	STATUS
UCLA PD active duty only	2013 CCW Identification Card	8	Below 10
Aggregate CA sworn LE service	California POST record / Harold career	11-13+	EXCEEDS 10
San Gabriel PD (1983-1985)	Verify with POST – Peace Officer Standards & Training & my memory	~2 years sworn service	
Culver City PD (1985-1988)	Verify with POST – Peace Officer Standards & Training & my memory	~3.7 years sworn service	
UCLA PD (Dec 1989-Mar 1996, then placed on paid leave)	Verify with POST – Peace Officer Standards & Training & my memory	~6.3 years sworn service + paid leave time	
UC service credit w/ disability accrual	UC RASC "At Your Service" (2015) per UCRP §8.18(e)	21	EXCEEDS 10

I provided you with my complete career history on August 22, 2023: Rio Hondo Police Academy 1983, San Gabriel Police Department 1983-1985, Culver City Police Department 1985-1988, UCLA Police Department December 1989 through March 1, 1996. You could have, and should have as part of your duty, simply reviewed my POST record. It would appear you failed to do that.

The 8-year figure on my CCW identification card reflects only my UCLA PD active-duty time. The statute you cited does not require 10 years with a single agency.

The exact text of 18 U.S.C. § 926C(c)(3)(A) states:

*"before such separation, served as a law enforcement officer for an **AGGREGATE** of 10 years or more"*

The word is "aggregate" — not "contiguous," not "continuous," not "consecutive," and not "with a single agency." Congress chose this word deliberately. The 2010 amendment (Pub. L. 111-272, Oct. 12, 2010) changed the threshold from 15 years to 10 and simultaneously changed "regularly employed" to "served as" — broadening the definition to include aggregate service across multiple agencies.

My California POST record documents sworn law enforcement service at San Gabriel PD, Culver City PD, and UCLA PD totaling approximately 11 to 13 years. The gap of approximately one year between Culver City PD and UCLA PD is legally irrelevant because the statute requires aggregate — not contiguous — service.

Additionally, in 2013 — the same year UCLA PD reissued my CCW identification card — I completed the POST Requalification Course at the **Napa Valley College Criminal Justice Training Center (CJTC)**, a POST-certified regional law enforcement training center, pursuant to California Commission Regulation 1008 and Penal Code § 832(e). Upon successful completion, the California Commission on Peace Officer Standards and Training issued me a new POST certificate qualifying me for appointment as a full-time sworn peace officer in the State of California for a period of three years. The State of California itself determined in 2013 that I was a qualified peace officer.

The Disability Exception Makes the Service Years Irrelevant

Even if my aggregate service were somehow calculated at fewer than 10 years (it is not), 18 U.S.C. § 926C(c)(3) provides **two independent paths to eligibility**, connected by the word "or":

(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more;

— OR —

*(B) separated from service with such agency, after completing any applicable probationary period of such service, due to a **SERVICE-CONNECTED DISABILITY**, as determined by such agency.*

Your own August 25, 2023 letter classified me as "medically separated on March 1, 1996."

My February 16, 1996 on-duty injury, Octagon Risk Services' August 8, 2001 permanent disability determination, and 12 years of UC paying me Duty Disability Income (IRS Form 1099-R, Distribution Code 3) all establish service-connected disability as determined by the agency.

Your classification of me as "medically separated" due to an on-duty injury is the very status that triggers the disability exception under § 926C(c)(3)(B). Under this subsection, the years of service become irrelevant.

I qualify under both subsections (A) and (B).

2. THE LAW YOU CITED, THE LAW YOU APPLIED, AND UC'S OWN ACTIONS THAT ELIMINATED YOUR BASIS FOR DENIAL

Your August 22, 2023 email cited LEOSA (18 U.S.C. § 926C) as the basis for denial. Your August 25, 2023 email attached the appellate decision in *Allison Jacobs et al. v. The Regents of the University of California* (B268758, Second Appellate District, Division Two, filed May 30, 2017, certified for publication June 27, 2017) as supporting authority.

These are two different legal frameworks

LEOSA (18 U.S.C. § 926C) is federal law. It provides an independent disability exception at subsection (c)(3)(B) that makes service years irrelevant for officers who separated due to service-connected disability. LEOSA operates independently of any state statute or state court interpretation.

Jacobs v. Regents addressed whether Duty Disability Income (DDI) recipients qualify as "honorably retired" under **California Penal Code § 16690** for state CCW purposes under the Penal Code. The court held they do not because the UCRP does not provide for a "disability retirement" — only disability income. The court's holding was narrow and specific: "Under the UCRP, there is no such thing as 'disability retirement.' Members are either retired or disabled." (*Jacobs*, at p. 10.) The court did not address, analyze, or rule on LEOSA's federal disability exception at 18 U.S.C. § 926C(c)(3)(B). A state appellate court interpreting a state Penal Code section cannot override a federal statute that provides independent eligibility criteria.

For the Record

I was the organizer, founder, and first president of the Federated University Police Officers Association (FUPOA) — the third named plaintiff in the *Jacobs v. Regents* case you cited. It addressed limitations under state Penal Code § 16690 eligibility for DDI recipients seeking state-law retired identification cards and concealed weapons endorsements. It did not address, analyze, or rule on federal LEOSA eligibility under 18 U.S.C. § 926C(c)(3)(B).

My employment history with UCLA and the Regents — including the whistleblowing that resulted in the termination of the Chief of Police and his command staff, the federal FLSA lawsuit, and the state tort action *Harold v. The Regents of the University of California* — was covered by the Los Angeles Times on February 25, 1993 and April 24, 1994, **and is now part of UCLA's own permanent institutional record, documented by name on pages 35-36 of 'The History of Racism and the Quest for Racial Justice at UCLA,' published in March 2022 by the UCLA Luskin Center for History and Policy** under the supervision of Professors Aomar Boum, Eddie Cole, and David N. Myers. I am copying the Luskin Center on this correspondence.

The 2015 Conversion Eliminates the Jacobs Basis for Denial

Even setting aside that *Jacobs* did not address LEOSA, there is a more fundamental problem with applying *Jacobs* to my situation: **the University of California itself removed me from the status that *Jacobs* addressed.**

The *Jacobs* court's entire holding rested on the distinction between "Disabled Members" receiving DDI and "Retired Members" receiving Retirement Income under the UCRP. The court stated: "Under the UCRP, Disabled Members receiving DDI: (1) are not retired; (2) do not receive Retirement Income; and (3) can elect to retire when eligible, but are never required to do so." (*Jacobs*, at p. 10.)

From March 1, 1996 through approximately June 1, 2015, UC classified me as a Duty Disabled Member receiving DDI. My IRS Forms 1099-R during this period carried Distribution Code 3 (disability), and 100% of my income was tax-exempt as required by law for duty disability payments.

In or around 2015, I received a call from a UC adjuster that stated I must convert classification from Duty Disability Income to Retirement Income or I would stop receiving any income. That statement was false under UC's own plan — and was false at the time it was made. UCRP § 8.18(a) provides that Duty Disability Income "continue[s] until such time as the Member is no longer disabled as defined or **elects** to retire." The operative word is "elects." The *Jacobs* court confirmed this reading, holding that DDI recipients "can elect to retire when eligible, but **are never required to do so.**" (*Jacobs*, at p. 10.) The Regents' own lead disability benefits analyst stated under oath in the *Jacobs* proceeding: "[A] person may convert to Retirement **only by making an affirmative election** to do so."

This was not new law created by the *Jacobs* opinion in 2017. The court was reading UCRP § 8.18(a) — plan language that was in effect throughout 2014 and 2015 when the adjuster made the threat. The word "elects" has been in the UCRP since its adoption. An election obtained by threatening to terminate benefits the plan itself guaranteed is not an affirmative election — it is coercion through misrepresentation of the plan's own terms.

WHY WOULD ANYONE FREELY ELECT TO STOP TAX FREE DISABILITY PAYMENTS?! I did not elect to convert. I was told I had no choice. UC's own plan said otherwise. (I believe converting to regular retirement did take me off the UCPD direct payroll so that could have been the motivation. We will address that again shortly).

Following this conversion:

- My IRS Forms 1099-R changed from Distribution Code 3 (disability) to Distribution Codes 2 and 7 (early distribution / normal retirement).
- 100% of my income became taxable as ordinary retirement income.
- UC began deducting monthly medical insurance premiums from my payments — deductions that did not exist under DDI.
- UC's retirement systems began treating me in all respects as a Retired Member under the UCRP.

This conversion is documented in UC's own records, including UC RASC's "At Your Service" retirement estimator, IRS Forms 1099-R from 2015 forward, and UC's benefits enrollment systems.

The *Jacobs* court held that DDI recipients are not retired. **Since 2015, by UC's own records, I am no longer a DDI recipient.** UC forced me to a retiree. After 2015, I am precisely what Penal Code § 16690 requires: a peace officer who "has qualified for, and has accepted, a service or disability retirement." UC itself accomplished this by converting my status.

UC cannot have it both ways. If the 2015 conversion to retirement status was valid, then I am a Retired Member under the UCRP, *Jacobs* does not apply to my post-2015 status, and I am eligible for a state CCW as an "honorably retired" peace officer under Penal Code § 16690. If the 2015 conversion was improper, then UC has been wrongfully taxing my disability income, wrongfully deducting medical premiums, and wrongfully classifying me as a retiree for eight years — creating substantial financial liability.

To put a finer point on it: the University of California currently classifies me as "retired" for purposes of taxation, medical premium deductions, and benefits administration — but "not retired" for purposes of my CCW eligibility. I am simultaneously retired and not retired depending on which UC office is asked and which outcome UC prefers. I am by definition **"Schrödinger's Retiree"**: I exist in a superposition of mutually exclusive classifications, and **UC collapses the wave function in whichever direction benefits the institution at my expense.** Unlike the famous thought experiment, however, this is not theoretical physics. This is a real person's income, health insurance, tax liability, and constitutionally protected rights. You may discern from a full and actual reading of my file, I am, in a word, resolute.

The Post-Alberts Timeline Problem

The *Jacobs* court noted that following the *Alberts v. Regents of the University of California* trial court decision (Alameda Superior Court, No. RG12-620674, September 24, 2012), "The Regents confirmed that its prior policy of issuing retired identification cards and endorsements for concealed weapons to Disabled Members receiving DDI was erroneous, and was properly discontinued." (*Jacobs*, at p. 6.)

My CCW identification card was reissued on August 29, 2013 — **eleven months after** the Regents supposedly discontinued this "erroneous" policy following *Alberts*. The 2013 card states: "RETIRED. California CCW approved. Retired in good standing from service as a Peace Officer of the state of California." This card was signed by the Chief of Police and issued pursuant to California Penal Code sections 25455, 25460, and 25465.

Either (a) UCLA PD was unaware of the Regents' post-*Alberts* policy change when it reissued my CCW in 2013, which constitutes an institutional failure, or (b) someone at UCLA PD determined

I qualified on a basis other than DDI status alone — and that determination should be documented in whatever file you reviewed.

Retroactive Application of the 2020 Gold Book Policy

Your denial applied Gold Book Policy 1700.1, which is dated August 18, 2020. I received my original CCW identification card on September 6, 2002 (issued by Chief Chapman), and my renewal on August 29, 2013 (issued by a subsequent Chief of Police). Both were issued under the policies and laws in effect at the time of issuance. A policy adopted in 2020 cannot retroactively erase eligibility that was properly established and twice confirmed by two different Chiefs of Police over an 11-year period.

The Identification Cards Contradict Your Denial

My 2002 identification card, issued September 6, 2002, states "RETIRED" in gold banner, designates my status as "Retired," authorizes firearms per section 12027a P.C., and is signed by the Chief of Police.

My 2013 identification card, issued August 29, 2013, states "RETIRED. California CCW approved. Retired in good standing from service as a Peace Officer of the state of California." It is issued pursuant to CPC sections 25455, 25460, and 25465 and signed by the Chief of Police. The reverse states: "This retired officer is authorized to carry a concealed firearm and meets State firearms qualification standards established by the University of California Police Department, pursuant to California State Law."

Your August 25, 2023 email states my status was "medically separated." UC's own identification cards, issued to the same individual by two different Chiefs of Police, designate my status as "Retired." UC's own tax filings from 2015 forward classify me as a retiree. These are UC's own documents containing contradictory classifications of the same person.

3. THE FILE — AND THE DUE PROCESS NOT PROVIDED

You wrote: "After a comprehensive review of your file, I have determined you are ineligible."

Several years prior to your August 2023 determination, when my attorney and I made a formal request for my UCLA PD personnel file, then-Acting Chief Karl Ross informed us that my personnel file was old and had been destroyed.

If my personnel file was destroyed, what file exactly did you review?

This is not a rhetorical question. The California Public Safety Officers Procedural Bill of Rights Act (POBR), Government Code §§ 3300-3313, which the Legislature declared a "matter of statewide concern" applicable to "all public safety officers wherever situated within the State of California" (Gov. Code § 3301), contains the following protections:

Government Code § 3305 — Anti-Shadow-File Provision:

"No public safety officer shall have any comment adverse to his interest entered in his personnel file, OR ANY OTHER FILE USED FOR ANY PERSONNEL PURPOSES by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment."

The critical phrase is "or any other file used for any personnel purposes." This provision exists to prevent agencies from maintaining unofficial, secondary, or reconstructed files used to make adverse determinations outside the protections of the officer's official personnel file. The classification of "medically separated" used to deny my CCW is an adverse comment. I have never read or signed any document containing that classification. If it exists in whatever file you reviewed, it was entered in violation of § 3305.

Government Code § 3306 — Right to Respond:

A public safety officer has 30 days to file a written response to any adverse comment entered in his personnel file, and that response must be attached to and accompany the adverse comment. I was never afforded this opportunity.

Government Code § 3306.5(a) — Right to Inspect:

"Each employer shall permit a public safety officer to inspect personnel files that are used or have been used to determine that officer's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action."

Government Code § 3306.5(b) — Affirmative Duty to Maintain:

"Each employer shall keep each public safety officer's personnel file or a true and correct copy thereof, and shall make the file or copy thereof available within a reasonable period of time after a request therefor by the officer."

Penal Code § 832.8(a) — Broad Definition of Personnel Records:

"Personnel records" means "any file maintained under that individual's name by his or her employing agency" — encompassing personal data, medical history, employee discipline and complaints, and any information relating to job performance or qualifications for employment, promotion, or termination.

Your denial of my CCW is an adverse determination based on a status classification contained in whatever file you reviewed. Under the POBR, I am entitled to know what file was used, to inspect that file, and to have been afforded the opportunity to review and respond to any adverse material before it was used against me. None of these protections were provided.

Due Process Violations

Your own department's Gold Book Policy 1700.5 — which you attached to your August 25, 2023 email — provides that if a hearing is not conducted prior to the denial of a CCW endorsement, an officer may request an appeal hearing within 15 days of the denial (per Penal Code § 26310), to be held by a three-member hearing board (per Penal Code § 26320). Your email denial made no mention of these appeal rights. No written notice was sent by first class mail as required. No 15-day hearing period was offered. No three-member hearing board was convened.

California Constitution Article I, § 7 provides that no person shall be deprived of property without due process of law. My CCW eligibility, established by two prior issuances (September 6, 2002 and August 29, 2013), annual firearms qualifications maintained over more than a decade, a settlement agreement, a 2013 POST certificate of qualification from Napa Valley College CJTC, and UC's own 2015 conversion of my status to "retirement," constitutes a property interest. *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, and *Cleveland Board of Education v. Loudermill* (1985) 470 U.S. 532, require pre-deprivation notice and an opportunity to be heard before a property interest is taken. An email denial without notice of appeal rights or opportunity for a hearing does not satisfy due process.

4. FORMAL RECORDS REQUEST AND STATUS INQUIRY

Pursuant to Government Code § 3306.5 (POBR) and Penal Code § 832.8, I hereby formally request the following within 15 business days of receipt of this correspondence:

- (a) A complete copy of whatever file you reviewed on or before August 25, 2023 to make your CCW eligibility determination.
- (b) Identification of whether that file is my official UCLA PD personnel file, or some other file maintained under my name or used for personnel purposes.
- (c) If my official personnel file was destroyed as previously represented by then-Acting Chief Karl Ross, a written explanation of the source, custodial chain, and creation date of whatever file was reviewed in lieu of the destroyed original.
- (d) Whether UCLA PD maintains, or at any time maintained, more than one file on me used for any personnel purposes — in potential violation of Government Code § 3305.
- (e) UCLA PD's current official classification of my status. Specifically: does UCLA PD classify me as "retired," "medically separated," "disabled," "receiving Duty Disability Income," or some other designation? What system or record is the source of that classification? And how does UCLA PD reconcile that classification with UC Retirement's post-2015 classification of me as a Retired Member receiving Retirement Income?
- (f) A copy of all records maintained under my name by UCLA PD, including but not limited to personnel records as defined by Penal Code § 832.8(a), CCW-related records, qualification records, training records, and all correspondence.

- (g) Written confirmation of my appeal rights under Gold Book Policy 1700.5, Penal Code § 26310, and Penal Code § 26320 as they apply to your August 25, 2023 denial.
- (h) (h) All UCLA Police Department payroll records, departmental budget documents, line-item personnel expenditure reports, and internal accounting entries reflecting payments made to or on behalf of Charles A. Harold Jr. from March 1, 1996 through the present — including but not limited to: disability income disbursements charged to UCLA PD operating budgets; UC contributions toward medical insurance premiums paid on my behalf; any internal memoranda, budget justifications, or fiscal year reports identifying Duty Disabled Members carried on departmental payroll or personnel expenditure lines; and the specific date, authorizing official, and stated basis for the removal of my name from any UCLA PD payroll, budget line, or personnel expenditure category. To be clear: this request is not for my personal IRS Forms 1099-R or W-2 documents. This request is for UCLA PD's own internal financial records documenting that the department was paying me disability income, how long it paid me, and when and why it stopped.

For reference, the following table summarizes the contradictory classifications the University of California currently maintains regarding my status:

UC ENTITY	CLASSIFICATION	EFFECT	DOCUMENT
UCLA PD (2002)	"Retired"	CCW issued	ID Card 09/06/02
UCLA PD (2013)	"Retired in good standing"	CCW reissued	ID Card 08/29/13
UC RASC (2015-present)	"Retired Member"	Taxed as retiree, premiums deducted	1099-R Codes 2/7
UCLA PD (2023)	"Medically separated"	CCW denied	Chobanian email 08/25/23

Four classifications of the same individual by the same institution. Three say retired. One says medically separated. The one that says medically separated is the only one used to deny a benefit.

Notice of Personal Liability, Data Preservation, and Document Production Obligation

Captain Chobanian, this correspondence places you on personal notice of the following:
Personal Liability. A public safety officer acting under color of authority who participates in the deprivation of a constitutionally protected property interest may be held personally liable under 42 U.S.C. § 1983. Your August 25, 2023 denial revoked a benefit that had been established by two prior issuances, a settlement agreement, annual firearms qualifications

maintained over more than a decade, and UC's own post-2015 reclassification of my status to Retired Member. **Qualified immunity does not shield conduct that violates clearly established rights** — and the POBR protections cited in this letter have been clearly established law in California since 1976.

Spoliation and Data Preservation. This letter constitutes a formal litigation hold and preservation demand. You, UCLA PD, and the University of California are hereby directed to preserve all documents, records, files, electronically stored information, emails, database entries, payroll records, budget documents, etc. and any other materials relating to Charles A. Harold Jr., including but not limited to the file you stated you reviewed on or before August 25, 2023. Any destruction, alteration, deletion, or failure to preserve such materials after receipt of this notice may result in adverse inference instructions, spoliation sanctions, and independent tort liability under California law. (See *Cedars-Sinai Medical Center v. Superior Court* (1998) 18 Cal.4th 1, 11-12; *Williams v. Russ* (2012) 210 Cal.App.4th 35, 47-48.)

Document Production and United States v. Throckmorton (1878). The records requested in Section 4 of this letter contain the facts necessary to resolve every issue raised herein. If those records confirm that my disability status was properly maintained and that the 2015 conversion was unauthorized, there is no dispute requiring litigation — only an administrative correction requiring institutional honesty. If those records have been lost, destroyed, or cannot be located, that fact is itself evidence of the systemic records failures documented throughout this correspondence. The legal principle is straightforward: a party who possesses documents that would resolve a dispute and refuses to produce them may not later claim the dispute was unresolvable. (*United States v. Throckmorton* (1878) 98 U.S. 61; see also Cal. Evid. Code § 413 [adverse inference from willful suppression of evidence].)

Respectfully,



Charles A. Harold Jr.

UCPD Badge #341 (Retired?)

Organizer, Founder, and First President

Federated University Police Officers Association (FUPOA)

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