



A New Day for the Civil Service

Disability Retirement

CHCO Academy

December 2012

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Overview

- Disability retirement is:
 - An employee benefit
 - Intended for those employees who are unable to complete a normal career due to disease or injury
 - Who meet the statutory, regulatory and/or administrative criteria

A vertical strip of an American flag is visible on the left side of the slide, showing the stars and stripes.

Minimum Service Requirement

- **CSRS**
 - 5 years civilian service
 - Must become disabled while serving in a position covered by CSRS
 - CSRS Offset – must apply for Social Security disability benefits and submit proof with application to OPM
- **FERS**
 - 18 months of civilian service
 - Must become disabled while serving in a position covered by FERS
 - Must apply for Social Security and submit proof with application to OPM

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Criteria for Entitlement

- Employee must be unable to render useful and efficient service because of disease or injury
 - In current position, or
 - Vacant position in the same agency at the same grade or pay level for which qualified for reassignment
- Disabling condition expected to last at least one year

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Factors in Making a Decision

1. Is there a medical condition
2. Is there a deficiency in service
3. Is there a relationship between service deficiency and medical condition
4. Is the condition expected to last at least a year or more

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Factors in Making a Decision

5. Was the condition pre-existing
 - Did the condition become disabling while serving in a position covered by CSRS or FERS
6. Can the agency provide reasonable accommodation
7. Can the agency reassign the employee to a vacant position for which qualified

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

How Does an Employee Apply

- Who may file an application
 - Employee
 - Immediate family members
 - Court-appointed guardians or personal representatives
 - Agency
- Where to File an Application
 - On agency rolls - the application is filed through the agency to OPM
 - Separated for more than 31 days, employee applies directly to OPM (although can be accepted at agency)

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Time Limit for Filing an Application

- Application can be filed while employee is still on the agency rolls
- Application can be filed up to one year from the date of separation
- Timeliness is measured by the date of receipt of the application in OPM or at the agency
- Timeliness requirement can be waived if employee is incompetent

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Application Forms

- **FERS: SF 3107**
 - Revised May 2012, Previous edition unusable after 1/1/13
- **CSRS: SF 2801**
- **All: SF 3112 Parts A-E, Supplement**
 - 3112A – Applicant’s Statement
 - 3112B – Supervisors Statement
 - 3112C – Physician’s Statement
 - 3112D – Certification of Reassignment and Accommodation Efforts
 - 3112E - Checklist

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.


Responsibilities

- Employee:
 - Completes documents
 - Undergoes examinations
 - Provides proof
 - Meets timeliness deadlines
- Agency
 - Assists employee and ensure application is complete
 - Provide annuity estimate
 - Sends packages to OPM
- OPM
 - Determines if disabled
 - Adjudicates claim and authorizes annuity payments

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Preliminary Application Process

- ROC receives preliminary application package and creates case file
- Disability Branch reviews application to determine if applicant is disabled
 - When required, we develop for additional medical documentation, supervisor statement, etc
 - Notifies applicant and agency of decision

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Agency Actions Upon Approval

- Separate employee as soon as practical
 - Usually by the end of the PP in which approval received
 - Can elect to separate after sick leave expires
- Send final SF 2806/3107 and other supporting documents to ROC

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Approved Application Process

- Disability Branch receives final IRR and associated documents and authorizes interim pay
- Claims Group 1 reviews package for completeness
 - When required, we develop for missing or discrepant retirement and insurance information
 - When claim is complete, we authorize regular disability payments

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Disapproved Application Process

- Disability Branch notifies applicant and agency of specific basis for disallowance and provides reconsideration rights (within 30 days)
- Reconsideration Branch reviews request and affirms or reverses initial decision
- Appeal Avenues
 - MSPB (within 35 days)
 - U.S. Court of Appeals for Federal Circuit

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Tips for Submitting Applications

Make sure:

- Medical documentation is complete - must be dated, signed and on physician's letterhead
- Medical documentation contains specific information to show why the applicant is not able to perform his or her duties and how long restrictions will last
- Medical reports provide specific information
- All referenced enclosures are included in the submission
- Agency physician recommendations (if made) are well documented

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Tips for Submitting Applications

- Agency certification of accommodation and assignment efforts is complete
- Supervisory statements agree with statements regarding accommodation and reassignment efforts
- A copy of the position description is included
- For FERS, Certified Summary of Service shows dates employee was on LWOP for OWCP (under P.L. 108-92)

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Tips for Submitting Applications

- All fields on application are completed in full:
 - Must indicate disability application in Sect A
 - Workers' compensation question in Section C of 2801/ Sect F of 3107 must be answered and Schedule C attached, if applicable
 - Survivor election in Section F and D respectively, must be indicated, regardless of marital status
 - Spousal consent must be provided when married applicant elects less than full survivor annuity
 - Election on the application must agree with the spousal consent
 - Court Order question 2 in Section E and C, respectively, must be answered

A vertical strip of the American flag is visible on the left side of the slide, showing the stars and stripes.

Post Retirement Actions

- Once approved, disability annuity continues unless:
 - Medical recovery finding is made
 - Medical finding prior to age 60 or by annuitant Request
 - Annuity terminates 1 year from date of examination
 - Restoration to earning capacity
 - Earn 80% of current salary of position retired in calendar year, prior to age 60
 - Annuity terminates 6 months after the year the restoration determination is made for

A vertical strip on the left side of the slide shows a close-up of the American flag, focusing on the white stars on a blue background and the red and white stripes.

Reemployed Disability Annuitants

- Disability annuitant can be reemployed in any position qualified
 - Annuity terminates upon Federal reemployment following a recovery or restoration to earning capacity finding
 - Administrative recovery – reemployed at the same grade or pay and tenure of position retired from
 - Annuity terminates end of month in which finding is made (except on workers comp, terminated day prior to reemployment)
 - Salary offset applies prior to termination

A vertical strip on the left side of the slide shows a close-up of the American flag, featuring white stars on a blue field and red and white stripes.

Annuity Rights Upon Termination Not Due to Reemployment

- DSR if at least 50 with 20 years of service, 25 years service at any age
- FERS only, MRA+10
- Deferred at 62
- Annuity can be restored prior to age 62 upon:
 - Medical exam showing recurrence of disabling condition
 - First of year after earnings < 80%

A vertical strip on the left side of the slide shows a close-up of the American flag, featuring white stars on a blue field and red and white stripes.

Annuity Rights Upon Termination Due To Reemployment

- CSRS annuity can be restored if not entitled to an annuity upon separation
 - Generally only if reemployed more than one year after prior separation and doesn't meet the "1 out of 2" rule
 - FERS annuity generally can't be
- Otherwise, entitled to a new annuity right based on the law in effect when separating
 - Immediate or deferred



Workers' Compensation

- Annuity suspended while in receipt of workers' compensation
- Credit for service while on workers' compensation after retirement only allowed if:
 - Disability annuity terminates upon reemployment and new annuity right is earned, or
 - Works 5 continuous years or F/T equivalent and earns redetermined annuity

Questions

