

Accidental Disability Retirement

To qualify for an Accidental Disability Retirement you must:

- Be a member in service at the time the application is filed with the Division of Pensions and Benefits. "Member in service" means that the member or employer was making pension contributions to the retirement system at the time of filing the *Application for a Disability Retirement*. It may also mean that the member was on an approved leave of absence, paid or unpaid, or suspension, paid or unpaid, at the time of filing the *Application for a Disability Retirement*. If the member had pending litigation for wrongful termination filed against the employer, the member has 30 days from the date the litigation is resolved to file for disability retirement in order to be considered a "member in service."
- Be considered totally and permanently disabled (you must prove that you are physically or mentally incapacitated from performing your normal or assigned job duties or any other position with no possibility for significant improvement) as a "direct result of a traumatic event" (see definition below) that happened during and as a direct result of carrying out your regular or assigned job duties;
- Be an active member of the PFRS on the date of the "traumatic event";
- File an *Application for Disability Retirement* within five years of the date of the "traumatic event";
- Submit any and all accident reports, witness reports, and corroborating evidence on file for any and all accidents for which you are filing; and
- Be examined by physicians selected by the retirement system. The examination will be scheduled at no cost to you by the Division of Pensions and Benefits. **All medical information is kept confidential and used only by the PFRS Board of Trustees in reviewing your claim.**

If you qualify and are approved for Accidental Disability Retirement, your annual retirement allowance will be 2/3 of your salary at the time of the "traumatic event" or at the time of retirement, whichever is higher.

'Direct Result of a Traumatic Event' has been defined by the courts as an occurrence that is:

- Identifiable as to time and place;
- Undesigned and unexpected;
- Caused by a circumstance external to the member (not the result of preexisting disease that is aggravated or accelerated by the work);
- Occurred during and as a result of the member's regular or assigned duties;
- Was not the result of the member's willful negligence; and
- Results in the member's permanent and total incapacitation from performing his or her usual or any other duty.

When there is an issue of mental incapacity, the member must also establish that:

- The disability results from direct personal experience of a terrifying or horror-inducing event that involves actual or threatened death or serious injury, or a similarly serious threat to the physical integrity of the member or another person; and
- The event that forms the basis for an accidental disability pension cannot be inconsequential and must be objectively capable of causing a reasonable person in similar circumstances to suffer a disabling mental injury.

The application process begins by filing the *Application for Disability Retirement* with the Division of Pensions and Benefits (see "Disability Retirement Applications" on page 20).

Note: Your employer has the right to apply for an Accidental Disability Retirement on your behalf.

The *Application for Disability Retirement* contains forms for your physician(s) to complete, a form for your employer to complete with questions regarding the "traumatic event", and a release for health information relating to your disability. The more complete the application, the faster it can be evaluated, although the process may take six months or more.

It is the applicant's responsibility to arrange for all physicians' statements and hospital records to be sent to the Division of Pensions and Benefits.