

## THE DECISION

The Board of Retirement will ultimately decide whether your application for disability retirement will be granted or denied. You will be advised of staff's recommendation as well as the date and time of the meeting. You or your attorney may appear at the Board meeting to speak briefly in support of the application. In general, speakers have 3 minutes to address the Board. All medical evidence should be submitted prior to the Board meeting, and comments should be directed toward the pending Board action. Evidence and/or oral testimony is not taken at the Board meeting.

## RECOURSE

If you disagree with any aspect of the Board's decision in regards to your application for disability retirement, you have the right to request an administrative hearing, in writing, within 90 days of the Board's decision. For more information on administrative hearings please refer to *Board of Retirement Policy For Administrative Hearings* found on OCERS' Web site.

If you have additional questions that were not answered in this pamphlet please contact OCERS' disability staff at **714-558-6200**; we are happy to provide you with any guidance you may need.

You may also refer to the Summary Plan Description on OCERS' Web site for additional information regarding Disability Retirement.

This brochure is intended to provide you with general information. This brochure does not constitute legal advice, and OCERS cannot provide legal advice to members. If there are any discrepancies between the information in this brochure and the law, the law will prevail. Should you have legal questions, you are advised to consult an attorney.

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# Disability Retirement Process

## A Guide to Your Disability Retirement Application



## APPLYING FOR DISABILITY RETIREMENT

### WHO CAN FILE

If you become physically or mentally incapacitated from performing your usual and customary job duties, you may apply for disability retirement.

### SERVICE CONNECTED DISABILITY RETIREMENT

If you are permanently incapacitated from performing your usual job duties and your incapacity is the result of a job related injury, illness, or disease, you may be eligible for a service connected disability retirement benefit, regardless of your age or length of service. Your incapacity must arise during the course of employment with Orange County and your job must have contributed substantially to your incapacity. Your monthly benefit is equal to 50% of your final average salary (FAS) or (if eligible) your service retirement benefit, whichever is greater. Benefits that do not exceed 50% FAS are considered non-taxable income under Internal Revenue code section 104(a) (1).

**Note:** Even if you have been found to be eligible for Worker's Compensation benefits you still need to complete all applicable forms in the Disability Retirement Application Packet. OCERS may request any claims and reports you have filed with Worker's Compensation. OCERS will review any relevant evidence or reports, but is not bound by any findings in a Worker's Compensation determination.

## NON-SERVICE CONNECTED DISABILITY RETIREMENT

If your permanent incapacity is not a result of an injury, illness or disease arising out of your employment you may be eligible for a non-service connected disability retirement. You must have at least 5 years of service credit with OCERS to be considered for a non-service connected disability retirement. The monthly benefit for a non-service connected disability retirement is up to 33% of your FAS depending on your years of service credit or your service retirement benefit amount, whichever is greater. Your benefit is 100% taxable.

**Note:** You are not eligible for a disability retirement if you have withdrawn your retirement contributions.

### THE APPLICATION PROCESS

In order to file an application you should contact OCERS at 714-558-6200 to request a Disability Retirement Application Packet. The application packet contains the Application for Disability Retirement, an Employee's Statement of Disability, an Authorization for Disclosure, and a Physician's Statement of Disability. *These forms **must** be completed for an application to be processed.* Incomplete, inaccurate and/or unsubstantiated (e.g. Your Physician's Statement has the box indicating permanent incapacity checked NO) will not be accepted by OCERS and will be returned to the Applicant for correction. You may also withdraw your application at any time.

## WHEN TO FILE

An application for either type of disability retirement must be filed while you are (a) still employed, (b) within four months after you have terminated employment, or (c) any time after terminating employment provided you are physically or mentally unable to perform your regular job duties *and* provide proof that the condition has been ongoing from the date of separation to the date of application.

### HOW TO FILE

To initiate the disability retirement process you, or a person acting on your behalf, must submit the completed Disability Retirement Application Packet along with certified copies of birth certificate, marriage certificate and spouse's birth certificate, if applicable. This can be done by mail or in person provided there are two witness signatures.

### ADDITIONAL DOCUMENTATION

OCERS will reach out to your employer to receive a statement from your supervisor, an Employer's Statement of Disability, a copy of your personnel file, and your worker's compensation file (if applicable).

As the Applicant you have the burden of proof to provide evidence of permanent incapacity. You are required to provide us with all medical records pertaining to your disability. Once all the medical evidence has been submitted, you will be scheduled for a medical evaluation. On average, this process takes 6-12 months.