

Life Changes

Applying for Disability Retirement



Office of the New York State Comptroller
Thomas P. DiNapoli



NYSLRS

New York State and Local Retirement System

A Message from Comptroller Thomas P. DiNapoli

No one likes to think they may become permanently disabled, but the truth is that a disabling condition can happen to anyone at any time. If you become disabled, and cannot perform the duties of your position, it will be important for you to learn about the benefits you could receive and how to apply for those benefits.



This booklet describes how to file for a disability retirement benefit and the steps we take to process your application. It also discusses the medical evaluation and review process, and outlines your rights. If you are considering applying for a disability benefit, we are sure you will find this booklet helpful.

The disability retirement benefits you may be eligible to receive depend on your membership tier and, in certain cases, your job title. Therefore, it is important to review your plan booklet for specific benefit and eligibility information before you file an application.

Our staff is available to answer any questions you may have about your benefits.

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is written in a cursive, flowing style.

Thomas P. DiNapoli
State Comptroller

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Filing an Application

Who Can File

You can file a disability retirement application yourself, or someone may be authorized to file on your behalf. For example, your attorney, a power of attorney (POA), or a court-appointed guardian, who has been granted authority by the court, may file. In most cases, your employer also has the authority to file.

Before you file, it is important to review your plan booklet to determine the eligibility requirements for the disability benefits available to you. Your plan booklet is available from your employer or on our Publications page at www.osc.state.ny.us/retire/publications/index.php.

What to File

There are different disability applications depending on your tier, retirement plan and the type of disability you are claiming. Applications are available on our Forms page (www.osc.state.ny.us/retire/forms/index.php) or from your personnel office. If your personnel office can't provide the form you need, or if you are unsure which application to complete, contact our Contact Center for help.

If you are eligible to apply for both service and disability retirement, or for more than one type of disability retirement, you may want to file all of the applications at the same time. This is called “filing without prejudice,” which means that, in most cases, we will process all of your applications simultaneously. Please be sure to write “file without prejudice” at the top of each application. If more than one type of retirement benefit is approved, you may choose which benefit you want to receive.

Important Note: If you file a service retirement application along with your disability retirement application, and the disability application is denied, **your service retirement application may only be withdrawn prior to your effective date of retirement.**

Proof of your birth date is required before we can pay you any benefits, so it is a good idea to include a photocopy of a document verifying your birthdate, if it is available. The most common documents we accept are:

- Birth certificate;
- New York State driver license issued on or after January 1, 2005;
- Marriage Certificate, if it shows the age on a given date or the date of birth;
- Passport;
- Certificate of Release or Discharge from Active Duty (DD-214);
- Baptismal certificate; or
- Naturalization papers.

Do not delay filing for the benefit if you do not have any of these documents — you can file proof of your birth date later.

The following members must apply for workers' compensation benefits:

- Tier 1 and 2 Employees' Retirement System (ERS) members and all Police and Fire Retirement System (PFRS) members filing for accidental disability;
- Tier 3 members filing under the Article 14 retirement plan;
- New York State correction officers and security hospital treatment assistants filing for performance of duty disability;
- All uniformed court officers filing for accidental disability (regardless of membership tier); and
- Members who assisted in the World Trade Center rescue, recovery or cleanup operations who are applying for the World Trade Center accidental disability presumption.

In addition, sheriffs, undersheriffs, deputy sheriffs and county correction officers (regardless of membership tier) filing for performance of duty disability retirement and/or accidental disability retirement whose employers have specifically adopted these provisions may need to apply for workers' compensation benefits. Please refer to your plan booklet for more information.

If you are applying for one of the disability retirement benefits listed on page 6, or any other disability retirement benefit offset by workers' compensation benefits, keep us advised of the status of your workers' compensation claim. Your pension will be reduced by the full amount of workers' compensation that you may be eligible to receive. If you are offered a lump sum, contact us before you accept the lump sum so that you will know exactly how it will affect your monthly pension.

If you do not have a workers' compensation award or a request is pending, you may ask us to place a lien against any future worker's compensation benefits that you may become eligible to receive. If your disability retirement application is approved, you could then receive your full benefit from NYSLRS, pending a decision from the Workers' Compensation Board.

If you file for disability retirement and your condition improves while your application is being processed and you are able to return to work, you may withdraw that application at any time before it has been approved. The withdrawal request must be signed by you and received by us before your application is approved. However, if your employer filed an application on your behalf, only your employer can withdraw that application.

Please check your plan booklet for the filing requirements that pertain to you.

When to File

There are filing requirements for each type of disability benefit, and there may be minimum service requirements as well. **Failure to file within the time limits will make you ineligible for a benefit.** Specific eligibility and filing requirements can be found in your plan booklet. We encourage you to file an option election form when you file your disability retirement application, especially if you are terminally ill.

If you mail your disability retirement application or option election form using “certified mail, return receipt requested,” the postmark date will serve as the date of filing. If you mail your application or option form using regular mail, and you die between the time you mail it and the time we receive it, a *legible* postmark will serve as the date of filing.

Since it may take some time to process your application, we encourage you to file the application while you are still on the payroll. This can help minimize any financial hardship you may encounter during the time it takes to process your application.

Where and How to File

In order to apply for a disability retirement, you must file an application with the Retirement System. **Giving an application to your employer is not considered filing with the Retirement System.**

To file, you can:

- Visit our main office in Albany, or any office of the State Comptroller at locations throughout the State.
- Mail us the application by “certified mail, return receipt requested.” When we receive the form, the postmark date will serve as the filing date.
- Mail us the application by regular mail. The filing date will be the date we receive it, unless you die between the time you mail it and the time we receive it. In that case, a *legible* postmark will serve as the date of filing.
- Fax us the application at 518-474-3091 to meet a deadline. A confirmed transmission date will serve as the filing date, but you will still need to send us the original documents for processing.

With the exception of our New York City site, members do not need an appointment to drop off forms, pick up information or have something notarized.

Processing Your Application

Once we receive your application, we will review it to see if the filing requirements have been met. Generally, this means your application was properly signed, you have enough service credit to be eligible, and you filed your application in time.

If you are terminally ill, we encourage you to file an option election form when you file your disability retirement application. If your application is approved, you will have the opportunity to change your option selection. See *Benefit Payment Options* on page 15 for more information.

If you meet all the eligibility requirements for disability retirement and:

- You die after filing a disability retirement application but before a decision is made on your application; and
- The cause of your death is directly related to the disability stated on your application; and
- You have a valid option election form on file;

then your disability application may be approved and will become effective the day before your death.

Once we receive your application, we will send you an acknowledgment letter and we will inform your employer that you filed for disability retirement benefits. We will also request from your employer a statement of your job duties, payroll data and any information about your disability claim your employer may have.

Administrative Decision

Your application may be denied for reasons not related to your health. Perhaps you did not file your application in a timely manner or you do not have enough service credit to be eligible for the benefit. If your application is denied at this stage, a determination stating the reason for denial will be sent to you.

If you believe the determination is wrong and that you do meet the eligibility requirements, you may request, within four months from the date of denial, an administrative hearing and redetermination before an independent hearing officer. For more information on hearings, see *Denial and Hearings* on page 14.

Medical Evaluation

If your application meets the filing requirements, the medical evaluation process will begin. We will request medical reports and documentation from the doctors, hospitals and treatment facilities you listed on your application. If you have been seen by Workers' Compensation doctors, be sure to include their names and addresses as well. Please be careful when filling out this section of the application. Incomplete or insufficient information may delay the process. Sending us copies of any pertinent medical information may expedite your claim.

When we receive the required documentation, we may ask you to make an appointment with one or more independent medical examiners whose specialty relates to your disability. After your examination, the doctor will send us a report of his or her findings. The cost of the exam will be paid by the Retirement System.

Medical Review and Decision

After all the necessary medical information has been gathered, your application will be reviewed by a medical or administrative review board and a determination will be made regarding your eligibility. We will notify both you and your employer (and your attorney if you are represented by one) by mail of the action we have taken on your application.

Approval

If your application is approved, we will send you an estimate of your benefits under each of the payment options available to you. You will need to select the option under which you will retire by the date we provide in your estimate cover letter.

The amount of your benefit will not be finalized until we have your complete earnings information. If you are approved for more than one retirement benefit, you will need to choose which benefit you want to receive.

Denial and Hearings

An application may be denied for medical or administrative reasons. Regardless of why your application is denied, you may request an administrative hearing. This hearing is your opportunity to present evidence to support your claim for a disability retirement benefit.

We must receive your written request for a hearing **within four months of the determination date on the denial letter mailed to you**. Please send or email your written request to:

By mail:

New York State and Local Retirement System
Hearing Administration Bureau
Mail Stop 7-9a
110 State Street
Albany, NY 12244

By email:

Hearings@osc.state.ny.us.

An independent hearing officer will preside over the proceeding. You may choose to be represented by an attorney at your own cost. We cannot provide an attorney for you.

After the hearing process is complete, the hearing officer will make a decision and forward it to the Comptroller for a final determination. If you wish to appeal the final determination, you are entitled to judicial review under Article 78 of the Civil Practice Law and Rules.

Benefit Payment Options

At retirement, you will have to decide how your benefit will be paid. All of the options available will provide you with a monthly payment for life. You can choose whether you want to receive the maximum amount payable, or receive a smaller monthly benefit in order to provide for a possible payment to a designated beneficiary. The right to select a retirement option rests exclusively with you (unless you become incompetent).

Review the options carefully. You must choose an option within the time limits established by the law, or we will be required to complete your retirement under Option ½ (Cash Refund — Contributions) if you are a Tier 1 or 2 member, or Option 0 (Single Life Allowance) if you are in Tier 3, 4, 5 or 6. You may change your option selection up to 30 days after your disability application is approved, or up to 30 days after your retirement date, whichever is later.

Benefits

If your application is approved, your date of retirement will be established as the date your application was filed, or the day after the last day you were paid on the payroll, whichever is later.

Benefit payment will begin when the calculation process is complete. Because it can take some time to gather the necessary data to finalize your benefit, you will receive partial payments beginning about a month following your notice of decision, provided you are off the payroll and have submitted proof of your birth date.

You can enroll in our direct deposit program when you file for retirement. Once your benefit calculation is complete, your regular pension payments will be deposited directly into your bank account. Until then, any partial advance payments you receive will be made by paper check.

When you receive your first regular pension payment, you will also receive information concerning taxes (if any), payment schedules and various other items that will affect your receipt of benefits.

Health Insurance

Health insurance may be provided by your employer. Be sure to check with your personnel office for information about health insurance and any other benefits you may be entitled to receive. If you worked for New York State, contact the New York State Department of Civil Service (www.cs.ny.gov) to learn about health insurance coverage.

- **Email:** pio@cs.ny.gov
- **Call:** 1-800-833-4344 or 518-457-5754 in the Albany, NY area
- **Write:**
New York State Department of Civil Service
Albany, NY 12239

Stay Informed

Your retirement benefits are an important part of a solid financial plan. They can help you and your beneficiaries achieve financial security in retirement or in the event of disability or death. Use these tips to help you understand your benefits and stay informed.

- Register for *Retirement Online*, a convenient and secure way to review your benefits and conduct transactions in real time. In many cases, you'll be able to use *Retirement Online* instead of mailing forms or calling NYSLRS. Members can view benefit information, update contact information, view and update beneficiaries and apply for a loan. Learn more at www.osc.state.ny.us/retire/retirement_online/customers.php.
- Review your Member Annual Statement carefully and notify us of any errors promptly.
- Visit our website (www.osc.state.ny.us/retire/index.php) frequently to learn about your benefits, download forms, read informative booklets and brochures, and get tips on preparing for retirement.
- Make an appointment to visit any of our consultation sites (www.osc.state.ny.us/retire/consultation_site_offices/index.php), where you can meet with an information representative to discuss special concerns or request specific information.

- Notify us if your mailing address changes. This is especially important if you leave public employment before you are eligible to retire.
- Contact us (www.contactNYSLRS.com) if you have questions about your benefits.
- Subscribe to our blog, *New York Retirement News* (www.nyretirementnews.com), where you'll find tools to help you understand your benefits, as well as important retirement news.
- Like us on Facebook (www.facebook.com/nyslrs) and follow us on Twitter (www.twitter.com/nyslrs) for quick tips and updates on a variety of retirement topics.
- Sign up for *E-News*, our email newsletter (www.osc.state.ny.us/retire/e-news/sign-up/index.php), for the latest NYSLRS news and information dedicated to pre-retirement planning.
- Read your member newsletter for current retirement information and updates on your benefits.

Contact Us

If you have any questions or you need more information, we're glad to help.

- **Email:** www.emailNYSLRS.com;
- **Call:** 1-866-805-0990, or 518-474-7736 in the Albany, New York area; or
- **Write:**
NYSLRS
110 State Street
Albany, NY 12244-0001.

This publication provides a general summary of membership benefits, rights and responsibilities, and is not a substitute for any New York State or federal law. For specific information about your benefits, please contact us.

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