



Disability Retirement

a brief guide for MCERA members

Contact MCERA:

Linda Martinez
Disability Coordinator
Direct: (415) 473-6153
LMartinez@marincounty.org
One McInnis Parkway
Suite 100
San Rafael, CA 94903-2764
Main: (415) 473-6147
Fax: (415) 473-4179
Web: MCERA.org

Other Publications:

Disability Retirement Handbook
Guidelines for Discussion of Disability Retirement Applications
Classic Member Handbook
PEPRA Member Handbook
Preparing for Retirement Handbook
Understanding Retirement: Concepts and Calculations in Real World Scenarios

Frequently Asked Questions

When should I file a Disability Retirement Application?

As soon as you are reasonably certain that your medical condition permanently prevents you from performing your regular job duties. You may apply while still employed or within four months following your separation from employment. You also may apply if you have been continuously disabled since your separation. You may not apply if you have withdrawn your retirement contributions.

How long does the disability retirement process take?

Usually from 6 to 10 months. This depends entirely on the complexity of the claim, the timeliness of the responses to MCERA's requests for information, and whether the case is referred for hearing.

May I receive a service retirement benefit while waiting for the Retirement Board to decide on my application?

Yes, if eligible you may apply for service retirement while you are awaiting determination of your disability application. Your retirement benefit would be adjusted, if applicable, if you are found to be permanently incapacitated by the Board.

Does Workers' Compensation have any bearing on my disability retirement?

No. Workers' Compensation is a separate process from that of disability retirement. Receipt of a Workers' Compensation award does not guarantee eligibility to receive a disability retirement.

Where can I get a copy of the Disability Retirement Application?

The Disability Retirement Application is available on the Forms page of our website, MCERA.org, or by contacting our Disability Coordinator.

Where can I get more information?

All applicants are encouraged to meet with MCERA's Disability Coordinator prior to filing a Disability Retirement Application. The Disability Coordinator will be able to answer most of your questions in a one-on-one appointment.

The Disability Retirement Handbook is also an excellent source of information and will help you as you complete your Disability Retirement Application.

Disability Retirement Process

an overview of the steps from start to finish

1 Injury or Illness

You become injured, ill, or are placed on disability status. You can apply for disability retirement while receiving Workers' Compensation or 4850 benefits.

2 Written Diagnosis

Obtain written diagnosis of your injury or illness, prognosis that your disability is permanent, and the causation from your treating physician on on physician's stationery.

3 Apply for Disability Retirement

Contact MCERA to inform us of your injury or illness. Complete an application for disability retirement. The application must be accompanied by a doctor's diagnosis, prognosis and all supporting documentation.

4 Disability Retirement Counseling

The Disability Coordinator will discuss service vs. non-service connected disability and eligibility requirements for service retirement. Staff will check for eligibility to receive a service retirement benefit pending the outcome of the disability retirement application. *Please keep in mind that once you receive a service retirement you will not be able to return to work full-time with an MCERA employer while continuing to receive a retirement benefit.*

5 Application Reviewed

Your application, physician's medical evidence and supporting documentation are reviewed for completeness prior to being accepted. Once complete, your application is accepted and staff will begin processing the application.

6 Letter to Employer

Information will be sought from your employer about your job duties, documentation of injury/illness, whether reasonable accommodation was attempted and other relevant facts.

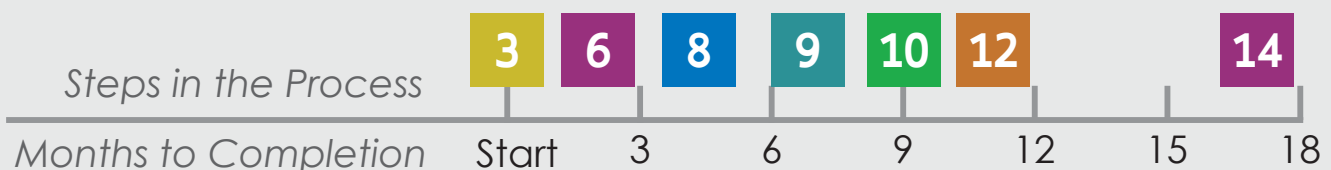
7 Medical Records Collection

Documentation is obtained from Workers' Compensation, all treating physicians and personnel files. All medical records obtained by this office are confidential.

8 Initial Medical Review

Retirement staff and MCERA's independent medical consultant review all medical documentation.

Estimated Timeline for Completion of Process



9 Independent Medical Examination

MCERA staff and the independent medical consultant may require you to attend an independent medical examination with one or more Board-approved physicians. The physician prepares a report following the examination and sends it to MCERA. If an independent medical examination is not recommended the applicant may skip to Step 10 in the process.

10 Medical Consultant Review

The independent medical consultant reviews the file and all physician reports and provides a written report and recommendation to MCERA's Retirement Board to grant or deny the application.

11 Staff Recommendation

Retirement staff prepares a Disability Retirement Case Summary for the Retirement Board that is included with your completed application, supporting documentation, employer comments, and reports from the independent medical examiner and independent medical consultant.

12 Retirement Board Decision

The Board may:

- **Grant your application.** If medical evidence/documentation supports your application the Retirement Board may grant your application.
- **Deny your application.** If your application is denied based on disputed factual issues, you may appeal the Board's decision by providing a written request for a hearing to the Retirement Administrator.
- **Refer your application to an Administrative Law Judge.** If medical evidence/documentation does not clearly support your application, if there is conflicting medical evidence, or if there is a factual dispute over service connection, the Retirement Board may refer your application to an Administrative Law Judge (ALJ).
- **Remand to staff** for independent medical evaluation or more information.

13 Disability Hearing

If your application is denied by the Retirement Board you may appeal the Board's decision and request to have your case heard before an ALJ. The Board may also make the decision to refer your application to an ALJ.

1. **Prepare for hearing.** MCERA strongly recommends that you retain legal counsel to prepare your case. County Counsel represents MCERA during the hearing.
2. **Selection of ALJ.** MCERA counsel will work with the Office of Administrative Hearings as well as you or your attorney to schedule the hearing with the ALJ.
3. **Notice of hearing.** Once the hearing date is set MCERA counsel notifies attorneys, court reporter, applicant and ALJ of time and location of the hearing.
4. **Hearing held.** Member presents his/her case to the ALJ. MCERA appears through County Counsel. The ALJ prepares a recommendation for the Retirement Board to grant or deny the application, generally within 60 days of the hearing.

14 Board Decision after Hearing

1. **ALJ recommendation.** The ALJ prepares a written report that summarizes the evidence and findings of fact and makes a recommendation to the Board. The Board has the option to adopt the recommendation, require a transcript or summary of all evidence received by the ALJ and take action based on such evidence, send the recommendation back to the ALJ for further proceedings, or to reconsider the matter themselves.
2. **Notice of decision.** You and your attorney are sent a notice of the Board's decision.
3. **Judicial appeal.** If the Board denies the application in whole or in part, you may appeal that decision to the Superior Court within 90 days of the Board's announcement of the denial.

Disability Retirement Application

The Disability Retirement Application is available on the Forms page of our website, MCERA.org, or by contacting our Disability Coordinator. Included with the application are instructions to help you complete each section.

You can fill in the application electronically or print the document and write in the information. Your original application must be submitted with a wet-ink signature, as well as three copies of the application and all supporting documentation.

Please contact MCERA's Disability Coordinator if you would like a one-on-one appointment prior to submitting your application.

Comparison of Service Connected and Non-service Connected Disability Retirement

	Service Connected	Non-service Connected
Eligibility Requirements	No minimum age or service credit.	Must have 5 years of service credit (may include reciprocal service).
Evidentiary Requirements	Must provide evidence that your condition is permanent, that the disability prevents you from performing your job duties, and that your disability is a result of injury or disease arising out of your employment.	Must provide evidence that your condition is permanent and that your disability prevents you from performing your job duties.
Benefit	Benefit is generally 50% of your highest average compensation. If you are eligible for service retirement, you will receive the amount of your service retirement allowance if it is greater.	Benefit is based on your age, service credit, and highest average compensation, but may be greater than your service retirement allowance.
Taxes	Generally, the amount of your retirement benefit that is equal to 50% of your highest average compensation is excluded from taxable income.	No tax benefit.
Continuance	Enhanced continuance of 100% to a qualified beneficiary with the Unmodified payment option. All other benefit payment options are also available.	No continuance enhancement. All regular benefit payment options are available.