

DISABILITY RETIREMENT APPLICANTS

PLEASE NOTE: All Disability Retirement applications are subject to approval by the Retirement Board. Even if you have been approved for your claim with Workers' Compensation, it does not mean that you will be approved for a Disability Retirement.

The Disability Retirement, and the process for approving it, are not connected in any way with the Workers' Compensation process or benefits. The Workers' Compensation offices are separate from ours, and they do not automatically share information with our office.

Regarding all case decisions and information needed, Workers' Comp. complies with the U.S. Dept. of Labor regulations. The City of San Jose complies with the City of San Jose Municipal Code. Therefore, in the two systems, there are different definitions of disability, and there are different qualifying criteria that are required to be met to qualify for an approval of your application. As a result, different conclusions may be decided, for a workers' comp. claim versus a Disability Retirement application.

Please allow a minimum of 1 year for the processing of your Disability Retirement application and a final decision as to whether it will be approved or denied.

If you are applying for a Service Connected Disability Retirement, we will request copies of your medical records from Workers' Compensation. If you want to add any additional reports that Workers' Compensation may not have, please submit them directly to our office at Retirement Services.

If you are applying for a Non-Service Connected Disability, since Workers' Comp. will not have any medical records for you, YOU must provide our office with all of the medical records for the body parts you have listed on the second page of your application.

To proceed on your case, we need to have all of the medical records for the body parts listed on your application, and we need to know that your medical condition(s) has/have reached Permanent & Stationary (P&S), or Maximum Medically Improved (MMI) status.

Therefore, on the second page of your application, please check off the box as to whether or not you have been determined to be Maximum Medically Improved or Permanent and Stationary by a doctor, and write in the date of the doctor's exam when you were given the MMI or P&S status.

We also need you to let us know if/when you will be in an extreme financial hardship. On the second page of the retirement application, where it asks, please write in the expected date in which your paid time will be exhausted, including workers' comp. related payments and your employment sick leave time.

When your case is ready to proceed, you will be scheduled for one exam with a physician for a review of your case based on the qualifying criteria for a Disability Retirement. After the IME doctor provides their report, the first hearing for your case will be with the Disability Committee. It may take more than one committee meeting hearing to thoroughly review your case. When the Disability Committee finally renders its decision, your case will be referred to the Retirement Board for a final decision.

APPLICANTS WHO ARE REPRESENTED BY AN ATTORNEY

If you list an attorney on page two of your application, all future, formal, communications will be sent to the attorney. It is important to note that some attorneys who represent clients in workers' compensation claims, do not take cases for Disability Retirement applications. Please be sure your attorney agrees that they are representing you for your application for a Disability Retirement. It is always best for applicants to communicate directly and primarily with their attorneys. I will also provide any assistance as needed.

It is important that applicants with an attorney always contact their attorney before taking any significant or substantial action. For example: Letters from the attorneys on their letterhead are required for -- A change regarding legal representation, A change of body parts on the application, or for A withdrawal of an application.

EFFECTIVE DATE

Regarding the effective date of your Disability Retirement, the date will be determined later in the process if it appears that your application will be approved. If your application is denied, the issue of determining an effective date will be moot.

If your application is ultimately approved by the Retirement Board, the effective date of the Disability Retirement will be determined by coordinating with your department, and considering the following:

- The date our office received your Disability Retirement application,
- The last day you worked, and
- The date that the Retirement Board, in their monthly meeting, approves your application.