SAN JOAQUIN COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION

DISABILITY RETIREMENT PROCESS

To request this material in an alternate format, call 209.468.2163.

As a member of San Joaquin County Employees' Retirement Association (SJCERA), if you have a substantial illness or injury that permanently prevents you from performing the normal and usual duties of your job, you, or your employer, may apply for a disability retirement benefit. This fact sheet provides an overview of the disability retirement application process and estimated timeline based on timely submission of documents. For more information about the two types of disability retirement benefits (service-connected and nonservice-connected), read the Disability Retirement Benefit fact sheet.

ESTIMATED TIMELINE FOR COMPLETION OF PROCESS



SJCERA DISABILITY RETIREMENT PROCESS STEPS

1 INJURY OR ILLNESS

You become injured or ill and are reasonably certain that your condition will permanently prevent you from performing your normal job duties.

2 APPLY FOR DISABILITY RETIREMENT

Contact SJCERA to request a disability retirement appointment. The Disability Coordinator will explain, among other things, the types of disability retirement, and whether you are eligible to receive a service retirement benefit while waiting for the determination on your disability retirement application.

3 PROVIDE MEDICAL EVIDENCE

By law, it is your responsibility to prove you are permanently incapacitated from performing your normal job duties and whether your incapacity is as a result of your work (service connected). You must provide SJCERA with a physician's report at the time you apply for disability. Your physician's report must address each of the points detailed on Page 4 of this fact sheet to be accepted. If you do not provide your physician's report, your application cannot be accepted.

4 COLLECT RECORDS

SJCERA will obtain documentation from Workers' Compensation, all treating physicians and your personnel files. All medical and personnel records obtained are confidential.

5 INDEPENDENT MEDICAL EXAMINATION

In most cases, SJCERA will require you to have an independent medical examination with one or more physicians. The physician performs the examination, reviews your medical records, and submits a report to SJCERA.

6 DISABILITY ATTORNEY REVIEW

SJCERA's disability attorney reviews the file and physician's reports and provides a written recommendation to SJCERA.

7 STAFF RECOMMENDATION

If all the evidence agrees, staff recommends the Board of Retirement grant or deny the application. If there is a conflict in the evidence, you may request that staff refer your application to an Administrative Law Judge (ALJ) for a hearing.

8 BOARD OF RETIREMENT DECISION

The Board reviews the file and recommendations and takes one of the following actions:

- **GRANT YOUR APPLICATION.** If medical evidence/ documentation supports your application the Board of Retirement 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 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 Board of Retirement may refer your application to an ALJ for a hearing.
- Remand to staff for independent medical evaluation or more information.

9 DISABILITY HEARING

Below are a list of actions that will happen in regards to the hearing taking place:

- **PREPARE FOR HEARING.** If your case goes to hearing before an ALJ, you may want to obtain an attorney. SJCERA's disability counsel represents SJCERA during the hearing.
- **SELECTION OF ALJ.** SJCERA counsel will work with the Office of Administrative Hearings as well as you or your attorney to schedule the hearing with the ALJ.
- **NOTICE OF HEARING.** Once the hearing date is set SJCERA staff notifies you, the attorneys, court reporter, and ALJ of time and location of the hearing.
- **HEARING HELD.** You or your attorney present your case to the ALJ. SJCERA appears through our Disability Counsel. The ALJ prepares a recommendation for the Board of Retirement to grant or deny the application, generally within 60 days of the hearing.

10 BOARD DECISION AFTER HEARING

- **ALJ RECOMMENDATION.** The ALJ prepares a written report that summarizes the evidence and findings of fact, and makes a recommendation to the Board.
- **BOARD ACTION.** The Board of Retirement may 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 reconsider the matter themselves.
- **NOTICE OF DECISION.** SJCERA sends you and your attorney (if applicable) a notice of the Board's decision.

11 IF DISABILITY APPLICATION IS GRANTED

Your disability retirement allowance will become effective the date you filed your application or the day following the last day of your regular compensation (including any paid leave you might receive), whichever is later.

If it is determined by the Board of Retirement that you delayed in filing your application because you could not determine the permanency of your disability, or if an administrative oversight caused the delay, the effective date of your disability retirement allowance will be the day following the last day of your regular compensation.

12 IF DISABILITY APPLICATION IS DENIED

If the Board of Retirement denies your application in whole or in part, you may appeal that decision to the San Joaquin County Superior Court within 90 days of the Board's decision.

ADDITIONAL DISABILITY RETIREMENT INFO



DISABILITY RETIREMENT UNDER AGE 55

SJCERA may require disability retirees who are under age 55, to be medically reevaluated. If the Board of Retirement determines you are no longer disabled, your disability retirement may be canceled, if your employer agrees to reinstate you to your former position.

YOUR SERVICE RETIREMENT BENEFIT

If you are eligible for a service retirement benefit, you may elect to receive it pending the outcome of your disability retirement application. If your disability retirement is granted, you will receive the greater of your disability or service retirement benefit, and your service retirement date will be considered your disability retirement application date. If your disability retirement application is denied, you will remain retired and continue receiving your service retirement benefit. Alternatively, if you remain an employee and do not initiate your service retirement, and you are not found to be disabled, you have the right to be reinstated by your employer.

This fact sheet is intended to provide you with information as simply and accurately as possible. The law governing applications for disability retirement allowance is complex. If a conflict arises between the applicable law and any statement in this fact sheet, the law will govern.

PHYSICIAN'S REPORT REQUIREMENTS

You must submit a physician's report providing medical evidence that you are permanently incapacitated from performing your usual and customary job duties and whether your incapacity is service connected. California physicians must end the report with the following statement, "I declare under penalty of perjury that the foregoing is true and correct" followed by their signature, the date, and the city and state in which the document was signed. Out-of-state physicians must provide the report in affidavit form.

YOUR PHYSICIAN'S REPORT MUST ADDRESS EACH TOPIC LISTED BELOW:

1. History of the injury or illness

2. The medical complaints

3. Past medical history

4. Family medical history

5. Source of all facts set forth in the history and complaints

6. Findings on examination

7. Treating physician's opinion as to whether member is substantially incapacitated to perform the member's usual duties of the member's employment, with and without accommodation

8. If a job accommodation would enable the member to perform their usual job duties, the treating physician's opinion of the members' restrictions and required accommodation.

9. Cause of the substantial incapacity, if any

10. Medical treatment indicated

11. Likelihood of permanent disability

12. Treating physician's opinion as to whether or not the member's incapacity is a result of an injury or disease arising out of and in the course of employment and whether such employment contributes substantially to such incapacity

13. Treating physician's opinion as to whether or not the member's incapacity is due to intemperate use of alcoholic liquor or drugs, or so far as the medical examination discloses, willful misconduct

14. Opinion as to whether or not the member's incapacity would preclude the member from performing any employment in the county service;

15. The reasons for these opinions