

EIGHT FACTS YOU MUST DOCUMENT TO OBTAIN FEDERAL DISABILITY RETIREMENT BENEFITS

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By Bo Harris

If you have decided to leave your federal government position with federal disability retirement benefits, you will have your work cut out for you.

Before you can obtain disability retirement benefits, you must demonstrate to the Office of Personnel Management (OPM) that you satisfy specific requirements.

This will require that you provide OPM with documentation that shows you meet the following eight criteria:

1. You can no longer provide “useful service.”

You must show that, due to a medical condition, you cannot adequately perform your current job or any other job you are qualified to perform. You will also need to get documentation from your federal agency, showing you were considered for alternative positions. This can sometimes be very delicate if your relationship with your agency is less than perfect.

2. You suffer from a medical condition.

You will need to show that you suffer from one or more diagnosed diseases or injuries, which may include a mental health disorder. You could also show that you have symptoms that are equivalent to a recognized disease or injury. To support your claim, you will need to relevant and present medical records.

3. Your service deficiency and medical condition are related.

In addition to providing OPM with documentation of your job duties and your medical records, you will need to provide an explanation of how your medical condition prevents you from performing your job duties or other work you are otherwise qualified to do. For example, if your medical condition is partial blindness, you must show the amount of visual clarity required to do your job. Remember that there is a big difference in Total Disability and Occupational Disability and your doctors must know the difference to give the appropriate medical opinion.

4. Your disability is expected to last at least one year.

You might think your physician can simply state that your disability is expected to last at least one year, and this opinion will carry the day. However, an opinion is not a fact. To meet this requirement, you will need to back up your claim with medical records. “Lack of sufficient medical documentation,” in fact, is a common reason why claims are denied by OPM.

5. You became disabled while serving as a federal employee.

Your disability does not have to be job-related. However, it must have arisen while you were a federal employee. So, if your disability stems from an accident, you will need to provide documentation of when the accident occurred. A police crash report or a work injury report could do the job. If your disability is the cumulative effect of your job duties over years of service, you could provide documentation of those job duties as well as medical records showing your diagnoses and treatment over the years.

6. There is no other position appropriate and available for you.

Your employing agency must try to find an alternate position that you are qualified to perform. The position must also be at the same grade or pay level and be a reasonable commute from your residence. Documents must show that no such position is open or that you cannot fill any positions that are open due to your medical condition.

7. Your agency is unable to make reasonable accommodations for your medical condition.

Showing you meet this requirement can be complex. You must establish the accommodations your condition would require. You also must show why it is unreasonable for your agency to make those accommodations. Of course, "reasonable" is a matter of opinion. OPM may challenge your application if you have a different interpretation of what could or should be done to help you fill an available position.

8. You have applied for Social Security Disability benefits.

Separate from the federal disability retirement process, you must also apply for SSD benefits and show OPM that you have done so. If your application for SSD benefits is withdrawn for any reason, OPM may withhold any possible benefits upon notification by the Social Security Administration.

Remember: Two forms must be filed when applying for disability retirement benefits. If you are no longer a federal employee, you must submit these forms within one year of your separation from service:

- SF 3107 – Application for Immediate Retirement:

http://www.opm.gov/forms/pdf_fill/sf3107.pdf

- SF 3112 – Documentation In Support of Disability Retirement:

http://www.opm.gov/forms/pdf_fill/sf3112.pdf

Before you go through with filing these forms, make sure your ducks are in a row. Although you sometimes can appeal the denial of an application, making sure your claim is well-documented from the start can help you to avoid undue stress.

As a Chartered Federal Employee Benefit Consultant (ChFEBC), Bo Harris is passionate about helping federal employees obtain proper benefits. He joined Harris Federal Law Firm in 2002 and is now the firm's Director of Operations. Harris Federal assists federal workers all over the country file for federal disability retirement and other benefits.

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