
5 Important Questions to Consider Before Applying for OPM Disability Retirement

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Our law firm handles many different types of federal retirement issues. One of the more common types of retirement cases that we often handle involves the disability retirement process before various federal agencies and the Office of Personnel Management (OPM). Federal employees filing for disability retirement are typically either covered under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS).

The following five questions identify a few of the initial considerations that federal employees should examine when determining whether they should pursue OPM disability retirement. If federal employees are seriously considering filing for disability retirement, there are many considerations, certainly more than just five, they need to discuss with an attorney who is knowledgeable in this area of law.

1. How serious are the federal employee's medical issues and are they linked to the federal employee's position description duties?

When making a disability retirement decision, keep in mind that OPM evaluates your continued ability to work with your medical condition in the context of the duties described in your position description. OPM uses the phrase "useful and efficient service in your current position" to describe the degree in which you are able to carry out your job duties. If the medical disability is not deemed serious enough, or not fully supported by medical documentation and evidence, and is not sufficiently linked to your inability to "usefully and efficiently" carry out your job duties, then OPM may deny the disability retirement application.

For instance, an application of a federal law enforcement officer with a continuing serious heart condition would likely be given serious consideration if his/her medical reports and letters adequately document his/her inability to usefully and efficiently carry out his/her position description duties. In contrast, a federal employee with a back injury and whose position involves mostly administrative duties, and who does not have appropriate medical evidence to show the continuing seriousness of his/her illness and inability to perform his/her job duties, could potentially have difficulty succeeding in the disability retirement application process.

2. How long is the medical disability realistically expected to last?

The duration of a serious medical disability is very important as well. OPM generally requires that a medical disability be expected to last at least one year. When considering whether to file for disability retirement, it is important for you to consider the expected duration of your medical disability. Disabilities with known shorter duration could be

problematic for you in the application process.

3. Can a federal employee survive on a reduced annuity?

If you are considering filing for OPM disability retirement, understand that this type of retirement usually provides you with a lower monthly retirement annuity in comparison to full retirement. As a result, we recommend that you consult with a financial advisor about the impact of a potential reduced annuity prior to filing for disability retirement.

4. Are there modifications to a federal employee's current position that can be made to allow the federal employee to continue to work?

Often times a federal agency will work with you to provide you with a reasonable accommodation (e.g., change in duties, hours, telework or other adjustments) that can make your current position and medical condition compatible or workable. This can often be the best solution. As a part of the disability retirement process, the federal agency is required to certify that it is unable to accommodate your disabling medical condition in your present position. The agency must also certify that it has considered you "for any vacant position in the same agency, at the same grade or pay level, and within the same commuting area, for which [you] qualified for reassignment."

5. Do your medical professionals believe that you should not continue in your current position?

This is an important consideration when filing for OPM disability retirement. We find that physicians will usually be open with their patients about whether it is a good idea to keep working in their current federal employment position. We have identified at least two reasons to discuss a possible filing for OPM disability retirement with your treating medical providers. First and foremost, your health should be of primary importance and continuing in a job that hinders or impedes your recovery is not good for you. Second, physicians and their medical opinions are necessary and, in fact, crucial in the OPM disability retirement application process. OPM will require physicians' statements about your medical issues that will determine the outcome of your disability retirement application.

Contact Us

When considering OPM disability retirement, it is important for you to obtain the advice and representation of legal counsel. You can contact our law firm through www.retirementlaw.com, www.berrylegal.com, or by telephone at (703) 668-0070, to schedule a consultation to discuss your individual federal disability retirement matter.

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Practice Areas

Disability Retirement