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Disability Retirement for Federal Employees under FERS

Current or former employees of federal government agencies are eligible for disability retirement benefits in certain circumstances. Disability retirement is administered by the Office of Personnel Management (OPM). An employee must meet certain requirements to be approved for disability retirement.

Eligibility

Disability retirement is available to federal government employees, as well as some former employees, who become unable to work due to a disabling medical condition. To qualify for disability retirement benefits:

- The individual must have completed at least 18 months of civilian service that is creditable under the Federal Employees' Retirement System (FERS), as defined in 5 C.F.R. § 842.304;
- The individual must, while employed in a position subject to FERS, have become disabled because of a medical condition, resulting in a deficiency in performance, conduct, or attendance, or if there is no such deficiency, the disabling medical condition must be incompatible with either useful and efficient service or retention in the position;
- The disabling medical condition must be expected to continue for at least 1 year from the date the application for disability retirement is filed;
- Accommodation of the disabling medical condition in the position held must be unreasonable; and,
- The individual must not have declined an offer of reassignment to a vacant position at at same grade level.¹

Additionally, the employee's agency must consider whether the employee can be reassigned to a vacant position and must certify that there is no such position or, that even though it did not make an offer of reassignment it considered the employee for a vacant position.

¹5 C.F.R. § 844.103(a).

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Disability Retirement Payment

OPM processes disability retirement applications and makes the initial decision-making for approval of applications.² The application must be received by OPM within one year after separation. If OPM initially denies an applicant's application for disability retirement benefits, the applicant can challenge that denial internally with OPM. If OPM continues to deny benefits to the applicant, the applicant can appeal that decision to the Merit Systems Protection Board (MSPB).

If an applicant's disability retirement application is approved, the applicant receives 60 percent of his or her average pay for the first 12 months and 40 percent of his or her average pay thereafter. This payment generally continues until the applicant reaches age 62 or has satisfied the age and service requirements for retirement under 5 U.S.C. 8412 (a) through (f), at which time the annuity is recalculated.⁴

Other Considerations When Applying For Disability Retirement

If you are alleging discrimination, based on a disability or otherwise, do not delay in filing your discrimination claim while waiting for disability retirement. Filing for disability retirement does not change the deadline for filing a complaint of discrimination. For federal employees, a complaint of discrimination must be filed within 45 days of a single discrete act or the final act in a series of events.

This guide provides an overview but does not discuss all issues relating to disability retirement. There are other factors that can impact approval of an application and the calculation of benefits. The Wick Law Office represents federal employees nationwide in a variety of employment matters, including in applying for disability retirement. Please contact us for more information or to discuss your specific situation.

²5 C.F.R. § 844.104.

⁴5 C.F.R. §§ 844.302, 844.305.