

# FERS DISABILITY RETIREMENT

## A BRIEF OVERVIEW FOR FEDERAL EMPLOYEES FROM SOUTHWORTH PC



YOUR JOURNEY TO PEACE OF MIND BEGINS HERE.

YOUR TRUSTED PARTNER IN NAVIGATING THE PATH  
TO YOUR RIGHTFUL BENEFITS.

<http://www.a4fe.com/FERSdisability>

# UNDERSTANDING FERS DISABILITY RETIREMENT

THE FEDERAL EMPLOYEES RETIREMENT SYSTEM (FERS) PROVIDES THE POSSIBILITY OF DISABILITY RETIREMENT FOR FEDERAL EMPLOYEES WHO CAN NO LONGER PERFORM AT LEAST ONE ESSENTIAL FUNCTION OF THEIR JOB DUE TO A MEDICAL CONDITION. QUALIFYING FOR THESE BENEFITS CAN BE A LIFELINE, PROVIDING FINANCIAL STABILITY WHEN YOU NEED IT MOST.

## ELIGIBILITY CHECKLIST:

- AT LEAST 18 MONTHS OF FEDERAL CIVILIAN SERVICE
- MEDICAL CONDITION EXPECTED TO LAST A MINIMUM OF ONE YEAR
- CAN NO LONGER PERFORM AT LEAST ONE “ESSENTIAL FUNCTION” OF THEIR JOB BECAUSE OF MEDICAL CONDITION
- DOCUMENTATION OF YOUR AGENCY'S INABILITY TO ACCOMMODATE YOUR CONDITION
- APPLICATION FOR SOCIAL SECURITY DISABILITY BENEFITS (YOU DO NOT NEED TO BE APPROVED)
- ABSENCE OF ANOTHER AVAILABLE POSITION, WITHIN THE EMPLOYING AGENCY AND COMMUTING AREA, AT THE SAME GRADE OR PAY LEVEL AND TENURE, FOR WHICH YOU ARE QUALIFIED FOR REASSIGNMENT





# Understanding the Impact on Your Eligibility

For Federal Employees Retirement System (FERS) Disability Retirement, your medical condition plays a pivotal role. To qualify, your condition must significantly hinder your ability to perform at least one essential function of your current federal position effectively. This means:

- The disability does not have to be work-related.
- It can be physical, mental, or a combination of both.
- You must prove the disability prevents you from performing one of your job functions that meets the legal definition of “essential function.”
- The condition should be expected to last at least one year from the date the application is filed.
- Your federal agency must certify that it cannot accommodate your disability in your current position and that it has considered you for any vacant position in the same agency at the same grade or pay level, within the same commuting area, for which you are qualified for reassignment.

## How Our Firm Builds Your Case

We understand the nuances of proving eligibility for FERS Disability Retirement, and our expertise is in translating complex medical diagnoses into a clear legal argument that meets the OPM criteria. Here's how we assist:

**Medical Documentation:** We work closely with your healthcare providers to obtain comprehensive medical records that substantiate your condition.

**Legal Expertise:** Our attorneys craft a narrative that connects your medical condition to the specific duties of your federal position, highlighting why you can no longer perform these duties.

**Agency Correspondence:** We help facilitate the necessary communications between you and your agency to obtain the required certifications.

**Personal Statements:** Our team guides you in preparing a personal statement, aligning your experience of the condition with the legal requirements for disability retirement.

**Strategic Advocacy:** In the event of an initial denial, we are prepared to build a robust appeal, presenting a compelling case backed by medical evidence and legal precedents.

## Your Pathway to Approval

With our firm, you gain a partner who believes in a truth-based and client-focused approach. We understand that behind every application is an individual's livelihood and peace of mind. Our goal is to navigate the complexities on your behalf, crafting an argument that captures the true extent of your condition's impact on your federal career and fighting for the benefits you deserve.



## Legal Questions Presented by the Application

When crafting a narrative that connects your medical condition to the specific duties of your federal position, several legal questions arise that a law firm specializing in FERS Disability Retirement like ours needs to address:

- **Deficiency in Performance:** How does the medical condition specifically impact your ability to perform the critical elements of your position? Legal expertise is required to establish the link between the medical condition and the job performance issues.
- **Nature of the Medical Condition:** Is the medical condition physical, mental, or a combination of both? How does it qualify as a disability under FERS guidelines? Attorneys must interpret medical evidence and align it with legal definitions of disability.
- **Service Deficiency and Medical Condition:** Can it be demonstrated that the medical condition is the direct cause of the service deficiency? This causality must be legally established to meet the criteria for disability retirement.
- **Duration of the Disability:** Does the medical evidence suggest that the disability will last at least one year? Legal professionals must ensure that medical prognoses are accurately represented and meet the time requirement set by FERS.
- **Reasonable Accommodation:** Has the employing agency failed to make reasonable accommodation for the medical condition? Lawyers must be adept at arguing cases where accommodation is not evident or sufficient.
- **Reassignment:** Was reassignment considered and found not feasible by the agency? The legal team must be able to argue the unavailability of suitable alternative positions within the agency.
- **Procedural Compliance:** Have all necessary legal steps and procedures been followed in the disability retirement application process? Attorneys must navigate the complex administrative processes to ensure compliance with FERS regulations.
- **Timeliness:** Was the application filed within the legal time limits? The firm needs to guide clients in meeting strict deadlines to avoid denial on procedural grounds.
- **Social Security Disability Benefits:** Has the client applied for Social Security Disability benefits as required by FERS? The firm must coordinate the claims to ensure that the client fulfills all obligations for a coherent case.

## How the Firm Can Assist with These Legal Questions:

- **Advocacy:** Provide strong representation that can articulate and defend the connection between the disability and the job role.
- **Interpreting Medical Evidence:** Translate complex medical information into clear legal arguments that satisfy the FERS criteria.
- **Strategic Case Building:** Develop a comprehensive case strategy that addresses all legal requirements and maximizes the chances of a successful claim.
- **Navigating Bureaucracy:** Guide clients through the bureaucratic process, ensuring all paperwork, evidence, and applications are submitted correctly and on time.
- **Representation in Disputes:** Represent clients in any disputes or appeals, providing experienced legal support throughout the process.



# FREQUENTLY ASKED QUESTIONS

## 1. What is FERS Disability Retirement?

FERS Disability Retirement is a benefit offered by the Federal Employees Retirement System to federal employees who can no longer perform their job duties due to a disability. This benefit provides financial support to those who meet specific eligibility criteria.

## 2. Am I eligible for FERS Disability Retirement?

Eligibility is based on several factors: you must have completed at least 18 months of federal civilian service, have a disability that is expected to last at least one year, and have an agency certification that it cannot accommodate your disability and that you have applied for Social Security Disability benefits.

## 3. How does your firm support my application process?

Our firm guides you from the initial consultation through the entire application process. We assist with gathering medical documentation, completing necessary forms, and drafting a compelling case to present your eligibility for disability retirement.

## 4. What if my application is denied?

If your application is denied, our firm will represent you through the first step of the appeals process without any additional cost. We are committed to advocating for your rights and will work diligently to overturn the denial.

## 5. How long does the FERS Disability Retirement process take?

The process can vary depending on individual circumstances and the completeness of the application. Typically, it can take several months for OPM to make a determination. We aim to expedite the process by ensuring a thorough and accurate application from the start.





# FREQUENTLY ASKED QUESTIONS

## 6. Do I need to apply for Social Security Disability benefits as well?

Yes, as part of the eligibility requirements for FERS Disability Retirement, you must apply for Social Security Disability benefits. However, receiving these benefits is not a prerequisite for FERS disability eligibility.

## 7. How much of my salary will the disability retirement cover?

Generally, the benefit is calculated at 60% of your high-3 average salary for the first year minus 100% of Social Security Disability benefits for any month you are eligible to receive them, and 40% of your high-3 average salary after the first year, minus 60% of Social Security Disability benefits.

## 8. Can I work while receiving FERS Disability Retirement?

You may undertake employment within certain limitations. However, your earnings from employment cannot exceed 80% of what your federal position's current salary is. We can provide guidance on managing employment while receiving benefits.

## 9. How can I start my application with your firm?

Starting your application is simple. Call us at 404-585-8095 for a free consultation. We will discuss your situation and guide you through completing an intake form to begin the application process.

## 10. What makes your firm different from others offering similar services?

Our firm stands out due to our no-cost litigation policy on appeals, our deep understanding of the FERS system, and our commitment to providing personalized, compassionate service to each client. We don't just process applications; we partner with you to secure your future.



## Why Choose Us?

As seasoned advocates for federal employees' rights, we bring a wealth of knowledge and a proven track record to your case. Our promise is not just to apply but to fight for your right to disability retirement, shouldering the burden so you don't have to.

## Our Pledge:

**No-Cost Litigation:** If your application is denied, we appeal at no extra cost.

**Client-Focused:** Your case is personal to us. We listen, we care, we act.

**Results-Driven:** Your success is our success. We fight tirelessly for your benefits.

**Expertise:** With numerous successful cases, our experience speaks for itself.

## Your Path to Peace of Mind

**Initial Consultation:** Begin with a comprehensive review of your case – free of charge.

**Application Assistance:** From paperwork to medical records, we handle every detail.

**Personal Advocacy:** We're by your side, every step of the way, ensuring your voice is heard.

**Appeals Support:** In the face of denial, we stand as your unwavering legal champions.

## Ready to Start Your Application?

Contact us today for your free consultation and take the first step towards securing your future.

Our extensive experience in FERS disability retirement applications means we stand with you so confidently that if your application is denied, we will advocate on your behalf through the first step of the appeals process at no additional cost to you.





**SOUTHWORTH PC**  
ATTORNEYS FOR FEDERAL EMPLOYEES

**Have Questions?  
Ready To Take  
the Next Step?  
Reach Out Today.**

**Please contact us at  
(404) 585-8095 if you would  
like help with your  
application or appeal.  
We offer free consultations.**