

FERS

Federal Employees
Retirement System

Information for Disability Annuitants

This pamphlet provides information for disability retirees under the Federal Employees Retirement System. For a detailed description of all provisions of the Federal Employees Retirement System, refer to the pamphlet entitled "Information for FERS Annuitants" (RI 90-8)



UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT
RETIREMENT AND INSURANCE
SERVICE

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We provide retirement information on the Internet. You will find retirement brochures, forms, and other information at:

<http://www.opm.gov/retire/>

You may also communicate with us using email at:

retire@opm.gov



Table of Contents

	<i>Page</i>
I. Disability Annuity Computation	1
II. Entitlement to Other Benefits/ Effect on Federal Employees Retirement System (FERS) Disability Annuity	4
III. Periodic Medical Reviews	7
IV. Earnings While Receiving Federal Employees Retirement System (FERS) Disability Retirement Benefits	8
V. Reemployment in the Federal Service	11
VI. Future Annuity Rights if Your Annuity Stops and You Are Not Reemployed in the Federal Government	13
VII. Additional Information	17

If you are an employee, you should not use the addresses contained in this pamphlet. The U.S. Office of Personnel Management (OPM) does not have access to your personnel records. Instead, you should direct any further questions you may have to the personnel office of your agency.

I. Disability Annuity Computation

Computation of Federal Employees Retirement System (FERS) Disability Annuity

FERS disability benefits are computed in different ways depending on the annuitant's age and amount of service at retirement. In addition, FERS disability retirement benefits are recomputed after the first twelve months and again at age 62, if the annuitant is under age 62 at the time of disability retirement.

If at disability retirement you are already 62 years old, or you meet the age and service requirements for immediate voluntary retirement, you will receive your "earned" annuity based on the general FERS annuity computation:

1% of your "high-3" average salary
Multiplied by
your years and months of service

However, if you are at least 62 years old and have completed at least 20 years of service, your annuity will be computed as follows:

1.1% of your "high-3" average salary
Multiplied by
your years and months of service

If at disability retirement you are under age 62 and not eligible for voluntary retirement, you will receive the following benefit:

a. For the first 12 months —

60% of your "high-3" average salary minus
100% of your Social Security benefit for any
month in which you are entitled to Social
Security disability benefits.

b. After the first 12 months —

40% of your "high-3" average salary minus 60%
of your Social Security benefit for any month in
which you are entitled to Social Security disabili-
ty benefits.

However, you are entitled to your “earned” annuity (1% of your “high-3” average salary multiplied by your years and months of service), if it is larger than your disability annuity computed under steps a. or b. above.

c. When you reach age 62 —

Your annuity will be recomputed using an amount that essentially represents the annuity you would have received if you had continued working until the day before your sixty-second birthday and then retired under the Federal Employees Retirement System (FERS) non-disability provisions. The total service used in the computation will be increased by the amount of time you have received a disability annuity, and your average salary will be increased by all FERS cost-of-living increases paid during the time you received a disability annuity. The FERS basic annuity formula (1% of your “high-3” average salary multiplied by your total years and months of service) is then applied, using the adjusted time base and average salary. If your actual service plus the credit for time as a disability annuitant equals 20 or more years, the formula would be 1.1% of your “high-3” average salary multiplied by the total of your years and months of service plus the years and months spent as an annuitant.

Your basic annual annuity will be reduced to provide survivor annuity benefits if you are married (unless you and your spouse jointly waive the survivor benefit) or if you are required by a qualifying court order to provide benefits for a former spouse.

Computation of “High-3” Average Salary

Your “high-3” average salary is figured by averaging your highest basic pay over any three years of consecutive service. These three years are usually your final three years of service, but can be an earlier period, if your basic pay was higher during that period. Your basic pay is the basic salary you earn for your position. It includes increases to your salary for which retirement deductions are withheld,

such as for shift rates, night shift differential, etc. It does not include payments for overtime, bonuses, etc. (If your total service was less than 3 years, your average salary is figured by averaging your basic pay during all of your periods of creditable Federal service.)

Computation of Survivor Benefits for Current/Former Spouse

If you die before reaching age 62:

If you elected to provide a full survivor benefit, your survivor will receive an annuity equal to 50% of your unreduced annuity computed using the earned annuity formula (1% of your “high-3” average salary multiplied by your years and months of Federal service). However, your average salary will be increased by all cost-of-living adjustments that you received while you were on the annuity roll and your Federal service will be increased by the years and months that you were on the annuity roll, plus the years and months between the date of your death and the date of your 62nd birthday. If you elected to provide a partial survivor benefit, your survivor will receive 25% of this amount.

If you die after reaching age 62:

If you elected to provide a full survivor benefit, your survivor will receive an annuity equal to 50% of the unreduced amount that would have been payable to you on the day before the date of your death. If you elected to provide a partial survivor benefit, your survivor will receive an annuity equal to 25% of this amount.

Cost-of-Living Adjustments (COLA's)

If you are under age 62, and your annuity was computed using 60% of your “high-3” average salary, COLA's are not payable for the first 12 months. COLA's which occur after this 12-month period are payable. If you are age 62 at retirement or if you meet the age and service requirements for an immediate Federal Employees Retirement System (FERS) annuity, all cost-of-living adjustments (COLA's) occurring after the commencing date of annuity are payable.

II. Entitlement to Other Benefits/ Effect on Federal Employees Retirement System (FERS) Disability Annuity

Social Security Benefits

Entitled to Benefits From the Social Security Administration:

If you are under age 62 and your annuity benefits were computed using either 60% or 40% of your "high-3" average salary, the Office of Personnel Management (OPM) will reduce your monthly annuity by all or a portion of your Social Security benefits. While you are receiving an annuity computed using the 60% computation, OPM must reduce your monthly annuity by 100% of any Social Security disability benefit to which you are entitled. While you are receiving an annuity computed using the 40% computation, your monthly annuity will be reduced by 60% of any Social Security disability benefit to which you are entitled. This reduction only applies for months in which you are concurrently entitled to both FERS and Social Security benefits.

Notifying OPM of Receipt of Social Security Benefits:

If the Social Security Administration awards you monthly benefits, you must notify OPM of the amount of the monthly Social Security benefit and the effective date of the payment immediately upon becoming eligible. It is your responsibility to minimize any period of overpayment by promptly notifying OPM. You should forward to OPM a copy of the award notice or a statement from the Social Security Administration showing the monthly amount and effective date of your Social Security benefit. This information should be forwarded to:

U.S. Office of Personnel Management
Federal Employees Retirement System
Boyers, PA 16017-0001

Federal Employees Retirement System (FERS) disability benefits usually begin before the claim for Social Security benefits is fully processed. Because the FERS disability benefit must be reduced by 100% of any Social Security benefit payable for the first 12 months, Social Security checks should not be negotiated until the FERS benefit has been reduced. The Social Security checks will be needed to pay the Office of Personnel Management (OPM) for the reduction which should have been made in the FERS annuity.

If you are eligible to receive Social Security disability benefits but do not receive them because of eligibility for benefits from the Office of Workers' Compensation Programs (OWCP), you must still notify OPM of your eligibility and the amount you would be eligible to receive if you were not receiving benefits from OWCP.

Notifying OPM if You Lose Entitlement to Social Security Benefits:

If you lose entitlement to Social Security disability benefits while receiving a FERS disability benefit, you will need to contact OPM. We will verify your loss of social security eligibility and recalculate your benefit without a social security reduction.

Compensation From the Office of Workers' Compensation Programs (OWCP), U.S. Department of Labor

Entitled to a Total or Partial Disability (Non-Scheduled Award) Award:

If your workers' compensation award is based on total or partial disability (a nonscheduled award), you may not receive a FERS annuity during the same period that you are in receipt of OWCP Compensation benefits. If you are receiving this type of Workers' Compensation, you must promptly notify OPM of your compensation award. You should also notify OPM of any change in the reason for your compensation award (for example, your benefit is changed from a scheduled to a non-scheduled award). You will be liable for any overpayment of annuity that occurs due to dual payment of benefits while you are receiving a non-scheduled award.

It is your responsibility to minimize any period of overpayment by promptly notifying the Office of Personnel Management (OPM) at:

U.S. Office of Personnel Management
Federal Employees Retirement System
Boyers, PA 16017-0001

Entitled to a Scheduled Award:

If you receive a “scheduled award” from the Office of Workers’ Compensation Programs (OWCP), you may receive both this compensation and any Federal Employees Retirement System (FERS) annuity. A “scheduled award” is usually based on a disability resulting from the loss of a function or member of the body, such as a hearing loss or the loss of an arm. You do not need to notify OPM of the receipt of a scheduled award. However, you need to notify OPM if the scheduled award is converted to a non-scheduled award in the future.

Survivor Rights Under FERS if Your FERS Annuity has Been Suspended Because You Are Receiving Compensation Benefits From OWCP:

If your survivors are not eligible for death compensation benefits from OWCP and you did not get a refund of the amount in your FERS retirement account, they may receive FERS survivor annuity benefits, provided they are otherwise eligible for this benefit. However, the law prohibits receipt of OWCP death compensation and FERS survivor annuity benefits at the same time. Therefore, if your survivors are eligible for both compensation and FERS survivor annuity benefits, they will have to elect which of the two benefits they wish to receive. (A survivor’s election to receive death compensation from OWCP in lieu of the survivor annuity terminates the person’s right to FERS survivor annuity benefits.) If your eligible survivors are entitled to OWCP benefits under a “scheduled award” or due to a third party settlement, they may receive survivor annuity and compensation benefits covering the same period of time.

III. Periodic Medical Reviews

Your disability annuity will stop if the Office of Personnel Management (OPM) determines that you are recovered from your disabling condition.

Periodic Review of Eligibility

After you begin receiving disability retirement, OPM may review your eligibility for continued disability benefits at any time we consider it necessary.

Procedures for Periodic Review:

If you are under age 60 —

OPM will contact you and request that you provide a current report from your physician or treating medical facility concerning the status of the medical condition on which your retirement was based. You'll also be asked to provide information regarding your current employment status and other pertinent activities. If you do not respond to our request for information, your annuity may be suspended.

If you are age 60 or older —

OPM will review your eligibility for continued disability benefits only if you specifically request that we find you recovered from the disability and you furnish medical evidence showing you have recovered from the disability for which you retired. If we then find you recovered, your annuity will stop.

Cost of Medical Exam:

You must pay any expenses involved in answering OPM's request for medical evidence to support your continued eligibility for disability retirement.

Termination of Annuity If You Are Found Recovered

Your annuity will stop at the end of 1 year from the date of the medical examination or report showing your recovery, or your annuity will stop upon your reemployment in the Federal Government, whichever occurs first.

IV. Earnings While Receiving Federal Employees Retirement System (FERS) Disability Retirement Benefits

Earning Income While Receiving Disability Retirement

If you are age 60 or older, there is no restriction on the amount of income you can earn while receiving disability retirement. If you are under age 60, you can earn income from work while also receiving disability retirement benefits; however, your disability annuity will stop if the Office of Personnel Management (OPM) determines that you are able to earn an income which is close to what your earnings would be if you had continued working. The retirement law has set an earnings limit of 80% in order for you to continue your disability retirement. You reach the 80% earnings limit (or are "restored to earning capacity") if, in any calendar year, your income from wages and self-employment is at least 80 percent of the current rate of basic pay for the position from which you retired.

How We Determine the Current Rate of Pay of the Position From Which You Retired

The current rate of pay of the position from which you retired is the current rate of basic pay in effect on December 31st of the year for which you are reporting your income. Basic pay, for this purpose, is the amount of pay that is subject to FERS retirement deductions, including locality pay for the location from which you retired, night pay for wage grade employees, and certain types of premium pay for firefighters and law enforcement officers. It does not include bonuses, allowances, overtime pay, holiday or military pay, or night pay for General Schedule (GS) employees. Nor does it include territorial or foreign post differential pay except those positions where it was specifically made a part of the basic salary. For GS employees, it is essentially the current pay rate for the grade and step of the position from which you retired.

For postal employees it is the rate of pay subject to Federal Employees Retirement System (FERS) retirement deductions.

Definition of Earnings

Income Included in Definition of Earnings:

All income from wages and self-employment that you actually received plus deferred income which you actually earned in the calendar year is considered "earnings." Any money received before your retirement is not considered "earnings."

Income from wages includes any salary received while working for someone else (including overtime, vacation pay, etc.). Income from self-employment is any net profit you made from working or managing your own business, whether at home or elsewhere. Net profit is the amount remaining after deducting business expenses and before the deduction of any personal expenses or exemptions as allowed by the Internal Revenue Service.

Deferred income is any income you earned, but you did not receive, in the calendar year for which you are claiming income below the 80% earnings limitation.

If you are reemployed in the Federal service and your salary is reduced by the gross amount of your annuity, the gross amount of your salary before the reduction is considered "earnings" during the calendar year.

Income Not Included In the Definition of Earnings:

Gifts, pensions/annuities, Social Security benefits, insurance proceeds, unemployment compensation, rents/royalties not involving or resulting from personal services, interest/dividends not resulting from your own trade or business, money which you earned before retirement, inheritances, capital gains, prizes/awards, fellowships/scholarships and net business losses are not considered earnings.

Annual Income Survey

Each year, the Office of Personnel Management (OPM) sends a questionnaire to disability annuitants under age 60 to determine their earnings for the previous calendar year. This survey form is called the "Annuitant's Report of Income." Normally, OPM mails the forms in February/March each year. Please note that it is important that OPM has your current mailing address to mail the form to you.

Termination of Annuity If You Reach the 80% Earnings Limit

Your disability annuity payments will be temporarily continued for 6 months from the end of the calendar year in which your income equaled or exceeded the 80 percent earnings limitation and will then stop. For example, if your income in 1999 exceeds the 80 percent limitation, your annuity will stop on June 30, 2000. However, your disability annuity will stop before the 6 months expires if you become reemployed in the Federal service within that period.

If your income for a calendar year shows that you have reached the 80% earnings limit, we will write to you to tell you that your annuity will stop. We will also let you know whether you are eligible for another type of annuity.

V. Reemployment in the Federal Service

If your medical condition improves to a point where you want to go back to work or if the Office of Personnel Management (OPM) terminates your annuity because you have met the 80% earnings limitation or you are recovered, you can apply for reemployment. You may be reemployed in any position for which you are qualified. The law does not require your former agency or any other Federal agency to automatically offer you a position. However, you may be eligible for priority placement under the Interagency Career Transition Assistance Plan (ICTAP). To apply under ICTAP, you should contact your former agency if it still exists, or the nearest Office of Personnel Management Service Center listed under United States Government in your telephone book. You may apply at any time after receiving a notice of recovery or restoration to earning capacity (reaching the 80% earnings limit) from us, but no later than one year after your annuity ends.

Continuing to Receive Your Disability Annuity if You Are Reemployed in the Federal Service

If you're under age 60 and reemployed in a position equivalent to the position you held at retirement, OPM will find you recovered from your disability and will stop your annuity payments when this finding is made.

If you are reemployed in a position that is not equivalent to the position you held at retirement, your annuity will continue and your salary will be offset by the amount of your annuity for the period of reemployment. You will be subject to the 80% earnings limit explained in Section IV.

If you're under age 60 and OPM terminates your annuity because you have reached the 80% earnings limit or you have been found recovered from your disability, your payments will stop on the date you're reemployed in the Federal service, even if you're reemployed in a position that is not equivalent to the position you held at retirement.

If you're over age 60 at the time of reemployment, your annuity payments will continue and your salary will be reduced by the amount of your annuity. There is no limit on the amount of earnings you may receive. You will not be found recovered on the basis of your employment unless you specifically request to be found recovered.

Note: *If you retired under the special provision for Military Reserve Technicians who do not meet the regular medical requirements for disability retirement, this section does not apply to you. Your annuity will terminate on the date you are appointed to any Federal position, or decline an offer of appointment to a Federal position within the commuting area of your former position and at the same or equivalent grade.*

Who to Notify if You Are Reemployed in the Federal Government

You must tell the agency in which you are seeking reemployment that you are a Federal Employees Retirement System (FERS) annuitant. You must also notify the Office of Personnel Management (OPM) at:

U.S. Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017.

If possible, provide a copy of the personnel document showing your appointment or provide the full name and address of your employing agency. Be sure to give your retirement claim number (CSA number).

Benefits Payable When Reemployment Ends

When your reemployment ends, you have the same retirement rights as any other Federal employee with the same age, length of service, and kind of separation. That is, you may qualify for annuity benefits only if you apply for retirement and you are otherwise eligible for an annuity. If upon submission of new medical evidence, you

qualify for disability retirement, your disability annuity will be computed according to the rules outlined in Section I. Disability Annuity Computation.

VI. Future Annuity Rights if Your Annuity Stops and You Are Not Reemployed in the Federal Government

Future Annuity Rights

If your disability annuity is stopped because you have recovered from your disability on the basis of medical evidence or you are restored to earning capacity, and you are not reemployed in a position subject to Federal retirement coverage, you may qualify for an annuity as follows:

- A deferred annuity that begins when you reach age 62, if you do not qualify for any of the annuities described below and you have completed at least 5 years of civilian service at the time of disability retirement.

Your annuity will be computed using the general formula based on your average salary and actual service at the time of your separation for disability retirement. This formula is 1% of your “high-3” average salary multiplied by your total service.

- A discontinued service annuity that begins when your disability annuity stops, if you are then at least age 50 and had 20 or more years of service when you retired for disability, or

A discontinued service annuity that begins when your disability annuity stops, if you had 25 or more years of service when you retired for disability, regardless of your age.

Your annuity will be computed using the general formula based on your average salary and actual service at the time of your separation for

disability retirement. This formula is 1% of your “high-3” average salary multiplied by your total service.

- An annuity under the Minimum Retirement Age (MRA)+10 provision. If you are at least the minimum retirement age applicable under this provision (see chart below) when the disability annuity ceases and had completed 10 or more years of service when you retired on disability, you will be entitled to an annuity. If you have not yet reached the minimum retirement age, but completed 10 or more years of service at the time of disability retirement, you will be entitled to an annuity beginning the first of the month following the month in which you reach the minimum retirement age.

Minimum Retirement Age	
<i>If you were born...</i>	<i>Your MRA is...</i>
Before 1948	55
In 1948	55 and 2 months
In 1949	55 and 4 months
In 1950	55 and 6 months
In 1951	55 and 8 months
In 1952	55 and 10 months
In 1953-1964	56
In 1965	56 and 2 months
In 1966	56 and 4 months
In 1967	56 and 6 months
In 1968	56 and 8 months
In 1969	56 and 10 months
In 1970 and After	57

Your annuity will be computed using the general formula based on your average salary and actual service at the time of your separation for disability retirement. This formula is 1% of your “high-3”

average salary per year multiplied by your total service. This benefit is subject to an age reduction if you are under age 62. The benefit will be reduced by 5/12 of 1% for each full month (5% per year) by which your benefit commencing date precedes your 62nd birthday. You can postpone the beginning date of your benefit to lessen or eliminate the age reduction.

Reinstatement of Federal Employees Retirement System (FERS) Disability Annuity

Your disability annuity can be reinstated if you are not receiving a retirement annuity under any other FERS provision and one of the following situations applies:

Loss of Earning Capacity:

If your annuity stopped because you were found restored to earning capacity, it may be reinstated effective the first of the year following any calendar year in which your earning capacity falls below 80 percent of the current rate of the position held at retirement, provided:

- You are not reemployed in the Federal service in any position under the Federal Employees Retirement System, and
- You are not medically recovered from the disability from which you retired.

Recurrence of Disability:

If your annuity stopped because you were found recovered from your disability on the basis of medical evidence (not equivalent employment), it may be reinstated as of the date of current medical documentation showing that the disability for which you retired has recurred, and that your condition has worsened since you were found recovered, provided:

- You are not reemployed in the Federal service in any position under the Federal Employees Retirement System, and
- Your earnings do not meet/exceed the 80% limit.

Amount of Reinstated Benefit:

If your annuity is reinstated, your disability annuity will be computed according to the rules outlined in Section I. Disability Annuity Computation.

Health Benefits and Life Insurance Coverage

If Your Disability Benefit is Reinstated:

To be eligible to reenroll for health benefits coverage, you must have been covered by a health benefits plan immediately before your annuity terminated. You may enroll in any health benefits plan for which you are eligible; you are not restricted to the plan you had when your annuity terminated. To be eligible to reenroll for life insurance coverage, you must have been covered immediately before your annuity terminated. Only coverage of the type and up to the amount in effect at that time can be reinstated. You cannot elect life insurance coverage greater than coverage previously in effect. Information concerning your eligibility to reenroll would be sent to you at the time your disability annuity is reinstated.

If There is a Break in the Annuity Prior to Your Entitlement to a Deferred Annuity:

You will not be eligible to continue your health benefits or life insurance coverage, unless you are reemployed in a position that allows coverage as a Federal employee. If you're not reemployed in such a position, you can convert your health benefits coverage (but not your life insurance) to a nongroup contract offered by your carrier.

VII. Additional Information

Canceling Disability Benefit

Your disability retirement benefit can be cancelled only if you are recovered from your disabling condition, are employed in a position equivalent to the one held at retirement, or become capable of earning income fairly comparable to the current pay of the position from which you retired. However, you do have the right to decline to accept all or any part of your annuity by sending a signed waiver to the Office of Personnel Management (OPM). Annuity payments will not be made to you during the period your waiver is in effect. You may revoke your waiver at any time in the future by again writing to OPM but you will not be able to recover the annuity amounts previously waived.

Federal Income Tax

Under rules of the Internal Revenue Service, your Federal Employees Retirement System (FERS) disability annuity is subject to Federal Income Tax. For complete information about Federal Tax and your annuity, you should request Publication 721, "Comprehensive Guide to U.S. Civil Service Retirement Benefits," from your local Internal Revenue Service office. The information contained in this publication applies to annuities under both the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS).

Contacting OPM

To expedite our service to you, please give us your claim number whenever you contact us. There are many ways we can help you by telephone which will speed up some of the requests you have. Call us at 1-888-767-6738. Customers within local calling distance of Washington, DC must use 202-606-0500. We provide automated systems where you can make tax withholding elections, make address changes, request verification of your income, request the value of your life insurance and request OPM retirement forms and brochures. During our regular business hours (Monday through Friday between the hours of 7:30 am and 5:30 pm Eastern Standard Time), you may speak to

one of our Customer Service Specialists who will help you with your inquiry/request.

Changes in Your Mailing Address

Be sure to keep the Office of Personnel Management (OPM) advised of any change in your mailing address, even if your checks are deposited directly into your bank account. If we don't have a current mailing address, you may not receive the annual income survey sent to all Federal Employees Retirement System (FERS) disability annuitants under age 60, along with other important notices. If you move or change your mailing address, you can either telephone us or write us to report your new address. If you want to change your address by telephone, call 1-888-767-6738. Customers within local calling distance to Washington, DC, must use 202-606-0500. This method of changing your address is usually quicker. If you prefer to write to us to change your address, you should report your new address to:

U.S. Office of Personnel Management
Attn: Change of Address
Post Office Box 45
Boyers, PA 16017-0045

by one of the methods below:

- Use the change-of-address form we sent to you, or
- Use the form on the back of the envelopes in which the Treasury Department mails your monthly annuity checks, or
- Use a postcard or letter. On it, ***print*** the following information:

Your name

Your claim number

Your old address (Be sure to include the ZIP code and mark this "old address")

Your new address (Be sure to include the ZIP code and mark this "new address")

Whether you use a form, card, or letter be sure to sign it.

Other Pamphlets You May Be Interested In

The pamphlets listed below explain in detail our other programs. If you would like a copy of any of them, you may call the Office of Personnel Management at 1-888-767-6738 or write to us at:

U.S. Office of Personnel Management
Federal Employees Retirement System
Retirement Operations Center
Boyers, PA 16017-0001

Title	Form Number
Information for Retirees and Survivor Annuitants About the Federal Employees Health Benefits Program	RI 79-2
Information About the Federal Employees Group Life Insurance Program	RI 76-12
Information for Federal Employees Retirement System (FERS) Annuitants	RI 90-8
Life Events and Your Retirement and Insurance Benefits	RI 38-126

Retirement and Insurance Service



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