



# State of New Jersey

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lieutenant Governor

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
P.O. BOX 381, TRENTON, NEW JERSEY 08625-0110

ROBERT ASARO-ANGELO  
Commissioner

## MEMORANDUM

February 4, 2021

To: All Judges of Compensation and Members of the Bar  
From: Russell Wojtenko, Jr., Director and Chief Judge  
Subject: Accidental Disability Pensions & Medical Monitoring Settlements

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Effective immediately, the N.J. Division of Workers' Compensation shall eliminate its Accidental Disability Pensions and Medical Monitoring and Coverage Policy, as set forth in former Director and Chief Judge Peter J. Calderone's November 16, 2006 Memorandum to all judges and attorneys, titled "Public Employee Pension Issues Affecting Workers' Compensation Awards", and August 25, 2011 Memorandum to all judges and attorneys, titled "Accidental Disability Orders".

The aforementioned Memorandums of November 16, 2006 and August 25, 2011 are hereby rescinded.

The N.J. Division of Workers' Compensation shall discourage medical monitoring and coverage settlements as a stand-alone form of workers' compensation benefit for public employees who receive an accidental disability pension and will not approve such settlements if proposed by the parties.

All Judges of Compensation shall proceed in the normal course with all claim petitions brought by Petitioners who have applied for, or received, an Accidental Disability Pension in accordance with New Jersey's Workers' Compensation Statute, as well as any applicable provision of the N.J. Administrative Code, and appropriate case law.

In addition, no claims before the N.J. Division of Workers' Compensation will be adjourned for the N.J. Department of Pension's final determination of a petitioner's eligibility for an accidental disability pension.



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In accordance with N.J. Division of Pensions and Benefits' Fact Sheet #45, titled "Workers' Compensation" published in February 2014, either the Workers' Compensation Petitioner, who has applied for, or received, an Accidental Disability Pension, or the Respondent, shall immediately notify the N.J. Division of Pensions and Benefits that a Workers' Compensation claim is pending in the N.J. Division of Workers' Compensation before a Judge of Compensation shall adjudicate a workers' compensation claim.

The adjudication of all workers' compensation claims brought by Petitioners for or approved recipients of Accidental Disability Pensions shall result in either: 1) a monetary judgment after trial, 2) a fair and just Section 22 settlement based on weeks of benefits, 3) a fair and just lump sum monetary Section 20 settlement due to jurisdictional, liability, or casualty grounds, or 4) dismissal of the Petitioner's claim for failure to meet the burden after trial.

Furthermore, in accordance with N.J. Division of Pensions and Benefits' Fact Sheet #45, upon granting of a judgement, settlement award, or dismissal by a judge of compensation, the Petitioner shall immediately send a copy of same to the N.J. Division of Pensions and Benefits.

This Memorandum shall not apply to workers' compensation cases involving occupational disease and continued medical monitoring.

Russell Wojtenko, Jr.  
Director and Chief Judge of Compensation  
Department of Labor and Workforce Development  
N.J. Division of Workers' Compensation



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