



MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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P.O. Box 295
Trenton, NJ 08625-0295
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50 West State Street
Trenton, New Jersey

AARON BINDER
State Treasurer

SONIA RIVERA-PEREZ
Acting Director

September 16, 2026

VIA REGULAR MAIL

Nicole Williams
[REDACTED]

RE: PERS [REDACTED]

Dear Ms. Williams:

FINAL ADMINISTRATIVE DETERMINATION

I am writing in reference to the decision of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) regarding its denial of your application for Ordinary Disability retirement benefits. At its meeting of November 19, 2025, the Board denied your application, determining that you are not totally and permanently disabled from the performance of your regular and assigned duties, on a [REDACTED], pursuant to N.J.S.A. 43:15A-42 and relevant case law. The Board noted that you qualify for a Deferred retirement.¹

On November 20, 2025, the letter memorializing the Board's determination was mailed to you. The letter explained your appeal rights and the timeframe during which you may file an appeal of the Board's determination, i.e., "45 days after the date of written notice of the determination." Thus, you had until January 5, 2026, to file an appeal of the Board's denial of Ordinary Disability retirement benefits.

On or about June 25, 2026, over seven months after you received the Board's decision, you provided the Division of Pension and Benefits (Division) documentation regarding your May 28, 2026, Social Security Disability claim (SS claim). By letter dated July 6, 2026, the Division notified you that the timeframe to appeal the Board's November 19, 2025, denial had expired and advised that you cannot re-

¹ At the time your PERS account reflected a total of 24 years and 10 months of membership service, and you were age 46.

apply for the same medical condition for which you were previously denied. The Division provided you with appeal rights to the PERS Board of Trustees.

At its meeting on August 19, 2026, the Board considered your appeal and found that it was not submitted within the 45-day period established under N.J.A.C. 17:1-1.3. Consequently, the Board denied your appeal. Finding no genuine issue of material fact in dispute, the Board denied an administrative hearing and directed the undersigned to draft a Final Administrative Determination.

Findings of Fact and Conclusions of Law as outlined below were presented to and approved by the Board at its September 16, 2026, meeting.

FINDINGS OF FACT

The Board made the following findings of fact:

The record before the Board establishes that on October 2, 2024, you submitted an *Application for Disability Retirement*, requesting a November 1, 2024, Ordinary Disability retirement based upon [REDACTED]. On October 7, 2024, your employer, Judiciary, Passaic County, submitted an *Employer Certification for Disability Retirement*, indicating that you resigned on October 4, 2024. Subsequent to filing your application, the Division advised you on three separate occasions, that pursuant to N.J.A.C. 17:2-6.1(g), your application must be supported by at least two medical reports, indicating that you are totally and permanently disabled.

Despite the Division sending you three separate notices, you failed to provide the requisite medical documentation in support of your application, as required by N.J.A.C. 17:2-6.1(g). The notices indicated additional resources available to you should you have questions. On April 22, 2025, you amended your application to include a [REDACTED] condition in addition to the [REDACTED] conditions.

On June 13, 2025, you were evaluated by an Independent Medical Examiner (IME) specializing in the field of [REDACTED]. Upon receipt of the IME's report and a recommendation from the Medical Review Board, your application was placed on the agenda of the Board's November 19, 2025, meeting. The Board considered all the documentation in the record and denied your application for Ordinary Disability retirement benefits, determining that you are not totally and permanently disabled, on a [REDACTED] basis.

from the performance of your regular and assigned duties pursuant to N.J.S.A. 43:15A-42 and relevant case law.

On November 20, 2025, a letter outlining the Board's determination was mailed to you. Regarding your rights to appeal, the Board's denial of your application for Ordinary Disability retirement benefits, the letter included:

If you disagree with the determination of the Board, you may appeal by submitting a written statement to the Board within 45 days after the date of written notice of the determination. The statement shall set forth in detail the reasons for your disagreement with the Board's determination and shall include any relevant documentation supporting your claim. If no such written statement is received within the 45-day period, the determination by the Board shall be final.

The Board shall determine whether to grant an administrative hearing based upon the standards for a contested case hearing set forth in the Administrative Procedure Act, N.J.S.A.52:14B-1 and the Uniform Administrative Procedure Rule, N.J.A.C. 1:1-1 et seq. Administrative hearings shall be conducted by the Office of Administrative Law pursuant to the provisions of N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1-1.

If the granted appeal involves solely a question of law, the Board may retain the matter and issue a final determination, which shall include detailed findings of fact and conclusions of law based upon the documents, submissions and legal arguments of the parties. The Board's final determination may be appealed to the Superior Court, Appellate Division. If the granted appeal involves a question of facts, the Board shall submit the matter to the Office of Administrative Law.

Therefore, you had until January 5, 2026, to submit an appeal of the Board's denial of your application. Because no such appeal was submitted by that date, the Board's determination became final. However, on June 22, 2026, you resubmitted the application you filed on April 22, 2025. On June 25, 2026, over seven months after the Board rendered its decision, you provided the Division with the May 28, 2026, *Notice of Decision-Fully Favorable*, for your SS claim. The record indicates that you did contact the Division's Client Services in June 2026, regarding the additional documentation, you provided for your SS claim.

By letter dated July 6, 2026, the Division notified you that you have surpassed the time allowed to appeal the PERS Board's denial of your application. Also, the letter indicated that you cannot reapply for

the same medical condition for which you were previously denied. The letter provided you with appeal rights to the PERS Board.

Again, you contacted Client Services regarding this matter and were advised to appeal to the PERS Board. By letter dated July 10, 2026, you appealed to the PERS Board. At its meeting on August 16, 2026, the Board considered your appeal and found that it was not submitted within the 45-day period established under N.J.A.C. 17:1-1.3 and therefore denied your request. Finding no genuine issue of material fact in dispute, the Board denied an administrative hearing and directed the undersigned to draft detailed Findings of Fact and Conclusions of Law for review at its September 19, 2026, meeting.

CONCLUSIONS OF LAW

The Board made the following conclusions of law:

Appeals of the Board's decisions are governed by N.J.A.C. 17:1-1.3, which states, in pertinent part:

a) The applicant will be given written notice of any decision by the Division, Board or Commission. Said notice shall inform the applicant of the appeal process available in the event the applicant disagrees with the decision of the Division, Board or Commission, including the proper procedure for requesting a hearing.

(b) The decision by the agency shall be final unless the applicant shall file a request for a hearing within 45 days after the date of the written notice of the decision.

...

(d) The following statement shall be incorporated in every written notice setting forth the Division, Board or Commission's determination in a matter where such determination is contrary to the claim made by the claimant or the claimant's legal representative: If you disagree with the determination of the Board, Commission or Division, you may appeal by submitting a written statement to the Board, Commission or Division Director within 45 days after the date of written notice of the determination. The statement shall set forth in detail the reasons for your disagreement with the Board, Commission or Division's determination and shall include any relevant documentation supporting your claim. If no such written statement is received within the 45-day period, the determination by the Board, Commission or Division shall be final.

...

(Emphasis added.)

The Board's November 20, 2025, letter outlining the Board's determination was mailed to you. The letter explained your appeal rights and the timeframe during which you may file an appeal of the Board's determination, i.e., "45 days after the date of written notice of the determination." Thus, you had until January 5, 2026, to file an appeal of the Board's denial of your application for Ordinary Disability retirement benefits, based upon a [REDACTED] basis.

This did not occur. In fact, initially you did not appeal the Board's denial. Instead, on June 22, 2026, you resubmitted the application that, you filed on April 22, 2025, and on June 25, 2026, you submitted documentation regarding your SS claim. By letter dated July 6, 2026, the Division clearly informed you that the timeframe for you to file an appeal of the Board's November 19, 2025, determination had passed. By letter dated July 10, 2026, you submitted an appeal, approximately seven months after the Board provided written notice of its decision. Thus, in accordance with N.J.A.C. 17:1-1.3, the language of which is clear and unambiguous, the Board's determination to deny your application for Ordinary Disability retirement benefits on a [REDACTED] basis is final.

Additionally, the Division's letter dated July 6, 2026, explained that you cannot reapply for the same medical condition for which you were previously denied. Regarding that prohibition, the controlling regulation, N.J.A.C. 17:1-7.10, states in pertinent part:

(i) If a disability retirement application is denied by the Board and the applicant wishes to reapply for a disability retirement based on a new incident date or different or additional medical condition, the applicant will be required to submit a new application for retirement with a new retirement date. The applicant must also continue to meet the requirements of N.J.A.C. 17:1-6.4(a). All supporting documentation required must be submitted in support of the new medical conditions listed on the application.

The record clearly establishes that after you filed your application on October 4, 2024 on the basis of [REDACTED] conditions, the Division sent you three separate notices, stating "that your application must be supported by at least two medical reports which proves that you are totally and permanently disabled." However, you failed to provide this medical documentation and failed to contact the additional resources provided in the notices for assistance. These notices were issued to you prior to the May 1, 2025, notice informing you of your appointment with the IME for a [REDACTED] examination.

Subsequently in June 2026, you filed another application for Ordinary Disability retirement benefits and provided documentation regarding the May 28, 2026, decision for your SS claim. However, the Division's letter dated July 6, 2026, indicated that in accordance with the N.J.A.C. 17:17.10, this medical documentation was unacceptable and therefore, you can appeal to the PERS Board of Trustees.

On July 10, 2026, you filed an appeal requesting that the Board reconsider its denial of your application. You indicated that you left work in 2023 due to your disability but were unable to provide proof until the recent May 28, 2026 decision of your SS claim and therefore, requested that the PERS Board reconsider its November 19, 2025, denial.

The Board noted your arguments but is unable to grant your request. The deadline to appeal the Board's November 19, 2025 denial expired on January 5, 2026. The Board's November 20, 2025, letter clearly provided you with the information and the timeframe for you to appeal. However, you failed to appeal within the requisite timeframe provided N.J.A.C. 17:1-1.3.

Therefore, the Board's November 19, 2025, determination that you are not totally and permanently disabled from the performance of your regular and assigned duties on a [REDACTED] basis is final.

Although in June 2026, you filed another application and submitted the decision regarding your SS claim, the Board is unable to reconsider its denial of November 19, 2025. Although you were approved for SS disability this has no impact on your application for Ordinary Disability retirement. The laws governing the approval for Ordinary Disability retirement are different than the laws governing SS disability retirement.

As noted above, the Board has considered your written submissions and all documentation in the record. Because this matter does not entail any disputed questions of fact, the Board was able to reach its findings of fact and conclusions of law on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You have the right to appeal this final administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

Nicole Williams
September 16, 2026
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All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
PO Box 006
Trenton, NJ 08625
Phone: (609) 292-4822

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowicz", with a stylized flourish at the end.

Jeff S. Ignatowicz, Secretary
Board of Trustees
Public Employees' Retirement System

G-3/MER

C: D. Lewis (ET); A. Saco (ET)