



*Mailing Address:*  
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Trenton, NJ 08625-0295  
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50 West State Street  
Trenton, New Jersey

MIKIE SHERRILL  
*Governor*

**STATE OF NEW JERSEY**  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524/TRS 711 (609) 292-6683  
[www.nj.gov/treasury/pensions](http://www.nj.gov/treasury/pensions)

AARON BINDER  
*State Treasurer*

DR. DALE G. CALDWELL  
*Lt. Governor*

SONIA RIVERA-PEREZ  
*Acting Director*

May 21, 2026

**Sent via email and regular mail**

ZAZZALI, P.C.  
Jason E. Sokolowski, Esq.  
[REDACTED]

RE: Theresa Guazzo  
PERS [REDACTED]

Dear Mr. Sokoloski:

**FINAL ADMINISTRATIVE DETERMINATION**

I am writing in reference to the determination of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) regarding the request of your client, Theresa Guazzo, to reinstate her *Application for Disability Retirement* on which she requested Accidental Disability retirement benefits effective January 1, 2025, based on an incident described as occurring on [REDACTED]. The Board originally denied Ms. Guazzo's request at its meeting on January 21, 2026. You filed a timely appeal on behalf of Ms. Guazzo, which the Board considered at its meeting on April 15, 2026. Finding no genuine issue of material facts in dispute, the Board denied a hearing in the Office Administrative Law (OAL) 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 May 20, 2026, meeting.

**FINDINGS OF FACT**

The Board made the following findings of fact:

The record before the Board establishes that Ms. Guazzo established membership in the PERS on January 1, 2006, based upon her employment as a Cafeteria Worker with the Toms River Board of Education (Toms River BOE). Ms. Guazzo's employment continued with the Toms River BOE and on

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December 5, 2024, she submitted the aforementioned application. By way of letters dated January 10, 2025, February 12, 2025, and March 12, 2025, the Division of Pensions and Benefits' (Division) Disability Review Unit notified Ms. Guazzo of the necessity to provide the requisite medical documentation in support of her application pursuant to N.J.A.C. 17:2-6.1(g).

In a letter dated March 18, 2025, the Disability Review Unit advised Ms. Guazzo that the description of the [REDACTED] incident provided in her application was not sufficient and that changes to her application could be made through her Member Benefits Online System (MBOS) account. In a correspondence dated April 15, 2025, the Disability Review Unit again advised Ms. Guazzo that the requisite documentation was not in receipt. The letter included:

Applicants applying for disability retirement must submit all supporting hospital and physician records. We do not obtain them for you. **You must supply two Treating Physician forms that state you are totally and permanently disabled from performing your job duties along with the supporting medical documentation for each form. For example, if you have a Primary Care physician and a Specialist, you would have both complete their own forms and supply the medical documentation to support their findings. Please also submit any supplemental documentation related to your disability, such as physician notes, testing results, operative reports, hospital records, etc.** You are responsible for all costs associated with the copies. The forms must be completed in their entirety and all supporting medical documentation be received before we can continue the processing of your disability application.

[(Emphasis in original).]

On April 24, 2025, in response to the Disability Review Unit's March 18, 2025 letter, Ms. Guazzo amended her application, expanding the description of the [REDACTED] incident. The Board notes that the April 24, 2025, application was solely an amendment to Ms. Guazzo's original application filed on December 5, 2024, and does not establish a new six-month period for her to provide the requisite documentation.

By way of letter dated May 20, 2025, Dawn Lewis, Supervisor, advised Ms. Guazzo that she had until June 5, 2025 (six months from the date the application was filed) to submit the necessary documentation. On June 2, 2025, Ms. Guazzo contacted the Division's Office of Client Services regarding

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her application. The Counselor confirmed receipt of medical documentation, which was forwarded to the Disability Review Unit. However, the additional records were insufficient and did not comply with N.J.A.C. 17:2-6.1(g). Therefore, Ms. Lewis canceled the application on July 11, 2025.

On October 20, 2025, Ms. Guazzo requested Ms. Lewis to reinstate her application and provided additional medical documentation, including a *Medical Examination By Personal Or Treating Physician* form dated October 14, 2025, on which Ms. Guazzo's treating physician did not answer if she was totally and permanently disabled and no longer able to perform her assigned job duties. Ms. Lewis administratively denied the request by way of letter dated November 5, 2025. In her letter, Ms. Lewis indicated that Ms. Guazzo filed her application on December 5, 2024, and she had until June 5, 2025, to provide the necessary medical documentation. Nonetheless, after the Division sent four notices to the address Ms. Guazzo provided on her application, she failed to provide the requisite medical documentation. Although the deadline to provide the information was on June 5, 2025, the Division did not close her application until July 11, 2025.

By letter dated December 4, 2025, you wrote to the Board Secretary, requesting that the Board reverse the Division's determination and allow Ms. Guazzo additional time to provide the necessary medical documentation for the Disability Review Unit to continue the processing of her application. At its meeting on January 21, 2016, the Board denied your request. You filed a timely appeal and provided additional medical documentation; however, the application at that time had been closed. At its meeting on April 15, 2026, the Board considered your appeal and finding no genuine issue of material facts in dispute, the Board denied a hearing in the Office Administrative Law (OAL) and directed the undersigned to draft detailed Findings of Fact and Conclusions of Law for review at its May 20, 2026, meeting.

### **CONCLUSIONS OF LAW**

The Board made the following conclusions of law:

The Board found that this matter is controlled by N.J.A.C. 17:2-6.1(g), which states in pertinent part:

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1. An application for a physical disability retirement must be supported by at least two medical reports. One must be provided by the member's personal or treating physician on a form prescribed by the Division. The other may be either hospital records supporting the claim of disability or a report from a second physician on a form prescribed by the Division. The medical condition described on the member's retirement application must correspond to the medical reports submitted in support of the member's disability retirement application. Further, in the case of a member filing for an accidental disability retirement, only those disabilities associated with the purportedly disabling event shall be considered. A member applying for disability retirement may only amend or change the medical condition on their application prior to evaluation by an independent medical examiner arranged by the Division. Once the member has been evaluated by an independent medical examiner as arranged by the Division, the member seeking to amend or change their claimed medical condition must withdraw their application and file a new application for a future retirement date. If the member is denied an accidental disability retirement application, but qualifies for an ordinary disability retirement based on the disabilities associated with the purportedly disabling event identified on the original accidental disability application, no additional application needs to be filed, pursuant to (g)6 below. The required documentation must be received within six months of the date of filing the disability retirement application. If it is not received, the retirement will be canceled and the member will be required to complete a new disability application for a future retirement date;

...

[(Emphasis added.)]

Based on the limited records Ms. Guazzo provided, the Board affirmed the Disability Review Unit's determination and denied Ms. Guazzo's request to reinstate her *Application for Disability Retirement* on which she requested Accidental Disability retirement benefits effective January 1, 2025, in accordance with the regulation.

You note that Ms. Guazzo filed her original application on December 5, 2024, amended it on April 24, 2025, and that the Division and the Board determined that the amended application did not establish a new six-month period to provide the requested medical documentation. However, you assert that neither the Division nor the Board provided a basis to not grant an extension to provide the requisite documentation in light of the April 24, 2025 amendment to her application. The Board disagrees and notes that a mere clarification of the alleged disabling incident is not grounds to relax N.J.A.C. 17:2-6.1(g).

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You further assert that even though the Division indicates that it sent Ms. Guazzo four notices, she claims to only have received the final notice closing her application. Nevertheless, New Jersey courts have consistently “recognized a presumption that mail properly addressed, stamped, and posted was received by the party to whom it was addressed.” SSI Medical Servs. v. HHS, Div. of Medical Assistance & Health Servs., 146 N.J. 614 (1996).

Finally, you assert that Ms. Guazzo spoke to several Division representatives in 2025 regarding her disability application and claims that in one conversation, a Division representative confirmed that the Division had everything necessary at that time to process her disability application. Division records do indicate that Ms. Guazzo had communications with the Division’s Office of Client Services (from April 24, 2025 through July 18, 2025). However, the records do not support Ms. Guazzo’s assertion that a Client Services Counselor confirmed that the Division had everything necessary to process her application. As previously indicated, the Counselor only confirmed receipt of documentation; the Counselor did not analyze it to ensure eligibility under N.J.A.C. 17:2-6.1(g) as it is not within the purview of the Office of Client Services to do so. That responsibility rests with the Division’s Disability Review Unit, which found that the documentation was insufficient to qualify under the regulation.

As previously communicated, the Board’s determination does not preclude Ms. Guazzo from filing an application for a Disability retirement for a *future effective retirement date*. However, any such application will still require the requisite, supporting medical documentation as outlined in N.J.A.C. 17:2-6.1(g).

As noted above, the Board has considered your personal statements, all 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.

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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.

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. Ignatowitz". The signature is fluid and cursive, with a large loop at the end.

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

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C: D. Lewis (ET); A. Saco (ET)  
Theresa Guazzo (via regular mail)