

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF THE TREASURY DIVISION OF PENSIONS AND BENEFITS P.O. Box 295

TRENTON, NEW JERSEY 08625-0295 Telephone (609) 292-7524 / Facsimile (609) 777-1779 TRS 711 (609) 292-6683 www.nj.gov/treasury/pensions

February 16, 2023

ELIZABETH MAHER MUOIO State Treasurer

JOHN D. MEGARIOTIS Acting Director

Sent via email to: Karen Haselbauer

RE: PERS

## FINAL ADMINISTRATIVE DETERMINATION

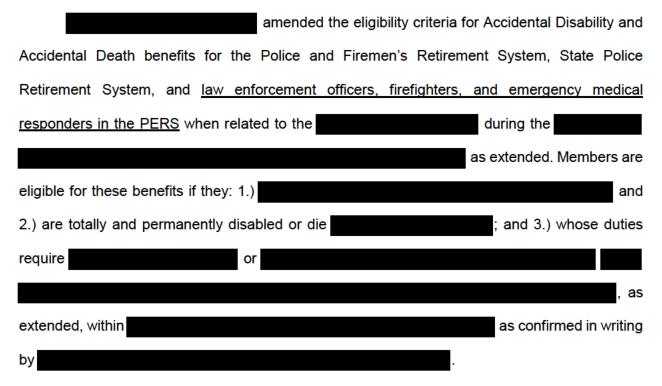
Dear Ms. Haselbauer:

I am writing in reference to the decision of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) denying your application for Accidental Disability retirement benefits at its meeting of November 16, 2022.

You filed a timely appeal of the Board's determination and at its meeting of January 19, 2023, the Board considered your written submission and all relevant documentation in the record. The Board affirmed its original findings after noting that the statutes and relevant case law governing PERS do not permit the Board to approve your application for Accidental Disability retirement benefits. Finding no genuine issue of material fact in dispute, the Board also denied your request for an administrative hearing. Therefore, the Board directed the Board Secretary to draft findings of fact and conclusions of law for its review at the February 15, 2023, Board meeting. After careful consideration, the Board approved this Final Administrative Determination.

## FINDINGS OF FACT

The record before the Board establishes that on November 3, 2021, you submitted an Application for Disability Retirement on the basis of which you assert occurred at work on The Board noted that your employer certified that your title at the time of the alleged incident was Court Services Officer 3.



Based upon a plain reading of the statute, the Board found you ineligible for Accidental Disability retirement benefits because you did not hold an eligible title as required

Therefore, the Board considered your regarding your application for Accidental Disability retirement benefits pursuant to the applicable statute, N.J.S.A. 43:15A-43, and relevant case law.

First, the Board determined that you are not totally and permanently disabled from the performance of your regular or assigned work duties on and therefore precluded from such benefits under the statute even if you held an eligible title.

. Thus, there was no direct causation.

Consequently, the Board denied your application for Accidental Disability retirement benefits. However, because you were found totally and permanently disabled, the Board granted you Ordinary Disability retirement benefits effective June 1, 2022, under your selection of Option C.

## **CONCLUSIONS OF LAW**

The Board made the following conclusions of law.

Accidental Disability retirement benefits to a certain limited number of PERS members who become disabled . The statute provides that:

For purposes of subsection a. of section 43 of P.L.1954, c.84 (C.43:15A-43), permanent and total disability of a member who is a law enforcement officer, firefighter, or emergency medical responder eligible to retire pursuant to that subsection a. shall be deemed to have occurred as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties if:

the law enforcement officer, firefighter, or emergency medical responder

the law enforcement officer, firefighter, or emergency medical responder is permanently and totally disabled and the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder



Based upon a plain reading of the statute, only law enforcement, firefighters, and emergency medical responders are eligible for Accidental Disability retirement benefits. Unfortunately, your title, Court Services Officer 3, is not eligible under the statute. As a result, the Board denied your request.

As noted above, the Board has considered your counsel's previous submission and personal statements on your behalf, as well all documentation in the record. Because the Board found that 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 also 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

Sincerely,

Jeff Ignatowitz, Secretary

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Board of Trustees

Public Employees' Retirement System

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G-6/SD C: D. Lewis (ET)