



# State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
P. O. Box 295  
TRENTON, NEW JERSEY 08625-0295

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TRS 711 (609) 292-6683  
[www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions)  
September 12, 2017

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

FORD M. SCUDDER  
*State Treasurer*

JOHN D. MEGARIOTIS  
*Acting Director*

Sent via email to: [REDACTED]

Steven Kossup, Esquire  
[REDACTED]

RE: David Miterko  
[REDACTED]

Dear Mr. Kossup:

At its meeting on September 11, 2017, the Board of Trustees of the Police and Firemen's Retirement System (PFRS) considered the following documents on your behalf of your client, David Miterko:

- a) All exhibits;
- b) The Initial Decision of Administrative Law Judge (ALJ) Leland S. McGee, dated August 11, 2017; and
- c) Exceptions filed by you dated August 11, 2017.

Thereafter, the Board voted to adopt the Initial Decision of ALJ McGee approving Mr. Miterko's application for Accidental Disability retirement benefits effective May 1, 2015.

Once the Board approves a member for a disability retirement allowance, the retirement application shall not be withdrawn or canceled, or amended to a later retirement date other than the date specified in the approved retirement allowance.

This matter is being referred to the Retirement Bureau to recalculate the difference between Ordinary and Accidental disability retirement benefits for Mr. Miterko, retroactive to May 1, 2015. Please allow approximately four to six weeks for the processing of this benefit.

If a member continued to receive salary beyond the effective date of retirement, no retirement benefits shall be paid for the period where the member received salary and no salary or service credit shall be provided for the service rendered after the approved effective date of retirement. In addition, the member's employer shall be required to complete an updated Certification of Service and Final salary.

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The statute permits the Board of Trustees to require a disability retiree to undergo annual medical examinations for the first five years to determine if the retiree continues to be totally and permanently disabled and therefore eligible for continued receipt of a disability retirement allowance.

Please note that if the member is receiving periodic Workers' Compensation payments after the effective date of their retirement, the member's retirement could be subject to a reduction. The member must advise the Division of Pensions and Benefits' Retirement Bureau if and when any periodic Workers' Compensation benefits are paid to the member.

The approval of retirement benefits is expressly conditioned upon the rendering of honorable service during public employment. If any criminal or administrative charges are found after the date of this notice, retirement benefits may be held in abeyance until the charges are fully adjudicated or the Board is satisfied pursuant to N.J.A.C. 17:1-6.2.

Pension laws require re-enrollment of a retiree under certain conditions. Disability retirees needing guidance on returning to employment should visit our website at [www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions) and refer to the Certifying Officer Memorandum dated August 22, 2014. Retirees needing additional clarification should contact the Division to determine the impact of a return to employment would have on their disability retirement benefits.

The Board of Trustees of the Police and Firemen's Retirement System hereby adopts the findings of fact of the Administrative Law Judge's Initial Decision and incorporates the same herein by reference.

Sincerely,



Mary Ellen Rathbun, Secretary  
Board of Trustees  
Police and Firemen's Retirement System

G-7/mer

C: L. Milton (ET); V. McManus (ET); T. Williams (ET); P. Sarti (ET); L. Williams (ET)  
S. Schreckengost (ET); DAG Daniel Thornton (ET); OAL, Attn: Library (ET)  
David Miterko

Department of Corrections-Adult Diag. & treatment (Loc# 00666) |