

The Accidental Disability Retirement Process

Why are Boston firefighter disability retirements so disproportional?

The fact that over the past three fiscal years disability retirements exceeded 70% of all Boston firefighter retirements has raised the natural question of what is the process in Massachusetts for determining eligibility for an accidental disability retirement. In FY06, 76% of all Boston firefighter retirements were disability retirements. Of that group, 64% were firefighters working out of grade at a higher level and able to retire with a larger pension, but that raises a different question.

An employee is eligible for an accidental disability retirement (ADR) if he or she sustains a permanent injury while in the performance of his or her duties that would prevent the employee from performing the “essential duties” of his or her job. The applicant must be an active employee and no minimum service or age requirement exists.

The first point to understand with firefighter ADR is that the law provides three presumptions that a disability caused by:

- Heart disease or hypertension
- Disease of lung or respiratory tract
- Most cancers

was suffered in the line of duty.

The basic process for an ADR application, albeit simplified here, involves the following:

- Employee must complete a State Boston Retirement Board (SBRB) application and attach full medical records and name of a doctor who will certify disabling injury
- Employer submits to SBRB job duties and injury report
- SBRB asks state Public Employee Retirement Administration Commission (PERAC) to appoint a “Regional Medical Panel” to examine patient. Two of three doctors must agree to ADR
- SBRB hearing officer conducts hearing and submits recommendation for Board
- If SBRB approves ADR, it sends decision to PERAC which must act within 30 days or ADR is deemed approved
- SBRB must decide on ADR request in 180 days unless PERAC grants a waiver

The benefits of an ADR for legitimate cases are fully appropriate. However, the significant jump in ADR cases for firefighters over the past three years and its cost implications mean that everyone involved in the decision-making of an ADR must be held accountable.

