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## OP&F'S DISABILITY PROCESS in the presence of terminal illness or incapacitation<sup>1</sup>

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### **If a member becomes terminally ill or incapacitated, what steps can be taken to apply for disability benefits?**

OP&F encourages you to call OP&F and speak to a disability case manager to discuss the disability process, filing requirements and deadlines. The following information is intended to assist you if you are unable to contact OP&F. You can also review OP&F's Member Guide Books, available at [www.op-f.org](http://www.op-f.org), for more information about benefit options.

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### **When should the member terminate employment?**

To be eligible for a retirement or disability benefit, the member must be removed from active payroll prior to death.

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### **Who should apply for disability?**

Filing for disability benefits may not be the best option if the member is eligible to receive a pension under a normal service retirement. The following are important considerations:

- If the disability is not job-related, the disability benefit is taxable and cannot exceed 60 percent.
  - A service retirement may provide a better benefit for the beneficiary of an annuity payment plan.
  - Deferred Retirement Option Plan ("DROP") benefits are forfeited if a disability benefit is accepted.
  - If a member is in DROP and terminates active service before accepting a disability grant, the disability grant is void.
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### **What documents should be filed with OP&F to begin the disability process?**

Required documents will vary based on the membership status and the degree of incapacitation. In order to be valid, all forms must be signed and notarized prior to the member's death and should be filed with OP&F without delay. You may download forms at [www.op-f.org](http://www.op-f.org). Supporting medical documentation may be submitted at a later date.

- Disability Benefit Application** – Sections A ("Member information") and E ("Disabling medical condition(s)") of the application must be completed as fully as possible.
  - Affidavit for Incapacitation** – this form allows another person to file the *Disability Benefit Application* on the member's behalf (but does not give the person the authority to complete the *Annuity Payment Plan Selection* form).
  - DROP Affidavit** – a member participating in DROP must acknowledge that if active employment terminates prior to the acceptance of a disability grant, the disability grant will be cancelled and the member must file for service retirement. Please contact OP&F to obtain the *DROP Affidavit*.
  - Annuity Payment Plan Selection for OP&F Benefits**
    - Can only be completed by the member, a person with a valid Power of Attorney, or a person with a court order authorizing the person to make the designation. If there is an existing Power of Attorney document or court order, please submit a copy of that document to OP&F. If the member does not already have an existing Power of Attorney, he or she may wish to complete OP&F's *Limited Durable Power of Attorney* form, provided that he or she has the capacity to do so. This form can be downloaded at [www.op-f.org](http://www.op-f.org).
    - By selecting a 100% Joint and Survivor Annuity ("JSA"), the member or a person authorized to make this designation on the member's behalf may designate that 100% of the member's reduced monthly benefit will be continued to a designated beneficiary for life. Some limitations may apply if a member is married on the benefit effective date or is under a court order to designate a former spouse as a beneficiary.
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<sup>1</sup> This information sheet is provided as general guidance to assist members and their families. As such, it is not a comprehensive summary of OP&F's governing statutes and rules, which determine a person's rights to benefits and which are subject to change.