

Coordination of FERS Disability Benefits and Social Security Disability Benefits

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The Office of Personnel Management (OPM) requires that Federal Employees Retirement System (FERS) disability retirement annuitants apply for Social Security Disability (SSD) benefits.<sup>1</sup>

It is your responsibility to document for OPM that you have applied for SSD benefits. Your application for FERS disability cannot be put in pay status without proof that you have applied for SSD benefits.

If a recipient of a FERS disability annuity also wins an award of SSD benefits, federal law (5 U.S.C. §8452(a)(2)) requires that the FERS disability annuity be reduced as follows:

- For the first 12 months of FERS Disability, OPM will deduct 100% of SSD benefits received for any month during this period.
- After the first 12 months of FERS Disability, OPM will deduct 60% of SSD benefits received each month.

*Note: Your first year start date should be your last day in pay status, which date will be provided by OPM upon finalizing your FERS disability annuity benefits. Your first year end date will be 12 months from that date.*

If you are awarded SSD benefits at any time after you have applied for or begin receiving FERS disability, it is again your responsibility to notify OPM of both the effective date and the monetary amount of your SSD benefits. The simplest and most effective way of meeting that obligation is to send OPM a copy of the SSD Notice of Award.

FERS disability benefits often begin before the claim for SSD benefits is fully processed. Because the FERS disability benefit must be reduced by 100% of any SSD benefit payable for the first 12 months of FERS disability, the award of SSD benefits often creates an overpayment that the annuitant owes to OPM. Therefore, we recommend that the annuitant not spend the SSD payments received until OPM has had an opportunity to calculate the overpayment. OPM will also calculate the reduction of your future monthly annuity caused by the SSD award based on the formula set forth above.

If you are a federal or postal employee contemplating filing, or have already filed, an application for a disability retirement annuity, you should consult with an experienced attorney. At Andalman & Flynn, our team of legal professionals can assist and represent you to protect your rights and increase your chances of success on both your disability retirement annuity claim and, in many cases, your SSD claim. If we can be of assistance to you, please call us at 301-563-6685 or toll-free at

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<sup>1</sup> A CSRS Offset disability benefit (as opposed to a straight CSRS disability benefit) is also offset by any SSD benefits that may be payable.

1-888-558-7871. You can also visit our website at [www.andalmanflynn.com](http://www.andalmanflynn.com) and complete one of our website contact forms so we can contact you for consultation concerning your situation.

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