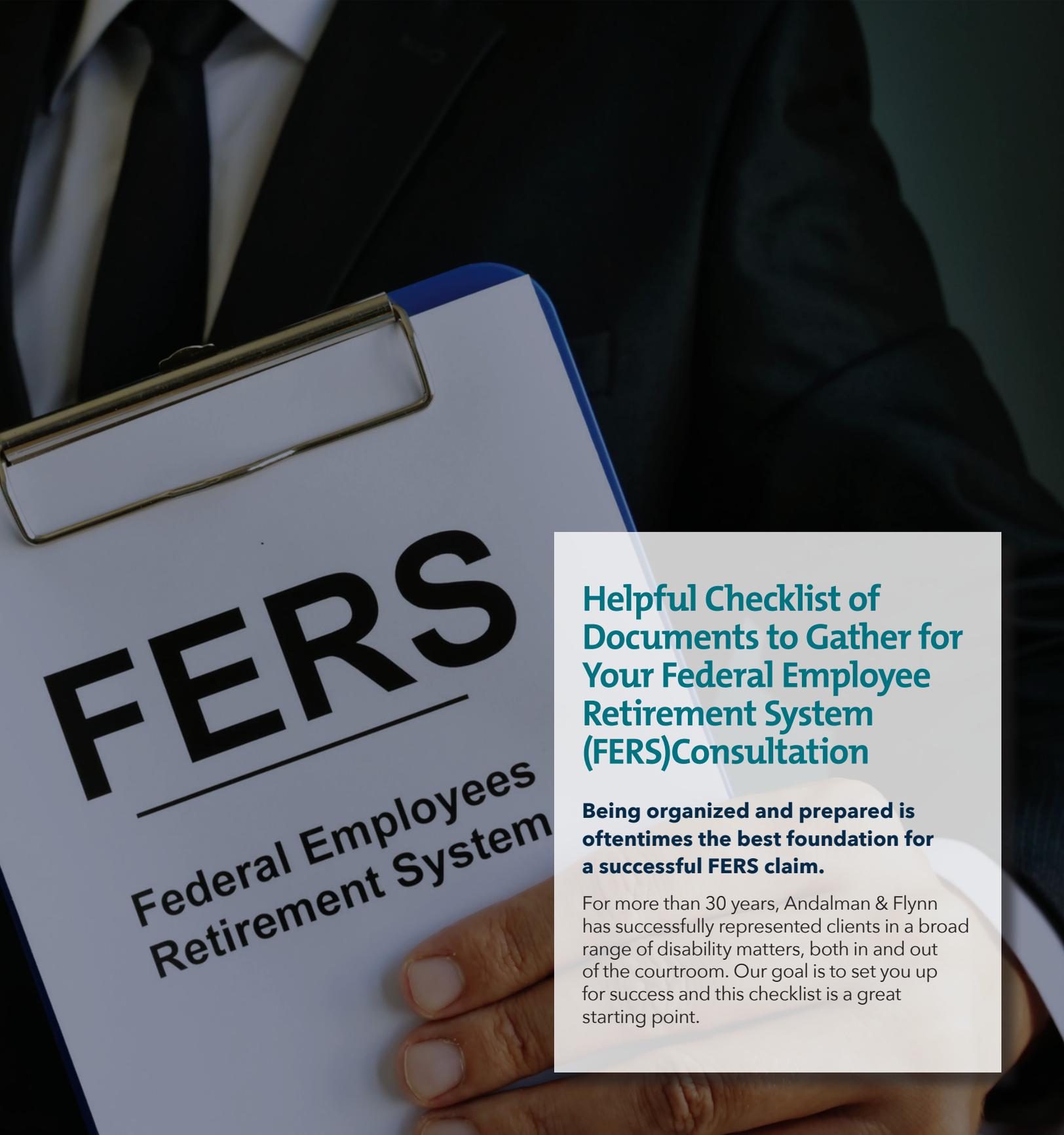




# ANDALMAN & FLYNN

## Attorneys at Law

*Listen with compassion. Fight with conviction.*



# FERS

## Federal Employees Retirement System

### Helpful Checklist of Documents to Gather for Your Federal Employee Retirement System (FERS) Consultation

**Being organized and prepared is oftentimes the best foundation for a successful FERS claim.**

For more than 30 years, Andalman & Flynn has successfully represented clients in a broad range of disability matters, both in and out of the courtroom. Our goal is to set you up for success and this checklist is a great starting point.

# Introduction

## **Thank you for downloading our checklist.**

Civilian Federal and United States Postal Service employees throughout the United States who are covered under the **Federal Employees Retirement System (FERS)** can apply to retire on a disability annuity if they establish that a medical condition prevents them from performing “useful and efficient” service. At Andalman & Flynn, our experienced counselors help you navigate the complex process of applying for disability retirement or fighting a denial of your application for disability retirement.

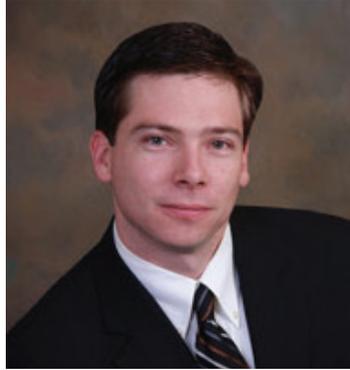
The application process for Federal Disability Retirement (FDR) includes numerous forms that can be complex and difficult to understand and assemble.

At [Andalman & Flynn](#), our experienced federal disability retirement lawyers will work closely with you to complete your application and submit it to the Office of Personnel Management (OPM) for consideration. Our skilled attorneys proudly serve federal and postal workers throughout the United States, and will also help coordinate with other necessary individuals and offices in the submission of your application, including:

- Supervisors
- Doctors
- Human resources
- Payroll department
- Legal offices
- OPM

**To help get you started, we have compiled a checklist of the documents one should provide during or before a consultation for federal employee disability retirement (FERS). Keep in mind, not every document is applicable to every case, so use this as a framework.**

# About the Author



**"I believe that combining legal expertise with strategic creative thinking is the best way to help my clients."**

I strive to do everything possible to provide assistance to my clients when they need it most. One of the most challenging times in our lives is when an injury or illness makes working impossible. When this happens, it is easy to lose hope, as our ability to work is so intimately tied to our own self-worth. My goal is to fight for and obtain disability benefits for those who are sick or injured, providing the stability necessary to get their life back.

**Peter Casciano, Principal**





# Checklist of Documents to Gather

Please note that not every document is applicable to every case.  
If you have it, we recommend providing it to your attorney.

- Any Reasonable Accommodation Request made**
- Any FMLA Paperwork Completed**
- Official Position Description (OPD)**
- Notice of Proposed Removal**
- Removal, with SF 50 (Notice of Personnel Action)**
- Decision(s) from Office of Personnel Management (OPM)**
- Decision (s) from Social Security Administration (SSA)**
- Letters Written Regarding Your Functionality by Your Treating Physicians**
- Fitness for Duty Evaluations**

# Description of Each Document

## Any Reasonable Accommodation Request Made

An individual can make either an oral or written request for accommodation. To request an accommodation, an individual may use “plain English” and does not need to mention the Rehabilitation Act or “reasonable accommodation.” A family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. The request for a reasonable accommodation must be made for a reason related to a medical condition. If you have made such a request, please gather all documentation of that request(s).

[Read More](#)

---

## Any FMLA Paperwork Completed

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of such son or daughter;
- the placement of a son or daughter with the employee for adoption or foster care;
- the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions
- any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM’s regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See Sick Leave to Care for a Family Member with a Serious Health Condition.) FMLA leave is in addition to other paid time off available to an employee.

[Read More](#)

## ❑ Official Position Description (OPD)

A position description or “PD” is a statement of the major duties, responsibilities, and supervisory relationships of a position. In its simplest form, a PD indicates the work to be performed by the position. The purpose of a PD is to document the major duties and responsibilities of a position, not to spell out in detail every possible activity during the work day.

[Read More](#)

---

## ❑ Notice of Proposed Removal

Federal governmental agencies and employers are authorized to make any employee removal that promotes the efficiency of service. In 1884, the first annual report of the United States Civil Service stated, “the power of removal and its exercise for just reasons are essential both to the discipline and the efficiency of the public service.” The Civil Service Commission has promulgated general standards to be used by agencies in instituting adverse actions. 5 CFR § 752.104 provides reasons that may not be used as a basis for removing a federal employee. Reasons include, taking and adverse employment action against an employee based on marital status or political reasons or because of “race, color, religion, sex, or national origin, or for physical handicap with respect to any position of duty which may be efficiently performed by a person with the physical handicap.” i

If the agency is not in violation of the statute, then section 7513 governs the removal and appeal proceedings. The statute states that an action proposed against an employee is entitled to several important things

[Read More](#)

---

## ❑ Removal, with SF 50 (Notice of Personnel Action)

Understanding your rights and the discipline process and using that knowledge to present a persuasive case to the deciding official can result in reduction of the proposed penalty or even cancellation of the action.

There are generally two types of notices of proposed removal in the federal government - notices based on poor performance under 5 U.S.C. Chapter 43 and notices based on misconduct (which could include performance and/or other allegations of wrongdoing) under 5 U.S. C. Chapter 75.

[Download Notification of Personnel Action Form](#)

## ❑ Decision(s) from Office of Personnel Management (OPM)

A common mistake claimants make is that they file the application, confirm OPM has it, and then do nothing. While it is true that OPM takes time to issue a decision and it is not advisable to harass them, regular follow-ups are always recommended. Too many times I seen where a claimant just sat and waited, the decision was issued but lost in the mail, and then OPM alleged that the claimant couldn't appeal the decision because they waited too long. Regular follow-ups help to prevent these issues because if you can reach an OPM employee by phone, they can sometimes provide helpful information you need to know.

[Read More](#)

---

## ❑ Decision (s) from Social Security Administration (SSA)

You can apply for SSDI at your local Social Security office or online at SSA.gov, You should explain your situation and provide copies of the documents social security requires, such as medical records, birth certificate, and W2s from the last two years. The SSA will prepare your file and send it to the Disability Determination Service for your state, which will review your case, collect medical records and determine whether your disability qualifies you for SSDI. You should hear back within three to four months.

[Read More](#)

---

## ❑ Letters Written Regarding Your Functionality by Your Treating Physicians

Your physician's statement is often the most crucial document in your application. Your application must establish that you are medically disabled to perform your job and that said disability will last more than a year.

OPM will not obtain medical evidence for applicants, and neither will your Agency. Applicants are responsible for obtaining the medical evidence themselves. Furthermore, OPM prefers physician statements that are dated before any separation date. That is one reason we recommend that you retain experienced counsel to help you with your initial applications and not just on appeals.

OPM has created a Physician's Statement Form, SF 3112C. Unfortunately, it is not as helpful as it should be. In general, you must submit clinical records from your treating doctor(s) and a detailed report from at least one treating doctor that supports your application. A short medical report merely stating the doctor's conclusion that you are disabled is insufficient.

[Read More](#)

---

## **Fitness for Duty Evaluations**

As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employer may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employer) in the fitness-for-duty certification process as in the initial certification process.

[Read More](#)

A person is standing in a grassy field, holding a large white sign with the words "DISABILITY MATTERS" written in blue, hand-painted capital letters. In the background, the white dome and columns of the United States Capitol building are visible under a clear blue sky.

DISABILITY  
MATTERS



## About Us

[Andalman & Flynn](#) serves federal disability retirement clients across all 50 states, Washington, DC, and internationally, offering compassionate, quality service and results-driven representation across a broad range of legal areas. With a concentration on disability benefits law and family law, the firm focuses on cases that impact the rights of everyone, and they are there for clients when responsive legal help is most critical.

**For more information about Andalman & Flynn, please visit our [website](#) or call 301.563.6685.**

© 2021, Andalman & Flynn