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ONE ACCIDENT, ONE DISABLING CONDITION, TWO BENEFITS:

Maryland State Employees and Public School Teachers Receive
Workers' Compensation and Accidental Disability for the Same Injury

I. Accidental Disability Basics

As a state employee in Maryland or public school teacher, you may be eligible to receive Accidental Disability Benefits if you suffer a "permanently disabling medical condition" as a result of injuries sustained during an accident that occurred at your job. In order to be awarded these benefits when filing for accidental disability, you must demonstrate that you are completely and permanently unable to perform the duties of your job.

This determination will be made by the State Retirement Agency's (SRA) Medical Board and must be approved by the SRA Board of Trustees.

Members of the State Retirement System must apply for accidental disability benefits during membership status, which can be either while actively on the State or school system's payroll OR within four (4) years of going off payroll. In a few cases, the SRA has granted a twenty-four (24) month filing extension if the claimant can prove they were mentally or physically incapacitated from filing within the deadline due to the disability itself.

Unlike when filing for ordinary disability, where a claimant is required to have worked a certain number of years (depending on the state agency that employs them) to be eligible for disability, there is NO service requirement for accidental disability. An employee's coverage is in effect upon enrollment provided that the following four (4) requirements are met:

- 1) The claimant is totally and permanently disabled as the direct result of a specific accident(s) which occurred at a definite time and place;
- 2) The accident(s) occurred while the claimant was performing assigned duties;
- 3) The claimant is not responsible for the accident through willful negligence; and,
- 4) The claimant is approved by the SRA Medical Board and SRA Board of Trustees

A claimant's accidental disability application must include all documents normally submitted with an application for ordinary disability retirement and the following:

- Accidental disability documentation (evidence that the accident was the direct cause of the disability.)
- The Employer's First Report of Injury
- Copies of any Workers' Compensation decisions, awards or pending claims.

II. How Workers' Compensation Effects Your Accidental Disability Benefits?

The "Basic Allowance" is the maximum monthly payment that the State makes available to a retiree. The "Basic Allowance" is equal to two thirds (2/3) of the retiree's average final compensation, calculated by averaging the three (3) highest years of salary, PLUS an annuity based on the retiree's contributions. The Basic Allowance provides no protection for the retiree's beneficiaries, unless the retiree selects another option which provides a lower payment to the retiree depending on the degree of beneficiary protection.

While accidental disability does not reduce or affect a retiree's right to receive Workers' Compensation benefits, accidental disability benefits are "coordinated" with benefits payable from Workers' Compensation. This coordination has resulted in situations where retirees have applied for and received Workers' Compensation, and their accidental disability retirement benefits have been reduced for an accidental personal injury.

By law, the SRA must withhold an amount equivalent to the Workers' Compensation award from the retiree's accidental disability benefits, if the Workers' Compensation benefits and accidental disability benefits are based on the same event and are paid over the same period of time. However, the SRA does not offset the retiree's annuity (the portion of benefit based on the retiree's contributions) and must leave enough benefit to cover the cost of the retiree's health insurance premiums.

It is important that all accidental disability claimants be aware of the impact of Workers' Compensation benefits on accidental disability retirement, and the SRA should be notified if the retiree has applied for or is currently receiving Workers' Compensation benefits. The retiree should also provide the Workers' Compensation case number to the SRA.

If you have questions about Maryland State Retirement, Federal Retirement or Social Security, please contact us at (301) 563-6685 or visit our website www.andalmanflynn.com. You should always consult an attorney to determine how the law applies to your particular situation.

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