

Simultaneous Filing of Retirement Applications



NYC EMPLOYEES'
RETIREMENT SYSTEM

All Tiers

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As of December 1, 2017, under certain circumstances, NYCERS members may choose to file both a service retirement application and any disability retirement application (e.g., an ordinary disability application, an accidental disability application, and/or a World Trade Center disability application) at the same time. This fact sheet answers commonly asked questions regarding simultaneous filing.

When should a member file for disability or service retirement?

Members can file for either disability or service retirement, or both, at any time, once they:

- Meet the respective eligibility/filing requirements for both service retirement and disability retirement. See eligibility/filing requirements on NYCERS' website at nycers.org/forms-publications; **AND**
- File the disability application(s) **prior to the effective retirement date** on the service retirement application.

What are the advantages of filing both a service retirement application and disability application(s) simultaneously?

- Simultaneous filings permit an eligible member to start receiving a benefit (partial payments and health insurance) as soon as their first application is approved, without hindering other applications in progress.
- If the member is later approved under a different retirement benefit, the member may choose to retire under the second benefit (in some circumstances), and the benefits will be retroactive to the first retirement date, or to the earliest date permitted by law. However, with some exceptions, if a member is approved by the NYCERS Medical Board for disability retirement, the member **CANNOT** choose to retire for service. If a member is approved for a service retirement and is subsequently approved and retired under a disability retirement, the better of the two benefit calculations is used; however the retirement date can change.

Does a member need to file for both types of retirement?

It is a member's choice to file for either type of retirement, or both.

NOTE: If a member has 20+ years of service and is eligible for a service retirement benefit, their benefit amount may not be greater if they are awarded an ordinary disability benefit.

A member may withdraw their disability application at any time prior to, but not after, NYCERS' Medical Board's determination. If such determination is an approval for disability benefits, the classification of disability retirement applies and is irrevocable.

How will a member receive pension payments if they file for both types of retirement?

In most cases, the service retirement benefit is payable before the disability application is processed because the service retirement benefit is processed based on the retirement date elected. Therefore, a member would receive a **partial payment for the duration of the disability application process** and, if approved for a higher benefit, would receive the increase in benefits at the time their disability case is finalized. **Note:** A service retirement benefit cannot be finalized while a disability retirement application is still in process. Disability retirement processing can be extensive based on the type of disability filed, NYCERS' Medical Board/Board of Trustees' review, and/or any pending appeals/litigation, etc.

Will a member receive two payments?

No. A member will only receive one payment. However, depending on the outcome of their disability retirement application, they could initially be paid based on the service retirement amount, and later switched to a disability benefit.



How long does it take to process a member's applications?

Service retirement applications are processed immediately after the retirement date has passed. Payments are usually initiated either in the same month or the month following the retirement date, depending on the date of retirement. Disability retirement applications can take significantly longer to process due to NYCERS' requests for a member's medical/accident reports, medical records, interview/examination by NYCERS' Medical Board, ratification by the Board of Trustees, appeals, etc.

What if a member no longer wants to wait for the disability application to be processed?

If a member does not wish to continue with their disability retirement application, they can withdraw their application prior to receiving a final decision of approval from the NYCERS Medical Board. If a disability retirement application is filed by a member's agency, the application can **only** be withdrawn by the agency.

What happens when a member's disability application is approved by NYCERS' Medical Board?

After a member's disability retirement application is approved, their last day paid information will be requested from their agency, and their calculations will be initiated. Next, they will receive their Option Election package and their benefit will be finalized under disability retirement. Their service retirement application is then closed.

NOTE: World Trade Center reclassification cases can be processed after the service retirement is finalized.

What happens if a member's application is denied by NYCERS' Medical Board?

If a member's disability retirement application is denied by NYCERS' Medical Board and there is no accident/causality issue to appeal before the Board of Trustees, and they have also filed for service retirement, their service retirement application will resume normal processing.

What happens if a member appeals their disability denial?

If a member is found disabled by NYCERS' Medical Board, but the member's disability retirement application is denied by NYCERS' Medical Board due to an accident/causality issue, the member may appeal before the Board of Trustees. If they have also filed for a service retirement, they will continue to receive their service retirement benefit (partial payment) until the appeal is finalized.

How does a member know which retirement benefit is best for them?

NYCERS cannot tell a member which benefit is better for them since retirement dates, monetary amounts, income limitations, and refunds vary by person and retirement type. For more information, they can log in or register to their secure [MyNYCERS](#) account at www.nycers.org to:

- Review and compare disability, service and vested retirement benefit calculations for their tier, title and plan
- Complete estimates online
- Request an estimate for each benefit
- Submit a Service Request for additional information

