

807 CMR: TEACHERS' RETIREMENT BOARD

807 CMR 7.00: DOCUMENTATION TO BE OBTAINED FOR ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT

Section

7.01: Purpose of Standard Rules

7.02: Forms to be Completed for an Ordinary or Accidental Disability Retirement

807 CMR 7.00 is the standard rules governing the application procedure as it relates to the documentation necessary for ordinary and accidental disability retirement for all individuals within the Massachusetts Teachers' Retirement System promulgated by the Teachers' Retirement Board under the statutory authority found in M.G.L. c. 15, § 16. 807 CMR 7.00 shall establish the forms to be used for members of the Massachusetts Teachers' Retirement System who are applying for an ordinary or accidental disability retirement and shall, except as specifically provided in 807 CMR 7.00, be supplementary to those rules governing the disability process as promulgated by the Public Employee Retirement Administration Commission and set out in 840 CMR 10.00: *Standard Rules for Disability Retirement*.

7.01: Purpose of Standard Rules

The purpose of 807 CMR 7.00 is to provide disability application materials which address the employment situation of teachers and administrators. Using these materials will enable the retirement board to ensure that it has the information needed to guarantee compliance with its fiduciary responsibility as provided in M.G.L. c. 32.

7.02: Forms to be Completed for an Ordinary or Accidental Disability Retirement

(1) Proceedings for ordinary or accidental disability retirement may be brought by any member of the Massachusetts Teachers' Retirement System who, while a member in service, becomes unable to perform the essential duties of his or her job, whose inability is likely to be permanent, and who meets any other relevant statutory criteria, by filing an application with the Teachers' Retirement Board. The application shall consist of the MTRS's Disability Retirement Application, which includes a certifying statement from the applicant's physician.

This application is to be utilized in *lieu* of the disability retirement forms otherwise required by 840 CMR 10.06(1): *Voluntary Retirement*.

(2) The application shall be considered filed as of the date upon which the applicant completes and submits it, including the completed statement from the applicant's physician, to the Teachers' Retirement Board. If the Teachers' Retirement Board believes any part of the application contains false, fictitious or fraudulent information, the board shall notify the Attorney General or the appropriate district attorney.

(3) Upon receipt of an application by a member for ordinary or accidental disability retirement, the Teachers' Retirement Board shall request the member's department head and superintendent to complete the Employer's Statement. If the department head is not familiar with the member's claim, the statement shall be prepared by the member's supervisor and shall be approved by the superintendent.

(4) If a member files an application for ordinary disability retirement while having an application for accidental disability retirement concerning the same job pending before the Board, or *vice versa*, the second application will be considered filed as of the date of the first.

(5) Applications for ordinary or accidental disability retirement shall be considered by the Teachers' Retirement Board only upon completion of all the forms set forth in 807 CMR 7.00.

REGULATORY AUTHORITY

807 CMR 7.00: M.G.L. c. 15, § 16.