THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. **Division of Administrative Law Appeals**

Joseph Coach,
Petitioner

v. Docket No. CR-23-0196
Date issued: Apr. 4, 2025

Westfield Retirement Board,
Respondent

Appearance for Petitioner:

Marc J. Levy, Esq.

Appearance for Respondent:

Michael Sacco, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY OF DECISION

Petitioner, a Group 4 fire fighter and paramedic now diagnosed with post-traumatic stress disorder, has not based his accidental disability retirement application on an injury or hazard that occurred within two years of the filing of his retirement application, and he does not qualify for either exception to the two-year filing requirement. *See* G.L. c. 32, §§ 3(2)(g), 7(1) and 7(3). The run report generated after the last, particularly gruesome event he claims caused his PTSD does not qualify as "written notice" of his injury because neither its content nor circumstances communicate the likelihood that he may have suffered severe emotional harm. Neither was there a record of his injury on file in the official records of his department. The injured-on-duty benefits application and accompanying medical records he filed came nearly four years after the injury—too late for the department to investigate it contemporaneously.

DECISION

Under G.L. c. 32, § 16(4), Petitioner Joseph Coach timely appeals the March 22, 2023 decision of Respondent Westfield Retirement Board denying his application for accidental disability retirement. Petitioner claims that he is disabled by post-traumatic stress disorder. The Board denied Mr. Coach's application because he failed to satisfy the G.L. c. 32, § 7 notice requirements and he failed to identify a personal injury or a hazard undergone while in the performance of his duties.

On June 1, 2023, the Division of Administrative Law Appeals (DALA) ordered the parties to file a joint pre-hearing memorandum. After several extensions, the parties submitted their memorandum on January 30, 2024, along with 15 agreed-upon proposed exhibits. DALA scheduled a hearing for June 18, 2024. On May 13, 2024, the parties notified DALA that they had conferred and agreed that "the sole issue in this case is whether notice has been satisfied for M.G.L. c. 32, § 7's purposes"[1] and asked that the hearing be cancelled and the appeal be decided on written submissions under 801 CMR 1.01(10)(c). The next day, I cancelled the hearing and ordered the parties to file any additional briefing no later than July 31, 2024. After an extension, both parties submitted their additional briefing on September 30, 2024, along with one additional exhibit.

[1] Notwithstanding this agreement, the Board has advanced the argument that the Physician's Statement submitted by Dr. Reynolds is defective because it lists the dates of injury as "cumulative" and makes no reference to the January 2016 incident mentioned in Mr. Coach's accidental disability retirement application. I cannot agree with this assessment. Neither the retirement law nor PERAC require such precision. See 840 CMR 10.06(1)(b) ("certificate from a licensed medical doctor" required). The application cites the January 2016 incident and cumulative repeated exposure to distressing emergency scenes as the cause of his injuries. Mr. Coach has never advanced the theory that the January 2016 incident alone caused his PTSD. The papers filed made it clear that his claim was that his PTSD was caused by multiple events that he confronted over a period of time, the last being the January 2016 incident.

I hereby enter proposed Exhibits 1-16 into evidence, as marked. (Exs 1-16.)

FINDINGS OF FACT

Based on the documents presented by the parties, I make the following findings of fact:

1. Joseph Coach began working as a fire fighter/paramedic for the City of Westfield Fire Department on August 4, 1997. He took approximately two years off to work a different, private job but then returned to employment with the Department until January 19, 2023, when the Board retired him for ordinary disability. (Exs. 1, 2, 9.)

2. Mr. Coach served in the United States Army for 4 years. He was honorably discharged in 1995. (Ex. 4.)

3. On January 16, 2016, while on duty, Mr. Coach witnessed a patient stab himself in the chest in front of him after the patient had already cut his own throat. The scene was bathed in blood. (Exs. 1, 16.)

4. A report of the department's response to that call, filed the same day, does not have a title, but it lists the "run number" on its first line. It lists six responding fire fighters, including Mr. Coach. It lists the following description:[2]

> UOA we found a male, 36 years of age, with c o He Slashed His Throat. Pt father states pt is on drugs and has slashed his throat. U A PD kicking down door to bathroom and then ordering pt to drop knife. Pt then collapsed forward. Direct pressure with trauma dressing was applied to PT left carotid area. Pt larynx was visible and open with air passing through. Pt then began to fight with Providers and police. Pt had to be restrained after kicking and punching ems pd. LOC is A O x 1. Eyes open spontaneously. Verbal response is incomprehensible. Motor response is localizes pain. Respirations are present and via room air at a rate of 30. Lungs are clear equal bilaterally. Skin is pale, cool and clammy. Severe Laceration noted on Throat, larynx exposed and open. Pt

[2] Rather than make numerous corrections to the description, I have provided it word for word without any editing.

> has multiple deep lacerations on both arms aprox 4 on left three on right. Wound is dressed while enroute. 3 Severe Penetrations noted on front of left Chest. LUQ left chest. Site dressed. Primary clinical impression is Multi-system Trauma – Severe Hemmorrhage.

(Ex. 16.)

5. Shortly afterward, on February 12, 2016, Mr. Coach visited the On-Site Academy, a treatment center for public safety workers, because he was experiencing constant anxiety after the January 16, 2016 incident, which he described as "particularly gruesome." In addition to this incident, he cited an incident from his military service when he accidentally shot his friend in the eye during a paintball training exercise, resulting in the loss of the eye, and another incident he responded to as an EMT when two brothers crashed head-on into each other with no helmets. This last incident disturbed Mr. Coach because the brothers reminded him of his own children. Mr. Coach did not report this On-Site visit to the fire department because he was reluctant to disclose his problems to his department because he felt that he would be penalized for being weak. Instead, he self-medicated with alcohol while he continued to work. (Ex. 4.)

6. From September 10, 2018 through September 22, 2018, Mr. Coach attended the Brattleboro Hospital Retreat. He was admitted to the Uniformed Service Program for help with alcohol, anxiety, PTSD, and depression. He did not disclose this to the department. Again, he continued to work. (Exs. 10, 11.)

7. From August 25, 2019 through November 21, 2019, Mr. Coach took administrative leave while he sought medical treatment. (Ex. 7.)

8. On September 3, 2019, Mr. Coach visited On-Site Academy again because he was feeling stressed out, had been "drinking way too much," and was getting tired of the job. He again reported two "critical incidents": the January 16, 2016 incident

(mistakenly recorded as having occurred in 2017) and the paintball military training exercise incident. Mr. Coach also mentioned that one of his closest friends died the day before from a brain hemorrhage at age 49. (Ex. 4.)

9. The next day, on September 4, 2019, Mr. Coach filed an incident report with the fire department. He also filed an application for injured-on-duty status, under G.L. c. 41, § 111F, based on PTSD that he suffered because of "several incidents," the most recent being the January 16, 2016 incident which he described as "responded to suicidal male who had slashed his throat and stabbed himself in front of me." (Ex. 7.)

10. On October 1, 2019, the City and its claims administrator recorded an injury report for the January 16, 2016 incident, which was described as "PTSD; Several Incidents; Last mos[t] severe, responded to suicidal male who had slashed his throat and stabbed himself in front of me." (Ex. 7.)

11. On October 8, 2019, Mr. Coach presented for a psychiatric evaluation with Health New England for his PTSD symptoms. Mr. Coach treated with them through June 2021. (Ex. 6.)

12. On October 21, 2019, the fire chief informed Dr. Michael Rater that he had been designated to examine Mr. Coach in connection with his injured-on-duty benefits application. The fire chief informed Dr. Rater: "It should be noted that on January 1[6], 2016 this Firefighter was involved in a medical call with a suicidal male subject who severely injured himself in front of this employee. It is this incident that he claims caused his PTSD." (Ex. 7.)

13. On November 13, 2019, Dr. Rater opined that Mr. Coach had at one time met the criteria for trauma and PTSD and that the conditions had resolved and Mr. Coach

was fit for duty. Dr. Rater warned, however, that his long-term prognosis was guarded because he would be returning to the "cues of trauma" that led to his drinking in the past, which would raise the risk for relapse. (Ex. 7.)

14. After Dr. Rater opined that Mr. Coach's PTSD had resolved as of the date of the examination, Mr. Coach returned to work and continued working until May 2021. (Ex. 7.)

15. On May 11, 2021, Mr. Coach began treating with On-Site Academy again after he was on vacation in Yellowstone National Park and had a panic attack that caused him to be transported by ambulance to a local hospital. He stated that he could not "get work out of his head" and "dreaded going back." (Ex. 4.)

16. That same day, Mr. Coach filed a second incident report and application for § 111F benefits following the events at Yellowstone. Under "Nature of Illness/Injury," he listed: "[Rule/Out] cardiac, chest pain, dizziness, difficulty breathing." He was ultimately awarded § 111F benefits. (Ex. 8.)

17. On May 25, 2021, Dr. James T. Buffum performed a cardiac evaluation and testing on Mr. Coach. Dr. Buffum noted no evidence of underlying coronary artery disease. (Ex. 8.)

18. From June 7, 2021 through June 11, 2021, Mr. Coach returned to On-Site Academy, where he completed a residential treatment and training program for critical incident stress management. (Ex. 8.)

19. On June 24, 2021, Mr. Coach applied to retire for either ordinary or accidental disability. He claimed that he sustained a personal injury in the form of

"severe anxiety, nightmares, unwanted thoughts, difficulty concentrating, alcohol abuse as self-medication, depression, [and] constant worry about going to work." (Ex. 1.)

20. As for the cause of his injuries, Mr. Coach cited the January 16, 2016 incident and "cumulative," "repeated exposure to distressing emergency scenes." (Ex. 1.)

21. He listed post-traumatic stress disorder as his medical diagnosis. (Ex. 1.)

22. On July 21, 2021, Dr. Lance Reynolds completed a Physician's Statement in support of the retirement application. He listed the dates of injury as "cumulative" and diagnosed Mr. Coach with PTSD and alcohol abuse. Dr. Reynolds certified that Mr. Coach was disabled from his firefighting and paramedic duties and the disability was likely to be permanent. When asked to describe the events or conditions that led to Mr. Coach's disability, Dr. Reynolds listed "chronic exposure to distressing work-related scenes." (Ex. 13.)

23. In July 2021, psychiatrist Dr. Edward Ballis began treating Mr. Coach. Dr. Ballis's notes indicate that Mr. Coach discussed his on-the-job exposure to Hepatitis C, the car collision involving teenagers that bothered him because his son had just started driving, his history of childhood trauma, and the military paintball incident where he shot his friend in the eye. The notes do not reflect them discussing the January 16, 2016 incident. (Ex. 5.)

24. In a July 27, 2021 note, Dr. Ballis wrote: "I am Mr. Coach's treating psychiatrist. He has begun to experience Panic episodes in addition to his ongoing Post Traumatic Stress Disorder symptoms. His panic episodes are without a doubt [] further symptoms of his Post Traumatic Stress Disorder which is secondary to his work as a paramedic for the Westfield Fire Department." (Ex. 5.)

25. In the Employer's Statement, dated September 13, 2021, Fire Chief Patrick M. Egloff described Mr. Coach's duties as both firefighting and EMS calls. He described these environments as "uncontrolled" and sometimes "traumatic." Chief Egloff referred to Dr. Rater's November 13, 2019 evaluation when asked to describe the incident or hazard that caused the disability. He also confirmed that Mr. Coach began receiving injured-on-duty benefits on May 6, 2021. (Ex. 9.)

26. PERAC appointed a regional medical panel comprising Drs. Michael Braverman, Mark Cutler, and Michael W. Kahn. (Exs. 10, 11, 12.)

27. In a report dated August 24, 2022, Dr. Braverman diagnosed Mr. Coach with "PTSD with anxiety and depression" and a history of alcohol abuse that disabled him from his fire fighter/paramedic duties. He opined it was permanent because of the severity and persistence of his PTSD, anxiety, and depression after reasonable and appropriate treatment. Finally, he opined that "the disability is the result of the stressful traumatic incidents he experienced during his work as a firefighter/paramedic." (Ex. 10.)

28. In a report dated October 6, 2022, Dr. Cutler diagnosed Mr. Coach with PTSD manifested by decreased sleep, recurrent nightmares, and recurrent intrusive thoughts of the traumas he was exposed to, and with panic disorder. He opined that Mr. Coach was permanently disabled. He further opined that the disability was such as might be the natural and proximate result of several incidents: witnessing the suicide, witnessing the two 17-year-olds' head trauma, and the military paint ball incident. Finally, he opined: "The [paintball] incident occurred prior to his employment and has contributed to the above diagnoses, however, the work-related incidents are what has resulted in his incapacity and inability to continue in his job." (Ex. 11.)

29. In a report dated August 23, 2022, Dr. Kahn diagnosed Mr. Coach with PTSD and alcohol dependence (in remission) that permanently disabled him from his job duties. On causation, he opined: "I think it is clear that he had no prior significant psychiatric problems, and that his post-traumatic stress disorder is such as might be the natural and proximate result of the personal injury sustained or the hazard undergone on account of which retirement is claimed." (Ex. 12.)

30. On March 22, 2023, the Board notified Mr. Coach that it had denied his application for accidental disability retirement as a matter of law because, as a result of Section 7's "strict notice requirements and how psychological personal injuries are defined under Section 7 and the interpretative case law, Mr. Coach has not identified a personal injury sustained or hazard undergone while in the performance of his duties to succeed in his claim." (Ex. 2.)

31. However, the Board approved his claim for ordinary disability. Mr. Coach's injured-on-duty benefits were terminated when he began receiving his ordinary disability benefits. (Ex. 2.)

32. On March 23, 2023, Mr. Coach timely appealed the Board's denial of his accidental disability retirement application. (Ex. 3.)

CONCLUSION AND ORDER

Mr. Coach seeks accidental disability retirement. He has the burden of proving every element of his claim. *Lisbon v. Contributory Ret. App. Bd.*, 41 Mass. App. Ct. 246, 255 (1996). "G.L. c. 32, § 7(1) provides for accidental disability retirement benefits if a member (1) 'is unable to perform the essential duties of his job' and (2) 'such inability is likely to be permanent before attaining the maximum age for his group,' (3) 'by reason of

a personal injury sustained or a hazard undergone as a result of, and while in the performance of, his duties,' (4) 'without serious and willful misconduct on his part.'" *Brady v. Weymouth Ret. Bd.*, CR-20-0201, at *9 (Div. of Admin. Law App. Jul. 15, 2022).

There is no dispute that Mr. Coach has, in the course of his employment, witnessed a number of gruesome and terrible scenes. In one particularly awful event on January 16, 2016, he witnessed a man stab himself in his own chest after he had slashed his own throat. A unanimous medical panel diagnosed Mr. Coach with PTSD, anxiety, and depression caused by these traumatic incidents.

The only genuine dispute in this case is over whether the notice requirements at G.L. c. 32, § 7(1) and (3) have been satisfied. Section 7(1) provides, in pertinent part:

> Except as provided for in subdivision (3) of this section, no such retirement shall be allowed unless such injury was sustained or such hazard was undergone *within two years prior to the filing of such application* or, if occurring earlier, *unless written notice thereof was filed with the board by such member or in his behalf within ninety days after its occurrence*.

(Emphasis added.) Section 7(3) provides:

> Lapse of time or failure to file notice of an injury sustained or a hazard undergone as provided for in subdivision (1) of this section . . . shall not be a bar to proceedings . . . if such member received payments on account of such injury or hazard under the provisions of chapter one hundred and fifty-two or *in case he was classified* in Group 2, Group 3 or *Group 4 and not subject to the provisions of chapter one hundred and fifty-two, if a record of such injury sustained or hazard undergone is on file in the official records of his department*.

(Emphasis added.)

Mr. Coach's accidental disability retirement application was filed on June 24, 2021, which is more than five years after the latest alleged injury in January 2016. This

means that, unless an exception applies, his application must be denied because none of the injuries he relies on in his application occurred within two years of filing for retirement. G.L. c. 32, § 7(1).

Mr. Coach argues that two exceptions apply to him. First, he contends that a report that was generated after the 2016 incident qualifies as "written notice" of his injury filed with the Board. *Id.* The report is not an injury report. Mr. Coach presented it as a "run report." I accept this characterization, as the report lists the run number in its first line and focuses all of its narrative on the care of the patient that day. The report has no title, but a report, whatever its title, "might suffice for purposes of [§ 7(1)] if it actually reported an injury." *Shea v. Marlborough Ret. Bd.*, CR-14-185 (Div. of Admin. Law App. Aug. 25, 2017). The report falls short in this respect. The only injuries it discusses are the gruesome ones that the patient inflicted on himself. It states nothing about injuries to any of the first responders who were on the scene or took part in the patient's care. Therefore, it cannot be considered written notice of Mr. Coach's injury. *See, e.g.*, *Shea v. Marlborough Ret. Bd.*, CR-14-185 (Div. of Admin. Law App. Aug. 25, 2017) (incident report filed by detective that described the hacking of her cell phone by a stalking suspect did not qualify as written notice of the injury because it did not describe any injury that the hacking caused her); *Brown v. Boston Ret. Bd.*, CR-12-52 (DALA Dec. 6, 2013) (firefighter's incident reports of physical injuries did not notify fire department of psychological injuries).

There is a set of DALA decisions that *have* allowed reports other than injury reports to serve as notices of injury, but only "when their content and circumstances communicate the likelihood that the member may have suffered severe emotional harm."

Gonglik v. Westfield Ret. Sys, CR-21-425, at *3 n.4 (DALA Jan. 12, 2024). In those cases, those reports have generally been flagged as "critical incidents" or at least contain some other information that alerts the department or the retirement board that the member has suffered emotional injury. For instance, in *Kurt K. v. Hampden Cty. Reg'l Ret. Bd.*, No. CR-21-631, 2023 WL 4846321, at *9-10 (Div. of Admin. Law App. July 21, 2023), an incident report was sufficient to serve as a notice of injury when it:

> flagged the car crash as a "critical incident," explaining that the reason for that label was a "death or serious injury to a child." The very purposes of the "critical incident" label were to identify events that might compromise employee wellbeing and to provoke mental-health interventions, including the Critical Incident Stress Management Debriefing Session that the petitioner attended.

Routine run reports like the one presented by Mr. Coach, however, rarely communicate such details regarding the suffering of emotional harm by first responders like him. This is why the retirement law distinguishes between written notice of an injury and other routine reporting. *See, e.g.*, *Kaufmann v. Westfield Ret. Bd.*, CR-23-0598, at *8 n.3 (Div. Admin. Law App. Mar. 7, 2025) (routine fire department/paramedic "run sheets" insufficient to communicate the likelihood that the member suffered emotional harm). The run report generated as a result of the January 16, 2016 incident does not convey that Mr. Coach suffered any particular emotional harm. It focuses only on the treatment of the patient that day. It therefore does not qualify for the narrow exception outlined in *Kurt K.*

The second exception is based on Mr. Coach's Group 4 status as a fire fighter. As outlined in § 7(3), because Mr. Coach is in Group 4, if a record of the January 2016 injury was on file in the official records of the Westfield Fire Department, then failure to

file his retirement application within two years of the injury would no longer be a bar to his recovery.

Several DALA decisions have treated § 111F injured-on-duty benefits applications and their accompanying medical records as "official records." *See, e.g., Kaufmann, supra,* at *8-9; *Baptiste v. Bristol Cty. Ret. Bd.*, CR-20-0001, at *9-10 (DALA Jan. 12, 2024). Mr. Coach cites his own § 111F records, which he filed on September 4, 2019, in this context. The application cited a number of events, the latest of which was the January 2016 event. This means that his application was made nearly four years after his latest injury.[3]

As was explained so clearly in *Baptiste*, *supra*, at *10:

> On its face, the statute provides no time limits to when such a "record of injury" must be filed to satisfy § 7(3)(a). Nevertheless, some cases have placed an upper limit on § 7(3)(a) notice. In *Kane v. Worcester Reg. Ret. Bd.*, CR-14-052 (DALA Dec. 30, 2015), the member filed no notices, nor did he apply for § 111F benefits; the department was not made aware of the Petitioner's possible injury until eight years later when he spoke to his chief about having developed PTSD. In *Ledoux v. West Springfield Ret. Bd.*, CR-18-0459 (DALA Dec. 6, 2019), the Petitioner likewise did not file any notices; he did, however, receive § 111F benefits, but not until six years after the date of the incident. In both these cases, DALA found these notices were simply too late under § 7(3)(a).
>
> On the other hand, a doctor's report which later formed the basis for a § 111F application, filed five months after the incident, was timely. *Shea v. Marlborough Ret. Bd.*, CR-14-185, at *22 (DALA Aug. 25, 2017). Additionally, DALA "has previously recognized that a record of receipt of Section 111F benefits can [also] be such an official record." *Id.* citing *Rosario v. Fall River Ret. Bd.*, CR-13-233, at *10-11 (DALA Apr. 15, 2016). Indeed, a "record of such injury" can be medical records, letters between a member and his employer, or correspondence from therapists to

[3] Approximately two months later, Dr. Rater determined that Mr. Coach was fit for duty, effectively denying his § 111F application, so he returned to duty for another year and a half before filing another § 111F application based on the 2021 events at Yellowstone.

> the employer. *Ciavola v. Lowell Ret. Bd.*, CR-13-380, at *20 (DALA Jul. 17, 2015).

One recent case addressing the "official records" exception has recognized that the records must be filed within two years of the injury on the theory that the record of injury stands in for a retirement application. *See Kaufmann, supra*, at *8 ("To prevail, the petitioner thus must show that the workplace cause of his disability predated his [§ 111F] leave documents by two years or less."). Another recent case merely treats all records filed within two years of the cause of the disability as definitely qualifying, but does not discuss records filed after the two years have expired. *See Baptiste, supra*, at *10-11.

How, then, to apply the statute and interpretive case law? A DALA magistrate explained in *Baptiste, supra*, at *11:

> Many first responders are likely suffering from PTSD, but not themselves aware of it for a variety of reasons. . . . There must be some flexibility in our expectations of how this phenomenon is reported. The Petitioner reported her injury as soon as it became apparent. Section 7(3)(a)'s lack of a specific timing requirement inherently allows some room for flexibility. What is "timely" will obviously involve a fact-specific inquiry.

The fact-specific inquiry must in any event be driven by the purpose of the notice of injury provision, which "is to ensure that the public employer was alerted to any alleged injury and had an opportunity to make a contemporaneous investigation." *Simonelli v. Malden Ret. Bd.*, CR 16 224, at *17 (Div. of Admin. Law App. Jan. 12, 2018). *See Cohen v. Teachers' Ret. Bd.*, CR-97-1837, at *5-6 (Div. of Admin. Law App. May 21, 1999), *aff'd* (Contrib. Ret. App. Bd. Sept. 24, 1999); *Shea v. Marlborough Ret. Bd.*, CR-14-185, at *23-24 (Div. of Admin. Law App. Aug. 25, 2017); *Murray v. Norfolk Cty. Ret. Bd.*, CR-08-443, at *18-19 (Div. of Admin. Law App. Nov. 10, 2011). As CRAB has

explained, documents submitted long after the underlying events "cannot serve the purpose of the exception, which is intended to allow an opportunity to investigate." *Zajac v. State Bd. of Ret.*, CR-12-444, at *3 (Contributory. Ret. App. Bd. Aug. 21, 2015), *aff'd*, No. 1579-00600 (Hampden Super. Ct. Aug. 8, 2016).

This is where the facts of the instant case are perhaps most heartbreaking and show just how insidious PTSD can be for first responders. Mr. Coach actually sought treatment just a month after the January 2016 incident. However, he did not report his February 2016 visit to the On-Site Academy to his department; he hid it. As Mr. Coach credibly explained, he was reluctant to disclose his problems to his department because he felt that he would be penalized for being weak. Instead, he self-medicated with alcohol. Two years later, after his drinking had worsened, he attended the Brattleboro Retreat to address it and his PTSD. He again concealed his treatment from his employer and continued to work for the same reasons. Then, another year after that, in September 2019, things got so bad that he returned to On-Site Academy to grapple with the January 2016 incident again along with others that pre-dated it.

On September 15, 2029, the day after he admitted himself to On-Site, Mr. Coach finally filed an injury report for the January 2016 incident and an application for § 111F benefits (which was ultimately denied). The department had no other documents in its possession that would have alerted it to Mr. Coach's reaction to the January 2016 incident: no contemporaneous medical records, no correspondence from his therapists. *See Ciavola*, *supra*, at *20. Mr. Coach's decision to hide his treatment from his employer ended up depriving the employer of its opportunity to make a contemporaneous

investigation of the January 2016 incident or any of the preceding incidents that Mr. Coach claimed was causing his PTSD symptoms.

Even after applying some flexibility in the application of the § 7 notice requirements, it is not possible for me to conclude that the documents that Mr. Coach submitted in September 2019 qualify as an exception to the two-year filing requirement. Therefore, I must deny his application for accidental disability retirement.

For the foregoing reasons, Mr. Coach is not entitled to accidental disability retirement. The Board's decision is therefore AFFIRMED.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

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Kenneth J. Forton
Administrative Magistrate

DATED: Apr. 4, 2025