

MEMORANDUM #22, 2010

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Creditable Service While Receiving Partial Workers' Compensation Benefits

DATE: April 22, 2010

In a recent case entitled *Petrucci v. PERAC*, CR 07-84, DALA ruled that Ms. Petrucci should be granted full creditable service for the period that she was on workers' compensation for partial incapacity and at the same time was working part-time for the employer where her injury occurred. This case is essentially the same as the Superior Court case, *Amoah v. CRAB*, SUCV 2002-0988B, and PERAC did not appeal the DALA decision to CRAB.

As a result, going forward, any member who is on workers' compensation for partial incapacity and at the same time employed on a part-time basis by the public employer where the injury occurred will be granted full creditable service.

If a member is receiving partial workers' compensation and is not employed with the same employer, no creditable service is allowed.

If you have questions, please contact this office.

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