



# State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
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February 16, 2023

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

ELIZABETH MAHER MUOIO  
*State Treasurer*

JOHN D. MEGARIOTIS  
*Acting Director*

Sent via email to [REDACTED]

Karen Haselbauer  
[REDACTED]

RE: PERS [REDACTED]

## **FINAL ADMINISTRATIVE DETERMINATION**

Dear Ms. Haselbauer:

I am writing in reference to the decision of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) denying your application for Accidental Disability retirement benefits at its meeting of November 16, 2022.

You filed a timely appeal of the Board's determination and at its meeting of January 19, 2023, the Board considered your written submission and all relevant documentation in the record. The Board affirmed its original findings after noting that the statutes and relevant case law governing PERS do not permit the Board to approve your application for Accidental Disability retirement benefits. Finding no genuine issue of material fact in dispute, the Board also denied your request for an administrative hearing. Therefore, the Board directed the Board Secretary to draft findings of fact and conclusions of law for its review at the February 15, 2023, Board meeting. After careful consideration, the Board approved this Final Administrative Determination.

## **FINDINGS OF FACT**

The record before the Board establishes that on November 3, 2021, you submitted an *Application for Disability Retirement* on the basis of [REDACTED] which you assert occurred at work on [REDACTED]. The Board noted that your employer certified that your title at the time of the alleged incident was Court Services Officer 3.

[REDACTED] amended the eligibility criteria for Accidental Disability and Accidental Death benefits for the Police and Firemen's Retirement System, State Police Retirement System, and law enforcement officers, firefighters, and emergency medical responders in the PERS when related to the [REDACTED] during the [REDACTED] [REDACTED] as extended. Members are eligible for these benefits if they: 1.) [REDACTED] and 2.) are totally and permanently disabled or die [REDACTED]; and 3.) whose duties require [REDACTED] or [REDACTED] [REDACTED], as extended, within [REDACTED] as confirmed in writing by [REDACTED].

Based upon a plain reading of the statute, the Board found you ineligible for Accidental Disability retirement benefits because you did not hold an eligible title as required [REDACTED]. Therefore, the Board considered your [REDACTED] regarding your application for Accidental Disability retirement benefits pursuant to the applicable statute, N.J.S.A. 43:15A-43, and relevant case law.

First, the Board determined that you are not totally and permanently disabled from the performance of your regular or assigned work duties on [REDACTED] and therefore precluded from such benefits under the statute even if you held an eligible title.

The Board also determined that you are totally and permanently disabled from the performance of your regular or assigned work duties on [REDACTED]. However, the Board further determined that the [REDACTED], was not identifiable as to time and place, was not undesigned and unexpected, and did not occur during and as a result of the performance of your regular or assigned duties. Further, based on the lack of an identifiable accident [REDACTED], the Board was unable determine whether any [REDACTED] on that day was the result of your willful negligence. Finally, the Board determined that your

[REDACTED]

[REDACTED]. Thus, there was no direct causation.

Consequently, the Board denied your application for Accidental Disability retirement benefits. However, because you were found totally and permanently disabled, the Board granted you Ordinary Disability retirement benefits effective June 1, 2022, under your selection of Option C.

### CONCLUSIONS OF LAW

The Board made the following conclusions of law.

[REDACTED] Governor Murphy signed into law [REDACTED] which extended Accidental Disability retirement benefits to a certain limited number of PERS members who become disabled [REDACTED]. The statute provides that:

For purposes of subsection a. of section 43 of P.L.1954, c.84 (C.43:15A-43), permanent and total disability of a member who is a law enforcement officer, firefighter, or emergency medical responder eligible to retire pursuant to that subsection a. shall be deemed to have occurred as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties if:

the law enforcement officer, firefighter, or emergency medical responder [REDACTED]

the law enforcement officer, firefighter, or emergency medical responder is permanently and totally disabled [REDACTED] and the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required the law enforcement officer, firefighter, or emergency medical responder [REDACTED]

[REDACTED]



Based upon a plain reading of the statute, only law enforcement, firefighters, and emergency medical responders are eligible for Accidental Disability retirement benefits. Unfortunately, your title, Court Services Officer 3, is not eligible under the statute. As a result, the Board denied your request.

As noted above, the Board has considered your counsel's previous submission and personal statements on your behalf, as well all documentation in the record. Because the Board found that this matter does not entail any disputed questions of fact, the Board was able to reach its findings of fact and conclusions of law on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You also have the right to appeal this final administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

All appeals should be directed to:

Superior Court of New Jersey  
Appellate Division  
Attn: Court Clerk  
PO Box 006  
Trenton, NJ 08625

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowitz".

Jeff Ignatowitz, Secretary  
Board of Trustees  
Public Employees' Retirement System

Karen Haselbauer  
February 16, 2023  
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C: D. Lewis (ET)