

Applying for Disability Retirement: Counseling Tips

Eligibility

An employee who cannot perform his or her job because of a physical or cognitive disability that is likely to be permanent may qualify for VRS disability retirement benefits. The disability may be non-work related or work-related. A work-related disability is an occupational illness or injury that occurs on the job and the cause is determined to be compensable under the Virginia Workers' Compensation Act. VRS does not determine whether an employee's disability is work-related.

State employees covered under the Virginia Sickness and Disability Program (VSDP) are not eligible to retire on disability. [See the Virginia Sickness and Disability Program Handbook for State Employees.](#)

Medical Review

As provided in the *Code of Virginia*, VRS has hired an independent medical board to review the objective medical evidence and job information submitted with applications for disability retirement and recommend to VRS whether to approve or deny an application. The VRS Medical Board is comprised of board-certified physicians and other healthcare professionals. All required documents must be provided at the time of application. If the required documents are not received, VRS cannot submit your employee's file to the medical board. This will delay a determination in the applicant's disability case and may affect when the first benefit payment is made if he or she is approved.

Required Disability Retirement Forms

[Application for Disability Retirement \(VRS-6\)](#). The employee provides basic information on the VRS-6, including the benefit payout option. The options available to employees retiring on disability are the Basic Benefit and Survivor Option. The employee must complete Parts A through D and include acceptable legible evidence of his or her date of birth, such as a birth certificate, as well as acceptable legible evidence of the survivor's date of birth if the employee is electing the Survivor Option.

You must complete Part E-Employer Certification. Be sure to sign this section and include a copy of the employee's job description. The job description must fully explain all of the employee's required duties at the time of his or her disability, particularly any physical requirements such as walking, lifting or carrying. A detailed job description will help the medical board compare the job requirements with the limitations caused by the disability.

[Explanation of Disability \(VRS-6A\)](#). The VRS-6A allows the employee to provide additional information in support of his or her application and is required by the VRS Medical Board. The information on this form and supporting documentation include:

- Job duties and other outside activities the employee no longer can perform because of the disability
- Whether the employee has been hospitalized or treated at a clinic for the condition
- Contact information for all doctors the employee is seeing for the disability
- Documentation that the employee has applied for Social Security Disability Insurance (SSDI) benefits if the employee is not eligible for full Social Security at the time of disability, such as a copy of the Receipt of Application, decision letter or online confirmation from the Social Security Administration.
- Copy of the letter from the Virginia Workers' Compensation Commission approving the disability as compensable under the Workers' Compensation Act and/or the letter awarding the employee Workers' Compensation benefits as well as an accident report, if applicable.

[Physician's Report \(VRS-6B\)](#). Each doctor the employee lists on the VRS-6A must complete the Physician's Report and attach all relevant objective medical evidence in support of the disability. It is the physician's responsibility to fully document and supply objective medical evidence supporting an employee's condition so that the medical board has a clear understanding of how the condition affects the employee's performance of his or her job duties. A letter from the doctor is an opinion. Results of an examination, test results or x-rays are examples of objective medical evidence. The physician or the employee can submit the required medical information. Any costs associated with collecting this information from the physician is the employee's responsibility.

[Employer Information for Disability Application \(VRS-6D\)](#). In addition to the employee's job description provided with the VRS-6, you must submit this form providing additional job information regarding the employee's required duties at the time of his or her disability. Again, be sure to explain any physical requirements such as walking, lifting or carrying or other job requirements that the employee cannot perform because of the disability. If the employee's duties have been modified in any way, please include this information as well.

[Request for Income Tax Withholding \(VRS-15\)](#). Employees retiring on non-work related disability or work-related disability with the VRS formula amount must submit the VRS-15. Those retiring on non-work related disability with the minimum guaranteed benefit must also submit the VRS-15.

Those retiring on work-related disability with the guaranteed benefit do not need to submit this form unless they want VRS to withhold taxes. This benefit is exempt from both federal and state tax because it is similar to a Workers' Compensation benefit. For more information about income taxes on work-related benefits, contact the Internal Revenue Service (IRS) toll free at 1-800-829-1040 or visit www.irs.gov.

[Authorization for Direct Deposit of Monthly Benefit \(VRS-57\)](#). The VRS-57 authorizes VRS to deposit the employee's monthly benefit electronically to the financial institution designated on the form. The employee should tape a voided check to this form before including it with the application.

Submitting the Application

You or the employee can mail the original disability retirement application and all other required documents to VRS. VRS cannot accept a copy of the application. *Exception:* In the case of a life threatening condition, please fax a copy of the application or a letter to VRS explaining the condition, so that VRS can begin processing the employee's application as soon as possible. Then mail the original to VRS.

The employee will receive a letter from VRS at his or her mailing address approving or denying the application for disability retirement. If the application is denied, the employee can appeal the decision; the letter will explain the appeal process.

Employees Eligible for Service Retirement

If an employee applying for disability retirement also is eligible for service retirement, it may be advantageous to the employee to apply for both:

- If an employee applies for non-work related disability retirement and the application is denied, the employee can begin receiving a service retirement benefit while he or she is appealing the decision.
- In the case of work-related disability, VRS cannot process a service retirement application while the disability retirement application is pending. However, if the disability retirement application is denied, the retirement date and payout option selected on the service retirement application will be honored.

The employee should submit an [Application for Service Retirement \(VRS-5\)](#) with the disability retirement application and elect the Basic Benefit or Survivor Option. If the employee wishes to retire under the Partial Lump-Sum Option Payment (PLOP) or Advance Pension Option in the event the disability retirement application is denied, he or she should include a letter with the VRS-5 reserving the right to elect one of these payout options.

Also, remember that employees who have a disability do not have to retire on disability. In some cases, service retirement may be the better option, particularly in the case of employees who are eligible for the hazardous duty supplement, which is not payable under disability retirement. Before submitting a disability retirement application, encourage these employees to use *myVRS* to compare service and disability retirement estimates to determine which option will best meet their retirement needs.

VRS is working on a new VRS Disability Retirement Handbook for Members that will be available this summer. Stay tuned to Employer Update for additional information.