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Workers' Compensation: Affect of Disability Retirement for Board Employees

Should you retire on an Ordinary or Accidental Disability Retirement there is a dollar for dollar offset of the retirement benefits against your Workers' Compensation benefits.

There is no offset if you retire on a service retirement.

If you are a Board of Education Employee, where the offset is applied depends upon whether you are a member of the "Teachers' Pension System" or "Teachers' Retirement System" as opposed to the "General Pension System" or "General Retirement System". If you are not eligible for the Teachers' System, then you are in the General System. Persons who are eligible for the Teachers' systems are: an attendance officer; a helping teacher; a principal; a supervisor; or a teacher.

Certificated Personnel If you are a member of either the Teacher's Pension System or the Teacher's Retirement System, then under State Personnel and Pensions, § 29-118, State Retirement gets to take an offset with an Accidental Disability Retirement of the WCC benefits paid minus the attorney's fee's, doctor's fees, or any payment made to a third party but not the retiree. State Retirement pays retroactively from the date the retirement paperwork was filed, once it has determined that you are eligible some months later. The only credit State Retirement receives is the credit for money that you actually received, not the amount that was awarded. Until this decision has been made, you can collect Workers' Compensation, subject to a credit by State Retirement for that money actually received from the Workers' Compensation insurer that is for the same period that State Retirement is paying. Regardless of the offset, the period from when temporary total disability ended until the retirement papers are filed is yours to keep, not subject to an offset.

Should you retire on an Ordinary Disability Retirement, the law has recently been changed. Your Workers' Compensation benefits will be

offset by the Ordinary Disability Retirement up to the amount of the retirement benefit. This is exactly what happens for any non-certificated personnel. Please see below for a more complete explanation.

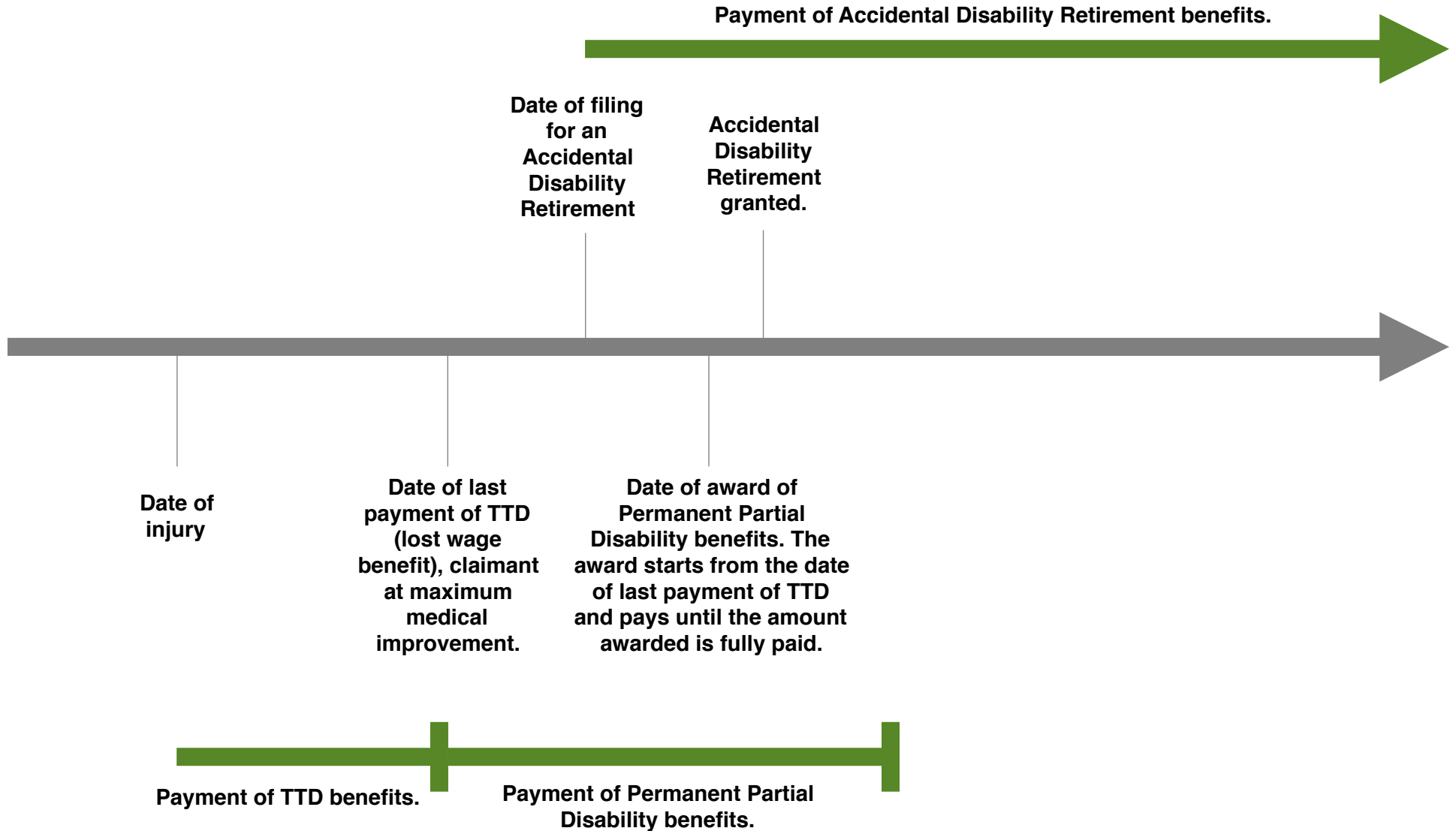
Non-Certificated Personnel Any other Board of Education employee not listed above will be in the Employee's Retirement System or the Employee's Pension System, and will fall under L & E § 9-610. For these people, the Workers' Compensation insurer is allowed to take the offset of the benefits.

For those in the General System, it is very difficult to maximize your benefits. The key is to get a Workers' Compensation award before State Retirement awards the retirement, without losing your right to file for retirement by keeping track of your employee status. This is something we can attempt, but cannot guarantee. Keeping your status current with the Board is between you and the Board. **Please advise us before you file for any retirement.**

Once the retirement is awarded, the Workers' Compensation insurer will only pay for a period that State Retirement is not paying, with a dollar for dollar set off. If the Workers' Compensation benefit is more than the retirement benefit, then the Workers' Compensation insurer would pay that difference. State Retirement pays retroactively from the date the retirement paperwork was filed, once it has determined that you are eligible some months later. Until this decision has been made, you can collect Workers' Compensation, subject to a credit by State Retirement for that money actually received from the Workers' Compensation insurer that is for the same period that State Retirement is paying. Regardless of the offset, the period from when temporary total disability ended until the retirement papers are filed is yours to keep, not subject to an offset.

Note: This guide is for informational purposes only. Each case may have different facts and issues. We do not represent you on your retirement. Only you can keep your employee status current with the Board to insure that you do not miss your deadlines for filing for a retirement. For further information regarding retirement, please consult your union and State Retirement.

Teacher's & Certificated Personnel Accidental Disability Retirement



Non-Certificated Personnel Disability Retirement Teacher's & Certificated Personnel Ordinary Disability Retirement

