

# DISABILITY

If your career is cut short due to a total and permanent disability, you may be eligible for a monthly Disability Retirement Allowance. Under [Idaho Statute 59-1302\(12\)](#), disabled means:

- (a) That the member is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country other than the United States, or from an intentionally self-inflicted injury; and
- (b) That the member will likely remain so disabled permanently and continuously during the remainder of the member's life.

If the person is so disabled that substantially all avenues of employment are reasonably closed to the person, that condition is within the meaning of "disabled".

## ELIGIBILITY FOR DISABILITY RETIREMENT

Before a disability application can be filed, the eligibility requirements of [Idaho Statute 59-1352](#) must be satisfied. To be eligible for disability retirement, the member must be:

- (a) An active member with five (5) years of member service, OR
- (b) An active member who, on or after the first day of employment, became disabled as a result of bodily injury or disease from an occupational cause, AND
- (c) An active member, or an inactive member whose date of last contribution was less than one (1) year prior to the date of application.

## APPLYING FOR DISABILITY RETIREMENT

To receive a disability retirement allowance, you must prove that you met the eligibility requirements for disability retirement and that you left your job because of the disability. The first step in the disability application process is to request a disability retirement estimate and a Disability Retirement Initial Information Certification Form. Once this form is returned, PERSI will verify that you are eligible for disability retirement. If you are eligible, a claim will be started with the third-party administrator (TPA) which will review the claim and issue a recommendation as to whether the statutory requirements for being disabled are met. During this process, you will be required to submit medical records to the TPA and may be required to undergo a medical examination. Refusal to submit to a medical examination shall constitute proof that you are not disabled. The entire review process may take several months.

## DISABILITY RETIREMENT ALLOWANCE

If you are found to be disabled, you are eligible for a monthly disability retirement allowance. The monthly benefit will be based on your average monthly salary and your service credit. You will be given credit for the months of service you would have accrued from the date of your disability to the date you would have reached service retirement age, up to a total of 360 months of service.

You will receive the disability retirement allowance until the first of the month following the earliest of your death or the date you convert to a service retirement allowance. When you reach service retirement age, you will be required to convert to a service retirement benefit.

## RETURNING TO WORK

Once determined to be disabled, you cannot work in any capacity for any employer. Engaging in activity for which compensation would normally be paid jeopardizes the continued receipt of your disability retirement allowance. The restriction on work requirements applies to employers that do not participate in PERSI as well.

**NOTE:** PERSI also uses Idaho Administrative Procedures Act (IDAPA) rules to determine a member's disability. IDAPA rules 59.01.01.375 - .475 defines what determines disability and the obligation of the member to prove disability.

If you have questions, contact the PERSI Answer Center at 208-334-3365.

**IF THERE IS ANY DISCREPANCY BETWEEN THIS PUBLICATION AND THE LAW,  
THE PROVISIONS OF THE LAW WILL PREVAIL.**