{stdlongdate} Member ID: {stdMbrPERSLinkID}

{stdMbrFullName}

{stdMbrAdrCorStreet1}

{x stdMbrAdrCorStreet2}

{stdMbrAdrCorCity} {stdMbrAdrCorState} {stdMbrAdrCorZip}

**RE: DENIAL OF DISABILITY BENEFITS**

Dear {stdMbrSalutation}:

The medical advisor to the North Dakota Public Employees Retirement System (NDPERS) has determined that your application for disability benefits is denied based upon medical information submitted.

NDPERS' medical advisor determined that your condition does not meet the Plan's definition of permanent and total disability. As you may be aware, permanent and total disability means "the inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months." Substantial gainful activity is based upon the totality of the circumstances including: Consideration of an individual’s training, education, experience, their potential for earning at least 70% of their pre-disability earnings. Eligibility is based on an individual’s employability and not actual employment status.

You have been denied disability benefits for the following reason:

{qu Reason(s)ForDenial}

If you do not agree with NDPERS' medical advisor's determination, you have the right to request a review by the NDPERS Board. Pursuant to North Dakota Administrative Code Section 71-02-09:

“A member who has received notice that the member's application for benefits has been denied in whole or in part, may, within thirty days of receipt of such notice, secure review by written request, addressed to the board in care of the executive director of the Public Employees Retirement System. In connection with such a review, the applicant shall have the right to information available to the board, which may be relevant to the applicant's review, and may submit arguments or comments in writing. The board will render a decision as soon as possible and within one hundred twenty days after the request for a review.

The decision will be submitted by the board to the applicant in writing, and including the specific reason or reasons for the decision and the specific references to the provisions of the plan on which the decision is based, and such decision shall be final and binding upon the applicant.”

General Authority: NDCC 54-52

Law Implemented: NDCC 54-52

If you have any questions, please call NDPERS at {stdNDPERSPhoneNumber} or {stdNDPERSTollFreePhoneNumber}.

Sincerely,

NDPERS Benefit Division

Certified Letter #{qu CertifiedLetterNumber}

Enclosure - N.D.C.C. 54-52-17(3)(h) Formulation of Plan

N.D.A.C. 71-02-01-01 Disability Definitions

N.D.A.C. 71-02-05-06(4) Disability Appeal

N.D.A.C. 71-02-09 Review Procedure