{stdlongdate} Member ID: {stdMbrPERSLinkID}

{stdMbrFullName}

{stdMbrAdrCorStreet1}

{x stdMbrAdrCorStreet2}

{stdMbrAdrCorCity} {stdMbrAdrCorState} {stdMbrAdrCorZip}

**RE: DISABILITY RECERTIFICATION – CASE #** **{ CaseID }**

Dear {stdMbrSalutation}:

{x quwhen RecertificationConfirmation has “1”}

We are pleased to inform you that NDPERS has been notified by the disability consultant that your “Application for Recertification” of your eligibility for NDPERS disability retirement benefits has been approved.

The NDPERS disability consultant has determined that you will not need to be recertified in the future. Your NDPERS disability retirement benefit payment will continue for your lifetime.

{x endblock}

{x quwhen RecertificationConfirmation has “0”}

We are pleased to inform you that NDPERS has been notified by the disability consultant that your Application for Recertification of Long Term Disability Benefits SFN 50149 has been approved. The medical consultant has also determined that you will need to be recertified in eighteen (18) months.

Your NDPERS disability retirement benefit payment will continue for as long as your disability lasts or your lifetime.

{x endblock}

**If you return to employment or have a change in employment, you must notify the NDPERS office, in writing.**

Enclosed are the NDPERS Administrative Rules regarding disability recertification and return to work provisions.

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

Sincerely,

NDPERS Benefits Division

Enclosure – NDPERS Administrative Rules **Return to Employment - Disabled member.** If the recipient of a disability benefit under North Dakota Century Code chapter 54-52 returns to work, that member is responsible for reporting employment to the Public Employees Retirement System.

1. If a member is working in a permanent full-time position and is eligible to participate in the Public Employees Retirement System, monthly benefits from the Public Employees Retirement System must be suspended. If the individual is not able to continue employment for a consecutive period of time resulting in nine months of service credit as a result of the disability and continues to meet eligibility requirements under the plan, that member may resume disability status with the Public Employees Retirement System.

2. If a member returns to substantial gainful activity in employment not covered under the Public Employees Retirement System, the disability benefit **may continue for up to nine consecutive months**. If the individual is not able to continue employment for at least nine months as a result of the disability and continues to meet eligibility requirements under the plan, the member may continue disability status with the Public Employees Retirement System.

**Redetermination and recertification.**

1. A disabled annuitant’s eligibility must be recertified eighteen months after the date the first check is issued and thereafter as specified by the medical consultant. The executive director may waive the necessity for a recertification, based on the recommendation of the medical consultant.

2. The Public Employees Retirement System will send a recertification form and request for a statement of annual earnings by certified mail with return receipt to the disabled annuitant to be completed and sent back to the office. If completed recertification has not been received by the recertification date set in the recertification request, benefits will be suspended effective the first of the month following that date. Benefits will be reinstated the first of the month following recertification by the medical consultant. The regular accrued disability benefits will commence with a lump sum equal to the amount of missed payments, without interest, retroactive to the first day of the month benefits were suspended, unless otherwise approved by the North Dakota Public Employees Retirement System board.

The medical consultant may require the disabled annuitant to be reexamined by a doctor. The submission of medical reports by the annuitant, and the review of those reports by the board’s medical consultant, may satisfy the reexamination requirement. Upon recertification, the disabled annuitant must be reimbursed up to four hundred dollars for the cost of the required reexamination if deemed necessary by the medical consultant and the executive director.

The medical consultant will make the recertification decision. The executive director may require additional recertification, if the facts warrant this action. The decision may be appealed to the board within ninety days of receiving the written recertification decision.

Benefit payments must be suspended immediately upon notice received from the medical consultant that the annuitant does not meet recertification requirements. The executive director shall notify the annuitant of the suspension of benefits by certified mail and shall reinstate benefits back to date of suspension if the annuitant is subsequently found to meet recertification requirements.

If it is determined that the disability annuitant was not eligible for benefits during any time period when benefits were provided, the executive director may do all things necessary to recover the erroneously paid benefits.

**"Permanent and total disability"** for members of the main retirement system and the national guard/law enforcement retirement plan means the **inability to engage in any 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. For members of the judge’s retirement plan, "permanent and total disability" is determined pursuant to subdivision e of subsection 3 of section 54-52-17 of the North Dakota Century Code.

"**Substantial gainful activity"** is to be based upon the totality of the circumstances including consideration of an individual’s training, education, and experience; an individual’s potential for earning at least seventy percent of the individual’s pre-disability earnings; and other items deemed significant on a case-by-case basis. Eligibility is based on an individual’s employability and not actual employment status.