



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

September 21, 2017

Sent via email to: [REDACTED]

Feeley & LaRocca, LLC attorneys
John D. Feeley, Esquire

[REDACTED]
[REDACTED]
[REDACTED]

RE: Ronald Gourdine

[REDACTED]
[REDACTED]

Dear Mr. Feeley:

At its meeting on September 20, 2017, the Board of Trustees of the Public Employees' Retirement System (PERS) considered the following documents in your appeal on behalf of your client, Ronald Gourdine:

- a) All exhibits;
- b) The Initial Decision of Administrative Law Judge (ALJ) Leland S. McGee¹, dated July 11, 2017; and
- c) Exceptions filed by Deputy Attorney General (DAG) Paul Davis dated July 21, 2017.

The Board noted the exceptions filed by DAG Davis. Thereafter, the Board voted to adopt ALJ McGee's decision thereby reversing its original determination and approving Mr. Gourdine's application for Accidental Disability retirement benefits. Mr. Gourdine is considered totally and permanently disabled from the performance of his regular and assigned duties as a direct result of the traumatic event which occurred on September 27, 2008. Therefore, he is approved for Accidental Disability retirement benefits effective February 1, 2013 under his selection of the Maximum option.

Mr. Gourdine has the right to change the retirement option he selected, provided he files written notice with the Division of Pensions and Benefits' Retirement Bureau within 30 days after the date of this letter. Otherwise, the retirement option will remain and cannot be changed for any reason thereafter.

Once the Board approves a member for a disability retirement allowance, the member's retirement application shall not be withdrawn or canceled, or amended to a later retirement date other than the date specified in the approved retirement application.

¹ The Board requested and was granted additional time until October 10, 2017 to issue its final decision.

This matter is being referred to the Retirement Bureau to process the difference between Ordinary Disability retirement benefits and Accidental Disability retirement benefits, retroactive to February 1, 2013 under his selection of the Maximum option. Please allow approximately four weeks for the processing of this benefit.

The statute permits the Board of Trustees to require a disability retiree to undergo annual medical examinations to determine if he/she continues to be totally and permanently disabled and, therefore, eligible for continued receipt of his/her disability retirement allowance.

If a member continued to receive a salary beyond the effective date of retirement, no retirement benefits shall be paid for the period where the member received salary and no salary or service credit shall be provided for the service rendered after the approved effective date of retirement. In addition, the member's employer shall be required to complete an updated Certification of Service and Final Salary.

In addition, if in the future Mr. Gourdine considers returning to a position either in private industry or public employment, be advised that his disability retirement allowance is subject to adjustment if earnings from employment after retirement exceed the difference between the pension portion of his disability retirement allowance and the salary attributable to his former position.

Pension laws require re-enrollment of a retiree under certain conditions. Disability retirees needing guidance on returning to employment should visit our website at www.state.nj.us/treasury/pensions and refer to the fact sheets on employment after retirement. Retirees needing additional clarification should contact the Division to determine the impact of a return to employment would have on their disability retirement benefits.

The Board of Trustees of the Public Employees' Retirement System hereby adopts the findings of fact of the Administrative Law Judge's Initial Decision and incorporates the same herein by reference.

Sincerely,



Mary Ellen Rathbun, Secretary
Board of Trustees
Public Employees' Retirement System

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C: DAG Paul Davis (ET); L. Milton (ET); V. McManus (ET); P. Sarti (ET);
S. Schreckengost (ET); T. Williams (ET); L. Williams (ET); OAL, Attn: Library (ET)
Ronald Gourdine