



## Retirement computation for employees injured on duty

**T**he January 2005 issue of the *Postal Record* carried two articles concerning retirement computations for injured postal and federal employees. Assistant to the President for Compensation Ron Watson and I both reported on a decision rendered by the Merit Systems Protection Board (MSPB) relative to the proper annuity calculation of employees who worked “limited duty” schedules prior to retirement. MSPB Docket BN-0831-03-0056-I-1 involved a letter carrier who had requested retirement credit for all the time he was receiving benefits from the Office of Workers Compensation Programs (OWCP) while working fewer than eight hours a day. Originally, the Office of Personnel Management (OPM) denied the request, forcing the carrier to appeal the decision through the Merit Systems Protection Board.

It was the opinion of OPM that when an employee is injured on duty and subsequently assigned to a work day of fewer than eight hours, (despite being compensated by OWCP for the difference), such service is considered to be *part-time*.

The Merit Systems Protection Board reversed the decision of OPM and ordered OPM to recompute his annuity to allow him credit for all leaves of absence that he was granted while receiving benefits under OWCP regulations. In the cited case, the time amounted to approximately 10 years of working fewer than eight hours a day due to an on-the-job injury.

At the time those two *Postal Record* articles were written, the Office of Personnel Management had not yet responded to the decision either by compliance or request for reconsideration of the decision.

Since that time, the Office of Personnel Management submitted a petition to the full Merit Systems Protection Board requesting reconsideration of the decision and a stay of its enforcement order. In its petition, OPM implied that it might ultimately appeal the issue to the United States Court of Appeals for the Federal Circuit. It is not known how long the Merit Systems Protection Board will take to issue a decision on OPM’s petition, or whether further appeals to the federal courts will occur. It is anyone’s guess as to how long it will be before there is a final decision in the matter.

While the appeal process continues to drag on, the OPM may compute the annuities of those affected employees as if they were working on a *part-time* basis for the years they

worked fewer than eight-hour days. This may result in a lower annuity than they would have been entitled to had the time been considered *full-time* service. Federal and postal employees who find themselves in this situation should screen their retirement estimates very carefully. Should you discover that you are not being granted the appropriate amount of credit, contact the Office of Personnel Management in writing immediately and advise them of the discrepancy. The NALC will continue to monitor this case as it progresses through the appeal process.



**FERS Annuity Supplement addendum**—In my article last month I offered some questions and answers concerning the FERS Annuity Supplement payable to those under the age of 62. Considering the number of calls received in the Retirement Department, it was apparent the topic was one that many found unfamiliar. Question 2 addressed who was eligible to receive the annuity supplement. In addition to those reaching the minimum retirement age (MRA) with 30 years of service under FERS and no age reduction, the supplement is also payable to members retiring at age 60 with 20 years or more service under FERS with no reduction for age.



**NALC Retirement Manual**—There are still some branches that have not requested their free copy of the *Retirement Manual*. This new resource is a welcome addition to branch libraries, and will be extremely helpful to branch officers and directors of retired members when assisting members with their retirement planning. Additional copies may be purchased by members in good standing for \$35 through the NALC Supply Department (202-393-4695). ✉

**NALC Retirement Department**  
Toll-free number: 1-800-424-5186

Available Monday, Wednesday and Thursday only  
from 10 a.m. to noon and from 2 to 4 p.m. (Eastern time)  
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If your question concerns hospitalization and you are a  
member of the NALC Health Benefit Plan, call 1-888-636-6252.