



DEPARTMENT OF DEFENSE
DCPAS
Defense Civilian Personnel Advisory Service

Defense Civilian Personnel Advisory Service **FEDERAL MEDICAL EVIDENCE OF RECORD** **“FEDMER”**

A Guide for Human Resources Specialists
Employee Guide
October 2014

1.0 FEDERAL MEDICAL EVIDENCE OF RECORD "FEDMER"

REFERENCES

Benefits Administration Letter 99-109: <http://www.opm.gov/retire/pubs/bals/1999/99-109.pdf>

Benefits Administration Letter 00-103: <http://www.opm.gov/retire/pubs/bals/2000/00-103.pdf>

Benefits Administration Letter 07-104: <http://www.opm.gov/retire/pubs/bals/2007/07-104.asp>

Social Security Administration's website: www.ssa.gov

Social Security Administration's website: <http://www.ssa.gov/phila/index.htm>

Office of Personnel Management's website: <http://www.opm.gov/topics.asp>

INTRODUCTION

In an effort to improve disability claims processing and shorten processing times, on October 12, 2007, the Office of Personnel Management (OPM) and the Social Security Administration (SSA) signed a memorandum of understanding to adopt nationwide cooperative efforts through the Federal Medical Evidence of Record Program (FEDMER).

OPM is responsible for administering the disability benefits program for Federal employees. SSA is responsible for administering the Social Security Disability Insurance (SSDI) Program. Under the Federal Employees Retirement System (FERS) law (includes CSRS Offset employees), entitlement to Social Security disability benefits affects an individual's eligibility for the OPM-administered disability program. Under FEDMER, both OPM and SSA will receive the same medical records at the time of application. Once a decision is made by either OPM or SSA, they will contact the other with the determination.

BACKGROUND

Title 5, U.S. Code, Section 8452(a)(2) requires that FERS disability retirement benefits be reduced by the amount of any SSDI the employee is eligible to receive. Currently, an employee for FERS disability retirement must submit proof of application for SSDI benefits when they submit their application for FERS disability retirement to the servicing personnel office. In most cases, the SSA has been denying the application for SSDI because the employee is still employed (i.e., on the rolls) and SSA defines this as "Substantial Gainful Activity" (SGA). SGA is defined by SSA as the performance of significant and productive physical or mental work for pay or profit currently earning \$700 or more per month. This has resulted in the employee having to reapply to the SSA once their application for FERS disability retirement has been approved by OPM. To avoid this duplicate submission of applications and medical documentation, the erroneous denial of SSDI benefits, and possible FERS disability retirement overpayments, the FEDMER project was developed to improve this process.

FEDMER PROCEDURES

When a FERS employee files an application for disability retirement (SF-3112), they should be provided a copy of the attached "FEDMER Social Security Disability Eligibility Statement" for completion. The statement asks the employee to provide current SSA status, informs the applicant about the SSA Adult Disability Starter Kit, and provides information to streamline the process for filing a SSA disability claim.

If the employee checks blocks 1 or 2 on the form (receiving or have already applied for SSA disability benefits), FEDMER does not apply. The employee only needs to sign the statement and present proof of filing with SSA.

If block 3 is checked (not filed for SSA disability benefits or filed and have been denied), provide the employee a photocopy of the medical evidence submitted in support of the FERS application. The employee will need this second copy of the medical evidence when the SSA disability application is filed.

Include a copy of the signed FEDMER Eligibility Statement with the FERS disability package and include a second copy with the medical evidence to be submitted to SSA.

Electronic versions of the SSA forms and brochures are available on the SSA web site. OPM forms and brochures are available on their web site. See the "References" section of this guide for the web addresses.

Both of the required OPM and SSA forms are to be completed at the same time and forwarded through payroll to OPM using the normal retirement processing channels. OPM will send the FEDMER package to SSA within two weeks if the employee is not working. OPM makes a decision on the FERS disability and forwards a copy of their decision to SSA.

The employee only needs to request **one** copy of the original medical documentation from the medical care provider to support both the FERS disability retirement and SSDI benefit. The OPM package supporting the FERS disability retirement must include the original SF 3107, SF 3112, and medical documentation.

The SSA package supporting the benefit for SSDI must include the SSA Form 3368-BK and SSA-827 (samples of completed forms are found on the SSA web site). In addition, the employee must provide certified copies of the birth certificate and proof of military service (i.e., DD 214) to the employing office. These documents must be included in the SSA package. If the employee does not have certified copies, employing offices should not hold up the disability application.

The employing office may certify copies of unaltered original documents. This means, for example, copies of DD 214s and/or certified original birth certificates are acceptable only if the personnelist types, signs, and dates the following information directly on the copy:

This is a reproduction of the original document and appears to be genuine, unaltered, and to have been made at the time purported. This photocopied document consists of _____ pages. This document is certified by _____, the Date _____, the Agency _____, Title _____, FEDMER Applicant _____, and the Employee's Social Security Number _____.

The employing office should **make a copy** of the entire completed FEDMER package (both SSDI and FERS required documents) to send to OPM. Providing a **copy** will expedite both the FERS disability retirement and SSDI benefit application process. The completed FEDMER package will be processed from the employing office through payroll to OPM.

If an employee has a terminal illness, writing "TERI" on the top of the pink FEDMER flag should identify the package. When a case is designated as a "TERI" case, it is expedited through the claims process.

2.0 EXHIBIT - FEDMER SOCIAL SECURITY DISABILITY ELIGIBILITY STATEMENT

Federal Medical Evidence of Record (FEDMER)

Social Security Disability Eligibility Statement

Keep a copy of this form

Name _____ SSN _____

Please put a check mark in the box next to the number that describes your situation, and follow the instructions for that section.

1. I am already receiving Social Security disability benefits. I will provide my Human Resources office with proof (e.g. copy of my Social Security Award Certificate).
2. I have filed for Social Security disability benefits, but I have not received a decision. I will provide my Human Resources office with proof (e.g., copy of Social Security disability application receipt, copy of the ISBA page "What You Need to Do Now", etc.).

If you checked either #1 or #2 above, sign and date the statement below, and return it to your Human Resources office with the documentation indicated. **Do not check any further blocks or take any other action.**

My signature below verifies my status.

Signature: _____ Date: _____

If you have not checked Box 1 or 2 above, please check Box 3 and follow the instructions.

3. I have not filed for Social Security disability benefits, OR I have filed and have been denied. Since I am now filing for FERS disability, I understand I also need to file for Social Security disability benefits.

If you checked block #3, you need to apply for Social Security disability using either the:

• **Internet** to complete the "*Online Adult Disability Report*" **and** the "*Online Application for Social Security benefits*" at

<http://www.socialsecurity.gov/disabilityssi/apply.html> OR

• **Contact Option:** Contact Social Security to schedule an appointment to file your Social Security disability claim. You can call Social Security's national toll-free telephone number (1-800-772-1213) or contact your local Social Security office. When you make your appointment, Social Security will provide you with an "Adult Disability Starter Kit" that you can use to prepare for your interview. You can also see the starter kit at the Internet site shown above.

Whether you use the Internet or the Contact Option to file, a Social Security representative will contact you to complete your disability application. At that time, you will need to provide to Social Security a **copy of this form and a copy of any medical records you have obtained for your FERS disability claim.**

When you file your disability application, Social Security will provide you with a receipt. You must provide your Human Resources office with a copy of the application receipt, which is needed by them in order to complete the processing of your FERS disability application.

Under FEDMER (the Federal Medical Evidence of Record program), Social Security will:

- 1) Use the medical records you provide to expedite the processing of your Social Security disability claim. (If additional medical evidence is needed to process your disability application, the State Agency making the decision will let you know.)
- 2) Share a copy of the medical decision with the Office of Personnel Management (OPM). When your Social Security disability claim is processed, Social Security will send a copy of any award or denial notice to the U.S. Office of Personnel Management (OPM), Claims 1 Group, Room 4458, 1900 E St. NW, Washington D.C. 20415, Attn: FEDMER.