

# FIREFIGHTERS' CANCER DISABILITY

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## Section 363-d

### **Eligibility**

Regardless of the amount of service credit you have, you may be eligible for this benefit if you are a paid firefighter permanently disabled due to melanoma or cancer of the lymphatic, digestive, hematological, urinary or prostate systems.

To be eligible, you must have successfully passed a physical examination that failed to reveal any evidence of the melanoma or cancer listed above upon entry into paid firefighter service. Unless there is proof that the illness is not employment related, it is presumed that the cancer is a result of an accident and was sustained in the performance of duty. You may file for the performance of duty or accidental disability benefit.

### **Notice of Accident/Occurrence**

To be eligible for this benefit, you must file a written notice of the accident with:

- The Retirement System within 90 days of the incident; or
- Your employer within 30 days of the date of the incident if your employer is covered by the Workers' Compensation Law or if the incident was on or after September 1, 1980.

If no written notice of the incident is filed, as noted above, you may still be eligible for this benefit if you file an application for an accidental and/or performance of duty disability retirement within one year following the alleged incident.

The written notice must include the time and place of the incident, relevant details of the incident, the nature of the illness and the alleged incapacity.

## The Benefit

If approved, the performance of duty disability retirement benefit is a lifetime pension of one-half (50 percent) of your FAS, plus an annuity based on any annuity savings contributions you have made. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions, and Tier 5 and 6 members would not receive an annuity based on those contributions. This benefit is not offset by Workers' Compensation payments.

If approved, the accidental disability retirement benefit is a lifetime pension of three-quarters (75 percent) of your FAS. The benefit will be reduced by the total amount of Workers' Compensation benefits that you are eligible to receive.

You must select an option for the payment of your disability benefits.

## Filing

You, your employer or someone authorized with your power of attorney may file your application for accidental or performance of duty disability retirement. The application must be filed while you are still in service or within two years of your discontinuance from service. "In service" is defined as while you are:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (which may be extended for an additional two years); or
- Receiving Workers' Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll, as long as you have not resigned or been terminated from employment while receiving those benefits.

The Performance of Duty Disability Retirement Application form (PF6047) is available from our website at [www.osc.state.ny.us/retire/forms/pf6047.pdf](http://www.osc.state.ny.us/retire/forms/pf6047.pdf) or the Accidental Disability Retirement Application form (RS6047) is available from our website at [www.osc.state.ny.us/retire/forms/rs6047.pdf](http://www.osc.state.ny.us/retire/forms/rs6047.pdf). If you are eligible, applications for other disability and regular service retirement benefits may be submitted simultaneously.