

# Court set guidelines on enhanced disability benefits

March 12, 2008

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The state Supreme Court ruled Tuesday a worker can suffer mental frailty and be entitled to enhanced disability benefits without any physical wound or injury, although the court added that an eligible worker has to have endured a horrific or terrifying on-the-job moment.

"Overall the decision was very well thought out," said attorney Vicki Beyer. "I don't even mind the addition. . . . I think it gives anybody at least an opportunity to prove that they did suffer a traumatic event without any physical harm."

A second lawyer in the case, Paul Kleinbaum, who represented the State Police Benevolent Association, said, "It's a win in the sense that the court rejected the state's efforts to say that these types of disabilities should not be eligible for accidental disability benefits at all. These types of disabilities are no less compensable than other types of injuries."

The unanimous ruling rejected the notion that a person seeking enhanced benefits -- called "accidental disability" -- had to show physical harm had evolved into a mental crisis.

"The disability must result from a direct, personal experience of a terrifying or horror-inducing event that involves actual or threatened death or serious injury, or a similarly serious threat to the physical integrity of the member or another person," Associate Justice Virginia Long wrote in the opinion.

The court said it inserted the tighter definition because illnesses borne of post-traumatic stress are treated by modern medicine more as a disease than as a chink in one's personal constitution.

"We are reviewing the decision," said Lee Moore, spokesman for Attorney General Anne Milgram, whose lawyers sought to preserve the system where physical scarring had to exist.

"For years we had our head in the sand about post-traumatic stress disorder," said David Jones, president of the State Troopers' Fraternal Association, the troopers' union.

Beyer was the attorney for corrections officer Joseph Guadagno, who said he became ill and unfit to work after an inmate threatened him and his wife and child by saying he knew where the guard resided and boasted he had pals on the outside who could harm the family.

Frank Crivelli, lawyer for the 800-member New Jersey Law Enforcement Supervisors' Association, or prison sergeants' union, said, "It is a very good decision for our members because it expands the scope of the benefits that are available."

Nancy Whatley Griffin, lawyer for former state trooper Glynn Moore, an African-American who said he fell ill after viewing and enduring racial hatred, said she was pleased and noted, "Normal disability is 43 percent of the base pay. Accidental is about 67 percent."

Tuesday's ruling looked at three cases brought by two troopers and a prison guard. Each could have received ordinary disability pensions.

The court said one trooper -- Robert Patterson -- did not qualify for the accidental benefits. It said Moore and the guard, Guadagno, can seek the higher accidental benefits from their individual pension boards.

Patterson had said verbal abuse from a superior, coupled with being shunned by trooper colleagues, made him ill. The court said, though, he did not experience the necessary terrifying moment.

Tom Vincz, spokesman for the state Department of the Treasury, said he did not know if the ruling would cause a run on state funds.

Jones of the troopers' union, saying the cases are rare and fact-specific, joined Kleinbaum in saying the ruling would not trigger a rush to submit new claims.

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