

B.H., v. Board of Trustees, Public Employees' Retirement System,

In September 2012, B.H. (petitioner ) sent a text message to her boyfriend's children dictating what she wanted to say. The first message told the children that their dad's been injured in an accident and she left a second message when she realized what it said. Both petitioner and her boyfriend worked at Burlington County Prosecutor's Office (BCPO) and when the employer found out about the message the police ended up at the front door. Both, petitioner and boyfriend, were required to meet with their superiors at the BCPO and Petitioner was subjected to an immediate psychiatric evaluation and a suspension from employment while waiting for her results. The evaluation found Petitioner not to be a danger to herself or others around her. Petitioner never returned to work after the evaluation. Importantly, Petitioner had been treated for mental health issues since 1985. She met with a psychiatrist in 2012 that she had been seeing since 2006.

Petitioner applied for accidental disability retirement benefits because of the evaluation BCPO made her complete. The Pension Board ruled petitioner did not qualify for accidental disability benefits because the cause for her disability did not meet the criteria. Specifically, the board found, a) Petitioner's disability was not identified as to time and place, b) her disability was not a direct reaction of the traumatic event.

Petitioner appealed the Board's decision to an administrative law judge (ALJ) arguing the Board's denial was an abuse of its discretion. Petitioner claims in the psychiatric evaluation the treatment to be, "aggressive, shocking, impacted her daily life, caused her to feel stigmatized, scared, and helpless". Her expert who evaluated her testified she had PTSD after being forced to go into the hospital and confronted by her superiors. The Board's expert testified petitioner could not work because of her anxiety. The ALJ affirmed the Board's denial of petitioner's application for accidental disability retirement benefits.

Petitioner then appealed to the Appellate Division as per court rule. After review, the Appellate Court believed that petitioner was not subjected to a traumatic event as the ALJ stated. However, the appellate court did see the event being a traumatic experience instead. This event not being a traumatic event was properly a reason for the application being denied alone. The appellate court affirmed the board which denied petitioner accidental disability retirement benefits.