

Background

In the case of Springer v. Adkins, 525 F.3d 1363 (Fed. Cir. 2008), the United States Court of Appeals for the Federal Circuit (the court) awarded a firefighter retiring on disability under FERS an enhanced annuity even though the firefighter did not meet the age or service requirements to qualify for an enhanced firefighter retirement under 5 U.S.C. §8412(d) at the time of his disability retirement. The court found that the use of the 1.7 percent annuity accrual rate for firefighter service under 5 U.S.C. §8415(d) is not tied to the age and service thresholds in 5 U.S.C. §8412(d) when an employee retires on a disability retirement. This decision follows a series of other decisions that the court has made relating to the calculations of annuities for disabled law enforcement officers and firefighters under CSRS (Pitsker v. Office of Personnel Management, 234 F.3d 1378 (Fed. Cir. 2000)), and for survivors of law enforcement officers or firefighters who died in service while covered under CSRS (Wassenaar v. Office of Personnel Management, 21 F.3d 1090 (Fed. Cir. 1994), and Moore v. Office of Personnel Management, 113 F.3d 216 (Fed. Cir. 1997)) – decisions that were extended to FERS by OPM administrative policy. Taken together, these decisions have a broad impact, affecting not only CSRS and FERS law enforcement officers and firefighters and their survivors, but also other employees who have performed service in positions that could qualify for an enhanced annuity computation under CSRS or FERS, and their survivors.