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Testimony 2/17/15

My name is Winona Zimmerlin. I am an attorney representing people with disabilities. I represent disabled state employees in claims for disability retirement before the Medical Examining Board. A state employee, who becomes disabled, and can no longer work, may file an application for a disability retirement. There is no right to a hearing in front of the Board. Since there is no right to a hearing, there is no right to an appeal to Superior Court.

This is unfair. I am asking that the bills be amended to include a right to a hearing and an appeal to court. In other types of disability claims where I represent clients— social security, veteran's disability or even insurance claims for long term disability, there is a right to go to court if a claim is denied. The standard of review for administrative appeals is tough – very few denials will be overturned. But even if it is only one in a thousand, that right of appeal is important. The Medical Examining Board can make a mistake. If it makes a mistake, there should be a court review available so that it can be corrected.

Non service connected disability retirement is only available to state employees with over 10 years of state service. Long time state employees deserve to be treated fairly. They deserve a hearing and a right to appeal.

Thank you.