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144 Ch  
Am Sec  
JB 346

Sec. ~~145.30~~ 145.362. A disability ~~retirant~~ BENEFIT RECIPIENT shall retain his membership status. Also, he shall be considered on leave of absence from his position of employment during ~~his~~ THE first five years ~~on the retired list~~ FOLLOWING THE EFFECTIVE DATE OF A DISABILITY BENEFIT, notwithstanding any contrary provisions in this chapter. ~~The~~

THE public employees retirement board may require any disability ~~retirant~~ BENEFIT RECIPIENT to undergo a medical examination. If any disability ~~retirant~~ BENEFIT RECIPIENT refuses to submit to a medical examination, his ~~retirement allowance~~ DISABILITY BENEFIT shall be discontinued until his withdrawal of the refusal. Should the refusal continue for one year, all his rights in and to such ~~retirement allowance~~ DISABILITY BENEFIT shall be forfeited. Upon completion of the examination by an examining physician or physicians selected by the board, the physician or physicians shall report and certify to the board whether the ~~retirant~~ DISABILITY BENEFIT RECIPIENT is physically and mentally capable of resuming service similar to that from which he was ~~retired~~ FOUND DISABLED. If the board concurs in the report that the disability ~~retirant~~ BENEFIT RECIPIENT is capable of resuming service similar to that from which he was ~~retired~~ FOUND DISABLED, the payment of the disability ~~allowance~~ BENEFIT shall be terminated not later than three months after such determination or upon employment as a public employee. If the leave of absence has not expired, the retirement board shall certify to his last employer before ~~retirement~~ BEING FOUND DISABLED that the ~~retirant~~ DISABILITY BENEFIT RECIPIENT is capable of resuming service and the employer shall restore the ~~retirant~~ HIM to his previous position and salary or to a position and salary similar thereto.

The board may adopt rules requiring each disability ~~retirant~~ BENEFIT RECIPIENT to file with the board an annual statement of earnings and current medical information on his condition.

If a disability ~~retirant~~ BENEFIT RECIPIENT is restored to service by, OR ELECTED TO AN ELECTIVE OFFICE WITH, an employer covered by this chapter, his ~~retirement allowance~~ DISABILITY BENEFIT shall cease ~~and the annuity and pension reserves on his allowance at~~

~~that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the employees' savings fund and the employers' accumulation fund, respectively.~~

The board may terminate A disability ~~retirement~~ BENEFIT at the request of the ~~retirant~~ RECIPIENT.

If a disability ~~allowance~~ RETIREMENT UNDER SECTION 145.36 OF THE REVISED CODE is terminated for any reason, ~~and~~ THE ANNUITY AND PENSION RESERVES AT THAT TIME IN THE ANNUITY AND PENSION RESERVE FUND SHALL BE TRANSFERRED TO THE EMPLOYEES' SAVINGS FUND AND THE EMPLOYERS' ACCUMULATION FUND, RESPECTIVELY. IF the total disability ~~allowance~~ BENEFIT paid is less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of his disability retirement, the difference shall be transferred from the annuity and pension reserve fund to such other fund as may be required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total ~~allowance~~ AMOUNT paid shall be charged against the member's refundable account.

IF A DISABILITY ALLOWANCE PAID UNDER SECTION 145.361 OF THE REVISED CODE IS TERMINATED FOR ANY REASON, THE RESERVE ON THE ALLOWANCE AT THAT TIME IN THE ANNUITY AND PENSION RESERVE FUND SHALL BE TRANSFERRED FROM THAT FUND TO THE EMPLOYERS' ACCUMULATION FUND.

If a former disability ~~retirant~~ BENEFIT RECIPIENT again becomes a contributor, OTHER THAN AS AN OTHER SYSTEM RETIRANT UNDER SECTION 145.38 OF THE REVISED CODE, to this system, the state teachers retirement system, or the ~~public~~ school employees retirement system, and ~~complete~~ COMPLETES an additional two years of service credit, he shall be entitled to full service credit for the period of ~~of~~ ASA disability ~~retirement~~ BENEFIT RECIPIENT.

If any employer employs any member who is receiving a disability ~~allowance~~ BENEFIT, the employer shall file notice of employment with the retirement board, designating the date of employment. In case the notice is not filed, the total amount of ~~allowance~~ THE BENEFIT paid during the period of employment prior to notice shall be charged to ~~the~~ employer and paid ~~from funds supplied~~ by the employer.

Formerly Sec.  
145.39.

Emergency  
eff 7-29-92