

MONTGOMERY COUNTY

likely to be permanent. In extenuating circumstances, the Retirement Hearing Board may waive the requirement that a member's incapacity is likely to be permanent. In such cases, the Retirement Hearing Board may approve a temporary disability retirement for one or more one-year periods until the incapacity is either removed or it becomes apparent that it is likely to be permanent.

(4) the member or the member's department head has made application for disability retirement at least thirty days before the date the retirement is to be effective. The Retirement Hearing Board may waive the thirty day application requirement period.

(5) the member is not eligible for service connected disability retirement.

Years of credited service of less than a full year will be pro-rated; any days of credited service in excess of fifteen days shall equal one month, and any service of less than fifteen days will not be counted.

(c) Service connected disability retirement. A member may be retired by the Retirement Hearing Board on a service connected disability retirement if:

(1) the member is totally incapacitated for duty or partially and permanently incapacitated for duty as the natural and proximate result of an accident occurring, or an occupational disease incurred while in the actual performance of duty at some definite time or place, that the incapacity is not due to willful negligence, and the incapacity is likely to be permanent. In extenuating circumstances, the Retirement Hearing Board may waive the requirement that a member's incapacity is likely to be permanent. In such cases, the Retirement Hearing Board may approve a temporary disability retirement for one or more one-year periods until the incapacity is either removed or it becomes apparent that it is likely to be permanent.

(2) the member has passed at time of employment or subsequent thereto, but prior to becoming disabled, a physical examination as required by the County's Medical Standards. In extenuating circumstances, the Retirement Hearing Board may waive such requirement.

(3) the member or the member's department head has made application for disability retirement at least thirty days before the date the retirement is to be effective. The Retirement Hearing Board may waive the thirty day application requirement period.