

MONTGOMERY COUNTY

Effective July 1, 1973, the provisions of Section 33-44(c) shall be applicable to an eligible spouse and/or children receiving benefits under this Section. The cost-of-living adjustment shall be based on the Consumer Price Index published as of the date of the service connected death of the member.

The spouse's and children's benefit is not payable in the event the spouse elects to receive benefits pursuant to the provisions of Section 33-46(e) except that a child's benefit will become payable in the event an eligible spouse dies before the child attains age twenty-one.

(f) Remarriage of Spouse. Upon remarriage, all benefits payable under the provisions of this Section shall cease, except in the case of a spouse who qualifies and elects to receive spouse's benefits under Section 33-46(e), but may be subsequently reinstated in the event of the death of the marriage partner.

SECTION IV. Sections 48(b), title "Hearings, Findings and Recommendations, and 48(c), title "Waiver of Hearing Requirements", are hereby amended, 48(f) is repealed and re-enacted in its entirety as 48(h), title "Judicial Appeal". Sections 48(f), title "Witness service in a professional capacity in hearings before the Retirement Hearing Board", 48(g), title "Appeals to the County Personnel Board", and 48(i), title "Interim payment of benefits pending decision on appeal" are added to read as follows:

(b) Hearings, Findings and Recommendations. The Retirement Hearing Board shall conduct a hearing, evaluate all medical reports and findings of the Medical Review Committee, investigate all essential statements made and certificates submitted by or on behalf of a member and make a decision on each application for disability retirement.

(c) Waiver of Hearing Requirements. Whenever the Retirement Hearing Board is of the opinion that a prima facie case of non-service connected disability has been documented, it may waive the requirement of a hearing if the member or the member's attorney agrees thereto. In unusual circumstances, by unanimous decision of the Retirement Hearing Board, the requirements of a hearing on a service connected disability retirement may be waived if it is demonstratively in the best interest of the County and the member, provided the member or the member's attorney, the agency head concerned and the County Attorney are in agreement therewith. In all disability cases, the nature of the service connected