

PERMANENTLY INCAPACITATED FOR DUTY AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT THAT OCCURRED WHILE IN THE ACTUAL PERFORMANCE OF DUTY AT SOME DEFINITE TIME AND PLACE, WITHOUT WILLFUL NEGLIGENCE ON HIS PART, SHALL BE RETIRED BY THE BOARD OF TRUSTEES, IF THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF DUTY;

(II) THE INCAPACITY IS LIKELY TO BE PERMANENT;
AND

(III) THE MEMBER SHOULD BE RETIRED.

A BENEFICIARY WHO IS ENTITLED TO AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE MAY NOT RECEIVE ANY ALLOWANCE ON ACCOUNT OF ORDINARY DISABILITY.

(8) (A) ON RETIREMENT FOR ACCIDENTAL DISABILITY, A MEMBER SHALL RECEIVE A SERVICE RETIREMENT ALLOWANCE IF HE IS 62 YEARS OLD OR OLDER; OTHERWISE HE SHALL RECEIVE AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE THAT SHALL CONSIST OF:

(B) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS RETIREMENT; AND

(C) A PENSION OF 66 2/3 PERCENT OF HIS AVERAGE FINAL COMPENSATION, BUT HIS TOTAL ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE MAY NOT EXCEED HIS AVERAGE FINAL COMPENSATION.

(9) (A) ONCE EACH YEAR DURING THE FIRST 5 YEARS FOLLOWING THE RETIREMENT OF A MEMBER ON A DISABILITY RETIREMENT ALLOWANCE, AND ONCE IN EVERY 3-YEAR PERIOD THEREAFTER, THE BOARD OF TRUSTEES MAY, AND ON HIS APPLICATION SHALL, REQUIRE ANY DISABILITY BENEFICIARY WHO HAS NOT YET ATTAINED THE AGE OF 62 TO UNDERGO A MEDICAL EXAMINATION. THE EXAMINATION MAY BE MADE AT THE PLACE OF RESIDENCE OF THE BENEFICIARY OR ANY OTHER PLACE MUTUALLY AGREED ON, BY A PHYSICIAN DESIGNATED BY THE BOARD OF TRUSTEES. IF ANY DISABILITY BENEFICIARY WHO IS UNDER THE AGE OF 62 REFUSES TO SUBMIT TO THE MEDICAL EXAMINATION, HIS ALLOWANCE MAY BE DISCONTINUED UNTIL HE WITHDRAWS HIS REFUSAL, AND IF HE CONTINUES TO REFUSE FOR 1 YEAR, ALL HIS RIGHTS IN AND TO HIS PENSION MAY BE REVOKED BY THE BOARD OF TRUSTEES.

(B) IF THE MEDICAL BOARD REPORTS AND CERTIFIES TO THE BOARD OF TRUSTEES THAT ANY DISABILITY BENEFICIARY IS ENGAGED IN OR IS ABLE TO ENGAGE IN A GAINFUL OCCUPATION THAT PAYS MORE THAN THE DIFFERENCE BETWEEN HIS RETIREMENT ALLOWANCE AND HIS AVERAGE FINAL COMPENSATION AND IF THE BOARD OF TRUSTEES CONCURS IN THE REPORT, THEN THE AMOUNT OF HIS PENSION SHALL BE REDUCED TO AN AMOUNT WHICH, TOGETHER WITH HIS ANNUITY AND THE AMOUNT EARNABLE BY HIM, SHALL BE