

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 7-401.

In subsection (a) of this section, the phrase "with a normal service retirement allowance" is added, to conform to other similar sections in this Division II.

In subsection (a)(1) of this section, the defined term "eligibility service" is substituted for the former term "creditable service" because the years of service addressed under this provision are used to determine eligibility for a benefit. See General Revisor's Note to this Division II.

Former Art. 73B, § 7-402 is deleted as inconsistent with federal law prohibiting age discrimination. See 29 U.S.C. §§ 621, 623, and 633.

Defined terms: "Average final compensation" § 20-101

"Board of Trustees" § 20-101

"Creditable service" § 20-101

"Eligibility service" § 20-101

"Member" § 20-101

"Retirement" § 20-101

"Retirement allowance" § 20-101

25-402. RETIREMENT AFTER TERMINATION OF MEMBERSHIP.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A FORMER MEMBER WHO:

- (1) WAS ELIGIBLE FOR A RETIREMENT ALLOWANCE UNDER § 25-401 OF THIS SUBTITLE WHEN THE FORMER MEMBER'S MEMBERSHIP TERMINATED;
- (2) DID NOT SUBMIT A WRITTEN APPLICATION UNDER § 25-401 BEFORE MEMBERSHIP TERMINATED; AND
- (3) HAS NOT WITHDRAWN ACCUMULATED CONTRIBUTIONS.

(B) APPLICATION FOR RETIREMENT; RETROACTIVE PAYMENTS PROHIBITED.

(1) A FORMER MEMBER DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY RETIRE WITH A RETIREMENT ALLOWANCE UNDER § 25-401 OF THIS SUBTITLE ON THE FIRST DAY OF THE MONTH AFTER THE BOARD OF TRUSTEES RECEIVES A WRITTEN APPLICATION FOR RETIREMENT FROM THE FORMER MEMBER.

(2) A FORMER MEMBER WHO RETIRES UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE FORMER MEMBER SUBMITS A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 7-403.