

(2) IF THE APPLICATION OF A FORMER MEMBER IS ACCEPTED AND A DISABILITY RETIREMENT IS GRANTED, THE RETIREMENT ALLOWANCE SHALL COMMENCE AS OF THE FIRST DAY OF THE MONTH FOLLOWING RECEIPT OF THE APPLICATION.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 117(5) through (9b).

In subsection (a)(1) of this section, the term "shall" is substituted for "may" to conform the ordinary disability provisions to the accidental disability provisions.

Also, the phrase "after a medical examination of such member" is deleted to conform with current practice and with the provisions relating to accidental disability.

In subsection (a)(1)(ii) 2 of this section, the clause "if the member is unable to apply" is added to clarify that a department head is not to force the retirement of a member.

In subsection (a)(5) of this section, the phrase "equal to a service retirement calculated" is substituted for "as provided in subsection (2) of this section" to avoid an unnecessary cross-reference.

In subsection (b)(1)(i) 2 of this section, the clause "if the member is unable to apply" is added to clarify that a department head is not to force the retirement of a member.

Subsection (b)(5) of this section is derived without substantive change from the last sentence of former § 117(7)(a).

In subsection (c) of this section, the phrase "and on the application shall" is deleted as unnecessary.

The only other changes are stylistic or technical.

4-405. EFFECT OF WORKERS' COMPENSATION BENEFITS.

AN ALLOWANCE SHALL BE REDUCED BY THE AMOUNT OF ANY WORKERS' COMPENSATION BENEFITS PAID OR PAYABLE AFTER THE EFFECTIVE DATE OF RETIREMENT ON ACCOUNT OF AN ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE THAT ARISES OUT OF AND IN THE COURSE OF THE RETIREE'S EMPLOYMENT BY THE STATE OR PARTICIPATING EMPLOYER, IF THE WORKERS' COMPENSATION BENEFITS ARE PAID OR PAYABLE FOR A PERIOD DURING WHICH AN ALLOWANCE IS PAID OR PAYABLE AND IF THE REDUCED ALLOWANCE IS NOT LESS THAN THE RETIREE'S ANNUITY. THIS PROVISION APPLIES TO BOTH THE RETIREE AND ANY BENEFICIARY DESIGNATED UNDER ANY OPTION AS PROVIDED UNDER § 4-409 OF THIS TITLE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 117(18).