

TRUSTEES MAY REQUEST. IF THE PERSON REFUSES TO SUBMIT THE INFORMATION REQUIRED BY THE BOARD, THE PERSON'S RETIREMENT ALLOWANCE SHALL BE SUSPENDED FOR THE PERIOD OF REFUSAL.

(D) (1) THE BOARD OF TRUSTEES MAY ACCEPT AN APPLICATION FOR ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT FROM A FORMER MEMBER IF:

(I) THE FORMER MEMBER PROVES TO THE SATISFACTION OF THE MEDICAL BOARD THAT FAILURE TO MAKE APPLICATION WHILE A MEMBER WAS ATTRIBUTABLE SOLELY TO PHYSICAL OR MENTAL INCAPACITY DURING THE FILING PERIOD; AND

(II) THE APPLICATION IS FILED NOT MORE THAN 36 MONTHS AFTER THE MONTH IN WHICH MEMBERSHIP TERMINATED.

(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, § 145(5) through (9b).

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

Also, the phrase "after a medical examination of the 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 State or county superintendent 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 State or county superintendent is not to force the retirement of a member.

Subsection (b)(5) is derived without substantive change from former § 145(7)(b).

In subsection (c)(1) of this section, the phrase "and on his application shall" is deleted as unnecessary.

In subsection (c)(3) of this section, the last phrase of the last sentence is deleted as obsolete.