

6-402. EFFECT OF LATE FILING OF APPLICATION.

A FORMER MEMBER WHO FAILS TO SUBMIT A WRITTEN APPLICATION BEFORE TERMINATION OF MEMBERSHIP IN THE SYSTEM IS RETIRED WITHOUT RETROACTIVE PAYMENTS ON THE FIRST DAY OF THE MONTH FOLLOWING RECEIPT OF A WRITTEN APPLICATION BY THE BOARD OF TRUSTEES IF THE FORMER MEMBER:

(1) IS OTHERWISE ELIGIBLE FOR A SERVICE RETIREMENT ALLOWANCE UNDER § 6-401 OF THIS SUBTITLE; AND

(2) HAS NOT WITHDRAWN ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO THE FORMER MEMBER.

COMMITTEE NOTE: This section is new language derived without substantive change from former Art. 88B, § 53(a)(1)(ii).

6-403. ORDINARY AND SPECIAL DISABILITY RETIREMENT.

(A) (1) THE BOARD OF TRUSTEES SHALL GRANT AN ORDINARY DISABILITY RETIREMENT ALLOWANCE TO A MEMBER IF:

(I) THE MEMBER HAS ATTAINED AT LEAST 5 YEARS OF CREDITABLE SERVICE;

(II) AN APPLICATION HAS BEEN SUBMITTED TO THE BOARD OF TRUSTEES:

1. BY THE MEMBER; OR

2. BY THE SUPERINTENDENT, IF THE MEMBER IS UNABLE OR REFUSES TO APPLY AND THE SUPERINTENDENT HAS REASON TO BELIEVE THAT THE MEMBER IS PERMANENTLY PHYSICALLY OR MENTALLY INCAPABLE OF PERFORMING ASSIGNED DUTIES; AND

(III) THE MEDICAL BOARD HAS CERTIFIED THAT:

1. THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF DUTY;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT;

AND

3. THE MEMBER SHOULD BE RETIRED.

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A MEMBER WHO IS RETIRED FOR ORDINARY DISABILITY UNDER THIS SUBSECTION SHALL RECEIVE AN ORDINARY DISABILITY RETIREMENT ALLOWANCE EQUAL TO THE GREATER OF:

(I) 35 PERCENT OF THE MEMBER'S AVERAGE FINAL COMPENSATION; OR