

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 157B(a), (b) and (c).

In subsection (a)(2)(i) of this section, the defined term "eligibility service" is substituted for "creditable service".

10-218. ORDINARY AND ACCIDENTAL DISABILITY BENEFITS.

(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 ELIGIBILITY SERVICE;

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

1. BY THE MEMBER; OR

2. IF THE MEMBER IS UNABLE TO APPLY, BY THE MEMBER'S DEPARTMENT HEAD; AND

(III) THE MEDICAL BOARD CERTIFIES 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) IN NO EVENT SHALL A MEMBER RECEIVE A DISABILITY ALLOWANCE FOR A DISABILITY INCURRED PRIOR TO ENROLLMENT IN THE PENSION SYSTEM, EXCEPT TO THE EXTENT THAT SUCH A DISABILITY WAS AGGRAVATED SUBSEQUENT TO THE MEMBER'S ENROLLMENT. A MEMBER WHO TRANSFERS FROM THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND OR FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THIS PENSION SYSTEM SHALL RETAIN THE ENROLLMENT DATE FIRST ESTABLISHED IN THE PENSION SYSTEM FROM WHICH THE MEMBER TRANSFERRED.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON RETIREMENT ON ORDINARY DISABILITY, A MEMBER SHALL RECEIVE:

(I) A SERVICE RETIREMENT ALLOWANCE IN ACCORDANCE WITH § 10-217(C)(1) OF THIS SUBTITLE, IF THE MEMBER IS AT LEAST 62 YEARS OLD; OR