

Medical examination for disability; military service disability.

Sec. 3309.39 (7896-102). Medical examination of a member for disability shall be made upon the application of the employer or upon the application of the member or of a person acting in his behalf stating that said member is physically or mentally incapacitated for the performance of duty and ought to be retired because the disability is considered permanent, provided the said member has service credit for not less than ten years. If such medical examination, conducted by a competent, disinterested physician, selected by the school employees retirement board shows that the said member is physically or mentally incapacitated for the performance of duty and ought to be retired be-

cause the disability is considered permanent, the examining physician shall so report, and if the board concurs with such report, the said member shall be retired for disability and the action of the board shall be final. The amount of the disability retirement allowance granted a member who served in the armed forces of the United States, as defined in section 3309.02 of the Revised Code, subsequent to September 1, 1937, and whose disability is probably the result of such service, shall be limited to the difference between the amount payable from the federal government on account of such disability and the amount of his disability allowance provided in section 3309.40 of the Revised Code, if the latter amount is greater.

Any member whose application for disability retirement has been approved shall be placed on retirement as of the first of the month following the date of application. Any member who has attained the age of sixty and who applies for disability retirement shall be placed on superannuation retirement the first of the month following the date of application, without medical examination, but upon the basis of a certificate by his family physician that he is unable to perform his duties until he is eligible to retire on superannuation. A member of the school employees retirement system shall not be eligible for disability retirement if **** there is an interval of more than two years between the date of filing the application and the last date of contributing service, but this limitation may be waived where proof is established to the satisfaction of the retirement board that the alleged disability existed prior to the termination of the two-year limitation.*

An employee receiving a disability allowance shall be placed upon superannuation retirement the first of the month after he has attained the age of sixty, and shall continue to receive either the same disability allowance or the allowance he is entitled to receive upon superannuation retirement, whichever is the greater.

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