

Disability beneficiary; restoration to active service.

Sec. 3309.41 (7896-104). A disability beneficiary shall be considered on leave of absence during his first five years on the retired list and shall retain his membership in the school employees retirement system. The school employees retirement board may require any disability beneficiary under the minimum age for superannuation retirement to undergo a medical examination which shall be made at the place of residence of said beneficiary or other place mutually agreed upon. Upon completion of such examination by an examining physician selected by the board, the examiner shall report and certify to the board whether said beneficiary is physically and mentally capable of resuming service similar to that from which he was retired. If the board concurs in a report by the examining physician that the disability beneficiary is capable of resuming service similar to that from which he was retired, *** the payment of the disability allowance shall be terminated not later than the following thirtieth day of June or upon employment as a school employee. *If the aforesaid leave of absence has not expired, the retirement board shall so certify to his last employer before retirement that the employee is capable of resuming service and said employer by the first day of the next succeeding year shall restore said beneficiary to his pre-*

*vious position and salary or to a position and salary similar thereto. The board may terminate disability retirement at the request of the disability beneficiary. Upon the death of any disability beneficiary the balance which remains to his credit shall be distributed as provided in sections 3309.44 and 3309.45 of the Revised Code. Should a disability beneficiary be restored to active service his retirement allowance shall cease and the annuity and pension reserves on his allowance at that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the employees' savings fund and the employer's accumulation fund respectively. Should any disability beneficiary, during his first five years on the retired list and while under the age of sixty years, refuse to submit to a medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited. *** Should a former disability beneficiary again become a contributor to this retirement system, the state teachers retirement system, or the public employees retirement system, and complete an additional two years of service credit, he shall be entitled to full service credit for the period of disability retirement. He may repay to his account in the employees' savings fund an amount equal to the amount of annuity received as provided by division (A) of section 3309.40 while a disability beneficiary plus interest at four per cent per annum compounded annually to the date of such restoration.*

E F Fective October 26, 1953