

**Medical examination for disability retirement; appeals of board decisions; reinstatement of persons not disabled.**

Sec. 3307.42. Application for disability retirement may be made by a member, or by a person acting in his behalf, or by the member's employer, provided the member has at least five years of total service credit and has not attained age sixty. The application for disability retirement shall be made on a form approved by the retirement board. Any member whose application is approved shall be placed on retirement as of the first of the month following the date the application is filed with the state teachers retirement board, or as of the first of the month following the last day for which compensation was paid, whichever is the later date.

Medical examination of the member shall be conducted by a competent, disinterested physician or physicians selected by the retirement board to determine whether the member is mentally or physically incapacitated for the performance of duty by a disabling condition, either permanent or presumed to be permanent. Such disability must have occurred since last becoming a member, or it must have increased since last becoming a member to such an extent as to make the disability permanent or presumably permanent.

Application for disability retirement must be made within two years from the date the member's contributing service terminated. The disability for which the allowance is granted must have manifested itself in some degree as evidenced by medical records, before the member's contributing service was terminated.

If such physician or physicians determine that the member qualifies for retirement by reason of disability, and if the retirement board concurs with such determination, the member shall be retired for disability \*\*\*. *If such physician or physicians determine that the member does not qualify for retirement by reason of*

*disability, the report of the examiner or examiners shall be evaluated by a board of medical review composed of three physicians appointed by the retirement board.*

*The state teachers retirement board shall render an order determining whether or not the applicant shall be granted disability retirement benefits. Notification to the applicant shall be issued, and upon the request of an applicant who is denied disability retirement benefits a hearing or appeal relative to such order shall be conducted, pursuant to the provisions of Chapter 119. of the Revised Code.*

If an employer files an application to retire a member on disability, as a result of the member having been separated from service because he is considered to be incapacitated for the performance of duty, and the physician selected by the retirement board reports to the board that such member is physically and mentally capable of performing service similar to that from which he was separated and the board concurs in such report, then the board shall so certify to the employer and such employer shall restore the member to his previous position and salary or restore him to a similar position and salary. *(Amended in Amended Substitute Senate Bill No. 51)*