

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 state teachers retirement board. Any member whose application is approved shall be retired on the first day of the month next following the later of:

- (A) The last day for which compensation was paid; or
- (B) The attainment of eligibility for benefits provided under this section.

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 for twelve continuous months following the filing of an application. 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 for twelve continuous months following the filing of an application.

Application for disability retirement must be made within two years from the date the member's contributing service terminated, unless the disability has manifested itself in some degree as evidenced by medical records, before the member's contributing service was terminated. **APPLICATION MAY NOT BE MADE BY ANY PERSON RECEIVING SERVICE RETIREMENT BENEFITS UNDER SECTION 3307.38 OF THE REVISED CODE OR ANY PERSON WHO, PURSUANT TO SECTION 3307.46 OF THE REVISED CODE, HAS BEEN**

PAID THE ACCUMULATED CONTRIBUTIONS STANDING TO THE CREDIT OF HIS INDIVIDUAL ACCOUNT IN THE TEACHERS' SAVINGS FUND.

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 in accordance with procedures established by the retirement board.

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 board denies disability retirement, the board shall so certify to the employer and such employer shall restore the member to his previous position and salary or to a similar position and salary.

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