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Sec. 3307.43. Upon disability retirement, a member shall receive a disability retirement allowance in an annual amount which shall consist of:

(A) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(B) A pension which shall be the difference between the annuity and an annual amount determined by multiplying the number of years of Ohio service credit of such member, and in addition the number of years and fraction of a year between the effective date of his disability retirement and the date he attained age sixty, assuming continuous service, by eighty-six dollars, or by two per cent of his final average salary, whichever is greater. Such disability retirement allowance shall not be less than thirty per cent nor more than seventy-five per cent of his final average salary, EXCEPT THAT THE ALLOWANCE SHALL NOT EXCEED ANY LIMIT TO WHICH THE RETIREMENT SYSTEM IS SUBJECT UNDER SECTION 415 OF THE "INTERNAL REVENUE CODE OF 1986," 100 STAT. 2085, 26 U.S.C.A. 415, AS AMENDED.

If the member does not retire on a combined basis under the provisions of section 3307.41 of the Revised Code, but is receiving a disability retirement allowance from either the public employees retirement system or the school employees retirement system, then such member shall not be eligible for service credit based upon the number of years and fractions thereof between the date of disability and the date he attained age sixty as otherwise provided in this section.

A person receiving a disability retirement allowance from the state teachers retirement system shall be ineligible for any employment as a teacher, and it shall be unlawful for any employer to employ such person as a teacher. If any employer should employ or reemploy such person prior to the termination of his disability retirement allowance, such employer shall file notice of such employment with the state teachers retirement board designating the date of such employment. If such person should be paid both a disability retirement allowance and also compensation for teaching service for all or any part of the same month, the secretary of the state teachers retirement board shall certify to the employer or to the superintendent of public instruction the amount of such retirement allowance received by such person during such employment, which amount shall be deducted from any amount due the employing district under Chapter 3317. of the Revised Code, or shall be paid by the employer to the annuity and pension reserve fund.

A disability retirant whose allowance has been terminated, when eligible, may apply for the allowance provided by section 3307.38 of the Revised Code.

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