



Ohio Administrative Code Rule 3309-1-51 Recovery of overpayments.

Effective: December 16, 2024

(A) For purposes of this rule, "payment" means an annuity, allowance, or benefit paid by the retirement system. "Payment" includes a "final retirement allowance," but not an "estimated retirement allowance," as defined in rule 3309-1-21 of the Administrative Code.

(B) If the retirement system determines that any payment has been calculated incorrectly, the system will recalculate the payment to the correct amount. The recalculated payment will begin on the next payment date.

(1) If the recalculation results in an increased payment to a recipient, the retirement system shall pay the recipient the cumulative difference between the original calculation and the recalculation in a one-time lump-sum.

(2) If the recalculation results in a decreased payment to a recipient, the recipient shall pay to the retirement system the cumulative difference between the original calculation and the recalculation. If the recipient fails to pay the system, the system may deduct this amount from any benefit due the person or collect the amount in any other manner provided by law.

(3) The following standards shall apply if the recipient was not the source of the information or records that caused the incorrect calculation and did not commit fraud, misrepresentation, or other misconduct resulting in the incorrect calculation.

(a) For any amounts owed to the system under paragraph (B)(2) of this rule, the retirement system will waive collection of:

(i) The first two hundred dollars, and

(ii) Any portion of the amount due that accrued more than two years before the date of the determination made in paragraph (B) of this rule.



(b) In seeking payment under paragraph (B)(2) of this rule, the system shall not deduct more than ten percent from the gross amount of any periodic benefit due the person.

(4) If the incorrect calculation is the result of employer errors in reporting or certifying information to the retirement system, the employer shall repay the system in accordance with paragraph (K) of rule 3309-1-18 of the Administrative Code.