



## Ohio Administrative Code

### Rule 742-3-04 Disability benefit recipient's annual earnings statement.

Effective: [September 22, 2022](#)

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(A) A disability benefit recipient shall file an annual statement of earnings by September first of each year with the Ohio police and fire pension fund ("OP&F"), unless the disability committee medical advisor has certified that the disability benefit recipient's disability is ongoing and the board waives the requirement that a recipient file an annual earnings statement. The statement must be on the form provided by OP&F, and must be notarized. In addition, the disability benefit recipient must also provide any supporting documentation requested by OP&F.

(B) OP&F shall send written notice to those recipients who have been granted waivers by the board within sixty days of the board's approval.

(C) Once a disability benefit recipient has been granted a waiver from the requirement to file annual earnings statement by the board, the disability benefit recipient shall thereafter be relieved from filing an annual earnings statement, unless otherwise notified in writing by OP&F.

(D) For those earning statements due on September 1, 1998, and every September first thereafter, the refusal of the benefit recipient to comply with paragraph (A) of this rule shall result in the suspension of disability benefits and any health care stipend upon sixty days prior written notice to the disability benefit recipient.

(1) If the disability benefit recipient fails to file the past due annual earning statement(s) in proper form with OP&F within the aforementioned sixty day notice period, OP&F shall suspend the recipient's health care stipend, if any, effective on the first day of the month immediately following the expiration of such notice period.

(2) In the event the disability benefit recipient files all of the past due earning statement(s) in proper form with OP&F after the aforementioned sixty day notice period, OP&F will reinstate the recipient's disability benefits and health care stipend on the first day of the month immediately following OP&F's receipt of all past due annual earnings statements in proper form.



(E) If the disability benefit recipient files the required annual earnings statement in proper form with OP&F on or before December first of the following year in which it was due (i.e. fifteen months after the original due date), OP&F will reinstate the recipient's disability benefits and the health care stipend, if any.

(F) If the disability benefit recipient has not filed the required annual earnings statement in proper form with OP&F on or before December first of the following year in which it was due, then the disability benefits shall be forfeited in accordance with the terms of division (D) of section 742.40 of the Revised Code and the health care stipend, if any, shall be forfeited in accordance with section 742.45 of the Revised Code, with such forfeiture being effective as of the date of the original suspension, as referenced in a writing provided to the recipient from OP&F.

(G) For purposes of determining whether the recipient has refused to comply with the provisions of division (D) of section 742.40 of the Revised Code and this rule, OP&F may conclusively rely upon OP&F's books and records.

(H) All notices to the disability benefit recipient provided for under this rule shall be either delivered personally, sent by express delivery service, certified mail or first class U.S. mail, postage prepaid and addressed to the disability benefit recipient at the most recent address set forth in such recipient's file with OP&F, or to such other address as the disability benefit recipient shall thereafter designate by proper notice in accordance with this paragraph. All notices to OP&F shall be addressed at its principal place of business.

(I) For purposes of this rule, "Disability Benefit Recipient" shall mean the member of OP&F who is receiving a disability benefit pursuant to division (C)(2), (C)(3), (C)(4), or (C)(5) of former section 742.37 of the Revised Code or section 742.38 of the Revised Code.