

## **CHAPTER 82-07-04**

### **SUSPENSION OF DISABILITY BENEFITS**

Section

82-07-04-01      Suspension of Disability Benefits

#### **82-07-04-01. Suspension of disability benefits.**

1. When a member receiving disability retirement benefits is not recertified as eligible for continued benefits, the board shall presume the member does not have a "total disability" and the disability benefits must cease on the first day of the month following the date the member is not recertified eligible for continued benefits.
2. When a member receiving disability retirement benefits returns to active teaching in North Dakota or out of state, the board shall do one of the following:
  - a. Presume the member does not have a "total disability" and, pursuant to subsection 3 of North Dakota Century Code section 15-39.1-18, suspend the member's disability benefits on the first day of the month following the date the member returns to active teaching.
  - b. If the member consents, allow continued payment of the disability benefit for up to six months to permit a member who has partially recovered from the disability to return to active teaching on a trial basis. If the member terminates employment prior to the end of the trial period as set by the board, the board shall not deem the member recovered under North Dakota Century Code section 15-39.1-18, and the member's benefits must continue as permitted under North Dakota Century Code chapter 15-39.1 and this title. If, at the end of the trial period, the member has not terminated employment, the board shall presume the member does not have a qualified disability and shall suspend the member's disability benefits on the first day of the month following the date the member's trial period ends pursuant to North Dakota Century Code section 15-39.1-18. A member who has had the member's disability benefit terminated under this section shall reapply to receive any future disability benefit after the conclusion of any trial period.

**History:** Effective September 1, 1990; amended effective May 1, 1998; July 1, 2008; April 1, 2024.

**General Authority:** NDCC 15-39.1-07

**Law Implemented:** NDCC 15-39.1-18, 15-39.1-19.1