

Rule XI. Special Hearings- Procedures

A.

B.

C. Disability Appeals

- a. This rule applies when the Board of Trustees of the Cincinnati Retirement System either denies an application for a disability retirement benefit pursuant to CMC §203-41 or terminates or reduces a disability retirement benefit pursuant to CMC §203-53 and §203-55.
 - i. After the Board of Trustees has either denied an application for, or reduced or terminated a disability retirement benefit, the member shall be notified in writing, via regular mail within seven days of such action.
 - ii. The notice shall include the following information:
 1. The Board of Trustee's denial, reduction or termination of the disability retirement benefit;
 2. The member's right to submit a notice of intent to provide additional medical evidence. Such notice of intent ~~must~~ **shall** be received by the Cincinnati Retirement System administrative office no later than thirty (30) **calendar** days from the date of the notice of denial, reduction, or termination;
 3. Failure of a member to submit a notice of intent to provide additional medical evidence shall make the Board of Trustee's action final as to such application or benefit;
 4. Such additional evidence **relative to the submitted letter of intent** shall be current medical evidence documented by a licensed physician specially trained in the field of medicine covering the illness or injury for which the disability is claimed and such evidence has not been considered previously by the Benefits Committee of the Board of Trustees. Such additional medical evidence shall be presented in writing by the member and shall constitute an appeal of the denial, reduction, or termination;
 5. Failure to provide the additional medical evidence within forty-five (45) **calendar** days of the member's **submission date of the** notice of intent to provide such evidence shall make the Board of Trustee's action final to such application or benefit unless an extension for submission of such evidence has been requested and granted **by Administration** within the forty-five (45) **calendar** days. Only one extension, not to exceed forty-five (45) **calendar** days, ~~may~~ **shall** be granted;
 - 6.** The Board of Trustees ~~will~~ **shall** pay for not more than two additional examinations by licensed physicians hired by the Board.
- b. After submission of additional medical evidence as described in paragraph (C) (a) (ii) (4) of this rule, all evidence shall be reviewed by the Board of Trustee's medical director who shall recommend action for concurrence by the Benefits Committee of the Board of Trustees. The Benefits Committee ~~will~~ **shall** report its recommendation for action, to the Board of Trustees in the next regular Board of Trustees meeting. The decision of the Board of Trustees ~~is~~ **shall be** final.