



## Ohio Administrative Code

### Rule 3309-1-07 Application for payment upon termination of employment.

Effective: May 3, 2019

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- (A) For purposes of this rule, "retirant" means a "SERS retirant" or "other system retirant" as defined in section 3309.341 of the Revised Code, or a member who retired under section 3309.343 of the Revised Code.
- (B) An application for payment of the accumulated contributions in a member's individual account pursuant to section 3309.42 of the Revised Code shall be signed by the member. If the account balance exceeds two hundred dollars, the member's signature must be notarized or witnessed by a SERS counselor.
- (C) An application for a lump sum annuity payment or a return of contributions pursuant to section 3309.344 of the Revised Code shall be signed by the retirant and notarized or witnessed by a SERS counselor.
- (D) If the member or retirant was employed in a SERS-covered position during the six month period preceding the application, the application shall not be approved until the employer certifies to the retirement system the member or retirants last date of service.
- (E) For purposes of division (A)(2) of section 3309.42 of the Revised Code, "eligible for age and service retirement" means a member is eligible for retirement under section 3309.34, 3309.36, or 3309.381 of the Revised Code on or before the first of the month following the date the application for a refund is received by the retirement system.
- (F) The retirement board waives the requirement of spousal consent in division (A)(2) of section 3309.42 of the Revised Code upon receipt of one of the following:
- (1) The written statement of the spouse's physician certifying that the spouse is medically incapable of consent;



(2) A certified copy of a probate court order appointing a guardian for the spouse due to a finding of incompetence; or

(3) The affidavits of the member and at least two other persons, one of whom must be unrelated to the member, attesting that the whereabouts of the spouse is unknown.

(G) A member or retirant may withdraw an application by delivering to the retirement system a signed written request over the applicants signature to withdraw the application and as follows:

(1) If the payment was made by check, by returning to the retirement system the warrant uncashed no later than thirty days from the date the check was issued.

(2) If the payment was transmitted by direct deposit to the member or retirants financial institution, by remitting to the retirement system a personal check or money order repaying the amount transmitted no later than thirty days after the institutions receipt of the payment.

(3) If any portion of the payment was distributed as a direct rollover pursuant to rule 3309-1-53 of the Administrative Code, the retirement plan that received the distribution must return to the retirement system the amount transferred no later than sixty days after the transfer.

(4) If any portion of the payment was paid to satisfy a court order or was otherwise deducted as required by law, the application may not be withdrawn as provided in this rule.