**Section 1750.40 Retirement for Disability**

a) Application for Disability Retirement. An application for retirement for disability filed by a participant between scheduled meetings of the Board and prior to a participant's termination of service, may be accepted with the understanding that certificates or statements from physicians certifying to the disability of the applicant may be required and that final approval of an application would be conditioned upon the member's resignation from service as a Judge.

b) Conditions for Retirement. A Judge shall be considered permanently disabled and eligible for retirement for disability if:

1) the disability occurred during employment as a Judge;

2) the disability is of such nature as to prevent him from reasonably performing the duties of his office; and

3) the Board has been furnished a written statement by at least 2 licensed and practicing physicians designated by the Board certifying that the Judge is disabled for service as a Judge and that his disability is likely to be permanent.

c) Administration of Disability Claims.

1) The Board shall cause to be made at least once each year medical examinations of disability retirement beneficiaries to determine the continued existence of permanent disability for judicial service and to establish their continued entitlement to benefit payments. The physicians to be used for this purpose shall be appointed by the Board and the cost of the examinations shall be assumed by the Board.

2) Outside investigational services shall be utilized by the Board from time to time, as the occasion requires, for the purpose of establishing that a disability retirement beneficiary is permanently disabled and unable to perform the duties of a Judge, with the cost thereof to be paid by the Board.

3) Should the Board decide as the result of medical examinations or other disclosures that the disability beneficiary is no longer disabled for the performance of duty, the Board shall notify in writing the disability beneficiary and provide him the opportunity to submit within 30 days from the date of said notice written evidence as to why benefits should not be terminated. Thereupon the Board shall consider the said matter at its next regular meeting and the Secretary shall notify the disability beneficiary that he may appear at said meeting and be heard on such question. Thereafter the Board may discontinue payment of benefits and the appropriate agency or officer of the State shall be notified regarding such action.