

# MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 25, 1976

To P. R. Gingrow, Asst. Ex. Director

Dept. Maine State Retirement System

From Donald G. Alexander, Deputy

Dept. Attorney General

Subject Processing of disability application after death of a member

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Your memorandum of June 7, 1976, requests advice on acceptability of your current practice of discontinuing processing of disability applications upon the death of members who have filed such applications. Clearly the processing of disability applications requires that certain actions occur. Among these actions would be physical exams, review by medical boards, etc. 5 M.R.S.A. § 1122-2. If a member dies during this processing, there is no way to determine whether ultimately the disability application would have been granted or not. Therefore, your procedure of ceasing to process disability applications upon death of members is appropriate. Upon the death of a member seeking a disability application, further actions relating to the retirement system are properly processed pursuant to 5 M.R.S.A. § 1124.

There might be a unique fact situation where all processing was completed and only a ministerial act of the Board was needed to approve a disability retirement, the result might be different in such a case.

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DONALD G. ALEXANDER  
Deputy Attorney General

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