TEACHERS' RETIREMENT FUND: Payment of disability benefits.

May 23, 1938.

Mr. Robert B. Hougham,
Executive Secretary,
Indiana State Teachers' Retirement Fund Board,
334 State House,
Indianapolis, Indiana.

Dear Mr. Hougham:

This will acknowledge receipt of your letter submitting the following question:

"The Indiana State Teachers' Retirement Fund Board approved a disability grant to Gertrude E. Harlowe on April 8, 1938, the same day that Miss Harlowe died, therefore no check was sent out. Question is whether or not payments should be made to the estate of the decedent."

In reply to this question your attention is directed to Subsection (j), Section 28-4511 of Burns' Indiana Statutes, 1937, Cumulative Pocket Supplement, which reads in part as follows:

"Any teacher in the service of the public schools of the state may be temporarily or permanently retired for disability on a benefit in accordance with this act after he or she shall have served as such teacher according to the provisions of this Act for a period of ten (10) years or more: And provided further, That when a teacher is retired for any disability such retirement shall continue only until such disability is relieved or removed, and no disability benefit shall be paid to such teacher after medical examination made on demand of the board of trustees of the Indiana state teachers' retirement fund and by a physician approved by the said board and made at the expense of said teacher shall establish to the satisfaction of the board that such disability is removed."

It will be noted from a reading of the above statute that disability payments are authorized only so long as such disability exists and that payments shall cease when such disability is relieved or removed.
Clearly, the death of the beneficiary removes the disability and accordingly no payment could be made on account of such disability after death.

It is my opinion, therefore, that the estate of the deceased teacher would have no claim as against this particular benefit provision.

Your attention is directed generally to Section 28-4511 of Burns' Indiana Statutes, 1933 Revision, Section 3 of which provides in part that:

"In the event of the death of any teacher who is a member under the provisions of this Act, before such teacher has retired on an annuity, then, and in that event, the estate of the deceased teacher shall be entitled to a sum chargeable to the annuity savings account equal to the contributions of the teacher, with interest thereon compounded annually at four (4) per cent, if application therefor be made within three (3) years after the death of such teacher, but not otherwise."

It seems, therefore, that the estate of the deceased teacher has a complete remedy under the last quoted section.

INDIANA BOYS' SCHOOL: Charges on which boys should be committed.

May 23, 1938.

Dr. E. M. Dill,
Superintendent, Indiana Boys' School,
Plainfield, Indiana.

Dear Dr. Dill:

This will acknowledge receipt of your letter of May 12 in which you submit the following question:

"Upon what charges may a boy under the age of sixteen be legally committed to the Indiana Boys' School?"

In reply to this question, your attention is directed to Section 9-2803, Burns' Indiana Statutes, 1933 Revision, which defines the words "delinquent child" to include any boy under the full age of sixteen years "who shall violate any law of this state or any ordinance of a city." This Act then provides as follows:

"Any boy under the full age of sixteen (16) years or any girl under the full age of eighteen (18) years who shall commit any of the acts herein specified shall be