

49-11-607 Determination of benefits -- Errors in records or calculations -- Correction of errors by the office.

- (1) After the retirement date, which shall be set by a member in the member's application for retirement, no alteration, addition, or cancellation of a benefit may be made except as provided in Subsections (2), (3), and (4) or other law.
- (2)
 - (a) Errors in the records or in the calculations of the office which result in an incorrect benefit to any member, retiree, participant, covered individual, alternate payee, or beneficiary shall be corrected by the office if the correction results in a modification of the benefit amount of \$5 or more.
 - (b) Future payments shall be made to any member, retiree, participant, covered individual, alternate payee, or beneficiary to:
 - (i) pay the benefit to which the member or beneficiary was entitled; or
 - (ii) recover any overpayment.
- (3)
 - (a) Errors in the records or calculation of a participating employer which result in an incorrect benefit to a member, retiree, participant, covered individual, alternate payee, or beneficiary shall be corrected by the participating employer.
 - (b) If insufficient employer contributions have been received by the office, the participating employer shall pay any delinquent employer contributions, plus interest under Section 49-11-503, required by the office to maintain the system, plan, or program affected on an actuarially sound basis.
 - (c) If excess contributions have been received by the office, the contributions shall be refunded to the participating employer or member which paid the contributions.
- (4) If a dispute exists between a participating employer and a member at the time of the member's retirement which will affect the member's benefit calculation, and notice of the dispute is given to the office prior to the calculation of a member's benefit, the benefit may be paid based on the member's retirement date and the records available and then recalculated upon settlement of the dispute.

Amended by Chapter 316, 2013 General Session