

49-21-402 Reduction or reimbursement of benefit -- Circumstances -- Application for other benefits required.

- (1) A monthly disability benefit may be terminated unless:
 - (a) the eligible employee is under the ongoing care and treatment of a physician other than the eligible employee; and
 - (b) the eligible employee provides the information and documentation requested by the office.
- (2) The monthly disability benefit shall be reduced or reimbursed by any amount received by, or payable to, the eligible employee from the following sources for the same period of time during which the eligible employee is entitled to receive a monthly disability benefit:
 - (a) Social Security disability benefits, including all benefits received by the eligible employee, the eligible employee's spouse, and the eligible employee's children as determined by the Social Security Administration;
 - (b) workers' compensation indemnity benefits;
 - (c) any money received by judgment, legal action, or settlement from a third party liable to the employee for the disability;
 - (d) unemployment compensation benefits;
 - (e) automobile no-fault, medical payments, or similar insurance payments;
 - (f) any money received by a judgment, settlement, or other payment as a result of a claim against an employer; and
 - (g) any payments made for sick leave, annual leave, or similar payments.
- (3) The monthly disability benefit shall be reduced by any amount in excess of one-third of the eligible employee's regular monthly salary received by, or payable to, the eligible employee from the following sources for the same period of time during which the eligible employee is entitled to receive a monthly disability benefit:
 - (a) any retirement payment earned through or provided by public or private employment; and
 - (b) any disability benefit resulting from the disability for which benefits are being received under this chapter.
- (4) After the date of disability, cost-of-living increases to any of the benefits listed in Subsection (2) or (3) may not be considered in calculating a reduction to the monthly disability benefit.
- (5) Any amounts payable to the eligible employee from one or more of the sources under Subsection (2) are considered as amounts received whether or not the amounts were actually received by the eligible employee.
- (6)
 - (a) An eligible employee shall first apply for all disability benefits from governmental entities under Subsection (2) to which the eligible employee is or may be entitled, and provide to the office evidence of the applications.
 - (b) If the eligible employee fails to make application under this Subsection (6), the monthly disability benefit shall be suspended.

Amended by Chapter 316, 2013 General Session