

**WAC 446-40-040 Application by member or personnel officer. (1)**

Whenever a member of the Washington state patrol desires to be placed in disability retirement status or the personnel officer determines that the member should be placed in disability retirement status, the member or the personnel officer, as appropriate, will make application through command channels to the chief, stating in full the basis of his claim of disability and include with his application such supporting documents as may be available to include medical history, reports, doctors' analyses, and other pertinent materials. When the personnel officer makes such application, he shall forward a copy of the application and supporting documents to the member concerned.

(2) Upon receipt of such application, the chief, after seeking such evaluation and advice as he shall deem necessary, shall determine whether the applicant shall be placed in disability retirement status. Following this determination, the chief shall indicate to the applicant that based upon the information available to him at that time, placement in disability retirement status is or is not warranted. If the chief orders a member into disability retirement status, the member shall not be prejudiced by a failure to obey this order if, within seven days of receiving the order, he requests a formal hearing as provided for in WAC 446-40-070 et seq.

(3) Similarly, when a member of the Washington state patrol is in disability retirement status and seeks return to active service status, he shall apply to the chief, stating in full the basis for his seeking return to active status and including with his application such supporting documents as may be available to include medical history, reports, doctors' analyses, and other pertinent materials. Upon receipt of such application, the chief, after seeking such evaluation and advice as he may deem necessary, shall determine if the applicant should be restored to active service. Following this determination, the chief will indicate to the applicant that based upon the information available to him at that time, restoration is or is not warranted.

[Order II, § 446-40-040, filed 11/22/74.]