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[CITE: 5USC8456]

TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III--EMPLOYEES

Subpart G--Insurance and Annuities

CHAPTER 84--FEDERAL EMPLOYEES' RETIREMENT SYSTEM

SUBCHAPTER V--DISABILITY BENEFITS

Sec. 8456. Military reserve technicians

(a)(1) Except as provided in paragraph (2) or (3), an individual shall be retired under this subchapter if the individual--

(A) is separated from employment as a military reserve technician by reason of a disability that disqualifies the individual from membership in a reserve component of the Armed Forces specified in section 10101 of title 10 or from holding the military grade required for such employment;

(B) is not considered to be disabled under section 8451(a)(1)(B);

(C) is not appointed to a position in the Government (whether under subsection (b) or otherwise); and

(D) has not declined an offer of an appointment to a position in the Government under subsection (b).

(2) Payment of any annuity for an individual pursuant to this section terminates--

(A) on the date the individual is appointed to a position in the Government (whether pursuant to subsection (b) or otherwise);

(B) on the date the individual declines an offer of appointment to a position in the Government under subsection (b); or

(C) as provided under section 8455(a).

(3) An individual eligible to retire under section 8414(c) shall not be eligible to retire under this section.

(b) Any individual applying for or receiving any annuity pursuant to this section shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if--

(1) the position is located within the commuting area of the individual's former position;

(2) the individual is qualified to serve in such position, as determined by the head of the agency; and

(3) the position is at the same grade or equivalent level as the position from which the individual was separated.

(Added Pub. L. 99-335, title I, Sec. 101(a), June 6, 1986, 100 Stat. 570, Sec. 8457; amended Pub. L. 99-556, title I, Sec. 118, Oct. 27, 1986, 100 Stat. 3134; renumbered Sec. 8456, Pub. L. 100-238, title I, Sec. 124(b)(1)(B), Jan. 8, 1988, 101 Stat. 1756; Pub. L. 103-337, div. A, title XVI, Sec. 1677(a)(4), Oct. 5, 1994, 108 Stat. 3019.)

Prior Provisions

A prior section 8456, added Pub. L. 99-355, title I, Sec. 101(a), June 6, 1986, 100 Stat. 569, related to relationship between annuity and workers' compensation, prior to repeal by Pub. L. 100-238, title I, Sec. 124(b)(1)(A), Jan. 8, 1988, 101 Stat. 1756. See section 8464a of

