*** § 607-j. Performance of duty disability retirement.** a. Any member of the retirement system employed by the division of military and naval affairs shall be eligible to retire pursuant to the provisions of this section if he or she is an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer.

b. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any member who becomes physically or mentally incapacitated as the result of a disability, who is presently employed and who shall have sustained such disability while so employed and while actually a member of the retirement system, provided that such disability or death (A) was caused by the natural and proximate result of a disability, not caused by such firefighter's own willful negligence and (B) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence, shall be paid a performance of duty disability retirement benefit payable pursuant to this section.

c. Application for a performance of duty disability retirement allowance for such a member may be made by:

1. Such member;

2. The head of the department in which such member is employed; or

3. Some person acting on behalf of and authorized by such member.

d. After the filing of such an application such member shall be given one or more medical examinations. If the comptroller determines that the member is physically or mentally incapacitated for the performance of duty and ought to be retired for performance of duty disability, such member shall be so retired. Such retirement shall be effective as of a date approved by the comptroller.

e. The retirement allowance payable upon retirement for performance of duty disability shall consist of a pension of one-half of his or her

final average salary plus an annuity which shall be the actuarial equivalent of such member's accumulated contributions, if any.

f. If the member, at the time of the filing of an application under the provisions of subdivision c of this section, is eligible for a service retirement benefit, then and in that event, such member may simultaneously file an application for service retirement in accordance with the provisions of section seventy of this chapter, provided that the member indicates on the application for service retirement that such application is filed without prejudice to the application for performance of duty disability retirement.

g. Any benefit provided pursuant to this section shall not be considered as an accidental disability benefit within the meaning of section sixty-four of this chapter. Any benefit payable pursuant to the workers' compensation law to a member receiving a disability allowance pursuant to this section shall be in addition to such retirement for disability incurred in performance of duty allowance.

* NB There are 3 § 607-j's