Chapter 44 Refund of member contributions

100 Purpose

The purpose of this regulation is to clarify the conditions under which a refund of member contributions may be made.

101 Payment of refund of accumulated contributions

Mississippi Code Ann. § 25-11-117 (1972, as amended) provides that a refund of accumulated contributions to the credit of the member in the annuity savings account shall be paid within ninety (90) days from the receipt of a properly completed form requesting such payment. Effective July 1, 2011, a refund of accumulated contributions will be issued after final wages and contributions are posted to the member's account but no later than ninety (90) calendar days from the date of termination from covered employment or from the date of receipt of the properly completed form requesting the refund, whichever is later. Refunds of accumulated contributions shall be processed after receipt of a properly completed PERS Form 5, Member Refund Application and after the final wages and contributions are posted to the member's account but no later than after the ninety (90) calendar day period has lapsed. The ninety (90) day period will be calculated on the basis of the termination date certified by the employer on the PERS Form 5 or the date of receipt of the Form 5, whichever is later. Upon filing for a refund, where the member is employed by more than one agency, the latest termination date will be used to calculate the ninety (90) day period.

1. **Refund upon death of member**
   The ninety (90) day period shall not apply in the case of a refund due to the death of a member; however, any refund paid to the beneficiary of a deceased member shall not be paid until after final wages and contributions are posted to the member's account.
2. **Refund to member in case of extraordinary and unforeseen financial emergency**
   Refunds may be issued prior to the ninety (90) day period in case of a documented extraordinary and unforeseen emergency which cannot be satisfied by PERS communication of the anticipated distribution date and amount. The member will be required to submit a request for emergency distribution (refund) on a form prescribed by PERS. An extraordinary and unforeseen emergency is defined as follows:
   a. Repossession of real or personal property as documented by official notices of such action.
   b. Foreclosure or eviction from residence as documented by official notice of such action.
   c. Loss of personal property due to casualty not covered by insurance.
   d. Sudden or unexpected illness or accident of member or his or her dependent not covered by insurance.
   e. Any extraordinary and unforeseen financial emergency not covered in the above items arising as a result of events beyond the applicant's direct control.

Living expenses, such as utility bills, moving expenses, and unpaid medical bills for routine medical procedures, are not considered extraordinary and unforeseen emergencies.

(History: Adopted August 17, 1993; amended December 15, 1997; Amended June 21, 2005 to be effective August 1, 2005; reformatted August 1, 2007; amended effective July 1, 2011)

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101 Payment of refund of accumulated contributions

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1. **Refund upon death of member**

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2. **Refund to member in case of extraordinary and unforeseen financial emergency**

   Refunds may be issued prior to the ninety (90) ~~forty-five (45)~~ day period in case of a documented extraordinary and unforeseen emergency which cannot be satisfied by PERS communication of the anticipated distribution date and amount. The member will be required to submit a request for emergency distribution (refund) on a form prescribed by PERS. An extraordinary and unforeseen emergency is defined as follows:

   a. ~~Illness of member or member's immediate family as documented by a physician's certification and where treatment for such illness is established to be the financial responsibility of the member or the member's spouse. Immediate family is defined as the member's spouse, parent, or dependent child.~~

   ~~b. Foreclosure or repossession of real or personal property as documented by notices of such action.~~

   ~~c. Eviction notice from house or apartment as documented by notices of such action.~~

~~d. Any financial hardship not covered in the above items that, in the opinion of the Executive Director, or his designee, warrants waiver of the forty five (45) day waiting period.~~

a. Repossession of real or personal property as documented by official notices of such action.
b. Foreclosure or eviction from residence as documented by official notice of such action.
c. Loss of personal property due to casualty not covered by insurance.
d. Sudden or unexpected illness or accident of member or his or her dependent not covered by insurance.
e. Any extraordinary and unforeseen financial emergency not covered in the above items arising as a result of events beyond the applicant's direct control.

Living expenses, such as utility bills, moving expenses, and unpaid medical bills for routine medical procedures, are not considered extraordinary and unforeseen emergencies.

(History: Adopted August 17, 1993; amended December 15, 1997; Amended June 21, 2005 to be effective August 1, 2005; reformatted August 1, 2007; amended effective July 1, 2011)