

## TO BE RESCINDED

5703-7-08

**Deduction of disability and survivorship benefits.**

(A) In accordance with division (A) of section 5747.01 of the Revised Code, a taxpayer may deduct, to the extent otherwise included in federal adjusted gross income, the amount of:

- (1) Disability benefits received pursuant to a contributory or non-contributory employee disability and survivorship plan; or
- (2) Survivor benefits received pursuant to a contributory or non-contributory disability and survivorship plan.

(B) In determining the eligibility of benefits for the deduction under division (A)(4) of section 5747.01 of the Revised Code, the terms of the plan, or the authority creating the plan, under which the benefits at issue are paid shall serve as the sole means of determining their character.

(C) A taxpayer may not deduct:

- (1) As disability benefits, any "sick pay" or similar temporary wage and salary continuation payments;
- (2) Payments initiated as disability benefits that are deemed retirement benefits, annuities, or distributions when, by virtue of the attained age of the employee or any other cause, the plan no longer deems such benefits as disability benefits, or
- (3) As survivorship benefits, any payments received under a plan if the payments are deemed as other than survivorship payments or are authorized to be paid without the death of a covered employee as a pre-condition.

Effective:

Five Year Review (FYR) Dates: 6/26/2020

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Certification

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Date

Promulgated Under: 119  
Statutory Authority: 5703.05  
Rule Amplifies: 5747.01(A)  
Prior Effective Dates: 11/24/1975, 10/09/2015