WEST VIRGINIA CODE: §5-10-30

§5-10-30. Refund of accumulated contributions.

(a) In the event a member leaves the employ of a participating public employer prior to the date the member becomes entitled to retire with an annuity payable by the retirement system, the member shall be paid, upon the member's written application filed with the board of trustees, the member's accumulated contributions, if the member's separation from the employ of a participating public employer occurs subsequent to a period of two years of contributing service. If the member's said separation from the employ of a participating public employer occurs prior to two years of contributing service, the member shall be paid the member's accumulated contributions less the total regular interest credited to the member's individual account.

(b) In the event a member dies and does not leave a beneficiary entitled to an annuity payable by the retirement system, the member's accumulated contributions at the time of the member's death shall be paid to such person or persons as he or she shall have nominated by written designation duly executed and filed with the board of trustees. If there be no such designated person or persons surviving the said member, the member's said accumulated contributions shall be paid to the member's estate.

(c) In the event a member dies and a refund of the member's contributions is due to be made to an infant child or children by reason of being the person or persons nominated by written designation duly executed and filed with the retirement system, and the amount of said refund is less than $1,000, then, and in said event, the board of trustees may make said refund, upon written application, to the closest relative or natural guardian for the use of said infant child or children. The board of trustees may, at its discretion, require that said relative or natural guardian post bond with the retirement system to insure that said money will be used for the benefit of said infant child or children. In any event, before said refund is made to said relative or natural guardian of the said infant or infants, said relative or natural guardian shall give the retirement system an indemnifying release of said sums so paid over.

(d) In the event a member leaves the employ of a participating public employer and is entitled to retire with an annuity payable by the retirement system, but will be subject to an annuity reduction at any time due to the 105 percent provision contained in §5-10-17(b) of this code, the member may be paid, upon the member's written application filed with the board of trustees, their accumulated contributions.

WV Legislature