

Current/Former Spouse's Notification of Application for Refund of Retirement Deductions Under the Federal Employees Retirement System

If you apply for a refund of retirement deductions you must notify your current spouse. Also, you must notify any **former** spouse if the following conditions apply: (1) You have 18 months of creditable civilian service; and (2) You were married to the former spouse for at least 9 months. Refer to the information and instructions given on the other side of this form.

Part 1 - To Be Completed by Applicant

Instructions: To notify each current or former spouse of your application for a refund of your retirement deductions, complete Part 1 with **your** name, date of birth and Social Security number and have the current or former spouse complete Part 2. The current or former spouse's signature must be witnessed in Part 3. You may not be a witness. After Parts 2 and 3 have been completed, the form must be returned to you for attachment to your refund application. (Use a separate form for current spouse and each former spouse.)

Name (Last, first, middle)	Date of birth (mo./day/yr.)	Social Security Number
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Part 2 - To Be Completed by Current or Former Spouse

Instructions: Complete Part 2 and have two witnesses complete Part 3 and then return the form to the applicant. Payment of the refund of retirement deductions will end any entitlement you may have to a survivor annuity or portion of any annuity to which the applicant would otherwise have been entitled. If a court order expressly relates to the applicant's retirement deductions and you believe that payment of the refund would end a court-ordered entitlement you have to a survivor annuity or to a portion of an annuity to which the above-named person is entitled, see the information provided below regarding such court orders. (Complete Part 2 and have the witnesses complete Part 3 even if you are submitting a court order.)

I have read the paragraph above and I understand that the above-named individual is applying for a refund of retirement deductions under the Federal Employees Retirement System.	Signature (Do not print)	
	Name (Type or print legibly)	Date signed (mo./day/yr.)

Part 3 - To Be Completed by Witness

We, the undersigned, certify that Part 2 of this form was signed by the current or former spouse of the person named in Part 1 in our presence.

Signature	Date signed (mo./day/yr.)	Signature	Date signed (mo./day/yr.)
Name of witness (Type or print legibly)		Name of witness (Type or print legibly)	
Address (Number and street)		Address (Number and street)	
City, state and ZIP code		City, state and ZIP code	

Information About Sending Court Orders to the Office of Personnel Management (OPM)

If you are legally separated or divorced from the applicant, you should know that a refund would end your potential entitlement to a survivor annuity and to any portion of any annuity to which the applicant would be entitled. If you have a court order that expressly relates to any portion of the applicant's retirement deductions, **you should send a copy of the court order to OPM with a cover letter giving:**

1. The name, date of birth, and Social Security Number of the person applying for the refund;
2. Your statement that the court order has not been amended, superseded, or set aside.
3. Your name, date of birth, and mailing address; and
4. If the court order states that any payments to you are subject to termination upon your remarriage, a statement that either (1) you have remarried and the date of the remarriage, or (2) that you have not remarried and that you will notify OPM within 15 days of a remarriage should you remarry in the future.

If the court order gives you a survivor annuity after the death of the applicant, also attach a copy of your birth certificate, if available.

The court order can be honored **only if it is received before the refund is paid** to the applicant. Payment of the refund will end any entitlement you may have to a survivor annuity or a portion of any annuity to which the applicant would otherwise have been entitled. Payment of the refund will also end any eligibility you have to coverage under the Federal Employees Health Benefits Program. Send a copy of the court order and your cover letter to the following address and complete the blocks below:

Office of Personnel Management
Federal Employees Retirement System
Retirement Operations Center
Attn: FERS Refunds
P.O. Box 200
Boyers, PA 16017

NOTE: A former spouse who remarries before reaching age 55 is not entitled to a survivor annuity. (Termination of the remarriage does not restore a former spouse's entitlement to a survivor annuity.) Remarriage does not affect a former spouse's court-ordered right to receive a portion of any annuity during the annuitant's lifetime, unless the court order provides otherwise. A former spouse may also lose entitlement according to the court order.

I believe I have a court order that meets the criteria described above. I am **immediately** submitting a copy of the court order and the required cover letter to the address provided above.

Signature (Do not print)	Date of court order (mo./day/yr.)	Today's date (mo./day/yr.)
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Notification To Current and Former Spouses of Your Refund Application

The Federal Employees Retirement law provides that your retirement contributions may be refunded to you **only** if you notify the following persons that you are applying for a refund:

- any current spouse (including any person from whom you are legally separated) and
- any former spouse who is still living.

You **are not required** to notify a former spouse if you were not married to that person for a total of at least 9 months or you do not have a total of at least 18 months of creditable civilian service.

You should provide a copy of Standard Form 3106A, *Current/Former Spouse's Notification of Application for Refund of Retirement Deductions* (this form, front and back), to (1) your current spouse, if any, and (2) if you have at least 18 months of creditable civilian service, each former spouse that meets the above criteria. The current and/or former spouse(s) must sign the form and have the signature witnessed by two persons. You cannot be one of the witnesses. Additional copies of the SF 3106A should be available from your employing office or you can photocopy both sides of the form for each spouse/former spouse.

In addition, the law provides that payment of your refund is subject to the terms of any court order (related to a divorce or legal separation) that expressly relates to any portion of your refund, if the payment of the refund would end the entitlement of a spouse or former spouse to a survivor annuity or a portion of your annuity. A court order cannot bar payment of a refund if you do not have a future annuity entitlement under the Federal Employees Retirement System.

Attach all signed and witnessed notification forms to your refund application.

If your current or former spouse refuses to acknowledge the notification or you are otherwise unable to obtain the acknowledgment, you must submit one of the following:

1. Affidavits signed by two individuals who witnessed your attempt to personally notify the current or former spouse. The witnesses must attest that they saw you give or try to give (personally) the notification form to your current or former spouse to whom your purpose should have been clear.

- or** 2. The current mailing address of the current or former spouse. (You may use the box at the end of this column to give the address.) OPM will attempt to notify (by certified mail return receipt requested) the current or former spouse at the address you give. OPM will not pay you the refund until we receive the signed return receipt. If the notice is undeliverable at the address you give, your refund may not be paid unless you subsequently show that the notification requirement should be waived as described below. If you decide you want OPM to make notification, it will cause a 6- to 8-week delay in the payment of your refund.

If you do not know the current whereabouts of a spouse or former spouse, the Office of Personnel Management may waive the requirement to notify that person. A waiver may be granted if you submit with your refund application:

1. A determination by a court or administrative agency empowered to make such determinations that the person is missing; **or**
2. Notarized statements from yourself and two other persons (one of whom is unrelated to you) stating that the person's whereabouts are unknown and detailing efforts to locate the person.

I have been unable to notify the following current or former spouse. (Enter name and current mailing address, including ZIP Code, of the current or former spouse.)

Privacy Act Statement

Public Law 99-335, which established current and former spouse notification requirements, authorizes solicitation of this information. This information may be shared with national, state, local, or other charitable or social security administrative agencies to determine and issue benefits under their programs or when they are investigating a violation or potential violation of the civil or criminal law. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security number to distinguish between the applicant and people with similar names. Furnishing the Social Security number, as well as other data is voluntary, but failure to do so may result in our inability to refund the retirement deductions.

Public Burden Statement

We think this form takes an average 6 minutes per response to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time to the Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415.