

## Q&A from Healthy Case Webinar March 2014

### Miscellaneous Errors

Q1: What about PW-4? You didn't mention anything about submitting/no submitting a PW-4.

A1: Do you mean a W4-P, tax withholding form? If so, we do want it sent in with the package. But, it is not a chargeable error if it's not.

Q2: I noticed on the webinar, Phil didn't mention about error on completing the tax forms. If there is a preference on how the retirees should complete the tax forms, please let me know as well.

A2: There is no error category for tax forms. Employees should complete the W4-P carefully according to instructions and sign and date it. It should be submitted with the rest of the package. Attachment C to BAL 12-103 includes the W4-P in the document order.

Q3: Do you need a Final SF50 of the Separation on ALL cases or just ATC's? We mail our cases sooner than we do the final separation action.

A3: We only require the SF 50 for ATC cases or if being used for instance to document FEGLI coverage for instance. That said, the retirement 50 never hurts, there is information to glean from it that could preclude our need to document something else (FEGLI a prime example).

Q4: Why do so many application retirement packets get lost at OPM?

A4: We receive and process over 100,000 retirements alone every year, not counting death in service, deposit and other types of applications. While we strive to never misplace a file, it does on occasion happen, but, the instances of lost files are very rare. When it does happen, we have to reconstruct the entire file from the OPF and other records and it is very time consuming.

Q5: If I include an estimate for a FERS supplement in the agency estimate, will the FERS Supplement be included in the interim payment amount for a new FERS retiree? Also, what documentation would you need to justify the social security amount at age 62? A copy of a recent social security statement?

A5: Unfortunately we cannot include the annuity supplement in interim payments. When the initial annuity adjustment check is authorized to pay the accrued annuity due, less interim payments, insurance and tax, an annuitant entitled to an annuity supplement would receive the

accrued annuity supplement as well. We actually calculate the supplement from the annuitant's earnings as derived from their retirement contributions.

Q6: Where can we find a complete list of the old and new errors OPM is reviewing?

A6: We sent the new definitions documents out with the October and November 2013 Audit Reports and asked that the HQ Counselor share the documents with all employees in their agencies who process retirement packages. We also sent them out via the ListServ. I don't believe they are posted anywhere on our website. Similarly, we sent the old definitions out with Audit Reports in 2012, we sent them through the CHCO Council and via the ListServ. They were also Attachment B to BAL 12-103m, available at: <http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/#url=2012>. The new error definitions are attached to this Q&A document.

Q7: I just attended the Healthy Case Webinar and I was wondering if you have a preference of the order in assembling the retirement package for OPM?

A7: BAL 12- 103, Submitting Healthy Retirement Application Packages (<http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/#url=2012>) provides a lot of information on submitting retirement packages. Attachment C to that BAL, CSA Document Order for Retirement Packages, provides the order of submission for retirement documents.

Q8: When submitting a retirement application package for an employee covered under special retirement from my understanding we are to complete form RI 20-124 and submit it with the retirement application; however, in addition do we still need to submit a copy of the certificates of approved coverage for each period identified on the RI20-124, Certification of Service Performed as a LE Officer?

A8: The RI 20-124 is now essentially the certification. You should not need to submit the individual certificates as well. That said, it doesn't hurt!

Q9: What is the expected time frame an annuitant will receive their first interim check?

A9: About 55% of annuitants are authorized interim pay upon receipt of the initial electronic file from their agency via the Data Exchange Gateway (DEG). The DEG file is usually received a day or 2 before the paper package. The remainder will generally be placed in interim pay status with 7 to 10 days of OPM receiving the paper package. When they actually receive the first deposit to their account would depend upon how quickly the agency gets the retirement package to OPM and what day of the month we received it.

Q10: I had a break in service and had to repay monies (as I had withdrawn retirement monies). I have a form from OPM stating that I had repaid the account. I sent this to my servicing personnel office. When I retire - how do I make sure that OPM knows that I repaid the monies?

A10: Your agency HR office must review your service history with you and verify your service dates. They should also verify that OPM has records of retirement deduction for your prior service and any deposits and redeposit (and if you still have a balance due). But the best way to make sure that all will be OK on this is to bring a copy of the letter from OPM to your HR when you retire (assuming they will not have the one you already sent), and have them put it in your retirement package.

Q11: I am currently working through FERCCA on a employee that is planning to retire in May. He has USPA time, Military Time, and time with USDA. He was placed in the wrong retirement program for 21 years and my predecessor was trying to get this fixed before I started in October of 2012. It is now in the retirement section and still needs to go through to the W2 section. I am very concerned that it won't be completed by the time he retires and I do not want any errors in my processing. Do you have any recommendations on how I move forward with this?

A11: It is recommended that you flag this case as a FERCCA case when you send it to OPM for processing, you could do this by putting a letter in the package and include all of the decision letters that you have sent the employee. FERCCA cases must be corrected by the agency, therefore if the case comes to OPM with the FERCCA corrections not completed OPM will contact the agency to complete the correction.

Q12: Is it a requirement to send the SF-8 to employees who separate for retirement and if so, why?

A12: Employees who are eligible for an annuity cannot claim unemployment benefits so I don't think giving an employee who is retiring a C-8 is necessary.

Q13: We are asked to provide an estimate along with the package. Is this amount used when employee is placed into Interim Pay?

A13: The estimate is not currently used in the setting of interim pay, but it is used to compare the OPM calculation of the annuity to the agency estimate as it is possibly that there may be missing service or other errors if there is a large difference between the estimate and the actual annuity.

Q14: If I have an employee who is a reinstated employee and he/she is electing to retire once again, do you still require the benefit forms from their prior Federal civilian service that they originally retired from, or can I submit only any benefit forms since the employee returned to work

A14: Most records from the original retirement will be retained with the case file in Boyers. If you receive the health and life insurance forms from the first retirement, resubmit them with the new retirement. A full retirement application package should be sent and the Certified Summary of Service should include all service, including service included in the original retirement.

Q15: Is [Benefits@opm.gov](mailto:Benefits@opm.gov) open for questions at a later date (I plan to retire in January 2015)?

A15: [Benefits@opm.gov](mailto:Benefits@opm.gov) is for agency benefits officers to contact OPM with questions. Employees should contact their agency retirement counselor. A list of agency HQ counselors can be found at: <http://apps.opm.gov/abo/>.

Q16: When an employee switches from CSRS to FERS and there is no documentation on the SF-50 for Frozen S/L from a previous agency and the employee has no Leave and Earnings statements from that period and no documentation is provided for Frozen S/L with the retirement package is that considered an Error?

A16: Generally, the documentation will be on the SF 2806 that was cut at the time of the election to switch to FERS, closing out the service performed under CSRS. That is not a chargeable error as it is considered prior service and documentation that should have been forwarded at the time. There may be a SF 1150 in the OPF documenting the SL at the time of transfer. If you need a copy of the 2806 to get the balance to prepare an estimate, you can fax your request to OPM at 724-794-4668 or 6633.

## **Service Errors**

Q17: You state that you need FICA earnings for USPS CSRS non-deduction, if greater than 5 years and for FERS if greater than 3 months. My question is: why not ALL the CSRS FICA earnings and why not ALL the FICA earnings for FERS prior to 1/1/89? What is represented by the 5 yrs (CSRS) and 3 months (FERS)?

Next question: If a service credit deposit has been completed for eligible FICA service, do we still need to request that information from NPRC? Wouldn't it already be on file at your office?

A17: We would like earnings for all periods of USPS non-deduction service, it provides the most accurate deposit calculation. The CSRS in excess of 5 years and FERS in excess of 3 months guidelines are what we decided years ago were required. Even where the earnings aren't required, we must have all pay rates and effective dates of changes on the back of the Summary. Also, we need earnings and time worked for any WAE/Intermittent service, including Sub Rural Carriers. We still require the same deposit information when service credit has been

paid to insure that the information provided with the deposit application was accurate and that we haven't under or over charged the deposit.

Q18: We would like to obtain a copy of what OPM believes to be a "Healthy Certified Summary of Service." It is an issue that is somewhat problematic in that we have received conflicting information in the past from OPM Specialists about what should or should not be included. We have a lot of seasonal employees with lots of pay/non-pay time ... but more importantly ... we would like to know (and see) how you want the form documented when it comes to part-time and FICA service.

A18: As far as a healthy Certified Summary of Service, I don't that we have a document but I can lay it out for you. A healthy Certified Summary of Service:

- Lists all periods of creditable service
- For all periods of covered service, we'd expect to have an IRR (not an error unless it was for the final period of service and then it would be a payroll error for missing IRR, not a Summary of Service error)
- For military service, provide character of service (honorable, general, etc.), lost time, if any and disposition of post-56 deposit in "Remarks and non-creditable time
- For all periods of creditable non-covered service, the appointment date, pay rate, all pay changes and effective dates and separation date must be listed on the back side
- For all periods of part-time service, the tour of duty and the effective dates of any changes in tour and if available, earnings and hours worked should be provided (if covered service, the tour, changes and hours worked can be on the IRR)
- For all periods of intermittent/WAE service, the hours worked must be provided (if covered service, the hours worked can be on the IRR) and if non-covered service, earnings should also be provided or hours worked broken down by pay rates.

Q19: During your discussion on slide 9, I understood you to say that the HR offices would need to obtain the earnings information for USPS non-deduction service. You mentioned that the post office requests this information from a Greensboro location. During the Q&A session I thought I understood you to say that a HR Office would need to send a request to the NPRC and request a earnings search. I thought I heard you state that the request would need to include the name, ssn, position, and post office location. I have never done such a request and would like more specific information on when we would make such a request and the exact process for making the request.

A19: NPRC prefers that agencies other than the USPS and OPM Retirement Services, who have approved forms for this, send requests on their agency letterhead. The letter should include the agency where service was performed, the specific dates of service performed, the location(s) where service was performed and if possible, send SF 50s.

Q20: If a FERS employee has a period of deposit service and has decided they do not want to pay for this service, can they attach a letter to their retirement application notifying OPM of this so as to alleviate the need for OPM to send them a notice before their retirement is finalized?

A20: If the employee submits a letter stating they are not interested in making a deposit or redeposit for the period of service from XX/XX/XXXX to XX/XX/XXXX and signs and dates the letter, we will accept that and finalize the case. They should also include a statement that they were counseled on the benefits of making their deposit/redeposit, but have decided they are not interested in making the deposit/redeposit and are aware they will not be given another opportunity to make this payment.

Q21: What needs to be submitted when you are sending a package that you know does not include proper documentation of previous service from another agency? I submitted one recently and his service with US Forest Service was not all there. I was in hopes that OPM would be able to find that documentation, but that has not happened.

A21: You should contact the former agency and see if they can find any payroll documents like microfiche, on the missing tour of duty. You should contact the Headquarters Level Retirement Counselor on the directory list at [www.opm.gov/retire](http://www.opm.gov/retire). You can also contact the National Personnel Records Center (NPRC) to see if they have any information on file. Another source of information is the employees pay and leave statements from the time the service was performed or the Social Security statement which shows where they were working if they had FICA withheld.

Keep in mind in mind OPM will have to go through the same process that you will to find the missing tour of duty data.

Q22: If a retiree has **intermittent** time and the SF 50's do not show the hrs/days and our payroll office informed us that they do not have record of the service time, how do we (HR) verify this service? How do we indicate on the federal summary that the hrs/days were not indicated on the SF 50? Do we just attach SF 50's to the retirement application for the time in question?

A22: You could go to the National Personnel Records Center, (NPRC). You may also want to ask the employee if they can provide or have Leave and earnings statements for the period. NPRC prefers that agencies other than the USPS and OPM Retirement Services, who have approved forms for this, send requests on their agency letterhead. The letter should include the agency where service was performed, the specific dates of service performed, the location(s) where service was performed and if possible, send SF 50s.

Q23: I made a payment some years ago so that a portion of my time as a seasonal park ranger with the National Park Service would count towards my retirement. When I went through my

OPF, I could not find any record of the payment. Where can I go to get confirmation of the payment so the time will count towards my annuity when I retire?

A23: OPM would have records that you paid for this service and they would be associated with your application when you retire. If you need copies for your records you can write to:

OPM  
Retirement Operations Center  
PO Box 45  
Boyers PA 16017

Q24: My question is regarding part-time service. I have an employee who is on a part-time work schedule, but has consistently worked more of her scheduled tour-of-duty over the last several years. Although we have advised part-time employees to keep copies of their leave and earnings statement, this employee does not have all of hers. Our payroll office ran a report/audit and provided me with her hours. I have entered her data in to the software application (GRB) and an SF 3107-1 will be generated reflect all the "actual hours worked." My question is - is the Excel document from payroll acceptable documentation for the actual hours worked?

A24: The Excel sheet is fine for you to do the estimate. When payroll closes out the payroll records they will, or should be reporting part time hours in the fiscal data column of the 2806 or 3100.

Q25: I am new to benefits. Can you provide me with the meaning for the acronym of WAE used in today's webinar?

A25: WAE is another name for intermittent service. The acronym stands for **When Actually Employed**.

### **CSRS Offset Errors**

Q26: It appears that the error identified by OPM on agencies audit "HBPC breakdown for offset service beginning with CY 2004" is a ding on the HR office. When will this be fixed as a payroll error and not HR error?

A26: The HBPC breakdown error is identified as a payroll error. However, it still shows on an agency's report. The report is for that agency's application packages, both HR and Payroll. We do breakdown the errors between HR and Payroll if you wanted to isolate the HR error rate.

### **FEHB Errors**

Q27: In going to BAL 14-103 (I am going here: <http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/#url=2014>), I cannot locate the two attachments. With that said, I want to make sure I am clear that if you have proof of the 5 years coverage with the SF2809's do you have to also do the memorandum referenced as attachment 2? And do you have to do a memorandum transferring the FEHB from the agency to OPM? I have been doing one but, I kind of seems pointless and wondering if I should be using something else.

A27: Apparently, the two attachments were omitted from the BAL on the website, this has been corrected. We did away with the transfer-out requirement some time ago. A memorandum is only required if there is additional information we need to know such as coverage as a family member of another enrollment or TRICARE/CHAMPVA is part of the documentation, if an unprocessed Open Season change is being forwarded or to document an automatic waiver of the 5 year coverage requirement for a VERA/VSIP case. Now you can submit the attachment to document 5 years of coverage when the printed documentation is insufficient, possibly because screen shoots or reports from on-line enrollment system do not reflect the old and new plans and effective date, and certify the applicant's eligibility to continue. This memo can be used in lieu of previous versions you may have been using. The missing BAL attachments are now with the BAL on the Benefits Officers Center webpage.

Q28: Should you have a signed letter from FEHB in your retirement file verifying the 5 years of enrollment?

A28: BAL 14-103, available at <http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2014/14-103.pdf>, explains what we need to prove 5 years FEHB coverage, it includes a template for a memorandum that can be used to document coverage and certify eligibility when available documentation is incomplete.

Q29: Does TCC count towards the 5year coverage rule?

A29: No it doesn't, nor is it counted against them. Coverage for the 5 year requirement excludes enrollments that don't have a government contribution, such as TCC or coverage for Temporary employees employed for more than 1 year. For example, look at the following scenario:

1/1/96 – Temp Appt (not eligible for FEHB) - Deposit Paid

12/31/96 - Terminated

1/1/2000 – Career Appt - enrolled in FEHB - FERS

12/31/2000 – Termination (elects TCC coverage)

1/1/2009 – Temp Appt (not eligible for FEHB)

1/1/2010 – Ext of Temp Appointment (eligible for but doesn't elect FEHB coverage for temp employees)

1/1/2011 – Convert to Career – enrolled in BCBS - FERS

12/31/2013 – Retire Vol (over age 62)

In this scenario the employee has only 4 years of FEHB coverage but is eligible to continue because the employee was enrolled at first opportunity and was enrolled during all subsequent periods of eligibility. The TCC enrollment didn't count toward the 5 year rule and had they not enrolled in TCC, wouldn't have been included in "all periods of eligibility". The period when they were eligible for temp employee FEHB but didn't enroll is also not considered "a period of eligibility" during which they weren't enrolled.

Q30: Why can't the FEHB 5-year verification be automatically downloaded from payroll?

A30: We have previously discussed using Payroll Records or CLER to verify 5 years enrollment and to get the current enrollment. Unfortunately, there were problems trying to use either method for a purpose they weren't intended for. We are presently working on collecting retirement data electronically and have been receiving and analyzing test data from one of the Payroll Shared Service Centers and have a schedule for testing with the rest of the payroll centers. Once testing is complete and we start receiving live data, the 5 year FEHB info should be received electronically. We are still several years from implementation however.

Q31: You touched on a question regarding common law marriage and I have an additional question. On the OPM website it states that in a valid common law marriage, the spouse is eligible for FEHB. In the state of California, I believe such marriages are not recognized. Does the spouse in the state of California therefore not qualify?

A31: A common law spouse can only be a spouse for FEHB or retirement/survivor annuity purposes in a state that recognizes common law marriages and subject to whatever provisions apply in that state. Some states do not recognize common-law marriages, some fully recognize them, some states do if contracted somewhere where it was legal, while others only recognize them if established before a certain date.

Q32: Which documents in the application package need to be submitted as originals? Can copies of the FEHB and FEGLI enrollment forms be sent, or do you need originals of these?

A32: We would prefer the originals, but, copies are fine as long as they are legible. Keep in mind many documents come from eOPF and are by nature, facsimiles.

Q33: During the session, a question was asked, "Can an employee CANCEL his FEHB at retirement?" "I understood the answer to be, "YES", however, if the employee cancels for any reason (other than being covered by a spouse) – then the annuitant would not have the opportunity to enroll in FEHB again.

Do I have a correct understanding of this answer? And if so, a sf2809 would need to be completed? I thought you mentioned another form of documentation as well. Could you please provide clarification on this matter?

A33: You have the correct understanding. Once a retiree cancels their FEHB coverage, except because they will be covered as a dependent on another FEHB enrollment, they cannot reenroll, ever. If they cancel to be covered under another FEHB enrollment, they can reenroll if they lose coverage under the other enrollment, even because the other enrollee changes to self only. The form that was referred to in the webcast is the RI 79-9 Health Benefits Cancellation/Suspension Confirmation, which is available at [www.opm.gov/forms](http://www.opm.gov/forms).

There is more information about FEHB at [www.opm.gov/insure](http://www.opm.gov/insure)

Q34: As we know, if an employee is not enrolled in the FEHB/TriCare or FEGLI program at the time of retirement for whatever the reason, he or she forfeits their right to take the coverage into retirement. This is due to not meeting the 5 year enrollment period prior to retirement rule. My question is does OPM still want documentation stating the last date of the FEHB or FEGLI coverage even though the employee is not enrolled at the time of his/her retirement, which means they are not eligible to take the coverage into retirement?

In other words, if they are not enrolled at the time of retirement, it's a done deal. Would the date the employee was last covered make a difference? I think it is still relevant for record keeping purposes. For example when the coverage was canceled and waived.

A34: When an employee is not enrolled in FEHB or FEGLI at the time of retirement, at a bare minimum, we require the SF 2809 where the employee cancelled their FEHB or the FS 2817 (or SF 50 documenting the waiver) where they waived their FEGLI coverage. Additionally, we would like all prior SF 2809s and/or on-line enrollment forms for FEHB and all prior SF 2817s or SF 50s showing coverage changes in FEGLI coverage. Should an annuitant or their family contest that the annuitant had no coverage, for instance, it is helpful to have evidence of the prior coverage and subsequent cancellation or waiver. So when the employee was last covered is not an issue, but again, some documentation, as noted is required, additional documentation never hurts.

Q35: If an employee retires and at time of retirement was:

- 1) Covered under Tricare/Champus, etc at retirement and
- 2) Is not covered under FEHB.

Is that retiree eligible to enroll in FEHB later as a retiree? Is the Tricare/Champus, etc, required documentation required at retirement for that employee?

A35: To be eligible to continue coverage into retirement, the employee must be enrolled at the time of retirement, then meet the additional requirements to continue coverage. In the case of an employee who is not covered by FEHB because they are covered by TRICARE or CHAMPVA, they aren't covered at retirement and cannot enroll once retired. If such as employee wants to retain their FEHB coverage rights into retirement, they should enroll during an Open Season or with a QLE prior to when they plan to retire. Their TRICARE/CHAMPVA will count toward the 5 year/first eligibility requirement. Then, once covered as an annuitant, they can suspend their coverage for TRICARE/CHAMPVA and can later reenroll during an Open Season or following a QLE.

Q36: I have some questions about suspending FEHB (for Tricare, Medicare Advantage, etc) while actively working. Is that actually authorized? I have always been under the impression that suspension was a post-retirement election.

A36: Employees cannot suspend their FEHB for TRICARE or CHAMPVA, they can only cancel, then reenroll subject to Premium Conversion restrictions. Suspending FEHB for TRICARE/CHAMPVA is a post-retirement action and when submitting a suspend request with the application package, we need evidence of their TRICARE/CHAMPVA coverage, essentially a Uniformed Services ID card.

Q37: When is the SF-2810 used for cancellation?

A37: A SF 2809 is used when an employee wants to cancel their enrollment. A SF 2810 is used to terminate an employee's coverage. Essentially, 2809 is for voluntary cancellation, 2810 for involuntary termination.

Q38: How does the 5 year rule on FEHB effect employees when both are federal employees? Does the spouse covered under a husband or wife plan need to have the 5 years also?

A38: The spouse of the retiring employee is covered into retirement as long as the person carrying the FEHB enrollment meets the five year rule at retirement and is enrolled in self and family. Should the spouse lose coverage in the future, even if the enrollee changes to self only, the spouse may enroll within 60 days of the loss of coverage as a QLE.

Q39: My husband retired under CSRS a year ago and is on my FEHB family plan. I will be retiring this year under CSRS. Will he and my children continue to be covered? Does my husband need to submit any paperwork to continue coverage under me?

A39: Your eligible family members are covered provided you meet the five year or first opportunity rule at retirement and you continue to carry family enrollment. He doesn't need to submit any paperwork and your children will be covered up until they reach age 26.

Q40: Can OPM work with Employee Express and eOPF to do a dump of the FEHB transaction that are sitting in EEX? Individuals who have transferred from station to station or even separated - the gaining agency cannot see transactions that were initiated at the prior station.

A40: We cannot do this at this time. You may be able to contact EEX and get coverage information. It is the agency's responsibility to verify that an employee is eligible to continue their FEHB and fully document that eligibility.

Q41: An employee would like to retire as soon as possible if he meets the criteria for continuing FEHB coverage into retirement or would be eligible for a waiver. As you can see from his service history, he appears to be enrolled in FEHB or covered as a family member for the previous five years and meets the eligibility criteria.

The question I have is if OPM will accept the SF2809 from his spouse as verification he was covered as a family member under FEHB for his entire service period of 08/05/1984 to 02/19/1985. This is the only documentation they have regarding the FEHB coverage and the carrier has stated they do not have any records prior to three years ago. Will OPM consider the attached documentation sufficient to meet the five-year rule or allow Mr. Brewer to be approved for a waiver?

A41: Yes, this documentation entirely supports (the spouse coverage verification is fine) that the employee had 5 years of continuing FEHB coverage and provided he has been continuously covered by FEHB since enrolling with the VA in 2011, and he is still enrolled as of the date he separates for the purpose of immediate retirement. He will be eligible to retire with FEHB in retirement. A waiver is not necessary.

Q42: I didn't think retirement was a qualified life event to cancel or change FEHB coverage. If an employee is in a pre-tax plan, are they still able to cancel at retirement?

A42: You are correct, retirement is not a QLE, however, annuitants cannot participate in premium conversion and therefore can cancel at any time (unless they are required by court order to provide coverage for a child). At retirement, many annuitants cancel their coverage to be a dependent on their spouse's FEHB for instance. In that event, they can reenroll if they lose coverage under that enrollment. Any annuitant cancelling for any other reason can never reenroll. Annuitants may also suspend their coverage for TRICARE/CHAMPVA, enrollment in a Medicare Advantage Plan (not just Part A and B) or enrollment in Medicare. They may reenroll during Open Season or following an involuntary loss of coverage. We send annuitants a RI 79-9 to acknowledge the situations for which they can reenroll and for annuitants cancelling for reasons other than becoming a family member under another FEHB enrollment, to acknowledge they understand they can never reenroll.

Q43: You recently mentioned you can cancel FEHB at any time, but the FEHB handbook indicates only at Open season or a QLE event. Is retirement consider a QLE?

A43: Retirement is not a QLE; however, an annuitant can cancel FEHB at any time. Annuitants are not eligible for premium conversion. Being eligible to carry FEHB into retirement does not mean you can be forced to do so.

Q44: When will BAL-14-103 be posted on the OPM Website?

A44: BAL 14-103 was posted to the website the last week of March, 2014.

Q45: Is my understanding correct: the applicant is responsible for providing proof of 5 years of continuous FEHB coverage prior to retirement?

A45: No, it is the agency HR's responsibility; the forms are in the OPF/EOPF.

Q46: Is it OK to have the employee submit the RI 79-9 cancelling their health benefits in retirement with the employee's retirement application to OPM, or does he/she have to wait until they receive their CSA number?

A46: The agency HR can include the SF 2809 cancelling coverage and the RI 79-9 with the retirement package. If an OPM 2809 is used, the 79-9 is unnecessary. If the SF 2809 is submitted and not the 79-9, OPM will send the 79-9, it is not the agency's responsibility.

Q47: Thank you for the presentation. I have had continuous BC/BS FEHB coverage since 1991. Is it still necessary to document the last five years before retirement? If so, what is the simplest way of doing so?

A47: Your HR office should be providing the documentation. They will provide the original 2809 or on-line enrollment and any subsequent changes and if needed, certify that you have been continuously enrolled.

Q48: What is sufficient proof of coverage for a spouse that is covered under a spouse's FEHB? Will the SF 2809 that shows the employee being picked up on the spouse's FEHB suffice?

A48: Yes, the 2809 showing continuous coverage as a family member until the employee picked up the FEHB in their own right is the necessary documentation. That means, in addition to the 2809 showing the employee covered as a family member, you must also have the 2809 showing

the change of the spouse from self and family to self only and this must coordinate with the 2809 showing the employee you are servicing picking up the FEHB.

### **FEGLI Errors**

Q49: On Slide 29 of the PowerPoint presentation where you have SF-2818, shouldn't this still be the SF-2821? HR doesn't sign the SF-2818 only the employee does electing the percent of reduction, etc.

A49: Yes, we corrected ourselves during the presentation; only the employee signs the 2818.

Q50: You mentioned that the Agency is not required to send the SF-2819. However, in the past when it wasn't sent (inadvertently), we were notified by OPM that the form was required. Was the OPM person wrong in asking for the form?

A50: Generally, submission of the 2819 is not required; providing the date it was issued in Block 9 of the 2821 is required. If a 2819 is submitted, it must be signed and the date of issuance must match the response in Block 9 of the 2821. The only time we might require a copy of 2819 is if the life insurance terminated because the applicant didn't meet the 5 year/first opportunity requirement.

Q51: What if we cannot provide a Retirement SF 50 at the time of Retirement for Life Insurance verification? Is there an alternative to document coverage and shouldn't the IRR have the Life Insurance coverage code on it.

A51: If the retirement SF 50 isn't available, I'd send the next most recent. It might not hurt to add a brief memo or signed statement that the retirement SF is not available to you and there are no subsequent changes or cancellations. Or, you can submit payroll records for 5 years. The IRR does have the FEGLI code, but that doesn't verify if the employee had 5 years of coverage (or since first opportunity).

Q52: I missed your comment on whether the SF-2817 is needed if the employee is cancelling life insurance coverage or reducing coverage altogether in retirement or is the information on the SF-2818 sufficient?

A52: Coverage as an annuitant can be cancelled on the SF 2818; however, we would still expect to see the prior SF 2817s to document the coverage and a SF 2821 since the employee was covered at the time of retirement.

Q53: Do you need to submit a SF 2818 if the employee does not have (waived) life insurance?

A53: If the employee waived FEGLI at any time prior to retirement, there is no coverage to elect to continue and a SF 2818 should not be submitted. We do need the SF 2817 where the employee waived coverage and we would like all prior FEGLI documents.

Q54: Is a retirement package still considered “healthy” as long as it has at least the 5 years proof of coverage (FEHB, FEGLI), even the employee’s OPF does not contain ALL the 2809/2810/2817s (for example, like the old forms dating back prior to the most recent 5 years of coverage)?

A54: We want all of the FEHB/FEGLI registration forms (2809, 2810, screen prints, 2817, SF 50s, etc.). But, we need the documentation for the 5 years required to continue coverage. As long as we have that, the case is considered healthy and no error will be charged.

Q55: Which documents in the application package need to be submitted as originals? Can copies of the FEHB and FEGLI enrollment forms be sent, or do you need originals of these?

A55: We would prefer the originals, but, copies are fine as long as they are legible. Keep in mind many documents come from eOPF and are by nature, facsimiles. All copies and facsimiles submitted must comply with the guidelines outlined in BAL 12-102 found at: <http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2012/12-102.pdf>.

Q56: Do we need to submit all the Designation of Beneficiary forms for retirees?  
OR Just the most recent one?

A56: All designations should be submitted. Only the Office of Federal Employee’s Group Life Insurance (OFEGLI) can determine the correct payee when a claim(s) are submitted.

Q57: My employee is retiring 4/30/14. I’m completing the SF2819 and the SF2821 today. Should those blocks have today’s date or the retirement date?

A57: The 2819 should have the retirement date since it is to be given to the employee when the insurance terminates. The 2821 should have the same date for block 9.

Q58: If someone had FEGLI up until one year prior to retirement and cancels their life ins, do we still complete the SF2821, SF2819?

A58: No, you would not complete the forms since there is no FEGLI to certify or convert. We would however want at a minimum, the SF 2817 the employee filed to cancel (or the SF 50 documenting it), and preferably, all FEGLI forms.

Q59: My question is on the SF-2819. As a practice I do not submit the SF-2819 as part of the retirement package, the form is given to the retiring employee. Should the SF-2819 go along as part of the Healthy Retirement package?

A59: You are correct to give the employee the original 2819. A copy can be submitted with the retirement package as well. As long as the date of the 2819 is provided in box 9 of the SF 2821, a copy is unnecessary.

Q560: My question with the SF 2821, Question 11 is specifically:

If employee had a break in Service, for instance, 1<sup>st</sup> FERS appointment was 02/10/1987-01/25/1999 then break. Next period of FERS service is 12/01/2000 to retirement (12/31/2013). Is the answer to the question, the date they started on 02/10/1987 or the second period of service 12/01/2000?

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A60: Block 11 on the SF 2821 is asking for the effective date of continuous coverage and if there any breaks in service since the effective date of continuous coverage. Continuous coverage means during all periods of eligibility. In your scenario, the effective date of continuous coverage is 2/10/87. The break in service is 1/26/99 – 11/30/00.

### **Application Errors**

Q61: Does a former spouse have to sign consent form IF receiving less than full survivor benefit? What if spouse is not reachable --- lives out of the country?

A61: Spousal consent is only required for an election of less than full survivor annuity for a current spouse. We will honor whatever voluntary election is made for a former spouse. However, if there is a current spouse, he/she would have to consent to the less than full election they would be getting as a result. In the case where a court order awards a former spouse part or all of a survivor annuity, we recommend that the full survivor still be elected for the current spouse. That way, he/she has a contingent right to whatever portion of the survivor annuity the former spouse is entitled to in the event the former spouse loses title to his/her portion **(CSRS/FERS Handbook: Section 52A6.1-2 Electing a Current Spouse Survivor Annuity When a Court-Ordered Former Spouse Survivor Annuity is Payable).**

In the event the spouse's whereabouts are unknown, a judicial determination can be presented or sworn, notarized affidavits from the applicant and 2 people familiar with the facts, attesting that the spouse's whereabouts are unknown and what efforts have been undertaken to locate him/her, among other things. Both the CSRS and FERS retirement applications (the instructions for completion) and the Handbook explain what needs to be done:

**Section 52A2.1-2 Spousal Consent Requirement . . . . .5**  
A. Rule . . . . . 5  
B. Who May Properly Witness Spousal Consent . . . . .5  
C. Waiver of Spousal Consent Requirement . . . . . 5

Q62: What do you do when you have an employee who is retiring, is married, but does not have a marriage license? For example, they married in India 30 years ago and they did not issue marriage licenses.

A62: The employee should be able to get a certificate, possibly through the Indian Embassy. If it's not in English, a translation (through the embassy, the Department of State or a translation service) would be needed. Otherwise, we'd have to treat it similar to a common law marriage in that we'd need:

- A State certificate, order, or judgment; or
- Sworn Affidavits from applicant and 2 other individuals with knowledge of the facts, 1 related to spouse, 1 unrelated; and corroborating evidence such as copies of:
- Naturalization certificates, immigration records, deeds, insurance policies, passports, child's birth certificates, joint bank accounts, joint tax returns, church or other records

Of course, any of the above would also require translation if not in English.

Q63: If you are divorced and your divorce decree doesn't provide retirement benefits then you do not have to have your former spouse sign the Spousal Consent Form.

A63: Only a current spouse must provide spousal consent to an election of less than full survivor benefits. A former spouse is not entitled to survivor benefits unless provided by a court order or voluntarily elected by the retiring employee.

Q64: Should Schedule A, B, and C be submitted even if the person does not have military or OWCP involved?

A64: Schedule A must be completed and submitted if the applicant answers "Yes" they have military service. Schedule B must be completed and submitted if the applicant answers "Yes" they have applied for or are receiving any form of military retired pay. Schedule C must be completed and submitted if the applicant answers "Yes" they have applied for or received workers' compensation.

Q65: RE: Schedules A, B and C. What is the correct way to answer questions 1-3 under Schedule C? If #1 is answered, "No," it says to go to question 2. If question #2 is not applicable, do you write in "n/a"?

Since #3 says in bold, "You must complete this section," is this true even if #1 and #2 are no or not applicable? We've had some employees question this area and not sure how to advise.

A65: If the answer to Question is No, Question 2 must be answered. Question 3 must be answered regardless of the answers to 1 and 2 because the annuitant is responsible for any overpayment that may result from workers' compensation in the future.

Q66: Regarding the requirement to notify OPM of a previous marriage and spouse, what if the divorce and settlement took place before the applicant began federal employment?

A66: The requirement is only to let us know of a former spouse who is entitled to a portion of annuity or survivor annuity based on the court order. We do not ask them to detail their marital history.

Q67: An employee is planning on retiring in January 2015 and has a 30 year old special needs child. She is wondering what she needs to do in order to leave a survivor annuity for him in case something happens to her. Her current spouse is deceased. How do I go about seeing what she needs to do or submit with her retirement packet to see that a survivor annuity is in place. She attended a retirement seminar and they told her she needed to talk to me about that and I have never had that asked before.

A67: Chapter 73 of the CSRS and FERS Handbook for Personnel and Payroll Offices has information about children incapable of self-support in section 73A2.1-4. The Handbook can be found in the publications section of our website at [www.opm.gov/reitre](http://www.opm.gov/reitre).

If the child qualifies for children's survivor benefits as a disabled child, you can find the children's rate of annuity in our Annual Changes BAL 14-101, which is also available on our website.

This adult child may also qualify for the Insurable Interest benefit which is al in the CSRS and FERS Handbook in chapter 52 Survivor Benefit Elections. Please note that the reduction to provide an insurable interest is 10% of the gross annuity, plus an additional 5% for every 5 years younger than the annuitant that individual being elected for is.

Q68: Regarding Schedule D: There are times when a form should be in the OPF but is not (e.g., SF-2810 associated with prior appointment). Instead of checking "Not Applicable", can we note "None on file" which is a more accurate statement?

A68: Retirement Services does not provide guidance to agencies on questions about OPFs. We recommend you look at the Guide to Processing Personnel Actions at

<http://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Processing-Personnel-Actions>. You can also email [persdoc@opm.gov](mailto:persdoc@opm.gov).

As far as the Schedule D, if a form is not on file, “not applicable” is the correct response. If you believe the form should be there, it would not be inappropriate to note that or use “none on file”.

Q69: My question concerns how to correctly annotate a partial survivor annuity election on the CSRS retirement application. There are several ways an employee can elect a survivor annuity and the form instructions do not, in my opinion, do an adequate job of explaining exactly how to enter in the election. For instance, if the employee wants to elect a specific percentage of his annuity, how does he complete the election when the form asks for 55% of a yearly dollar amount? I’ve seen this done many ways over the years but I don’t think I’ve ever seen any guidance on the correct way to enter it in the space provided on the form. This may not be something that OPM charges an error on but I would appreciate some guidance so that I know if a partial survivor election is properly documented before I submit the application to the OPM.

A69: When making a CSRS survivor election of less than a full survivor annuity (55% of the full annual annuity before reduction for survivor), the applicant is electing 55% of a base amount less than that full unreduced annual benefit). To make sure the annuitant gets the desired survivor benefit, he/she needs to understand that the survivor’s annual annuity will be 55% of whatever amount they enter (that amount divided by 12 would be the monthly survivor annuity payable); and, that their annuity will be reduced by 2.5% of the first \$3600 of the elected base and 10% of the remainder of the elected base.

For example, if the applicant’s annual annuity is \$50,000 and he/she only wants to provide half of the full survivor annuity, he/she would enter \$25,000 as the base in Section F, Line 2 (and Part 1, Line c of the 2801-1 – Spouse’s Consent). This would result in a monthly survivor annuity of \$1,145 ( $\$25,000 \times .55 = \$13,750/12$ ). His/her annual annuity would be reduced by \$2,230 ( $\$3,600 \times .025 = \$90$ ,  $\$25,000 - \$3,600 = \$21,400 \times .10 = \$2,140$ ,  $\$90 + \$2,140 = \$2,230$ ) to provide the survivor annuity. Please note that the annuitant and survivor rates calculated at retirement will be increased by all applicable cost-of-living adjustments (COLA).

If the applicant makes the wrong election, no error is charged (unless the amounts on the 2801 and 2801-1 are different), but he/she may not get the desired survivor rate or annuity reduction.

Q70: Re failure to answer spouse questions: If the employee was already divorced prior to government employment, would employee have to show divorce decree or otherwise prove there was no obligation to provide FEHB or other benefits to prior spouse(s)?

A70: No they wouldn't, simply answer the question no if the court does not provide a portion of annuity or survivor annuity.

Q71: What if an employee was married in another country years ago and he claims to have been married by relatives, parents, etc.? A marriage certificate was submitted in the other language, but, what is required to verify the marriage?

A71: Below is a response I provided to a similar situation. Substitute whatever country you are dealing with. Since you have a certificate, you need a translation. You'd also need to know if the individual that performed the ceremony did so legally in the country they were married. A Google search would likely provide that. If not legal, you would have to treat it as possible common law as long as where they reside recognizes common law.

The employee should be able to get a certificate, possibly through the Indian Embassy. If it's not in English, a translation (through the embassy, the Department of State or a translation service) would be needed. Otherwise, we'd have to treat it similar to a common law marriage in that we'd need:

- A State certificate, order, or judgment; or
- Sworn Affidavits from applicant and 2 other individuals with knowledge of the facts, 1 related to spouse, 1 unrelated; and corroborating evidence such as copies of:
- Naturalization certificates, immigration records, deeds, insurance policies, passports, child's birth certificates, joint bank accounts, joint tax returns, church or other records

Of course, any of the above would also require translation in not in English.

Q72: How do you account for a former spouse who is entitled to the annuitant's benefits after retirement both at retirement and a survivor annuity? Is the agency to send the court documents or is that up to the employee and the former spouse?

A72: The court order should be submitted to OPM as soon as it is available. The former spouse should send the order with a signed letter to establish their claim prior to retirement, if possible, to:

OPM  
Court Ordered Benefits Branch  
PO Box 17  
Washington DC 20044-0017

If the employee provides a certified copy of the court order, the agency should send that along with the package. It is in the best interest of the employee to try to submit as complete a package as possible, but, in the end, it is up to the employee and former spouse to guarantee that OPM receives the documentation

Q73. Do you submit a marriage certificate with your retirement package?

A73: A marriage certificate is required for married applicants. It is already a requirement on the SF 3107 FERS app and will be when the new version of the 2801, CSRS app, is reposted on our forms page. It was temporarily taken down due to 508 compliancy issues.

Q74: Are there any acceptable white out's on the Retirement Application CSRS SF 2801 and FERS SF 3107 forms? For instance the most common errors that we see are in Section C – Other Claim Information #2 checked No and then in 2a Retirement is marked and in Section F – Annuity Election 1., 2., or 3., are initialed and then under Name and address of current spouse is filled out and Survivor annuity equal to % is filled in.

A74: While we'd prefer an application free of white-outs or corrections, we can generally accept them. We recommend that the applicant initial them. That said, on the spousal consent form, the only acceptable white-outs/corrections are:

- Applicant's name, DoB and SSN;
- CSRS – Part 1a or 1c corrected to a greater amount;
- CSRS – Part 1b to 1c;
- FERS – Part 1a corrected to a greater amount; and,
- FERS – Part 1b to 1c, 1d, 1e or 1f.
  
- Corrections/white-outs should be initialed and must correspond with election on application

Q75: On the CSRS form 2801-1 and the FERS 3107-1 Certified Summary of Federal Service the new error definitions states that it is an error if the employees signature is missing – Is it still acceptable to write on the signature line Employee is not available for signature?

A75: It is only an error if the certifying official does not sign the -1. We'd like the employee's signature if possible but it is not an error.

Q76: If the marriage certificate is not attached is that considered an error?

A76: We need the marriage certificate but do not charge an error if it is not attached.

## Military Service Errors

Q773: In regard to the error on military service where the dates for paid in full deposit doesn't match the DD214, we often have USERRA cases where the employee received civilian pay while on orders so does not have to pay a deposit for that time. When applying to pay that deposit we provide documentation to DFAS to show that civilian pay reflecting a difference in dates -will that be appropriate documentation for OPM as well?

A77: BAL 03-105 provides information on Computing the Post-1956 Military Deposit for Employees on LWOP US who receive civilian pay during their active military duty. This BAL can be found on our web site [www.opm.gov/retire](http://www.opm.gov/retire).

Q78: I am in the CSRS and have a question concerning Military buyback. I am 63 years old, not eligible for Social Security and did not buy my military time back. My pay stub shows the buy-back amount, but I do not intend to buy it back as my understanding is that I'm not required to buy it back to get credit for the time. When I submit my retirement package, what should I include to verify that I am over 62 years of age and not eligible for Social Security?

A78: You do not need to include anything in your retirement package to show that you are 62, as we have your date of birth, and OPM will send a request to the Social Security Administration to verify that you are not entitled to a benefit from them. You do need to ensure that your DD Form 214, Copy 1 is in your retirement package as that is what is needed to ensure that you get credit for this service. Please note, for an annuitant to keep credit for his/her post-1956 military service without payment of the deposit, he/she must have been first employed subject to CSRS prior to 10/1/82 and not be eligible for Social Security benefits at the earlier of the time of retirement or age 62. Otherwise, it doesn't matter if you are eligible for Social Security benefits or not. If first employed subject to CSRS on or after 10/1/82, the deposit **must** be made to receive credit for your post-1956 military service. For additional information on post-1956 military service, see Part 22A5 Post-1956 Military Service of the CSRS and FERS Handbook, available at [www.opm.gov/benefits](http://www.opm.gov/benefits) under Publications.

Q79: In regard to Member 4 of the DD214, some employees claim they don't have or can't get a Member 4 copy and all they have is a Member 1 copy. Do we hold the retirement package waiting to see if the employee can get the Member 4 copy?

A79: To be creditable, military service has to be performed under Honorable conditions. Copy 1 of the DD Form 214 it does not show the characterization of service, You should not even process a request for military deposit without having the Copy 4 or some other form of verification that included the characterization of the service. It is not a healthy case if sent to OPM with a Copy 1, as in you will get an error (as it is as much an error as not providing a DD Form 214 at all), and hold up the processing of the case at OPM level as we would need to get in touch with the retiree and have them get the Copy 4, or we would verify the military service in

some other manner. The Copy 4 (the copy used for most benefits purposes, such as VA or Federal benefits) of the DD Form 214 is available from NPRC and the Veteran's Administration and the employee must request it and provide it to you (and pay the military deposit if applicable) prior to retirement. They can do the request online and get the document within a few days, so it should not cause you to hold the retirement package for too long.

Q80: Is it no longer a requirement that the OPM Form 1515 be sent in with a retirement package if an employee decides not to pay a deposit for their post-56 military time?

A80: That is correct; the OPM 1515 is no longer used at all.

Q81: We have several cases currently that are trying to pay their military at the time of retirement. We understand that we cannot use the Form 1515 any longer based on the new BAL from last year. If the employee has not been counseled before retirement and wishes to pay this deposit, who do we contact to get the Waiver memo for them to be able to pay this at retirement. NFC is refusing to process these payments after the employee's separation date without the Waiver memo. It sometimes takes beyond their separation date to get the earnings from DFAS.

A81: The BAL does not state that the agency should contact OPM to pursue a waiver letter. It states that if a retiree (after having separated) contacts OPM wanting to make a military deposit, and OPM finds that an agency made an error, that OPM would send a letter to the agency. We have no established guidance on what an agency should do when retiring employee fails to make a military deposit prior to separation because the point of the BAL was that military deposit must be made to the agency prior to separation. It is the responsibility of the employee to provide the agency with the DD Form 214 or other acceptable documentation of the service, a report of actual or estimated earnings to even start the process of getting an estimate of the military deposit from your agency. So an employee who claims they cannot get a report of estimated earnings in time has in fact not yet applied to make a military deposit. An agency cannot be in error for a failure of the employee to start the process early enough to get a report of military earnings as this is an employee responsibility. The agency can however strongly publicize that the military deposit must be paid prior to separation and that employee with military service should start the process now, as opposed to waiting they are close to retirement, and you can caution those who start the process of applying for retirement that OPM is firm on the point that the deposit must be paid in full to the agency prior to separation. If the employee truly wants to make the deposit, they should consider delaying their retirement unless it is as a result of a VERA or DSR.