

*Office of Personnel Management*  
*Retirement and Insurance Service*



1920



1954



1959



1986

**Benefits Administration Letter**

*Number:* 95-210

*Date:* March 21, 1995

**SUBJECT: Waivers of the FEHB Participation Requirement**

**Purpose**

The purpose of this letter is to respond to additional questions about how the automatic waiver procedures set forth in Insurance Officers Information Bulletin (IOIB) No. 296 will apply for employees who separate after March 31, 1995.

**Employees who get a buyout but separate after 3/31/95**

In our BAL 95-209 we explained that we did not intend to extend the automatic waiver procedures beyond the termination of the statutory buyout period. We have been asked if employees who receive buyouts, but whose separation is extended beyond March 31, 1995, will be subject to the automatic waiver procedures.

The answer is yes. Employees who actually receive buyouts have met the requirements of the statute as of March 31, 1995, even though their separation date is later. They continue to be eligible for the automatic waivers if they otherwise meet the requirements of IOIB No. 296.

**Individual early-out extensions**

OPM sent an IAG memorandum to Directors of Personnel on October 31, 1994, giving them the authority to extend the actual separation date of an employee who does not receive a buyout past the ending date of an

installation's voluntary early retirement window. We have been asked whether automatic waiver procedures will apply to these employees after March 31, 1995, in the absence of a buyout.

The answer is no, because it would be too difficult to identify these employees during the retirement adjudication process. Instead, these employees should explain in their waiver request that their retirement is occurring during a period covered by an early retirement authority. If the retirement will not occur during an early retirement period, they must provide documentation showing that the agency granted an individual extension. In this way these employees can identify themselves so that we can include this circumstance in our consideration of their waiver request.

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**Documentation requirements**

Employees who request waivers based on early retirement after March 31, 1995, and who do not receive buyouts should include with their request documentation showing:

1. Enrollment in the FEHB Program before March 30, 1994, and continuing to the present; for example, an SF 2809 showing an effective date before March 30, 1994.

NOTE: It isn't necessary for the person to remain in the same plan for the entire period. A person who changed plans after March 30, 1994, should include copies of any SF 2809's showing later enrollment changes.

2. The agency's early-out authority. (This might be a copy of OPM's authorization for early retirements or a statement from the employing office concerning the early retirement authority.)

These documentation requirements apply to all non-defense department employees who retire

during early retirement authorities after March 31, 1995. Employees given an individual early-out extension as explained in the preceding section must also provide documentation from the agency authorizing the extension.

The mailing address for waivers was given in BAL 95-209.

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