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Subchapter 42A FERS
Part 42A1 General Information

Section 42A1.1-1 Overview

A. Introduction

Subchapter 42A outlines the rules and policies that apply to a reduced optional retirement annuity under FERS at the Minimum Retirement Age (MRA) with 10 to 29 years of service. This benefit is commonly referred to as an MRA + 10 annuity. It allows an eligible employee to receive an immediate annuity as early as age 55 with as little as 10 years of service.

MRA + 10 benefits are unique to FERS. There is no comparable provision for CSRS employees. Therefore, there is no CSRS subchapter on MRA + 10 benefits.

NOTE: This subchapter does not cover employees who voluntarily separate from service after performing at least 10 years of service, but before attaining the MRA. The benefits for those employees, who may qualify for a deferred annuity when they attain the MRA, are discussed in Chapter 45, Deferred Retirement.

B. Topics Covered

This subchapter covers:

- The eligibility requirements for an MRA + 10 retirement;
 - The date an MRA + 10 annuity commences;
 - The reduction for age that may apply to the basic annuity;
 - The procedures that an agency must follow to process the separation of an employee who is eligible for an immediate MRA + 10 retirement; and
 - The advice that an agency should give to an employee who is eligible for MRA + 10 benefits.
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Section 42A1.1-1 Overview (Cont.)**C. Organization of Subchapter**

This CSRS subchapter has five parts.

Part	Name of Part	Page
42A1	General Information	1
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42A3	Annuity Reduction for Age	7
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D. Statement of Authority

This subchapter is based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8412(g)
- Code of Federal Regulations: 5 CFR Part 842
- Public Law 103-66 section 11002

Section 42A1.1-2 Employee Eligibility Requirements

A. General

An employee is eligible to retire optionally under FERS with an immediate reduced MRA + 10 annuity if he or she meets all of the following conditions:

- Minimum civilian service requirement;
- Minimum Retirement Age (MRA);
- 10-year service requirement;
- Separation from a position subject to FERS coverage; and
- No entitlement to an immediate annuity based only on age and service.

NOTE: There is no "1-out-of-2" requirement under FERS as there is under CSRS. Thus, an employee who elects to transfer to FERS does not have to be under FERS for 1 year to be eligible for an annuity. It is possible for an employee's separation for retirement to occur on the same day (but not before) the FERS election becomes effective, provided that the employee meets the other requirements.

Likewise, an employee who had FERS coverage in his or her last period of service could retire at any time after being reemployed if he or she has the required age and service.

B. Minimum Civilian Service

An employee must have at least 5 years of creditable civilian service to be eligible for an MRA + 10 retirement annuity.

Creditable civilian service for this purpose includes:

- Service for which full FERS deductions were made and not refunded;
- Nondeduction service (that is, temporary or intermittent service) performed prior to January 1, 1989, if a deposit for such service is made or deemed made under the alternative annuity provisions;
- Service for which full Social Security taxes and full or reduced CSRS deductions were taken, if the CSRS deductions were not refunded after the employee became covered by FERS; and

For individuals eligible for a CSRS annuity component:

- Nondeduction service (that is, temporary or intermittent service) subject to CSRS retirement computation rules, whether or not a deposit for such service is made or deemed made under the alternative annuity provisions; and
- Service for which full CSRS deductions were taken, even if CSRS deductions were refunded and not redeposited.

Section 42A1.1-2 Employee Eligibility Requirements (Cont.)

- B. Minimum Civilian Service (Cont.)** NOTE: See Chapter 20, Creditable Civilian Service, for a full description of creditable civilian service.
-
- C. Noncreditable Civilian Service** The following types of service performed under FERS are not creditable toward meeting the 5-year minimum service requirement:
- Service performed under FERS for which a refund of FERS deductions was taken;
 - Service subject to FERS computation rules for which a refund was made after FERS coverage began;
 - Any period of nondeduction service performed before 1989 for which service credit payments were not made, unless the service is included in a CSRS component; or
 - Nondeduction service (that is, temporary or intermittent service) performed on or after January 1, 1989, unless the service is included in a CSRS component.
-
- D. Minimum Retirement Age** The MRA is the earliest age at which an employee may retire with an immediate reduced annuity after 10 to 29 years of service or with an unreduced annuity after 30 years of service. The MRA increases over time based on an employee's year of birth and ranges between ages 55 and 57. To determine the MRA, refer to the table below.

IF YEAR OF BIRTH IS...	THE MINIMUM RETIREMENT AGE IS...
Before 1948	55
1948	55 and 2 months
1949	55 and 4 months
1950	55 and 6 months
1951	55 and 8 months
1952	55 and 10 months
1953-1964	56
1965	56 and 2 months
1966	56 and 4 months
1967	56 and 6 months
1968	56 and 8 months
1969	56 and 10 months
1970 & After	57

Exception: Retirement under discontinued service or early out provisions may allow earlier retirement ages.

Section 42A1.1-2 Employee Eligibility Requirements (Cont.)

E. 10-Year Service Requirement

An employee must have at least 10 years of creditable (civilian and military) service to be eligible for an MRA + 10 annuity.

NOTE 1: Creditable civilian service is defined in section 42A1.1-2, paragraph B.

NOTE 2: Under FERS, post-1956 military service cannot be used to meet the 10-year service requirement unless the employee makes the military service deposit before separation. The deposit may not be deemed paid under the alternative annuity provisions.

F. Separation from Covered Position

The employee must be separated from a position covered by FERS deductions.

G. No Entitlement Under Regular Voluntary Provision

The employee cannot be entitled to an immediate annuity under the regular voluntary provision of FERS (for example, an immediate annuity based on being age 60 with 20 years of service). This means that the employee must meet one of the age and service requirements below at separation to receive an MRA + 10 annuity:

Age at Retirement	At Least 10 Years Creditable Service But Less Than
MRA to 59	30
60-61	20

Part 42A2 Commencing Date of Annuity**Section 42A2.1-1 Commencing Date of Annuity**

- A. General Rule:** Except as explained in paragraphs B and C below, the commencing date of an MRA + 10 retirement annuity benefit is the first day of the month following the employee's separation regardless of whether the separation is voluntary or involuntary.

First of the Month Following Separation

Unlike CSRS, FERS has no special provision for employees who serve 3 days or less in the month of retirement.

EXAMPLE 1: Date of separation: September 30
Annuity commences: October 1

EXAMPLE 2: Date of separation: June 3
Annuity commences: July 1

EXAMPLE 3: Last day of pay: January 29
Date of separation: February 15
Annuity commences: March 1

- B. Exception:** If the separation upon which an MRA + 10 retirement is based occurs because of the expiration of a term or other period for which the person was appointed or elected, the annuity commences the day after separation. This exception includes separations based on the expiration of a term appointment or other time-limited appointment.
-
- C. Exception:** Former employees who choose a postponed annuity may, subject to certain conditions, elect to have the postponed annuity commence on any day after the first day of any month following separation from Federal service, up to and including the second day before the employee's 62nd birthday. (See section 42A4.1-1, paragraph C for additional information.)
-

Part 42A3 Annuity Reduction For Age

Section 42A3.1-1 Annuity Reduction For Age

**A. Annuity
Reduction For
Age**

For employees under age 60 with 10 to 29 years of service, the basic unreduced annual annuity is reduced by five-twelfths of 1 percent for each full month by which the commencing date of annuity precedes the 62nd birthday of the employee. The reduction is 5 percent for each year the employee is under age 62. The reduction is permanent and does not stop when the retiree reaches age 62.

NOTE: Employees with 30 or more years of service at their MRA, and employees age 60 with 20 or more years of service, do not receive the annuity reduction for age.

EXAMPLE: John is a FERS employee who retires effective April 30, 2002. At retirement, John is age 55 and has 15 years of creditable service. John's high-3 salary is \$40,000. He will turn 62 on August 16, 2008.

The unreduced annual annuity is \$6,000 [\$40,000 (high-3) x 15 percent (1 percent for each year of FERS service)].

John will not be 62 for 6 years and 3 1/2 months (or 75 full months), so the reduction is \$1,875:

$$75 \text{ months} \times 5/12 \times 1\% = 31.25\%$$

$$31.25\% \times \$6,000 = \$1,875$$

The annuity payable to John at age 55 is \$4,125 (\$6,000 minus \$1,875).

**B. Transferee With a
CSRS Annuity
Component**

In the case of a transferee with a CSRS annuity component who meets the eligibility requirements for a reduced annuity under MRA + 10, the reduction for each full month the individual is under age 62 applies to both the CSRS and FERS annuity components.

EXAMPLE: Sue transferred to FERS in July 1987. At the time of transfer, she had 10 years of CSRS service. Sue worked 5 more years and retired at age 58 with an annuity commencing on August 1, 1992. At retirement, her high-3 average salary was \$40,000. She will turn 62 on December 11, 1995.

The unreduced annual annuity is \$6,500 (\$40,000 (high-3) x 16.25 percent (CSRS factor for 10 years of service)) PLUS \$2,000 (\$40,000 (high-3) x 5 percent (FERS factor for 5 years of service)) for a total of \$8,500.

Section 42A3.1-1 Annuity Reduction For Age (Cont.)

B. Transferee With a CSRS Annuity Component (Cont.) Sue will not be 62 for 3 years and 4 months (40 full months), so the reduction is \$1,416.67:

$$40 \text{ months} \times \frac{5}{12} \times 1\% = 16.666667\%$$
$$16.666667\% \times \$8,500 = \$1,416.67$$

The annuity payable to Sue at retirement is \$7,083.33 (\$8,500 minus \$1,416.67).

Part 42A4 Postponing Retirement Benefits

Section 42A4.1-1 Postponing Retirement Benefits

A. General

Separating employees can reduce or eliminate the age reduction by postponing the commencing date of their MRA + 10 annuities.

B. Rule

A former employee eligible for an immediate MRA + 10 retirement may elect a postponed retirement benefit at any time after he or she separates from Federal service.

NOTE: A former employee who has not begun receiving a postponed MRA + 10 annuity may still elect to receive an annuity retroactively to the first of the month following separation from his or her last period of Federal employment. However, an intermediate retroactive date may not be chosen.

C. Commencing Date of Postponed Annuity

A former employee who has not begun receiving MRA + 10 benefits may elect to have a postponed annuity begin on any date later than the first day of any month following separation from Federal service, subject to the following conditions:

1. An election of a commencing date should be filed approximately 60 days before the designated commencing date, and must be elected on form RI 92-19 (Application for Deferred or Postponed Annuity). OPM will accept an informal written election that designates a specific commencing date, but the election must be ratified on form RI 92-19.
 2. The former employee may not elect a postponed commencing date that is earlier than the 31st day after the date the election is filed.
 3. A postponed annuity cannot begin later than the second day before the employee's 62nd birthday.
 4. An election of a commencing date becomes irrevocable on the day OPM authorizes the first regular annuity payment.
-

Section 42A4.1-1 Postponing Retirement Benefits (Cont.)

- D. Annuity Reduction for Age**
1. As a general rule, the postponed annuity is reduced by 5/12 of 1 percent for each full month (5 percent per year) by which the chosen commencing date precedes the employee's 62nd birthday. (See examples in Part 42A3.)
 2. The employee can avoid the age reduction entirely by choosing as the commencing date of annuity --
 - A date that is less than one full month before the employee reaches age 62 if he or she had less than 20 years of service; or
 - The first day of any month after reaching age 60 if he or she has at least 20 years of service.
-
- E. Sick Leave**
- Sick leave is creditable in the computation of the CSRS annuity component for postponed MRA + 10 retirement benefits. (See Chapter 50, Computation of Annuity Under the General Formula.)
-
- F. Health and Life Insurance Coverage**
1. If an employee is eligible for an MRA + 10 annuity upon separation, but decides to postpone the commencing date of annuity, then --
 - The employee's group health and life insurance coverage (FEHB and FEGLI) terminates;
 - The employee may elect to convert to individual health and life insurance policies; and
 - The employee may elect temporary continuation of FEHB. (See The Federal Employees Health Benefits Handbook for Personnel and Payroll Offices.)
 2. When the postponed annuity begins:
 - The annuitant's FEGLI may be reinstated based on the coverage he or she had at separation and was eligible to continue into retirement. The annuitant may elect reduced FEGLI coverage during the adjudication of the annuity application.
 - The annuitant may reenroll in the FEHB program if he or she met the usual requirements for continuing coverage into retirement at separation. The annuitant may enroll in any FEHB plan or option for which he or she is otherwise eligible.
-

Section 42A4.1-1 Postponing Retirement Benefits (Cont.)

- F. Health and Life Insurance Coverage (Cont.)** NOTE: FEHB and FEGLI coverage is reinstated prospectively even if the individual decides to receive annuity retroactive to the first of the month following separation.
-
- G. Alternative Annuity Election** An individual who chooses to postpone his or her MRA + 10 annuity may elect the alternative annuity when OPM adjudicates the postponed annuity benefit. Only an employee or separated employee who has a life-threatening affliction or other critical medical condition currently listed in CFR 842.707 may elect the alternative annuity.
-
- H. Reemployment in a Federal Agency Before Postponed Annuity Begins** An individual eligible for an MRA + 10 annuity who is reemployed in a Federal agency before he or she begins receiving regular annuity payments is treated as an employee and not a reemployed annuitant.
-
- I. Survivor Benefits** If an employee separates from service after having met the age and service requirements for an immediate MRA + 10 annuity, but dies before actually filing an application for retirement, he or she is deemed to have filed that application. The former employee is considered to have died as an annuitant, thereby ensuring the rights of survivors to the following benefits:
1. Annuity benefits to a surviving spouse.
 2. Annuity benefits to children.
 3. Eligibility of survivors for FEHB coverage if the deceased was eligible to continue coverage as an annuitant and had been enrolled for family coverage.
 4. The lump sum payment to the person or persons entitled under the order of precedence. (See Chapter 34, Designation of Beneficiary, for the order of precedence.)
-
- J. Refunds** A separated employee who is eligible for an MRA + 10 annuity may not receive a refund of his or her contributions to the retirement fund even if he or she has not applied for an immediate annuity benefit.
-

Part 42A5 Procedures**Section 42A5.1-1 Procedures at Separation for Immediate or Postponed MRA + 10 Retirement****A. General**

Chapter 40, Planning and Applying for Retirement, provides detailed instructions on the completion of the forms identified below and the information and guidance that must be given to retiring employees.

The employing agency is responsible for providing information on MRA + 10 benefits to separating employees who appear to be eligible.

B. Employee Responsibility

1. An employee who wishes to apply for an MRA + 10 benefit at the time of separation must complete:
 - Standard Form 3107, Application for Retirement (and Schedules A, B, and C when necessary);
 - Standard Form 3107-2, Spouse's Consent to Survivor Election, if applicable; and
 - Standard Form 2818, Continuation of Life Insurance Coverage, if applicable.
2. An employee who chooses not to file for an MRA + 10 benefit at the time of separation and who files more than 30 days after the date of separation should send a completed form RI 92-19, Application for Deferred or Postponed Retirement, to OPM about 60 days before the date he or she wants the annuity to begin. The following address should be used to request a blank RI 92-19 as well as to file a completed RI 92-19:

Office of Personnel Management
Federal Employees Retirement System
Retirement Operations Center
Post Office Box 200
Boyers, PA 16017

C. Agency Responsibility

1. If the employee is applying for immediate retirement at separation the agency must:
 - Provide the employee with an Application for Retirement (SF 3107) and any other necessary forms;
 - Complete Certified Summary of Federal Service (SF 3107-1);

**Section 42A5.1-1 Procedures at Separation for Immediate or Postponed
MRA + 10 Retirement (Cont.)**

**C. Agency
Responsibility
(Cont.)**

- Complete Agency Checklist of Immediate Retirement Procedures (SF 3107, Schedule D);
- Complete SF 2821, Agency Certification of Insurance Status, to transfer the employee's life insurance coverage to OPM, if appropriate;
- When needed, include a memorandum with the FEHB documentation giving information that would have been in the "Remarks" section of the SF 2810, such as, eligibility to continue coverage into retirement based on prior coverage under the spouse's enrollment, providing information about an open season election when retirement occurs before the effective date, etc.; and
- Send the employee's Individual Retirement Record (SF 3100) and all FERS Designation of Beneficiary forms (SF 3102) to OPM with the retirement application package attached, within 30 days after separation to:

**Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017**

2. If an employee is eligible for an MRA + 10 retirement, but is not filing for it at separation, the agency must:
 - Complete the employee's Individual Retirement Record (SF 3100). The SF 3100 should include the remark, "Appears to be eligible for immediate MRA + 10 retirement annuity." A remark should also be added to indicate if the employee appears to be eligible to continue FEHB and FEGLI coverage. If the employee was a transferee from CSRS with entitlement to a CSRS annuity component, the SF 3100 should include the employee's sick leave balances at both the date of transfer and the date of separation;
 - Send the completed SF 3100 so that OPM receives it within 30 days of the employee's separation. Send it to:

**Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017**

**Section 42A5.1-1 Procedures at Separation for Immediate or Postponed
MRA + 10 Retirement (Cont.)****C. Agency
Responsibility
(Cont.)**

- For employees whose Federal health benefits enrollment and life insurance coverage is terminating, complete SF 2810, Notice of Change in Health Benefits Enrollment; SF 2821, Agency Certification of Insurance Status; and SF 2819, Notice of Conversion Privilege (see section 42A4.1-1, paragraph F); and
 - Provide the employee with the address at OPM for requesting and filing RI 92-19, Application for Deferred or Postponed Annuity.
3. If the employee transferred to FERS and is eligible for a CSRS annuity component, the agency must also send any Standard Form 2806 in its possession.
 4. When sending the SF 3100 to OPM, attach all SF 3102's (FERS Designation of Beneficiary).
-

**D. OPM
Responsibility and
Address**

> When OPM receives an application for MRA + 10 benefits, it processes it with the earliest commencing date unless there is a note from the employee attached to the application about postponing the benefit.<

Upon request, OPM will send an Application for Deferred or Postponed Retirement (RI 92-19) to an individual who did not apply for an immediate MRA + 10 retirement at separation.

Send all correspondence regarding MRA + 10 optional retirement to:

**Office of Personnel Management
Federal Employees Retirement System
Retirement Operations Center
Post Office Box 200
Boyers, PA 16017**

Section 42A5.1-2 Advice to Employee

A. Retiree Annuity Supplement

Employees who retire under the MRA + 10 provision are not eligible for the retiree annuity supplement.

B. Refunds

MRA + 10 is an immediate retirement annuity. Therefore, employees eligible for MRA + 10 benefits may not receive a refund of retirement contributions if separating from Federal service.

Since service is not creditable under FERS if it is not paid for, an employee who could gain title to an MRA + 10 annuity by making a deposit, but who has not done so at the time of separation, is eligible for a refund. For example, if an employee has 8 years of paid service and 2 years of service for which a deposit could be made, upon separation the employee could choose to not make the deposit and to receive a refund for the 8 years. See the following paragraph for information about making the service credit deposit to become eligible for an annuity.

C. Service Credit Payments

1. As is the case with other retirement types, an employee who retires on an immediate MRA + 10 annuity may make a deposit for civilian service to OPM as part of the claims adjudication process.
2. If an employee does not file an application for retirement at the time of separation, he or she must have at least 5 years of paid civilian service to pay the deposit at a later date. If payment of the deposit gives the separated employee at least 10 years of creditable service, he or she is then eligible for an MRA + 10 annuity, and may elect a commencing date under the rules for a postponed annuity. (See 42A4.1-1C.)

Example: An employee separates at age 57 in 1993 with 9 years of paid civilian service and 2 years of pre-1989 non-deduction service. The employee chooses not to file an application for retirement at the time of separation. In 1995, the employee makes a deposit for the non-deduction service and becomes eligible for an MRA + 10 annuity. The individual can choose to have the annuity commencing date be retroactive to the first of the month following separation, or be prospective.

Section 42A5.1-2 Advice to Employee (Cont.)

- D. Electing the Alternative Annuity** MRA + 10 annuitants are eligible to elect the alternative annuity, subject to the restrictions imposed by Public Law 103-66 that are described in section 42A4.1-1G.
- Since the alternative annuity lump sum payment is made when the annuity begins, an MRA + 10 annuitant cannot receive the lump sum immediately after separation and then postpone receiving his or her monthly annuity. (See Chapter 53, Alternative Annuity Elections, for details about alternative annuity elections.)
-
- E. Health and Life Insurance** See section 42A4.1-1, paragraph F, for information about health and life insurance for employees eligible for an MRA + 10 annuity.
- IMPORTANT:** If a separated employee who is eligible for an MRA + 10 annuity postpones the annuity, no FEGLI is payable in the event of death before the postponed MRA + 10 annuity commences. Once the annuity commences, the FEGLI coverage is reinstated prospectively.
-
- F. Survivor Benefits** If an employee separates from service after having met the age and service requirements for an immediate MRA + 10 annuity, but dies before actually filing an application for retirement, he or she is deemed to have filed that application. The former employee is considered to have died as an annuitant, thereby ensuring the rights of survivors to all benefits for which they otherwise qualify.
-
- G. Withdrawal of Retirement Application**
1. The CSRS rules in Chapter 41, Voluntary Retirement Based on Age and Service, section 41A3.1-1, paragraphs C, D, and E apply to a FERS employee. In addition, the following rules apply to FERS employees.
 2. Except as provided in 3 below, a separated employee may withdraw his or her application for benefits until a regular recurring payment based on that application has been authorized, but not thereafter.
- Withdrawal of the application for retirement annuity after separation does not, however, cancel the employee's separation except as provided in Chapter 41, section 41A3.1-1E.
-

Section 42A5.1-2 Advice to Employee (Cont.)

G. Withdrawal of Retirement Application (Cont.)

3. A separated employee may not withdraw his or her application for benefits if OPM has received a certified copy of a qualifying court order awarding benefits to a spouse or former spouse.

EXCEPTION: Regardless of whether or not OPM has received a qualifying court order awarding spouse/former spouse benefits, an individual who applies for MRA + 10 benefits, but is reemployed before electing a postponed commencing date or, if a postponed commencing date was elected, is reemployed before that date, is considered to have withdrawn his or her application for retirement.

H. Severance Pay Eligibility

1. An employee who is involuntarily separated and who meets the age and service requirements for an MRA+ 10 benefit is **not** eligible for severance pay because the employee meets eligibility requirements for an immediate annuity. This is true even if the employee plans to postpone receipt of the annuity to lessen the age reduction. Under 5 U.S.C. 5595 (a)(2)(iv), an employee "... who has fulfilled the requirements for an immediate annuity..." is not eligible for severance pay.
 2. An involuntarily separated employee who could become eligible for an MRA + 10 annuity by paying a deposit for civilian or military service, but who does not do so, is eligible for severance pay at the time of separation. However, if as described in Paragraph C, the employee subsequently pays OPM a deposit for civilian service and obtains at least 10 years of creditable service, the employee becomes eligible for the MRA + 10 benefit. OPM notifies the former agency of the employee's eligibility so that the agency can decide whether to initiate collection action to recover any severance pay that was paid to the employee.
-