

CSRS

FERS

Spouse Benefits - Death of an Annuitant

Chapter 71

Important Notice

On June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. As a result of the Supreme Court's decision, the United States Office of Personnel Management (OPM) will now be able to extend certain benefits to Federal employees and annuitants who have legally married a spouse of the same sex, regardless of the employee's or annuitant's state of residency. OPM is currently in the process of updating and revising the website to reflect this change, and will be updating this information as soon as possible. Please check back in the coming weeks for updates.

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Subchapter 71A CSRS**Part 71A1 General Information****Section 71A1.1-1 Overview**

- A. Introduction** When an annuitant dies, annuity benefits may be payable to a surviving spouse, children, an individual with an insurable interest, and a former spouse. This Chapter covers annuity benefits payable to a surviving spouse.
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- B. Topics Covered**
1. This subchapter covers:
 - The eligibility requirements a spouse must meet;
 - The amount of survivor benefits payable as an annuity to the spouse of a deceased annuitant;
 - The reduction of a survivor annuity based on the Federal service of a deceased CSRS Offset annuitant;
 - The duration of the survivor annuity;
 - The lump-sum benefits payable including the lump sum credit and accrued annuity;
 - The procedures the surviving spouse must follow to initiate payment of benefits; and
 - Counseling the agency may provide the surviving spouse of a deceased annuitant.
 2. This subchapter does not cover:
 - Spousal benefits payable on the death of an employee (see Chapter 70, Spouse Benefits - Death of an Employee);
 - Spousal benefits payable on the death of a former employee (see Chapter 72, Spouse Benefits - Death of a Former Employee);

Section 71A1.1-1 Overview (Cont.)

- B. Topics Covered (Cont.)**
- Death benefits payable to children (see Chapter 73, Children's Benefits);
 - Death benefits payable to former spouses (see Chapter 74, Former Spouse Survivor Benefits);
 - Lump-sum death benefits (see Chapter 75, Lump Sum Benefits); and
 - Benefits payable on the death of a reemployed annuitant (see Chapter 100, Reemployed Annuitants).
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- C. Organization of Subchapter** The CSRS subchapter has three parts.

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NOTE: The FERS subchapter about spousal benefits payable on the death of an annuitant begins on page 17.

- D. Statement of Authority** This subchapter is based on the laws and regulations cited below.
- United States Code: 5 U.S.C. 8339, 8341, 8342 and 8349
 - Code of Federal Regulations: 5 CFR Part 831, Subpart F, 831.112(b), 831.1006, 831.2001, 831.2003-2006
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Section 71A1.1-2 Definition of Annuitant

A. Definition of Annuitant

An individual is an annuitant if he or she dies on or after the date on which an annuity begins to accrue (see section 71A2.2-2 for definition of "accrue") and:

- Meets all requirements **and** has applied for retirement (either nondisability or disability) **and** has separated from his or her agency rolls.

NOTE 1: If the former employee did not file an application for an annuity or was not entitled to an annuity, the individual is a separated employee, not an annuitant, and this Chapter does not apply. Chapter 75 applies.

NOTE 2: If an individual dies after having applied for disability retirement, but before final separation from the agency, the individual is an employee and the information in Chapter 70 applies.

NOTE 3: If an individual separates for retirement in the middle of a month, but the annuity does not begin to accrue until the first day of the next month, both health and life insurance coverages continue without charge during this period. For survivor benefit purposes the individual is generally considered to be an employee, not an annuitant, until the first of the next month, when the annuity begins to accrue.

However, the individual may be considered a retiree for purposes of paying the AFA lump sum if he or she met all of the requirements for nondisability annuity, including filing an application and being separated from the agency rolls, and medical information establishes that he or she had a life threatening affliction or critical medical condition.

Part 71A2 Benefits Payable**Subpart 71A2.1 Survivor Annuity to a Spouse****Section 71A2.1-1 Eligibility Requirements**

A. Election Requirements

A spousal survivor annuity is payable to the spouse of a deceased annuitant only if the annuitant elected a reduced annuity to provide the survivor benefit. Chapter 52, Survivor Benefit Elections, contains information about how to elect and the time limits that apply.

B. Surviving Spouse Requirements

To qualify as a surviving spouse of a deceased annuitant the individual must be married to the annuitant at the time of the annuitant's death and must meet **one** of the following requirements.

1. The surviving spouse and the annuitant must have been married for at least 9 months. Count the aggregate time of all marriages between the spouse and the annuitant to determine the total length of marriage.

or

2. A child was born of the marriage. For this purpose, child includes:
 - A child born posthumously to the deceased annuitant and spouse;
 - A child born to the deceased annuitant and spouse before they were married; and
 - A child of a prior marriage between the deceased annuitant and spouse.

NOTE: An adopted child is not a child born of the marriage.

3. The death of the annuitant was accidental. See 5 CFR 831.642(d).

NOTE: Generally, for a death to be considered accidental, the death must be from a cause that is considered accidental under the FEGLI Program. (See The Federal Employees Group Life Insurance Handbook for Personnel and Payroll Offices.)

Section 71A2.1-1 Eligibility Requirements (Cont.)

- C. More Than One Survivor Annuity**
1. A surviving spouse may receive only one CSRS survivor annuity based on the service of one employee.
 2. Generally, a surviving spouse may receive more than one survivor benefit based on the service of more than one employee. However, a surviving spouse may not receive survivor annuities based on the service of more than one individual if any of the survivor annuities:
 - Was based on a marriage that occurred after the employee retired; or
 - Has been reinstated after the surviving spouse remarried before age 55.

EXAMPLE: Arthur marries Mildred while Mildred is an employee covered by CSRS. Two years later, Mildred dies in service. Arthur receives a survivor annuity. After Arthur reaches age 55, he marries Victoria, who is a CSRS-covered employee at the time of the marriage. Two years later Victoria dies in service. Arthur is entitled to both annuities.

However, if Arthur were age 50 when he married Victoria, he could receive only one of the survivor annuities (his choice). Similarly, if Mildred or Victoria were CSRS retirees, rather than employees, at the time of the marriages, Arthur would have to choose one of the survivor annuities.

NOTE: If either of these situations exists, the surviving spouse must elect whether to receive the survivor annuity (based on the marriage that occurred after the employee retired or the reinstatement of survivor annuity that terminated because of remarriage before age 55) and any other survivor annuities for which the spouse may be eligible under a retirement system for Government employees.

- D. Effect of a Former Spouse's Eligibility for the Spousal Survivor Annuity**
1. A court order awarding a former spouse a survivor annuity prevents OPM from paying the surviving spouse the portion of the survivor annuity awarded by the court order. However, generally, the surviving spouse (if otherwise eligible) remains eligible for the complete survivor annuity if, and when, the former spouse loses eligibility.

Section 71A2.1-1 Eligibility Requirements (Cont.)**D. Effect of a Former Spouse's Eligibility for the Spousal Survivor Annuity (Cont.)**

2. Even when no benefits are currently payable to the surviving spouse because of the court-ordered entitlement of the former spouse, the surviving spouse is entitled to FEHB coverage, if the annuitant had a self and family enrollment.

EXAMPLE: William elected a full survivor annuity for Betty when he retired in 1990. In 1992 they divorced and a court order awarded Betty the full survivor annuity. In 1994, William married Susan and elected a full survivor benefit for her. In 1997, William died. Upon his death, the survivor annuity was paid to Betty because of the court order. Susan could retain FEHB coverage by paying OPM directly for the insurance. In 1999, Betty, who was then age 53, remarried. She lost entitlement to the survivor annuity since she was under age 55 and annuity payments to Susan began.

Section 71A2.1-2 Amount of Survivor Annuity

A. General

The maximum possible survivor annuity is 55 percent of the (employee) annuitant's annuity before it is reduced by the cost of the survivor benefit (the unreduced annuity). This will generally be about 60% of the annuitant's current gross annuity. The survivor annuity can be less than 55 percent if the annuitant elected to provide less than the maximum.

The rules for computing the annuitant's unreduced annuity are covered in Chapters 50, Computation of Annuity Under the General Formula, and 61, Disability Retirement (disability formula).

**B. Cost-of-Living
Adjustments
(COLA's)**

Every COLA given an annuitant increases the survivor annuity by the same percentage. Upon death of the annuitant, the initial annuity paid to the survivor will include all the previous COLA's that had been granted the annuitant. The survivor annuity will also be increased by all future COLA's.

Section 71A2.1-3 Survivor Annuity to a Spouse--Deceased CSRS Offset Annuitant

- A. General Rule** A survivor annuity payable to the spouse of a deceased CSRS Offset annuitant is computed in the same manner as a survivor annuity payable to the spouse of a deceased annuitant with full CSRS coverage.
- However, the amount of survivor annuity payable to the spouse of a deceased CSRS Offset annuitant may be reduced if the spouse is eligible for Social Security survivor benefits based on the deceased's Federal service covered by Social Security.
-
- B. Social Security Survivor Benefits Not Payable** A surviving spouse who is not entitled to Social Security survivor benefits is paid the full CSRS survivor benefits.
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- C. Social Security Survivor Benefits Payable** If Social Security survivor benefits (based on the deceased annuitant's Federal service under Social Security) are payable:
1. The surviving spouse receives full CSRS survivor benefits until he or she becomes entitled to Social Security survivor benefits. This normally occurs at age 60. However, such benefits may begin before age 60 if the surviving spouse is disabled or has a minor child in care.
 2. When the spouse becomes entitled to Social Security survivor benefits, the CSRS survivor annuity is reduced (offset) by the amount of the survivor's Social Security benefit attributable to the period the deceased annuitant was under CSRS Offset.
 4. For further information on computing the amount of the offset, see Chapter 50.
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- D. Beginning Date** The reduction (offset) begins (or is reinstated) on the first day of the month during which the survivor annuitant:
- Is entitled to a survivor annuity under CSRS Offset; and
 - Is entitled, or on proper application would be entitled, to Social Security survivor benefits.
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Section 71A2.1-3 Survivor Annuity to a Spouse--Deceased CSRS Offset Annuitant (Cont.)

E. Ending Date The offset of a CSRS survivor annuity stops on the date the survivor loses eligibility for Social Security survivor benefits due to any of the following reasons:

- The survivor becomes eligible for a Social Security benefit based on his or her own earnings under Social Security and the benefit exceeds the survivor benefit;
- The survivor remarries before age 60; or
- The Social Security benefit stops because a minor child reaches age 16 and the survivor is under age 60.

NOTE: Entitlement to a Social Security survivor benefit is not considered terminated when the benefit payable is reduced to zero due to the application of the Social Security "earnings test."

Section 71A2.1-4 Duration of Survivor Annuity

A. Duration of Survivor Annuity

The survivor annuity payable to a spouse begins on the day after the death of the annuitant and ends on the last day of the month preceding the month in which the survivor annuitant:

- Dies; or
- Remarries before age 55. > For remarriages occurring after January 1, 1995, if the widow or widower remarries before age 55, and was married at least **30 years** to the individual on whose service the survivor annuity is based, the survivor annuity will not be terminated. <

EXAMPLE: Lynn, a survivor annuitant, died on May 15. Her survivor annuity ended on April 30.

B. Restoration of Survivor Annuity

1. A survivor annuity that is terminated because of remarriage before age 55 may be restored if:
 - The remarriage is later terminated by death, annulment, or divorce; and
 - If the spouse pays back any lump-sum benefit that was paid upon termination of the annuity.
2. If the surviving spouse was covered by an FEHB plan when the survivor annuity terminated, he or she may enroll in an FEHB plan when the survivor annuity is restored.

EXAMPLE: George was 49 when his wife Jane, a CSRS annuitant, died. George began receiving a survivor annuity. At age 51, George married Marie. His survivor annuity and his FEHB coverage stopped. When George was 60, Marie died. Upon Marie's death, George was entitled to have the survivor annuity based on Jane's Federal service restored and to enroll in an FEHB plan.

Subpart 71A2.2 One-time Payments**Section 71A2.2-1 Lump-sum Credit**

- A. Definition** The lump-sum credit is defined in Chapter 75, section 75A1.1-2, paragraph B.
- B. Eligibility: No Survivor Annuity Payable** If no survivor annuity is payable upon the retiree's death, any remaining portion of the lump-sum credit that has not been paid to the retiree as annuity is payable to the person(s) entitled under the order of precedence. (See section 75A1.1-2, paragraph A, in Chapter 75 for the order of precedence.)
- NOTE: If the annuitant elected the alternative annuity at time of retirement, **no** lump-sum credit is payable since all contributions would have been paid as a lump sum.
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- C. Eligibility: Survivor Annuity Payable**
1. If there is a survivor annuity payable on the death of an annuitant, the person(s) entitled under the order of precedence may be paid a lump-sum payment of the following if not paid to the annuitant before death:
 - Retirement deductions withheld from the annuitant's pay after he or she became eligible for the maximum annuity, if the employee did not elect to treat those deductions as voluntary contributions toward the purchase of an additional annuity;
 - Retirement deductions withheld from the annuitant's pay during his or her final period of service if the annuitant was not subject to the retirement system for at least one of the last 2 years before final separation from service and if the service covered by the deductions was not used for title to annuity;
 - Partial redeposits for refunded retirement deductions paid for a period of service that ended after September 30, 1990;
 - Partial deposits for civilian service performed on and after October 1, 1982;
 - Partial deposits for post-1956 military service; and
 - Annuity accrued and unpaid (see section 71A2.2-2).

Section 71A2.2-1 Lump-sum Credit (Cont.)

- C. Eligibility: Survivor Annuity Payable (Cont.)**
2. A survivor who is eligible for an annuity may not be paid a lump-sum payment of:
- Partial redeposits for refunded deductions covering a period of service that ended before October 1, 1990;
 - Partial or completed deposits for nondeduction civilian service performed before October 1, 1982, unless the service covered by the deposit is not creditable under CSRS;
 - Completed deposits for nondeduction civilian service performed after October 1, 1982, unless the service covered by the deposit is not creditable under CSRS; or
 - Completed deposits for post-1956 military service, unless the service covered by the deposit is not creditable under CSRS.
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- D. Effect of Government Claims**
- A lump-sum payment is subject to any properly certified, timely request for recovery of a valid debt due the United States. Detailed information on debts due the United States is located in Chapter 4, Debt Collection.
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Section 71A2.2-2 Accrued Annuity

- A. Definition** The accrued annuity is annuity due the annuitant but not paid before death. It includes uncashed checks received before death and annuity accrued during the month of death through the day the annuitant died.

If the deceased annuitant was a **CSRS Offset disability annuitant** under age 62 whose annuity was being reduced (offset) because of receipt of Social Security disability benefits, the annuity is not reduced (offset) in the month of death. This is because Social Security payments stop with the end of the month before death.

- B. Eligibility** The accrued annuity is payable to the person or persons entitled under the order of precedence, even when a survivor annuity is payable. See Chapter 75.

EXAMPLE: When Bob began working for the Federal government in 1955, he filed a designation of beneficiary form (SF 2808) naming his sister Joanne to receive any monies payable from the retirement system. Later in his career, he married Sally, but he never filed a new designation of beneficiary. When he retired in 1987, he provided a full survivor annuity for his wife. Upon his death on June 28, 1993, a survivor annuity was payable to Sally beginning June 29, 1993. However, the accrued annuity from June 1 through June 28 was payable to Bob's sister, Joanne, because of the designation of beneficiary Bob had filed in 1955 and never changed. If Joanne had died prior to Bob's death and there were no other designations on file, the accrued annuity would be payable to Sally since she is next after Joanne under the order of precedence.

Part 71A3 Procedures**Section 71A3.1-1 Application Process**

A. Notification of Death to OPM

Upon the death of an annuitant, the surviving spouse or other interested party should notify OPM as soon as possible. Upon receipt of the death notice, OPM provides an application for death benefits and informs the interested parties of their rights. Call OPM at (202) 606-0500 or TDD at (202) 606-0551 to report the death of an annuitant. A report of death may be left 24 hours a day on a taped recording at (202) 606-0500. To speak to a customer service representative, call between 7:30 a.m. and 6:00 p.m. (Eastern time). Information also may be reported by fax on 724-794-1263

A death may also be reported by writing to:

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

In reporting a death, provide the decedent's full name, retirement claim number, date of death, date of birth, Social Security number, and, if available, a certified copy of the death certificate. Also provide the name, daytime telephone number, and address including city, State, and ZIP code of the person(s) to whom OPM should send claim forms.

The job aid at the end of this chapter is a convenient way to collect the information needed for the telephone contact or fax, and to provide enough notification to start expedited payments to the widow or widower.

In cases where the widow's or widower's entitlement to survivor benefits is clear, OPM, based on the report of death, authorizes payments; completes any actions to maintain health benefits coverage; and mails the appropriate forms and pamphlets to the widow or widower. The completed application form must be returned within 30 days.

B. Time Limit of Application for Death Benefits

A spouse has 30 years after the annuitant's death in which to file an application for death benefits, but must file before his/her own death for monthly survivor benefits to be paid.

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Section 71A3.1-2 Advice to Surviving Spouse

- A. Uncashed Annuity Checks** Uncashed annuity checks are not legally negotiable after a retiree's death and must be returned to the U.S. Department of the Treasury at the following address with a statement providing the annuitant's date of death:

**Director, Regional Finance Center
U.S. Department of the Treasury
P.O. Box 7367
Chicago, IL 60680**

This is true even for checks for months prior to the retiree's death. OPM will then pay all monies payable to the person(s) entitled under the order of precedence. The address given above also is on all check envelopes.

- B. Direct Deposit (EFT payments) of Annuity Checks to Survivor** If annuity payments are being deposited directly into a bank account, the survivor(s) should immediately notify the bank of the retiree's death. The survivor should not withdraw annuity deposited after the annuitant's death; it will be reclaimed by the Treasury Department. Payments to retirees are made on the first of the month. EFT payments are sometimes posted near to the end of the month, even though they are not payable until the first of the following month. Such payments posted early by the bank during the month in which the death occurs will be reclaimed by the Treasury, and should not be withdrawn.

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- C. Health Benefits**
1. If the annuitant had a self and family enrollment at the date of death and a survivor annuity is payable, the surviving spouse can continue health insurance coverage. The premiums for the surviving spouse will be deducted from the survivor annuity. If there does not appear to be any other eligible family members when OPM adjudicates the spouse's application, we will automatically change the family enrollment to a self only enrollment.

NOTE: If the survivor annuity is insufficient to cover the health insurance premium, the surviving spouse may pay OPM directly for the enrollee's share of the premium or change enrollment to a more affordable plan. OPM will contact the spouse if this is the case.

2. If the annuitant had a self and family enrollment at the date of death, but no survivor annuity is payable, the enrollment generally terminates at the end of the month in which the annuitant dies. The surviving spouse then has the right to convert to an individual policy within 30 days. However, if the annuity is **not** currently payable to the current spouse because a former spouse is receiving the survivor annuity based on a court order, coverage may continue. (See section 71A2.1-1, paragraph D.)

Section 71A3.1-2 Advice to Surviving Spouse (Cont.)

3. If the annuitant had a self only enrollment at the date of death, the enrollment terminates at death with no right to enroll or convert for the survivor.
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D. Life Insurance Follow the procedures discussed in Chapter 70, section 70A3.1-2, paragraphs D and E.

Subchapter 71B FERS

Part 71B1 General Information

Section 71B1.1-1 Overview

- A. Introduction** Subchapter 71B contains the rules and policies that apply to spousal survivor benefits payable upon the death of an annuitant under the Federal Employees Retirement System (FERS).

This subchapter explains how FERS differs from CSRS. It refers readers to the CSRS rule that applies or gives the FERS rule if it is different.

- B. Organization of Subchapter** The FERS subchapter has two parts.

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- C. Applicable CSRS Provisions** The following sections, subpart and part of subchapter 71A apply under FERS:

- Section 71A2.1-1 Eligibility Requirements
 - Section 71A2.1-4 Duration of Survivor Annuity
 - Part 71A3 Procedures
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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. 8442
 - Code of Federal Regulations: 5 CFR Part 843, Subparts A and B, and 843.301-308
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Section 71B1.1-2 Definition of Retiree

A. General

The definition of a FERS retiree for purposes of determining a person's status at the time of death, means that the person had been separated from service and had met all of the requirements to receive an annuity, including having filed, or being "deemed" to have filed, (see B below) an application for the annuity prior to his or her death.

The survivor of a person who meets this definition of FERS retiree is not eligible for the FERS Basic Death Benefit. However, the survivor may be eligible to receive the Alternative Form of Annuity if the retiree was otherwise eligible. Separation from the agency determines status under FERS, and this differs from CSRS rules explained in 71A1.1-2, Note 3.

**B. Former
Employees
Entitled to
MRA + 10
Annuity**

A former Federal employee who was entitled to an immediate MRA + 10 annuity when he or she separated, who filed an application for the benefit, but who has postponed the commencing date of that annuity, is considered an annuitant for the purpose of this subchapter.

Former employees who were entitled to an immediate MRA + 10 annuity at separation, but who die before they file an application, are "deemed" to have filed the application and therefore meet the definition of annuitant. If the individual had an FEHB family enrollment at separation, survivors who are eligible for an annuity may resume FEHB coverage when the survivor annuity begins. However, no FEGLI is payable.

Part 71B2 Benefits Payable

Section 71B2.1-1 Survivor Annuity to a Spouse

**A. Deceased
Nondisability
Annuitant**

1. The full FERS survivor annuity is 50 percent of the (employee) annuitant's annuity before it is reduced by the cost of the survivor benefit (the unreduced annuity). The survivor annuity may be 25 percent of the (employee) annuitant's unreduced annuity if the annuitant elected to provide a one-half survivor annuity and the spouse agreed to that election. The survivor spouse may receive a FERS survivor annuity in an amount other than 50 percent or 25 percent of the (employee) annuitant's unreduced annuity only if a former spouse is receiving the remaining portion of the survivor annuity based on a court order.
 2. Cost-of-living adjustments given an annuitant increase the survivor annuity by the same percentage. Upon death of the annuitant, the initial annuity paid to the survivor will include all the previous COLA's that had been granted the annuitant. The survivor annuity will also be increased by all future COLA's.
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**B. Deceased
Disability
Annuitant**

Amount of survivor annuity if disability annuitant died:

- After reaching age 62.

The computation is the same as a deceased nondisability annuitant case. See paragraph A above.

- Before reaching age 62.

The amount of the survivor annuity is 50 percent (or 25 percent, if the annuitant and the spouse jointly elected a partial survivor benefit) of an earned annuity computation with the time base increased by the amount of time between retirement and the annuitant's 62nd birthday, and the average salary increased by the COLA's the annuitant received. The average salary is increased by all COLA's effective during the period that the annuitant was entitled to FERS disability benefits, regardless of whether the COLA's affected the annuity. For additional information see section 61B2.1-5, paragraph D, in Chapter 61.

Section 71B2.1-2 Lump-Sum Credit

- A. Definition** The lump-sum credit is defined in Chapter 75, section 75B1.1-2, paragraph A.
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- B. Eligibility: No Survivor Annuity Payable** If no survivor annuity is payable upon the retiree's death, any remaining portion of the lump-sum credit that has not been paid to the retiree as an annuity is payable to the person(s) entitled under the order of precedence. (See section 75A1.1-2, paragraph A, in Chapter 75 for the order of precedence.)
- NOTE: If the annuitant elected the alternative annuity at time of retirement, the lump-sum credit will have been paid to the annuitant.
-
- C. Eligibility: Survivor Annuity Payable**
1. If there is a survivor annuity payable on the death of an annuitant, the person(s) entitled under the order of precedence may be paid a lump-sum payment of the following if not paid to the annuitant before death:
 - Partial deposits for civilian service performed before 1989;
 - Partial deposits for post-1956 military service; and
 - Annuity accrued and unpaid.
 2. If there is a survivor annuity payable, the following may not be paid in a lump-sum payment:
 - Partial or completed deposits for nondeduction civilian service, unless the service covered by the deposit is not creditable under FERS; or
 - Completed deposits for post-1956 military service, unless the service covered by the deposit is not creditable under FERS.
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- D. Effect of Government Claims** A lump-sum payment is subject to any properly certified, timely request for recovery of a valid debt due the United States. Detailed information on debts due the United States is located in Chapter 4.
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Section 71B2.1-3 Spousal Annuity Supplement

A. Eligibility

1. To be eligible for the spousal annuity supplement, the surviving spouse must be:

- Entitled to a current spouse survivor annuity;
- Under age 60;
- Entitled to Social Security survivor benefits (based on the deceased annuitant's employment under Social Security) at age 60; and
- Not presently **eligible** for Social Security mother, father, or disability benefits based on the deceased's account.

NOTE 1: In cases where the surviving spouse is eligible for Social Security mother's or father's benefits because there is an eligible child in care, failure to apply for Social Security will not allow payment of the spousal annuity supplement.

NOTE 2: The surviving spouse's earned Social Security benefit is not considered in determining if he or she is eligible for the spousal annuity supplement.

2. The annuitant must have had 5 years of creditable civilian service and one full **calendar** year of civilian service creditable under FERS.

NOTE 1: An annuitant who served from January 1 to December 30 **or** 31 is considered to have performed a "calendar year" of service. Military service cannot be counted in determining if the annuitant had one full year of FERS service.

NOTE 2: The surviving spouse of a disability annuitant is **not** prohibited from receiving a spousal annuity supplement by reason of the type of retirement of the deceased annuitant. The survivor of a disability annuitant who retired with less than 5 years of service, however, would be excluded from receiving a spousal annuity supplement by reason of item 2. above.

Section 71B2.1-3 Spousal Annuity Supplement (Cont.)

- B. Amount Payable** The spousal annuity supplement requires determination of the amount of an "assumed" CSRS survivor annuity and a hypothetical Social Security calculation.

The supplementary annuity payable is the **lesser** of:

- The amount by which the "assumed" CSRS survivor annuity exceeds the FERS survivor annuity; or
- The amount of the hypothetical Social Security spousal survivor benefit.

NOTE 1: The spousal annuity supplement is **not** subject to the Social Security earnings test.

NOTE 2: The spousal annuity supplement is increased by FERS COLA's.

- C. "Assumed" CSRS Survivor Annuity** The "assumed" CSRS survivor annuity is the amount of annuity to which the survivor would be entitled under CSRS based on the service of the deceased annuitant. It is determined:

- As of the day after the date of the annuitant's death;
- As if the survivor had made application for the benefit; and
- As if the service of the deceased annuitant were creditable under CSRS.

- D. Estimated Social Security Spousal Survivor Benefit** The computation of the estimated Social Security spousal survivor benefit is the same as the computation of the retiree annuity supplement discussed in Chapter 51, Retiree Annuity Supplement, with three exceptions. The exceptions are listed below.

1. Construction of Earnings History

When computing a survivor's supplementary annuity, earnings used include basic pay in the year of retirement and basic pay as a reemployed annuitant (if any) after retirement. For calendar years after the year of retirement, but **before** the year of death, earnings include only basic pay as a reemployed annuitant (if any). See section 51A2.1-1 in Chapter 51.

Section 71B2.1-3 Spousal Annuity Supplement (Cont.)

- D. Estimated Social Security Spousal Survivor Benefit (Cont.)**
2. **Number of Benefit Computation Years**
- The number of years used is the year following the year of death (or use the year in which the retiree reached age 62, if earlier) minus the year in which the retiree reached age 22 or 1951, whichever is later (this gives the number of elapsed years), minus 5. See section 51A2.1-2 in Chapter 51.
3. **Computation of the Primary Insurance Amount (PIA)**
- The "bend points" used in the PIA formula are the "bend points" that apply in the year in which the retiree dies.
 - The FERS survivor spousal annuity supplement is reduced as if the survivor were age 60 when the benefit begins. The reduction factor for a survivor's supplementary annuity is .715. See section 51A2.1-3 in Chapter 51.
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- E. Termination**
- The spousal annuity supplement terminates at the beginning of the month in which the spouse attains age 60.
-

Spouse Benefits - Death of an Annuitant
Chapter 71

*Job Aid for collecting information about
the death of an annuitant*

REPORT OF DEATH

Decedent's Name _____

CSA # _____ SS # _____

Date of Birth _____ Date of Death _____

Name of Person Calling _____

Telephone Number of Caller _____

Send Forms to: Relationship: Spouse, Son/Daughter, Next of Kin, Executor, None.

Name _____

Address _____

Telephone # _____

Is there a surviving spouse? Yes _____ No _____

Name _____

Minor Children? Yes _____ No _____

Student or Disabled Child? Yes _____ No _____

Remarks:

Name of Person sending this informatioun to OPM _____

Telephone Number:

You may fax this information to OPM at (412) 794-1263, call OPM on (202) 606-0500 (202-606-0551 for TDD)

or mail the information to:

U.S. Office of Personnel Management
 Retirement Operations Center
 P. O. Box 45
 Boyers, PA 16017