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which such disability annuitant was entitled as computed under part 844 of this chapter (including any appropriate reduction under §844.302(b)(2) or (c)(2) of this chapter, and any adjustments under section 8462 of title 5, United States Code) as of the day before the date of the disability annuitant's death.

(2) In the case of a current spouse entitled to an annuity based on the service of a disability annuitant who dies before age 62, the amount of the current spouse annuity equals 50 percent of the amount to which the disability annuitant would have been entitled under §844.303 of this chapter, if the disability annuitant had attained age 62 on the day before his or her death. However, in determining the amount under §844.303(a) of this chapter, creditable service includes the period of time between the date of death and the date of the 62nd anniversary of the birth of the annuitant, but average pay is adjusted (under section 8462 of title 5, United States Code) only through date of death.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987]

§843.308 Supplementary benefits on death of a retiree.

(a) Except as provided in §843.312 and paragraph (d) of this section, a current spouse of a deceased retiree who is entitled to a current spouse annuity based on the retiree's service is also entitled to a supplementary annuity.

(b) The amount of the supplementary annuity under this section equals the lesser of—

(1) The amount by which the survivor's assumed CSRS annuity exceeds the annuity payable to the current spouse under §843.306 or §843.307; or

(2) The amount equal to the widow's or widower's insurance benefits that would be payable to him or her under title II of the Social Security Act (without regard to section 202(f)(2) of the Act) based on the wages and self-employment income of the deceased annuitant, except that for purposes of this calculation—

(i) The social security earnings test (section 203 of the Act) does not apply; and

(ii) The benefit is computed—

(A) As of the date on which the retiree dies; and

(B) As if the survivor had attained age 60 and made application for those benefits under subsection (e) or (f) of section 202 of the Act; and

(iii) In computing the primary insurance amount—

(A) For years of service under FERS, only the retiree's basic pay is considered to be wages; and

(B) For each year after age 21 for which the retiree did not work under FERS, the retiree's wages are deemed to equal the amount in appendix B of this subpart corresponding to that year multiplied by the retiree's basic pay for his or her first full year of employment under FERS divided by the amount in appendix B of this subpart corresponding to his or her first full year of employment under FERS.

(c)(1) The supplementary annuity terminates at the beginning of the month in which the survivor first satisfies the minimum age requirement under section 202(e)(1)(B)(i) or 202(f)(1)(B)(i) of the Social Security Act.

(2) The supplementary annuity is not payable to a survivor—

(i) Who would not be entitled to benefits under section 202 (e) or (f) of the Social Security Act based on the wages and self-employment income of the deceased annuitant (determined, as of the date of the annuitant's death, as if the survivor had attained age 60 and made appropriate application for benefits, but without regard to any restriction relating to remarriage); or

(ii) For any calendar month in which the survivor is entitled (or would, on proper application, be entitled) to benefits under section 202(g) of the Social Security Act (relating to mother's and father's insurance benefits), or under section 202 (e) or (f) of the Act by reason of having become disabled, based on the wages and self-employment income of the deceased annuitant.

(d) For purposes of this section—

(1) ''Assumed CSRS annuity,'' as used in the case of a survivor, means the amount of the annuity to which such survivor would be entitled under CSRS based on the service of the deceased annuitant, which is determined—

(i) As of the day after the date of the annuitant's death;

(ii) As if the survivor had made appropriate application therefor; and

(iii) As if the service of the deceased annuitant were creditable under CSRS.

(2) ''Basic pay'' means ''basic pay'' as defined in section 8401 of title 5, United States Code.

(e) An amount payable under this section will be adjusted under section 8462 of title 5, United States Code, and will be treated in the same way as an amount payable under §843.306 or §843.307.

§843.309 Basic employee death benefit.

(a) Except as provided in §843.312, if an employee or Member dies after completing at least 18 months of civilian service creditable under subpart C of part 842 of this chapter and is survived by a current spouse who meets the requirements of §843.303, the current spouse is entitled to the basic employee death benefit equal to the sum of—

(1) Fifty percent of the final annual rate of basic pay (or of the average pay, if higher) of the employee; and

(2) Fifteen thousand dollars as adjusted under section 8462 of title 5, United States Code.

(b) The current spouse may elect to receive the basic employee death benefit in one of the following forms—

(1) A one-time payment; or

(2)(i) For deaths occurring before October 1, 1987, 36 equal monthly installments of 3.05642 percent of the amount of the basic employee death benefit.

(ii) For deaths occurring on or after October 1, 1987, 36 equal monthly installments of 3.06921 percent of the amount of the basic employee death benefit.

(c)(1)(i) A current spouse who has elected to receive the basic employee death benefit in 36 installments under paragraph (b)(2) of this section may elect to receive the remaining portion of the basic employee death benefit in one payment.

(ii) The election to receive the remaining portion of the basic employee death benefit in one payment must be in writing and signed by the current spouse.

(iii) The election to receive the remaining portion of the basic employee death benefit in one payment is irrevocable when OPM authorizes the payment.

(2) Upon the death of a current spouse who was receiving the basic employee death benefit in 36 installments under paragraph (b)(2) of this section, the remaining portion of the basic employee death benefit will be paid as one payment to the estate of the current spouse.

(3) As used in this section, ''remaining portion of the basic employee death benefit'' means the amount of the basic employee death benefit computed under paragraph (a) of this section that has not been paid. The amount is the remaining principal computed based on an amortization schedule with the initial principal equal to the amount computed under paragraph (a) of this section and the interest rate based on the applicable factor under paragraph (b)(2) of this section.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987; 52 FR 36389, Sept. 29, 1987; 56 FR 65419, Dec. 17, 1991]

§843.310 Annuity based on death of an employee.

Except as provided in §843.312, if an employee dies after completing at least 10 years of service, a current spouse is entitled to an annuity equal to 50 percent of the annuity computed under subpart D of part 842 of this chapter (without reduction for age), with respect to the employee. The annuity is in addition to the benefit described in §843.309.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987]

§843.311 Annuity based on death of a separated employee.

(a) Except as provided in §843.312, if a separated employee who has completed at least 10 years of service dies after having separated from the service with title to a deferred annuity under §842.212 of this chapter, but before having established a valid claim for an annuity, and is survived by a current spouse to whom he or she was married on the date of separation, the current spouse may elect to receive—

(1) An annuity under paragraph (b) of this section; or