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(2) The unexpended balance, if the current spouse is the individual who would be entitled to the unexpended balance.

(b) Except as provided in §843.312 and paragraph (c) of this section, the current spouse annuity under this section equals 50 percent of an annuity computed under subpart D of part 842 of this chapter, for the separated employee. If the separated employee died before having attained the minimum retirement age, the computation is made as if the separated employee had attained the minimum retirement age.

(c)(1) The current spouse annuity commences on the day after the separated employee would have attained—

(i) Age 62 if the separated employee had less than 20 years of creditable service,

(ii) Age 60 if the employee had at least 20 years of creditable service but less than 30 years of creditable service; or

(iii) The minimum retirement age if the employee had at least 30 years of creditable service.

(2)(i) The current spouse may elect to receive an adjusted annuity beginning on the day after the death of the separated employee.

(ii) The rate of the adjusted annuity equals the annuity computed under paragraph (b) of this section multiplied by the factor in appendix A of this subpart for the age of the retiree as of the birthday before the retiree's death.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987; 57 FR 54681, Nov. 20, 1992]

§843.312 Payment to former spouses.

(a) Any benefit (or a portion of any benefit) payable to a current spouse under this subpart is payable to a former spouse instead if the former spouse is entitled to that benefit under the terms of a qualifying court order or an election under subpart F of part 842 of this chapter.

(b) A current spouse annuity may not exceed the difference between—

(1) The amount of the annuity that would otherwise be payable to the current spouse under this subpart; and

(2) The amount of the annuity payable to any former spouse of the deceased employee, retiree, or separated employee based on an election made under subpart F of part 842 of this chapter or a qualifying court order.

(c) The basic employee death benefit paid to a current spouse may not exceed the difference between—

(1) The amount that would otherwise be payable to the current spouse under §843.310; and

(2) The portion of the basic employee death benefit payable to a former spouse based on a qualifying court order.

§843.313 Elections between survivor annuities.

(a) A current spouse annuity cannot be reinstated under §843.305 unless—

(1) The surviving spouse elects to receive the reinstated current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees, by reason of the remarriage; and

(2) Any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(b) A current spouse is entitled to a current spouse annuity based on an election under §842.612 only upon electing this current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(c) A former spouse who marries a retiree is entitled to a former spouse annuity based on an election by that retiree under §842.611, or a qualifying court order terminating that marriage to that retiree only upon electing this former spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.