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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.

(d) As used in this section, ''any other retirement system for Government employees'' does not include Survivor Benefit Payments from a military retirement system or social security benefits.

[57 FR 54681, Nov. 20, 1992]

§843.314 Amount of survivor annuity where service includes credit for service with a nonappropriated fund instrumentality.

The survivor annuity in the case of an employee or survivor whose service includes service with a nonappropriated fund instrumentality made creditable by an election under subpart D of part 847 of this chapter is computed under part 847 of this chapter.

[61 FR 41721, Aug. 9, 1996]

APPENDIX A TO SUBPART C OF PART 843—PRESENT VALUE CONVERSION FACTORS FOR EARLIER COMMENCING DATE OF ANNUITIES OF CURRENT AND FORMER SPOUSES OF DECEASED SEPARATED EMPLOYEES

With at least 10, but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26	0.0280
27	.0309
28	.0340
29	.0375
30	.0413
31	.0454
32	.0500
33	.0550
34	.0605
35	.0665
36	.0731
37	.0804
38	.0884
39	.0973
40	.1071
41	.1179
42	.1298
43	.1430
44	.1577
45	.1739
46	.1920
47	.2121
48	.2346
49	.2597
50	.2878
51	.3193
52	.3544
53	.3934
54	.4365
55	.4842
56	.5367
57	.5948
58	.6591
59	.7305
60	.8103
61	.8996

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36	0.0901
37	.0991
38	.1090
39	.1199
40	.1319
41	.1452
42	.1600
43	.1762
44	.1943
45	.2144
46	.2367
47	.2615
48	.2892
49	.3202
50	.3548
51	.3936
52	.4369
53	.4851
54	.5383
55	.5971
56	.6620
57	.7337
58	.8131
59	.9015

With at least 30 years of creditable service—

Age of separated employee at birthday before death	Multipliers by separated employee's year of birth		
	After 1964	From 1949 to 1964	Before 1949
46	0.3224	0.3573	0.3962
47	.3562	.3948	.4378
48	.3940	.4367	.4842
49	.4362	.4835	.5361
50	.4835	.5359	.5942
51	.5363	.5945	.6592
52	.5954	.6599	.7317
53	.6610	.7327	.8124
54	.7336	.8132	.9017
55	.8139	.9021	.0000
56	.9023		

[52 FR 36389, Sept. 29, 1987]

APPENDIX B TO SUBPART C OF PART 843—AVERAGE TOTAL WAGES TABLE—Continued

Calendar year	Amount
1951	$2,799.16
1952	2,973.32
1953	3,139.44
1954	3,155.64
1955	3,301.44
1956	3,532.36
1957	3,641.72
1958	3,673.80