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named himself as the father of the child; or

(E) Has established paternity on public records, such as school or social welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(ii) Secondary evidence to support the alleged paternity, such as evidence of eligibility as a recognized natural child under other State or Federal programs or proof of inclusion of the child as a recognized natural child on the insured's income tax returns, may also be considered in the determination process.

(3) *Parent* means the mother or father of a legitimate child or an adopted child. The term *parent* includes the mother of a recognized natural child and the father of a recognized natural child but only if the recognized natural child meets the definition provided in paragraph (a)(2) of this section. An individual can not inherit from a child who has been adopted by someone else. However, an individual whose spouse adopted his or her child can inherit from that child.

(4) *Duly appointed representative of the insured's estate* means an individual named in an order of a court having jurisdiction over the estate of the insured which grants the individual the authority to receive, or the right to possess, the property of the insured; and also means, where the law of the domicile of the insured has provided for the administration of estates through alternative procedures which dispense with the need for a court order, an individual who demonstrates that he or she is entitled to receive, or possess, the property of the insured under the terms of those alternative procedures.

(b) If an insured provided in a valid designation of beneficiary that the proceeds of the insurance shall be payable to the insured's estate, or to the Executor, Administrator, or other representative of the insured's estate, or if the proceeds would otherwise be properly payable to the duly appointed representative of the insured's estate under the order of precedence specified in 5 U.S.C. 8705(a), payment of the proceeds to the duly appointed representative of the insured's estate will bar recovery by any other person.

[52 FR 46343, Dec. 7, 1987, as amended at 57 FR 29784, July 7, 1992]

§870.902 Designation of beneficiary.

(a) A designation of beneficiary shall be in writing, signed, and witnessed by two people, and received in the employing office (or in OPM, in the case of: (1) An annuitant or (2) a compensationer whose basic life insurance is continued) before the death of the insured.

(b) A change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by this part, shall not have any force or effect.

(c) A witness to a designation of beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity (except an agency of the Federal or District of Columbia governments) may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. This right cannot be waived or restricted.

(f) A designation of beneficiary is automatically canceled 31 days after the employee stops being insured.

(g) If an insured person provides in a valid designation of beneficiary that a designated beneficiary shall be entitled to the proceeds of the insurance only if the beneficiary survives him/her for a period of time (not more than 30 days) as specified by the designator, no right to the insurance shall vest as to such beneficiary during that period. In the event such beneficiary does not survive the specified period, payment of the proceeds of the insurance will be made as if the beneficiary had predeceased the insured.

[49 FR 3034, Jan. 25, 1984, as amended at 51 FR 36796, Oct. 16, 1986. Redesignated and amended at 52 FR 46343, 46344, Dec. 7, 1987]

Subpart J—Benefits for United States Hostages in Iraq and Kuwait and United States Hostages Captured in Lebanon

SOURCE: 55 FR 50536, Dec. 7, 1990, unless otherwise noted.

§ 870.1001 Purpose.

This subpart sets forth the circumstances under which individuals are covered under this part in accordance with the provisions of section 599C of Public Law 101–513.

§ 870.1002 Definitions.

In this subpart—

Hostage and *hostage status* have the meaning set forth in section 599C of Public Law 101–513.

Pay period for individuals covered under this subpart means the pay period established by the U.S. Department of State for paying individuals covered under Public Law 101–513.

Period of eligibility means the period beginning on the effective date set forth in §870.1004 and ending 60 months after hostage status ended for hostages in Lebanon and 12 months after hostage status ended for hostages in Iraq and Kuwait.

[55 FR 50536, Dec. 7, 1990, as amended at 57 FR 43132, Sept. 18, 1992]

§ 870.1003 Coverage and amount of insurance.

(a) An individual is covered under this subpart when the U.S. Department of State determines that the individual is eligible for coverage under section 599C of Public Law 101–513.

(b) Subject to the applicable conditions prescribed in this part, an individual who is covered under this subpart is insured for the amount of basic life insurance specified in §870.301 of this part.

(c) The basic insurance amount under §870.301 is deemed to be the amount of the payment specified in section 599C(b)(2) of Public Law 101–513, rounded to the next higher multiple of $1,000, plus $2,000.

(d) An individual who is insured under paragraph (b) of this section is also insured for group accidental death and dismemberment insurance in accordance with 5 U.S.C. 8704(b).

(e) An individual covered by this subpart is not considered an employee for the purpose of this part.

(f) Eligibility for coverage under this subpart shall be subject to the availability of unds under section 599C(e) of Public Law 101–513.

§ 870.1004 Effective date of coverage.

Unless the U.S. Department of State determines that a later date is appropriate, coverage under this subpart was effective on August 2, 1990, for hostages in Iraq and Kuwait and on the later of the date hostage status began or June 1, 1982, for hostages in Lebanon.

[57 FR 43132, Sept. 18, 1992]

§ 870.1005 Cancellation of coverage.

(a) An individual who is covered under this subpart may cancel his or her coverage at any time by written request. The cancellation is effective on the 1st day of the pay period after the pay period in which it is received by the U.S. Department of State.

(b) An individual who cancels his or her coverage under this section cannot reacquire coverage unless the U.S. Department of State determines that it would be against equity and good conscience not to allow the individual to be covered.

(c) A cancellation of coverage must be made by the covered individual and cannot be made by a representative acting on the individual's behalf.

§ 870.1006 Termination of coverage.

(a) Coverage of an individual under §870.1003(a) terminates 60 months after hostage status ended for hostages in Lebanon and 12 months after hostage status ended for hostages in Iraq and Kuwait, unless the individual cancels the coverage earlier.

(b) Covered individuals whose coverage terminates are eligible for temporary extension of coverage and conversion as set forth in subpart E of this part unless coverage is terminated by cancellation.

[55 FR 50536, Dec. 7, 1990, as amended at 57 FR 43132, Sept. 18, 1992]