Office of the Secretary of Defense

§ 48.504(b) The department concerned shall require proof from the institution at least semiannually that the child is pursuing a full-time course of training as prescribed. For the purpose of proving eligibility, a child is considered to be pursuing a full-time course of study or training during an interval between school periods that does not exceed 150 days if he has demonstrated to the satisfaction of the department concerned that he has a bona fide intention of commencing, resuming, or continuing to pursue a full-time course of study or training in a recognized educational institution immediately after that interval.

§ 48.506 Recovery of erroneous annuity payments.

(a) The Secretary of the Department concerned is empowered to use any means provided by law to recover amounts of annuities erroneously paid to any individual under the Plan. He may authorize such recovery by adjustment in subsequent payments to which the individual is entitled.

(b) There need be no recovery when in the judgment of the Secretary of the Department concerned and the Comptroller General of the United States, the individual to whom the erroneous payment was made is without fault and recovery would be contrary to the purpose of the Plan or would be against equity and good conscience.

§ 48.507 Restriction on participation.

(a) If a person who has made an election under the Plan retires with a physical disability before the completion of 19 years of service and then dies in retirement, his widow and eligible children can receive monthly survivor annuities only if they are not eligible for Dependency and Indemnity Compensation payments from the Veterans Administration. If either the widow or children are eligible for dependency and indemnity compensation payments, then payment of annuities under the Plan may not be made to any member of the family. If the retired member’s death was not service connected and his widow or children are not eligible for payments from the Veterans Administration, they may receive the provided annuity payments under the Plan.

(b) If the beneficiaries on whose behalf the election was made are restricted as in paragraph (a) of this section, from receiving annuities, the amounts withheld from the elector’s retired pay as a result of the election will be refunded to the beneficiaries, less the amount of any annuity paid, and without interest.

(c) Upon notification of the death of the member in such a case, the department concerned will take the following actions:

(1) Notify the Central Office of the Veterans Administration of the death of the member and request that the department concerned be advised if an award is made under chapter 11 or 13, title 38 U.S. Code.

(2) Request the Central Office of the Veterans Administration to forward to the eligible widow and/or children an application form for survivor benefits under chapter 11 or 13, title 38 U.S. Code, with instructions for completion and submission.

§ 48.508 Certain 100 percent disability retirement.

An election filed on or after August 13, 1968 is not effective if the member dies within 30 days following retirement from a disability of 100 per cent (under the standard schedule of rating disabilities in use by the Veterans Administration) for which he was retired under chapter 61, title 10 U.S. Code, unless—

(a) Such disability was the result of injury or disease received in line of duty as a direct result of armed conflict, or

(b) His widow or children are not entitled to dependency and indemnity compensation under chapter 13, title 38 U.S. Code.

Subpart F—Miscellaneous

§ 48.601 Annual report.

Information and data for the preparation of the annual report of the Board of Actuaries will be compiled by the Office of the Secretary of Defense after promulgation of appropriate instructions to each of the uniformed services.
These instructions will be in con-
sonance with Executive Order 10499 di-
recting the Secretary of Defense to ad-
minister the provisions of the law.

§ 48.602 Organization.
(a) The Joint Board for the Retired
Serviceman’s Family Protection Plan
shall consist of a principal and alter-
nate member for each of the uniformed
services appointed by the Department
Secretary concerned. Alternate mem-
ers will be authorized to act in the ab-
sence of the principal. The Board shall
meet on call of the Chairman. A
quorum shall consist of representatives
of at least four of the participating
services.

(b) The Board shall establish proce-
dures for the orderly conduct of busi-
ness to be approved by the Assistant
Secretary of Defense (Manpower and
Reserve Affairs).

(c) The duties of the Board will in-
clude but not be limited to the fol-
lowing:
(1) Making recommendations to the
Secretary of Defense for:
(i) Changes to the Executive order
delegating to him functions conferred
on the President by law,
(ii) Changes to these regulations,
(iii) Changes to the law, and
(iv) Measures to insure uniform oper-
ating policies.
(2) Promulgating tables of annuity
costs as prescribed by the Board of Ac-
tuaries.
(3) Promulgating cost of term insur-
ance as required in § 48.405.

(d) The Chairmanship of the Joint
Board will be designated by the Assist-
ant Secretary of Defense (Manpower
and Reserve Affairs).

§ 48.603 Correction of administrative
deficiencies.
(a) The Secretary of the Department
concerned may correct any election or
any change or revocation of an election
when he considers it necessary to cor-
rect an administrative error. Informa-
tion on such corrections shall be com-
plied by each department for inclusion
in the report prescribed by § 48.601.

(b) Except when procured by fraud, a
correction under the section is final
and conclusive on all officers of the
United States.

(c) Information on all corrections to
elections under this Plan which are
made under title 10, section 1552,
United States Code, shall be compiled
and this information forwarded to the
Board of Actuaries for an actuarial
analysis.

§ 48.604 Transition and protective
clauses.
(a) A retired member who is partici-
pating in the Plan without inclusion of
former option 4, which provided for re-
stitution of retired pay when no eligible
beneficiary remained in his election,
may before September 1, 1969, elect to
have that option included in his elec-
tion. The election to include such op-
tion 4 becomes effective on the first
day of the month following the month
in which that election was made. The
retired member must on or before the
effective date agree to pay to the
Treasury both the total additional
amount to cover the option had it been
effective when he retired, and the in-
terest which would have accrued on the
additional amount up to the effective
date of the new option 4. No such addi-
tional amount (except interest) shall
accrue for months after the first month
for which the individual had no eligible
beneficiary. However, if undue hardship
or financial burden would result, pay-
mants may be made in from 2 to 12
monthly installments when the monthly
amount involved is $25 or less, or in
from 2 to 36 installments when the
monthly amounts involved exceed $25.
No amounts by which a member’s re-
tired pay was reduced may be refunded
to, or credited on behalf of, the retired
member by virtue of an application
made by him under this section. A re-
tired member who does not make the
additional election provided under this
section within the time limits will not
be allowed to reduce an annuity or
withdraw from participation in the
Plan as provided by § 48.406.

(b) Members who have elected and
are not yet retired will automatically
participate under the provisions of
§ 48.201.

(c) Elections in effect on August 13,
1968, will remain under the cost tables
applicable on the date of the member’s
retirement.