Office of Personnel Management § 831.1211

(i) Requirement to report income. All disability annuitants who, on December 31 of any calendar year, are under age 60 must report to OPM their income from wages or self-employment or both for that calendar year. Each year as early as possible, OPM will send a form to annuitants to use in reporting their income from the previous calendar year. The form specifies the date by which OPM must receive the report. OPM will determine entitlement to continued annuity on the basis of the report. If an annuitant fails to submit the report, OPM may stop annuity payments until it receives the report.

§ 831.1210 Annuity rights after a disability annuity terminates.

(a) An individual is entitled to an immediate annuity when the disability annuity stops because of recovery or restoration to earning capacity if the individual is not reemployed in a position subject to civil service retirement coverage and—

(1) Is at least age 50 when the disability annuity stops and had 20 or more years of service at the time of retirement for disability; or

(2) Had 25 or more years of service at the time of retirement for disability regardless of age.

(b) An individual whose annuity stops because of recovery or restoration to earning capacity and who is not eligible for an immediate annuity under paragraph (a) of this section, is eligible for a deferred annuity upon reaching age 62.

(c) The disability annuity of an individual whose annuity stopped because of recovery or restoration to earning capacity may be reinstated under §831.1212 of this part.

§ 831.1211 Reinstatement of disability annuity.

(a) When a disability annuity stops, the individual must again prove that he or she meets the eligibility requirements in order to have the annuity reinstated.

(b) When a recovered disability annuitant under age 62 whose annuity was terminated because he or she was found recovered on the basis of medical evidence (§831.1208(b)), is not reemployed in a position subject to civil service retirement coverage, and, based on the results of a current medical examination, OPM finds that the disability has recurred, OPM will reinstate the disability annuity. The right to the reinstated annuity begins with the date of the medical examination showing that the disability recurred.

(c) OPM will reinstate the disability annuity of a recovered disability annuitant under age 62 whose annuity was terminated because he or she was found recovered on the basis of Federal reemployment (§831.1208(c)) when—

(1) The results of a current medical examination show that the disabling medical condition that was the basis of the disability retirement continues to exist; and

(2) Within 1 year after the date of reemployment, this medical condition has again caused the individual to be unable to provide useful and efficient service, and the employee has been—

(i) Separated and not reemployed in a position subject to civil service retirement coverage; or

(ii) Placed in a position that results in a reduction in grade or pay below the grade from which the individual retired, or in a change to a non-permanent position. The right to the reinstated annuity begins with the date of the medical examination showing that the disabling medical condition continues to exist, but not earlier than the first day after separation, or the effective date of the placement in the position which results in a reduction in grade or pay or change to a non-permanent position.

(d) When a recovered disability annuitant under age 62 whose annuity was terminated because he or she was found recovered on the basis of a voluntary request (§831.1208(e)), is not reemployed in a position subject to civil service retirement coverage, and, based on the results of a current medical examination, OPM finds that the disability has recurred, OPM will reinstate the disability annuity. The right to the reinstated annuity begins with the date of the medical examination showing that the disability recurred, but not earlier
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than 1 year before the date the request for reinstatement is received by OPM.

(e) When a disability annuitant whose earning capacity has been re-

stored but who is not reemployed in a position in which he or she is subject
to civil service retirement coverage, and who (except in the case of a Na-
tional Guard technician whose annuity was awarded under 5 U.S.C. 8337(h)),

has not recovered from the disability for which retired, loses his or her earn-
ing capacity, as determined by OPM, before reaching age 62, OPM will rein-

state the disability annuity. The reinstated annuity is payable from Janu-
ary 1 of the year following the calendar year in which earning capacity was

lost. Earning capacity is lost if, during any calendar year, the individual’s in-

come from wages or self-employment or both is less than 80 percent of the

current rate of basic pay of the position held at retirement.

(f) A reinstated annuity is the same type as the original annuity and is paid
to the annuitant on the date his or her disability annuity was last discon-
tinued.

(g) Reinstatement of the disability annuity ends the right to any other an-
nuity based on the same service, unless the annuitant makes a written election
to receive the other annuity instead of the disability annuity.

(h) When OPM reinstates an employee’s disability annuity, the agency

must offset the employee’s pay by the amount of annuity allocable to the pe-

riod of employment, unless the annuitant is exempted from this requirement
under the provisions of 5 U.S.C. 8344(i). The offset begins on the date of

OPM’s determination of eligibility for reinstatement. OPM must reduce any

retroactive payment of annuity for a period of employment with an agency

before that date by the amount of pay earned during that period.

(i) When an individual’s annuity is terminated upon reemployment (sub-
ject to subchapter III of chapter 83, title 5, United States Code), OPM must
determine the individual’s future annuity rights under the law in effect at the
date of his or her subsequent separa-
tion. If upon separation from such re-
employment, the individual does not

meet the eligibility requirements
under subchapter III of chapter 83, title 5, United States Code, for title to annu-
ity based on such separation, OPM will resume payment of the terminated an-
nuity at the rate last payable, unless payment is otherwise barred.


§ 831.1212 Administrative review of OPM decisions.

The right to administrative review of an initial decision of OPM is set forth
in §831.109 of this part. The right to appeal a final decision of OPM to the Merit
Systems Protection Board is set forth in §831.110 of this part.


Subpart M—Collection of Debts

SOURCE: 50 FR 34664, Aug. 27, 1985, unless otherwise noted.

§ 831.1301 Purpose.

This subpart prescribes procedures to be followed by the Office of Personnel
Management (OPM) which are consistent with the Federal Claims Collection
Standards (FCCS) (Chapter II of title 4, Code of Federal Regulations), in
the collection of debts owed to the Civil Service Retirement and Disability Fund.

§ 831.1302 Scope.

This subpart covers the collection of debts due the Civil Service Retirement
and Disability Fund, with the exception of the collection of court-imposed
judgments, amounts referred to the Department of Justice because of fraud,
and amounts collected from back pay awards in accordance with §550.805(e)(2)
of this chapter.

§ 831.1303 Definitions.

In this subpart—

Additional charges means interest, penalties, and/or administrative costs
owed on a debt.

Annuitant means a retired employee or Member of Congress, spouse, wid-
ower, or child receiving recurring benefits under the provisions of subchapter