Office of Personnel Management

§ 843.309

Basic employee death benefit.

(a) Except as provided in §843.312, if an employee or Member dies after completing at least 18 months of civilian service creditable under subpart C of part 842 of this chapter and is survived in which the survivor first satisfies the minimum age requirement under section 202(e)(1)(B)(i) or 202(f)(1)(B)(i) of the Social Security Act.

(2) The supplementary annuity is not payable to a survivor—

(i) Who would not be entitled to benefits under section 202(e) or (f) of the Social Security Act based on the wages and self-employment income of the deceased annuitant (determined, as of the date of the annuitant’s death, as if the survivor had attained age 60 and made appropriate application for benefits, but without regard to any restriction relating to remarriage); or

(ii) For any calendar month in which the survivor is entitled (or would, on proper application, be entitled) to benefits under section 202(g) of the Social Security Act (relating to mother’s and father’s insurance benefits), or under section 202(e) or (f) of the Act by reason of having become disabled, based on the wages and self-employment income of the deceased annuitant.

(d) For purposes of this section—

(1) “Assumed CSRS annuity” as used in the case of a survivor, means the amount of the annuity to which such survivor would be entitled under CSRS based on the service of the deceased annuitant, which is determined—

(i) As of the day after the date of the annuitant’s death;

(ii) As if the survivor had made appropriate application therefor; and

(iii) In computing the primary insurance amount—

(A) For years of service under FERS, only the retiree’s basic pay is considered to be wages; and

(B) For each year after age 21 for which the retiree did not work under FERS, the retiree’s wages are deemed to equal the National Average Wage Index (as determined by the Commissioner of the Social Security Administration) corresponding to that year, multiplied by the retiree’s basic pay for his or her first full year of employment under FERS, divided by the National Average Wage Index corresponding to the retiree’s first full year of employment under FERS.

(e) An amount payable under this section will be adjusted under section 8462 of title 5, United States Code.

5, United States Code) only through date of death.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987]

§ 843.308 Supplementary benefits on death of a retiree.

(a) Except as provided in §843.312 and paragraph (d) of this section, a current spouse of a deceased retiree who is entitled to a current spouse annuity based on the retiree’s service is also entitled to a supplementary annuity.

(b) The amount of the supplementary annuity under this section equals the lesser of—

(1) The amount by which the survivor’s assumed CSRS annuity exceeds the annuity payable to the current spouse under §843.306 or §843.307; or

(2) The amount equal to the widow’s or widower’s insurance benefits that would be payable to him or her under title II of the Social Security Act (without regard to section 202(f)(2) of the Act) based on the wages and self-employment income of the deceased annuitant, except that for purposes of this calculation—

(i) The social security earnings test (section 203 of the Act) does not apply; and

(ii) The benefit is computed—

(A) As of the date on which the retiree dies; and

(B) As if the survivor had attained age 60 and made application for those benefits under subsection (e) or (f) of section 202 of the Act; and

(iii) In computing the primary insurance amount—

(A) For years of service under FERS, only the retiree’s basic pay is considered to be wages; and

(B) For each year after age 21 for which the retiree did not work under FERS, the retiree’s wages are deemed to equal the National Average Wage Index (as determined by the Commissioner of the Social Security Administration) corresponding to that year, multiplied by the retiree’s basic pay for his or her first full year of employment under FERS, divided by the National Average Wage Index corresponding to the retiree’s first full year of employment under FERS.

(c)(1) The supplementary annuity terminates at the beginning of the month

§ 843.310 Annuity based on death of an employee.

Except as provided in §843.312, if an employee dies after completing at least 10 years of service, a current spouse is entitled to an annuity equal to 50 percent of the annuity computed under subpart D of part 842 of this chapter (without reduction for age), with respect to the employee. The annuity is in addition to the benefit described in §843.309.

§ 843.311 Annuity based on death of a separated employee.

(a) Except as provided in §843.312, if a separated employee who has completed at least 10 years of service dies after having separated from the service with title to a deferred annuity under §842.212 of this chapter, but before having established a valid claim for an annuity, and is survived by a current spouse to whom he or she was married on the date of separation, the current spouse may elect to receive—

(1) An annuity under paragraph (b) of this section; or

(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,