



RRB News

U.S. Railroad Retirement Board

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Railroad Retirement Eligibility Requirements Eased for Divorced Spouses

The Pension Protection Act of 2006 (Public Law 109-280 enacted August 17, 2006) contains provisions which affect payments made by the Railroad Retirement Board (RRB) to the divorced spouses of railroad employees. These provisions are effective August 17, 2007.

Currently, an annuity may be payable to the divorced spouse of a railroad employee if the employee has actually retired and is receiving an annuity, their marriage lasted for at least 10 consecutive years, both have attained age 62 for a full month, and the divorced spouse is not currently married. The amount of a divorced spouse annuity is equal to what social security would pay in the same situation (tier I only) and therefore less than the amount of the spouse annuity otherwise payable.

The Pension Protection Act amends the eligibility requirements for a tier I divorced spouse annuity by eliminating the requirement that an employee must actually be retired and receiving a railroad retirement annuity. In such cases, the employee must be fully insured under the Social Security Act using combined railroad retirement and social security earnings and the former spouse must be divorced from the employee for a period of not less than 2 years. As under current law, both the employee and the former spouse must be age 62 for a full month, the divorced spouse must be unmarried, and the terminated marriage must have lasted for at least 10 consecutive years. On May 1, 2007, the RRB's field offices will begin accepting applications from individuals eligible for a divorced spouse annuity due to the change in eligibility requirements.

In addition to modifying the provisions governing eligibility for a divorced spouse annuity, the new law adds a provision to the Railroad Retirement Act related to payments made pursuant to the division of the tier II portion of an employee's annuity pursuant to a court order that characterizes such portions as property subject to distribution. Payments made pursuant to such court orders are commonly referred to as partition payments and currently terminate upon the death of either party, whichever occurs first, unless the court order provides for termination at an earlier date. The amendment provides that partition payments will only terminate upon the employee's death when the court order requires such termination. Consequently, unless the court order requires termination of payments upon the employee's death, effective August 17, 2007, tier II partition payments to divorced spouses may continue beyond the employee's death. (This change in the law does not allow for the reinstatement of payments terminated prior to August 17, 2007, due to the death of the employee.)

(More)

To apply for these divorced spouse benefits or to get more information about them, former spouses should call or visit the nearest RRB field office. Persons can find the address and phone number of the RRB office serving their area by calling the automated toll-free RRB Help Line at 1-800-808-0772, or by visiting the RRB's Web site at www.rrb.gov. Most RRB offices are open to the public from 9:00 a.m. to 3:30 p.m. Monday through Friday, except on Federal holidays.

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