



Retirement Facts 5

Survivor Benefits Under the Civil Service Retirement System

This is a non-technical summary of the laws and regulations on the subject. It should not be relied upon as a sole source of information.



**United States
Office of
Personnel
Management**

Retirement and
Insurance
Service

RI 83-5
March 1995
The April 1993 edition is still usable

The information in this publication is a non-technical summary of the relevant laws and regulations dealing with this subject. It should not be relied upon as a sole source of information. Benefits are different for survivors of those who die after retirement. For further information on survivor benefits, you should contact your current employing or personnel office.

Other titles in the Retirement Facts Series:

1. The Civil Service Retirement System
2. Military Service Credit Under the Civil Service Retirement System
3. Deposits and Redeposits Under the Civil Service Retirement System
4. Disability Retirement Under the Civil Service Retirement System
6. Early Retirement Under the Civil Service Retirement System
7. Computing Retirement Benefits Under the Civil Service Retirement System
8. Credit for Unused Sick Leave Under the Civil Service Retirement System
9. Refunds Under the Civil Service Retirement System
10. Voluntary Contributions Under the Civil Service Retirement System
11. Information for Separating CSRS Employees Who Are Not Eligible for an Immediate Annuity
12. Information About Reemployment for CSRS Annuitants

If you want information on the Federal Employees Retirement System (FERS), ask your employing office for a copy of "FERS" (RI 90-1).

Survivor Annuities Upon Death of a Current Employee

Your widow or widower, former spouse (if any), and children may qualify for a survivor annuity if your death occurs while you are employed subject to the Civil Service Retirement System provided you completed at least 18 months of civilian service.

Surviving Spouse

To qualify for a survivor annuity, your spouse must have been married to you a total of 9 months. That requirement does not apply, though, if there is a child born of the marriage or your death is accidental.

If your surviving spouse qualifies, he or she will receive annually 55 percent of the amount you would have received if you had retired at the time of your death (this is called the "earned annuity") or the lesser of: 22 percent of your highest 3 years' average salary or 55 percent of the amount your annuity would have been if you had continued working until age 60 at the same "high-3." Since the formula for determining survivors' benefits is so similar to the formula for determining disability retirement benefits, you may want to refer to the detailed discussion and examples of the comparison of these three annuity computations in "Retirement Facts 4 -- Disability Retirement Under the Civil Service Retirement System."

A spouse's survivor annuity begins on the day after your death. (It may be paid to a person other than your present spouse if a qualifying court order has awarded all of the survivor annuity to a former spouse.) It ends at the end of the month preceding the month in which the survivor dies or remarries before age 55.

If your surviving spouse remarries before age 55 and the annuity terminates, the survivor annuity may be restored if the remarriage ends by death, annulment, or divorce.

Survivor Annuities and Military Retired Pay

If you are receiving military retired pay and die in *service* without waiving it, your surviving spouse can still receive credit for your military service in the computation of the CSRS survivor annuity. However, the CSRS survivor annuity will be reduced by the amount of any military survivor benefit you provided. In some cases, it may be to your surviving spouse's advantage to exclude credit for your military service. Your spouse will be given the information needed to decide whether or not to exclude credit for your military service before the CSRS survivor annuity begins.

Children

Children qualify for survivor annuities if they are under 18 and unmarried. A child 18 or older may also qualify for a survivor annuity if incapable of self support because of a disability incurred prior to age 18. In addition, a son or daughter 18 or older may be eligible for a survivor annuity up to age 22 if he or she is a full-time student at a high school, college, or other recognized educational institution. Each child of a surviving spouse or former spouse will be entitled to a monthly benefit of \$310. Each child who has no surviving parent or whose surviving parent was never married to you, will be entitled to a monthly benefit of \$372. These amounts are reduced proportionately if more than three children are eligible for survivor annuities. The amount of children's benefits (like retiree and spouse annuities) are periodically increased by cost of living increases.

The rates quoted above are applicable from December 1, 1994, through November 30, 1995.

The survivor annuity to each qualified child begins the day after your death and ends when the child reaches 18 (unless a student or disabled child as described above), marries, or dies. The survivor annuity to a student ends when he or she marries, dies, attains age 22, or ceases to be a full-time student. The survivor annuity to a disabled child ends if the child becomes capable of self-support, marries, or dies.

A child's annuity will be paid to his or her guardian if one has been appointed by a court. If no guardian is appointed, OPM may make the payment to the person who has the care and custody of the child.

Former Spouse

A former spouse who was divorced from you on or after May 7, 1985, may receive all or part of the annuity otherwise payable to a surviving spouse if a court order requires it. To be eligible, the former spouse must have been married to you for at least 9 months, and must not remarry before age 55.

Lump Sum Payment Upon Death of a Current Employee

If you die leaving no survivors who qualify for a survivor annuity, your contributions to the Civil Service Retirement Fund, plus any applicable interest, will be paid as a lump-sum death benefit. No interest is payable if you had paid into the Retirement Fund for less than 1 year or had more than 5 years of civilian service. If you leave survivors who qualify for a survivor annuity, no lump-sum death benefit is payable immediately. A lump-sum payment may be made later if, when the survivors' annuities end, they have received in annuities an amount less than

your contributions to the Retirement Fund, plus any applicable interest. Then the remainder of your contributions would be payable.

If a lump-sum death benefit is payable, it will be paid to the person or persons you named as beneficiary. If you did not designate a beneficiary, the lump-sum death benefit would be payable in this order:

- First: to your widow or widower;
- Second: to your child or children in equal shares, with the share of any deceased child distributed among the descendants of that child;
- Third: to your parents (or parent);
- Fourth: to the executor or administrator of your estate;
- Fifth: if none of the above, to your next of kin who may be entitled under the laws of the State in which you live at the time of your death.

You do not have to designate a beneficiary to receive the lump-sum death benefit unless you wish the benefit to be paid differently from the order set out above. A designation of beneficiary is for lump-sum death benefit purposes only and does not affect the right of any person who can qualify for a survivor annuity.

A designation of beneficiary must be in writing (on Standard Form 2808) and must be received in the Office of Personnel Management before your death. If you designate a beneficiary, remember to review your designation periodically. If your marital or family status changes, you may want to reconsider the designation you have on file.