

# District of Columbia Judges' Retirement Plan

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## Summary Plan Description 2002

This booklet is a summary of your retirement plan. The full text of the plan is contained in Title 11 of the Code of the District of Columbia. The Treasury Department has also issued regulations pertaining to this plan in the Code of Federal Regulations (C.F.R.) at 31 C.F.R. Part 29. If there is any conflict between the information in this summary and the D.C. Code or Federal Regulations, the plan terms in the D.C. Code and Federal Regulations will always govern. This booklet replaces all previously provided summaries of your plan benefits.

**Who Is Responsible for the Judges' Retirement Plan?**

The Plan Administrator for the District of Columbia Judges' Retirement Plan is the Treasury Department pursuant to Title XI of the Balanced Budget Act of 1997, Pub. L. 105-33, as amended. The District of Columbia continues to perform benefits administration for the program pursuant to the statute and a Memorandum of Understanding with the Treasury Department.

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# Fast Facts About Your Retirement Plan

The amount of your **retirement benefit\*** is based on:

- your **basic pay**, which is the salary you received as a **judge** immediately before you **retire**; and
- the years of **total service** you have accumulated. (See page 13.)

Each year you contribute 3.5% of your basic pay to the retirement plan. Your contribution is automatically deducted from your pay. (See page 3.)

If you leave the District of Columbia Judges' Retirement Plan before you are eligible to retire, you may apply for a lump sum refund of the contributions you have made, or you may elect to receive a **deferred retirement** benefit. (See page 5.)

You are eligible to retire with a **regular retirement** benefit:

- anytime after reaching age 50 if you have at least 20 years of **judicial service**;
- when you reach age 60 if you have at least 10 years of judicial service; or
- when you reach the mandatory retirement age of 74 regardless of how many years of judicial service you have. (See page 5.)

If you have between 10 and 19 years of judicial service, you may be eligible to retire between ages 55 and 60 and receive an **early retirement** benefit. Note that benefits are reduced under the early retirement benefit. (See page 5.)

If you become disabled and you have five or more years of service, you may be eligible for a **disability retirement** benefit. If you retire involuntarily because of a disability, you are eligible for a retirement benefit regardless of your years of service. (See page 6.)

You may elect an optional *survivor benefit*, which is a monthly benefit to be paid after your death to your **widow** or **widower** and/or eligible **children**. You must elect a survivor benefit within six months from the date you get married or within six months after you take office or you are reappointed or recommissioned. (See page 10.)

To elect the survivor benefit, you must contribute an *additional 3.5% of your basic pay* while you are working and *3.5% of your retirement benefit* once you retire. (See page 11.) You must also make a deposit for the voluntary 3.5% deductions back to the starting date of your judicial service, plus interest, if you elect the survivor benefit after you start your judicial service, after you retire, or when you purchase creditable civilian service.

\*Bold words or phrases underlined in blue can be found in the Glossary of Terms, beginning on page 26.

# How the Retirement Plan Works

The District of Columbia Judges' Retirement Plan has been designed to provide eligible judges with a monthly benefit during retirement. The amount of your benefit depends on your years of service, your basic pay and your age when you retire.

## Plan Participation

You are automatically a participant in the retirement plan if you are:

- a judge of the District of Columbia Court of Appeals;
- a judge in the District of Columbia Superior Court; or
- the Executive Officer for the District of Columbia Courts.

If you leave the District of Columbia Judicial System after contributing to the retirement plan and you are later rehired, you become a participant on the day you are re-employed.

## Your Retirement Plan At-A-Glance

<b>Regular Retirement Benefit Eligibility</b>	Age 50 if you have at least 20 years of judicial service; Age 60 if you have at least 10 years of judicial service; or Age 74, when retirement is mandatory.
<b>Early Retirement Benefit Eligibility</b>	Age 55 if you have at least 10 but fewer than 20 years of judicial service. The judicial service component of the benefit is reduced by 1/12 of 1% for each month or fraction of a month you are under age 60 at the time benefits begin. The <b>credited service</b> component is not reduced.
<b>Deferred Retirement Benefit Eligibility</b>	The eligibility requirements to begin receiving a deferred retirement benefit are the same age and service requirements as for the regular and early retirement benefits.

Your plan also offers disability retirement benefits (see pages 6, 8 and 16) and survivor benefits (see pages 10-12).

**Note: Your retirement benefit may not exceed 80% of basic pay. Your basic pay is the salary you earned immediately before you retired.**

## Your Contributions

You must make contributions to your retirement plan. Your contributions are:

- mandatory—3.5% of your annual basic pay while you are working.
- voluntary—an additional 3.5% of your annual basic pay if you elect a survivor benefit for your spouse and/or eligible dependent children. Once you retire, you must continue to contribute 3.5% of your retirement benefit.

	<b>Your Retirement Benefit Contributions (Mandatory)</b>	<b>Your Survivor Benefit Contributions (Voluntary)</b>
Active Employees	3.5% of your basic pay each year	3.5% of your basic pay each year
Retired Employees		3.5% of your retirement benefit each year

Contributions are automatically withheld from your basic pay. Voluntary contributions that are made after you retire are paid from your retirement benefit. Mandatory and voluntary contributions are deducted from your pay each pay period and are deposited into the District of Columbia Judicial Retirement and Survivors' Annuity **Fund** ("Retirement Fund"). These contributions are always yours, and you can receive them as a lump sum if you leave office prior to retirement.

### If you leave office

If you leave office before you retire, you are entitled to a refund of your contributions in a **lump sum credit**. In order to receive your refund, you must file an application at least 31 days before you leave office. Contact your personnel office at 202-879-4205 for an application.

## How Benefits are Paid

When you retire, you will receive your retirement benefit in monthly installments. Your payment is deposited into your account (if you elect the direct deposit option) on the first business day of the first month after the benefit accrues. Benefit payments stop on the day of your death.

**NOTE: If the first of the month falls on a weekend or a holiday, the benefit is paid on the first business day of the month. For example, if January is the month in which your benefit payment begins and the first of February is a Sunday, your monthly benefit for January will be paid on Monday, February 2.**

If you elected a survivor benefit, payments to your survivor(s) are effective on the day after your death and continue until your spouse remarries (if prior to age 55) or dies.

If your child(ren) is eligible for a survivor benefit, payments will continue until he or she reaches age 18 (or 22 if the child is a full-time student), marries, or dies—whichever occurs first. Payments to an unmarried child who is incapable of self-support because of a mental or physical disability that occurred before age 18 end when he or she marries, recovers from the disability, or dies—whichever occurs first.

# When You Are Eligible to Receive Benefits

The retirement plan offers a regular retirement benefit, an early retirement benefit, a deferred retirement benefit, a disability retirement benefit and a benefit for your survivors in the event of your death. For information about how to calculate your retirement benefit, see page 13.

## Regular Retirement Benefit

You are eligible for a regular retirement benefit:

- at age 50 if you have 20 or more years of judicial service;
- anytime after age 60 if you have at least 10 years of judicial service; or
- when you reach age 74, the mandatory retirement age for judges in the District of Columbia, regardless of how many years of judicial service you have.

## Eligibility for Executive Officers of the District of Columbia Courts

If you are the Executive Officer of the District of Columbia Courts, you are eligible for retirement when you have completed seven years of service as an Executive Officer, whether continuous or not. The Executive Officer will receive the same retirement compensation under this plan as an associate judge of the Superior Court, with the only difference being the service requirement of seven years as the Executive Officer.

## Early Retirement Benefit

If you have at least 10 but fewer than 20 years of judicial service, you may elect to receive an early retirement benefit at any time between ages 55 and 60. Your retirement benefit is reduced by 1/12 of 1% for each month or fraction of a month that you are under age 60 when your retirement benefit is scheduled to begin.

## Deferred Retirement Benefit

If you leave the District of Columbia Judges' Retirement Plan before you are eligible to retire, you may elect to receive a deferred retirement benefit at a later date. The eligibility requirements to begin receiving a deferred retirement benefit are the same age and service requirements as for the regular and early retirement benefits.

If you want to receive a deferred retirement benefit, you must apply for it at least 31 days before the date on which you are eligible to retire. Otherwise, your contributions will be refunded to you as a lump sum payment.

If you are rehired, you may retain credit for service previously earned, if you did not receive a lump sum credit refund for your judicial service. Judicial service for which you received a lump sum credit refund *cannot* be repurchased.

## When are you eligible to retire?

*Make an appointment with a member of your personnel office staff by calling 202-879-4205 to discuss your retirement eligibility.*

## **Disability Retirement Benefit**

If you become mentally or physically disabled, you may voluntarily retire with five or more years of service, including creditable civilian service.

### **Voluntary Retirement Due To Disability**

To be eligible for a voluntary disability retirement, you must have a mental or physical disability that is likely to become permanent or that prevents or seriously interferes with the performance of your judicial duties.

You must provide the **Secretary** of the Treasury Department (“Secretary”) with a certificate of disability signed by a duly licensed doctor who has been approved by the Surgeon General. You may be asked to provide supporting evidence before your claim is approved.

If you voluntarily retire because you are disabled and you have fewer than five years of judicial or creditable civilian service, you will receive a refund of your lump sum credit for retirement and survivor benefit contributions, if any.

### **Involuntary Disability Retirement**

You may retire involuntarily if the Commission on Judicial Disabilities and Tenure determines that your disability is likely to become permanent and will prevent or seriously interfere with your judicial duties. If you retire involuntarily, you may receive a retirement benefit without meeting any service requirements. The minimum disability benefit is 50% of your annual basic pay the day before retirement.



# Life Events

This section discusses certain life events, such as marriage, divorce, disability, incurring a break in service, returning to work after retirement, leaving work, or death, that may affect your retirement benefit.

## If You Marry

If you marry while in service as an active judge, contact your personnel office if you wish to name your spouse as your beneficiary for this plan. If you marry after retirement, contact the benefits administrator to name your spouse as the beneficiary for this plan. Phone numbers and addresses for personnel offices and the benefits administrator are on page 25. Note: Naming your spouse as your beneficiary does not entitle him or her to a survivor benefit. That is a separate election. See page 10 for more information.

You may elect a survivor benefit for your spouse and your eligible dependents. You must elect survivor benefits within six months from the date you get married or within six months after you take office or you are reappointed or recommissioned. For information about survivor benefits, see page 10.

## If You Divorce

If you divorce and you elected the survivor benefit, you will be refunded the amount you contributed toward the survivor benefit provided you do not have eligible children or a **Qualified Domestic Relations Order (QDRO)**. Your former spouse may receive a QDRO, which, if granted, may affect your retirement benefit.

### Qualified Domestic Relations Order (QDRO)

In some cases, the plan may have to pay benefits to your **former spouse** if you divorce. This will depend on the terms of your divorce and what instructions are contained in an applicable QDRO issued after March 15, 1989. Your ex-spouse may be awarded all or a portion of your retirement benefit, a payment from your retirement benefit, or a survivor benefit (described on pages 10-12) if the plan receives a qualifying court order. To be acceptable, the QDRO must state:

- that your former spouse is entitled to a survivor benefit **or** that you must provide a survivor benefit for your former spouse;
- your former spouse's share of your benefit as a fixed-dollar amount or a percentage or fraction of a retirement benefit; **and**
- whether your former spouse should receive payment directly from the Treasury Department (for benefits earned on or before June 30, 1997) or the District of Columbia (for benefits earned after June 30, 1997).

A QDRO can be accepted *after* you retire if it is based on the type of benefit payment you chose. For example, if you are married at the time you retire and you chose to receive a reduced retirement benefit in order to provide a survivor benefit—and then you get divorced—a QDRO to continue the survivor benefit for your former spouse is acceptable. However, if you did not elect the survivor benefit when you retired, the QDRO cannot require you to provide an additional survivor benefit for your ex-spouse.

## If you move

*If you move to a new address, write or fax the benefits administrator to update the address where your retirement benefit, earnings statement and other important information will be sent.*

If the former spouse is receiving benefit payments from this plan but remarries before age 55, payment will stop. Your payments will be restored to the amount they would have been if there hadn't been a court order.

If the court order grants your former spouse full benefits, any beneficiary who may have otherwise received a benefit under the plan will not receive one.

## If You Become Disabled

If you become disabled after you have earned five or more years of total service, you may be eligible to receive a disability retirement benefit. You must provide the Secretary with proof of your disability signed by a duly licensed doctor who is approved by the Surgeon General. The Secretary may ask for additional evidence before approving your claim for a disability retirement benefit.

If you become disabled and resign before completing five years of service, you will receive a lump sum credit for retirement contributions that you made and any amount that you deposited or transferred into the retirement fund.

If you retire involuntarily due to your disability, you will be eligible for a disability retirement benefit regardless of the years of service you have earned. The minimum disability benefit is 50% of your basic pay.

For information on how to calculate a disability retirement benefit, see page 16.

## If You Have a Break in Service

If you resign or leave the District of Columbia Judicial System for any reason other than regular or disability retirement, you will incur a break in service. When you have a break in service, your plan participation stops.

### Receiving a Refund for Contributions

When your plan participation stops, you may elect to receive a lump sum credit in the form of a payment for the retirement contributions you made and the amount that you deposited or transferred to receive civilian credited service. You must make this election at least 31 days before the starting date of your retirement benefit.

If you are rehired as a Judge, you may retain credit for judicial service that you earned before your break in service, provided you did not receive a lump sum credit. **Once you take a lump sum credit refund for judicial service, the judicial service cannot be repurchased.**

## What is involuntary retirement?

*You may retire involuntarily if the Commission on Judicial Disabilities and Tenure determines that your disability is likely to become permanent and will prevent or seriously interfere with your judicial duties.*

## If You Work After Retirement as a Senior Judge

### Working Part-Time

You may receive compensation for work as a senior judge for a limited number of days while you are receiving a retirement benefit. The number of days you will be paid for per year is based on the following formula:

Annual Salary of an Active Judge	–	Your Retirement Benefit	=	Amount of compensation you can receive as a Senior Judge
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For example, if the annual salary of an active judge is \$150,000 and your retirement benefit is \$90,000, you may receive up to \$60,000 in compensation as a senior judge.

## If You Leave Work

If you terminate employment with the District of Columbia Judicial System, you may elect to receive a deferred retirement benefit at a later date. If you would like to receive a deferred retirement benefit, you must apply for it at least 31 days before you retire. If you do not elect a deferred retirement benefit, you will receive a refund of your retirement contributions in a lump sum credit.

## If You Die

If you die, your survivor should contact both the Judges' personnel office (202-879-4205) and the benefits administrator. If you have elected the survivor benefit (see page 10) your survivor will need to complete an application and provide your personnel office with certain documentation (such as marriage and death certificates). Your survivor will receive 55% of your retirement benefit as a monthly benefit for the rest of his or her life unless your spouse remarries before age 55 or your child is no longer eligible.

# Survivor Benefits

The survivor benefit is an optional benefit that you must elect if you want to provide a monthly benefit for your spouse and/or your eligible children. Your share of the cost for a survivor benefit is an additional 3.5% of your basic pay while you are working and 3.5% of your retirement benefit during your retirement.

You must make a survivor benefit election in writing within six months of the date that you take office, become reappointed or recommissioned, or within six months of the date you marry. The written election should be submitted to your personnel office (see page 25 for the proper addresses) while in active duty as a judge, or to your benefits administrator if you marry after you retire.

You must make a deposit for the voluntary 3.5% deductions back to the starting date of your judicial service. In addition, you must also deposit 3.5% of the basic pay you received for credited civilian service that you purchased during your judicial service plus interest.

In order for survivors to be eligible for benefits, the judge must have elected such benefits and must have at least five years of allowable service during which contributions have been withheld or deposits made. Five years of allowable service is required whether the judge dies in active service or after retirement. Allowable service includes judicial service and all creditable service for which contributions have been withheld or the required deposits have been made. See page 11 for information on the lump sum credit for survivor benefits.

Survivor benefit payments are effective on the day after your death.

## Eligibility

Survivor benefits can be paid to:

- your surviving spouse, only if you have no surviving eligible children;
- your spouse and eligible dependent children; or
- your eligible dependent children, only if you have no surviving spouse.

Your spouse must have been married to you for at least two years prior to your death, or must be the natural father or mother of children by your marriage.

Your spouse is eligible to receive the survivor benefit for his or her lifetime unless he or she remarries before reaching age 55. If this happens, the survivor benefit will terminate and he or she will be paid the portion of the benefit that has accrued through the date of remarriage. If your spouse marries after age 55, survivor benefit payments will continue for your spouse's lifetime.

Your child is eligible for the survivor benefit until he or she reaches age 18 (or 22 if the child is a full-time student), marries or dies—whichever occurs first. Payments to an unmarried child who is incapable of self-support because of a mental or physical disability that occurred before age 18 end when he or she marries, recovers from the disability, or dies—whichever occurs first.

## **Paying for The Survivor Benefit**

If you elect the survivor benefit, you may make your required deposits in a lump sum or in installments. If you do not make the required deposits after you elect this benefit, your spouse's annual benefit will be reduced by 10% of the total deposits you did not make.

If you received credit for civilian service that you purchased during your judicial service, you must deposit 3.5% of the basic pay you received in that service, plus interest. However, if you have transferred civilian service creditable under Title 5 of the United States Code §8332 for which full contributions were made to the retirement system, you do not need to make additional contributions for a survivor benefit.

## **Lump Sum Credit for Survivor Benefits**

A lump sum credit equal to the amount you contributed and/or deposited for the survivor benefit will be paid if you elected the survivor benefit and you die:

- while in regular active service or after retirement before completing five years of judicial or credited service; or
- after retirement and you have no eligible survivors; or
- after completing five years of judicial or credited service and you have no eligible survivors; or
- if your or your survivor's rights to a benefit have terminated before a valid claim for benefits has been established.

The lump sum credit will be paid to the first person who survives you in the following order of precedence:

- the beneficiaries you name in writing and who are on file with the Secretary prior to your death;
- your widow or widower;
- your child or children and the descendants of any deceased children by representation;
- your parents or their survivors;
- your estate;
- your next of kin as determined by the Secretary to be entitled to the payment under laws of your residence at the time of your death.

If you and your spouse divorce and you do not have an eligible dependent child, you may elect to be refunded a lump sum credit for the amount you contributed toward a survivor benefit, provided there is no QDRO requiring that a survivor benefit be paid to your former spouse.

## Calculating the survivor benefit

Turn to page 17 for the survivor benefit formula and for examples of how to calculate the survivor benefit.

### If Your Spouse Dies

If your spouse dies before you and you do not have an eligible dependent child, you will be refunded a lump sum credit for the amount you contributed toward a survivor benefit. Your retirement benefit annuity payments will be increased (for future payments) after your spouse's death (if you do not have an eligible child) to the amount they would have been if you had not elected a survivor benefit. You must notify the benefits administrator and provide your spouse's death certificate to claim your full annuity and lump sum credit.

If your spouse dies while receiving a survivor benefit and is survived by an eligible dependent child or children, the benefit to the surviving children will be calculated as described on page 17.

If your spouse dies while receiving the survivor benefit and there are no surviving dependent children, any remaining benefit will be paid to the executor or administrator of the spouse's estate, or if there is no such person, the Secretary will name a person to be legally entitled to the accrued benefit.

### If You Have Not Elected The Survivor Benefit

If you have not elected the survivor benefit and you die while in regular active service, the lump sum credit for your contributions toward your retirement benefit will be paid to your beneficiary, then to the other persons in the order shown on page 11 under the order of precedence clause.

### Continuing Health Benefits Coverage

Your survivors may continue health benefits\* after your death provided that:

- you elected a survivor benefit; and
- you elected self and family health benefits coverage prior to your death; and
- your survivor continues to make premium payments through deductions from benefit payments and/or by direct payments.

\* Any information on health and life insurance is for informational purposes only. The Treasury Department has no responsibility for or authority over your health and life insurance benefits. See the Contact Information on page 25 for more information.

### If Your Benefits Terminate

If retirement benefits for you or your dependents terminate before the aggregate amount of benefits paid (including your retirement benefit) equals the total amount that was credited to your account, the difference will be paid in order of precedence set on the list on page 11.

# How Your Retirement Benefit is Calculated

You can determine the benefit you will receive at retirement by using the formulas described in this section. The calculations used to determine your benefit are based on your:

- **basic pay**, which is the pay you are receiving immediately before you retire as a judge; and
- **total service**, which is your judicial service and your credited service combined.

## Your Total Service

Total service consists of years, months and days of judicial service (your service as a judge) and years and months of credited service (civilian or military service for the Federal government).

## Judicial Service

The amount of judicial service you have determines if and when you are eligible for retirement. Judicial service means service as the Executive Officer of the District of Columbia Courts or as a judge in the:

- District of Columbia Court of Appeals; or
- Superior Court.

Judicial service with certain courts that no longer exist also constitute judicial service under this plan. These courts include:

- Juvenile Court of the District of Columbia;
- District of Columbia Tax Court;
- Police Court;
- Municipal Court;
- Municipal Court of Appeals; or
- District of Columbia Court of General Sessions.

## Credited Service

Credited service refers to military or civilian service that you performed (other than judicial service) that is considered "creditable" under §8332 of Title 5 of the United States Code. Your credited service is used in calculating the amount of your retirement benefit through this retirement plan. If you have a question about whether or not your Federal service is creditable, contact your personnel office at 202-879-4205. Service under the Federal Employees Retirement System (FERS) does not count as credited service under this plan.

You may elect to receive credit for your civilian or military service, but the election must be made while you are earning judicial service or at the time you retire. The method by which you receive credit for your service depends on whether or not you accrued (but did not receive) a retirement benefit through another plan or you received a lump sum payout of contributions to the retirement plan. If you do not elect a survivor benefit, you may be eligible to receive a partial return of the transferred credit.

## If You Accrued Retirement Benefits Through Another Retirement System

### *Civilian Service Credit Transfer*

If you have accrued contributions for retirement in the Civil Service Retirement and Disability Fund or in the Civil Service Retirement System, you may transfer those contributions into this plan to receive credit for the service. This transferred credit will be used to calculate your retirement benefit. You do not need to make any deposits in addition to the transferred amount if you made full contributions to the other retirement system.

## If You Received a Lump Sum Payout of Retirement Contributions

### *Civilian Service Credit Purchase*

If you received a lump sum payout of your contributions from another retirement plan, you must make a deposit equal to 3.5% of the basic pay plus interest you earned for each year of creditable civilian service that you want credited.

**Contact the  
benefits  
administrator  
for deposit  
information**

*The Office of Pay  
and Retirement  
Services (OPRS) in  
the D.C. Office of  
the Chief Financial  
Officer will calculate  
exactly how much  
you must deposit  
for your civilian  
service credit  
purchase.*

FOR EXAMPLE:

*Judge Jones left employment after 15 years of credited service and received a lump sum payout of his retirement contributions from the Civil Service Retirement System. His basic pay was \$50,000 for his first five years, \$60,000 for his second five years and \$75,000 for his final five years. After he received his payout, he became a judge in the District of Columbia. Judge Jones must deposit 3.5% of his basic pay for each of the 15 years he worked under the Civil Service Retirement System if he wants to include those years in calculating the amount of his retirement benefit through the District of Columbia Judges' Retirement Plan. Judge Jones contributes \$32,375 (plus interest) to the Fund for his 15 years of credited service.*

$$3.5\% \times \$50,000 = \$1,750 \times 5 \text{ years} = \$8,750$$

$$3.5\% \times \$60,000 = \$2,100 \times 5 \text{ years} = \$10,500$$

$$3.5\% \times \$75,000 = \$2,625 \times 5 \text{ years} = \$13,125$$

$$\$8,750 + \$10,500 + \$13,125 = \$32,375$$

You may make your deposit as a lump sum or in installments while you are earning judicial service. You may make installment payments on purchase of service up until the time you retire. If you are making your deposit in installments, you may request to pay the balance as a lump sum at any time. Contact your personnel office (202-879-4205) for more information.

### **Paying Interest on Civilian Service Credit Purchases**

You will have to pay interest on a civilian service credit purchase. Interest is due for the period beginning on the first month after the end of the service period for which the deposit is made, and ending on either:

- the last day of the month preceding the month during which the deposit is made if you make a lump sum deposit; or
- the last day of the month during which you make your first payment, if you are paying in installments. If you are paying the deposit in installments, interest is due on the unpaid balance, but it is calculated at a different interest rate.

For the period prior to January 1, 1948, the interest rate is 4% per year.

For the period from January 1, 1948 through February 14, 1980, the interest rate is 3% per year.

For the period from February 15, 1980 through September 30, 1980, the interest rate is based on the average rate of interest on interest-bearing obligations of the United States forming a part of the public debt.

For the period from October 1, 1980 through April 30, 1999, the interest rate is based on the average rate of return on investment for the District of Columbia Judges' Retirement Fund.

For the period beginning May 1, 1999, the interest rate is based on the average rate of return on investment for the District of Columbia Judicial Retirement and Survivors' Annuity Fund.

If you transfer funds from the Civil Service Retirement and Disability Fund or the retirement fund of any other Federal (except FERS) or D.C. retirement plan for civilian employees in excess of the required amount, you will be granted a refund of the excess amount if you have not elected the survivor benefit.

### **Military Service Credit**

If you elect to receive credit for military service that is creditable under Title 5 United States Code §8332, you do not have to transfer or deposit funds to receive credit. However, if you are receiving military retirement pay you cannot also receive a retirement benefit from this plan based on that credit.

### **Participation in Other Retirement Plans**

If you elect to remain in another civilian or military retirement plan of the Federal or D.C. governments, you may receive a retirement benefit from this plan and those other retirement plans. Your service in another plan will not be used to calculate your retirement benefit under this plan; however, it may be used to determine your eligibility for a voluntary disability retirement.



## Calculating The Regular Retirement Benefit

To calculate your regular retirement benefit, you will need to know the following:

1. Your years of judicial service: \_\_\_\_\_
2. Your years of credited service: \_\_\_\_\_
3. Your basic pay (the pay that you receive immediately before you retire as a judge): \_\_\_\_\_

Step 1. Multiply your basic pay by your years of judicial service and divide by 30.

<b>basic pay</b>	<b>X</b>	<b>judicial service</b>	<b>÷ 30</b>	<b>=</b>	<b>\$</b>
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Step 2. Multiply your basic pay by 1.5% (0.015) and then multiply by the number of years of credited service you have, up to five. If you have more than five years of credited service, you will also complete step 3.

<b>basic pay</b>	<b>X</b>	<b>1.5%</b>	<b>X</b>	<b>years of service (1 through 5)</b>	<b>=</b>	<b>\$</b>
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Step 3. Multiply your basic pay by 1.75% (0.0175) and then multiply by the number of years of credited service you have between six and ten years. If you have more than ten years of credited service, you will also complete step 4.

<b>basic pay</b>	<b>X</b>	<b>1.75%</b>	<b>X</b>	<b>years of service (6 through 10)</b>	<b>=</b>	<b>\$</b>
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Step 4. Multiply your basic pay by 2% (0.02) and then multiply by the number of years of credited service you have beyond ten.

<b>basic pay</b>	<b>X</b>	<b>2%</b>	<b>X</b>	<b>years of service over 10</b>	<b>=</b>	<b>\$</b>
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Step 5. Add together the totals from steps one through four to determine the amount of your annual retirement benefit.

<b>Total</b>	<b>=</b>	<b>\$</b>
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### FOR EXAMPLE:

Judge Cochran decides to retire at age 60 when he will have 20 years of judicial service and 7 years of civilian service. His basic pay is \$150,000.

### FORMULA:

$\$150,000 \times 20/30 = \$100,000$  (his judicial service)

+

$\$150,000 \times 1.5\% \times 5 = \$11,250$  (his first five years of creditable civilian service)

+

$\$150,000 \times 1.75\% \times 2 = \$5,250$  (his next two years of creditable civilian service)

=

Total annual regular retirement benefit = \$116,500

(77.6% of Judge Cochran's basic pay)

**NOTE: The portion of your retirement benefit that is related to civilian service is calculated under the civil service formula (CSRS credit formula) provided in Title 5 United States Code §8339 rather than the formula in D.C. Code §11-1564(a), except that "average pay"—for the purpose of calculating your retirement benefit—is your basic pay.**

Your retirement benefit cannot equal more than 80% of your basic pay immediately before your retirement date. However, you may be able to receive up to 80% from this retirement plan and still receive retirement benefits from another plan. Credited service purchased and included under this retirement plan may not be used for another retirement benefit and vice versa.

## Calculating The Early Retirement Benefit

You are eligible for an early retirement benefit if you are at least age 55 and have more than 10 (but fewer than 20) years of judicial service. Your early retirement benefit is calculated the same way that a regular retirement benefit is calculated, however, the amount of your judicial service component of the benefit will be reduced by 1/12 of 1% for each month or fraction of a month that you are under age 60 when you retire.

### FOR EXAMPLE:

Judge Bell decides to retire at age 57 with 16 years of judicial service and 4 years of creditable civilian service. Her basic pay is \$150,000. For the purposes of this example, let's assume she is exactly 36 months younger than 60. Her early retirement benefit will be calculated as follows:

### FORMULA:

$\$150,000 \times 16/30 = \$80,000$  (her judicial service)

Reduction for early retirement is 3% of \$80,000 = \$2,400

Judicial service benefit portion = \$77,600

+

$\$150,000 \times 1.5\% \times 4 = \$9,000$  (her creditable civilian service)

=

$(\$77,600 + \$9,000)$  Total annual early retirement benefit = \$86,600

## Calculating The Deferred Retirement Benefit

The deferred retirement benefit is calculated in the same way as a regular retirement benefit, shown on page 15.

## Calculating The Disability Retirement Benefit

Your disability retirement benefit is based on your basic pay and your years of service at the time you retire.

Your disability retirement benefit is calculated in the same way as a regular retirement benefit. There is no reduction to your benefit if you are younger than age 60 and you retire due to a disability.

If you become disabled and resign before completing five years of service, you will receive a lump sum credit refund instead of a retirement benefit. The lump sum credit refund includes your retirement contributions from your basic pay, plus any amount that you have deposited or transferred into the retirement fund. For more information about the disability retirement benefit, see "If You Become Disabled" on page 8.

### **Maximum retirement benefit**

Your retirement  
benefit may not  
exceed 80% of your  
basic pay.

## Calculating The Survivor Benefit

If you have elected the survivor benefit prior to your retirement, or within six months of marriage after retirement, your spouse and eligible dependents may receive a benefit in the event of your death. The survivor benefit is payable to:

- your surviving spouse only, if you have no surviving eligible dependent children; or
- your spouse and eligible dependent children; or
- your eligible children only, if you have no surviving spouse.

Your child is eligible for the survivor benefit until he or she reaches age 18 (or 22 if the child is a full-time student), marries or dies—whichever occurs first. Payments to an unmarried child who is incapable of self-support because of a mental or physical disability that occurred before age 18 end when he or she marries, recovers from the disability, or dies—whichever occurs first.

### The survivor benefit is calculated as follows:

Surviving Spouse Only		
If your spouse is your only survivor, and you die before you retire, your spouse will receive the <b>greater</b> of:		
55% of the retirement benefit that you would be entitled to receive if you had retired on the day before your death.	OR	55% of the retirement benefit that you would be entitled to receive if you had 15 years of judicial service and had retired on the day before your death.
If you die after you retire, your spouse will receive 55% of your retirement benefit payable to you on the day before the date of death.		
Surviving Spouse and Children		
If your spouse and eligible children are your survivors, your spouse's benefit is calculated using the formula above. Then, each year, each dependent child receives one-half of the spouse's annual benefit up to the <b>lesser</b> of:		
\$4,382 per year (as of January 1, 2001).	OR	\$13,146 per year (as of January 1, 2001) divided by the number of eligible children.
Surviving Children Only		
If you do not have a surviving spouse, each eligible child receives a benefit calculated the same way as the spouse's benefit if the spouse had survived. However, the maximum annual benefit for each eligible child is the <b>lesser</b> of:		
\$5,259 per year (as of January 1, 2001).	OR	\$15,777 per year (as of January 1, 2001) divided by the number of eligible children.

**If your spouse predeceases you**

If your spouse predeceases you, the contribution of 3.5% for the survivor benefit will no longer be deducted from your benefit payment unless you have eligible children or are subject to a QDRO. For information about QDROs, see page 7.

**FOR EXAMPLE:**

Judge Marcus wants to provide a survivor benefit for his spouse. His basic pay is \$150,000 and he has earned 20 years of judicial service and seven years of civilian service.

**FORMULA:**

$$\$150,000 \times 20/30 = \$100,000 \text{ (his judicial service)}$$

+

$$\$150,000 \times 1.5\% \times 5 = \$11,250 \text{ (his first five years of creditable civilian service)}$$

+

$$\$150,000 \times 1.75\% \times 2 = \$5,250 \text{ (his next two years of creditable civilian service)}$$

=

$$\text{Total annual retirement benefit} = \$116,500$$

Then, his total retirement benefit is multiplied by 55%:

$$\$116,500 \times .55 = \$64,075$$

When Judge Marcus dies, his spouse would receive an annual survivor benefit of \$64,075 for the rest of her life, unless she remarries before age 55.

All survivor benefit amounts are subject to cost of living adjustments, as described below.

## Cost of Living Adjustments

Your retirement benefits are adjusted on December 1 of each year to reflect changes in the cost of living for the year just past based on the Consumer Price Index (CPI) adjustments provided under §8340 of Title 5 of the United States Code. Your adjustment is reflected in your January payment.

Your first adjustment is prorated by multiplying the CPI adjustment by 1/12 then multiplying this figure by the number of months you have been receiving your retirement benefit.

For example, assume the cost of living increase is 3% and you retired on January 15. Your first adjustment, payable in January of the following year, would be increased by 2.8%, because it would be based on 11 months rather than a full year.

After the first year, you and your survivors would be entitled to the full amount of all future cost of living adjustments.

# Applying For a Retirement Benefit

You or your survivor must apply to receive retirement, disability or survivor benefits under the plan.

You should contact your personnel office at 202-879-4205 as early as six months before you wish to retire to meet with a retirement counselor and review your personnel folder to ensure that your service is properly documented and verified. Your personnel office can provide you with an estimate of your retirement benefit.

## Timetable to Apply for Benefits

What You Should Do:	Your Timeframe:
Contact your personnel office at 202-879-4205 with an approximate date of your retirement to make an appointment	Six months before your anticipated retirement date
Request a retirement benefit estimate	Three to six months before your anticipated retirement date
Submit your application	30 days before your anticipated retirement date
Receive your first benefit payment	31 to 60 days from the date the benefits administrator receives your retirement package from your personnel office

## Filing Your Claim

You must file your claim for a retirement benefit in writing with the benefits administrator. If you are filing a claim for a voluntary disability retirement benefit, you must include a certificate of disability to be filed with the Secretary that is signed by a duly licensed doctor who has been approved by the Surgeon General of the United States.

The benefits administrator requires a determination by the District of Columbia Commission on Judicial Disabilities and Tenure and an order by the District of Columbia Court of Appeals for a claim for an involuntary disability retirement.

## If Your Claim is Denied

If your claim for retirement benefits is denied in whole or in part, the benefits administrator will notify you in writing. The notice must advise you of your right to request reconsideration of the denial and the time limits for doing so. You must submit your request for reconsideration to the benefits administrator in writing within 60 days from the date of the denial. Your request must include:

- your name;
- your address;
- your date of birth;
- the claim number (if applicable); and
- a statement of the basis for the request.

## How do you contact the benefits administrator?

*Refer to the contact information on page 25 for the phone, fax number and address for the benefits administrator.*

If your reconsideration request is denied, you will receive written notice from the benefits administrator with the reason for the denial and your right to appeal to the Treasury Department and how to do so.

If you submit an appeal to the Treasury Department, your appeal must include the same information as your original request for reconsideration. The Department must receive the appeal within 60 days from the date of the reconsideration decision.

The Treasury Department's final decision on the appeal must be in writing and must fully set forth the Department's findings and conclusions on the appeal, and must contain notice of your right to judicial review of the decision.

### **Judicial Review**

An individual whose claim has been denied (in whole or in part) by the Treasury Department in a final decision may file a civil action in the United States District Court for the District of Columbia. The action must be filed within 180 days of the date of the final decision from the Treasury Department.

## **Continuing Your Health and Life Insurance Benefits**

If you have had five years of continuous health and life insurance coverage immediately prior to retirement, you may continue your coverage for health and life insurance benefits when you retire.

### **Health Benefits\***

You will be mailed a Federal health booklet each year before the start of "open season" so that you may elect to change your health plan provider. You will have to make monthly payments to continue your coverage.

### **Life Insurance Benefits\***

For information about life insurance benefits, active judges may contact their personnel office at 202-879-4205 and retired judges may contact OPM at 724-794-2005.

\* Any information on health and life insurance is for informational purposes only. The Treasury Department has no responsibility for or authority over your health and life insurance benefits. See the Contact Information on page 25 for more information.

## **Receiving Your Benefit**

Once your application has been accepted, it will take between 31 and 60 days after the benefits administrator receives your retirement package from your personnel office to receive your first benefit payment. If you received your salary by direct deposit, your benefit payments will also be made through direct deposit to the same financial institution.

Checks are dated the first **business** day of the month and are mailed so that you receive them shortly after that date. If you receive your benefit payments through direct deposit, your benefit payment will be deposited on the first **business** day of the month and the money will be available on the same day.

We encourage you to sign up for direct deposit. It is a more secure and reliable method of payment and your benefit payments get to your bank account sooner.

### **Changing your direct deposit information**

*If you wish to change the bank that your benefit is directly deposited to, contact the benefits administrator for a "Change of Direct Deposit" form. You must complete and sign the form and mail it back to the benefits administrator. See page 25 for the address and fax number.*

## **Refunds**

In certain situations you, your survivor, or your designated beneficiary may be entitled to a refund of contributions made to the Retirement Plan. Certain refunds are defined in the Glossary of Terms under: Lump Sum Credit for Retirement and Lump Sum Credit for Survivor Benefit. For information regarding refunds, please see the following sections in this booklet: If You Leave Office on the side column of page 3; If You Leave Work on page 9; Lump Sum Credit for Survivor Benefits on page 11; and If You Have Not Elected The Survivor Benefit on page 12.

# Frequently Asked Questions

## **1. Who should I call if I have a question about my retirement plan?**

If you are an active judge, you should contact your personnel office at 202-879-4205. Retirees should contact the benefits administrator, Office of Pay and Retirement Services (OPRS), at 202-727-5851 from 8:00 AM to 4:30 PM (ET), Monday through Friday. The fax number for OPRS is 202-724-2143. The address for OPRS is:  
410 E Street, N.W.  
Suite 200  
Washington, D.C. 20001-2725

## **2. How much do I have to pay for my retirement benefit?**

You must deposit 3.5% of your annual basic pay. These contributions are deducted from your paycheck.

## **3. How much do I have to pay if I want a survivor benefit for my spouse and/or eligible children?**

You must make a voluntary contribution of 3.5% of your basic pay, as well as 3.5% of your retirement benefit while you are receiving it. This is in addition to the mandatory 3.5% contribution you make toward your retirement benefit.

## **4. How is my retirement benefit calculated?**

Your retirement benefit is calculated using a formula consisting of your years of total service and your basic pay immediately before you retire. See page 15 for details.

## **5. Will federal taxes be taken out of my retirement benefit?**

You will be asked to complete a W-4 tax withholding form before you retire. The amount of tax withheld from your monthly benefit will depend on the number of allowances you elect on the W-4 form.

## **6. If my service is divided between civilian service and judicial service, do I receive credit for my civilian service?**

Yes. If your military or civilian service is creditable under §8332 of Title 5 of the United States Code, it is used to calculate the amount of your retirement benefit. If you made contributions to another pension plan, you must transfer the contributions from that plan to this one. If you received a payout of contributions from another plan, you must make a deposit to this plan based on the number of years of civilian service for which you want to receive credit plus interest. You do not need to transfer or make a deposit for creditable military service. See page 13 for more information.

## **7. Am I eligible to retire?**

To discuss your eligibility for retirement, you should contact your personnel office at 202-879-4205 to make an appointment.

## **8. Can I get an estimate of my retirement benefit?**

Yes. Contact your personnel office to receive an estimate of your retirement benefit.

## **9. Can I have my payments directly deposited into my bank account?**

Yes. Contact the benefits administrator for a direct deposit form. Complete and sign the form, and return it to the benefits administrator.



**10. When will I receive my first benefit payment?**

It usually takes between 31 and 60 days after the benefits administrator receives your retirement package from your personnel office before you receive your first payment. Checks (or direct deposits) are sent monthly.

**11. Can I continue my health and life insurance benefits when I retire?**

Yes, if you have had five years of continuous life and health insurance coverage immediately prior to your retirement. Contact the Office of Personnel Management (OPM) for questions about health and life insurance at 724-794-2005.

**12. Can I change my health plan?**

Yes. Each year during open season, which is usually in November and December, you will receive information about available health plans. Contact the benefits administrator for an application to change your health plan.

**13. Will I receive a cost of living increase?**

Yes. You will receive a cost of living increase every December. Increases are reflected in your January benefit payment.

**14. Can I change or cancel my life insurance?**

For general questions about life insurance, contact OPM at 724-794-2005.

**15. Who is my beneficiary for my life insurance?**

The beneficiary(ies) you named is on file at the OPM. You may contact OPM at 724-794-2005 to inquire about your beneficiary. If you'd like to change or add a beneficiary, you must complete a beneficiary form (SF-2823) available from your personnel office or via the Internet at [www.opm.gov/insure/life/pubslst/index.htm](http://www.opm.gov/insure/life/pubslst/index.htm).

**16. If I move, whom should I notify with my new address?**

If you move to a new address, write or fax the benefits administrator to update the address where your retirement benefit, earnings statement and other important information is sent.

**17. If I get married after I retire, can I elect a survivor benefit?**

Yes. You must elect a survivor benefit within six months of your marriage. You will need to make a deposit to the retirement fund. Contact the benefits administrator for more information.

## Frequently Asked Questions for Survivors

### **18. Where do I report a death?**

You must contact both your personnel office and the benefits administrator.

### **19. How do I receive my survivor benefit?**

You must complete an application for the survivor benefit and provide your marriage and a death certificate to your personnel office. If you receive any benefit payments after the retiree's date of death, you must return them before you can receive the survivor benefit.

### **20. Can I get an estimate of my survivor benefit?**

In general, the benefits administrator does not calculate estimates for survivor benefits. See page 17 for more information on how to calculate a survivor benefit.

### **21. How long can a surviving spouse receive the survivor benefit?**

A surviving spouse is eligible to receive the survivor benefit for his or her lifetime unless he or she remarries before reaching age 55.

### **22. How long can a child survivor receive a survivor benefit?**

A child survivor will receive a survivor benefit until the earliest of the following occurs:

- the child dies;
- the child marries; or
- the child turns 18, or if a full-time student, age 22.

If the child is a full-time student, the child and the academic institution must complete a Student Certification Form every semester. If the student remains in school, he or she can continue to receive a benefit up to the age of 22.

Payments to an unmarried child who is incapable of self-support because of a mental or physical disability that occurred before age 18 end when he or she marries, recovers from the disability, or dies—whichever occurs first.

# Contact Information

The benefits administrator, the Office of Pay and Retirement Services (OPRS), is available to answer your questions Monday through Friday from 8:00 AM to 4:30 PM (ET). Below are some other phone numbers and addresses for more specific information.

Contact		Address/Phone
<b>D.C. Office of Pay and Retirement Services (OPRS)</b> Receives applications for retirement benefits from all active plan members and survivors and carries out day to day processing of retirement benefits	<ul style="list-style-type: none"> <li>• For questions about your plan</li> <li>• To file a claim for retirement benefits</li> <li>• To file a claim for survivor benefits</li> <li>• To inquire about a late benefit check</li> <li>• For reconsideration of a benefit calculation or claim denial</li> <li>• For information about health and life insurance (retired judges)</li> <li>• To report a death</li> </ul>	OPRS 410 E Street, N.W. Suite 200 Washington, D.C. 20001-2725  202-727-5851 1-800-638-6182 Fax: 202-724-2143
<b>Judges' Personnel Office (Superior Court)</b>	<ul style="list-style-type: none"> <li>• To request an estimate of your retirement benefit</li> <li>• To change your beneficiary designation</li> <li>• To report a death</li> <li>• To request an application for a lump sum credit payment</li> <li>• To discuss your eligibility for retirement</li> </ul>	Superior Court Human Resources Division 515 5th Street, N.W. Building A, Suite 213 Washington, D.C. 20001  202-879-4205
<b>Judges' Personnel Office (D.C. Court of Appeals)</b>	<ul style="list-style-type: none"> <li>• To elect a survivor benefit</li> <li>• For information about health insurance or life insurance (active judges)</li> <li>• To find out if your Federal service is creditable</li> </ul>	D.C. Court of Appeals Administration Office 500 Indiana Ave, N.W. 6th Floor, Room 4200 Washington, D.C. 20001  202-879-4205
<b>Office of Personnel Management (OPM)</b> <a href="http://www.opm.gov">www.opm.gov</a>	For forms and information about health and life insurance	The U.S. Office of Personnel Management, Retirement Operations Center P.O. Box 45 Boyers, PA 16017-0001  724-794-2005
<b>Executive Office of the D.C. Courts</b>		D.C. Superior Court 500 Indiana Ave, N.W. Washington, D.C. 20001  202-879-1700
<b>D.C. Commission on Disabilities and Tenure</b>	Makes findings of fact, conclusions of law and decisions regarding involuntary disability retirement benefits	515 5th Street, N.W. Building A, Room 312 Washington, D.C. 20001  202-727-1363
<b>Office of D.C. Pensions Department of the Treasury</b>	Makes findings of fact, conclusions of law and decisions regarding eligibility for normal and voluntary disability retirement benefits  To file an appeal if your request for reconsideration is denied	Department of the Treasury Office of D.C. Pensions Metropolitan Square 6th Floor 1500 Pennsylvania Ave, N.W. Washington, D.C. 20220  202-622-0800

# Glossary of Terms

**Basic Pay** means the salary you received as a judge immediately before your retirement date.

**Child(ren)** means:

- an unmarried child under 18 years of age, including an adopted child, a stepchild or a recognized natural child.
- an unmarried child regardless of age who is incapable of self-support because of a mental or physical disability that occurred before he or she reached age 18.
- an unmarried child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university or comparable recognized educational institution.

For purposes of this plan, a child who is a student (as defined above) whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, is considered 22 years of age on the first day of July after his or her 22nd birthday.

A child will continue to be considered a student during a school interim (of five or fewer months) provided the child shows—to the satisfaction of the Secretary—that the child fully intends to continue his or her education at the same or different school during the school semester immediately after the interim.

**Credited Service** means military and civilian service performed by the judge that is otherwise creditable under §8332 of Title 5 of the United States Code (Civil Service Retirement System, including most service with the D.C. Government commencing before October 1, 1987, but does not include service under the Federal Employees Retirement System). Each month of credited service equals 1/12 of a year.

**Deferred Retirement** is the benefit a judge may elect to receive at a later date if he or she leaves the bench before reaching the eligibility requirements to begin receiving a retirement benefit. The eligibility requirements for a deferred retirement benefit are the same as those listed for regular and early retirement benefits.

**Disability Retirement** is the retirement benefit a judge may voluntarily elect if he or she has at least five years of service (including civilian service performed by the judge that is creditable under 5 U.S.C. §8332), if he or she has a mental or physical disability that is or is likely to become permanent and that prevents or seriously interferes with the performance of his or her judicial duties.

**Early Retirement** is the reduced benefit a judge with fewer than 20 years of judicial service may elect to receive at any time between ages 55 and 60. The retirement salary that is based on judicial service is reduced by 1/12 of 1% for each month or a fraction of each month that the judge is under age 60 at the time the reduced retirement benefit payments begin.

**Former Spouse** means a living person whose marriage to an employee or retiree has been subject to a divorce, annulment, or legal separation resulting in a court order, except that with respect to an award of a survivor benefit, the term additionally means a living person:

- who was married for at least nine months to an employee or retiree who performed at least 18 months of credited service in a position covered by the District of Columbia Judges' Retirement Plan; and
- whose marriage to the employee or retiree was terminated prior to the death of the employee or retiree.

**Fund** means the District of Columbia Judicial Retirement and Survivors' Annuity Fund.

**Judge** means any judge (except Magistrate Judges) of the District of Columbia Court of Appeals or the Superior Court or any person with judicial service, including the Executive Officer of the Courts (described on page 5).

**Judicial Service** means service as a judge in the District of Columbia Court of Appeals, the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, Police Court, Municipal Court, Municipal Court of Appeals, District of Columbia Court of General Sessions or as the Executive Officer of the Courts. Months and days of judicial service are included as a fractional part of a year.

**Lump Sum Credit for Retirement** means the unrefunded amount consisting of:

- retirement deductions made from the basic pay of a judge; and
- amounts deposited covering earlier judicial and non-judicial service.

**Lump Sum Credit for Survivor Benefit** means the unrefunded amount consisting of:

- survivor benefit deductions made from the salary of an active or retired judge; and
- amounts deposited for survivor benefit covering earlier judicial and non-judicial service.

**Maximum Retirement** is the cap on a retirement salary of a judge (including amounts resulting from creditable service). The maximum benefit cannot exceed 80% of the judge's basic pay immediately prior to his or her date of retirement.

**Qualified Domestic Relations Order (QDRO)** means a qualifying court order issued by a court after March 15, 1989 that must state:

- that your former spouse is entitled to a survivor benefit or that you must provide a survivor benefit for your former spouse;
- your former spouse's share of your benefit as a fixed-dollar amount or a percentage or a fraction of a retirement benefit; and
- whether your former spouse should receive a payment directly from the Treasury Department (for benefits earned on or before June 30, 1997) or the District of Columbia (for benefits earned after June 30, 1997).

**Regular Retirement** is the retirement benefit that is available to all judges with 20 or more years of judicial service at age 50, or to judges with more than 10 years of judicial service after age 60.

**Retire and Retirement** include retirement, resignation, or failure to be recommissioned or reappointed upon the expiration of a commission.

**Retirement Benefit** means the monthly sum to which a retired judge is entitled by law.

**Secretary** means the Secretary of the Treasury Department or his or her designee.

**Total Service** means the total of years, months and days of judicial service and the years and months of credited service.

**Widow** means a surviving wife of a judge who either:

- has been married to the judge for at least two years preceding his death; or
- is the natural mother of children by the marriage and has not remarried.

**Widower** means a surviving husband of a judge who either:

- has been married to the judge for at least two years preceding her death; or
- is the natural father of children by the marriage and has not remarried.

