

CONTENTS

EMERGENCY EVACUATION

DIVORCE

- Considerations
- Leaving Post
- Children and Separation
- Garnishment of Wages
- Medical and Health Concerns
- Other Family Member Entitlements
- Pension Rights for Former Spouses

DEATH

- How to Prepare
- Overseas Procedures
- Regulations and Allowances
- Designations of Beneficiaries

RESOURCES

- Offices and Organizations
- Family Liaison Office Publications
- Office of Casualty Assistance Publications
- References
- Emergency Contact Information

Sample Form

JOINT PROPERTY STATEMENT

Sample Form

AUTHORIZATION TO RECEIVE GOODS SHIPPED FROM POST



Chapter 20

CONTINGENCY PLANNING

EMERGENCY EVACUATION

Foreign Service families have always lived with the possibility of evacuation. The number and variety of reasons for evacuations has increased during recent years, with a record of 39 evacuations in 2003. The Department of State takes responsibility for the following:

- 1) Informing you of the emergency evacuation plan for your post
- 2) Transporting you to a safehaven
- 3) Paying for shipping your air freight or giving you an allowance in lieu of shipping the air freight (usually this is for cases where the employee does not have time to arrange for air freight shipment prior to leaving post)
- 4) Paying you an evacuation allowance during the length of your evacuation, up to 180 days, and a daily transportation allowance
- 5) Returning you to post or to a new assignment

The Family Liaison Office (M/DGHR/FLO) is the main point of contact for evacuees. FLO's Support Services Officer has primary responsibility in that office for evacuee assistance and support. This office does the following:

- facilitates evacuation allowance payments
- responds to concerns
- answers questions
- helps solve individual problems
- advocates on behalf of evacuees

With the active assistance of CLO coordinators from the evacuated posts, FLO maintains communication with the evacuees, the posts, and the affected bureaus through newsletters, special Internet list-servs, and town hall meetings. The affected bureau may form a working group to deal with personnel and administrative issues during an evacuation. For a thorough guide to help you prepare for an evacua-

tion, see the FLO publication, *Evacuation Plan: Don't Leave Home Without It!* (<http://www.state.gov/documents/organization/2083.pdf>).

DIVORCE

When employees or family members consider a separation or divorce overseas, they may discover that access to marital and/or legal counseling presents a major problem. Referrals may be found within the overseas community by consulting the Medical Officer, Consular Officer, Management Officer, CLO Coordinator, or Regional Psychiatrist. Trained professional help may be available in country or at a neighboring post.

Considerations

Legal counsel can be difficult to locate overseas, and foreign national lawyers are not generally familiar with American domestic law. The Family Liaison Office maintains a list of Maryland, Virginia, and District of Columbia lawyers who have handled Foreign Service divorces. The Support Services Officer can provide a list of lawyers familiar with the Foreign Service and divorce, other pertinent information, and the publication *The Foreign Service Family and Divorce*. This publication is also available online (<http://www.state.gov/documents/organization/2107.pdf>) and in CLO offices overseas. FLO recommends that the family return to the United States whenever possible to seek professional legal advice in the state where the divorce will be obtained.

Professional help and confidential counseling by clinical social workers are also available from the Employee Consultation Service (ECS), by appointment in person or by telephone. All direct hire State Department employees and those on Family Member Appointments are eligible to access IQ:Information Quest for themselves and on behalf of immediate family members. The IQ: Information Quest website www.worklife4you.com contains information related to divorce (including state laws and procedures) and a variety of other topics.

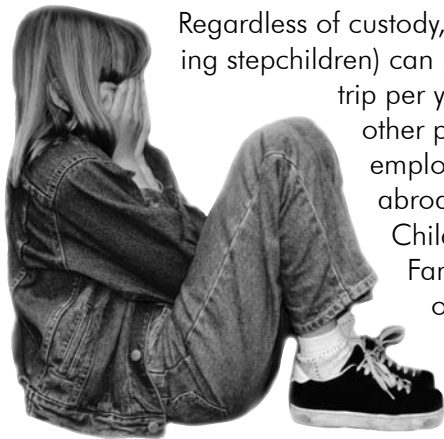
Leaving Post

If departure travel together is not possible and one spouse will be returning to the United States without the other, issues that should be addressed are:

- 1) **Method of Departure:** The spouse may return on "Advance Departure of Family member(s) from Post" orders. (See 14 FAM 532.3-14 FAM 536.1-2) These orders can also authorize the shipment of household effects from the post (14 FAM 618.1). The chief of mission or the principal officer must request such orders from the employee's agency or the regional bureau at the Department of State. The employee must sign a repayment agreement against his/her eventual transfer or, alternatively, the employee may send the family members home at personal expense and claim reimbursement later when the employee is transferred under routine reassignment procedures.
- 2) **Reason for Departure:** It is advisable for the couple to draft a document that clearly indicates that the separation is mutually agreed upon so that neither party will be liable for desertion of the other at a later date.
- 3) **Goods in Storage:** A spouse is not automatically entitled to access to goods in storage. It is recommended that couples sign a Joint Property Statement when placing goods into storage. (A sample of such a statement appears at the end of this chapter.) When signed by both parties and *notarized*, this statement will allow either spouse to access goods held in storage. The statement does not, however, make the Department liable for costs pertaining to the access, transportation, or separation of such items before the regularly authorized time of removal.
- 4) **Receiving Goods from Post:** A spouse must have written authority from the employee in order to sign for the delivery of goods shipped from post if the employee cannot be present. A sample form "Authorization to Receive Goods Shipped from Post" is included at the end of this section.

Children and Separation

Eligibility for all allowances is based on whether or not the child normally resides with the employee. Custody is not the only variable involved in determining eligibility for education allowances and other at post benefits. Both the employee and spouse should consult with the FLO Support Services Officer for further details on how custody affects these benefits.



Regardless of custody, children (including stepchildren) can receive one paid trip per year to visit the other parent when the employee is assigned abroad. "Travel of Children of Separated Families" provides one round trip every 12 months for each child below the age of 21 to visit the

other parent with whom the child does not normally reside. The travel is paid from the post to the nearest point of entry in the U.S. or vice versa. Further details about this benefit are outlined in 3 FAM 3750. When the children are on Involuntary Separate Maintenance Allowance (ISMA) the child may travel to an alternate location as they are not allowed to visit the unaccompanied post. There are no provisions in the regulations for payment for an adult to accompany the children.

Garnishment of Wages

If a court order states that an employee or retiree is obligated to pay alimony and/or child support and the employee/retiree fails to do so, the Department can garnish the wages to remove the arrears (P.L. 9530). Writs of garnishment must be obtained from the court and sent to the appropriate legal office in the employee's agency for processing. The FLO Support Services Officer can advise spouses where to forward these documents.

Medical and Health Concerns

Former Spouse Health Benefits

(see also <http://www.state.gov/documents/organization/16038.pdf>)

A divorced spouse may not remain on the employee's health insurance plan as a family member. However, a divorced spouse of a participant or annuitant under the Foreign Service Retirement and Disability System and the Foreign Service Pension System may enroll in the Federal Employee Health Benefit (FEHB) plan if the following requirements are met:

- 1) The spouse does not remarry before age 55, and
- 2) The spouse was enrolled in a health plan as a family member at any time during the 18 months preceding the date of divorce or annulment, and
- 3) The spouse receives or has future entitlement to receive an annuity or survivor annuity payable under the Foreign Service Retirement and Disability System.

Generally, a former spouse must within 60 days after the dissolution of marriage enroll in an approved health benefits plan as an individual or for self and family. The spouse must pay the full subscription charge of the enrollment (both the government and employee share). For further information on this plan and to determine eligibility, contact the Retirement Division (see contact information below).

Temporary Continuation of Coverage (TCC)

(see also <http://www.state.gov/documents/organization/9516.pdf>)

Former spouses not otherwise entitled may temporarily continue their FEHB coverage for up to 36 months. Effective on January 1, 1991, either the employee or the former spouse may notify HR/RET within 60 days after the divorce and loss of the regular FEHB coverage to continue the coverage (P.L. 100 654). (See also Chapter 6, "Insurance.")

Other Family Member Entitlements

Children may remain on the employee's health plan regardless of which parent has custody. Family members returning from post are entitled to a physical examination in the Department. For further

information regarding health concerns, contact the Office of Medical Services. (See “Resources,” below). Employees and family members with State, AID, FAS, and FCS contemplating separation or divorce can contact the Employee Consultation Service in MED for confidential, free counseling on this as well as other family concerns.

Pension Rights for Former Spouses

Under provisions of the 1980 Foreign Service Act, a former spouse who is divorced on or after February 15, 1981, has pension rights if the spouse has been married to the employee for at least 10 years of the employee’s creditable service. (Five of the 10 years of marriage must have been while the employee was a member of the Foreign Service. This is for the divorcing spouse of employees in the Foreign Service Pension System.) To be eligible, the former spouse must not have remarried prior to age 55. A former spouse will receive a pro rata share of the employee’s pension benefits up to 50 percent, unless a court order or spousal agreement provides for a different share or no share. This pension right should be stated in the divorce settlement for clarification. The share will be based upon the number of years of marriage during the employee’s creditable service.

Spouses of Foreign Service employees, if qualified, may receive a survivor annuity up to 55 percent of the principal’s retirement annuity under the Foreign Service Retirement and Disability System (FSRDS) or 50 percent under the Foreign Service Pension System (FSPS), unless otherwise directed by a valid court order or notarized spousal agreement. This is for the divorcing spouse of employees in the Foreign Service Retirement and Disability System. Qualified former spouses may receive a pro rata share of the survivor’s annuity up to the percentages listed above, if they have not remarried prior to age 55. For details, contact the Office of Retirement.

DEATH

Thinking about and preparing oneself for the contingency of surviving one’s spouse is not easy. The purpose of this section is to clarify some of the major actions, obligations, and requirements that affect the survivor. Since this section does not cover every pos-

sible circumstance or describe the scope and limitations of every benefit, the Foreign Affairs Manual (<http://foia.state.gov/masterdocs/03fam/03m2550.pdf>, Deaths in Service) should be consulted for more detailed information.

For the purposes of this section, it is assumed that there is a surviving family member at post. In the case of an employee who dies in travel status or while assigned to the United States, or whose family members are not at post, some aspects of this discussion might not apply. The particular circumstances could influence some of the benefits available.

How to Prepare

Once a year, the employee and his or her next-of-kin should review any previous decisions and plans in the light of changes in the family’s circumstances. They should examine the financial resources that would be available to the survivors and bring information on assets and liabilities up to date. They should review wills and letters of instruction and discuss ideas about the family’s needs and how these would be met. They should answer questions such as how income could be supplemented, if necessary; where the family would live; and what kind of insurance they would need. A frank discussion of each family member’s wishes concerning medical care in the event of medical incompetence or the artificial maintenance of life is vital. If necessary, they should update beneficiary forms. This kind of preparation will assist survivors confronted with new realities and the need to make many immediate decisions.

The Office of Casualty Assistance (M/DGHR/OCA) is the Department’s first and primary contact of-fice in the event of the death of a State Department employee, dependent, or eligible family member. OCA serves as the liaison between surviving family members, post, and various benefits offices. OCA will provide beneficiaries with necessary claim forms. It plays an enhanced role when death is due to an act of international terrorism. OCA can help identify the needs of families, research answers to questions families may have, and refer families to other offices and services within the Department, at another agency, or in the community that may be of assistance. OCA can also advocate for families. (See “Resources,” below.)

Overseas Procedures

Post will immediately notify the Office of Casualty Assistance, which will contact survivors either at post or in the United States. Consular personnel at post brief the survivor on the local situation regarding disposition of remains: regulations and restrictions, practitioners, and the availability of suitable containers. Local laws and practices vary greatly and may be in conflict with the wishes of the family.

Consular personnel also prepare (and provide the survivor with at least 12 copies of) Form DS-2060, Report of Death of an American Citizen Abroad. This form is often used in connection with estate proceedings and is required as a basis for many of the government allowances and benefits described below. Form DS-2060 is not a substitute for telegraphic notification of the death from the post, nor is it the same as a certificate of death (a document issued by local authorities that verifies a person's death). The certificate of death, if issued in another language, should be translated into English; consular personnel can usually prepare an official translation. If death resulted from an accident, the locally issued certificate of death along with police reports and newspaper articles may be important for claiming insurance benefits. The survivor should review these documents carefully for accuracy.

The family of the deceased can expect the following from his/her home agency:

- Expenses in connection with remains: reasonable cost of preparing remains including the cost of embalming or cremating; casket or container suitable for shipment to the place of interment; necessary clothing.
- Expenses incurred in complying with local and U.S. laws.
- Transportation of remains from place of death to any place in the United States designated by next-of-kin.
- Travel expenses for family members from the post to the place of interment.
- Return of family to post to complete the school year and/or for packing out upon request.
- Shipment of household effects to separation address as designated by next-of-kin any time within 12 months of the date of death.
- Storage at U.S. Government expense for up to 90 days of household effects at point of origin or destination, and of permanent storage from the last day the employee was in pay status. (Waivers can be requested in both instances on a case-by-case basis for extenuating circumstances but may not exceed 180 days.)
- Travel of family from post to selected location in the United States. This travel is the "final trip" from post and must take place within one year from the date of death of the employee.

The 12-month limit for expenses may be extended for an additional six months by an authorizing officer (orders must be amended). Expenses for travel, transportation of effects, and shipment of remains to the separation residence designated by the next-of-kin are paid for by the home agency. Although the designated separation residence must be in the United States, a foreign location may be used for any or all of the above on a cost-constructive basis.

Note that it may not always be possible for the survivor to be present at post to supervise packing of household effects.

Regulations and Allowances

While the survivor is at post, administrative personnel can provide information on the various regulations that affect her or him.

All allowances stop when the employee dies. However, Living Quarters Allowance (LQA) (DSSR 100) may, if authorized by the deceased employee's agency, be extended for up to 60 days beyond the date of death. (If the employee was assigned to government-provided housing and therefore was not receiving LQA, surviving family members may remain in this housing at the post's discretion.) Also, claims for the Education Allowance (DSSR 270) that were already processed at time of death do not, for practical purposes, have to be refunded.

When the survivor arrives in the United States, the Office of Casualty Assistance will remain their first and

primary point of contact and will advise and assist on all aspects of survivor benefits and entitlements. OCA can provide guidance on the Home Service Transfer Allowance, workers' compensation, and other benefits and entitlements. OCA can also provide information on resources and grief counseling. The Family Liaison Office can advise and answer inquiries about spouse employment, continuing education, and education of children. The Employee Consultation Service can provide grief counseling and make referrals.

Designations of Beneficiaries

Before describing further the various benefits to which a survivor may be entitled, a word needs to be said about designation of beneficiaries. An employee may designate beneficiaries for unpaid salary and unused annual leave, refund of retirement contributions, Federal Employees Group Life Insurance benefits and the Thrift Savings Plan by filing appropriate designation of beneficiary forms for each of these payments. The forms allow the employee to designate by name and/or relationship the person or persons to whom the particular payment will be made, and in what share.

If no beneficiary has been designated, payment will be made according to the legal order of precedence, spelled out precisely on each form, beginning with entire amount to the surviving spouse, to child or children in equal shares, to parents in equal shares, or the entire amount to the surviving parent, or to a duly appointed legal representative of the estate of the deceased employee. It is not necessary to designate a beneficiary unless the employee wishes to name some person or persons not included in the order of precedence or to name them in a different order or for a different share. However, a signed designation of beneficiary form streamlines the payment process and makes it easier for the survivor. Another point to keep in mind is that when a minor child becomes a beneficiary (either named or through the order of precedence), special court action becomes necessary that can greatly slow the payment process. Instead, the employee may want to consider designating the person who will be the child's guardian or the executor of the estate (by name) in order to avoid this difficulty.

Designations on the forms described below are not affected by a will. The employee may change or

cancel a designation at any time by filing a new form (which completely cancels any designation filed previously). Find the forms on the intranet at <http://arpsdir.a.state.gov>.

Four different forms are involved. Filing one does not have any bearing on the others and different beneficiaries may be designated on each. An employee's family situation may change due to marriage, divorce, death, birth, or any number of other circumstances. Such changes may warrant a cancellation of prior designation, or new designations. Remember that changes in designation do not occur automatically, but must be made by the employee.

Unpaid compensation

Unpaid compensation due a deceased employee may include unpaid salary through the date of death, all amounts due in reimbursement of travel expenses, payment for all annual leave to which the employee was entitled as of the date of death, and unpaid allowances due the employee. The form for designating the beneficiary of any such unpaid compensation is Standard Form 1152, Designation of Beneficiary (Unpaid Compensation of Deceased Civilian Employee). The form must be forwarded to the Human Resources Officer at post for signature and inclusion in the employee's Official Personnel Folder (Admin). The form for filing a claim for this unpaid compensation is Standard Form 1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee.

Survivor benefits under the Foreign Service Retirement and Disability System (FSRDS)

In the event a member of the Foreign Service Retirement and Disability System (FSRDS) (an employee hired before January 1, 1984) dies during active service, a surviving spouse is automatically entitled to a regular survivor annuity provided that the member had at least 18 months of service credit under FSRDS excluding any credit for military service, and either the surviving spouse was married to the member for at least nine months immediately preceding the death or is the parent of a child born of the marriage. In order to qualify, the spouse must elect to receive the Foreign Service survivor annuity in lieu of any other survivor annuity under the Foreign Service, Civil Service, or other retirement system for government employees. The maximum amount of regular survivor annuity a member may leave is 55 percent of the member's

full annuity. This amount may be divided between a current spouse and any qualifying former spouses. (A qualifying former spouse is one who was married to the employee for at least 10 years, divorced after February 15, 1981, and who did not sign away annuity rights.)

To be eligible for an automatic survivor annuity, a child must either be under age 18, or under age 22 and an unmarried full-time student, or disabled and incapable of self-support regardless of age. The member must have had at least 18 months of service credit under FSRDS, excluding military service, for a child to be eligible. A child's survivor annuity is payable in addition to the surviving spouse's annuity. If the surviving spouse dies, or another child in the family becomes eligible or ineligible, the annuities to all children in the family are recomputed as if they were all becoming effective at that time.

As of 2006, child annuity rates are as follows:

- if the spouse survives, \$5,040 per annum or \$420 per month per child;
- if there is no surviving spouse, \$6,048 per annum or \$504 per month;
- if the number of eligible children exceeds three, then the applicable rate is multiplied by three and divided by the number of children.

These child annuity rates will be increased by future applicable cost of living adjustments (COLAs). Survivor benefits are not actually paid until a qualified survivor submits a claim (DS-5022, Application for Death Benefits). However, payments are retroactive to the day following the member's death and continue for life or until remarriage if before age 55.

Survivor benefits under the Foreign Service Pension System (FSPS)

In the event of a death-in-service of an employee who was hired after January 1, 1984, or who transferred to FSPS and who had at least 18 months creditable civilian service, benefits are payable to the eligible survivors. If the employee had more than 18 months of civilian service but less than 10 years of total service, the eligible spouse will receive a Basic Employee Death Benefit that may be taken in either a lump sum or over a 36-month period. The BEDB is equal to:

- 1) A lump-sum payment of \$26,584.62 (the last applicable cost-of-living increase as of January 1, 2006); plus
- 2) 50 percent of the employee's final salary or high-three average salary, whichever is higher.

In addition, the eligible spouse is entitled to any Social Security benefits that may be payable. Social Security provides survivor benefits to the eligible survivor of an employee who met the minimum Social Security eligibility requirement (18 months). The number of Social Security credits needed to qualify depends on when the employee was born and how old s/he was at the time of death.

If the employee completed 10 years of service or less if death is due to an accident, the survivor is entitled to an annuity equal to 50 percent of the unreduced annuity the employee would have been entitled to had the employee been of retirement age. This annuity is in addition to the above FSPS lump-sum benefit.

In addition, the eligible spouse is entitled to any Social Security benefits that may be payable. Social Security provides survivor benefits to the eligible survivor of an employee who met the minimum Social Security eligibility requirement (18 months). The number of Social Security credits needed to qualify depends on when the employee was born and how old s/he was at the time of death.

Under FSPS, the amount of the total children's annuity is reduced by the amount of Social Security children's benefits that are paid. Children's FSPS annuity benefits are paid under the same eligibility requirements and conditions as under FSRDS.

As with FSRDS, survivor benefits are not actually paid until a qualified survivor submits a claim (DS-5022, Application for Death Benefits). However, payments are retroactive to the day following the member's death and continue for life or until remarriage if before age 55.

Refund of retirement contributions (3 FAM 6000)

If there is no survivor eligible for an annuity, then a lump-sum payment, consisting of a refund of retirement contributions deducted from the salary of a member plus other payments by the member to the fund, and interest as specified by law, is payable following the death of a member or former member of

the Foreign Service Retirement and Disability System (FSRDS) or the Foreign Service Pension System (FSPS). This benefit is payable to the beneficiaries specified by the member or by law. A lump-sum payment may also be made equal to any portion of the member's retirement contributions remaining in the Fund after deducting the total of all annuity payments that may have been made to the member and to his/her eligible survivors. Another situation that may result in lump-sum refund upon the employee's death is when contributions made after 35 years of service are in excess of any special contribution due.

The lump sum is paid to the beneficiary or beneficiaries last designated by the member on a signed Form DS-5002, Designation of Beneficiary. A designation of beneficiary does not affect the right of any person who qualifies to receive survivor annuity benefits.

Federal Employees Group Life Insurance benefits (FEGLI)

The surviving spouse of a deceased employee who was enrolled in the FEGLI program may be a beneficiary as a result of having been so designated by the employee on Standard Form 2823, FEGLI Designation of Beneficiary, or as a result of the order of precedence if no designation of beneficiary was made. The Office of Casualty Assistance in Washington is responsible for advising the beneficiary immediately and for assisting the beneficiary in filing a claim for benefits (Form FE-6, FEGLI Claim for Death Benefits). Payment should be made within 60 days of FEGLI's receipt of the completed claim package.

Thrift Savings Plan

Employees enrolled in FSRDS may have a Thrift Savings Plan account. All employees enrolled in FSPS have an account since the employing agency contributes 1% of salary on behalf of every employee regardless of whether the employee participates. Designation of Beneficiary for TSP is made by completing form TSP-3 and submitting it to the TSP office. The surviving spouse or other next of kin must apply for payment using form TSP-17. TSP will then contact the designated beneficiary.

Medical examination for surviving dependents

When an employee dies in service, eligible dependents who have ever accompanied the employee are eligible for a medical examination (3 FAM 1937).

The examination should take place within 90 days of the employee's death (although an exception can be made by the Medical Director). Dependents over the age of 12 may be examined at the Department of State's Examination Clinic, or by a family physician with reimbursement from the employee's agency; dependents under age 12 are normally examined by a family physician or pediatrician with expenses reimbursed by the employee's agency. *Failure to complete the examination process may result in the waiver of all claims to which the dependents may otherwise be entitled.*

Federal Employees Health Benefits coverage (FEHB)

For a survivor to remain enrolled in the FEHB plan following the employee's death, the employee (member) must have been enrolled for self and family at the time of death. (An important point to note: when husband and wife are each eligible for individual health benefits plan enrollments, they should consider that although two individual enrollments may be less costly than one enrollment for self and family, there would be no continuing coverage for a survivor under the individual enrollment should the survivor lose eligibility for his or her own individual enrollment.)

A survivor is entitled to continue the FEHB if s/he will be entitled to a survivor's benefit (either a survivor annuity and/or the Basic Employee Death Benefit) upon the annuitant's death. If the survivor annuity is not enough to cover the FEHB premium, the surviving spouse would be billed for the difference. If the survivor is covered under the annuitant's FEHB and the annuitant did not elect a survivor benefit, the surviving spouse would not be eligible to continue the FEHB after the annuitant dies.

Eligible survivors may receive benefits through Social Security and Veterans Administration programs as well.

Compensation for work-related death

Substantial financial benefits administered by the Department of Labor, Office of Workers' Compensation Programs (OWCP) are available to survivors of a civilian employee of the U.S. Government whose death results from personal injuries (including disease) sustained in the performance of duty under the provisions of 5 U.S.C. 8101-8150. The death must

have been proximately caused, i.e., due to or aggravated by employment. These benefits are not available when death was caused by the willful misconduct of the employee, where the employee's intention was to bring about his or her own or someone else's death, or when intoxication was the proximate cause of injury or death.

Survivors may be entitled to benefits pursuant to the Federal Employees Compensation if the employee's death was the result of a service-connected injury or illness. These benefits, described below, can be significantly greater than those the survivor would receive under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (survivors entitled to benefits under both a retirement plan and Workers' Compensation must choose one).

While the survivor has three years to complete a claim for these benefits, the initial step toward establishing the conditions under which such a claim can be made must be taken soon after the death, and therefore should be taken if the post or the survivors have any reason to believe that the death may have been work related. Form CA-6, Official Superior's Report of Employee's Death, must be completed by the employee's official supervisor or other authorized official of the employing agency and submitted, along with a certified copy of the death certificate, to the Department of Labor's Office of Workers' Compensation. Questions about Workers' Compensation should be referred to the employee's agency's liaison (see the contact list below).

A survivor who is entitled to both an annuity from the Foreign Service Retirement and Disability System/Foreign Service Pension System and Workers' Compensation benefits must choose which of these he or she will receive. The OWCP claims process can be lengthy; until the claim is approved, an eligible survivor receives FSRDS/FSPS annuity payments.

Once OWCP advises FSRDS/FSPS that the claim is approved, the annuity ceases. OWCP reimburses the FSRDS/FSPS fund for annuity payments made, and the survivor receives the difference. In the event that all the eligible survivors of a deceased member of FSRDS/FSPS elect to receive the OWCP benefits rather than the FSRDS/FSPS annuity, a lump-sum payment refunding retirement contributions may be

payable. If the survivor is eligible for Workers' Compensation benefits but chooses not to receive them, he or she may still be eligible for the death gratuity (see below).

Compensation is claimed on Form CA-5, Claim for Compensation by Widow, Widower, and/or Children and submitted with the death certificate, marriage certificate, and birth certificate or adoption documents for each child. (The claimant has three years to file the claim. However, Form CA-6, Official Superior's Report of Employee's Death, must have been submitted to OWCP first.) If there are no children, an employee's surviving spouse will receive compensation at the rate of 50 percent of the employee's salary paid in 13 equal payments. If there are children, the spouse will receive 45 percent of the employee's salary and an additional 15 percent for each child up to a total of 75 percent of the salary in 13 equal payments per year. If there is no surviving widow or widower, compensation for the first child is 40 percent of the employee's monthly salary, with 15 percent paid for each additional child up to the maximum of 75 percent, money to be divided equally between the children. All workers' compensation payments are exempt from federal tax. Payment continues for life or until remarriage if before age 55.

Compensation for a child ceases when the child marries or reaches age 18 (or age 23 if unmarried and a full-time student who has not completed four years education beyond high school) unless the child is incapable of self-support due to physical or mental disability. In certain cases, compensation may be paid for dependent parents, grandparents, brothers, sisters, and/or grandchildren.

If the Department of Labor determines that death occurred in the performance of duty, burial expenses up to \$800 may be paid by OWCP, with any payment made by the Veteran's Administration deducted. Whether or not any funeral or burial expenses are paid, the personal representative of a deceased federal employee may also be entitled to \$200 for reimbursement of the costs of termination of the decedent's status as an employee of the U.S. Government. Original itemized funeral and burial bills must be submitted along with Form CA-5.

The employing agency of the deceased may also pay a discretionary death gratuity equal to \$10,000 less any other death gratuity paid on behalf of the deceased except that paid pursuant to the Foreign Service Act. This payment is to assist with funeral expenses and is usually in the amount of \$9,000.

Once the Department of Labor has approved the claim for compensation, a death gratuity is payable to the survivor in accordance with the Foreign Service Act section 413 (3 FAM 3650). The death gratuity equals one year's salary at the time of death paid to the widow or widower or, if none, to the dependent parent(s) in equal shares. This is a one-time benefit that is payable even if the survivor waives Workers' Compensation and elects to receive an annuity under FSRDS or FSPS.

Survivors of Department of State employees should work through the Office of Employee Relations to submit claims to the Office of Workers Compensation. Survivors of AID employees should work through the Office of Labor Management Relations; APHIS through the Human Resources Division; and Foreign Agricultural Service and Foreign Commercial Service through the Office of Foreign Service Personnel.

Death from terrorist action

Public Law 98-259 (and amendments to the law in the Tax Reform Act of 1984) added section 692c to the Internal Revenue Code. This section exempts from federal income taxes certain military and civilian employees of the United States who die as a result of injuries sustained overseas in a terrorist or military action. The exemption applies to the taxable year in which the death occurs and to any prior taxable year beginning with the last year ending before the year in which the wounds or injuries were received.

A December, 1984 Letter of Understanding between the Department of State, the Department of Defense, and the Internal Revenue Service established the specific procedures for processing tax returns of individuals covered by the law. All returns and claims for refunds must be accompanied by IRS Form 1310, Statement of Person Claiming Refund Due a Deceased Taxpayer, and certification from the Department of State (in the form of a letter signed by the Director General of the Foreign Service or his or her delegate) that the death was a result of a terrorist or military action outside the United States. The Internal Revenue Service has designated representatives in

their district offices who will answer tax questions and assist in preparing original and amended returns for individuals covered by the law.

Personal papers and documentation

A survivor is faced immediately with the need to locate personal papers and provide information. The following list offers an idea of the range of documents and information needed after a death:

- letter of last instruction (if one was prepared)
- certificate of death (at least 15 certified copies). OF-180 if death occurred abroad
- birth certificate of deceased
- birth/adoption certificates of survivors (including children)
- marriage certificate and divorce decree(s), if husband or wife were previously married
- change of name decree for anyone in family who has one
- military discharge certificate if deceased has military service
- wills
- insurance policies: life, accident and health, disability
- name, address, and telephone number of lawyer, insurance agent, stockbroker, employer, real estate agent, accountant
- business contracts
- bank books, notes receivable, notes payable, stocks, bonds, securities
- pension plans
- real estate deeds, closing statements for house, receipts for property taxes
- income tax returns and receipts for previous six years, W-2 forms, and other records of earnings
- Social Security numbers
- automobile registration
- information on debts, charge accounts, loans, etc.
- naturalization papers

A funeral director may ask for name and home address of the deceased; how long in state; date and place of birth; citizenship; date and place of marriage and marriage license; deed to cemetery lot; occupation and title; Social Security number; employer's name, address, telephone and father's and mother's names, places of birth, and places of burial.

A life insurance agent or company representative may ask for policy numbers and amounts; full name and address of deceased; occupation and date last worked; date and place of birth and sources of birth information; date, place, and cause of death; claimant's name, age, address, and Social Security number. Additionally, the claimant may be asked for details of health history and/or the nature of the injuries of the deceased, as well as identities of attending physicians and the person who had possession of the life insurance policy.

RESOURCES

Offices and Organizations

Department of Labor

For a location closest to you, reference <http://www.dol.gov/dol/location.htm>.

Employee Consultation Services

(M/MED/MHS/ECS)
Office of Medical Services Main Office
Room H246, SA-1
Columbia Plaza
2401 E Street, NW
Department of State
Washington, DC 20520
Tel: (202) 663-1815
Fax: (202) 663-1456
E-mail: MEDECS@state.gov

Employee Relations (HR/ER)

Room H236, SA-1
Columbia Plaza
2401 E Street, NW
Department of State
Washington, DC 20522-0108
Intranet: <http://hrweb.hr.state.gov/er>
Worker's Compensation/Leaves Coordinator:
Tel: (202) 261-8171
Fax: (202) 261-8182

Family Liaison Office (M/DGHR/FLO)

Support Services Officer
Room 1239, Harry S Truman Building
2201 C Street, NW
Washington, DC 20520-7512
Tel: (202) 647-1076 or (800) 440-0397
Fax: (202) 647-1670
Internet: <http://www.state.gov/m/dghr/flo/>

Intranet: <http://hrweb.hr.state.gov/flo/index.html>
E-mail: flo@state.gov

Office of Casualty Assistance (M/DGHR/OCA)

Room 1241, Harry S Truman Building
2201 C Street, NW
Department of State
Washington, DC 20520
Tel: (202) 736-4302
Fax: (202) 647-5313
Intranet: <http://hrweb.hr.state.gov/oca/index.html>
E-mail: oca@state.gov

Office of Medical Services (M/MED)

Room L209, SA-1
Columbia Plaza
2401 E Street, NW
Washington, DC 20520
Tel: (202) 663-1611
Intranet: <http://med.state.gov/>

Office of Retirement (HR/RET)

Room H620, SA-1
Columbia Plaza
2401 E Street, NW
Department of State
Washington, DC 20520
Tel: (202) 261-8960
Fax: (202) 261-8988 and (202) 663-3946
Intranet: <http://hrweb.hr.state.gov/ret/Index.html>

Foreign Service Institute Transition Center (M/FSI/TC)

George P. Shultz National Foreign Affairs Training Center (SA-42)
Washington, DC 20522-4202
Physical location: 4000 Arlington Blvd., Arlington, VA
(do not send mail to this address)
Internet: www.state.gov/m/fsi/tc
Intranet: <http://fsi.state.gov/fsi/tc>

Directions, maps, parking and other information
<http://www.state.gov/m/fsi/tc/c16687.htm>

Overseas Briefing Center (M/FSI/TC/OBC)

Room E2126
Tel: (703) 302-7277
Fax: (703) 302-7452
E-mail: FSIOBCInfoCenter@state.gov

Transition Center Training Division (M/FSI/TC/T)

Foreign Service Life Skills Training

Tel: (703) 302-7268

E-mail: FSITCTraining@state.gov

Related Transition Center Training

Regulations, Allowances and Finances in the Foreign Service Context (MQ 104)

<http://www.state.gov/m/fsi/tc/c6950.htm>

IQ: Information Quest

Tel: (800) 222-0364 or (800) 262-7848 (TDD)

Internet: <http://www.worklife4you.com>.

New users enter company code: statedepartment;
User ID is: FirstnameMiddleinitialLastnameMMDD,
(Month and Day—four digits from your birthdate)
e.g., JaneCDoe0927. Other U.S. Government employees should check with their agencies about how to access these services.

Family Liaison Office Publications

The Foreign Service Family and Divorce

www.state.gov/m/dghr/flo/2005.htm

Contingency Planning and Evacuation Resources

www.state.gov/m/dghr/flo/c1991.htm

Office of Casualty Assistance Publications

Children's Reaction to Trauma

When a Member of the Foreign Service Dies

Overseas

In the Aftermath of a Terrorist Incident

You Will Always Be a Member of the Department of State Family

References

URL for all: <http://foia.state.gov/REGS/Search.asp>

14 FAM 532.3-14 FAM 536.1-2

Advance departure of family member(s) from post

14 FAM 618.1

Advance Shipment of Effects at U.S. Government Expense

3 FAM 3750

Travel of Children of Separated Families

3 FAM 2550

Deaths in Service

3 FAM 3650

Death Gratuity

Emergency Contact Information

If family members cannot reach you in case of an emergency, they may try the following numbers when other means of communication have failed:

State Department

(weekdays 8:15 am to 5 pm, EST)

Office of Casualty Assistance (202) 736-4302

All agencies

(after business hours, weekends, and holidays)

Operations Center (202) 647-1512

SAMPLE

JOINT PROPERTY STATEMENT

We declare that the property being stored at government expense is the joint property of _____ and _____ and either party may have access to these effects.

- 1. Date: _____
Signature: _____
- 2. Date: _____
Signature: _____

Name of storage company: _____

Address: _____

Date entered into storage: _____

Invoice No. _____

Notarized by: _____

Date: _____

SAMPLE

AUTHORIZATION TO RECEIVE GOODS SHIPPED FROM POST

I declare that the property being shipped from (name of post)
_____ to (destination) _____

under travel authorization # _____

may be delivered to: (name) _____

Employee Signature: _____

Date: _____