

CHAPTER 33

**RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN (RSFPP) –
APPLICATION OF PLAN**3301 BACKGROUND

Public Law 83-239 (reference (et)) authorizes a voluntary survivorship annuity plan under which members of the Uniformed Services may provide an annuity for their spouses and/or eligible dependent children after the member's death in retirement. This legislation was first known as the Uniformed Services Contingency Option Act of 1953 (USCOA) (reference (et)). It was amended and renamed the Retired Serviceman's Family Protection Plan (RSFPP) by Public Law 87-381 (reference (eu)). Public Law 90-485 (reference (ev)), introduced several new statutory amendments that became effective November 1, 1968. Public Law 92-425 (reference (ew)), terminated RSFPP for members retired on or after that date and created the Survivor Benefit Plan (SBP) as covered in Chapters 42 through 57 of this volume. On September 30, 1978, Public Law 95-397 (reference (ex)) was enacted with provisions affecting certain annuities. A provision in Public Law 98-94 (reference (aj)) provided for rounding annuities. Public Law 98-525 (reference (ej)), authorized annuity payments under certain circumstances where the participating member is missing.

3302 SPECIALIZED TERMS

330201. Annuitant. A widow, widower, or child entitled to benefits based on a deceased retiree's participation in the RSFPP.

330202. Change in Family Status. Change in a retiree's immediate family resulting from death, divorce, annulment, remarriage; or the birth or adoption of a child.

330203. Child. A member's child who is living on the date of retirement and who meets any of these requirements:

A. Natural Child. Under 18 years of age and unmarried.

1. More than 18 years of age, unmarried, and incapable of self-support because of being mentally defective or physically incapacitated, if that condition existed before reaching age 18.

2. At least 18, but under 23 years of age and unmarried, pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. This applies only if the member retired on or after November 1, 1968.

B. Step-Child. Under 18 years of age and unmarried, and dependent on the member for more than one-half of his or her support, or meeting the requirements of subparagraphs 330203.A.1 or A.2, above.

C. Legally Adopted. Under 18 years of age and unmarried, or meeting the requirements of subparagraphs 330203.A.1 or A.2, above.

330204. Cost and Conversion Tables. Tables prescribed by the Board of Actuaries (tables of percentage reduction of retired pay and conversion tables under the RSFPP/USCOA showing the factors for computation of costs).

330205. Declination. Election not wanted.

330206. Determination of Presumed Death. A determination by the Secretary of the Military Department concerned that a participating member is presumed dead, where the member's retired or retainer pay has been suspended and the member has been missing at least 30 days under circumstances that lead to a reasonable conclusion that the member is dead.

330207. Election in Effect. Valid election existing on the date of retirement.

330208. Eligible Spouse. The lawful wife or husband of a member at the time of retirement.

330209. Extrapolation. Method of determining the reduction factor for option 1, 1 with 4, and 3 with 4 when the member's wife is more than 25 years younger than the member. (Special computation is necessary only for members who became eligible for retired pay before November 1, 1968.)

330210. Fractional Amount. That portion of reduced retired pay to be paid in monthly annuities for members retired before November 1, 1968.

330211. In-Fact Dependent. Stepchild who is dependent on the member for more than half of his or her support.

330212. Modification. A change in percentage of the amount of retired pay under any option, or a change in option(s) elected.

330213. Multiple Option. Combination of options 1 and 2, with or without option 4.

330214. Option. A choice by the member to provide an annuity for his or her dependents. (See paragraph 340103 of this volume for a definition of each option.)

330215. Plan. Retired Serviceman's Family Protection Plan (formerly called the Uniformed Services Contingency Option Act) (reference (et)).

330216. Reduced Retired Pay. Retired pay remaining after the cost of participation has been deducted.

330217. Reduction Factor. Four-digit decimal fraction used to compute monthly RSFPP cost.

330218. Revocation. Cancellation of a previous election.

330219. Single Option. Election of options 1, 2, or 3 with or without option 4.

330220. Withdrawal. Voluntary termination of a member's participation in the plan.

3303 MEMBERS ELIGIBLE TO ELECT UNDER THE PLAN

330301. All members of the Uniformed Services, including all Components and members thereof, who retired with pay before September 21, 1972.

330302. Personnel on the Emergency Officer's Retired List (EORL).

330303. Reserve members not on active duty who were in an active status (participating in Reserve training) as distinguished from those in an inactive status (on the retired Reserve list).

330304. Members of the Reserve Components of the Uniformed Services who were in an inactive status and who had completed 20 years of satisfactory service on November 1, 1953.

3304 MEMBERS INELIGIBLE TO ELECT UNDER THE PLAN

330401. Members on the retired Reserve list without pay who did not complete the requirements to receive retired pay.

330402. Cadets serving at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy; and

330403. Midshipmen.

3305 GENERAL PROVISIONS

330501. All elections were effective on date of retirement or November 1, 1953, whichever was later.

330502. An election by any member who had not yet retired on September 21, 1972, was automatically voided on that date.

330503. Members already retired on September 21, 1972, who had coverage under the RSFPP, had three choices:

- A. Convert from RSFPP to the Survivor Benefit Plan (SBP); or
- B. Retain RSFPP and also elect coverage under SBP to the extent that combination of the two annuities did not exceed monthly gross retired pay; or
- C. Retain RSFPP and decline coverage under SBP.