

## § 843.211

### § 843.211 Determining when children prevent payment of the unexpended balance.

Someone entitled to an annuity for purposes of §§ 843.203 and 843.204 includes a child, even if the amount of the child's annuity is zero because the amount of the social security child survivor benefits exceeds the child survivor benefits payable under CSRS, unless—

- (a) The child's annuity entitlement has terminated under § 843.408(b); or
- (b) The child is—
  - (1) A disabled child under § 843.407,
  - (2) At least age 23, and
  - (3) Entitled to social security child survivor benefits in an amount that equals or exceeds the amount of the child survivor benefits payable under CSRS.

[52 FR 23014, June 17, 1987]

### § 843.212 Lump-sum payments which include contributions made to a retirement system for employees of a nonappropriated fund instrumentality.

A lump-sum payment will include employee contributions and interest as provided under subpart G of part 847 of this chapter.

[61 FR 41721, Aug. 9, 1996]

## Subpart C—Current and Former Spouse Benefits

### § 843.301 Purpose.

This subpart explains the survivor benefits payable under FERS to current and former spouses based on the death or retirees, employees, and separated employees.

### § 843.302 Time for filing applications for death benefits.

A current or former spouse of a deceased retiree, employee, or separated employee may file an application for benefits under this subpart, personally or through a representative, at any time within 30 years after the death of the retiree, employee, or separated employee.

## 5 CFR Ch. I (1–1–01 Edition)

### § 843.303 Marriage duration requirements.

(a) The current spouse of a retiree, an employee, or a separated employee can qualify for a current spouse annuity or the basic employee death benefit only if—

- (1) The current spouse and the retiree, employee, or separated employee had been married for at least 9 months, as explained in paragraph (b) of this section; or
- (2) A child was born of the marriage, as explained in paragraph (c) of this section; or
- (3) The death of the retiree, employee, or separated employee was accidental as explained in paragraph (d) of this section.

(b) For satisfying the 9-month marriage requirement of paragraph (a)(1) of this section, the aggregate time of all marriages between the spouse applying for a current spouse annuity and the retiree, employee, or separated employee is included.

(c) For satisfying the child-born-of-the-marriage requirement of paragraph (a)(2) of this section, any child, including a posthumous child, born to the spouse and the retiree, employee, or separated employee is included. This includes a child born out of wedlock if the parents later married or of a prior marriage between the same parties.

(d)(1) A death is accidental if it results from homicide or from bodily injuries incurred solely through violent, external, and accidental means. The term “accidental” does not include a death caused by or the result of intentional self-destruction or intentionally self-inflicted injury, while sane or insane.

(2) A State judicial or administrative adjudication of the cause of death for criminal or insurance purposes is conclusive evidence of whether a death is accidental.

(3) A death certificate showing the cause of death as accident or homicide is *prima facie* evidence that the death was accidental.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987]