

Table of Contents

Subchapter 34A CSRS

Part 34A1 General Information

Section 34A1.1-1 Overview 1

A. Introduction 1

B. Topics Covered 1

C. Organization of Subchapter 2

D. Statement of Authority 2

Section 34A1.1-2 Standard Form (SF) 2808 3

A. General 3

B. No Effect on Survivor Annuity 3

C. Other Types of Designations 3

Section 34A1.1-3 Need to Designate a Beneficiary 4

A. General Rule 4

B. Order of Precedence 4

C. When a New Designation is Not Required 5

Part 34A2 Rules Regarding the Designation of a Beneficiary

Section 34A2.1-1 Who May Designate a Beneficiary 6

A. General Rule 6

B. Designation Must Be Made by a Competent Individual 6

C. Who May Not Designate a Beneficiary 6

Section 34A2.1-2 Who May Be Designated as Beneficiary 7

A. General Rule 7

B. Designation of Estate 7

C. Designation of a Creditor 7

D. Designation of U.S. Government 7

E. Designation of a Trust Account 8

F. Designation of a Contingent Beneficiary 9

G. Witness Not Eligible as Beneficiary 9

Section 34A2.1-3 Validity of Designations of Beneficiary	10
A. General Rule	10
B. Designation Must Be in Writing	10
C. Designation Must Be Signed	10
D. Designation Must Be Witnessed	10
E. Designation Must Be Received by OPM Prior to Death	11
F. Last Will and Testament	11
 Section 34A2.1-4 Items That May Cause a Designation To Be Invalid	12
A. Items That May Cause a Designation to Be Invalid	12
B. Defects That Are Acceptable on the SF 2808	13
 Section 34A2.1-5 When Designation of Beneficiary Becomes Effective	14
A. Effective Date of Designation of Beneficiary	14
 Section 34A2.1-6 Payment of Shares to Beneficiaries	15
A. General Rule	15
B. Designations Where Shares Total Less Than 100 Percent	15
C. Designations Where Shares Total More Than 100 Percent	15
D. Deceased Beneficiaries	15
 Section 34A2.1-7 Change or Cancellation of Designation of Beneficiary	16
A. General Rule	16
B. Designation Effective Until Canceled or Changed	16
C. When a Change or Cancellation Is Permitted	16
D. Preferred Language to Be Used to Cancel	16
E. Effect of Filing a New Designation	16
F. Transferring to FERS Cancels a Prior Designation	16
G. Effect of Automatic FERS Coverage	16
H. Actions That Do Not Cancel a Designation of Beneficiary	17
 Section 34A2.1-8 Miscellaneous	18
A. Designations Must Be Kept Confidential	18
B. Designations That Dispose of Voluntary Contributions	18
C. Miscellaneous Provisions Not Recognized	18
D. Common-Disaster Clause Is Invalid on SF 2808	19
E. Designations of Precise Amounts Instead of Shares	19

Part 34A3 Procedures

Section 34A3.1-1 How to Designate a Beneficiary or Beneficiaries	20
A. Employee Responsibility	20
B. Former Employee or Retiree Responsibility	21
C. OPM Responsibility	21

Subchapter 34B FERS

Part 34B1 General Information

Section 34B1.1-1 Overview 23
A. Introduction 23
B. Organization of Subchapter 23
C. Statement of Authority 23

Section 34B1.1-2 Applicable CSRS Provisions 24
A. Applicable CSRS Provisions 24
B. General Exceptions 24
C. Specific Exceptions 24

Section 34B1.1-3 Standard Form (SF) 3102 25
A. General 25
B. No Effect on Other Survivor Benefits 25
C. Other Types of Designations 25

Part 34B2 Rules Regarding the Designation of a Beneficiary

Section 34B2.1-1 Validity of Designations of Beneficiary 26
A. General Rule 26
B. Applicable CSRS Provisions 26
C. Employees File Designations With Employing Agency 26
D. Former Employees and Retirees File With OPM 26
E. Transferees 27

Part 34B3 Procedures

Section 34B3.1-1 How to Designate a Beneficiary or Beneficiaries 28
A. Employee Responsibility 28
B. Former Employee or Retiree Responsibility 29
C. Employing Agency Responsibility for Current Employee Filings 29
D. OPM Responsibility for Former Employee and Retiree Filings 30

**Subchapter 34A CSRS
Part 34A1 General Information****Section 34A1.1-1 Overview**

A. Introduction

This subchapter covers the designation of a beneficiary to receive any lump-sum benefit due under the Civil Service Retirement System (CSRS) upon the designator's death.

The lump-sum payment due upon the death of an employee, former employee, or retiree is the total lump-sum credit to the individual's credit in the Retirement Fund, and annuity accrued and unpaid on the death of a retiree. If a survivor is eligible for a survivor annuity, the lump-sum credit is not payable; however, accrued and unpaid annuity is payable.

NOTE 1: See Chapter 75, Lump-Sum Benefits, for a detailed description of the lump-sum credit.

NOTE 2: This Chapter does not address payment of accrued and unpaid survivor annuity.

B. Topics Covered

- When a designation of beneficiary may be necessary;
- Who may designate a beneficiary and who may be designated;
- What makes a designation of beneficiary valid or invalid;
- How shares are paid to beneficiaries;
- How to change or cancel a designation; and
- Procedures to follow in order to designate a beneficiary or beneficiaries.

Section 34A1.1-1 Overview (Cont.)**C. Organization of
Subchapter**

This subchapter has three parts:

Part	Name of Part	Page
34A1	General	1
34A2	Rules Regarding the Designation of a Beneficiary	6
34A3	Procedures	20

Subchapter 34B that outlines the rules applicable to the designation of beneficiary under FERS begins on page 22.

**D. Statement of
Authority**

This subchapter is based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8342
 - Code of Federal Regulations: 5 CFR 831.2003-2006
-

Section 34A1.1-2 Standard Form (SF) 2808

A. General

SF 2808, Designation of Beneficiary, Civil Service Retirement System, is used by an employee, former employee, or retiree participating in the CSRS to designate a beneficiary or beneficiaries of any lump-sum amount payable upon his or her death.

**B. No Effect on
Survivor Annuity**

Designation of beneficiary on Standard Form (SF) 2808 is for lump-sum purposes only and does not affect the right of any individual who is eligible for survivor annuity benefits. Survivor annuities are --

- Payable either by operation of law, by court order, or as a result of an election made by a retiring or retired employee; and
 - Never contingent upon a designation of beneficiary as discussed in this subchapter.
-

**C. Other Types of
Designations**

The SF 2808, Designation of Beneficiary, Civil Service Retirement System, should not be confused with forms used for other types of benefits, such as:

- SF 3102, Designation of Beneficiary, Federal Employees Retirement System (see subchapter B);
 - SF 2823, Designation of Beneficiary, Federal Employees' Group Life Insurance Program;
 - SF 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee; or
 - TSP 3, Designation of Beneficiary, Federal Retirement Thrift Savings Plan.
-

Section 34A1.1-3 Need to Designate a Beneficiary

A. General Rule

A designation of beneficiary is not mandatory. Payment of all or any part of the lump-sum death benefit for which there is no designated beneficiary in place at the time of death will be made to the person or persons who survive the deceased in the order of precedence established by law (see paragraph B below). An individual should designate a beneficiary only --

- To provide for payment to some individual or individuals who would not otherwise be entitled under the order of precedence;
 - To specify payment of a different share to an individual than he or she would receive under the order of precedence; or
 - When evidence of a valid marriage or divorce is not readily available. (For example, if an employee does not have and cannot easily secure a certificate of a ceremonial marriage or evidence of death or divorce dissolving a prior marriage, then he or she should designate a beneficiary.)
-

**B. Order of
Precedence**

Lump-sum payments upon the death of an employee, former employee, or retiree are paid to the person or persons surviving the deceased in accordance with the following order of precedence:

1. To the properly designated beneficiary or beneficiaries.
 2. If there is no properly designated beneficiary, to the widow or widower.
 3. If none of the above, to the child or children, with the share of any deceased child distributed among the descendants of that child.
 4. If none of the above, to the parents in equal shares or the entire amount to the surviving parent.
 5. If none of the above, to the executor or administrator of the estate, or to any other person who has authority under applicable State law to represent the deceased's estate.
 6. If none of the above, to the other next of kin who are entitled under the laws of the domicile of the deceased at the date of death.
-

Section 34A1.1-3 Need to Designate a Beneficiary (Cont.)**C. When a New
Designation Is Not
Required**

A new designation of beneficiary is **not** required --

1. Upon transfer of an employee from one agency to another.
 2. When the address of the beneficiary or designator has been changed.
 3. When a designator or a beneficiary changes his or her name subsequent to the filing of a designation of beneficiary.
 4. When the relationship between the designator and the beneficiary has changed. (For example, if an employee designated his wife as a beneficiary and they later divorce, the designation remains valid. If such a change in relationship causes the employee to want to change his designation, he or she needs to file a new designation.)
-

Part 34A2 Rules Regarding the Designation of a Beneficiary**Section 34A2.1-1 Who May Designate a Beneficiary**

- A. General Rule** A beneficiary may be designated at any time by an employee, former employee, or retired employee. Limitations on this right are discussed in paragraphs B and C of this section.
-
- B. Designation Must Be Made by a Competent Individual** To be valid, a designation of beneficiary must be made by an individual who is mentally competent at the time of the designation. The legal presumption is that the designator was competent to name a beneficiary; the burden of proof that he or she was not rests upon the individual alleging the incompetency.
-
- C. Who May Not Designate a Beneficiary** The right to designate a beneficiary is a personal one and may be exercised only by the employee, former employee, or retiree. No other individual, no matter what his or her status, may designate a beneficiary for the employee, former employee, or retiree. Common examples of unacceptable designations are as follows:
- 1. Guardian or Attorney**

A designation executed under authority of a power of attorney or by a duly appointed guardian or committee will not be recognized.
 - 2. Survivor Annuitant**

A survivor annuitant cannot designate a beneficiary for any future lump-sum payment based on the service of the deceased.
-

Section 34A2.1-2 Who May Be Designated as Beneficiary

- A. General Rule** Except as explained in paragraph G below, any individual, firm, corporation, or legal entity may be designated as beneficiary. Any number of beneficiaries can be named to share the lump-sum benefit in any proportion. The sum of the proportions cannot exceed 100 percent.
- B. Designation of Estate** When a designation names an "estate," "administrator," or "executor" as beneficiary, the person who qualifies under applicable State law to collect amounts payable to the estate qualifies as the beneficiary. If there is no court-appointed representative of the estate, OPM will pay a person who qualifies under the small-estate procedures of the State. The designation does not have to identify the specific individual or institution that will assume the role of representative of the estate.
- C. Designation of a Creditor** If an employee, former employee, or retiree describes a beneficiary's relationship as "creditor," OPM will not require proof of the deceased's indebtedness to the creditor or verification of the amount of any indebtedness. It is the designator's responsibility to change or cancel the designation of a creditor if the debt is extinguished. The fact that the beneficiary identified as a "creditor" is no longer a creditor at the time of the designator's death does not invalidate the designation. (See section 34A1.1-3, paragraph C4.) The designation of a creditor cannot be made contingent on the existence of a debt. (See section 34A2.1-8, paragraph C.)
- The creditor should be specifically designated to receive either a share of the total lump-sum benefit or a precise amount. If payment under the designation does not exhaust the entire lump-sum benefit, the remaining balance is paid first to any other named beneficiary, and then to the individual or individuals next in the order of precedence. (See section 34A1.1-3, paragraph B, for the order of precedence, and section 34A2.1-8, paragraph E, for instructions on designating precise amounts.)
- D. Designation of U.S. Government** A designator may name the U.S. Government as beneficiary. An unqualified designation of the U.S. Government as beneficiary is presumed to be a designation of the Civil Service Retirement and Disability Fund.
-

Section 34A2.1-2 Who May Be Designated as Beneficiary (Cont.)

E. Designation of a Trust Account

A designation of a trust account should include the following information on the SF 2808:

- Indication that the death benefit is payable to the trustee or successor trustee;
- The name of the trust, if any;
- The date the trust document was signed and the name(s) of the person(s) who signed it; and
- A name and address sufficient to contact and identify the designated trustee.

1. Inter Vivos Trust

An inter Vivos trust is a trust that was created during the individual's lifetime. The following information should be typed on the SF 2808. If there is insufficient space on the SF 2808 for this purpose, an attachment may be prepared and referenced on the SF 2808.

"(Name and Address of Trustee) or successors in trust as Trustee under (Name of Trust Agreement) bearing the date of (date) executed by me and said Trustee. The Office of Personnel Management shall not be responsible for the application or disposition of the proceeds of such payments by said Trustee and the receipt by said Trustee shall be full discharge of the liability of said Office."

2. Testamentary Trust

A testamentary trust is a trust created by an individual's will at death. The following information should be typed on the SF 2808. If there is insufficient space on the SF 2808 for this purpose, an attachment may be prepared and referenced on the SF 2808.

"(Name and Address of Trustee) or successors in trust as provided under my Last Will and Testament. I further request that in the case of the failure of said Trustee to be appointed as such Trustee or to qualify as such by reason of nonprobate of any Will to that effect or for any other reason whatsoever, the amount payable under the Retirement Program shall be paid to (Name, Address, Relationship). The Office of Personnel Management shall not be responsible for the application or disposition of the proceeds of such payment by said Trustee and the receipt by said Trustee shall be full discharge of the liability of said Office."

Section 34A2.1-2 Who May Be Designated as Beneficiary (Cont.)

E. Designation of a Trust Account (Cont.)

If an individual --

- Wishes to follow some format other than those provided above;
- Cannot furnish the information requested above; or
- Requests additional information concerning the designation of a trust account for the payment of the benefits under the retirement system, he or she should contact OPM at the following address:

**Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017**

F. Designation of a Contingent Beneficiary

A contingent beneficiary is a secondary beneficiary who only becomes entitled to payment if the primary beneficiary is not living at the time the lump-sum benefit becomes payable. Such a designation should be written as follows:

Jane Doe, if living.....All
 Otherwise to:
 John Doe.....All

NOTE: When the primary beneficiary is also entitled to a survivor annuity based on the service of the deceased, any lump-sum payment payable upon the survivor's death (not including unpaid survivor annuity) is made to the contingent beneficiary.

G. Witness Not Eligible as Beneficiary

A witness to a designation of beneficiary is ineligible to receive payment on the basis of that designation. However, the fact that a witness is also named as a beneficiary does not necessarily make the entire designation invalid. (The designation is entirely void only if the witness is the sole beneficiary named.)

NOTE: Upon receipt of a designation in which a witness is a designated beneficiary, OPM follows the procedure for correcting defects outlined in section 34A3.1-1, paragraph C.

Section 34A2.1-3 Validity of Designations of Beneficiary

- A. General Rule** To be valid, a CSRS designation of beneficiary must be in writing, signed by the designator, witnessed, and received by OPM prior to the death of the designator.
-
- B. Designation Must Be in Writing** The prescribed form for designating a beneficiary is SF 2808, Designation of Beneficiary, Civil Service Retirement System.
- A designation of beneficiary may be submitted to OPM, in writing, other than on an SF 2808. Such a designation is acceptable in lieu of one on the SF 2808, assuming all other requirements are met. Upon receipt, OPM will request that the designation be redone on an SF 2808.
-
- C. Designation Must Be Signed** The designation must be properly signed by the designator to be valid.
- Acceptable signatures include:
1. Signatures made by mark, symbol, or fingerprint.
 2. Signatures printed but not typewritten.
 3. Signatures that include the initials of the first and middle name and the full surname.
-
- D. Designation Must Be Witnessed** A CSRS designation of beneficiary must be signed by at least one witness to the designator's signature. Although SF 2808 calls for two witnesses, the signature of one witness who is not named as beneficiary is acceptable. If there is no witness, the designation is invalid. (See section 34A2.1-2, paragraph G, regarding rule that witness may not be a beneficiary.)
- The types of signatures described in paragraph C above, which are acceptable from the designator, are also acceptable from a witness. Omission of a witness' address does not invalidate the designation.
-

Section 34A2.1-3 Validity of Designations of Beneficiary (Cont.)

- E. Designation Must Be Received by OPM Prior to Death** A CSRS designation of beneficiary must be received by OPM prior to the death of the designator.
1. A designation of beneficiary that is filed with the employing agency for transmittal to OPM is invalid if the designator dies before it is received by OPM.
 2. A designation that was mailed to OPM, either by the agency or the individual, is invalid if the designator dies before it is received by OPM.
 3. A designation of beneficiary that is received by OPM on the same day as the designator's death occurs is valid if it is otherwise properly executed.
 4. The original designation must be received by OPM prior to the death of the designator. Receipt by OPM of a "FAX" or any other kind of copy before the date of death does not make the designation valid.
-
- F. Last Will and Testament** A designation of beneficiary may be made in a last will or testament if it is witnessed and filed and meets all other requirements of this Chapter.
-

Section 34A2.1-4 Items That May Cause a Designation to Be Invalid

A. Items That May Cause a Designation to Be Invalid

The following are common mistakes that should be avoided:

1. The beneficiaries named on original and duplicate of SF 2808 are different.
2. A beneficiary is not specifically named. The following are examples of such a beneficiary:
 - Per stirpes designation (one that provides for the equal distribution of benefits among the children of a deceased named beneficiary); or
 - A designation on which a beneficiary is not yet in existence (for example, "Mary Smith's children--born and unborn").
3. Two beneficiaries are named connected by the word "or."
4. The designator's name as shown in the body of the designation differs materially from the signature. The difference is not material if initials of first and middle names are used in one place and full names in the other.
5. A guardian is named, but there is no indication for whom he or she is to receive payment.
6. The designator's date of birth is not shown or is obviously incorrect.
7. One or more beneficiaries have signed as a witness. (See section 34A2.1-2, paragraph G, for information about the consequences of designating a witness as a beneficiary.)
8. There are miscellaneous provisions (such as "payment of just debts," "payment in installments") that cannot be recognized. (See section 34A2.1-8, paragraph C.)
9. Shares of beneficiaries are not stated or are incorrectly stated, that is, they exceed 100 percent in total.

Section 34A2.1-4 Items That May Cause a Designation To Be Invalid (Cont.)

- A. Items That May Cause a Designation To Be Invalid (Cont.)**
10. The given name of beneficiary is not stated (for example, "Mrs. John Doe" instead of "Mary Doe").
 11. The designation is not properly signed by the designator. (See section 34A2.1-3, paragraph C.)

NOTE: See also section 34A2.1-8 for miscellaneous provisions concerning designations of beneficiary. See section 34A3.1-1, paragraph C, for OPM procedures for handling designations with defects.

- B. Defects That Are Acceptable on the SF 2808**
- Some designations of beneficiary are received by OPM that, although they are not perfectly executed, are acceptable and valid. Upon receipt of such, OPM will invite a new designation. The following are examples of defects that may occur on a SF 2808 that are acceptable.

1. The relationship of beneficiary to designator is not stated.
2. There are corrections or erasures in non-critical areas, such as an address.
3. Addresses of witnesses are omitted.
4. The date of execution of the designation is omitted or obviously incorrect.
5. The place of employment is omitted or incorrectly stated.

NOTE: See section 34A3.1-1, paragraph C, for OPM procedures for handling designations with defects.

Section 34A2.1-5 When Designation of Beneficiary Becomes Effective

A. Effective Date of Designation of Beneficiary

A designation of beneficiary is not effective until the moment of the event that makes the lump sum payable. At that moment, title vests in the beneficiary or beneficiaries then living, and payment must be made accordingly. (See section 34A2.1-6, paragraph D, for information about payment of shares to deceased beneficiaries.)

If there is no designated beneficiary to whom the lump sum can be paid, settlement must be made with the individual(s) who are next in the order of precedence of payment. (See section 34A1.1-3, paragraph B, for the order of precedence.)

Section 34A2.1-6 Payment of Shares to Beneficiaries

- A. General Rule** When more than one beneficiary is designated, and the share or percentage to be received by each one is specified, each beneficiary is paid the portion indicated.
- If the share that each is to receive is not specified, the amount due is to be divided in equal shares among the beneficiaries named. Under such circumstances, the beneficiaries' relationship to the designator is not material; they share equally even if one is more closely related than the other.
- B. Designations Where Shares Total Less Than 100 Percent** Under designations in which the total of the shares of several beneficiaries named equals less than 100 percent, each beneficiary is paid the exact share specified. The balance of the amount not disposed of by the designation is paid to the individual(s) who are next after the beneficiaries in the order of precedence of payment. (See section 34A1.1-3, paragraph B, for the order of precedence.)
- NOTE 1: Filing a designation that disposes of less than the total amount due has the effect of canceling any prior designation even though the prior one may have disposed of the total amount due.
- NOTE 2: If it appears that the designation of share equaling less than 100 percent was an inadvertent error, OPM may contact the designator in accordance with the procedures outlined in section 34A3.1-1, paragraph C.
- C. Designations Where Shares Total More Than 100 Percent** When the shares in a designation total more than 100 percent, OPM contacts the designator and requests a new designation. (See OPM procedures in section 34A3.1-1, paragraph C.)
- D. Deceased Beneficiaries** If more than one beneficiary is named, the share of any deceased beneficiary or beneficiaries who may die before a lump-sum benefit becomes due is distributed equally among the surviving beneficiaries or entirely to the sole surviving beneficiary. The survivors of a designated beneficiary who dies **before** the death of the designator have no claim to the lump-sum benefit. However, if a designated beneficiary dies **after** the death of the designator but before receiving the his or her share, the share is payable to the beneficiary's estate or heirs in accordance with governing State law.
-

Section 34A2.1-7 Change or Cancellation of Designation of Beneficiary

- A. General Rule** A change or cancellation of designation of beneficiary may be made only in the same manner as a new designation is made. The change or cancellation must be in written form (preferably on SF 2808), properly signed, witnessed, and received by OPM prior to the death of the designator.
-
- B. Designation Effective Until Canceled or Changed** A valid designation remains effective until it is changed or canceled.
-
- C. When a Change or Cancellation Is Permitted** A change of beneficiary or cancellation of a designation may be made at any time and without the knowledge and consent of the previous beneficiary. No provision may be given in a previous designation to restrict or waive the designator's right to change or cancel.
-
- D. Preferred Language To Be Used to Cancel** The preferred language to be written on the SF 2808 by a designator in canceling a prior designation is "Cancel All Prior Designations." Similar words are acceptable to effect cancellation.
-
- E. Effect of Filing a New Designation** Filing a new, valid designation of beneficiary has the effect of canceling a prior one. Therefore, where a new designation is filed in order to change or add beneficiaries, those originally designated who are to continue as beneficiaries must again be named on the new designation; otherwise they will be excluded.
-
- F. Transferring to FERS Cancels a Prior Designation** When an employee transfers to FERS, any prior CSRS designation of beneficiary is automatically canceled on the effective date of the FERS election.
-
- G. Effect of Automatic FERS Coverage** If an employee was automatically covered by FERS by operation of law, any CSRS designation of beneficiary remains valid and applicable under FERS, unless later canceled.
-

Section 34A2.1-7 Change or Cancellation of Designation of Beneficiary (Cont.)**H. Actions That Do Not Cancel a Designation of Beneficiary**

The following actions are **not** recognized by OPM as a change or cancellation of designation of beneficiary:

1. Payment of a refund of all retirement contributions or of a lump-sum payment under the alternative annuity provision. The original designation, unless properly changed or canceled, is effective to dispose of any contributions made upon reemployment in the Federal service, and/or annuity accrued and unpaid on death.
 2. A change or cancellation of a designation of beneficiary in a last will and testament, unless it is properly witnessed and filed and meets all other requirements. (See section 34A2.1-3.)
 3. The election by a retiring or retired employee of a survivor annuity. A survivor annuity election has no effect on who is entitled to the lump-sum payment, should it become payable.
-

Section 34A2.1-8 Miscellaneous

- A. Designations Must Be Kept Confidential** Since designations of beneficiary are confidential instruments, during the life of the designator no information concerning the beneficiary may be given to anyone except the designator. After the designator's death, information regarding the beneficiary may be given to individuals who have legitimate interest in the case and to government agencies.
- B. Designations That Dispose of Voluntary Contributions** For purposes of lump-sum death benefits, the balance of any individual's voluntary contributions account (see Chapter 31, Voluntary Contributions) is considered part of the lump-sum credit and is payable according to the regular order of precedence. (See section 34A1.1-3, paragraph B.) Thus, even if a designation is silent with respect to voluntary contributions, any voluntary contributions to the individual's credit are payable in accordance with the designation.
- If an individual wishes to separately designate a beneficiary to receive the voluntary contributions part of the lump-sum benefit, he or she must write "voluntary contributions balance only" in the share block of SF 2808. The remaining amount of the lump-sum benefit may be then designated by writing "remainder" or "% of remainder" in the share block, as appropriate.
- C. Miscellaneous Provisions Not Recognized** A designation of beneficiary is not intended as a will. Inclusion of miscellaneous provisions (some commonly included in wills) in a designation will not invalidate the designation, but the provisions cannot be recognized by OPM. The following are examples of miscellaneous provisions that cannot be recognized:
1. "Payment of just debts."
 2. "Payment on the monthly installment plan."
 3. Specific purposes for which the beneficiary is to use the money paid him under the designation; for example, the "education of a child."
 4. Money to be retained in the Retirement Fund and "interest to be paid annually."
 5. Money to be paid to a contingent beneficiary upon a condition or event other than the death of the primary beneficiary; for example, "To my son John if he is living at home--otherwise to my daughter Mary."
-

Section 34A2.1-8 Miscellaneous (Cont.)

D. Common-Disaster Clause Is Invalid on SF 2808

A common-disaster clause, which is language that stipulates the designated beneficiary shall be entitled to the lump-sum payment only if he or she survives the designator for a period of time, is not acceptable in a retirement designation of beneficiary.

E. Designations of Precise Amounts Instead of Shares

Where a beneficiary has been named to receive a precise amount instead of a share, no more than the precise amount will be paid to the beneficiary, with any remaining portion of the lump-sum death benefit being distributed among the other designated beneficiaries or under the order of precedence. No amount in excess of the lump-sum death benefit due will be paid. OPM prefers that designations of beneficiary specify shares, and will ask the designator to submit a new designation showing shares (see section 34A3.1-1, paragraph C, item 3). If it is necessary for the designator to specify a precise amount (for example see section 34A2.1-2, paragraph C), the designation should also show shares, as in the following example:

John DoeALL
but no more than \$5,000.00, with
any balance paid as follows:
Sally SmithALL

Part 34A3 Procedures**Section 34A3.1-1 How to Designate a Beneficiary or Beneficiaries****A. Employee Responsibility**

A current employee must take the following steps to designate a beneficiary or beneficiaries:

1. Obtain an SF 2808, Designation of Beneficiary, Civil Service Retirement System, from the employing agency.
2. Type or print all entries on the SF 2808 except signatures. Follow the procedures listed below:
 - The SF 2808 must be prepared in two parts; an original and duplicate.
 - The name of each beneficiary should be written in full.

EXAMPLE: Correct Incorrect

Joan L. Thomas J.L. Thomas

Mrs. Frank M. Thomas

- Print the address and relationship of each beneficiary to the designator.
 - Indicate the share to be paid to each beneficiary. If more than one beneficiary is designated, the shares should add up to 100 percent.
3. Sign and date the designation in the presence of two witnesses who will then sign the SF 2808 and include their addresses. (See section 34A2.1-3, paragraph D, for more information.)
 4. Mail the original and duplicate copy of the SF 2808 to:

Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017

5. Upon receipt of the processed duplicate SF 2808 from OPM, place the duplicate with other important papers and retain it as evidence of the filing of the designation.
-

Section 34A3.1-1 How to Designate a Beneficiary or Beneficiaries (Cont.)

- B. Former Employee or Retiree Responsibility** A former employee or retiree must take the following steps to designate a beneficiary or beneficiaries:
1. Request an SF 2808, Designation of Beneficiary, Civil Service Retirement System, from OPM at the following address:

**Office of Personnel Management
Retirement Operations Center
Boyers, PA 16017**
 2. Follow procedures 2 through 5 listed above in paragraph A.
-
- C. OPM Responsibility**
1. Upon receipt of the SF 2808, OPM marks the form to show the date of receipt and reviews the designation for major defects.
 2. If OPM finds one or more defects that render the designation totally invalid, it will return the designation to the employee, former employee, or retiree with an explanation.
 3. If OPM finds one or more defects that do not affect the designation's validity or that render the designation only partially invalid, it will retain the original designation and contact the designator to request a new designation.
 4. Otherwise, OPM files the original SF 2808 in the individual's retirement file and returns the duplicate SF 2808 to the designator as evidence that the original has been received and filed.
- NOTE:** The failure of OPM to identify a defect or to contact the designator about a defect does not make an unacceptable designation valid. The designator is responsible for filing a proper designation.
-

Blank

Subchapter 34B FERS
Part 34B1 General Information

Section 34B1.1-1 Overview

A. Introduction

Subchapter 34B outlines the rules applicable to the designation of beneficiary to receive any lump-sum benefit due under the Federal Employees Retirement System (FERS) upon the death of an employee, former employee, or retiree. As under CSRS, the lump-sum payment due upon the death of an employee, former employee, or retiree under FERS can consist of two parts: (1) the total lump-sum credit to the individual's credit in the Retirement Fund, and (2) in the case of a deceased retiree, any annuity accrued and unpaid at death. If a survivor is eligible for a survivor annuity, the lump-sum credit may not be paid; however, annuity accrued and unpaid may be paid.

NOTE 1: The rules for computing the interest portion of the FERS lump-sum credit differ significantly from the CSRS rules. See Chapter 75, Lump-Sum Benefits, for a detailed description of the FERS lump-sum credit.

NOTE 2: This subchapter does not address payment of accrued and unpaid survivor annuity.

This subchapter explains how FERS differs from CSRS. It refers readers to the applicable CSRS rule and gives the FERS rule if it is different.

B. Organization of Subchapter

The FERS subchapter has three parts:

Part	Name of Part	Page
34B1	General Information	23
34B2	Rules Regarding the Designation of a Beneficiary	26
34B3	Procedures	28

C. Statement of Authority

This subchapter is based on the laws and regulations cited below.

- United States Code: 5 U.S.C.8424
 - Code of Federal Regulations: 5 CFR 843.205-207
-

Section 34B1.1-2 Applicable CSRS Provisions**A. Applicable CSRS Provisions**

The following sections of subchapter 34A apply to FERS employees with the exceptions noted in paragraphs B and C below:

- Section 34A1.1-3 Need to Designate a Beneficiary
- Section 34A2.1-1 Who May Designate a Beneficiary
- Section 34A2.1-2 Who May Be Designated as Beneficiary
- Section 34A2.1-4 Items That May Cause a Designation to Be Invalid
- Section 34A2.1-5 When Designation of Beneficiary Becomes Effective
- Section 34A2.1-6 Payment of Shares to Beneficiaries
- Section 34A2.1-7 Change or Cancellation of Designation of Beneficiary
- Section 34A2.1-8 Miscellaneous

B. General Exceptions

1. The SF 3102, Designation of Beneficiary, Federal Employees Retirement System, replaces the CSRS SF 2808 in all sections listed in paragraph A above. (See section 34B1.1-3.)
2. Under FERS, employees file designations of beneficiary with their employing agency rather than OPM. Thus, any reference in the sections listed in paragraph A to OPM as the place where a current employee must file a designation should be read to mean the designator's employing office. Only former employees and retirees should file SF 3102's with OPM. (See parts 34B2 and 34B3.)

C. Specific Exceptions

1. A FERS designation of beneficiary is canceled when a total refund of all retirement contributions is paid to a separated employee who is not then entitled to an annuity. (Compare to subparagraph H1 in CSRS section 34A2.1-7.) As under CSRS, a lump-sum payment under the alternative annuity provision does not cancel a FERS designation.
2. Paragraph B of section 34A2.1-8 applies only to employees who had voluntary contributions accounts at the time they transferred from CSRS to FERS. FERS employees are not eligible to make voluntary contributions. (See Chapter 31.)

Section 34B1.1-3 Standard Form (SF) 3102

A. General

SF 3102, Designation of Beneficiary, Federal Employees Retirement System, is used by an employee, former employee, or retiree participating in FERS to designate a beneficiary or beneficiaries of any lump sum amount payable upon his or her death.

B. No Effect on Other Survivor Benefits

Filing a designation of beneficiary on SF 3102 does not affect the right of any individual who is eligible for survivor annuity benefits, or the basic employee death benefit (see Chapter 70, Spouse Benefits - Death of an Employee). These survivor benefits are:

- Payable either by operation of law, by court order, or as a result of an election made by a retiring or retired employee; and
 - Never contingent upon a designation of beneficiary as discussed in this subchapter.
-

C. Other Types of Designations

The SF 3102, Designation of Beneficiary, Federal Employees Retirement System, should not be confused with forms used for other types of benefits, such as:

- SF 2808, Designation of Beneficiary, Civil Service Retirement System (see subchapter A);
 - SF 2823, Designation of Beneficiary, Federal Employees' Group Life Insurance Program;
 - SF 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee; or
 - TSP 3, Designation of Beneficiary, Federal Retirement Thrift Savings Plan.
-

Part 34B2 Rules Regarding the Designation of a Beneficiary**Section 34B2.1-1 Validity of Designations of Beneficiary**

- A. General Rule** A designation of beneficiary must be in writing, signed by the designator, witnessed, and filed prior to the death of the designator to be valid.
-
- B. Applicable CSRS Provisions** The following CSRS provisions from section 34A2.1-3, Validity of Designations of Beneficiary, apply under FERS:
- Paragraph B Designation Must Be in Writing
 - Paragraph C Designation Must Be Signed
 - Paragraph D Designation Must Be Witnessed
 - Paragraph F Last Will and Testament
- NOTE: References to SF 2808 should be read to refer to SF 3102.
-
- C. Employees File Designations With Employing Agency** Current employees under FERS must file a designation of beneficiary with their **employing agency** (not OPM) prior to death. The rules in paragraph E of section 34A2.1-3 otherwise apply.
- NOTE: In the case of employees who were automatically covered by FERS, their last CSRS designation filed with OPM remains valid. (See section 34A2.1-7, paragraph G.)
-
- D. Former Employees and Retirees File With OPM** Former employees and retirees under FERS must file a designation of beneficiary with OPM. Paragraph E of section 34A2.1-3 applies.
-

Section 34B2.1-1 Validity of Designations of Beneficiary (Cont.)

E. Transferees

When an employee transfers to FERS, any prior CSRS designation of beneficiary on file is automatically canceled upon the effective date of the FERS election. (See section 34A2.1-7, paragraph F.) The employee should submit a new designation of beneficiary to the employing agency on an SF 3102 only --

- To provide for payment to some individual or individuals who would not otherwise be entitled under the order of precedence;
 - To specify payment of a different share to an individual than he or she would receive under the order of precedence; or
 - When evidence of a valid marriage or divorce is not readily available. (For example, if an employee does not have and cannot easily secure a certificate of a ceremonial marriage or evidence of death or divorce dissolving a prior marriage, then he or she should designate a beneficiary.)
-

Part 34B3 Procedures**Section 34B3.1-1 How to Designate a Beneficiary or Beneficiaries****A. Employee Responsibility**

A current employee must take the following steps to file a designation:

1. Obtain an SF 3102, Designation of Beneficiary, Federal Employees Retirement System, from the employing agency.
2. Type or print all entries on the SF 3102 except signatures. Follow the procedures listed below:
 - The SF 3102 must be prepared in two parts; an original and an employee copy.
 - The name of each beneficiary should be written in full.

EXAMPLE:

Correct**Incorrect**

Joan L. Thomas J.L. Thomas

Mrs. Frank M. Thomas

- Print the address and relationship of each beneficiary to the designator.
 - Indicate the share to be paid to each beneficiary. If more than one beneficiary is designated, the shares should add up to 100 percent.
3. Sign and date the designation in the presence of two witnesses who will then sign the SF 3102 and include their addresses.
 4. Give the original and employee copy of the SF 3102 to the employing agency.
 5. After receiving the processed employee copy of SF 3102 from the employing agency, place the copy with other important papers and retain it as evidence of the filing of the designation.

Section 34B3.1-1 How to Designate a Beneficiary or Beneficiaries (Cont.)

**B. Former Employee
or Retiree
Responsibility**

A former employee or retiree must take the following steps to file a designation:

1. Request an SF 3102, Designation of Beneficiary, Federal Employees Retirement System, from OPM at the following address:

**Office of Personnel Management
FERS
Retirement Operations Center
P.O. Box 200
Boyers, PA 16017**

2. Follow steps 2 and 3 in paragraph A.
3. Send the original and employee copy of the SF 3102 to OPM at the following address:

**Office of Personnel Management
FERS
Retirement Operations Center
P.O. Box 200
Boyers, PA 16017**

4. After receiving the processed employee copy of SF 3102 from OPM, place the copy with other important papers and retain it as evidence of the filing of the designation.
-

**C. Employing
Agency
Responsibility for
Current Employee
Filings**

1. Give the employee an SF 3102.
2. Once the employee submits the completed SF 3102, immediately mark the form to show the date of receipt.
3. Review the designation for defects. If any defects are found in the designation, retain the original copy of the designation and contact the designator to request a new designation.

Section 34B3.1-1 How to Designate a Beneficiary or Beneficiaries (Cont.)**C. Employing Agency Responsibility for Current Employee Filings (Cont.)**

4. Otherwise, certify on the SF 3102 that:
- The designated shares total 100 percent; and
 - No witnesses are designated as beneficiaries.
5. Give the employee copy of the SF 3102 to the employee as evidence that the designation was received and filed.
6. File the original copy of the SF 3102 on the right side of the Official Personnel Folder (OPF).

NOTE 1: If the employee leaves Federal service, send **all** previously filed designations that are in the OPF to OPM. If the employee is retiring, send all previously filed designations to OPM with the retirement application. If the employee dies, send all previously filed designations with the deceased employee's Individual Retirement Record (SF 3100), which should be sent to OPM as soon as possible after death.

NOTE 2: The failure of the employing agency to identify a defect or to contact the designator about a defect does not make an unacceptable designation valid. The designator is responsible for filing a proper designation.

D. OPM Responsibility for Former Employee and Retiree Filings

The basic procedures outlined in paragraph C of section 34A3.1-1 apply in OPM's handling of FERS designations filed by former employees and retirees.