

*Office of Personnel Management*  
*Retirement and Insurance Group*



1920



1954



1959



1986

**Benefits Administration Letter**

*Number:* 95-106

*Date:* October 20, 1995

**SUBJECT:**

**Death-in-Service Benefits for Law Enforcement Officers and Firefighters**

In the case of *Wassenaar v. OPM*, 21 F.3d 1090 (Fed. Cir. 1994), the United States Court of Appeals for the Federal Circuit awarded enhanced survivor benefits to the widow of a Federal law enforcement officer who died in service. OPM had denied the application for enhanced survivor benefits because, even though the employee had completed over 20 years of law enforcement officer service, he died before age 50, the minimum age for enhanced law enforcement officer benefits.

OPM is allowing the higher survivor benefit for similarly-situated widows and widowers. The exact make-up of the class of potential recipients of enhanced benefits under *Wassenaar* is currently under litigation. However, OPM is now allowing the enhanced survivor benefits in cases that meet all of the following criteria:

1. Death in service as a law enforcement officer or firefighter covered by the Civil Service Retirement System. Since 1975, these positions have been identifiable as those subject to 7.5 percent retirement deductions.
2. The employee had completed at least 20 years of law enforcement officer and/or firefighter service as of the date of death.
3. The employee died before age 50 (a death in service after reaching age 50 and meeting the 20-year requirement already triggered the higher benefit before *Wassenaar*).

The CSRS and FERS Handbook for Personnel and Payroll Offices contains the pre-*Wassenaar* instructions in Chapter 46, Section 46A3.3-1B (Note 3), and Chapter 70,

Section 70A2.1-1C. We will amend the Handbook when the current litigation is concluded. Also, we are writing under separate cover to Directors of Personnel asking for information about past death-in-service cases in which the widow or widower may qualify for enhanced benefits.

John E. Landers, Chief  
Retirement Policy Division