

Office of Personnel Management

Pt. 843, Subpt. C, App. A

(1) The amount that would otherwise be payable to the current spouse under §843.310; and

(2) The portion of the basic employee death benefit payable to a former spouse based on a qualifying court order.

§ 843.313 Elections between survivor annuities.

(a) A current spouse annuity cannot be reinstated under §843.305 unless—

(1) The surviving spouse elects to receive the reinstated current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees, by reason of the remarriage; and

(2) Any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(b) A current spouse is entitled to a current spouse annuity based on an election under §842.612 only upon electing this current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(c) A former spouse who marries a retiree is entitled to a former spouse annuity based on an election by that retiree under §842.611, or a qualifying court order terminating that marriage to that retiree only upon electing this former spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(d) As used in this section, “any other retirement system for Government employees” does not include Survivor Benefit Payments from a military retirement system or social security benefits.

[57 FR 54681, Nov. 20, 1992]

§ 843.314 Amount of survivor annuity where service includes credit for service with a nonappropriated fund instrumentality.

(a) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart D, is computed under 5 CFR part 847, subpart F.

(b) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart H, is computed under 5 CFR part 847, subpart I.

[68 FR 2178, Jan. 16, 2003]

APPENDIX A TO SUBPART C OF PART 843—PRESENT VALUE CONVERSION FACTORS FOR EARLIER COMMENCING DATE OF ANNUITIES OF CURRENT AND FORMER SPOUSES OF DECEASED SEPARATED EMPLOYEES

With at least 10, but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26	0.0600
27	.0640
28	.0696
29	.0738
30	.0810
31	.0865
32	.0925
33	.0995
34	.1067
35	.1155
36	.1238
37	.1334
38	.1426
39	.1551
40	.1667
41	.1800
42	.1940
43	.2097
44	.2260
45	.2437
46	.2634
47	.2855
48	.3082
49	.3343
50	.3615
51	.3922
52	.4251
53	.4616
54	.5018
55	.5455
56	.5936
57	.6452
58	.7033
59	.7669
60	.8369
61	.9144

§ 843.401

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36	0.1489
37 .....	.1601
38 .....	.1714
39 .....	.1858
40 .....	.2001
41 .....	.2161
42 .....	.2328
43 .....	.2516
44 .....	.2709
45 .....	.2922
46 .....	.3159
47 .....	.3423
48 .....	.3695
49 .....	.4005
50 .....	.4332
51 .....	.4698
52 .....	.5090
53 .....	.5527
54 .....	.6005
55 .....	.6526
56 .....	.7098
57 .....	.7717
58 .....	.8407
59 .....	.9165

With at least 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier by separated employee's year of birth		
	After 1966	From 1950 through 1966	Before 1950
46	0.4110	0.4477	0.4872
47 .....	.4449	.4844	.5270
48 .....	.4805	.5231	.5691
49 .....	.5204	.5666	.6162
50 .....	.5630	.6130	.6667
51 .....	.6101	.6641	.7221
52 .....	.6609	.7194	.7822
53 .....	.7172	.7805	.8486
54 .....	.7787	.8472	.9209
55 .....	.8458	.9202	1.0000
56 .....	.9194	1.0000	1.0000

[69 FR 69806, Dec. 1, 2004]

Subpart D—Child Annuities

§ 843.401 Purpose.

This subpart explains the survivor benefits payable under FERS to children based on the deaths of employees and retirees.

§ 843.402 Eligibility requirements.

A surviving child of an employee or retiree who dies after completing 18 months of civilian service creditable under FERS is entitled to an annuity under this subpart.

§ 843.403 Proof of parentage.

(a) A judicial determination of parentage conclusively establishes the paternity of a child.

(b) Except as provided in paragraph (a) of this section, a child born to the wife of a married person is presumed to be the child of the wife's husband. This presumption may be rebutted only by clear and convincing evidence that the husband is not the father of the child.

(c) When paternity is not established under paragraph (a) or (b) of this section, paternity is determined by a preponderance of the credible evidence as defined in § 1201.56(c)(2) of this title.

§ 843.404 Proof of adoption.

(a) An adopted child is—

(1) A child adopted by the employee or retiree before the death of the employee or retiree; or

(2) A child who lived with the employee or retiree and for whom a petition for adoption was filed by the employee or retiree and who is adopted by the current spouse of the employee or retiree after the death of the employee or retiree.

(b) The only acceptable evidence to prove status as an adopted child under paragraph (a)(1) of this section is a copy of the judicial decree of adoption.

(c) The only acceptable evidence to prove status as an adopted child under paragraph (a)(2) of this section is copies of—

(1) The petition for adoption (clearly showing the date filed); and

(2) The judicial decree of adoption.

§ 843.405 Dependency.

To be eligible for survivor annuity benefits, a child must have been dependent on the employee or retiree at the time of the employee's or retiree's death.

§ 843.406 Proof of dependency.

(a) A child is considered to have been dependent on the deceased employee or retiree if he or she is—

(1) A legitimate child; or

(2) An adopted child; or

(3) A stepchild or recognized natural child who lived with the employee or retiree in a regular parent-child relationship at the time of the employee's or retirees death; or