

## § 218.12

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the first full month in which the spouse is age 62 if the employee has less than 30 years of service;
- (iii) The first day of the month in which the spouse is age 60, if the employee has at least 30 years of service;
- (iv) The first day of the sixth month before the month in which the application is filed; or
- (v) The first day of the month in which the application is filed if beginning the annuity in an earlier month would increase the age reduction factor applied to the annuity.

### § 218.12 When a divorced spouse annuity begins.

- (a) A divorced spouse annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.
- (b) *Earliest date permitted by law*—(1) *General rules.* The earliest date permitted by law is the latest of—
  - (i) The day after the day the claimant last worked for a railroad employer;
  - (ii) The beginning date of the employee annuity;
  - (iii) The first day of the first full month in which the employee annuitant is age 62 if the employee has not been granted a period of disability;
  - (iv) The first day of the month in which the employee annuitant attains age 62 if the employee has been granted a period of disability; or
  - (v) The first day of the month in which the final decree of divorce is effective.
- (2) *Full-age annuity.* The earliest date permitted by law is the latest of—
  - (i) The month shown in paragraph (b)(1) of this section;
  - (ii) The first day of the month in which the claimant attains full retirement age;
  - (iii) The first day of the twelfth month before the month in which the application is filed if the employee is a disability annuitant or has been granted a period of disability; or
  - (iv) The first day of the sixth full month before the month in which the application is filed if the employee is

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not entitled to a disability annuity or a period of disability.

- (3) *Reduced-age annuity.* The earliest date permitted by law is the latest of—
  - (i) The month shown in paragraph (b)(1) of this section;
  - (ii) The first day of the first full month the claimant is age 62 if the application is filed in or before that month; or
  - (iii) The first day of the month in which the application is filed.

[54 FR 30725, July 24, 1989, as amended at 68 FR 39010, July 1, 2003]

### § 218.13 When a widow(er) annuity begins.

- (a) A widow(er) annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.
- (b) *Earliest date permitted by law*—(1) *Full-age annuity.* The earliest date permitted by law is the latest of—
  - (i) The first day of the month in which the employee dies;
  - (ii) The first day of the month in which the claimant attains full retirement age; or
  - (iii) The first day of the sixth month before the month in which the application is filed.
- (2) *Reduced-age annuity*—(i) *Widow(er) age 60 through age 62.* The earliest date permitted by law is the latest of—
  - (A) The first day of the month in which the employee dies;
  - (B) The first day of the month in which the claimant attains age 60; or
  - (C) The first day of the sixth month before the month in which the application is filed.
- (ii) *Widow(er) over age 62 but under full retirement age.* The earliest date permitted by law is the latest of—
  - (A) The first day of the month in which the employee dies;
  - (B) The first day of the month in which the claimant attains age 62 and one month; or
  - (C) The first day of the month in which the application is filed.
- (3) *Disability annuity.* The earliest date permitted by law is the latest of—
  - (i) The first day of the month in which the employee dies;
  - (ii) The first day of the month in which the claimant attains age 50;

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(iii) The first day of the twelfth month before the month in which the application is filed; or

(iv) The first day of the sixth month after the month of disability onset.

(4) “*Child in care*” annuity. The earliest date permitted by law is the latest of—

(i) The first day of the month in which the employee dies;

(ii) The first day of the month in which the claimant becomes eligible for a widow(er) annuity based on having a “child in care” as explained in part 216 of this chapter; or

(iii) The first day of the sixth month before the month in which the application is filed.

[54 FR 30725, July 24, 1989, as amended at 68 FR 39010, July 1, 2003]

### § 218.14 When a child annuity begins.

(a) A child annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.

(b) *Earliest date permitted by law*—(1) *General rules*. The earliest date permitted by law is the later of—

(i) The first day of the month in which the employee dies; or

(ii) The first day of the month in which the claimant becomes eligible for a child annuity as explained in part 216 of this chapter.

(2) *Child age annuity*. The earliest date permitted by law is the later of—

(i) The month shown in paragraph (b)(1) of this section; or

(ii) The first day of the sixth month before the month in which the application is filed.

(3) *Child annuity based on full-time school attendance*. The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the sixth month before the month in which the application is filed;

(iii) The first day of the month in which the claimant is in full-time school attendance at an elementary or secondary educational institution; or

(iv) The first day of the month in which the claimant attains age 18.

(4) *Child disability annuity*. The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the sixth month before the month in which the application is filed;

(iii) The first day of the month in which the claimant meets the definition of disability as explained in part 220; or

(iv) The first day of the month in which the claimant attains age 18.

### § 218.15 When a parent annuity begins.

A parent annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law. The earliest date permitted by law is the latest of—

(a) The first day of the month in which the employee dies;

(b) The first day of the month in which the claimant attains age 60; or

(c) The first day of the sixth month before the month in which the application is filed.

### § 218.16 When a surviving divorced spouse annuity begins.

(a) A surviving divorced spouse annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.

(b) *Earliest date permitted by law*—(1) *General rules*. The earliest date permitted by law is the later of—

(i) The first day of the month in which the employee dies; or

(ii) The first day of the month in which the claimant becomes eligible for a surviving divorced spouse annuity as shown in part 216 of this chapter.

(2) *Full-age annuity*. The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the month in which the claimant attains full retirement age; or

(iii) The first day of the sixth month before the month in which the application is filed.

(3) *Reduced age annuity*. The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the month in which the claimant attains age 60; or

(iii) The first day of the month in which the application is filed or the