

Effective date	Percentage increase
12/87 .....	4.2
12/88 .....	4.0
12/89 .....	4.7
12/90 .....	5.4
12/91 .....	3.7

[57 FR 44097, Sept. 24, 1992]

APPENDIX VII TO SUBPART C OF PART 404—“OLD-LAW” CONTRIBUTION AND BENEFIT BASE

*Explanation:* We use these figures to determine the earnings needed for a year of coverage for years after 1978 (see §404.261 and appendix IV). This is the contribution and benefit base that would have been effective under the Social Security Act without the enactment of the 1977 amendments.

Year	Amount
1979 .....	\$18,900
1980 .....	20,400
1981 .....	22,200
1982 .....	24,300
1983 .....	26,700
1984 .....	28,200
1985 .....	29,700
1986 .....	31,500
1987 .....	32,700
1988 .....	33,600
1989 .....	35,700
1990 .....	38,100
1991 .....	39,600
1992 .....	41,400

[52 FR 8248, Mar. 17, 1987, as amended at 57 FR 44097, Sept. 24, 1992; 57 FR 45878, Oct. 5, 1992]

**Subpart D—Old-Age, Disability, Dependents’ and Survivors’ Insurance Benefits; Period of Disability**

**AUTHORITY:** Secs. 202, 203(a) and (b), 205(a), 216, 223, 225, 228(a)–(e), and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403(a) and (b), 405(a), 416, 423, 425, 428(a)–(e), and 902(a)(5)).

**SOURCE:** 44 FR 34481, June 15, 1979, unless otherwise noted.

GENERAL

**§ 404.301 Introduction.**

This subpart sets out what requirements you must meet to qualify for social security benefits, how your benefit amounts are figured, when your right to benefits begins and ends, and how family relationships are determined.

These benefits are provided by title II of the Social Security Act. They include—

(a) *For workers*, old-age and disability benefits and benefit protection during periods of disability;

(b) *For a worker’s dependents*, benefits for a worker’s wife, divorced wife, husband, divorced husband, and child;

(c) *For a worker’s survivors*, benefits for a worker’s widow, widower, divorced wife, child, and parent, and a lump-sum death payment; and

(d) *For uninsured persons age 72 or older*, special payments.

**§ 404.302 Other regulations related to this subpart.**

This subpart is related to several others. Subpart H sets out what evidence you need to prove you qualify for benefits. Subpart P describes what is needed to prove you are disabled. Subpart E describes when your benefits may be reduced or stopped for a time. Subpart G describes the need for and the effect of an application for benefits. Part 410 describes when you may qualify for black lung benefits. Part 416 describes when you may qualify for supplemental security income. Also 42 CFR part 405 describes when you may qualify for hospital and medical insurance if you are aged, disabled, or have chronic kidney disease.

**§ 404.303 Definitions.**

As used in this subpart:

*Apply* means to sign a form or statement that the Social Security Administration accepts as an application for benefits under the rules set out in subpart G.

*Eligible* means that a person would meet all the requirements for entitlement to benefits for a period of time but has not yet applied.

*Entitled* means that a person has applied and has proven his or her right to benefits for a period of time.

*Insured person or the insured* means someone who has enough earnings under social security to permit payment of benefits on his or her earnings record. The requirements for becoming insured are described in subpart B.

*Permanent home* means the true and fixed home (legal domicile) of a person.

## Social Security Administration

## § 404.305

It is the place to which a person intends to return whenever he or she is absent.

*Primary insurance amount* means an amount that is determined from the average monthly earnings creditable to the insured person. This term and the manner in which it is computed are explained in subpart C.

*We* or *Us* means the Social Security Administration.

*You* means the person who has applied for benefits or the person for whom someone else has applied.

### § 404.304 What are the general rules on benefit amounts?

This subpart describes how we determine the highest monthly benefit amount you ordinarily could qualify for under each type of benefit. However, the highest monthly benefit amount you could qualify for may not be the amount you will be paid. In a particular month, your benefit amount may be reduced or not paid at all. Under some circumstances, your benefit amount may be increased. The most common reasons for a change in your benefit amount are listed below.

(a) *Age.* Sections 404.410 through 404.413 explain how your old-age, wife's or husband's, or widow's or widower's benefits may be reduced if you choose to receive them before you attain full retirement age (as defined in §404.409).

(b) *Earnings.* Sections 404.415 through 404.418 explain how deductions will be made from your benefits if your earnings or the insured person's earnings go over certain limits.

(c) *Overpayments and underpayments.* Your benefits may be increased or decreased to make up for any previous overpayment or underpayment made on the insured person's record. For more information about this, see subpart F of this part.

(d) *Family maximum.* Sections 404.403 through 404.406 explain that there is a maximum amount payable on each insured person's earnings record. If you are entitled to benefits as the insured's dependent or survivor, your benefits may be reduced to keep total benefits payable to the insured's family within these limits.

(e) *Government pension offset.* If you are entitled to wife's, husband's, wid-

ow's, widower's, mother's or father's benefits and receive a Government pension for work that was not covered under social security, your monthly benefits may be reduced because of that pension. Special age 72 payments may also be reduced because of a Government pension. For more information about this, see §404.408a which covers reductions for Government pensions and §404.384(c) which covers special age 72 payments.

(f) *Rounding.* After all other deductions or reductions, we reduce any monthly benefit that is not a multiple of \$1 to the next lower multiple of \$1.

[68 FR 4702, Jan. 30, 2003]

### § 404.305 When you may not be entitled to benefits.

In addition to the situations described in §404.304 when you may not receive a benefit payment, there are special circumstances when you may not be entitled to benefits. These circumstances are—

(a) *Waiver of benefits.* If you have waived benefits and been granted a tax exemption on religious grounds as described in §§404.1039 and 404.1075, no one may become entitled to any benefits or payments on your earnings record and you may not be entitled to benefits on anyone else's earnings record; and

(b) *Person's death caused by an intentional act.* You may not become entitled to or continue to receive any survivor's benefits or payments on the earnings record of any person, or receive any underpayment due a person, if you were convicted of a felony or an act in the nature of a felony of intentionally causing that person's death. If you were subject to the juvenile justice system, you may not become entitled to or continue to receive survivor's benefits or payments on the earnings record of any person, or receive any underpayment due a person, if you were found by a court of competent jurisdiction to have intentionally caused that person's death by committing an act which, if committed by an adult, would have been considered a felony or an act in the nature of a felony.

[44 FR 34481, June 15, 1979, as amended at 47 FR 42098, Sept. 24, 1982; 52 FR 19136, May 21, 1987; 52 FR 21410, June 5, 1987; 58 FR 64888, Dec. 10, 1993]