

Office of the Secretary of the Treasury

§ 29.402

**EXAMPLE 14B—TEACHERS COST OF LIVING
ADJUSTMENT—Continued**
[Pre-96 hire]

Benefit Computation (at retirement)
Variation 2
DC COLA rate 5% of DC Payment: Total COLA: \$125.00 New rate: \$2,910.00
Federal COLA rate 4% of Federal Benefit Payment: Federal COLA: \$56.00 New rate: \$1,454.00

**RETROACTIVE PAYMENT OF ACCRUED ANNUITY
EXAMPLE**

**EXAMPLE 15: ACCRUAL OF FEDERAL BENEFIT
PAYMENT**

The Federal Benefit Payment begins to accrue on the annuity commencing date, regardless of whether the employee is added to the annuity roll in time for the regular payment cycle. If the employee is due a retroactive payment of accrued annuity, the portion of the retroactive payment that would have been Federal Benefit Payment (if it were made in the regular payment cycle) is still Federal Benefit Payment. In this example, a teacher retired effective September 11, 1998. She was added to the retirement rolls on the pay date November 1, 1998 (October 1 to October 31 accrual cycle). Her Federal Benefit Payment is \$3000 per month and her total benefit payment is \$3120 per month. Her initial check is \$5200 because it includes a prorated payment for 20 days (September 11 to September 30). The Federal Benefit Payment is \$5000 of the initial check (\$3000 for the October cycle and \$2000 for the September cycle).

EXAMPLE 15—TEACHERS ACCRUED BENEFIT
[Pre-96 hire]

Total Annuity Computation
Birth date: 11/01/42 Hire date: 09/01/66 Separation date: 09/10/98 Department service: 32/00/10 .015 service: 5 .0175 service: 5 .02 service: 22 Average salary: \$62,150.00 Total: \$37,445.38 Total/month: \$3,120.00 Sept 11–30: \$2,080.00 Oct 1–31: \$3,120.00 Nov 1–30: \$3,120.00
Federal Benefit Payment Computation
Birth date: 11/01/42 Hire date: 09/01/66 Freeze date: 06/30/97 Department service: 30/10/00 .15 service: 5 .0175 service: 5

**EXAMPLE 15—TEACHERS ACCRUED BENEFIT—
Continued**
[Pre-96 hire]

Total Annuity Computation
.02 service: 20.833333 Average salary: \$62,150.00 Total: \$35,995.21 Total/month: \$3,000.00 Sept 11–30: \$2,000.00 Oct 1–31: \$3,000.00 Nov 1–30: \$3,000.00

**Subpart D—Claims and Appeals
Procedures**

SOURCE: 65 FR 80753, Dec. 22, 2000, unless otherwise noted.

§ 29.401 Purpose.

- (a) This subpart explains—
 - (1) The procedures that participants and beneficiaries in the Judges Plan, Police and Firefighters Plan, and the Teachers Plan must follow in applying for Federal Benefit Payments;
 - (2) The procedures for determining an individual's eligibility for a Federal Benefit Payment and the amount and form of an individual's Federal Benefit Payment as required by sections 11021 and 11251(a) (codified at DC Official Code section 11–1570(c)(2)(a)) of the Act;
 - (3) The appeal rights available under section 11022(a) of the Act and section 3 of the 2004 Act (codified at DC Official Code section 11–1570(c)(3)) to claimants whose claim for Federal Benefit Payments is denied in whole or in part; and
 - (4) The special rules for processing competing claimant cases.
- (b) This subpart does not apply to processing collection of debts due to the United States.
- (c) This part does not apply to claims and appeals filed before October 1, 1997. Such claims must be pursued with the District of Columbia.

[65 FR 80753, Dec. 22, 2000, as amended at 70 FR 60005, Oct. 14, 2005]

§ 29.402 Definitions.

In this subpart—
Beneficiary means an individual designated by a participant, or by the terms of the Judges Plan, Police and Firefighters Plan, or Teachers Plan, who is or may become entitled to a benefit under those plans.

§ 29.403

Claimant means any person seeking a benefit for themselves or another under the Judges Plan, Police and Firefighters Plan, or Teachers Plan.

Department means the Secretary of the Treasury or a designee authorized to exercise the Secretary's authority with respect to Federal Benefit Payments under the Act.

Participant means an individual who is or may become eligible to receive a benefit under the Police and Firefighters Plan or the Teachers Plan based on credit for service accrued as of June 30, 1997, or under the Judges Plan, or whose beneficiaries may be eligible to receive any such benefit.

[65 FR 80753, Dec. 22, 2000, as amended at 70 FR 60005, Oct. 14, 2005]

§ 29.403 Applications filed with the Benefits Administrator.

All claimants for Federal Benefit Payments must file applications for benefits (including applications for retirement, refunds of contributions, and death benefits) with the Benefits Administrator.

§ 29.404 Initial benefit determinations and reconsideration by the Benefits Administrator.

(a) *Initial benefit determinations.* The Benefits Administrator will process applications for Federal Benefit Payments and determine the eligibility for and the amount and form of Federal Benefit Payments. All initial benefit determination decisions which may reasonably be construed as a denial (in whole or part) of a claim for Federal Benefit Payments must be in writing, must advise claimants of their right to request reconsideration under paragraph (b), of this section and must state the time limits applicable to such a request.

(b) *Claimant's right to reconsideration of benefit denials.* (1) Except as provided in paragraph (b)(2) of this section, claimants who disagree with the amount or form of a Federal Benefit Payment determination and wish to contest the determination must first request the Benefits Administrator to reconsider its determination.

(2) A decision to collect a debt is not a denial of a benefit claim under this section.

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(c) *Form and timing of requests for reconsideration.* (1) A request for reconsideration must be in writing, must include the claimant's name, address, date of birth and claim number, if applicable, and must state the basis for the request.

(2) A request for reconsideration must be received by the Benefits Administrator within 30 calendar days from the date of the written notice of the initial benefit determination.

(d) *Reconsideration decisions.* A reconsideration decision by the Benefits Administrator denying (in whole or part) a claim for a Federal Benefit Payment must—

(1) Be in writing;

(2) Provide adequate notice of such denial, setting forth the specific reason for the denial in a manner calculated to be understood by the average participant; and

(3) Provide notice of the right to appeal the Benefit Administrator's decision to the Department, the address to which such an appeal must be submitted, and the time limits applicable to such an appeal.

(e) *Appeal of reconsideration decisions.* The Department will review an appeal of a reconsideration decision under § 29.405.

§ 29.405 Appeals to the Department.

(a) *Who may file.* Any claimant whose claim for a Federal Benefit Payment has been denied (in whole or part) by the Benefits Administrator in a reconsideration decision under § 29.404(d) may appeal that decision to the Department.

(b) *Form of appeal.* An appeal must be in writing, must include the claimant's name, address, date of birth and claim number, if applicable, and must state the basis for the appeal.

(c) *Time limits on Appeals.* (1) An appeal must be received by the Department within 30 calendar days from the date of the reconsideration decision under § 29.404(d).

(2) The Department may extend the time limit for filing when the claimant shows that he or she was not notified of the time limit and was not otherwise aware of it, or that he or she was prevented by circumstances beyond his or her control from making the request