§ 19.11–6

Death during active duty.

(a) Annuity for surviving former spouse. If a participant dies before separation from the Service and leaves a former spouse, such former spouse is entitled to a regular survivor annuity under §19.11–2 computed as if the participant had retired on the date of death unless a court order or spousal agreement is on file in the Department waiving such entitlement or providing for some other computation, or unless the former spouse had been found missing and an election filed under the procedures of §19.11–4 waiving a survivor benefit for that person. Any assumed service authorized to be used under paragraph (b) of this section is subject to the provisions of §19.11–5 governing commencement, adjustment, termination and resumption of annuities.

(b) Annuity for surviving spouse. If a participant who has at least 18 months of civilian service credit toward retirement under the System dies in service, or if an annuitant who was a former participant dies, annuities are payable to a surviving child or children, as defined in §19.2(e) as follows:

(1) If the participant had less than three years of creditable civilian service at the time of death, the annuity is computed on the basis of the average salary for the entire period of such service. If, at time of death, the participant had less than 20 years of creditable service, the annuity shall be computed on the assumption that the participant has had 20 years of service, but such additional service credit shall in no case exceed the difference between the participant’s age on the date of death and age 65. A spouse is entitled to an additional survivor annuity under §19.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(2) If the participant had three or more years of creditable service at the time of death, the annuity is computed as if the participant had retired on the date of death.

(c) Annuity for a child or children. If a participant described in paragraph (b) of this section is survived by a child or children, each surviving child is entitled to an annuity as described in §19.11–7.