§ 843.101

(a) This part regulates death benefits and employee refunds under FERS.
(b) This subpart contains definitions and regulations that have general application throughout this part.

§ 843.102

In this part—

Accrued benefit means the accrued, unpaid annuity payable after the death of a retiree.

Adult child means a child who has attained age 18.

Basic annuity means the recurring payments (after the death of an employee, separated employee, or retiree) made to a current or former spouse of a deceased retiree, employee, or separated employee under subsection (a), (b)(1)(B), or (c)(2) of section 842 of title 5, United States Code.

Basic child’s annuity rate means the total amount that all surviving children of an employee or retiree would receive under CSRS.

Basic employee death benefit means the payment to the current spouse of a deceased employee equal to $15,000 (indexed under section 8462 of title 5, United States Code), plus one-half of the employee’s final salary (or average salary, if higher).

Child means a child as defined in section 8441(4) of title 5, United States Code.

Compensation means a person receiving recurring benefits under chapter 81 of title 5, United States Code.

CSRS means subchapter III of chapter 83 of title 5, United States Code.

Current spouse means a living person who is married to the employee, separated employee, or retiree at the time of the employee’s, separated employee’s or retiree’s death. Current spouse includes a spouse who is legally separated but not divorced from the employee, separated employee, or retiree.

Current spouse annuity means the basic annuity (and supplementary annuity, if any) payable to a current spouse.

Duly appointed representative of the deceased employee’s, separated employee’s, retiree’s, survivor’s or Member’s estate means an individual named in an order of a court having jurisdiction over the estate of the deceased which grants the individual the authority to receive, or the right to possess, the property of the deceased; and also means, where the law of the domicile of the deceased has provided for the administration of estates through alternative procedures which dispense with the need for a court order, an individual who demonstrates that he or she is entitled to receive, or possess, the property of the deceased under the terms of those alternative procedures.

Employee means an employee as defined in section 8401(11) of title 5, United States Code, and a Member as defined in section 8401(20) of title 5, United States Code. “Employee” includes a person who has applied for retirement under FERS but had not been separated from the service prior to his or her death, even if the person’s retirement would have been retroactively effective upon separation.

FERS means chapter 84 of title 5, United States Code.

Final annual rate of basic pay means the basic pay that an employee or Member would receive in a year at the current rate of pay. A pay rate other than an annual salary is converted to an annual rate by multiplying the prescribed rate by the number of pay units in a 52-week work year.

(a) The annual pay of a part-time (regularly scheduled) employee is the
The definition of minimum retirement age which will be codified at 5 CFR 842.202 reads:

Minimum retirement age means an age based on an individual’s year of birth, as follows:

<table>
<thead>
<tr>
<th>Year of birth</th>
<th>Minimum retirement age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1948</td>
<td>55 years</td>
</tr>
<tr>
<td>1948</td>
<td>55 years and 2 months</td>
</tr>
<tr>
<td>1949</td>
<td>55 years and 4 months</td>
</tr>
<tr>
<td>1950</td>
<td>55 years and 6 months</td>
</tr>
<tr>
<td>1951</td>
<td>55 years and 8 months</td>
</tr>
<tr>
<td>1952</td>
<td>55 years and 10 months</td>
</tr>
<tr>
<td>1953–1964</td>
<td>56 years</td>
</tr>
<tr>
<td>1965</td>
<td>56 years and 2 months</td>
</tr>
<tr>
<td>1966</td>
<td>56 years and 4 months</td>
</tr>
<tr>
<td>1967</td>
<td>56 years and 6 months</td>
</tr>
<tr>
<td>1968</td>
<td>56 years and 8 months</td>
</tr>
<tr>
<td>1969</td>
<td>56 years and 10 months</td>
</tr>
<tr>
<td>1970 and after</td>
<td>57 years</td>
</tr>
</tbody>
</table>

(1) Two times the employee’s final hourly rate of pay times the number of hours for which the employee was paid two times salary as compensation for overtime inspectional service under section 5(a) of the Act of February 11, 1911 (19 U.S.C. 261 and 267) plus three times the employee’s final hourly rate of pay times the number of hours for which the employee was paid three times salary as compensation for overtime inspectional service under section 5(a) in the 52-week work year immediately preceding the end of the last pay period in which the employee was in a pay status; or

(2) $12,500.

Former spouse means a living person who was married for at least 9 months to an employee, separated employee, or retiree who performed at least 18 months of service creditable under FERS and whose marriage to the employee, separated employee, or retiree was terminated before the death of the employee, separated employee, or retiree.

Former spouse annuity means the basic annuity (and supplementary annuity, if any) payable to a former spouse.

Insurable interest beneficiary means a person designated to receive a survivor annuity under §842.605 of this chapter.

Insurable interest reduction means the reduction in a retiree’s annuity because the retiree elected to provide a survivor annuity to an insurable interest beneficiary.

Marriage means a marriage recognized in law or equity under the whole law of the jurisdiction with the most significant interest in the marital status of the employee, Member, or retiree. If a jurisdiction would recognize more than one marriage in law or equity, the Office of Personnel Management (OPM) will recognize only one marriage but will defer to the local courts to determine which marriage should be recognized.

Minimum retirement age means the minimum retirement age as defined in §842.202 of this chapter.1

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1The definition of minimum retirement age which will be codified at 5 CFR 842.202 reads:

Minimum retirement age means an age based on an individual’s year of birth, as follows:
§ 843.103  Application required.

(a) No person is entitled to benefits under this part unless an application on behalf of that person is filed with OPM no later than 30 years after the death of the employee, separated employee, or retiree on whose service the benefit is based.

(b) Applications for benefits under this part must be filed on the form provided by OPM for that purpose.

§ 843.201  Purpose.

This subpart explains the requirements under FERS—

(a) For payment of employee contributions to the Civil Service Retirement Fund—

(1) As a refund of contribution, to separated employees; or

(2) As a death benefit, to survivors of employees, separated employees, and retirees; and

(b) For payment of any accrued, but unpaid, annuity to survivors of retirees.

§ 843.202  Eligibility for payment of the unexpended balance to a separated employee.

(a) Except as provided in §§843.208 and 843.209 or in section 3716 of title 31, United States Code, on administrative offset for Government claims, a separated employee who has been separated from a covered position for at least 31 days and who is ineligible for an annuity commencing within 31 days after the date of filing an application for refund is eligible for a payment of the unexpended balance.

(b) A separated employee is ineligible for a payment of the unexpended balance if the employee, during any period of separation of at least 31 days, has not filed an application for refund.