

## Office of Personnel Management

## § 843.313

in addition to the benefit described in § 843.309.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987]

### § 843.311 Annuity based on death of a separated employee.

(a) Except as provided in § 843.312, if a separated employee who has completed at least 10 years of service dies after having separated from the service with title to a deferred annuity under § 842.212 of this chapter, but before having established a valid claim for an annuity, and is survived by a current spouse to whom he or she was married on the date of separation, the current spouse may elect to receive—

(1) An annuity under paragraph (b) of this section; or

(2) The unexpended balance, if the current spouse is the individual who would be entitled to the unexpended balance.

(b) Except as provided in § 843.312 and paragraph (c) of this section, the current spouse annuity under this section equals 50 percent of an annuity computed under subpart D of part 842 of this chapter, for the separated employee. If the separated employee died before having attained the minimum retirement age, the computation is made as if the separated employee had attained the minimum retirement age.

(c)(1) The current spouse annuity commences on the day after the separated employee would have attained—

(i) Age 62 if the separated employee had less than 20 years of creditable service,

(ii) Age 60 if the employee had at least 20 years of creditable service but less than 30 years of creditable service; or

(iii) The minimum retirement age if the employee had at least 30 years of creditable service.

(2)(i) The current spouse may elect to receive an adjusted annuity beginning on the day after the death of the separated employee.

(ii) The rate of the adjusted annuity equals the annuity computed under paragraph (b) of this section multiplied by the factor in appendix A of this sub-

part for the age of the retiree as of the birthday before the retiree's death.

[52 FR 2074, Jan. 16, 1987, as amended at 52 FR 23014, June 17, 1987; 57 FR 54681, Nov. 20, 1992]

### § 843.312 Payment to former spouses.

(a) Any benefit (or a portion of any benefit) payable to a current spouse under this subpart is payable to a former spouse instead if the former spouse is entitled to that benefit under the terms of a qualifying court order or an election under subpart F of part 842 of this chapter.

(b) A current spouse annuity may not exceed the difference between—

(1) The amount of the annuity that would otherwise be payable to the current spouse under this subpart; and

(2) The amount of the annuity payable to any former spouse of the deceased employee, retiree, or separated employee based on an election made under subpart F of part 842 of this chapter or a qualifying court order.

(c) The basic employee death benefit paid to a current spouse may not exceed the difference between—

(1) The amount that would otherwise be payable to the current spouse under § 843.310; and

(2) The portion of the basic employee death benefit payable to a former spouse based on a qualifying court order.

### § 843.313 Elections between survivor annuities.

(a) A current spouse annuity cannot be reinstated under § 843.305 unless—

(1) The surviving spouse elects to receive the reinstated current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees, by reason of the remarriage; and

(2) Any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(b) A current spouse is entitled to a current spouse annuity based on an election under § 842.612 only upon electing this current spouse annuity instead

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of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(c) A former spouse who marries a retiree is entitled to a former spouse annuity based on an election by that retiree under §842.611, or a qualifying court order terminating that marriage to that retiree only upon electing this former spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(d) As used in this section, “any other retirement system for Government employees” does not include Survivor Benefit Payments from a military retirement system or social security benefits.

[57 FR 54681, Nov. 20, 1992]

**§ 843.314 Amount of survivor annuity where service includes credit for service with a nonappropriated fund instrumentality.**

(a) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart D, is computed under 5 CFR part 847, subpart F.

(b) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart H, is computed under 5 CFR part 847, subpart I.

[68 FR 2178, Jan. 16, 2003]

**APPENDIX A TO SUBPART C OF PART 843—PRESENT VALUE CONVERSION FACTORS FOR EARLIER COMMENCING DATE OF ANNUITIES OF CURRENT AND FORMER SPOUSES OF DECEASED SEPARATED EMPLOYEES**

With at least 10 but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26 .....	.0581
27 .....	.0620
28 .....	.0687

Age of separated employee at birthday before death	Multiplier
29 .....	.0723
30 .....	.0807
31 .....	.0869
32 .....	.0933
33 .....	.1013
34 .....	.1086
35 .....	.1186
36 .....	.1273
37 .....	.1376
38 .....	.1474
39 .....	.1612
40 .....	.1737
41 .....	.1877
42 .....	.2026
43 .....	.2192
44 .....	.2365
45 .....	.2550
46 .....	.2757
47 .....	.2987
48 .....	.3222
49 .....	.3488
50 .....	.3767
51 .....	.4079
52 .....	.4410
53 .....	.4776
54 .....	.5176
55 .....	.5609
56 .....	.6081
57 .....	.6588
58 .....	.7152
59 .....	.7767
60 .....	.8441
61 .....	.9183

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36 .....	.1516
37 .....	.1636
38 .....	.1756
39 .....	.1915
40 .....	.2066
41 .....	.2233
42 .....	.2410
43 .....	.2606
44 .....	.2811
45 .....	.3032
46 .....	.3279
47 .....	.3549
48 .....	.3829
49 .....	.4143
50 .....	.4475
51 .....	.4843
52 .....	.5235
53 .....	.5669
54 .....	.6139
55 .....	.6652
56 .....	.7208
57 .....	.7811
58 .....	.8476
59 .....	.9203

With at least 30 years of creditable service—