



Applying for
Death Benefits
Under the
Federal
Employees
Retirement
System



United States
Office of
Personnel
Management

Retirement &
Insurance
Service

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▣▣▣▣➤ **General Information**

This pamphlet is for use by persons applying for benefits which may be payable under the Federal Employees Retirement System (FERS) because of the death of an employee, former employee, or retiree who was covered by FERS at the time of his/her death or separation from Federal service.

▣▶ **Eligibility For Death Benefits Under The Federal Employees Retirement System**

Type of Death Benefits Payable:

The type of benefit(s) payable under FERS depends in part on whether the deceased was an employee, a former employee or a retiree at the time of death. In addition, the amount of creditable Federal service (both civilian and military) and the relationship of the applicant to the deceased determine the type of benefit payable.

Definitions:

Employee

Anyone who was still on the agency's employment rolls at the time of death, even if he or she had applied for disability retirement and his/her pay had already stopped.

Former Employee

Anyone who was no longer on an agency's employment rolls at the time of death and had not yet qualified for retirement benefits.

Retiree

Anyone who had been separated from an agency's employment rolls and had met all the requirements for retirement (including having filed an application for retirement benefits). An individual who was eligible for an immediate retirement when he/she separated from Federal service, but who postponed applying for benefits to avoid an age reduction, is "deemed" to have applied for retirement beginning the first of the month after death. Benefits due, in this instance, are those based on the death of a retiree.

► Benefits Payable Upon the Death of a Federal Employee

Basic Employee Death Benefit:

To a Spouse-

If the employee who dies had at least 18 months of creditable civilian service and is survived by a spouse who:

- was married to the deceased for an aggregate of at least nine months (the nine month requirement does not apply if the death was accidental); **OR**
- was the parent of a child born of the marriage (including one born posthumously, or out of wedlock if the parties later married);

the spouse may be eligible for a Basic Employee Death Benefit, which is equal to 50% of the employee's final salary (average salary, if higher) plus \$15,000 (increased by CSRS cost-of-living adjustments beginning 12/1/87).

To a Former Spouse-

This benefit may be payable to a former spouse (in whole or in part) if a qualifying court order is on file at OPM and the former spouse was married to the deceased for a total period of at least nine months and did not remarry before reaching age 55.

Survivor Annuity:

To a Spouse-

If an employee who dies with at least 10 years of creditable service (18 months of which must be civilian service) is survived by a spouse who:

- was married to the deceased for a total period of at least nine months (the nine month requirement does not apply if the death was accidental); **OR**

- was the parent of a child born of the marriage (including one born posthumously, or out of wedlock if the parties later married); the spouse may be eligible for a monthly survivor benefit.

To a Former Spouse-

This benefit may be paid in whole or in part to a former spouse if a qualifying court order is on file at OPM.

To a Child-

If an employee with at least 18 months of creditable civilian service is survived by:

- unmarried dependent children up to age 18, ***AND/OR***
- unmarried dependent children from age 18 to age 22 if attending an accredited educational institution full-time, ***AND/OR***
- unmarried, disabled dependent children (certified as such by the Social Security Administration) if the disability occurred before age 18;

a basic child's survivor annuity may be payable. The combined benefit of all the children is reduced by the total amount of child's insurance benefits that are payable (or would, upon proper application, be payable) under Title II of the Social Security Act for the same month to all children of the deceased (including those of a former marriage who may not be living with the current spouse) based on the total earnings of the deceased. In many cases, the FERS children's benefit is reduced to \$0.

Lump Sum Benefit:

If an employee dies and no survivor annuity is payable based on his/her death, the retirement contributions remaining to the deceased person's credit in the Civil Service Retirement and Disability Fund, plus applicable interest, are payable.

Payees for Lump Sum Benefits-

If a lump sum benefit is payable, it is paid to the first person eligible under the following order of precedence:

- beneficiary designated by the deceased in writing which is signed and witnessed and is received at his/her employing agency (or OPM if the deceased was a retiree or a separated employee) prior to death; **OR**, if none, then to
- spouse of the deceased; **OR**, if none, then to
- children of the deceased (or descendants of deceased children); **OR**, if none, then to
- parents of the deceased; **OR**, if none, then to
- executor or administrator of the deceased person's estate; **OR**, if none, then to
- next of kin of the deceased according to the laws in the deceased person's state of domicile.

▶▶▶▶ **Benefits Payable Upon the Death of a Former Employee (Not Yet Retired)**

Survivor Annuity:

To a Spouse-

If a former employee who dies with at least 10 years of creditable service (5 years of which must be creditable civilian service) is survived by a spouse who was married to the deceased at the time of his/her separation from Federal civilian service **AND** who:

- was married to the deceased for a total period of at least nine months (Note: the nine month requirement does not apply if the death was accidental); **OR**
- was the parent of a child born of the marriage (including one born posthumously, or out of wedlock if the parties later married);

the spouse may be eligible for a monthly survivor benefit. The benefit begins on the date the deceased former employee would have been eligible for an unreduced annuity, unless the survivor chooses to have it begin at a lower rate on the day after the employee's death. The former employee would have been eligible for an unreduced annuity at age 62 with a minimum of 10 years of creditable service and less than 20 years of service, at age 60 with 20 or more years of service, or at his/her Minimum Retirement Age

(MRA) according to the following schedule, with 30 years of service:

If deceased was born in:	His/her MRA is:
1947 or Prior	55 years
1948	55 years, 2 months
1949	55 years, 4 months
1950	55 years, 6 months
1951	55 years, 8 months
1952	55 years, 10 months
1953 to 1964	56 years
1965	56 years, 2 months
1966	56 years, 4 months
1967	56 years, 6 months
1968	56 years, 8 months
1969	56 years, 10 months
After 1969	57 years

Instead of a survivor annuity, the eligible spouse can elect to receive a lump sum payment of the contributions remaining to the deceased person's credit in the retirement fund.

To a Former Spouse-

This benefit may be paid in whole or in part to a former spouse if a qualifying court order is on file at OPM.

Lump Sum Benefit:

If a former employee dies and no survivor annuity is payable, the retirement contributions remaining to the deceased person's credit in the Civil Service Retirement and Disability Fund, plus applicable interest, are payable.

Payees for Lump Sum Benefits-

If a lump sum benefit is payable, it is paid to the first person eligible under the following order of precedence:

- beneficiary designated by the deceased in writing which is signed and witnessed and is received at his/her employing agency (or OPM if the deceased was a retiree or a separated employee) prior to death; **OR**, if none, then to
- spouse of the deceased; **OR**, if none, then to
- children of the deceased (or descendants of deceased children); **OR**, if none, then to
- parents of the deceased; **OR**, if none, then to
- executor or administrator of the deceased person's estate; **OR**, if none, then to
- next of kin of the deceased according to the laws in the deceased person's state of domicile.

▣▶ **Benefits Payable Upon the Death of a Retiree**

Survivor Annuity:

To a Spouse/Former Spouse/Insurable Interest:

If a retiree dies who, at retirement, elected to provide a survivor annuity for-

- his/her surviving spouse and/or former spouse, or
- a person having an insurable interest in him/her, or
- a spouse acquired after retirement, or
- if a qualifying court order, on file at OPM, has awarded benefits to a former spouse,

a monthly survivor benefit may be payable.

To a Child:

If a retiree is survived by-

- unmarried dependent children up to age 18, **AND/OR**
- unmarried dependent children from age 18 to age 22 attending an accredited school full-time, **AND/OR**
- unmarried, disabled dependent children (certified as such by the Social Security Administration) if the disability occurred before age 18,

a basic child's survivor annuity may be payable. The combined benefit of all the children is reduced by the total amount of child's insurance benefits that are payable (or would, upon proper application, be payable) under Title II of the Social Security Act for the same month to all children of the deceased (including those of a former marriage who may not be living with the

current spouse) based on the total earnings of the deceased. In many cases, the FERS children's benefit is reduced to \$0.

Lump Sum Benefit:

If a retiree dies, a lump sum benefit equal to the annuity due the deceased, but not paid before death, may be payable. If no survivor annuity is payable, the balance of any retirement contributions remaining to the deceased person's credit in the Civil Service Retirement and Disability Fund, plus applicable interest, may also be payable.

Payees for Lump Sum Benefits-

If a lump sum benefit is payable, it is paid to the first person eligible under the following order of precedence:

- beneficiary designated by the deceased in writing which is signed and witnessed and is received at his/her employing agency (or OPM if the deceased was a retiree or a separated employee) prior to death; **OR**, if none, then to
- spouse of the deceased; **OR**, if none, then to
- children of the deceased (or descendants of deceased children); **OR**, if none, then to
- parents of the deceased; **OR**, if none, then to
- executor or administrator of the deceased person's estate; **OR**, if none, then to
- next of kin of the deceased according to the laws in the deceased person's state of domicile.

▣▣▣▣ **Applying for Death Benefits**

All applicants for death benefits should complete Standard Form (SF) 3104, *Application for Death Benefits*. Specific instructions for completing SF 3104 are contained on the form itself. In certain situations, you must also complete the following additional forms.

If the deceased was a retiree at the time of death-

If you are the surviving spouse, complete SF 3104A which is attached to SF 3104. Instructions for completing SF 3104A are contained on the form itself.

If the deceased was an employee at the time of death-

If you are the surviving spouse or former spouse, you and the deceased person's employing agency should complete SF 3104B, which can be obtained from the deceased person's former employing agency. Instructions for completing SF 3104B are contained on the form itself.

Submitting Completed Application-

If the deceased was an employee at the time of death, submit your completed application, with the requested attachments, to the personnel office of the agency where the deceased was last employed.

If the deceased was a former employee or a retiree, send your completed application to:

U.S. Office of Personnel Management
Federal Employees Retirement System
Post Office Box 200

How to Have Survivor Annuity Payments Sent to a Bank or Financial Institution-

Public Law 104-134 requires that everyone who becomes eligible for Federal payments on or after July 26, 1996, must be paid by direct deposit into a savings or checking account at a financial institution unless they do not have a savings or checking account in any financial institution and do not establish one or have one established for them by an authorized payment agent.

Effective January 1, 1999, the law requires that most Federal payments be made by direct deposit, regardless of when the benefit began. This applies to all retirees and survivor annuitants. If you are not already enrolled in the Direct Deposit Program and you live where direct deposit is available, we recommend that you make arrangements soon to comply with this law.

Direct deposit is a win-win situation all around. You avoid the bother of traveling to a bank or other financial institution to cash or deposit your check. You may earn a few days extra interest each month and save travel costs and time. Both you and OPM are saved the worry that the check will be lost in the mail. It also assures that payments are deposited and available for your use, even when you are away from home.

When you elect direct deposit, you will continue to receive other information at your mailing address. Complete Section I of SF 3104, *Application for Death Benefits*, to have your payments sent to a financial institution or to certify that you do not have a savings or checking account. If you change to this option or change accounts after your payments begin, you can either call us at (202) 606-0500, or send form SF 1199A, *Direct Deposit Sign-Up Form*, to OPM. You can obtain the form where you bank. Both you and your bank need to complete the form. Include

your claim number on the form. It's a good idea to leave your old account open until you have verified that a payment has been deposited in your new one.

Changing Mailing Address if Your Address Changes Before Processing is Completed-

If your address changes before you receive your claim number, write to OPM, giving your name, date of birth, your Social Security number, and the deceased person's name, date of birth and Social Security number. If you have received your claim number, you can either telephone OPM or write to us to report your new address. Please refer to your claim number in any correspondence. You can phone OPM on (202) 606-0500. If you prefer to write, you should report your new address to:

U.S. Office of Personnel Management
Change-of-Address Section
P.O. Box 440
Boyers, PA 16017-0440

In addition, you should notify your old post office of your forwarding address.

Information About Having Eligible Payments Rolled Over Into An IRA-

As of January 1, 1993, surviving spouses are eligible to request that OPM pay a direct tax-free rollover of the taxable portion of lump sum payments to an IRA (individual retirement arrangement), if the taxable portion is \$200 or more.

Benefits eligible for rollover are:

1. The taxable portion of the Basic Employee Death Benefit, whether paid in a lump sum or in 36 installments. (All of the benefit is taxable except the one-time \$5,000 death benefit exclusion applied to lump sum payments.)
2. Interest on employee contributions, excess retirement deductions and/or voluntary contributions.
3. The taxable portion of alternative annuity lump sum payments that were not paid to a deceased retiree.

Eligible benefits that are not rolled over into an IRA have a mandatory Federal tax withholding of 20 percent of the payments.

If you are a surviving spouse and are eligible to receive one of the above benefits, you can either make the election when completing the application, or, if an election is not received with your application, OPM will send you information about your eligibility to roll over the benefits after we compute the taxable portion of any lump sum you are due to receive.

The Internal Revenue Service (IRS) has provided additional information concerning rollovers in its Publication 721, *Tax Guide to U.S. Civil Service Retirement Benefits*.