

## General Conditions Under Which a Person is Entitled to a Railroad Retirement Divorced Spouse Annuity

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| <b>Age Requirement</b> | When all eligibility requirements are met and you file an application, a divorced spouse annuity based on your age can begin as explained in Chart 1. Chart 2 explains <b>Full Retirement Age (FRA)</b> . |
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| CHART 1 - DETERMINING YOUR AGE REQUIREMENT   |                                |   |  |
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| If the employee is at least:   | and the employee is:           | your divorced spouse annuity can begin: | Your Annuity will:   |
| age 62 with at least 120 months of railroad service,   | receiving an employee annuity, | the first full month you are age 62.    | have an age reduction if you retire before attaining your Full Retirement Age (FRA). |
| age 62 with at least 60 months of railroad service after 1995 and has an <b>SSA Insured Status</b> , | receiving an employee annuity, | the first full month you are age 62.    | have an age reduction if you retire before attaining your FRA.                       |

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| <b>Full Retirement Age (FRA)</b> | <p>Your <b>Full Retirement Age (FRA)</b> is the age at which you can receive a full divorced spouse annuity (not reduced for early retirement). FRA is age 65 for persons born before January 2, 1938. FRA for persons born after January 1, 1938, will gradually increase as illustrated in Chart 2.</p> <p>FRA also affects the amount of non-railroad earnings you can earn after the annuity beginning date, as explained in Chart 3.</p> |
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| CHART 2 - DETERMINING YOUR FULL RETIREMENT AGE |                   |                        |                   |
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| If you were born:                              | then your FRA is: | If you were born:      | then your FRA is: |
| Before 1-2-1938                                | 65                | 1-2-1955 thru 1-1-1956 | 66 and 2 months   |
| 1-2-1938 thru 1-1-1939                         | 65 and 2 months   | 1-2-1956 thru 1-1-1957 | 66 and 4 months   |
| 1-2-1939 thru 1-1-1940                         | 65 and 4 months   | 1-2-1957 thru 1-1-1958 | 66 and 6 months   |
| 1-2-1940 thru 1-1-1941                         | 65 and 6 months   | 1-2-1958 thru 1-1-1959 | 66 and 8 months   |
| 1-2-1941 thru 1-1-1942                         | 65 and 8 months   | 1-2-1959 thru 1-1-1960 | 66 and 10 months  |
| 1-2-1942 thru 1-1-1943                         | 65 and 10 months  | 1-2-1960 and later     | 67                |
| 1-2-1943 thru 1-1-1955                         | 66                |                        |                   |

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| <b>Marriage Requirements</b> | <p>In order to qualify for a divorced spouse annuity, your marriage must have ended by a final divorce decree and you must meet each of the following requirements.</p> <ul style="list-style-type: none"> <li>➤ You were married to the railroad employee for at least 10 consecutive years immediately preceding the date of your final divorce decree; and,</li> <li>➤ you are divorced from that railroad employee; and,</li> <li>➤ you are not currently married to anyone. (If you remarried after the divorce from the employee, the later marriage must have terminated.); and,</li> <li>➤ you are not entitled to a social security benefit (before any reductions) on your own earnings record that exceeds the amount of the divorced spouse annuity.</li> </ul> |
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## General Conditions Under Which a Person is Entitled to a Railroad Retirement Divorced Spouse Annuity (cont.)

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| <b>SSA Insured Status</b> | <p>If the employee's annuity is based on 60-119 months of railroad service after 1995, you qualify for a divorced spouse annuity if the employee has an <b>SSA Insured Status</b> based on combined railroad and social security earnings. The employee has an SSA insured status if:</p> <ol style="list-style-type: none"> <li>1. the employee has at least 40 quarters of coverage in age and service cases; or,</li> <li>2. the employee has a <b>Disability Freeze (D/F)</b> under SSA rules in disability cases. (See Booklet RB-1D <i>Employee Disability Benefits</i> for an explanation of a D/F.) The D/F cannot be deemed.</li> </ol> |
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| <b>Reductions for Non-Railroad Earnings</b> | <p>Your benefits are not reduced for your non-railroad earnings if you are receiving social security benefits.</p> <p>Otherwise, the <b>Annual Earnings Exempt Amount</b> is the amount of non-railroad earnings you can have in a calendar year without losing part of your benefit. Use Chart 2 to determine your <b>Full Retirement Age (FRA)</b>. Then refer to Chart 3 below and Form G-77a <i>How Earnings Affect Payment of Retirement Annuities</i>. The employee's non-railroad earnings over the Annual Earnings Exempt Amount for the employee's age group may also cause a reduction in your benefit.</p> |
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CHART 3 - DETERMINING YOUR ANNUAL EARNINGS EXEMPT AMOUNT

| For a year in which:                                      | You may lose up to \$1 in benefits for every:   | The reduction:  |
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| you attain Full Retirement Age (FRA),                     | \$3.00 of earnings over the Annual Earnings Exempt Amount for your age group. However, your earnings are only counted for months before the month in which you attain FRA.            | is removed effective the month in which you attain FRA. |
| you are under your FRA for the entire year,               | \$2.00 of earnings over the Annual Earnings Exempt Amount for your age group.   | applies for the full year.                              |
| you work outside the U.S. for 45 or more hours per month, | \$2.00 of earnings. There is no Annual Earnings Exempt Amount for work outside the U. S. However, your earnings are only counted for months before the month in which you attain FRA. | is removed effective the month in which you attain FRA. |

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| <b>When a Divorced Spouse Annuity is not Payable</b> | <p>Your divorced spouse annuity is not payable for any month in which:</p> <ul style="list-style-type: none"> <li>➤ the employee's annuity is not payable; or,</li> <li>➤ you work for a railroad employer; or,</li> <li>➤ you become entitled to a railroad retirement annuity based on your own earnings record that exceeds the amount of your RRA divorced spouse annuity rate.</li> </ul> |
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| <b>When a Divorced Spouse Annuity Ends</b> | <p>Your divorced spouse annuity ends the month before the month in which:</p> <ul style="list-style-type: none"> <li>➤ you die; or,</li> <li>➤ the employee dies (a surviving divorced spouse annuity may become payable at this time); or,</li> <li>➤ the employee's entitlement to an employee annuity terminates due to recovery from disability; or,</li> <li>➤ you marry; or,</li> <li>➤ you become entitled to SS benefits based on your own earnings record that are greater than the RRA divorced spouse annuity; or,</li> <li>➤ you become entitled to an RRA survivor annuity, on another claim number, that exceeds the amount of the RRA divorced spouse annuity.</li> </ul> |
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If you would like more information concerning divorced spouse annuities, please request Booklet RB-30 *Spouse/Divorced Spouse Annuity* before you come in to file for your annuity. This booklet is available at [www.rrb.gov](http://www.rrb.gov).

**Form G-177C (2-02)**