

425.5 Parent Defined

In order to qualify for a parent's insurance annuity, a person must be:

- A. The employee's natural mother or father entitled to share as a parent in the employee's intestate personal property under the law of the state in which the employee was domiciled at death; or
- B. A stepparent of the employee by a marriage entered into before the employee attained age 16; or
- C. An adopting parent who legally (not equitably) adopted the employee before (s)he attained age 16.

425.10 Eligibility And Entitlement

425.10.1 General Requirements

In addition to being the parent of a deceased employee who died completely insured for payment of survivor benefits under the 1974 Railroad Retirement Act (see [FOM-I-230.15](#)), a parent must meet all the following requirements:

- A. Age - The parent must have attained age 60.
- B. Remarriage - The parent must not have married after the employee's death except as outlined in FOM-I-425.45.
- C. Application - The parent must file an annuity application and proofs as outlined in FOM-I-425.20.

425.10.2 Eligibility for Both a Tier I and a Tier II

To be eligible for a Railroad Retirement Act annuity tier I and tier II, a parent must meet the requirements listed in FOM-I-425.10.1 and all the following requirements:

- A. Other survivors - The employee must not be survived by a widow(er), divorced widow or child who could ever qualify for monthly benefits (a posthumous child born alive is deemed to survive the employee).
- B. One-half support - The parent must have been receiving one-half support from the employee at the time of the employee's death. Also see [FOM-I-945.10](#).

425.10.3 Eligibility for a Tier I Only

Effective September 1, 1983, a parent can receive a tier I annuity only even though the employee was survived by a widow(er) or child who could qualify for a monthly annuity,

provided the parent meets the conditions in FOM-I-425.10.1 and all the following requirements:

- A. Entitlement to RIB - The parent is not entitled to an RIB equal to or exceeding the amount of the parent's tier I before reduction for the family maximum.
- B. One-half support - The parent was receiving at least one-half support from the employee at the time of the employee's death or at the beginning of the employee's disability freeze period if it continued until the employee's death. Also, see [FOM-I-945.10](#).

425.15 Amount Of Parent's Insurance Annuity

This section contains basic information about the components of a parents insurance annuity. For additional information refer to Article 10, Computations.

425.15.1 Tier I

When one parent is entitled the tier I is equal to 82 1/2% of the employee's PIA based on wages and compensation (death PIA). Two parents are each entitled to a tier I equal to 75% of the employee's death PIA. A parent's tier I is subject to reduction for entitlement to any SS benefits and any RR retirement annuity as follows:

- a. The net tier I of any RR retirement annuity to which the parent is entitled if the reduction for the employee tier I is first applied on an award with a final voucher date of 10-1-88 or later, or the case is reopened 10-1-88 or later.
- b. The tier I amount before age reduction of any RR retirement annuity the parent is entitled to through 9-30-88, and the net tier I of any RR retirement annuity the parent is entitled to 10-1-88 or later, if the reduction for the employee tier I is first applied on an award vouchered prior to 10-1-88.

In addition, if there are two or more beneficiaries, the parent's tier I is subject to reduction for the SSA family maximum.

425.15.2 Tier II

A parent is eligible for a tier II when the requirements in FOM-I-425.10.2 are met. A parent's tier II is equal to 30% of the parent's tier I amount before reduction for SS benefits when the parent's annuity is awarded before 10-1-86 and the employee died or retired before 10-1-81. Otherwise, the parent's tier II is equal to 35% of the employee annuity tier II amount computed as of the parent's insurance annuity beginning date.

425.20 Forms And Evidence Requirements

Evidence	When Required
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Application (Form AA-20)	Always. If two parents claim dependency, each must file an AA-20.
Proof of one-half support of parent (Form G-134)	Always. Develop even when parent files Form AA-20 and indicates (s)he did not receive one-half support from employee.
Proof of parent's age	Always.
Proof of relationship	Always.
Proof of employee's death	Always.
Proof of employee's age	In "A" cases POA is required only if the employee's DOB has not been previously verified Effective 03-01-2004 POA of deceased employee is required in all "D" cases when a survivor recurring application is filed.
Proof of parent's marriage	If claimant is stepparent.
Proof of adoption	If claimant is an adopting parent or is a stepparent through marriage to an adopting parent of the employee.
Application for substitute payee (Form AA-5)	If a representative payee is to be appointed.
Proof of military service	If employee's M/S after 1936 would be credited either as compensation under the Railroad Retirement Act or wages under the Social Security Act.

425.21 Time Limit For Filing Proof Of Support

425.21.1 Parent Eligible for Both a Tier I and a Tier II

There is no time limit for filing proof of support.

425.21.2 Parent Eligible for a Tier I Only

Proof of support must be filed within two years after:

- A. The month in which the employee filed an application for a period of disability if support is being established at the beginning of a disability period; or

- B. The date of the employee's death if support is being established at that point.

The proof of support must be filed within the appropriate period even though the parent may not be immediately entitled, i.e., he or she has not attained age 60. Therefore, obtain proof of support upon the employee's death if it appears that a parent will meet the other eligibility requirements upon attainment of age 60.

NOTE: It will still be the parent's responsibility to file a timely application for an annuity upon attainment of age 60.

Proof of support which was not filed within the prescribed 2-year period may be filed at any time thereafter, provided there is "good cause" for the applicant's failure to file timely.

"Good cause" for failure to file within the specified period may be found when the parent establishes that such failure was caused by:

- A. Circumstances beyond the individual's control; or
- B. Incorrect or incomplete information furnished by the RRB; or
- C. Unusual or unavoidable circumstances under which the individual could not reasonably be expected to have been aware of the need to file timely.

If you are developing a parent's proof of support outside the specified 2-year period, also develop a statement from the parent regarding the reason(s) for untimely filing proof of support.

425.25 Annuity Beginning Date

The beginning date of a parent's insurance annuity (PIA) is explained in [FOM-I-111.20](#), [FOM-I-111.51](#) and [FOM-I-112.9.4](#).

425.30 Parent Entitled On Record Of More Than One Deceased Employee

When a parent of an insured employee is also entitled to another parent's insurance annuity or a WIA based on the earnings record of another employee, (s)he will normally receive the higher of the two annuities. However, at the parent's election, s(he) may receive benefits on the record that results in a LOWER monthly annuity rate. For example, it may be to a parent's advantage to elect to receive the lesser annuity because of an RLS that would be payable on the other record if such an election were made. When it does not appear to be to the parent's advantage to receive the smaller annuity, the higher annuity will be paid and the current lower annuity will be terminated.

425.30.1 Election of Lesser Annuity

The election to receive a smaller annuity is revocable and may be made on a month-by-month basis. A signed statement by the applicant is sufficient proof of election. This differs from an election to receive an RLS, which is an irrevocable election.

If it appears that it would be to a parent's advantage to receive the lesser annuity, BRC will release a memo to the D/O with the facts of the case and request that the office contact the annuitant. If the parent wants the smaller annuity, secure a signed statement establishing that the parent is aware that (s)he is electing the smaller benefit.

If the parent wishes to elect the smaller annuity in order to receive an RLS on another account, the statement should include the fact that the election of the smaller annuity is made in order to receive the RLS and that the applicant does not intend to revoke it. A Form G-126 election is not needed.

425.30.2 Revocation of Election

If the annuitant later changes his mind and withdraws his election of the smaller annuity, the RLS previously paid on the other account must be recovered from the larger annuity. No annuity would be payable until the RLS is recovered.

425.30.3 LSDP Entitlement

An LSDP is not payable on the account that the annuity is not paid on because there is eligibility to a monthly benefit, whether or not it is paid.

425.35 Work Restrictions

425.35.1 Restricted Employment

A parent's insurance annuity is not payable for any month a parent works for an employer covered by the Railroad Retirement Act, regardless of the amount of earnings.

425.35.2 Earnings Restrictions

The annuity of parent under age 70 (under age 72 prior to 1-1983) is subject to the regular survivor earnings restrictions. In general, \$1 of annuity is deducted for every \$2 in earnings the parent has over the annual exempt amount. Refer to Article 11, Work Deductions, for more specific information.

425.40 When Entitlement To A Parent's Insurance Annuity Ends

A parent's insurance annuity ends with the month before the month in which the parent:

- Dies, or

- Remarries, except if marriage is to an individual with certain entitlement under the RRA or SSA (see [FOM-I-425.45](#)); or
- Becomes entitled to another insurance annuity under the railroad Retirement Act which exceeds the current parent's insurance annuity; or
- Becomes entitled to an RIB which equals or exceeds the amount of the parent's tier I before reduction for the family maximum, if the parent is entitled to a tier I annuity only.

425.45 Effect Of Marriage On Parent's Annuity

425.45.1 Marriage Before Entitlement to a Parent's Annuity

There is no future entitlement to a parent's annuity if a parent marries after the employee's death but before (s)he becomes entitled to a parent's annuity.

A parent who marries after the employee's death may, however, be entitled to a parent's annuity for some months before the marriage took place. The number of months the annuity would be payable depends on when the marriage occurred and how long after the marriage the parent files an application.

EXAMPLE: A parent meets all the requirements for a parent's annuity in 9/83. The parent marries in 11/83 and files an application for a parent's annuity in 1/84. Because a parent's annuity application can retroact up to 6 months, the parent's annuity can be paid for the months of 9/83 and 10/83, the months before the marriage took place.

425.45.2 Marriage After Entitlement to a Parent's Annuity

If a parent marries after entitlement to a parent's annuity, the annuity will terminate unless the marriage is to an individual entitled as a divorced spouse, widow(er), mother, father, parent or disabled child under the Social Security Act or the Railroad Retirement Act.

If the parent's marriage is to a qualifying individual, the parent will be entitled to a tier I only. If the parent is receiving a tier I and tier II, the tier II portion of the annuity will be terminated. If the parent is receiving a tier I only, the tier I annuity will continue.

425.45.3 Parent's Marriage Annulled

When a marriage that terminated a parent's entitlement is annulled, payment of the parent's annuity is possible if the annulled marriage was a void or voidable marriage and no alimony is actually awarded.

425.45.4 Field Actions

- A. Parent reports marriage - Notify the adjudication unit immediately when a parent in receipt of an RR annuity reports marriage. Additional information as indicated

below may be required; however, do not delay notification pending completion of additional development.

1. If a parent's marriage causes entitlement to terminate, advise the parent that (s)he no longer qualifies for an annuity and should return any annuity payments received after the date of marriage.
 2. If a parent marries an SS beneficiary that permits tier I entitlement to continue, develop as follows:
 - Secure proof of marriage;
 - Secure the SS number of the spouse;
 - Secure the SS number and type of benefit the spouse receives at SSA;
 - Forward all information on Form G-115;
 - Advise a parent who is receiving both a tier I and tier II annuity to return any annuity payments received after the date of marriage; an adjustment is required in the annuity rate since now only a tier I is payable. A parent who is only receiving a tier I annuity does not have to return any payments since there will not be a change in the annuity rate.
- B. Parent reports annulment - When a parent, whose annuity was terminated because of marriage, reports that the marriage was annulled, secure a copy of the annulment decree. If the decree does not state the grounds on which annulment was based, obtain a copy of the complaint filed in the proceedings. A new application is not required.

