

## 430.5 General

Prior to the enactment of the 1946 Amendment which provided for payment of monthly survivor annuities, an employee could elect to receive a reduced annuity during his lifetime in order to provide for the payment of an annuity to his widow(er) after his death. An employee's right to such an election, referred to as a joint and survivor (J&S) election, ended on 7-31-46. However, elections made prior to 7-31-46 are still effective if:

- An employee annuity reduced for a J&S election was awarded before 7-31-46, or
- An employee annuity reduced for a J&S election began to accrue before 1-1-47 and the J&S election was not revoked before 8-1-47, or
- An employee annuity reduced for a J&S election began to accrue after 12-31-46 and the employee reaffirmed his election sometime between 7-31-46 and 12-31-47.

NOTE: As of August 1980, only two employees were receiving annuities reduced because of a joint and survivor section.

## 430.10 Eligibility And Entitlement

When there is a valid J&S election in effect at the time of an employee's death, a joint and survivor annuity is payable to the widow immediately unless:

- The employee revoked his election, or
- A divorce occurred before the employee's death.

A widow need not meet any age or "living with" requirement and the employee need not be insured under the Railroad Retirement Act at death for a joint and survivor annuity to be payable.

To establish entitlement to a joint and survivor annuity, a widow must file an application.

## 430.15 Amount Of Joint And Survivor Annuity

A joint and survivor annuity is equal to 100%, 75% or 50% of the employee's annuity rate, after reduction for the joint and survivor election, in the month before death occurs. The percentage is determined by the election option selected by the employee.

## 430.20 Evidence Requirements

The following evidence is required before a joint and survivor annuity can be paid:

Evidence	When Required
Application	Always. Develop AA-21 unless widow is eligible for any other survivor benefit; then the application filed for the other RR benefit can be used for the joint and survivor annuity also.
Proof of employee's death	Always.

### **430.25 Annuity Beginning Date**

A joint and survivor annuity begins on the later of the first day of the month in which the employee annuitant's death occurs or the day designated by the applicant as the ABD, regardless of when the surviving widow files an application.

### **430.30 Effect Of Joint And Survivor Annuity On Other RR Benefits**

Entitlement to a joint and survivor annuity in no way affects a widow's eligibility for an insurance annuity, LSDP or RLS.

### **430.35 Events That Do Not Affect A Joint And Survivor Annuity**

#### **430.35.1 Entitlement to other Railroad Retirement Act benefits**

A joint and survivor annuity is not affected by entitlement to other types of benefits under the Railroad Retirement Act.

#### **430.35.2 Widow's Employment**

A joint and survivor annuity is not subject to deduction for RR employment or excess earnings.

#### **430.35.3 Widow's Remarriage**

A joint and survivor annuity continues to be payable after a widow remarries even when remarriage occurs before the annuity is awarded.

### **430.40 When Entitlement To A Joint And Survivor Annuity Ends**

A joint and survivor annuity ends with the month before the death of the widow. There are no other terminating events.

Joint and survivor annuity payments due but unpaid at death are payable in the same manner as any other accrued survivor annuity.

