



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

March 5, 2009

Ms. Rebecca Davis
Coordinator, Women's Pension Project
Ms. Karen Ferguson
Director, Pension Rights Center
1350 Connecticut Avenue
Suite 206
Washington, DC 20036-1739

Dear Ms. Davis:

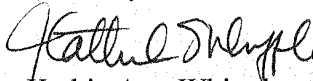
Thank you for your letter concerning survivor annuity provisions applicable to deferred retirements under the Civil Service Retirement System (CSRS).

As you know, the Office of Personnel Management (OPM) administers the CSRS pursuant to the statutes enacted by Congress. Accordingly, OPM is authorized to pay retirement benefits only to the extent that Congress has so authorized. Office of Personnel Management v. Richmond, 496 U.S. 414 (1990). A deferred annuity is payable under CSRS at age 62 to a former Federal employee who previously separated from the service without title to an immediate annuity, provided they were subject to CSRS at the time of separation, have at least 5 years of creditable civilian service and do not take a refund of their contributions. 5 U.S.C. § 8341(b), (d). The former employee may elect a survivor annuity when he or she applies for the deferred annuity. However, there is no survivor annuity payable if the former employee dies before they are eligible for and apply for the annuity. Nonetheless, a lump sum of the individual's retirement contributions is payable to the beneficiary designated by the former employee or if no beneficiary is designated, to his or her next of kin, based on the Federal order of precedence. The former employee's spouse is the first eligible next of kin.

Agency benefits officers are responsible for the counseling of Federal employees considering retirement or resignation from their Federal position. It is their responsibility to make sure that employees are aware of the affect of their decisions on their benefits so they make decisions appropriate for their situations. Additionally, the survivor annuity provisions affecting deferred CSRS retirements are clearly explained on our website. However, we will send a reminder to benefits officers that they properly counsel their CSRS employees contemplating resignation prior to immediate retirement eligibility about this provision.

Thank you for your interest in this matter.

Sincerely,


Kathie Ann Whipple
Acting Director