



*From the Benefits and Entitlements Service Team (BEST)*

## **Benefits and Entitlements in the Event of Injury or Death**

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This purpose of this brochure is to provide a general overview of benefits and entitlements in the event of injury or death. It applies to all Air Force-serviced civilian employees.

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## General Overview

**Benefits that may be available should you be injured on the job** are listed below. Details are provided on the following pages.

- Worker's compensation for medical benefits and/or wage loss from the Office of Workers' Compensation Programs (OWCP).
- Monetary relief under the Homeowners Assistance Program if you have to sell your home and relocate to receive medical attention due to injuries incurred while forward deployed in support of the Armed Forces.
- Life insurance coverage continues into retirement or compensation if you meet the 5-year/first opportunity rule.
- Health insurance coverage continues into retirement or compensation if you meet the 5-year/first opportunity rule.
- Federal Employees Dental and Vision Insurance Program (FEDVIP) coverage continues into retirement or compensation as long as you continue to pay the premiums.
- Your Thrift Savings Plan contributions will continue as long as you are receiving pay for your civilian job, but not while you are in a nonpay status receiving workers' compensation wage loss benefits.
- Retirement benefits, if eligible and as the situation warrants, from the Office of Personnel Management (OPM).
- Public Safety Officers' Benefits (PSOB) Program. A one-time, tax-free payment for law enforcement officers and firefighters if the injury or death is the direct and proximate result of a traumatic injury sustained in the line of duty. The program also includes educational assistance for eligible family members.
- Reimbursement for certain expenses (such as medical, transportation, and temporary lodging) through the International Terrorism Victim Expense Reimbursement Program (ITVERP) if you suffer physical or emotional injury outside the United States as the result of an act of terrorism.

**Benefits that may be available to your surviving family members if you die while employed** are listed below. Details are provided on the following pages.

- Workers' compensation survivor benefits from OWCP if your death is job-related. In addition, OWCP will pay burial expenses not to exceed \$800 and a \$200 allowance for other administrative costs under the provisions of 5 U.S.C. Sections 8134(a) and 8133(f), respectively.
- A "\$10,000 death gratuity" if your death results from an injury sustained in the line of duty on or after 2 Aug 90, paid to your personal representative. The amount payable is up to \$10,000 (minus the burial and administrative payments made by OWCP).
- An "intelligence duties death gratuity" if you are assigned to intelligence duties and your death occurs outside the U.S. as a result of hostile activities.
- "Death benefits under Public Law (P.L.) 109-234 (Pakistan/Iraq/Afghanistan)" if your death occurs in Pakistan, Iraq, or Afghanistan between 15 Jun 06 and 30 Sep 11.

- A “Federal Employees’ Compensation Act Section 8102a death gratuity” if you die of injuries incurred while in service with an Armed Force in a contingency operation. The amount payable is up to \$100,000.
- Monetary relief under the Homeowners Assistance Program if you die from injuries incurred while forward deployed in support of the Armed Forces and your spouse sells your home to relocate.
- Payment of life insurance proceeds if you are enrolled in the Federal Employees' Group Life Insurance (FEGLI) program.
- Continuation of health insurance coverage if you are enrolled in the Federal Employees Health Benefits (FEHB) program with self and family coverage.
- Continuation of coverage or the opportunity to enroll in dental and vision insurance in the Federal Employees Dental and Vision Insurance Program (FEDVIP).
- Payout of your Thrift Savings Plan account, if you have one.
- Survivor benefits from the retirement system if certain eligibility requirements are met by you and your surviving family members.
- A lump sum payment to your designated beneficiary, or in accordance with the order of precedence if none are designated, for "unpaid compensation," which consists of unpaid hours worked and unused hours of annual leave accrued as of the date of death.
- Public Safety Officers' Benefits (PSOB) Program. A one-time, tax-free payment to the eligible survivors (of law enforcement officers and firefighters) if the death is the direct and proximate result of a traumatic injury sustained in the line of duty. It also provides educational assistance to the children and spouse survivors.
- Certain income tax breaks if your death occurs as a result of wounds or injury incurred in a terrorist or military action.
- Reimbursement for certain expenses (such as medical, transportation, funeral, and burial) through the International Terrorism Victim Expense Reimbursement Program (ITVERP) if your death occurs outside the United States as the result of an act of terrorism.

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## Annual Basic Pay

There are many types of pay that are included as annual basic pay if an employee actually receives that pay. The following definitions are not all-inclusive, but touch on most types of pay.

**Life Insurance, Retirement Computations (including spouse survivor benefits), and Thrift Savings Plan.** Annual basic pay is the amount of pay based on the rate fixed by law or administrative action for the position held by an employee. It also includes locality-based comparability pay under 5 U.S.C. 5304; environmental differential and night pay for wage employees; premium pay for firefighters under 5 U.S.C. 5545b; availability pay (LEAP) for criminal investigators under 5 U.S.C. 5545a; premium pay for standby time under 5 U.S.C. 5545(c)(1); and premium pay for law enforcement officers as authorized by 5 U.S.C. 5545(c)(2).

Local Market Supplements (LMS) pay replaces locality pay and special salary rates for individuals who are converted and placed under the National Security Personnel System (NSPS). The LMS is included in basic pay.

The following types of pay are not included in annual basic pay for benefits and entitlements purposes: bonuses, allowances, overtime, holiday and military pay, workers' compensation payments, severance pay, supervisory differentials, or recruitment and retention allowances. Danger pay is an allowance and as such is not included as annual basic pay.

References: 5 U.S.C. 8331(3); 5 U.S.C. 8401(4); 5 CFR 870.204(a); 5 CFR 1690.1.

**Workers' Compensation.** Annual basic pay is based on the rate fixed by law or administrative action for the position held by the employee. It includes the employee's full salary or full cash wage; the value of any subsistence and quarters received for services in addition to the cash wage (this is rare); and premium pay for scheduled standby duty as provided by 5 U.S.C. 5545(c)(1). It also includes locality pay and COLA (cost-of-living allowance); night and shift differentials; Sunday differential; holiday pay; hazard pay, dirty work pay; quarters allowance and post differential for overseas employees; extra pay authorized by the Fair Labor Standards Act (FLSA) for employees who receive annual premium pay for standby duty and who also earn and use leave on the basis of their entire tour of duty, including periods of standby duty; premium pay for work on Sundays under 5 U.S.C. 5546(a), which provides for extra pay when an employee's regular work schedule includes an eight-hour period, any part of which falls on a Sunday; premium pay for work on holidays under 5 U.S.C. 5546(b), which provides for extra pay when an employee's regular schedule includes work on a holiday; premium pay for administratively uncontrollable overtime (AUO), including holiday pay under 5 U.S.C. 5545(c)(2); availability pay (LEAP) for criminal investigators pursuant to Public Law 103-329; quarters allowances for personnel serving overseas (paid pursuant to Section 901(1) of the Foreign Service Act of 1946 and Executive Order 10011, dated 22 Oct 48); and post differential paid under Public Law 86-707.

Local Market Supplements (LMS) pay replaces locality pay and special salary rates for individuals who are converted and placed under the National Security Personnel System (NSPS). The LMS is included in basic pay for workers' compensation purposes.

The following types of pay are **not included** for workers' compensation purposes: overtime pay; additional pay or allowance authorized outside the United States because of differential in cost of living or other special circumstances (including separate maintenance allowance); and bonus or premium pay for extraordinary service including bonus or pay for particularly hazardous service in time of war.

**References:** 5 U.S.C. 8114; 5 U.S.C. 8114(e); OWCP Publication CA-810, Chapter 7-4; FECA Program Procedures Part 2.

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## Workers' Compensation Benefits

**Compensation for Injury.** The Federal Employees' Compensation Act (FECA) (5 U.S.C. 81), administered by the Office of Workers' Compensation Programs (OWCP), U. S. Department of Labor, provides compensation benefits to civilian employees for disability due to personal injury sustained while in the performance of duty. Benefits include rehabilitation, medical, surgical and necessary expenses, and compensation for wage loss.

If you sustain a job-related injury, you will contact your local (or servicing) Civilian Personnel Section for assistance in filing a workers' compensation claim. An employee who sustains a disabling, job-related traumatic injury may request continuation of regular pay (COP) for the period of disability (not to exceed 45 calendar days) or sick or annual leave. If disability continues beyond 45 days or the employee is not entitled to continuation of pay, the employee may use sick or annual leave or enter a leave without pay status and claim compensation for wage loss from OWCP.

Compensation for loss of wages may not be paid until after a three-day waiting period, except when permanent effects result from the injury or where the disability causing wage loss exceeds 14 calendar days. Compensation is generally paid at the rate of 2/3 of the salary if you have no dependents, and 3/4 of the salary if one or more dependents are claimed. Compensation benefits are not taxable.

The term "dependent" includes a husband, wife, unmarried child under 18 years of age, and a wholly dependent parent. An unmarried child may qualify as a dependent after reaching the age of 18 if incapable of self-support by reason of mental or physical disability, or as long as the child continues to be a full-time student at an accredited institution, until he or she reaches the age of 23 or has completed four years of education beyond the high school level.

Health and life insurance will continue during compensation if you have been enrolled for a full five years or since your first opportunity. If OWCP determines you meet this requirement, premiums will be deducted from your compensation benefits. You will not be able to make contributions to your Thrift Savings Plan account while in receipt of compensation since OWCP benefits are not considered basic pay.

If you are disabled to perform the major duties of your job as a result of the injury and your agency is unable to find a job you can perform, you may be separated from employment due to medical disability. If you meet the minimum service requirements, you may be eligible for disability retirement. If you wish to file for disability retirement, you must do so within one year of separation from employment. It's to your advantage to do so, because if the disability retirement is approved and you are also eligible to receive compensation benefits from OWCP, you will be given the opportunity to choose which you will receive. If the workers' compensation ends, you can then begin receiving the retirement benefits. The minimum service requirement for disability retirement is 5 years creditable civilian service for employees covered by CSRS, and 18 months creditable civilian service for employees covered by FERS.

**Compensation for Death.** If your death is a result of the employment-related injury, your surviving spouse and eligible children may be entitled to compensation benefits. If your survivors are also entitled to survivor benefits under the retirement system, he/she must choose whether to receive the OWCP compensation survivor benefits or the retirement system survivor benefits. They may not receive both. Other dependents who may be entitled to compensation benefits include a parent, brother, sister, grandparent, or grandchild who was wholly or partially dependent on you. Your local (or servicing) Civilian Personnel Section will assist your survivors in filing a claim for OWCP benefits.

The widow or widower's compensation is 50 percent of your pay at the time of death if there are no children eligible for benefits. If a child or children are eligible for benefits, the surviving spouse is entitled to 45 percent of the pay and each child is entitled to 15 percent. If children are the sole survivors, 40 percent is paid for the first child and 15 percent for each additional child, to be shared equally. The total compensation paid may not exceed 75 percent of your pay or the pay of the highest step for GS-15 of the General Schedule, except when such excess is created by authorized cost-of-living increases, even if there is a brother, sister, parent, grandparent, or grandchild also eligible for compensation benefits.

The following children are eligible for compensation benefits: an unmarried child under the age of 18, or over the age of 18 who is incapable of self-support due to mental or physical disability; and a child between 18 and 23 years of age who has not completed four years of post-high school education and is pursuing a full-time course of study. Compensation to eligible children, brothers, sisters, and grandchildren terminates at the age of 18, unless the dependent is incapable of self-support, or continues to be a full-time student at an accredited institution, until he or she reaches the age of 23, or has completed four years of education beyond the high school level.

Compensation benefits are paid to the surviving spouse until death or remarriage if he or she is under age 55. If a surviving spouse under age 55 remarries, OWCP makes a lump-sum payment equal to 24 times the monthly compensation at the time of remarriage. If the surviving spouse is age 55 or older, compensation benefits continue as long as he or she lives, regardless of remarriage.

Other benefits payable by OWCP include:

- Burial expenses not to exceed \$800. Transportation of the body to the employee's former residence in the United States is provided where death occurs away from the employee's home station (5 U.S.C. Section 8134(a)).
- In addition to any burial expenses or transportation costs, a \$200 allowance is paid for the administrative costs of terminating an employee's status with the Federal Government (5 U.S.C. Section 8133(f)).

If you are enrolled in self and family health insurance coverage at date of death, then health insurance will continue for your eligible survivors. Premiums will be withheld from the compensation payments.

Compensation benefits are tax-free.

**References:** 5 U.S.C. 81, 20 CFR Parts 1-25, Publication CA-550, Publication CA-810.

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## \$10,000 Death Gratuity

If an employee's death results from a traumatic injury sustained in the line of duty on or after 2 Aug 90, a death gratuity payment may be paid to the personal representative of the employee. This includes an employee who dies after separation from employment, if the death is the result of traumatic injury sustained in the line of duty.

**Eligibility.** The personal representative of the deceased employee is generally eligible to apply for the payment. That individual is the formally designated executor or administrator of the employee's estate under state law. In most cases, however, this will be the primary individual to whom the Office of Workers' Compensation Programs (OWCP) pays survivor benefits.

**Amount of Gratuity.** The gratuity is \$10,000 minus the \$800 and \$200 amounts payable by the Office of Workers' Compensation (OWCP) referenced in the Workers' Compensation section. The death gratuity is payable, however, only when OWCP has approved the death claim.

**Claim Procedures.** Your survivors will contact your local (or servicing) Civilian Personnel Section to apply for payment of the death gratuity. If OWCP has paid both the amounts above, the remaining gratuity payment will be \$9,000.

**Tax Information.** At the time the death gratuity is paid, no Federal taxes will be withheld. However, the Internal Revenue Service (IRS) has ruled the payment is fully subject to Federal income tax if the death occurred on or after 20 Aug 96 (not excluded under section 101(b) of the Internal Revenue Code because it was repealed for persons dying on or after 20 Aug 96 by section 1402 of Public Law 104-188). IRS Form 1099R will be prepared and forwarded to the personal representative when the gratuity is paid.

**References:** Section 651 of Public Law 104-208 (110 Stat. 3009, 368-369, September 30, 1996); OPM Benefits Administration Letter (BAL) 97-104; BAL 96-109; DoDI 1400.25, DoD Civilian Personnel Management System, Volume 810, Enclosure 3, para. 1.g.(3)(f)8.

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## Intelligence Duties Death Gratuity

A death gratuity is paid to survivors of certain Department of Defense (DoD) personnel assigned to intelligence duties. This gratuity applies to any DoD employee assigned to a DoD intelligence component, whose identity is disguised or concealed; or who is within a category of individuals determined by the Secretary of Defense to be engaged in clandestine intelligence activities. The employee's death must have occurred after 14 October 1980 as a result of injuries sustained outside the United States, and must have resulted from hostile or terrorist activities or occurred in connection with an intelligence activity having a substantial element of risk.

**Eligibility.** Payment of this gratuity will be made only if the survivor is also entitled to elect monthly compensation under the Office of Workers Compensation Program (OWCP) because the death resulted from an injury sustained in the performance of duty, regardless of whether the survivor elects to waive compensation under OWCP. Payment will be made only to the following categories of surviving dependents in the order listed: first, to the surviving spouse, second, to the child or children in equal shares if there is no surviving spouse; and third, to the dependent parent(s) in equal shares if there is no surviving spouse or child.

**Amount of Gratuity.** The gratuity is equal to the annual basic pay or salary of the employee at the time of death and is paid instead of the [\\$10,000 Death Gratuity](#). However, it is paid in addition to the [Death Benefits Under P.L. 109-234 \(Pakistan/Iraq/Afghanistan\)](#), if applicable.

**Claim Procedures.** The head of the organization to which the individual is assigned will make a preliminary assessment as to potential eligibility. If the organization head considers the death to fall within the circumstances described above, he will forward a written application for approval of payment of the death gratuity to the Military Service intelligence chief and will send notice of the application to the surviving dependent(s). The surviving dependent(s) may initiate an application through the organization to which the deceased was assigned. This application must contain enough detailed information to permit a determination as to whether or not payment of the gratuity is appropriate.

The Military Service intelligence chief will forward a recommendation for approval or disapproval of the application to the Secretary of the Air Force who is authorized to approve applications and to direct payment of the gratuity. If the application is disapproved or if there is a delay in making the final determination, the reasons for disapproval or delay will be provided in writing to the organization from which the application originated and to eligible survivor(s).

If the application is disapproved, the head of the organization to which the deceased was assigned, or the dependent potentially eligible to receive the gratuity payment, may appeal in writing to the DoD General Counsel who will make a recommendation to the Secretary of Defense whose decision will be final.

Any questions about this gratuity, how to apply for it, or status of an application should be directed to the head of the organization to which the deceased employee was assigned.

**Tax Information.** This is a non-taxable benefit.

**References:** [DoD Instruction 1341.08](#); 10 U.S.C. 1489; and 5 U.S.C. 8101 and 8133.

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## **Death Benefits Under Public Law 109-234 (Pakistan/Iraq/Afghanistan)**

Under authority provided by Section 1603 of Public Law (P.L.) 109-234, Section 1102 of P.L. 110-417, Section 1107 of P.L. 111-84, and consistent with provisions of 22 U.S.C. 3973 (Foreign Service), the Department of Defense (DoD) has authorized a death gratuity and payment of certain travel and transportation expenses to the survivor(s) of a DoD employee who dies as a result of injuries sustained in the performance of duty in Iraq or Afghanistan during the period from 15 Jun 06 until further notice as long as these areas are designated as combat zones under Section 112 (c) of the Internal Revenue Code, or through Fiscal Year 2011. These benefits also apply to civilian employees on official duty in Pakistan during fiscal years 2009, 2010, and 2011.

### **Death Gratuity**

This benefit is payable in addition to other allowances, benefits, or gratuities that may be applicable in the event of the death of a DoD civilian employee, such as the Federal Employees' Compensation Act (FECA, 5 U.S.C. 8133), the [\\$10,000 Death Gratuity](#) (P.L. 104-208, Section 651), and the [Public Safety Officers' Benefits \(PSOB\) Program](#).

**Amount Payable.** The amount payable is equal to one year's salary at the time of death.

**Eligibility.** The DoD employee's death must be the result of injuries sustained in the performance of duty in Pakistan, Iraq, or Afghanistan during the period mentioned above. The employee must be officially assigned to Pakistan, Iraq, or Afghanistan (e.g., TDY, temporary change of station, permanent change of station, or detail to another Federal agency).

The payment shall be made only if the survivor entitled to the gratuity payment is entitled to elect monthly compensation under 5 U.S.C. 8133 (workers' compensation), whether or not the survivor elects to waive this compensation, **and** if the death resulted from traumatic injury sustained in the performance of duty in Pakistan, Iraq, or Afghanistan.

The gratuity payment is payable first to the widow or widower, then to a child or children on a share-and-share alike basis, then to dependent parents; if none of these is alive, no benefits are payable under this law. However, this payment cannot be made until the Department of Labor, Office of Workers' Compensation Programs (OWCP) determines that the survivor is entitled to elect death benefits under FECA.

**Claim Procedures.** The employing office of the deceased employee is responsible for advising eligible survivor(s) of their potential entitlement to the death gratuity and assisting the survivor(s) with the application process.

The eligible (survivor(s) must apply for survivor benefits under the workers' compensation program. The Civilian Personnel Section at the deceased employee's base will assist with this application.

The survivor(s) will apply for the death gratuity by submitting a written request for "death gratuity under P.L. 109-234." The survivor(s) must provide a copy of the death certificate and a copy of the letter from the Office of Workers' Compensation Programs (OWCP) approving the workers' compensation claim.

**Payment of Gratuity.** The death gratuity is paid by the Department of Defense (DoD), not the Department of Labor.

**Tax Information.** The death gratuity is non-taxable.

## **Travel and Transportation Expenses**

Travel and transportation expenses are payable when the DoD employee dies as a result of injuries sustained in the performance of duty in Iraq or Afghanistan during the period from 15 Jun 06 until further notice as long as these areas are designated as combat zones or through Fiscal Year 2011. These benefits also apply to civilian employees on official duty in Pakistan during fiscal years 2009, 2010, and 2011. Transportation of furniture, household, and personal effects, to include a privately owned vehicle (POV) is authorized regardless of whether there was a Government-funded move to the duty station to which the employee was permanently assigned immediately prior to death, regardless of whether the employee was permanently stationed within the U.S. or overseas at the time of death, and regardless of whether the employee received a Government-funded move within the last 12 months. In some cases, travel of survivor(s) may be covered.

Expenses incurred in packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects, to include POV, in connection with the transportation authorized in previous paragraph, are also payable. Storage expenses shall not be paid for more than 90 days, except in extenuating circumstances; the Component Head or designee may extend this period for not more than an additional 90 days.

Items eligible for transportation and storage under this authority are those that were the property of the employee or employee's eligible family member while the employee was assigned to Pakistan, Iraq, or Afghanistan, subject to weight restrictions provided under the DoD Joint Travel Regulation (JTR), Volume II, Chapter 5, Part D (for transportation and storage of household goods), and Chapter 2, Part G (for baggage allowances).

**How to Apply for Payment of Travel and Transportation Expenses.** Eligible survivor(s) must submit a written request for "payment of travel and/or transportation expenses under P.L. 109-234" to the employing office of the deceased employee. The survivor(s) must also provide a copy of the death certificate. The written request must include the location to which effects will be transported, and if applicable, the travel orders that authorized the permanent change of station (PCS) of the deceased employee and eligible family members at Government expense to the permanent duty station.

The employing office of the deceased employee is also responsible for advising the eligible survivor(s) of their potential entitlement to the benefit and assisting with the application process.

**References:** Section 1603 of P.L. 109-234 (and consistent with 22 U.S.C. 3973; 4081); Section 1102 of P.L. 110-417; Section 1107 of P.L. 111-84; [Under Secretary of Defense Memorandum, 3 Apr 07](#); and [Under Secretary of Defense Memorandum, 20 Oct 08](#).

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## Federal Employees' Compensation Act Section 8102a Death Gratuity (Contingency Operation)

Section 1105 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) amended the Federal Employees' Compensation Act (FECA) by adding a new section 8102a. This new provision created a death gratuity for federal employees by authorizing the United States to pay up to \$100,000 to survivors of employees who die of injuries incurred in connection with the employees' service with an Armed Force in a contingency operation on or after 28 Jan 08. A retroactive payment is also authorized in cases of employees who died from 7 Oct 01 through 27 Jan 08 as a result of injuries incurred in connection with the employees' service with an Armed Force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom. This benefit applies only to civilian employees who are deployed in a civilian capacity; it does not apply to employees who enter Leave Without Pay status to perform military active duty.

**Amount Payable.** The amount of the death gratuity payment is \$100,000 minus the amount of any death gratuity payments awarded under any other law based on the same death. Examples of other death gratuities that would reduce the amount payable are: [\\$10,000 death gratuity under P.L. 104-208](#), the [intelligence duties death gratuity](#), and the [death gratuity under P.L. 109-234](#).

**Claim Procedures.** Unlike other death gratuities, this death gratuity was placed within FECA and is administered by the Department of Labor's Office of Workers' Compensation Programs (OWCP) as part of the FECA program. Immediately upon learning of an employee's death that may be eligible for this death gratuity, the employing office of the deceased employee must submit form [CA-42](#) (Official Notice of Employee's Death for Purposes of FECA Section 8102a Death Gratuity) to OWCP. The employing office must also submit to OWCP any designation of beneficiary forms completed by the employee. OWCP will then contact any living survivors or alternate beneficiaries it is able to identify. OWCP will furnish form [CA-41](#) (Claim for Survivor Benefits Under the Federal Employees' Compensation Act Section 8102a Death Gratuity) to the survivors or beneficiaries and explain how to file a claim for the death gratuity. Forms CA-41 and CA-42 can be found on the Department of Labor's website at [www.dol.gov/owcp/dfec/regs/compliance/forms.htm](http://www.dol.gov/owcp/dfec/regs/compliance/forms.htm).

The deceased employee's survivor or beneficiary may also initiate the death gratuity payment process by filing a form [CA-41](#) with OWCP. OWCP will then contact the employing office to request the CA-42 and any designation of beneficiary forms completed by the employee.

**Designation of Beneficiary.** This one-time death gratuity is to be disbursed to the survivors of the employee in a specific order of precedence set forth in the statute. The statute also provides the employee the opportunity to change the order of precedence in regard to certain survivors as well as designate up to 50 percent of the benefit to any person. Potentially affected federal employees may exercise the designation option for any death gratuity that unfortunately may be payable by completing Form CA-40 (Designation of a Recipient of the Federal Employees' Compensation Act Death Gratuity Payment under Section 1105 of Public Law 110-181 (Section 8102a)). Form CA-40 can be found on the Department of Labor's website at [www.dol.gov/owcp/dfec/regs/compliance/CA-40.pdf](http://www.dol.gov/owcp/dfec/regs/compliance/CA-40.pdf). The form will not be valid unless it is signed by the employee and received and signed by a Civilian Personnel Section representative prior to the death of the employee. Completion of the form is not necessary if the employee wishes any death gratuity to be distributed in the order of precedence shown on the fourth page of the CA-40.

Air Force Personnel Readiness staff will provide the above link (via checklist) to deploying civilian employees. Employees who wish to submit this designation of beneficiary form, should complete the form, retain a copy for their records, and give the original to their local servicing Civilian Personnel Section (CPS) for signature of the "Employing Establishment Official." The CPS will then mail the original form to BEST at AFPC/DPIRB, 550 C Street West Ste 57, Randolph AFB TX 78150-4759, to be maintained in the employee's Official Personnel Folder. Exception: Limited service employees should contact their CPS for processing instructions.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or the Pentagon/11<sup>th</sup> Wing. Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive Full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom, and Kirtland AFBs receive Limited services from BEST.

**References:** Section 1105 of P.L. 110-181, 5 U.S.C. 8102a, 20 CFR Part 10, and Department of Labor website [www.dol.gov/owcp/dfec/DeathGratuity.htm](http://www.dol.gov/owcp/dfec/DeathGratuity.htm).

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## Homeowners Assistance Program

The Homeowners Assistance Program (HAP) was authorized by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended. It provides monetary relief to eligible military and civilian Federal employee homeowners who suffer financial loss on the sale of their primary residences when a base closure or realignment announcement causes a decline in the residential real estate market and they are not able to sell their homes under reasonable terms or conditions.

**Eligibility.** The American Recovery and Reinvestment Act of 2009 (Public Law 111-5) expanded the HAP to include Department of Defense (DoD) Federal employees who were wounded, injured, or became ill while forward deployed in support of the Armed Forces on or after 11 Sep 01 and whose physician determines the employee meets the criteria for a disability rating of 30 percent or more. This Act provides monetary relief for employees who are required to sell their primary residence in order to relocate to receive medical treatment, rehabilitation, or to retire due to injury. This includes relocating closer to a primary care provider. In addition, the Act authorizes the Secretary of Defense, under certain conditions, to purchase homes that eligible applicants are unable to sell or to reimburse applicants for losses incurred during sale or foreclosure.

The spouse of a Federal civilian employee may apply for benefits under the Homeowners Assistance Program if the employee dies from a wound, injury, or illness incurred in the line of duty while forward deployed in support of the Armed Forces on or after 11 Sep 01. To be eligible for benefits under this program, the spouse must relocate from the civilian employee's primary residence within two years of the death of the employee.

**Benefit.** Homeowners Assistance Program benefits are based on the prior fair market value of the applicant's home. Closing costs incurred on the sale of the home may also be reimbursed.

**Application Procedures.** The Army Corps of Engineers administers the Homeowners Assistance Program for DoD. Individuals wishing to apply for benefits must complete a DD Form 1607 (Application for DoD Homeowners Assistance Program). The application may be downloaded from the Corps of Engineers Website at <http://hap.usace.army.mil/homepage.html>.

Complete Sections I through III of the DD 1607 and mail the original form to the Benefits and Entitlements Service Team (BEST) at AFPC/DPIRB, 550 C Street West Ste 57, Randolph AFB TX 78150-4759, for completion of Section IV (Verification of Employment or Service). BEST will complete Section IV and return the DD 1607 to you. Exception: If you receive Limited Services from BEST, your local or servicing Civilian Personnel Section will complete Section IV.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or AFDW (Pentagon/11<sup>th</sup> Wing). Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom and Kirtland AFBs receive Limited services from BEST.

Once the DD 1607 is complete, mail it to the U.S. Army Corps of Engineers District responsible for the area in which your home is located. Mailing addresses and contact information for Corps of Engineers District offices can be found in the instructions attached to the DD 1607.

**Appeal Procedures.** Employees or surviving spouses have the right to appeal any decision denying benefits or contesting the amount of benefits allowed. A written statement should be submitted to the Corps of Engineers District office; no particular form is required. The appeal will be reviewed at the district level. If favorable action cannot be taken, the appeal will be submitted to higher headquarters. If a favorable decision cannot be made at this level, a final decision will be made by the Deputy Under Secretary of Defense.

**References:** 42 U.S.C. 3374, 32 CFR Part 239, Section 1001 of P.L. 111-5, and Army Corps of Engineers Website: <http://hap.usace.army.mil/homepage.html>.

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## Federal Employees' Group Life Insurance (FEGLI)

**Basic Life Insurance.** Basic insurance is equal to your annual basic pay, rounded to the next \$1,000 (if not already an even thousand), plus \$2,000. This is called the Basic Insurance Amount, or BIA. Basic insurance also provides an "Extra Benefit" to employees under age 45, at no additional cost. This Extra Benefit doubles the amount of Basic insurance payable if you die at age 35 or younger. The Extra Benefit decreases 10% each year until there is no Extra Benefit if you die at age 45 or older.

**Optional Life Insurance.** There are three types of Optional insurance:

- Option A-Standard, in the amount of \$10,000.
- Option B-Additional, in an amount from one to five times your annual basic pay (rounded to the next thousand if not already an even thousand).
- Option C-Family, one to five multiples of coverage for your spouse and eligible dependent children. Each multiple is equal to \$5,000 for the death of spouse and \$2,500 for the death of each eligible child.

**Accidental Death and Dismemberment (AD&D) Coverage.** AD&D insurance provides funds in the event of a fatal accident or an accident that results in the loss of a limb or eyesight (also called "members"). For benefits to be paid, the death or loss must occur not more than one year from the date of the accident and be a direct result of bodily injury sustained from that accident, independent of all other causes. For employees TDY in a combat zone in a support capacity, AD&D benefits are payable unless the employee is in actual combat (or unless nuclear weapons are being used) at the time of the injury that causes the employee's death.

AD&D coverage is an automatic part of Basic insurance (and Option A, if you have that coverage), at no additional cost. Under Basic, AD&D is equal to your BIA but does not include the Extra Benefit. In Option A, AD&D coverage is \$10,000. Full amounts are payable for loss of life or the loss of two or more members (e.g., arm, leg, hand, foot, eye), or 50% for the loss of one member. Accidental death benefits are paid in addition to other FEGLI benefits that may be payable.

Some instances where AD&D benefits will not be paid include, but are not limited to, physical or mental illness, suicide or attempted suicide, injuring yourself on purpose; illegal or illegally obtained drugs that you administer to yourself; or driving a vehicle while intoxicated, as defined by the laws of the jurisdiction in which you were operating the vehicle.

**Status of Life Insurance if Sent to a "Combat Zone" in a Support Capacity.** Civilian employees who are sent to a war zone or combat zone in a support capacity keep their FEGLI coverage, including accidental death & dismemberment (AD&D) coverage. Being sent to a combat zone does not affect the amount of FEGLI coverage.

If a Federal employee working in a war/combat zone is killed, regular death benefits under Basic (and Options A and B, if enrolled) are payable to the employee's beneficiaries. Accidental death benefits under AD&D coverage are also payable under Basic insurance (and Option A, if you have that coverage) **unless** you are in actual combat (or unless nuclear weapons were being used) at the time of the injury that causes your death. The Office of Federal Employees' Group Life Insurance (OFEGLI) decides whether to pay accidental death benefits only after thoroughly studying the facts and documentation surrounding the death. The determination is made on a case-by-case basis. However, even if OFEGLI denies payment of accidental death benefits, regular death benefits will still be paid.

**Enrolling In or Increasing Life Insurance Coverage.** You have the following options:

**Life Event.** If you already have Basic, you may elect Option B and/or Option C, or increase your multiples of Option B and/or C, within 60 days of experiencing a qualifying life event: marriage, divorce, death of your spouse, or birth or adoption of a child. The number of multiples of Option B you may elect (but no more than five total) for marriage are the number of additional family members gained (spouse and eligible children). For divorce or death of your spouse, you may add the total number of your eligible children (but no more than five total). For birth or adoption of children, you may add the total number of eligible children born or adopted (but no more than five total). For Option C, you may add from one to five multiples (but no more than five total) for any of these life events – it is not tied to the number of eligible family members. If you aren't already enrolled in Option A, you may not pick it up as the result of a life event. The newly elected coverage is effective the date you submit the election via the BEST automated web or phone system. (Note: Acquiring a foster child does not count as a life event for Option B, but it does for Option C.)

**Providing Medical Information.** If at least one year has passed since the effective date of your last waiver of life insurance coverage, you may request to have the waiver cancelled. To do this, obtain SF 2822 (Request for Insurance) from the Benefits and Entitlements Service Team (BEST), complete your portion, and take it to your physician for a physical examination (at your own expense). The physician will complete the rest of the form and send it to the Office of Federal Employees' Group Life Insurance (OFEGLI). If OFEGLI approves your request, you'll automatically get Basic insurance (unless you already have it), effective the first day you are in a pay status and duty status, on or after the date OFEGLI approves your request. You'll have 31 days from the date of OFEGLI approval to advise BEST if you wish to elect Optional coverage – you may elect Option A and any number of multiples (up to five) of Option B coverage. You may not enroll in Option C by getting a physical exam. The effective date of Optional coverage is the first day you actually enter on duty in pay status on or after the day you notify BEST of the desired Optional coverage. If you don't enter in a pay and duty status within 31 days after OFEGLI approval, the approval expires. You will not be insured, and will have to start the process over.

If you're being sent TDY to a combat zone with little notice and wish to submit a request for additional life insurance, please contact BEST immediately for the SF 2822. Upon receipt, complete Part C-Employee and take the form to your physician for completion of Part D documenting the results of the physical examination. In these cases, the physician may ignore the instructions that say "Do not return this form to the employee." If you can persuade the physician to complete the form while you wait, the physician may return the form to you. You should make a copy of the SF 2822, then Federal Express the original (at your expense) to the Office of Federal Employees' Group Life Insurance (OFEGLI) at the following address: OFEGLI, ATTN: Emily Petkovsek, 5950 Airport Road, Oriskany NY 13424-3926. You should fax a copy of the SF 2822 to BEST annotated with the date FedExed to OFEGLI, and BEST will follow up if the OFEGLI decision isn't received within 24 to 48 hours.

**Open Season.** These are relatively rare. There was an open season in 1999 and one in 2004 (celebrating the 50<sup>th</sup> anniversary of the FEGLI Program).

**Emergency Essential Employees.** Section 1103 of Public Law 110-417, enacted 14 Oct 08, allows eligible Department of Defense (DoD) employees designated as emergency essential (EE) under section 1580 of Title 10 an option to enroll in FEGLI. Eligible employees who previously waived enrollment may enroll in FEGLI with no waiting period and no physical exam. Employees designated EE have 60 days from the effective date of designation as EE to elect Basic, Option A, and/or up to 5 multiples of Option B coverage.

**Employees Deployed in Support of a Contingency Operation.** Section 1103 of Public Law 110-417 also provides an enrollment opportunity for FEGLI-eligible employees who are deployed in their civilian capacity in support of a contingency operation as defined by Section 101(a)(13) of Title 10. These employees may elect FEGLI coverage within 60 days of notification of deployment in support of a contingency operation. Employees may elect Basic, Option A, and/or up to 5 multiples of Option B coverage by contacting Benefits and Entitlements Service Team (BEST). They will be asked to provide a copy of their deployment notification letter and orders. Note: This election opportunity does not apply to employees who are called to military active duty.

**Payment of FEGLI Benefits.** The FEGLI death benefit is payable regardless of the cause of death and is always the amount for which you are insured on the date of death. However, benefits will not be paid to any person who wrongfully caused your death, even if that person would otherwise be entitled to payment.

**Order of Precedence.** If you die, the Office of Federal Employees' Group Life Insurance (OFEGLI) will pay life insurance benefits in a particular order, set by law:

1. If you assigned ownership of your insurance, life insurance benefits will be paid to the beneficiary the assignee validly designated, or if none, to the assignee.
2. If you did not assign ownership, but there is a valid court order on file with the agency or the Office of Personnel Management (OPM), benefits will be paid according to the court order.
3. If none of the above, then benefits will be paid to the beneficiary(ies) you validly designated on SF 2823.
4. If none of the above, to your widow or widower.
5. If none of the above, to your child or children and the descendants of any deceased children (a court will usually have to appoint a guardian to receive payment for a minor child).
6. If none of the above, to your parents in equal shares, or the entire amount to your surviving parent.
7. If none of the above, to the court-appointed executor or administrator of your estate.
8. If none of the above, to your other next of kin entitled under the laws of the state where you lived.

If you want payment to be made differently from the order listed above, and you have not assigned your life insurance and a valid court order is not on file, you must designate a beneficiary. However, if you are satisfied with the order of payment listed above, you do not need to do anything. If you have assigned your insurance, you may not designate beneficiaries. If a valid court order is on file, you may not change or submit a designation of beneficiary unless the person(s) named in the decree, order or agreement agrees in writing, or unless the decree, order, or agreement is modified.

**Payment to Minor Children.** The Office of Federal Employees' Group Life Insurance (OFEGLI) will not pay benefits to a minor child entitled to receive life insurance benefits if you die. However, if the benefits payable are \$10,000 or less, OFEGLI will pay the benefits to a surviving parent if the parent assures OFEGLI, in writing, that he/she will use the funds for the sole benefit of the child. If the benefits exceed \$10,000, payment depends on whether the State where the child lives requires a guardian. If the State does not require a guardian, OFEGLI will pay the benefits to the person responsible for the care of the child when he/she assures OFEGLI, in writing, that he/she will use the funds for the sole benefit of the child (regardless of the amount that is payable). If the State requires a guardian and one is appointed, the guardian can file a claim for death benefits, and would have to answer to the court regarding how/when he/she spent the money. If the State requires a guardian and one will not be appointed and the proceeds are greater than \$10,000, OFEGLI will open an interest-bearing account payable to

the minor upon reaching legal age. The legal age or age of adulthood for the FEGLI program is 18, unless the state in which the minor lives has established a lower age of adulthood. In that case, the legal age is the lower age. If you have a minor child entitled to your life insurance benefits, you should consult with an attorney concerning such legal issues as appointing a guardian for the minor child.

If you wish to avoid the above, you may set up and designate a trust to receive life insurance monies for your minor children. Examples of how to designate are included with the instructions for SF 2823 (Designation of Beneficiary). You may wish to contact an attorney to assist with setting up a trust.

**SF 2823, Designation of Beneficiary.** If you wish to designate one or more beneficiaries, complete SF 2823 (Designation of Beneficiary), and submit it to your servicing Civilian Personnel Section. SF 2823 is available on the web at [www.opm.gov/forms/pdf\\_fill/sf2823.pdf](http://www.opm.gov/forms/pdf_fill/sf2823.pdf). It is your responsibility to keep the designation current and ensure it reflects your intentions. You should update your designation when one or more of your beneficiaries changes, and when the mailing address of a beneficiary changes. It is recommended you review the designation annually.

**How to File a Claim for FEGLI Death Benefits.** If you die while employed, a Benefits and Entitlements Service Team (BEST) counselor will contact your survivors to provide counseling and the claim form. Exception: If you receive Limited services from BEST, a representative of your servicing Civilian Personnel Section will contact your survivors.

Your spouse (or beneficiary) will need a certified copy of your death certificate to file with the claim form for life insurance benefits. Benefits under \$5,000 are paid in a single check mailed directly to each beneficiary. Beneficiaries entitled to proceeds of \$5,000 or more will automatically receive a checkbook for a Money Market Option Account. The FEGLI proceeds will begin earning interest immediately upon establishment of the account. They may immediately write checks from \$250 to the full amount of the proceeds at any time.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or AFDW (Pentagon/11<sup>th</sup> Wing). Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom and Kirtland AFBs receive Limited services from BEST.

**Income Tax on FEGLI Death Benefits.** FEGLI death benefits are not taxable; however, interest earned is taxable. You may wish to consult your tax advisor for further advice.

**References:** 5 U.S.C. 87; Section 1134 of P.L. 106-398; Section 1103 of P.L. 110-417; 10 U.S.C. 101(a)(13); 5 CFR 870; and the FEGLI Handbook (located on the Office of Personnel Management website at [www.opm.gov/insure/life/reference/handbook/index.asp](http://www.opm.gov/insure/life/reference/handbook/index.asp)).

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## Federal Employee Health Benefits (FEHB)

**Options to Enroll or Change FEHB Coverage.** Employees have 60 days from date of hire to elect health insurance. After that, options to enroll or change coverage are limited to the annual Open Season and certain Qualifying Life Events (QLEs).

**Options to Change Coverage on Deployment.** If you are simply being sent TDY, there is no provision to allow you to change your health insurance coverage. However, you may enroll or change coverage if the following QLEs apply:

If you are transferring from a post of duty within the United States to a post outside the United States, or reverse, you may enroll or change plans (and make a new premium conversion election) within 31 days before leaving the old post of duty to within 60 days after arriving at the new post. The election will be effective at the beginning of the pay period following the one in which it is submitted.

If you are enrolled in a health maintenance organization (HMO) plan, and move or become employed outside the geographic area from which the HMO carrier accepts enrollments, you may change from Self Only to Self and Family, or from one plan or option to another. The election will be effective upon notifying BEST of the move.

**If You Die While Employed.** For your surviving family members to continue your health benefits enrollment after your death, both the following requirements must be met:

- You must have been enrolled for Self and Family at the time of your death; and
- At least one family member must be entitled to survivor benefits from the retirement system or compensation from OWCP.

Exception: Some Federal Employees' Retirement System (FERS) survivors may be entitled to continue their health benefits enrollment even if they will not receive a monthly survivor annuity benefit. Widow(er)s who are entitled to receive the FERS Basic Employee Death Benefit and child survivors whose FERS survivor annuity benefits are reduced by the amount of any Social Security benefit payable may continue their health benefits enrollment by paying premiums directly to the Office of Personnel Management (OPM) if they are entitled to continued health benefits coverage.

Premiums are normally deducted from survivor benefits (or compensation). If the survivor benefit is not large enough to cover the enrollee's share of the premium, the survivors may either change to a lower-cost plan/option or choose to pay the premium directly to OPM. OPM will notify your surviving spouse of his/her options and take whatever actions are requested.

If no survivor benefit is payable, the enrollment will terminate with the survivors having the right to convert to a private policy within 30 days.

If your surviving spouse will not receive a survivor annuity because you have a former spouse who is entitled to 100% of the survivor annuity based on a court order, your surviving spouse is still eligible to continue FEHB coverage. OPM will notify your surviving spouse of his/her options and take whatever actions are requested.

The survivor share of the premium is the same as for employees. However, if the survivors receive survivor benefits from the retirement system, the premium is deducted on a monthly basis. If he/she receives workers' compensation survivor benefits, the premium is deducted every 4 weeks.

**FEHB and Workers' Compensation.** If you are injured on the job, your FEHB enrollment will continue for up to 12 months in nonpay status (from your agency) or until separation from

employment, whichever occurs first. At that time, if you have been enrolled in FEHB for a full five years or for all service since your first opportunity to enroll, as of the date compensation payments began from OWCP, then you will also be eligible to continue FEHB for the remainder of time you are receiving workers' compensation. Premiums will be deducted from the compensation if compensation is expected to last more than 28 days. Employing office control of your FEHB enrollment will normally transfer from the employing agency to OWCP within 10 months to one year after you enter into a nonpay status for compensation purposes. After that, you will conduct any enrollment changes directly with OWCP.

If your surviving spouse and/or children are entitled to workers' compensation payments as the result of your death and you are enrolled in Self and Family FEHB coverage, the enrollment will continue for them. Premiums will be deducted from their compensation payments. Your survivors will be able to make Open Season changes directly with OWCP.

**References:** 5 U.S.C. 89; 5 CFR 890; the FEHB Handbook (available on the web at [www.opm.gov/insure/health/reference/handbook/fehb00.asp](http://www.opm.gov/insure/health/reference/handbook/fehb00.asp)); and Pamphlet RI 79-2 (Information for Retirees and Survivor Annuitants, available at [www.opm.gov/forms/pdfimage/RI79-2.pdf](http://www.opm.gov/forms/pdfimage/RI79-2.pdf)).

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## Federal Employees Dental and Vision Insurance Program (FEDVIP)

**Options to Enroll or Change FEDVIP Coverage.** Employees have 60 days from date of hire to elect dental and/or vision insurance. After that, options to enroll or change coverage are limited to the annual Open Season and certain Qualifying Life Events (QLEs).

**Options to Change Coverage on Deployment.** If you are simply being sent TDY, there is no provision to allow you to change from one dental and/or vision plan to another. However, if you are enrolled in a dental or vision plan with a geographically restricted service area, and you or a covered eligible family member move out of the service area, you may change to a different dental or vision plan that serves that area. You may make this change at any time before or after the move, once you or a covered eligible family member has a new address. The enrollment change is effective the first day of the pay period following the pay period in which you make the change.

**If you Die While Employed.** If your surviving family members are entitled to survivor benefits from the retirement system or monthly compensation from the Office of Workers' Compensation Program (OWCP), they may continue your FEDVIP enrollment if it was a Self Plus One or Self and Family enrollment.

If your surviving family members are entitled to survivor benefits from the retirement system or monthly compensation from OWCP but were not covered under your FEDVIP enrollment, they may enroll in FEDVIP during Open Season or within 60 days of first receiving the survivor annuity/compensation.

Premiums are normally deducted from survivor benefits (or compensation). If the survivor benefit is not large enough to cover the premium, the survivors should contact BENEFEDS at 1-877-888-3337 to arrange to make direct premium payments. If premium payments are not made, your survivor(s)' FEDVIP coverage will stop at the end of the pay period for which they last made a payment, and they will not be able to reenroll until the next Open Season after the survivor annuity/compensation is sufficient to make the premium allotments.

Former spouses receiving an apportionment of an annuity are not eligible for FEDVIP. It does not matter if they are eligible for FEHB – they are not eligible for FEDVIP.

Individuals receiving an insurable interest annuity who are not also eligible family members are not eligible for FEDVIP.

**FEDVIP and Workers' Compensation.** If you are injured on the job and are placed on Leave without pay (LWOP), you will be billed directly for your premiums after two consecutive pay periods in LWOP status. Your coverage will continue for your entire period of LWOP as long as you pay the premiums. If you receive compensation payments from OWCP, you may have the premiums deducted from the compensation payments. Once you begin receiving monthly wage loss compensation payments from OWCP, it will speed up the process if you contact BENEFEDS to advise them that you are receiving compensation payments. BENEFEDS will contact OWCP to set up the withholding (allotment) from the OWCP payments.

**References:** Public Law 108-496; 5 CFR 894; OPM Web Site ([www.opm.gov/insure/dental/chooseindex.asp](http://www.opm.gov/insure/dental/chooseindex.asp)); and BENEFEDS Web Site (<https://www.benefeds.com>).

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## Flexible Spending Accounts (FSA)

The following describes how your enrollment in a Health Care FSA and/or a Dependent Care FSA is affected should you be injured or killed.

### If injured:

- If the injury is job-related and you are eligible for workers' compensation benefits, contributions to your FSA account will continue while you are in receipt of 45 days continuation of pay (COP). FSA contributions will **not** be withheld when you enter a nonpay status and begin receiving wage loss compensation benefits from OWCP.
- If the injury is not job-related, contributions to your FSA account will continue as long as you are working, or are in receipt of salary based on use of sick leave or other paid leave. If you enter a nonpay status, contributions will not be made.

When an employee enters a period of nonpay status and contribution allotments have not been pre-paid, the Health Care FSA account will be frozen and you will not be eligible for reimbursement of any health care expenses incurred during that period until the Plan Year ends, or until you return to pay status and begin making contribution allotments again. You may, however, continue to submit claims for eligible health care expenses incurred prior to your period of nonpay status.

If you have a Dependent Care FSA, dependent care expenses you incur during your nonpay (that allow you and your spouse to work or attend school) may be reimbursed up to your account balance.

When you return to a pay status, your contribution allotments will increase by 20% of the previously scheduled contributions (deductions) not taken during your period of LWOP. If there are less than five pay dates remaining in the year when you return to pay status, your contributions will increase proportionately over the number of pay dates remaining in the Plan Year so that your account is paid in full on the last day of the year.

**NOTE:** When LWOP is a result of a major life event it is considered a Qualified Life Event (QLE) that would permit you to cancel your FSA election for the remainder of the year or reduce your coverage to the amount deposited or what you have already been reimbursed as of the start of your LWOP. Examples of major life events that are QLEs are birth or adoption of child; military deployment, change in legal marital status due to marriage, divorce, or death of spouse; death of a dependent; change in number of dependents; change in a dependent's eligibility; and change in employment. For more information on LWOP, review the Quick Reference Guide on the FSAFEDS Web Site (<https://www.fsafeds.com/forms/qrglwop.pdf>).

If you experience or will be experiencing a period of LWOP, you need to contact an FSAFEDS benefits counselor by calling toll-free: 1-877-372-3337 (TTY: 1-800-952-0450). FSA counselors are available to assist you Monday through Friday, from 9 a.m. to 9 p.m. Eastern Time.

### If killed:

If you are killed, your contributions to your FSA account stop. Contributions in your Health Care FSA account are forfeited with one exception: claims can be submitted for reimbursement of medical expenses incurred prior to death. Contributions in your Dependent Care FSA account are treated differently. Your dependents can continue to use the remaining balance in the account to pay for eligible dependent care expenses until the end of the Plan Year or until your account balance is depleted, whichever comes first.

**References:** Internal Revenue Code at 26 U.S.C. 125; OPM Web Site ([www.opm.gov/insure/flexible/index.asp](http://www.opm.gov/insure/flexible/index.asp)); FSAFEDS Web Site (<https://www.fsafeds.com>)

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## Long Term Care (LTC) Insurance

If you are enrolled in the Federal Long Term Care (LTC) insurance program, the following describes how your enrollment is affected should you be injured or killed.

### **If injured:**

Coverage will continue as long as you continue to pay the premiums. If you are paying premiums via payroll deduction, they will continue to be paid as long as you are in a pay status; however, if you enter a nonpay status, you will receive a bill from LTC Partners' for the uncollected premiums. You must pay this bill or your coverage will be cancelled.

You will be eligible for LTC benefits when you meet the following conditions and you satisfy any required waiting period (normally 30 or 90 days):

- A licensed health practitioner certifies that:
  - You are unable to perform at least 2 activities of daily living (such as eating, bathing, dressing, transferring, toileting, and continence) without substantial assistance for a period expected to last at least 90 days; OR
  - You need substantial supervision to protect yourself due to a severe cognitive impairment, such as Alzheimer's disease.
- LTC Partners agrees with the certification
- A licensed health care professional develops a plan of care for you and LTC Partners approves that plan of care.

### **If killed:**

If you are killed, your enrollment ends. There is no refund of premiums.

If you have family members who enrolled in the LTC insurance program, their enrollment will continue as long as they pay the premiums.

**References:** 5 U.S.C. 90; OPM Web Site ([www.opm.gov/insure/ltc/index.asp](http://www.opm.gov/insure/ltc/index.asp)); LTC Partners Web Site ([www.ltcfeds.com](http://www.ltcfeds.com))

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## Thrift Savings Plan (TSP)

**Injury.** Employee contributions (and agency contributions, if you are covered by the Federal Employees Retirement System - FERS) will continue to be paid into your TSP account as long as you are working or in a paid leave status, including Continuation of Pay (COP). However, if you enter a nonpay status to receive workers' compensation benefits, contributions stop because TSP contributions can only be made from basic pay. Workers' compensation wage benefits are not considered "basic pay" (5 CFR 1690.1).

**Death-in-Service.** If you die while employed and have a TSP account, your account balance will be distributed in accordance with the order of precedence set forth in 5 U.S.C. 8424(d) and 5 CFR 1651.2.

**Order of Precedence.** First, to the beneficiary(ies) you designated on a properly completed and filed designation of beneficiary form (Form TSP-3); if none, then to your surviving spouse; if none, to your child or children equally and descendants of deceased children by representation; if none, to your parents equally or to the surviving parent; if none, to the duly appointed executor or administrator of your estate; if none, to your next of kin who is entitled under laws of the state in which you reside at time of death.

**Designation of Beneficiary.** You are not required to complete a designation of beneficiary (Form TSP-3), but if you do, it is your responsibility to keep it current. You should submit a new one any time one or more of your beneficiaries changes, or if the mailing address of a beneficiary changes. At a minimum, it is recommended you review the designation annually. Form TSP-3 is available on the TSP website at [www.tsp.gov/forms/tsp-3.pdf](http://www.tsp.gov/forms/tsp-3.pdf). Mail (or fax) the completed form directly to the TSP at the address in the instructions section of the form. A properly completed Form TSP-3 is valid only if received by the TSP on or before the date of your death. Follow the instructions on the form carefully; TSP will not honor an improperly completed form, and mistakes may make the form invalid. Naming a TSP beneficiary in a will or other document, such as a prenuptial agreement, has no effect on the disposition of your TSP account after death. A will is not a substitute for Form TSP-3 or the order of precedence.

**Claim Procedures.** If you die while employed, a BEST counselor will contact your survivors to provide counseling as well as the claim form. The TSP death benefits tax notice will be provided as well. The survivor/beneficiary will need a certified death certificate to attach with the claim form, which will be mailed directly to the TSP. Only one claim form is necessary to claim your civilian TSP account and your Uniformed Services TSP account, if you have both.

**Exception:** If you receive Limited services from BEST, a representative of your servicing Civilian Personnel Section will contact your survivors.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or AFDW (Pentagon/11<sup>th</sup> Wing). Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST effective. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom, and Kirtland AFBs receive Limited services from BEST.

**Information About Payment.** If you die while employed, you are deemed to be vested in the TSP, no matter how few years of service you have completed. Consequently, your beneficiary(ies) will be entitled to all the funds in your TSP account, including agency contributions and earnings on the agency contributions if you are a FERS employee.

**If the Beneficiary is a Surviving Spouse.** He/she has several options, as follows:

- Leave the money in TSP (The Thrift Savings Plan Enhancement Act of 2009 included a provision for spouse beneficiary accounts. This provision will be fully implemented in 2010. In the interim, spouse beneficiaries may leave the designated amount they are entitled to in the TSP where it will remain invested in the G Fund until a TSP account has been established in the spouse's name.);
- Receive the TSP funds in a single direct payment, subject to 20% mandatory tax withholding (which may not cover the actual tax liability);
- Transfer all or a portion of the payment to an IRA, a Roth IRA, an employer eligible plan (e.g., 401(k) or 403(a) plan), or to his/her own TSP account (if they have one, unless already receiving monthly payments). Amount transferred remains tax deferred (unless spouse is already age 70 ½), **except** for transfers to a Roth IRA which are taxable in the year of transfer; or
- Take a partial single direct payment and transfer the rest as mentioned above.

**If the Beneficiary is NOT the Surviving Spouse.** The account will be paid as follows to any beneficiary who is not your surviving spouse:

- Single payment to beneficiary
- Payment can and will be made to minor children
- Tax withholding is 10%, but can be waived (which doesn't mean there isn't tax liability)
- Is counted as ordinary income earned for the beneficiary, fully subject to taxes
- Non-spouse beneficiaries may be able to transfer all or part of your account directly to an "inherited" IRA.

The beneficiary is responsible for reporting the payment as taxable income earned. For additional information on taxes, read the TSP tax notice "Important Tax Information About Thrift Savings Plan Death Benefit Payments," located on the TSP website at [www.tsp.gov/forms/octax92-38.pdf](http://www.tsp.gov/forms/octax92-38.pdf).

**Designating an Estate or Trust to Receive Your TSP Account.** You may use the Designation of Beneficiary (Form TSP-3) to designate your estate or a trust to receive your TSP account. This can be important because TSP will pay death benefits to minor children who may spend it as they wish (instead of saving it for college tuition as you may have intended). Examples of how to designate your estate or a trust are included with the Form TSP-3.

**Uniformed Services TSP Account.** The order of precedence set forth in this section applies to uniformed services TSP accounts as well as civilian TSP accounts. However, Form TSP-3 applies only to civilian TSP accounts. If you have a uniformed services TSP account and wish to designate beneficiaries, you will need to submit Form TSP-U-3 (Designation of Beneficiary). Form TSP-U-3 is available on the TSP website at [www.tsp.gov/uniserv/forms/tsp-u-3.pdf](http://www.tsp.gov/uniserv/forms/tsp-u-3.pdf).

**References:** 5 U.S.C. 84; 5 CFR 1600 thru 1690, 5 U.S.C. 8424(d)

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## Retirement System

**Retirement Benefits.** This information provides only general basics regarding eligibility and computation of retirement benefits. There are many other factors to consider. If you are a Full service employee, please contact BEST for counseling before you make a decision, especially if you may be eligible for more than one type of retirement.

Limited service employees must contact their local Civilian Personnel Section for assistance. You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or AFDW (Pentagon/11<sup>th</sup> Wing). Exceptions: GS-1811 and GG-0132 employees who belong to Air Force OSI receive full services from BEST regardless of their location. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Also, if you are a Lab Demo employee located at Brooks, Edwards, Eglin, Hanscom and Kirtland AFBs, you receive Limited services from BEST.

**Creditable Service.** Do **not** rely on your Service Computation Date for Leave (SCD-Leave) to determine the number of years of service you have. Many employees have service that is creditable in SCD-Leave for annual leave accrual purposes, but is not creditable for retirement. For example, nonappropriated fund (NAF) service; temporary service; redeposit service, also called refunded service; and campaign time if you are retired military. In some cases, military service is creditable without a deposit, but in others the deposit must be made for the military service to be creditable.

**On-the-Job Injury.** If you are injured on the job such that you are unable to perform the major duties of your position and your agency is unable to locate work that you can do, you may eventually be separated from employment for reasons of disability. If this occurs, it is essential that you apply for retirement and workers' compensation benefits simultaneously, even if it is apparent that workers' compensation benefits would be higher. If both retirement and workers' compensation wage loss benefits are approved, you must choose which you will receive. Application for retirement benefits protects your rights in situations in which the Office of Workers' Compensation Programs (OWCP) cuts back or eliminates your compensation benefits, as well as the rights of potential survivors to benefits in the event of your death.

**CSRS Offset Employees:** Throughout this document, references to the "Civil Service Retirement System (CSRS)" and "CSRS employees" include CSRS Offset employees. Retirement eligibility and annuity computation are the same as for full CSRS employees. The difference occurs when the CSRS Offset employee is retired and becomes eligible for Social Security. At that time, the CSRS annuity is reduced (offset) by an amount due from Social Security.

**Disability Retirement.** Employees covered by the Civil Service Retirement System (CSRS) are eligible for disability retirement if they have at least 5 years of creditable civilian service by the date the annuity begins. Employees covered by the Federal Employees Retirement System (FERS) must have at least 18 months creditable civilian service. Applications for disability retirement must be submitted within one year of separation from employment. To be eligible for disability retirement, you must be totally disabled to perform the major duties of your officially assigned position.

**Disability Computation for CSRS Employees.** The "regular" CSRS disability formula is used to compute the disability annuity for most CSRS employees. Exceptions: A special enhanced formula is used for Law Enforcement Officers (LEO) and Firefighters (FF) who have at least 20 years of creditable LEO or FF service as of the date of retirement, regardless of age. A special formula is also used for Air Traffic Controllers (ATC) who are age 50 with at least 20

years creditable ATC service, or any age with at least 25 years ATC service. (The special formulas begin on page 29.)

Under the "regular" CSRS disability formula, you receive the **higher** of:

1. The amount obtained under the general formula for computing the basic annual annuity (the "earned" annuity); or
2. The "guaranteed minimum" disability annuity.

The general, or "earned" formula, is computed as follows: 1.5% x high-3 average salary x first 5 years of service; plus 1.75% x high-3 average salary x years of service between 5 and 10 years; plus 2% x high-3 average salary x years of service over 10 years.

The guaranteed minimum disability is the **lesser** of the two following amounts:

1. 40% x high-3 average salary (which provides an individual with an annuity as if he or she worked 21 years and 11 months); or
2. The amount obtained under the general formula after increasing the actual years, months, and days of service by the total years, months, and days remaining from the commencing date of the employee's annuity through the date he or she becomes age 60.

Note: Because of the percentage and age limitations on the guaranteed minimum annuity, it offers no advantage to a retiring employee if he or she (1) has completed sufficient creditable service to yield a 40% earned annuity (normally 21 years and 11 months of creditable service if no deposit or redeposit is involved); or (2) is age 60 or older. Employees who fall into either of these categories generally receive disability benefits based on the earned annuity computation.

**Computation for FERS Employees.** (Does not apply to Firefighters, Law Enforcement Officers, or Air Traffic Controllers retiring on disability if they are eligible for retirement under the special annuity provisions provided for such employees. Their annuity will be computed under the Special Formula for FF/LEO or ATC.)

The FERS disability formula applied is based on your age and whether or not you are eligible for an immediate retirement at date of separation from service:

1. If you are under age 62 and ineligible for immediate voluntary retirement:
  - For the first 12 months, you'll receive 60% of your high-3 average salary *minus* 100% of Social Security benefits to which you may be entitled.
  - After the first 12 months, you will receive 40% of your high-3 average salary *minus* 60% of Social Security benefits to which you may be entitled.
  - At age 62, the disability annuity is recomputed to an amount that represents the annuity you would have received if you had continued working until the day before your 62<sup>nd</sup> birthday and then retired under non-disability provisions. The total service used in the computation is increased by the amount of time you received a disability annuity. The high-3 average salary is increased by all FERS cost-of-living increases that were effective during the time you received a disability annuity, regardless of whether the disability annuity was actually increased by the COLA's. The FERS basic annuity formula is then applied, using the adjusted time base and average salary. If you are eligible for a CSRS component, that portion of the benefit is computed under the regular CSRS formula.
2. If you are age 62 or older at retirement OR eligible for a voluntary retirement, you'll receive an "earned annuity" as follows:

- If you have less than 20 years creditable service or you are under the age of 62, the formula is 1% x high-3 average salary x years and months of FERS service, plus credit for 50% of unused sick leave if retiring between 28 Oct 09 and 31 Dec, or 100% of unused sick leave if retiring after 31 Dec 13.
- If you have at least 20 years creditable service and are age 62 or older at date of separation, the formula is 1.1% x high-3 average salary x years and months of FERS service, plus credit for 50% of unused sick leave if retiring between 28 Oct 09 and 31 Dec, or 100% of unused sick leave if retiring after 31 Dec 13.

**Commencing Date of Disability Annuity.** The disability annuity commences, at the employee's option, on the date after separation from service, or the date pay ceases and the employee meets the requirements for title to an annuity. Applies to CSRS and FERS.

**Discontinued Service Retirement (DSR).** The general age and service requirements for DSR are age 50 with at least 20 years of creditable service, or any age with at least 25 years creditable service, for both CSRS and FERS employees. At least 5 years of the total service must be creditable civilian service.

**Computation of DSR for CSRS.** The annuity is computed under the general formula for CSRS employees: 1.5% x high-3 average salary x first 5 years of service; plus 1.75% x high-3 average salary x years of service between 5 and 10 years; plus 2% x high-3 average salary x years of service over 10 years, plus credit for unused sick leave. If you are under age 55, the annuity is reduced by one-sixth of one percent for each full month (two percent a year) you are under age 55.

Note for Firefighters (FF) and Law Enforcement Officers (LEO): If you're at least age 50 with at least 20 years of creditable FF/LEO service, a retirement computed under the CSRS FF/LEO special enhanced formula will generally be more beneficial than DSR.

Note for Air Traffic Controllers (ATC): If you are age 50 with at least 20 years creditable ATC service, or any age with at least 25 years creditable ATC service, a retirement computed under the ATC special enhanced formula for CSRS will generally be more beneficial than DSR.

**Computation of DSR for FERS.** The annuity is computed under the general formula for FERS employees: 1% x high-3 average pay x the total years and months of creditable service under FERS, plus credit for unused sick leave. See the Sick Leave Chart at [https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std\\_adp.php?p\\_faqid=5901](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std_adp.php?p_faqid=5901) for details. There is no age reduction for FERS. However, if you voluntarily switched to FERS from CSRS and have a CSRS component and retire before age 55, the CSRS portion of the annuity is reduced by one-sixth of one percent for each full month (two percent a year) under age 55. Sick leave credited in the CSRS component is the lesser of the amount of unused sick leave as of the date of transfer to FERS, or as of the date of retirement.

Note for Firefighters (FF) and Law Enforcement Officers (LEO): If you are age 50 with at least 20 years of creditable FF/LEO service, or any age with at least 25 years of creditable FF/LEO service, a retirement computed under the FF/LEO special enhanced formula for FERS will generally be more beneficial than DSR.

Note for Air Traffic Controllers (ATC): If you are age 50 with 20 years creditable ATC service, or any age with at least 25 years creditable ATC service, a retirement computed under the FERS ATC special enhanced formula will generally be more beneficial than DSR.

### **Commencing Date of DSR Annuity.**

**CSRS** – A DSR annuity commences on the earlier of the day after separation from employment, or on the day after pay ceases and the applicant meets the age and service requirements for the annuity.

**FERS** – A DSR annuity commences on the day after separation from employment.

### **Special Formula for Firefighters and Law Enforcement Officers**

**CSRS Employees.** You must be at least age 50 with at least 20 years of creditable Firefighter (FF) or Law Enforcement Officer (LEO) service. (Exception: If you are applying for disability retirement and have at least 20 years of FF/LEO service, this formula is used regardless of your age.) You do not need to separate from a FF/LEO position to be eligible for the special retirement, but you must be separated from a position covered by retirement deductions, and be covered by CSRS for at least 1 year within the 2-year period immediately preceding the separation on which the annuity is based.

The special enhanced formula is:  $2.5\% \times \text{high-3 average salary} \times \text{total FF/LEO service (up to 20 years)}$ ; plus  $2\% \times \text{high-3 average salary} \times \text{additional years of creditable service exceeding 20 years (FF/LEO and non-FF/LEO)}$ , plus unused sick leave.

**FERS Employees.** You must be age 50 with 20 years of creditable Firefighter (FF) or Law Enforcement Officer (LEO) service, or any age with at least 25 years of creditable FF/LEO service. You do not need to separate from a FF/LEO position to be eligible for special FF/LEO retirement, but you must separate from a position covered by FERS. Unlike CSRS, this formula is not used to compute disability retirement, even if you have 20 years FF/LEO service.

The special enhanced formula is:  $1.7\% \times \text{high-3 average salary} \times \text{total FF/LEO service (up to 20 years)}$ ; plus  $1\% \times \text{high-3 average salary} \times \text{additional years of creditable service exceeding 20 years (FF/LEO and non-FF/LEO)}$ , plus credit for unused sick leave. See the Sick Leave Chart at [https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std\\_adp.php?p\\_faqid=5901](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std_adp.php?p_faqid=5901) for details. An annuity supplement is also payable before age 62.

Note: FERS employees who voluntarily transferred from CSRS to FERS and have an eligible CSRS component will have the annuity for the CSRS component computed under the CSRS rules. FF/LEO service performed before the transfer to FERS does not count toward the 20-year limit on the 1.7% part of the FERS enhanced formula. Only FF/LEO service in the CSRS component qualifies for the 2.5% formula under the CSRS enhanced formula above. Unused sick leave credited in the CSRS component is the lesser of the amount of unused sick leave as of the date of transfer to FERS, or as of the date of retirement.

**Special Formula for Air Traffic Controllers.** You must be age 50 with 20 years creditable air traffic controller (ATC) service, or any age with at least 25 years creditable ATC service. As long as you meet the age and service requirements, you do not need to separate from an ATC position, but you must separate from a position subject to retirement deductions. In addition, CSRS employees must be covered by CSRS for at least 1 year within the 2-year period immediately preceding the separation on which the annuity is based.

**CSRS Employees.** The general formula is used to compute the basic annuity of a CSRS air traffic controller; however, a minimum benefit is guaranteed.

The general, or "earned" formula, is computed as follows:  $1.5\% \times \text{high-3 average salary} \times \text{first 5 years of service}$ ; plus  $1.75\% \times \text{high-3 average salary} \times \text{years of service between 5 and 10 years}$ ; plus  $2\% \times \text{high-3 average salary} \times \text{years of service over 10 years}$ .

The guaranteed minimum benefit. Once an employee has completed 20 years of ATC service, he or she is guaranteed to receive the greater of (1) 50 percent of his/her high-3 average salary; or (2) the basic annuity computed under the general formula based on all years of service.

**FERS Employees.** The special formula for FERS ATC is: 1.7% x high-3 average salary x total ATC service (up to 20 years); plus 1% x high-3 average salary x additional years of creditable service exceeding 20 years (ATC and non-ATC). An annuity supplement is also payable before age 62.

**Note 1:** FERS employees who transferred from CSRS to FERS and have an eligible CSRS component will have the annuity for the CSRS component computed under the CSRS rules. The guaranteed minimum benefit under CSRS cannot be used in computing the CSRS component. Only the general CSRS formula will be used in computing the CSRS component.

**Note 2:** ATC service performed before the transfer to FERS does not count toward the 20-year limit on the 1.7% part of the FERS enhanced formula. For example, an individual who transfers to FERS after completing 13 years of ATC service can still accrue up to 20 years under FERS at the 1.7% rate.

**Commencing Date of Annuity under Special Retirement Provision.** Generally, you may retire any day of the month you wish. Keep in mind, however, that your "retirement effective date" is your last date on the agency employment rolls.

**CSRS –** If you set your retirement date for the first, second, or third day of the month, your annuity will begin to accrue the following day. If you retire on any other day of the month, your annuity will begin to accrue the first day of the following month. For example, if you retire on Oct 2<sup>nd</sup>, your annuity will begin to accrue on Oct 3<sup>rd</sup>. If you retire on Oct 4<sup>th</sup>, your annuity will begin to accrue on Nov 1<sup>st</sup>. If you retire on Oct 15<sup>th</sup>, annuity will begin to accrue on Nov 1<sup>st</sup>.

**FERS –** Your annuity begins to accrue the first day of the month following the month in which you retire, regardless of the day of the month you retire. For example, if you retire on Oct 2<sup>nd</sup>, your annuity begins to accrue on Nov 1<sup>st</sup>. If you retire on Oct 15<sup>th</sup>, or even Oct 31<sup>st</sup>, your annuity begins to accrue Nov 1<sup>st</sup>. If you retire on Nov 1<sup>st</sup>, your annuity begins to accrue Dec 1<sup>st</sup>. For FERS employees the most advantageous date to retire is usually the last day of the month.

**Survivor Benefits.** If you die while employed, survivor benefits from the retirement system may be payable to your surviving spouse and/or eligible children if these basic eligibility requirements are met:

- You must have at least 18 months of creditable civilian service and be covered by the Federal Employees' Retirement System (FERS) or the Civil Service Retirement System (CSRS) at the date of death; and
- The surviving spouse must have been married to you for at least 9 months at the time of death or be a parent of a child of the marriage. The length of marriage requirement is deemed satisfied in cases involving accidental death.
- Children (including a legally adopted child) must have been dependent on you at the time of death, must be unmarried, under the age of 18 (or 22 if attending school full-time) or any age if disabled before age 18.

If your death results from injury or illness sustained in the performance of duty, workers' compensation benefits may be payable. Law prohibits payment of workers' compensation and

survivor benefits from the retirement system at the same time, but your survivor should apply for both benefits, and once approved, choose the one most beneficial to him/her.

### **Computation of Spousal Survivor Benefits**

**CSRS employees.** The spouse survivor annuity is computed under the regular formula, unless you are a Firefighter, Law Enforcement Officer, or Air Traffic Controller who meets the age and service requirements for computation under the special enhanced formula.

**Regular formula.** A spouse survivor annuity is computed as if you had retired on a disability retirement as of the date of death:

-- If you have at least 21 years, 11 months service at date of death, the surviving spouse receives 55 percent of your earned annuity, including credit for unused sick leave.

-- If you have less than 21 years, 11 months service at date of death, the surviving spouse receives 55 percent of the lesser of: 40 percent of your high-3 average salary at date of death, **or** the regular annuity obtained after increasing your service by the period of time between the date of death and the date you would have been age 60.

**Firefighters (FF) and Law Enforcement Officers (LEO).** If, at date of death, you are on a qualifying FF or LEO position and have completed at least 20 years of creditable FF/LEO service, your surviving spouse will receive 55 percent of an annuity computed under the special formula for firefighters/law enforcement officers, based on your high-3 average salary and length of service to date of death, including credit for unused sick leave. If you do not have the 20 years service, the spousal annuity is computed under the "regular" formula.

**Air Traffic Controllers (ATC).** If, at date of death, you are age 50 or older and have at least 20 years of creditable ATC service, or you have at least 25 years creditable ATC service, regardless of age, your spouse will receive 55 percent of an annuity computed under the special formula for air traffic controllers based on your high-3 average salary and length of service to date of death, including credit for unused sick leave. If you do not meet the age and/or service requirement, the spousal annuity is computed under the "regular" formula.

**If you are covered by CSRS Offset,** spousal survivor benefits are the same as those payable under full CSRS coverage **until** the survivor becomes eligible for Social Security survivor benefits (normally occurs at age 60 unless the spouse is disabled or has a minor child in care). When the surviving spouse becomes entitled to Social Security survivor benefits, the CSRS survivor annuity is reduced (offset) by the amount of the survivor's Social Security benefit attributable to the period the deceased was under CSRS Offset. A surviving spouse who never becomes entitled to Social Security survivor benefits will continue to receive a full CSRS survivor annuity.

**Note:** If there is a court order awarding your total retirement-based survivor annuity to a former spouse, your current surviving spouse will receive nothing. If the court order awards only a part of the total survivor annuity to a former spouse, the current surviving spouse will receive the remainder. In either case, if the former spouse later loses entitlement (because of death or remarriage before age 55), the current surviving spouse will begin to receive the full survivor annuity.

**FERS employees.** The spousal survivor benefit **consists of two parts:** the "Basic Employee Death Benefit," and the monthly survivor annuity, both payable if the eligibility requirements for each are met.

**Basic Employee Death Benefit.** If you have at least 18 months of creditable civilian service, the surviving spouse will receive the Basic Employee Death Benefit (BEDB),

which is a lump sum payment equal to 50 percent of your final annual pay (or high-3 average salary if higher), plus \$15,000, adjusted each year for cost of living adjustments (COLAs) under CSRS rules. For deaths that occur 1 Dec 08 through 30 Nov 09, this adjusted amount is \$29,722.95. The BEDB is payable to the surviving spouse in one payment, or as 36 monthly payments (which accrue interest), or it can be rolled over to an IRA. The BEDB is fully taxable.

**Spousal Survivor Annuity.** If you have 10 years or more creditable service (18 months of which must be creditable civilian service) and die while subject to FERS deductions, an eligible surviving spouse will receive a monthly survivor annuity, computed under the "regular" formula, or for Firefighters, Law Enforcement Officers and Air Traffic Controllers, under the applicable special formula if qualified.

**Regular formula.** Under the regular formula, the spouse survivor annuity is equal to 50% of your basic annuity as of the date of death. This earned basic annuity is computed in the same manner as if you retired optionally, but without any reduction for age. (Note: If you have a CSRS component, the spouse receives 50 percent of the combined CSRS and FERS benefit.)

**Firefighters, Law Enforcement Officers, and Air Traffic Controllers.** If at the date of death you are age 50 or older with at least 20 years firefighter (FF) or law enforcement officer (LEO) service, or 20 years air traffic controller (ATC) service; **or** you are any age with at least 25 years FFLEO service or 25 years of ATC service, the applicable FF/LEO or ATC special enhanced formula is used. The spouse survivor annuity is 50 percent of your annuity computed under the special formula. If you don't meet the age and/or service requirements, the spouse annuity is computed under the "regular" formula.

**Duration of Spouse Survivor Benefit for both CSRS and FERS.** A monthly spouse survivor annuity begins on the day after your death unless the entitlement is based on the birth of a child. In this case, benefits begin the day after the child is born. The survivor annuity ends on the last day of the month preceding the month in which your surviving spouse dies **or** remarries prior to age 55. (Exception: If the marriage to the deceased employee lasted for at least 30 years, the survivor annuity will not stop if the survivor remarries before age 55.)

**Child's Survivor Benefit.** The survivor benefit for eligible children is a specific dollar amount that is established by the formula in 5 U.S.C. 8341(e)(2) and increased by CSRS cost-of-living adjustments (COLAs). This benefit is payable in addition to any survivor annuity payable to a spouse. The amount payable for children's benefits is computed the same whether you are covered under CSRS or FERS. The following rates apply from 1 Dec 08 through 30 Nov 09:

Single Orphan Rate. When the child has a living parent who was married to the deceased employee, the benefit payable to that child is the lesser of \$469 per month per child, or \$1,409 per month divided by the number of eligible children.

Double Orphan Rate. When the child has no living parent who was married to the deceased employee, the benefit payable for that child is usually the lesser of \$563 per month per child, or \$1,691 per month divided by the number of eligible children.

**How Social Security Affects the Child's Benefit if You are Covered by FERS.** If you are covered by FERS, children's benefits are reduced by the total payable to all children by Social Security. Thus, it is important that survivors apply for Social Security benefits for children as soon as possible after your death. Because of the Social Security offset, the Office of Personnel Management presumes that there will be no FERS survivor benefit payable to children under age 19. OPM requires evidence of Social Security entitlement or nonentitlement before paying any child survivor annuity payments from the retirement system.

**Adjustment of Children's Benefits.** If the parent who was married to the employee dies before the benefit to the child ends, the annuity to the child is increased from the Single Orphan to the Double Orphan rate. In situations where benefits are being paid to more than three children, upon termination for any reason of the benefit to one child the benefits to the remaining children are recomputed prospectively as though the terminated child had never been entitled to the benefit. If a new child is added (for example, a child born after the death of the employee), individual rates may be decreased.

**Payment of Children's Benefits.** The Office of Personnel Management (OPM) pays children's benefits to the parent or other person who has care and custody of the child if there is no court-appointed guardian; or to the guardian if one has been appointed by the court; or directly to a child over 18 upon request by the child or other payee on the claim. In general, however, the children's benefit is included in the monthly payment to the surviving parent when he or she is also a beneficiary and has care and custody of the children.

**When the Child's Survivor Benefit Begins.** A child's survivor annuity begins on the day following your death or, in the case of a child born after your death, on the day following the child's birth.

**When the Child's Survivor Benefit Ends.** Generally, a survivor annuity to a child under age 18 ends on the last day of the month preceding the month in which he or she marries; dies; or becomes 18. However, the survivor annuity can continue under the following conditions:

**If the child has a disability that began before age 18,** the annuity may continue past age 18 but will end if he/she marries; recovers from the disability; becomes capable of self-support; or dies. If OPM determines that the disabled child has become capable of self-support, the annuity can continue until age 22 if the child is a full-time student.

**If a full-time student,** the child's annuity may continue until 22, but will end if the child marries; dies; ceases to be a student; transfers to a nonrecognized school; begins attending school less than full-time; fails to submit proof, upon request, that he/she is attending school full-time; enters military service or a government service academy; or becomes age 22. A child whose 22<sup>nd</sup> birthday falls during the school year (September 1 through June 30) is considered not to have attained age 22 until July 1<sup>st</sup>.

**Lump-Sum Benefit Under Both CSRS and FERS.** The lump-sum credit consists of the unrefunded retirement contributions, redeposits, deposits for military and civilian service, and in certain situations, interest earned. If you have less than 18 months creditable civilian service at date of death **or** you leave no survivors eligible for a monthly survivor annuity, then the lump sum credit will be paid to your designated beneficiary, or if none, according to the order of precedence.

**How to Apply for Survivor Benefits.** If you die while employed, a BEST benefits counselor will contact your survivors and provide counseling regarding his/her entitlements as well as the forms necessary for claiming the survivor benefits. Exception: If you are a Limited service employee, your survivors will be counseled and provided assistance by a representative of your local or servicing Civilian Personnel Section.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or the Pentagon/11<sup>th</sup> Wing. Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom, and Kirtland AFBs receive Limited services from BEST.

**Workers' Compensation Benefits.** If your death is job-related, your survivors may be entitled to receive workers' compensation benefits from the Office of Workers' Compensation Program (OWCP). Your local Civilian Personnel Section will assist your survivors with filing the claim. Survivors may not receive both workers' compensation benefits and survivor benefits from the retirement system, but should apply for both and after approved, choose the one he/she wishes to receive.

**Tax Information.** CSRS and FERS retirement/survivor benefits are taxable income. Compensation benefits from OWCP are not taxable.

**References:** Public Law 111-84, Section 1901; 5 U.S.C. 83, 5 CFR Part 831, 5 U.S.C 84, 5 CFR Part 843; the [CSRS and FERS Handbook for Personnel and Payroll Offices](#), Chapters 41, 44, 46, 50, 54,60, 61, 70, 73, and 75.

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## Unpaid Compensation

Unpaid compensation consists of pay and allowances due an employee at the time of death and unused hours of accrued annual leave which are payable in a lump sum to the deceased employee's designated beneficiary(ies), or in the order of precedence if there is no beneficiary designation. A lump sum payment is never made for unused sick leave. Unused Time Off Awards may not be converted to a cash payment under any circumstances (5 CFR 451.104(f)).

**Designation of Beneficiary.** To designate one or more beneficiaries to receive unpaid compensation, complete SF 1152, Designation of Beneficiary (Unpaid Compensation of Deceased Civilian Employee), located on the web at [www.opm.gov/forms/pdf\\_fill/SF1152.pdf](http://www.opm.gov/forms/pdf_fill/SF1152.pdf). Give the properly completed and witnessed SF 1152 to your local Civilian Personnel Section. Review it annually to ensure it is current.

**Order of Precedence.** It is not necessary to file an SF 1152 (Designation of Beneficiary); however, if you do and none of your designated beneficiaries are alive at the time of your death, any unpaid compensation owed you after your death will be paid in the following order of precedence:

1. to your widow or widower;
2. if none, to your child or children in equal shares or to descendants of deceased children;
3. if none, to your parents in equal shares or the entire amount to the surviving parent;
4. if none, to the duly appointed legal representative of your estate;
5. if none, to the person or persons entitled under the laws of the State where you lived at time of death.

**Claim Procedures.** If you die while employed, a BEST counselor will contact your survivors to provide counseling and the necessary claim form. He/she will need to provide a copy of the death certificate. Exception: If you are a Limited service employee, your survivors will be assisted by a representative of your local Civilian Personnel Section.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or the Pentagon/11<sup>th</sup> Wing. Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive Full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom, and Kirtland AFBs receive Limited services from BEST.

**Information About Payment.** Unpaid compensation is paid to your survivor or beneficiaries by your Payroll office, via check to the home address or by direct deposit.

**Tax Information.** Unpaid compensation is taxable income to the survivor or beneficiary who receives the payment. There is a mandatory 28 percent Federal income tax withholding on unpaid compensation.

**References:** 5 U.S.C. 5581, 5582 and 5583; 5 CFR 178.204.

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## The Public Safety Officers' Benefits (PSOB) Program

Administered by the Department of Justice, Bureau of Justice Assistance, the Public Safety Officers' Benefits (PSOB) program was enacted to assist in the recruitment and retention of public safety officers. The PSOB program was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American society places on the contributions of those who serve their communities in potentially dangerous circumstances.

A public safety officer is a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a public rescue squad or ambulance crew. For the purpose of the PSOB program, law enforcement officers include, but are not limited to, police, corrections, probation, parole, and judicial officers.

To be eligible for benefits, a public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. Line of duty is defined as any action that the public safety officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is authorized or obligated by law, rule, regulation, or condition of employment to perform. Other public safety officers – whose primary function is not law enforcement or fire suppression – must be engaged in their authorized law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

Federal law enforcement officers and firefighters are covered for line-of-duty deaths occurring on or after 12 Oct 84. Federal public rescue squads and ambulance crews are covered for line-of-duty deaths occurring on or after 15 Oct 86.

The PSOB program consists of three parts: death benefits, disability benefits, and educational benefits, as described below.

**Death Benefits.** A one-time, tax-free financial benefit to eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. The death benefit payable for eligible survivors for FY 2010 is \$311,810.

**Applying for Death Benefits.** If your death in any way appears to meet the line of duty requirements, a BEST benefits counselor will contact your survivors and advise they may be eligible to apply for this benefit. Exception: If you are a Limited service employee, a representative of your local or servicing Civilian Personnel Section will assist your survivors with the claims process.

**Limited Service:** You are a Limited service employee if you belong to Robins AFB, Hill AFB, Wright-Patterson AFB, or the Pentagon/11<sup>th</sup> Wing. Exceptions: GS-1811 and GG-0132 employees employed at these bases but who belong to Air Force OSI receive Full services from BEST. National Guard Bureau employees formerly serviced by AFDW receive Full services from BEST. Lab Demo employees assigned to Brooks, Edwards, Eglin, Hanscom and Kirtland AFBs receive Limited services from BEST.

For Full service employees, BEST will obtain a Claims Guidance Package from the PSOB Office, which will contain the claims form, and provide counseling and assistance in completing the claim form, and attaching required documentation. BEST will then file the claim with the PSOB Office.

Determining eligibility of claimants under the PSOB program is often a time-consuming process, and as a result, these benefits are not intended to meet emergency financial needs. However, once processing is complete, the PSOB Office will send a letter notifying the claimant of the decision reached. Note: If the Bureau of Justice Assistance determines an urgent claimant

need for funds before the final action of paying a death benefit, an interim payment not exceeding \$3,000 may be made to the eligible survivor(s) if it is probable that the death is compensable.

**Payment of Death Benefits.** Following approval of a death benefits claim, the eligible survivor(s) will be paid the benefit in a lump sum. The payment is made through the U.S. Dept of Treasury either by direct deposit or by check mailed to the claimant's home address. If direct deposit is desired, the claimant will need to submit his/her banking information.

**Beneficiary Hierarchy (Order of Precedence) under the PSOB Act.** For death occurring on or after 11 Sep 01:

- Survived by spouse but no eligible children, the spouse will receive 100% of the benefit.
- Survived by spouse and eligible children, the spouse will receive 50% of the benefit and the children will receive equal shares of the remaining 50%.
- Survived by eligible children but no spouse, the children will receive equal shares of the benefit.
- Survived by neither a spouse nor eligible children, the benefit shall be paid to the individual designated by the officer under his or her **most recently executed life insurance policy**, provided that the beneficiary survived the officer. Note: A 1-year waiting period will commence from the date of signature on the initial PSOB claim form "Claim for Death Benefits."
- Survived by neither a spouse nor eligible children and does not have a life insurance policy, the surviving parents will receive equal shares of the benefit.

**Definition of Eligible Children.** Under the PSOB Act, an eligible child is defined as any natural child who was born before or after the death of the public safety officer or who is an adopted child or stepchild of the deceased public safety officer. At the time of death, the child must be 18 years of age or younger; 19 through 22 years of age *and* pursuing a full-time course of study or training if the child has not already completed 4 years of education beyond high school; or 18 years or older and incapable of self-support due to a physical or mental disability.

**Disability Benefits.** Provides benefits to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing **any** gainful work.

**Applying for Disability Benefits.** If mentally and physically able, the permanently and totally disabled public safety officer may file a claim directly with the PSOB Program Office. Otherwise, a legally appointed representative or the agency where the permanently and totally disabled public safety officer was employed may file on the officer's behalf. For disability benefits, the line of duty injury must have occurred on or after 29 Nov 90. In addition, the public safety officer must be medically retired from his or her employing agency for the line-of-duty injury he or she sustained, and must be receiving the maximum compensation for a permanent and total disability from his or her benefit provider. A benefit provider may be a retirement fund through the agency or workers' compensation. Social Security does not count as a benefit provider. However, medical retirement for a line-of-duty disability does not, in and of itself, establish eligibility for PSOB disability benefits.

**Payment of Disability Benefits.** This is a lengthy process; however, the claimant will be eventually notified of the decision in writing. If the decision is favorable, the payment will be made through the U.S. Department of the Treasury either by direct deposit or by check mailed directly to the claimant's home. If direct deposit is desired, banking information will be required.

**Educational Benefits.** The Public Safety Officers Educational Assistance (PSOEA) program provides educational assistance to the children and spouse survivors of public safety officers who are killed or permanently disabled in the line of duty. The PSOEA was authorized with the passage of the Police, Fire, and Emergency Officers Educational Assistance Act of 1998 (Public Law 105-390).

**Eligibility.** PSOEA educational assistance is available to the spouse and eligible children of a public safety officer after the PSOB death or disability claim process has been completed and benefits have been awarded. If otherwise eligible, the spouse of a public safety officer may receive PSOEA funds for educational expenses at any time during his or her life-time. Eligible children who are age 18 or younger at the time of your death are entitled to receive PSOEA funds for educational expenses that occur prior to his or her 27th birthday. Eligible children who are age 19 to 22 at the time of your death are eligible for PSOEA educational funds only if they are already enrolled and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school. Children who are age 23 or older at the time of your death are not entitled to educational benefits. Also, no spouse or eligible child is eligible to receive PSOEA funds for a period greater than 45 months of full-time education or a proportionate period of a part-time program.

**Applying for Educational Assistance.** Individuals who meet the eligibility requirements should request an application for educational assistance directly from the PSOB Office. Before an application is sent out, the applicant is asked for standard information, which is then checked to verify that, as required, the PSOB Death Benefit has been received by the applicant or the applicant's spouse or parent.

There is a maximum amount that can be paid, so assistance from the PSOEA program often does not cover all of the student's expenses. It is also important to note that, per the PSOEA legislation (Public Law 105-390), payments must be reduced (and may be eliminated entirely) if educational assistance has been or otherwise would have been received from other federal, state, or local government sources or public schools. Assistance from loans, private schools, or private foundations or organizations will not directly reduce PSOEA benefits.

**Payment of Educational Assistance.** PSOEA award payments are made through the U.S. Department of the Treasury and sent directly to the claimant. A check is mailed to the applicant's home address. Payment can also be made by direct deposit if the applicant provides banking information.

**More Information.** The PSOB program is complicated. Further details on the program can be found on the Department of Justice, Bureau of Justice Assistance website at [www.ojp.usdoj.gov/BJA/grant/psob/psob\\_main.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html).

**References:** 42 U.S.C. 3796, and the above mentioned website.

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## Certain Income Tax Breaks

If your death occurs as the result of wounds or injury incurred while a civilian employee in a terroristic or military action, income tax imposed by Title 26, Subtitle A, shall not apply to the tax year in which your death falls, or to the tax year prior to the one in which your death occurs. As a result, your surviving spouse may be entitled to a refund of all income taxes paid in the year prior to your death as well as the year of your death. For more information, you should consult a tax specialist.

And remember, FEGLI proceeds paid are not taxable but interest earned on the money market account is. Survivor benefit payments under CSRS and FERS are taxable as income. Workers' compensation benefits are non-taxable. TSP proceeds paid directly to the spouse or other beneficiaries are taxable. TSP proceeds rolled over to other eligible IRA-type accounts are taxable in the year they are paid out, but TSP proceeds transferred to a Roth IRA are taxable in the year of transfer.

**References:** Internal Revenue Code at 26 U.S.C., Subtitle A, Section 692(c). See the individual sections for references to taxes for retirement and compensation benefits, and FEGLI and TSP proceeds paid.

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## Annual and Sick Leave

**Annual Leave.** If you die while employed, your accrued and unused annual leave will be paid out in a lump-sum as described in the [Unpaid Compensation](#) section of this brochure. The lump sum payment is calculated by multiplying the number of hours of accumulated and accrued annual leave by your applicable hourly rate of pay, plus other types of pay you would have received while on annual leave, excluding any allowances that are paid for the sole purpose of retaining a Federal employee in government service.

The types of pay included in a lump-sum payment are: rate of basic pay; locality pay or other similar geographic adjustment; within-grade increase if waiting period met on date of separation; across-the-board annual adjustments; administratively uncontrollable overtime pay, availability pay and standby duty pay; supervisory differentials; nonforeign area cost-of-living allowances and post differentials; and foreign area post allowances. For employees who are under the National Security Personnel System (NSPS), basic pay includes Local Market Supplements (LMS), which replace locality pay under NSPS.

**Sick Leave.** The treatment of sick leave is different -- it is never "cashed out." If you are **covered by the Civil Service Retirement System (CSRS)** and retire on an immediate annuity or you die while employed, unused sick leave is converted to months and days and added to your length of service for purposes of computing your retirement annuity and your spouse's survivor benefit. The hours of sick leave are converted to years, months, and days on the basis of a 2087-hour work year.

If you are **covered by the Federal Employees Retirement System (FERS)** and retire on an immediate annuity between 28 Oct 09 and 31 Dec 13, you will receive credit for 50% of your unused sick leave. If you retire on an immediate annuity on or after 1 Jan 14, you will receive credit for all of your unused sick leave. However, if you elected to transfer from CSRS to FERS and have a CSRS component, only sick leave not included in the CSRS portion of the annuity will be available for computation of the FERS portion of the annuity. For the CSRS component, you will receive credit for the amount of unused sick leave you had as of the date of transfer to FERS or the date of retirement, whichever is lesser.

A sick leave conversion chart for use by CSRS and FERS employees is available at [https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std\\_adp.php?p\\_faqid=5901](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std_adp.php?p_faqid=5901).

Whether CSRS or FERS, if you apply for and are approved for a disability retirement, you may, if you wish, use all or a portion of accrued but unused sick leave prior to separating from employment. You must provide medical documentation supporting that you are unable to work during this period. The disability annuity would begin after you are separated from employment.

**References:** Public Law 111-84, Section 1901; 5 USC 84; 5 USC 83; 5 CFR 831.302; CSRS and FERS Handbook, Chapter 20.

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## International Terrorism Victim Expense Reimbursement Program

Victims of acts of international terrorism occurring outside the United States often face unique obstacles in securing assistance, expense reimbursement, emergency transportation, short-term lodging, and appropriate medical and mental health care. Via the Victims of Crime Act of 1984 (VOCA), 42 U.S.C. 10603c, Congress authorized the International Terrorism Victim Expense Reimbursement Program (ITVERP) to ensure that victims of international terrorism may receive reimbursement for their expenses associated with that Act. The final rules for ITVERP were published in the Federal Register (28 CFR Part 94) on 6 Sep 06. Although the program became operational on 6 Oct 06, the victim reimbursement program is retroactive to 21 Dec 88.

ITVERP is an expense reimbursement program. ITVERP funds are available to reimburse the victim for **specific** expenses (as opposed to a general compensation program).

“Outside the United States” means outside any state of the United States, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and any other possession or territory of the United States.

**Victim.** In general, the term “victim” means a person who –

(a) suffered direct physical or emotional injury or death as a result of acts of international terrorism occurring outside the United States on or after 21 Dec 88 with respect to which an investigation or prosecution was ongoing after 24 Apr 96; and

(b) as of the date the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government (includes U.S. Civil Service).

If the person described in (a) and (b) is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation on behalf of the victim. Family members can include the spouse, children, parents, and siblings of a victim, and other persons at the discretion of the Office for Victims of Crimes (OVC) Director, provided such person can establish sufficient ties to the direct victim. (An example of an “other person” might be a grandparent who had been rearing a child who was killed in an act of international terrorism.)

The victim must have been present during the act of terrorism; or present during the immediate aftermath of the act of terrorism; or an emergency responder who assisted in efforts to search for and recover other victims.

**Eligibility.** Reimbursement of qualified expenses under ITVERP is available to a victim of international terrorism or his/her representative. For the purposes of this program, the Attorney General determines whether there is a reasonable indication that an act was one of international terrorism.

Reimbursement will be denied to any claimant who is criminally culpable for the terrorist act or mass violence, whether or not that person was a direct victim or applied on behalf of a victim.

Reimbursement may be reduced or denied if the OVC Director determines the victim contributed materially to his/her own death or injury by engaging in conduct that violates U.S. law or the law of the jurisdiction where the international act of terrorism occurred; was acting as a mercenary or “soldier of fortune”; or was acting (as a non-U.S. Govt. employee) as an adviser, consultant, employee, or contractor, in a military or political capacity, for a rebel or paramilitary

organization; for a government not recognized by the U.S.; or in a country in which an official travel warning issued by the U.S. Dept of State related to armed conflict was in effect at the time of the act of international terrorism; or was engaging in grossly reckless conduct.

### Categories of Expenses and Amount of Reimbursement

Expense Categories	Subcategories and Conditions	Expense Limits
Medical expenses, including dental and rehabilitation costs.	Victim's medical care, including treatment, cure, and mitigation of disease or injury; and replacement of medical devices, including, but not limited to, eyeglasses or other corrective lenses, dental services, prosthetic devices, prescription medicine, and other services rendered in accordance with a method of healing recognized by the jurisdiction in which the medical care is administered. Victim's cost for physiotherapy; occupational therapy; counseling; upgrading of job skills or training for a different career; workplace, vehicle and home modifications.	Up to \$50,000
Mental Health	Victim's (and, when victim is a minor, incompetent, incapacitated, or deceased, certain family members') mental health counseling costs.	Up to 12 months, up to \$5,000
Property Loss, Repair, Replacement	Includes crime scene cleanup, and replacement of personal property (not including medical devices) that is lost, destroyed, or held as evidence.	Up to \$10,000 to cover repair or replacement, whichever is less.
Funeral and Burial	Includes the cost of disposition of remains, preparation of the body and body tissue, refrigeration, transportation of remains, cremation, procurement of a final resting place, urns, markers, flowers and ornamentation, costs related to memorial services, and other reasonably associated activities.	Up to \$25,000
Miscellaneous	Temporary lodging up to 30 days, local transportation, telephone costs, etc. Emergency travel includes two family members' transportation costs to country where incident occurred to recover remains, care for victim, care for victim's dependents, accompany victim to receive medical care abroad, accompany victim back to U.S., and attend to victim's affairs in host country.	Up to \$15,000

**Collateral Sources.** The amount of expenses reimbursed under ITVERP shall be reduced by any amount that the claimant receives from a collateral source in connection with the same act of international terrorism. In cases where a claimant receives ITVERP reimbursement for expenses that also will or may be reimbursed from another source, the claimant must sign over any payment for those same expenses from the collateral source to the United States.

“Collateral sources” means sources that provide reimbursement for specific expenses compensated under ITVERP, including property, health, disability, or other insurance for specific expenses; Medicare or Medicaid; workers' compensation programs; military or veteran's benefits of a compensatory nature; vocational rehabilitation benefits; restitution; and other state, Federal, foreign, and international compensation programs.

Exception: Where a collateral source provides supplemental reimbursement for a specific expense, beyond the maximum amount reimbursed for that expense by ITVERP, the ITVERP award shall not be reduced by the amount paid by the collateral source

**Application Procedures.** The International Terrorism Victim Expense Reimbursement Program (ITVERP) application covers the following types of applications. You will choose one.

- **Itemized Application.** Requests reimbursement of qualified expenses. The request for payment must be based on an itemized list of expenses, and the claimant must submit original receipts (see exception below). Most applicants will file this application.
- **Interim Emergency Payment Application.** Requests assistance with **immediate** expenses if the OVC Director determines such payment is necessary to avoid or mitigate substantial hardship that may result from delaying expense reimbursement until complete and final consideration of an application. Expenses include medical care, funeral and burial, short-term lodging, and emergency transportation. The amount of interim emergency payment is determined on a case-by-case basis, and will be deducted from the final award amount. Once an interim emergency payment application has been completed, received by ITVERP, and assigned an original claim number, and **if** the claimant is ever in need of future expense reimbursement, the claimant must then file a supplemental application, rather than an itemized application.
- **Supplemental Application.** If additional costs arise, or if original costs were initially excluded from the first application. Claimant must include the original claim number.

The ITVERP application is available online on the Office for Victims of Crimes (OVC) web site at [www.ovc.gov/intdir/ITVERP/ITVERPApplication.pdf](http://www.ovc.gov/intdir/ITVERP/ITVERPApplication.pdf). Application instructions are on the last 4 pages.

**Exception:** In cases involving incidents of terrorism that occurred prior to establishment of the ITVERP program where claimants do not have original receipts, and in cases in which the claimant certifies that the receipts have been destroyed or lost, the OVC Director may, at his discretion, accept an itemized list of expenses. In this case, the claimant must certify that original receipts are unavailable and attest that the items and amounts submitted in the list are true and correct to the best of his/her knowledge. If it is later determined that a fraudulent certification was made, the United States may take action to recover any payment made under ITVERP, and pursue criminal prosecution, as appropriate.

**Application Deadline.** The deadline for an application is 3 years from the date of the act of international terrorism, although the OVC Director may extend the deadline for filing a claim to a date not later than 3 years from the date of the determination that there is a reasonable indication that an act of international terrorism has occurred, under 28 CFR 94.21(a).

For acts of international terrorism occurring between 23 Oct 83 and 20 Dec 88, the deadline for filing a claim is 28 Jan 2011 (3 years from the effective date of the legislative change).

For acts of international terrorism occurring between 21 Dec 88 and 6 Oct 06, the deadline was 6 Oct 09 (3 years from the effective date of the program regulations).

**Delivery Instructions for Application Packet.** The preferred methods of delivery for the application, attachments, and receipts include either hand-delivery or private carrier (such as UPS, FedEx). Applicants may use the U.S. Postal Service, but delivery will be slower, causing delay in processing the application. Application packages may not be sent by Internet or fax. Mail the original application, any attachments, and all receipts to the following address:

Office for Victims of Crime  
 U.S. Department of Justice  
 810 Seventh Street NW  
 Washington, D.C. 20531

**Payment of Claims.** All authorized payments will be made in U.S. dollars, via electronic funds transfer or by check. Payments made by check will be mailed or delivered via courier service to the claimant's last known address, unless otherwise requested by the claimant and approved by the OVC Director.

Repayment and waiver of repayment. A victim or representative shall reimburse the ITVERP program if the OVC Director determines that an interim emergency award or a final award was made to an ineligible victim or claimant; was based on fraudulent information; or an overpayment.

**Appeal Procedures.** A victim or representative may file a request for reconsideration within 30 days of receipt of the OVC Director's determination on the application for reimbursement. Appeal procedures are set forth in 28 CFR Part 94.51 and 94.52.

**References:** 42 U.S.C. 10603c; 28 CFR Part 94; and Office for Victims of Crime (OVC) Web Site: [www.ovc.gov](http://www.ovc.gov).

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## **Benefits and Entitlements Service Team (BEST)**

### **Address, Phone, and Web Information**

#### **Mailing Address**

AFPC/DPIRB  
550 C Street West Suite 57  
Randolph AFB TX 78150-4759

#### **BEST Automated Phone System**

Within the United States: 1-800-525-0102 (press 2 for civilian employees, then 2 for BEST benefits and entitlements, and follow the prompts)

In Foreign Areas: Dial a Toll-Free AT&T Direct Access Number for the country in which located, then 800-525-0102 (press 2 for civilians, then 2 for BEST benefits and entitlements, and follow the prompts). (Get AT&T Direct Access Numbers from [www.usa.att.com/traveler/index.jsp](http://www.usa.att.com/traveler/index.jsp).)

#### **BEST Webpage**

[https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.php/enduser/ps\\_site\\_map.php?pid=3351&cid1=3362&cid2=3377](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.php/enduser/ps_site_map.php?pid=3351&cid1=3362&cid2=3377)

#### **EBIS Web Application**

Air Force Portal: <https://www.my.af.mil>  
AFPC Secure: <https://w20.afpc.randolph.af.mil/AFPCSecurenet20>

#### **Detailed instructions on how to reach the BEST phone system and how to reach a BEST benefits counselor:**

[https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std\\_adp.php?p\\_faqid=5828](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std_adp.php?p_faqid=5828)

#### **How to Access EBIS:**

[https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std\\_adp.php?p\\_faqid=4872](https://gum.afpc.randolph.af.mil/cgi-bin/askafpc.cfg/php/enduser/std_adp.php?p_faqid=4872)

#### **Need instructions or assistance with Workers' Compensation?**

You must contact your local or servicing Civilian Personnel Section.

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