

General Conditions Under Which a Person is Entitled to a Railroad Retirement Widow(er) or Surviving Divorced Spouse Annuity

Current Connection	The employee must have a current connection to the railroad industry at the earlier of retirement or death to qualify you for survivor benefits under the Railroad Retirement Act (RRA). Otherwise, the Social Security Administration would pay the survivor benefits.
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Age Requirement	If you are receiving an RRA spouse annuity in the month the employee dies, your benefit will be converted to a widow's annuity. Only proof of the employee's death is needed. Otherwise, you must file an application for your RRA survivor annuity. When all eligibility requirements are met, a survivor annuity can begin as explained in Chart 1.
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CHART 1 - DETERMINING YOUR ORIGINAL BEGINNING DATE (OBD)

If filing as:	your annuity can begin:	Your Tier 1 will:	A Tier 2 benefit:
any of the following: <ul style="list-style-type: none"> • a widow(er), • remarried widow(er), or • surviving divorced spouse, 	at age 60. If you are a widow(er) age 60-61 on your OBD, you are deemed age 62 on your OBD. This deeming does not apply to remarried widow(er) or surviving divorced spouse.	be based on 100% of the employee's Primary Insurance Amount (PIA), subject to the family maximum. It will have an age reduction if you retire before attaining Full Retirement Age (FRA).	will have an age reduction if you are a widow(er) and retire before attaining FRA. A tier 2 benefit is not payable to a remarried widow(er) or a surviving divorced spouse.
any of the following: <ul style="list-style-type: none"> • a disabled widow(er), • remarried disabled widow(er), or • disabled surviving divorced spouse, 	between age 50 and age 60 if you are rated totally disabled. (You are deemed age 60 on your OBD.)	be based on 100% of the employee's PIA, subject to the family maximum. It will have an age reduction.	will have an age reduction if you are a disabled widower. (You are deemed age 60 on your OBD.) A tier 2 benefit is not payable to a remarried disabled widow(er) or a disabled surviving divorced spouse.
under FRA caring for a child of the employee as a surviving young mother/father,	at any age based on child-in-care as long as the child is entitled to a child's annuity and the child is either under age 18 or the disabled child became disabled before attaining age 22.	be based on only 75% of the employee's PIA, subject to the family maximum. It will not have an age reduction.	will not have an age reduction.
under FRA caring for a child of the employee as: <ul style="list-style-type: none"> • a remarried young mother/father or • a surviving divorced young mother/father, 	at any age based on child-in-care as long as the child is entitled to a child's annuity and the child is either under age 16 or the disabled child became disabled before attaining age 22.	be based on only 75% of the employee's PIA, subject to the family maximum. It will not have an age reduction.	is not payable to a remarried young mother/father or surviving divorced young mother/father.

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Full Retirement Age (FRA)	<p>The term Full Retirement Age (FRA) means the age at which the widow(er), remarried widower, or surviving divorced spouse can receive a full annuity under the RRA unreduced for early retirement.</p> <p>The FRA for age reductions for applicants for a survivor annuity who were born before January 2, 1940, is age 65. The FRA for applicants for survivor annuities who were born after January 1, 1940, will gradually increase over a 20-year period to age 67, as illustrated in the following chart. If you are entitled to a Tier 2 benefit, the FRA for your Tier 2 age reduction will be the same as the FRA for your Tier 1 age reduction.</p> <p>(Full Retirement Age also affects survivor annuity earnings deductions as described on Chart 3.)</p>
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CHART 2 - DETERMINING YOUR FULL RETIREMENT AGE

If you were born:	then your FRA is:	If you were born:	then your FRA is:
Before 1-2-1940	65	1-2-1957 thru 1-1-1958	66 and 2 months
1-2-1940 thru 1-1-1941	65 and 2 months	1-2-1958 thru 1-1-1959	66 and 4 months
1-2-1941 thru 1-1-1942	65 and 4 months	1-2-1959 thru 1-1-1960	66 and 6 months
1-2-1942 thru 1-1-1943	65 and 6 months	1-2-1960 thru 1-1-1961	66 and 8 months
1-2-1943 thru 1-1-1944	65 and 8 months	1-2-1961 thru 1-1-1962	66 and 10 months
1-2-1944 thru 1-1-1945	65 and 10 months	1-2-1962 and later	67
1-2-1945 thru 1-1-1957	66		

Marriage Requirements for Widow(er) Annuity or Disabled Widow(er) Annuity	<p>To be considered the widow(er) or disabled widow(er) of the employee, you must meet one of the requirements on page 1 and must:</p> <ol style="list-style-type: none"> 1. be the legal widow(er) of the employee; 2. not have been divorced from the employee at the time of the employee's death; and, 3. not have remarried after the employee's death. <p>A widow(er) or disabled widow(er) must have been married to the employee for at least nine full months before the employee's death. If you were married to the deceased employee less than nine months, ask the nearest RRB field office to explain any exceptions that might apply.</p>
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Requirements for Survivor Annuity Based on Divorce from the Employee	<p>To be considered entitled to an annuity based on divorce from the employee, you must meet one of the requirements on page 1 and must:</p> <ol style="list-style-type: none"> 1. be unmarried and 2. be finally divorced from the employee. <p>A surviving divorced spouse or disabled surviving divorced spouse must have been married to the employee for a continuous period of at least 10 years immediately before the effective date of the final divorce. Divorce and remarriage to the employee in the same or following year is still considered a continuous marriage.</p> <p>A surviving divorced young mother/father must have the employee's child-in-care.</p> <p>Also, you are not entitled to an annuity based on divorce from the employee if you are entitled to a different RRA annuity or a social security benefit that exceeds the RRA annuity based on divorce.</p>
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Survivor Who Remarried After Employee's Death	<p>If you remarried after the employee's death, an annuity may still be payable if you meet all the eligibility requirements for a survivor annuity explained above, except for your remarriage. You may be entitled to a survivor annuity as a remarried widow(er), disabled remarried widow(er), or remarried young mother/father if either:</p> <ol style="list-style-type: none"> 1. you are currently unmarried or 2. your remarriage occurred after you attained age 60 (or after you attained age 50 if you were rated totally disabled before the remarriage occurred.)
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Definition of Child-in-Care	<p>A surviving young mother/father, remarried young mother/father, or surviving divorced young mother/father may qualify for an annuity based on a child of the deceased employee in care. The child must be entitled to an RRA Child's Insurance Annuity and be either:</p> <ol style="list-style-type: none"> 1. a minor child under age 16 (age 18 for a surviving young mother/father annuity) or 2. a disabled child with a permanent disability that began before the child attained age 22 and prevents any type of regular employment. <p>The term Child-in-Care includes the deceased employee's unmarried natural child, adopted child or dependent stepchild, or under certain conditions, a grandchild whose parents are deceased or disabled. A child is in your care if you exercise parental control over, and are responsible for, the welfare and care of the child. If the child is permanently disabled, but mentally competent, he or she is considered to be in your care if you perform personal services, The RRB will make the final determination regarding the personal services you perform and whether or not they constitute the child being in your care.</p>
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SSA Insured Status	<p>If your survivor annuity is based on an employee who had 60-119 months of railroad service after 1995, a Tier 1 benefit is payable only if the employee had an SSA Insured Status based on combined railroad and social security earnings. Generally, employees had an SSA Insured Status if they had at least one Quarter of Coverage (QC) for each calendar year after 1950, or after the year the employee attained age 21, whichever is later, up to the earliest of the year the employee became disabled, attained age 62, or died.</p> <p>The Tier 2 benefit is payable, even if the employee lacks the SSA Insured Status.</p>
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Reductions For Non-Railroad Earnings	<p>A survivor annuity is not payable for any month the survivor works for a railroad or railroad union. For survivor annuities that are not based on disability, the Annual Earnings Exempt Amount is the amount of non-railroad earnings you can have in a calendar year without losing part of your annuity. Survivors who are receiving social security benefits have their railroad retirement annuity and social security benefit combined for earnings limitations purposes.</p> <p>Full Retirement Age (FRA) for survivor annuities is explained in Chart 2. There are separate <i>Annual Earnings Exempt Amounts</i> for survivor annuitants at FRA and those under FRA. Refer to Form G-77 <i>How Earnings Affect Payment of Survivor Annuities</i>.</p>
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CHART 3 - DETERMINING WORK DEDUCTIONS

For a year in which:	you may lose up to \$1 in benefits for every:	The reduction:
you are under your FRA for the entire year,	\$2.00 of earnings over the <i>Annual Earnings Exempt Amount</i> for your age group.	applies for the full year.
you attain FRA,	\$3.00 of earnings over the <i>Annual Earnings Exempt Amount</i> for your age group. However, your earnings are only counted for months before the month in which you attain FRA.	is removed effective the month in which you attain FRA.

Earnings in Disability Cases	<p>The non-railroad earnings restrictions explained above do not apply to a disabled widow(er), a remarried disabled widow(er), a surviving disabled divorced spouse, or to a disabled child.</p> <p>However, any work or earnings by a disability annuitant must be reported and are reviewed to determine whether they indicate recovery from the disability.</p>
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When a Survivor Annuity is not Payable	<p>A survivor annuity is not payable for any month in which you work for a railroad employer or railroad union; or, after you waive entitlement to permit payment of the Residual Lump-Sum.</p> <p>Also, a widow(er)'s annuity is not payable for any month in which you receive a divorced spouse annuity or survivor annuity based on a different RRA claim number that exceeds your widow(er)'s annuity.</p>
When a Survivor Annuity Based on Disability Ends	<p>A survivor annuity based on disability ends the earliest of the following:</p> <ol style="list-style-type: none">1. A remarried disabled widow(er) or disabled surviving divorced spouse annuity ends the month before the month in which you become entitled to either an annuity based on a different RRA claim number or a social security benefit and the amount of that benefit exceeds your remarried disabled widow(er) annuity or disabled surviving divorced spouse annuity;2. A disabled widow(er) or disabled surviving divorced spouse annuity ends the month before the month you remarry;3. A disabled widow(er), remarried disabled widow(er) or disabled surviving divorced spouse annuity ends two months after the month you recover from disability; or,4. A disabled widow(er), remarried disabled widow(er) or disabled surviving divorced spouse annuity ends the month before the month you die.
When a Survivor Annuity Based on Child-in-Care Ends	<p>A survivor annuity based on child-in-care ends the earliest of the following:</p> <ol style="list-style-type: none">1. A surviving divorced young mother/father or remarried young mother/father annuity ends the month before the month in which you become entitled to either an annuity based on a different RRA claim number or to a social security benefit and the amount of that benefit exceeds your annuity based on child-in-care; or,2. Unless you qualify for an annuity based on your age, a young mother/father annuity, surviving divorced mother/father annuity or remarried young mother/father annuity ends the earliest of:<ol style="list-style-type: none">a. the month before the month the minor child qualifying you for an annuity attains age 16 (age 18 for a surviving young mother/father annuity);b. the first full month the minor or disabled child qualifying you for an annuity is no longer in your care; or,c. two months after the disabled child qualifying you for an annuity recovers from disability. <p>Note: A surviving divorced young mother/father or remarried young mother/father must have been married to the employee for at least 10 years to qualify for an annuity based on age.</p>
When a Survivor Annuity Based on Age Ends	<p>A survivor annuity based on age ends the earliest of the following:</p> <ol style="list-style-type: none">1. A widow(er) annuity or surviving divorced spouse annuity ends the month before the month in which you remarry (ask the RRB field office about a few exceptions that might apply);2. A remarried widow(er) annuity or surviving divorced spouse annuity ends the month before the month in which you become entitled to either an annuity based on a different RRA claim number or to a social security benefit and the amount of that other benefit exceeds your remarried widow(er) or surviving divorced spouse annuity; or,3. A widow(er) annuity, surviving divorced spouse annuity or remarried widow(er) annuity ends the month before the month in which you die.