

Edited Content Extracted from: sections 318–322.docx

PART III. BENEFITS (fourth chunk)

SUB-PART D: SURVIVING SPOUSE & CHILD INSURANCE BENEFITS

Section 318. Surviving Spouse Insurance Benefit

A surviving spouse of a person who has died while fully or currently insured is entitled to a monthly survivor's insurance benefit. The benefit begins with the month following the surviving spouse's eligibility and ends with the month preceding the month of the surviving spouse's death. A widow or widower who is at least sixty (60) years old may continue to receive their monthly amount of benefit, but may not receive more than one surviving spouse's insurance benefit.

The monthly benefit amount is sixty percent (60%) of the basic benefit, inclusive of any basic benefit shortfall applicable to the deceased wage earner at the time of his or her death. If the surviving spouse was born before January 1, 1954, and is eligible for both the surviving spouse insurance benefit and another benefit, they will receive the full amount of the surviving spouse insurance benefit. If the surviving spouse was born on or after January 1, 1954, and is eligible for both benefits, they will receive sixty percent (60%) of the surviving spouse insurance benefit. However, if the surviving spouse was born on or after January 1, 1954, and became eligible for both benefits prior to August 2, 2007, they will receive the full amount of the surviving spouse insurance benefit.

Special Earnings Test for Surviving Spouse Benefits: A person who is under the age of sixty (60) and employed, earning more than three thousand dollars (\$3,000.00) in any quarter, will have their surviving spouse benefit reduced by one dollar (\$1) for every three dollars (\$3) earned in excess of three thousand dollars (\$3,000.00). The reduction is applied in the quarters immediately following the quarter in which the wages were earned.

If a surviving spouse beneficiary is eligible for another benefit, they may choose to receive both benefits on a monthly basis in accordance with Title 41, or receive either benefit in one lump sum, with the amount determined in accordance with Title 41, while continuing to receive the other benefit on a monthly basis in accordance with Title 41.

Section 319. Application for Surviving Spouse Benefits

A surviving spouse may file for benefits within at least five (5) years following the death of their insured husband or wife. Together with the completed application, the surviving spouse must submit the following:

- * The death certificate of the insured spouse;
- * Birth certificate or other official identification documents showing the marriage of the surviving spouse claimant;
- * A marriage certificate showing the marriage of the surviving spouse and the deceased insured person; or
- * If married under custom, the surviving spouse must be at least 18 years of age, have lived together for 3 years or more, have performed customary obligations as husband and wife by holding themselves out as such, and be recognized as husband and wife in the community by at least 3 close family members, at least one from the

husband's family and one from the wife's family.

- * A sworn affidavit by the surviving spouse that the marital relationship between the surviving spouse and the decedent had not been terminated by divorce or annulment prior to the death of the decedent.

The Administrator will consider all available evidence in its determination. A surviving spouse may not file an application for benefits and elect to have the benefit suspended until a later date.

Section 320. More Than One Claimant

The Administration will only recognize one surviving spouse and will pay only one surviving spouse benefits under 41 PNC. In the event that more than one surviving spouse claims benefits, the Administration will hold such benefits until a determination is made. The benefits will be awarded to the surviving spouse whose un-terminated marriage to the decedent predates that of any other surviving spouse. Until the Administrator makes such determination, the survivor spouse benefits will be held in a separate account.

Section 321. Surviving Child Insurance Benefit

A surviving child who was dependent on the deceased person immediately before their death is entitled to a monthly survivor's insurance benefit. The benefit begins with the month following the surviving child's eligibility and ends with the month preceding the month of the child's:

- * Attainment of the age of 18 years;
- * The attainment of the age of 22 years, as long as the child is a bona fide student;
- * Marriage;
- * Adoption; or
- * If a child is disabled before the attainment of the age of 22 years, the benefit is payable during the disability.

The monthly amount of the benefit is fifteen percent (15%) of the amount of the basic benefit applicable to the deceased at the time of their death.

Section 322. Application for Surviving Child Benefits

An application for benefits may be made at any time after the death of the insured person who the applicant was dependent on. Each such application must include copies of the following:

- * The death certificate of the deceased insured person;
 - * The birth certificate of the surviving child applicant;
 - * If applicable, proof of adoption by the decedent if the applicant is not the natural child of the decedent;
 - * If applicable, proof of the bona fide student status or disabled status, in accordance with these by-laws;
 - * Proof of guardianship if the applicant is living with someone other than the surviving spouse of the decedent;
- and
- * If the above evidence is unavailable, such other documents deemed necessary and appropriate by the Administrator.