

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

1. In accordance with 41 PNC § 757, the surviving spouse of a person who has died while fully or currently insured is entitled to a monthly survivor's insurance benefit, commencing in the month of entitlement and ending in the month preceding the month of the surviving spouse's death. A widow or widower aged 60 years or above may remarry without forfeiting their monthly benefit amount, but they cannot receive more than one survivor's insurance benefit [41 PNC § 755 (a), as amended by RPPL No. 9-12, Sec.6].
2. The monthly benefit amount is sixty percent (60%) of the deceased wage earner's basic benefit, inclusive of any applicable basic benefit shortfall at the time of their death, if the surviving spouse is under 60 years old and unmarried [41 PNC § 755(b), as amended by RPPL No. 9-12, Sec.6].
3. If the surviving spouse was born before January 1, 1954, they are eligible to receive both the survivor's insurance benefit and another benefit without reduction. For those born on or after January 1, 1954, the survivor's insurance benefit is sixty percent (60%) of the total amount if they are eligible for multiple benefits. However, if the surviving spouse became eligible prior to August 2, 2007, they will receive the full amount [41 PNC § 755(c), as amended by RPPL No. 9-11, Sec. 2].
4. A person under 60 years old who earns more than \$3,000 in any quarter will have their survivor's benefit reduced by one dollar for every three dollars earned in excess of \$3,000 in the respective quarter [41 PNC § 755(d), as amended by RPPL No. 9-12, Sec. 6].
5. If a surviving spouse beneficiary is eligible to receive another benefit, they have the option to receive both benefits on a monthly basis or to receive either benefit in one lump sum while continuing to receive the other benefit on a monthly basis [41 PNC § 755(e), as amended by RPPL No. 9-11, Sec. 2].

Section 319. Application for Surviving Spouse Benefits

1. A surviving spouse may file for benefits within at least five (5) years following the death of their insured husband or wife. Along with the completed application, the surviving spouse shall submit:
 - The death certificate of the insured spouse;
 - Birth certificate or other official identification documents showing date of birth of the surviving spouse claimant;
 - A marriage certificate confirming the marriage between the surviving spouse and the deceased insured person;
 - If married under custom, proof that:
 - The surviving spouse is at least 18 years old;

- They have lived together for three or more years;
- They have performed customary obligations as husband and wife;
- They are recognized as husband and wife in the community by at least three close family members (one from each family);
- A court certification confirming a marital relationship between the surviving spouse and the decedent; and
- A sworn affidavit by the surviving spouse that their marital relationship with the decedent had not been terminated by divorce or annulment prior to the death of the decedent.

The Administrator shall 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 [Source 41 PNC § 711, § 712(d), § 724, & SSA By-Laws].

Section 320. More Than One Claimant

1. The Administration shall only recognize one surviving spouse and only one surviving spouse shall receive survivor's spouse benefits under 41 PNC. In the event that more than one surviving spouse claims such benefits, the Administration shall hold such benefits until a determination is made. The benefits shall 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 shall be held in a separate account [Source 41 PNC § 711, § 712(d), § 724, & SSA By-Laws].

Section 321. Surviving Child Insurance Benefit

1. A surviving child who was dependent on the deceased person immediately before their death is entitled to a monthly survivor's insurance benefit, starting in the month of entitlement and ending when the child:
 - Attains the age of 18 years;
 - Reaches the age of 22 years while still a bona fide student;
 - Marries;
 - Is adopted; or
 - Becomes disabled before the age of 22, in which case the benefit is payable during the disability [41 PNC § 756].
2. The monthly amount of the benefit is fifteen percent (15%) of the deceased's applicable basic benefit at the time of their death [Source 41 PNC § 758].

Section 322. Application for Surviving Child Benefits

1. 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 shall include copies of:
 - 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 bona fide student 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 [Source 41 PNC § 711, § 712(d), § 724, & SSA By-Laws].