

Edited Content Extracted from: section 323-325.docx

PART III. BENEFITS (fourth chunk)

SUB-PART D: SURVIVING SPOUSE & CHILD INSURANCE BENEFITS

Section 323. Dependency

1. The Administration will determine that a surviving child or impaired adult is dependent upon a deceased insured person if they received regular, periodic payments of money or contributions of food, clothing, shelter, medical care, tuition, and other necessities and services required for or by a child or impaired adult from such person. These contributions must constitute a substantial part of the ordinary living costs of the child or impaired adult.
2. Occasional or irregular gifts or donations do not qualify to establish dependency. Temporary interruptions in contributions, however, for circumstances beyond the control of the insured person, shall be disregarded unless someone else takes over responsibility for support on a permanent basis.
3. A child or impaired adult living with the insured person at the time of the insured person's death and who is related to the deceased as a natural child, stepchild, adopted child (legally or under Palauan custom), grandchild, or step-grandchild will be presumed to be a dependent of such insured person. This presumption can be rebutted through clear and convincing evidence.
4. A child or impaired adult living with the insured person at the time of the insured person's death who is not related as described above shall be required to show dependency.

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

Section 324. Bona Fide Student

1. The Administration will make a determination that a person or child is a bona fide student for the purposes of eligibility for payment of a surviving child's insurance benefit if:
 - They attend a school, which provides elementary or secondary education, including technical, vocational, or trade schools, junior colleges, colleges, and universities, as determined under the law of the jurisdiction in which the school is located. They shall furnish the Administrator with a form (ROPSSA 630-20) completed by the officials of the school attended;
 - They are in full-time attendance in a day or evening non-correspondence courses and are carrying a subject load which is considered full-time for a day student under the institution's standards and practices, with scheduled attendance at the rate of at least twelve (12) hours per week and a course of study which is at least thirteen (13) weeks in duration; or
 - They are enrolled as a student at an elementary or secondary school and attend such school on a regular basis.

Note: If a person is being paid while attending a school by an employer who has requested or required that the person attend the school, that person shall not be deemed a bona fide student.

2. If a person is a full-time student, then eligibility may continue during a period of non-attendance if all the following conditions are met:

- The non-attendance is four (4) consecutive months or less;
- The person shows that they intend to resume their studies as a full-time student at the end of the period or the next period; and
- The period of non-attendance is not due to expulsion or suspension from school or from incarceration relating to the commission of a crime.

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

Section 325. Computation of Survivor Benefits

1. The monthly total of the survivor's insurance benefits payable with respect to a deceased employee contributor shall not exceed the basic benefit applicable to him or her immediately before death, without recomputation of benefits for earnings after retirement pursuant to 41 PNC § 753(c). However, the minimum amount of the total of a survivor's insurance benefit is one hundred forty-eight dollars (\$148.00) per month, computed before the application of section 755(c). Prior to that date, the minimum monthly benefit amount was ninety-eight dollars (\$98.00) per month, computed before the application of the surviving spouse's benefit pursuant to 41 PNC § 755(c).

[41 PNC § 753, as amended by RPPL No. 9-11, Sec.5]

2. The total of all survivors' benefits payable to survivors of a decedent shall not exceed the basic benefit applicable to the decedent immediately before his or her death. If more than one person is entitled to benefits as survivors of an insured decedent and the total of such benefits exceeds the basic benefit, then each such benefit shall be reduced to the proportion that each such benefit represents to the total benefit payable.

[Source 41 PNC § 757]

3. Example: The total benefits percentage for a surviving spouse with five (5) surviving children would equal one-hundred and thirty-five percent (135%). In such a case, the surviving spouse would receive 60/135, or 44.4% of the basic benefit, and each child would receive 15/135 or 11.1% of the basic benefit.