PART III. BENEFITS (fourth chunk)

SUB-PART D: SURVIVING SPOUSE & CHILD INSURANCE BENEFITS

Section 318. Surviving Spouse Insurance Benefit

• Subject to 41 PNC § 757, the surviving spouse of a person who has died while fully or currently insured shall be entitled to a monthly survivor’s insurance benefit, beginning with the month in which the surviving spouse became so entitled and ending with the month preceding the month in which the surviving spouse dies. A widow or widower who is at least sixty (60) years of age may re-marry and continue to receive his or her monthly amount of benefit, but may not receive more than one surviving spouse’s insurance benefit. [41 PNC § 755 (a), as amended by RPPL No. 9-12, Sec.6]

• The monthly amount of the benefit is sixty percent (60%) of the basic benefit inclusive of basic benefit shortfall applicable to the deceased wage earner at the time of his or her death if the surviving spouse is under the age of sixty (60) and is unmarried.

[41 PNC § 755(b), as amended by RPPL No. 9-12, Sec.6]

• If the surviving spouse was born before January 1, 1954, and surviving spouse is eligible to receive both the surviving spouse insurance benefit and another benefit, the surviving spouse shall receive the full amount of the surviving spouse insurance benefit. If the surviving spouse was born on or after January 1, 1954, and the surviving spouse is eligible to receive both the surviving spouse insurance benefit and another benefit, the surviving spouse insurance benefit shall be sixty percent (60%) of the surviving spouse insurance benefit. However, if the surviving spouse was born or after January 1, 1954, and the surviving spouse became eligible to receive both the surviving spouse insurance benefit and another benefit prior to August 2, 2007, the surviving spouse shall receive the full amount of the surviving spouse insurance benefit.

[41 PNC § 755(c), as amended by RPPL No. 9-11, Sec. 2]

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

[41 PNC § 755(d), as amended by RPPL No. 9-12, Sec. 6]

• If a surviving spouse beneficiary is eligible to receive another benefit, such beneficiary shall have the option to receive both benefits on a monthly basis in accordance with Title 41, or to receive either benefit in one lump sum, the amount of which shall be determined in accordance with Title 41, while continuing to receive the other benefit on a monthly basis in accordance with Title 41.

[41 PNC § 755(e), as amended by RPPL No. 9-11, Sec. 2.]

Section 319. Application for Surviving Spouse Benefits

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

• The death certificate of the insured spouse;

• Birth certificate or other official identification documents, such as a passport, showing date of birth 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:

• Must be at least 18 years of age, and

• Have lived together for 3 years of more, and

• Held themselves out as husband and wife by performing customary obligations, and

• Be recognized as husband and wife in the community, by at least 3 close family members, and relatives, (at least one from the husband’s family and one from the wife’s family). Recognition to be by way of sworn affidavit, or

• A court certification confirming a martial relationship between the surviving spouse and the decedent; and

• 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 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

• The Administration shall only recognize one surviving spouse and only one surviving spouse shall receive surviving 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

• A surviving child who was, immediately before the death of a person who died fully or currently insured, dependent upon that person, is entitled to a monthly survivor’s insurance benefit, beginning with the month in which the surviving child became so entitled and ending with the month preceding the month in which the child:

• (1) Attains the age of 18 years;

• (2) The attainment of the age of 22 years, as long as the child is a bona fide student;

(3) Marries;

(4) Is adopted; or

(5) Subject to section 41 PNC § 762 (evidence of disability), if a child is disabled before the attainment of the age of 22 years, the benefit is payable during the disability.

• Subject to section 41 PNC § 758 (lump sum benefits), 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 his or her death.

• [Source 41 PNC § 756]

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 shall 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.

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