

PART EIGHT
RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN (RSFPP)

CHAPTER 1
APPLICATION OF PLAN

80101. Background

Legislation was enacted in 1953 (Public Law 239, 83d Congress) for a voluntary survivorship annuity plan under which members of the uniformed services could provide an annuity for their spouses and/or eligible dependent children after member's death in retirement. This legislation was first known as the Uniformed Services Contingency Option Act of 1953 (USCOA). It was amended and renamed the Retired Serviceman's Family Protection Plan (RSFPP) by Public Law 87-381, 4 Oct 1961. Public Law 90-485, 13 Aug 1968, introduced several new statutory amendments which became effective 1 Nov 1968. Public Law 92-425, 21 Sep 1972, terminated RSFPP for members retired on or after that date and created the Survivor Benefit Plan (SBP) as covered in part nine. On 30 Sep 1978, Public Law 95-397 was enacted with provisions affecting certain annuities. A provision in Public Law 98-94, 24 Sep 1983, provided for rounding annuities. Public Law 98-525, 19 Oct 1984, authorized annuity payments under certain circumstances where the participating member is missing.

80102. Specialized Terms

a. Annuitant. A widow, widower, or child entitled to benefits based on a deceased member's participation in the RSFPP.

b. Change in Family Status. Change in member's immediate family by death, divorce, annulment, remarriage, or acquisition of a child.

c. Child. A member's child who is living on the date of the member's retirement and who meets any of these requirements:

(1) **Natural Child.** Under 18 years of age and unmarried.

(a) More than 18 years of age, unmarried, and incapable of self-support because of being mentally defective or physically incapacitated, if that condition existed before reaching age 18.

(b) At least 18, but under 23 years of age and unmarried, pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. This applies only if member retired on or after 1 Nov 1968.

(2) **Step-Child.** Under 18 years of age and unmarried, and dependent on the member for more than one-half of his or her support, or meeting the requirements of c(1)(a) or c(1)(b) above.

(3) **Legally Adopted.** Under 18 years of age and unmarried, or meeting the requirements of c(1)(a) or c(1)(b) above.

d. Cost and Conversion Tables. Tables prescribed by the Board of Actuaries (tables of percentage reduction of retired pay and conversion tables under the RSFPP/USCOA showing the factors for computation of costs).

e. Declination. Election not wanted.

f. Determination of Presumed Death. A Secretarial determination that a participating member is presumed dead where the member's retired or retainer pay has been suspended and the member has been missing at least 30 days under circumstances which lead to a reasonable conclusion that the member is dead.

g. Election in Effect. Valid election existing on the date of retirement.

h. Eligible Spouse. The lawful wife or husband of a member at the time of retirement.

i. Extrapolation. Method of determining reduction factor for option 1, 1 with 4, and 3 with 4 when member's wife is more than 25 years younger than member. (Special computation necessary only for members who became eligible for retired pay before 1 Nov 1968.)

j. Fractional Amount. Portion of reduced retired pay to be paid in monthly annuities for members retired before 1 Nov 1968.

k. In Fact Dependent. Stepchild who is dependent on the member for more than half of his or her support.

l. Modification. A change in percentage of the amount of retired pay under any option, or a change in option(s) elected.

m. Multiple Option. Combination of options 1 and 2, with or without option 4.

n. Option. A choice by member to provide an annuity for his or her dependents. (See paragraph 80203 for definition of each option.)

o. Plan. Retired Serviceman's Family Protection Plan (formerly called the Uniformed Services Contingency Option Act).

p. Reduced Retired Pay. Retired pay remaining after cost of participation has been deducted.

q. Reduction Factor. Four-digit decimal fraction used to compute monthly RSFPP cost.

r. Revocation. Cancellation of a previous election.

s. Single Option. Election of options 1,2, or 3 with or without option 4.

t. Withdrawal. Voluntary termination of a member's participation in the plan.

80103. Members Eligible to Elect Under the Plan

a. All members of the Uniformed Semites, including all components and members thereof who retired with pay before 21 Sep 1972.

b. Personnel on the Emergency Officer's Retired List (EORL).

c. Reserve members not on active duty who were in an active status (participating in Reserve training) as distinguished from those in an inactive status (on the retired Reserve list).

d. Members of the Reserve components of the Uniformed Services who were in an inactive status and who had completed 20 years of satisfactory service on 1 Nov 1953.

80104. Members Ineligible to Elect Under the Plan

a. Members on the retired Reserve list without pay who did not complete the requirements to receive retired pay.

b. Cadets serving at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy; and

c. Midshipmen.

80105. General Provisions

a. All elections were effective on date of retirement or 1 Nov 1953, whichever was later.

b. An election by any member who had not yet retired on 21 Sep 1972, was automatically voided on that date.

c. Members already retired on 21 Sep 1972, who had coverage under the RSFPP, had three choices:

(1) Convert from RSFPP to the Survivor Benefit Plan (SBP); or

(2) Retain RSFPP and also elect coverage under SBP to the extent that combination of the two annuities did not exceed monthly gross retired pay; or

(3) Retain RSFPP and decline coverage under SBP.