

PART NINE
SURVIVOR BENEFIT PLAN (SBP)

CHAPTER 1
APPLICATION OF THE PLAN

90101. Purpose

a. The Survivor Benefit Plan (SBP) establishes a survivor benefit program for military personnel in retirement to complement the survivor benefits under social security laws. This plan provides all pre-21 Sep 1972 Uniformed Service retirees and those who retire on or after 21 Sep 1972 an opportunity to leave part of their retired pay to their survivors at a reasonable cost. Under this plan, a member who retired before 21 Sep 1972 and who had elected to participate in the Retired Serviceman's Family Protection Plan (RSFPP) had the option to retain or cancel the RSFPP coverage when electing to participate in the SBP.

b. The plan provides, without cost, a minimum guarantee to a widow of a member who died before 21 Mar 1974. (See chapter 10.) A surviving spouse of a member who died before 1 Nov 1953, is entitled to an annuity which may be in addition to the annuity payable under the minimum income annuity provisions.

c. The plan includes survivor benefits for the surviving spouse, dependent child or former spouse of a member who dies on active duty under certain circumstances, or to a member eligible to provide a Reserve component annuity but who dies before notification of retirement eligibility under Title 10, U. S.C., Chapter 67, or during the 90-day period following notification of retirement eligibility if member had not made an election.

d. The plan provides for annuity payments under a secretarial determination that a participating member is presumed dead.

e. Under a Supplemental SBP program, a member who has maximum annuity coverage for spouse or former spouse may also provide a Supplemental SBP annuity in increments of 5, 10, 15, or 20 percent of the base amount. The Supplemental SBP annuity begins on the first day of the month after the annuitant becomes age 62 or the day the SBP annuity becomes payable, whichever is later.

90102. Specialized Terms

a. **Annuitant.** A person named by or on behalf of the retiree who is eligible for annuity payments under the plan.

b. **Base Amount.** The money amount selected by the member, with the concurrence of the member's spouse if required under Title 10, U.S.C., section 1448(a)(3), or the amount selected on behalf of a member by the Secretary concerned, on which the annuity is based. This amount may range from \$300 minimum up to full gross retired pay entitlement. If the member's gross pay is less than \$300 per month, full gross pay must be designated as the base amount. The base amount is adjusted consistent with cost-of-living increases in retired pay. If, upon advancement or change from TDRL to PDRL, gross retired pay is reduced to less than the current base amount, the member's new base amount is the new full gross retired pay entitlement. A member may not designate different base amounts between the spouse and the children.

c. **Beneficiary.** A spouse and/or child(ren) of the retiree; a former spouse or former spouse and children; a natural person with an insurable interest in the life of the retiree who is designated to receive coverage under the plan.

d. **Change in Coverage.** An action taken because of a change in the member's family status which requires a change in beneficiaries.

e. **Change in Election.** An authorized change in the type of beneficiary eligible for survivor coverage because of a change in the retiree's family status.

f. **Common-Law Marriage.** Marriage as defined by pertinent state law. (See paragraph 80305.)

g. **Cost of Coverage.** The cost for coverage under the plan paid by deductions from retired pay or by direct remittance when member is not receiving retired pay.

h. **Cost Refund.** The difference between cost paid by the member and the recalculated cost of the annuity after Dependency and Indemnity Compensation reduction.

i. **Date of Receipt.** The day of receipt of an election or election change by the office administering payment of retired pay. The postmarked date of an election may be considered as date of receipt when the validity of such election might be prejudiced because of limited time factor.

j. Declination. Member with eligible beneficiaries declines to elect any type of survivor coverage under this plan.

k. Dependency and Indemnity Compensation Offset. Reduction from SBP annuity due to compensation entitlement from the Department of Veterans Affairs to the widow or widower of a member who dies after 31 Dec 1956 from a service-connected or comparable disability.

l. 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 or would have been suspended had the member been in a receipt of pay and the member has been missing at least 30 days under circumstances which lead to a reasonable conclusion that the member is dead.

m. Former Spouse. The surviving former husband or wife of a person who is eligible to participate in the plan.

n. Maximum Level. Full, gross retired pay used as a base amount for coverage.

o. Minimum Income Widow. Any person who on 21 Sep 1972, was or during the period beginning on 22 Sep 1972 and ending on 20 Mar 1974, became a widow of a person who was entitled to retired or retainer pay when he died. This individual must meet the eligibility criteria in paragraphs 91001a-d.

p. Missing Status. A member missing, missing in action, interned in a foreign country, captured, beleaguered, besieged by hostile force, or detained in a foreign country against his or her will.

q. Natural Person With an Insurable Interest. A person who has a reasonable and lawful expectation of pecuniary benefits from the continued life of the participating member. See chapter 3.

r. Pre- and Post- 21 Sep 1972 Retiree
Pre-, a member who retired before 21 Sep 1972;
Post-, a member who retired on or after 21 Sep 1972.

s. Plan. The Survivor Benefit Plan or SBP.

t. Recognized Educational Institute. High school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institute.

u. Reduced Base Amount. An amount less than the member's full gross retired pay but not less than \$300.

v. Reduction Factor. A four-digit actuarial decimal used to compute the monthly cost for children.

w. Reserve-Component Annuity. An annuity provided by virtue of eligibility under Title 10, U. S. C., section 1448(a)(1)(B).

x. Retired Pay. Includes retainer pay.

y. Social Security Offset. Reduction from SBP annuity due to widow's or widower's social security entitlements based on the member's active service after 31 Dec 1956.

z. Standard Annuity. The annuity provided by virtue of eligibility under Title 10, U.S.C., section 1448(a)(1)(A).

aa. Supplemental Survivor Benefit Plan (SSBP). A supplemental annuity provided to a spouse or former spouse by virtue of eligibility under Title 10, U. S. C., section 1458.

ab. Surviving Spouse. The widow or widower of a deceased member.

ac. Threshold. This term applies to one of the alternative cost formulas. In the cost formula of 2-1/2 percent of the first \$XXX.XX, plus 10 percent of the remainder of the base amount, the portion of the base amount upon which the member is charged 2-1/2 percent cost is the threshold. The threshold is indexed. See paragraph 90802 and table 9-8-1 for threshold amounts.

90103. Eligible Participants

Members eligible to participate in the plan are:

a. A member who retired before 21 Sep 1972, and elected coverage under the plan on or before 20 Mar 1974, if on 21 Sep 1973, the member had a spouse and/or dependent children or, if not, elected coverage for a natural person with an insurable interest. If, on 21 Sep 1973, the member had no spouse or dependent children and later marries or acquires dependent children, the member must elect within 1 year from the date of marriage or acquisition of the children in order to participate.

b. A member who retires on and after 21 Sep 1972, and does not decline participation in the plan before the first day of retirement and who:

(1) Has a spouse or dependent children on date of retirement; or

(2) Has no spouse or dependent children. on the date of retirement and before retirement elects coverage for a natural person with an insurable interest; or

(3) Has no spouse or dependent children on date of retirement, but later marries or acquires dependent children and elects within 1 year of the date of marriage or acquisition of the children; or,

(4) Has a former spouse and elects to provide coverage for that former spouse before the first day of retirement (on or after 8 Sep 1982) or elects former spouse coverage as set out in paragraph 90205c.

c. A non-regular (Reserve) member eligible for retirement under Title 10, U.S.C., section 1331 who has applied for such pay.

d. A member on the Emergency Officer's Retired List (EORL). Members of the EORL are persons who have served as officers of the Army, Navy, or Marine Corps during World War I, other than officers of the regular Army, Navy, or Marine Corps and who, during such service, incurred a physical disability in the line of duty and were later awarded retired pay under the Tyson-Fitzgerald Act of 24 May 1928. These members are paid retired pay by the Department of Veterans Affairs but the coverage is established and maintained by the respective Service Secretary.

e. A member on the Temporary Disability Retired List (TDRL). Eligibility ends when the member is removed from TDRL without further entitlement to retired pay. The coverage continues when the member is transferred from TDRL to PDRL. If member's retired pay is reduced to an amount less than the base amount originally elected, the full retired pay to which the member is entitled to thereafter is considered the base amount.

f. A Mentally Incompetent Member. The

plan applies to this member regardless of date of retirement. If retirement was before 21 Sep 1972, the Secretary concerned may, upon request, elect survivor coverage that the retiree would have been allowed to elect if the member were competent. The Secretary makes the determination concerning the continuance or discontinuance of the RSFPP coverage when electing into the plan. For members retiring after 20 Sep 1972, the Secretary concerned, upon request, may act on behalf of the member and elect other than the maximum automatic coverage as provided in paragraph 90201. In the absence of an eligible spouse or children, the Secretary may, upon request, elect coverage for a natural person with an insurable interest. The person applying to have an election made is not given preference in designation as the beneficiary.

g. Retirees After a Record Correction:

(1) A member whose military record is corrected after 20 Sep 1972, to show retirement before 21 Sep 1972, is not automatically covered under the plan. Coverage may be established upon request of the member if the election is received within 18 months from the date of notification of the correction action.

(2) A member who retroactively becomes entitled to retired pay on a date after 20 Sep 1972, is automatically given full coverage, unless the member elects reduced coverage or declines participation before the correction action (date of entitlement).

h. Members covered under the open-season provisions of Public Law 97-35 are shown in paragraph 90209.

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