

CHAPTER 3

BENEFICIARIES

100301. Eligible Beneficiaries

Eligible beneficiaries under the RCSBP include: spouse, spouse and child, child, former spouse, former spouse and child, or natural person with an insurable interest. RCSBP elections must be received within the time period allowed.

NOTE: The date that the member becomes eligible to participate in the Plan means: the date on which the member received notification; or during the 90-day period immediately following the date member received notification under Title 10, U. S. C., section 1331, that the years of service required for eligibility for retired pay have been met; or if not so notified before the member's death, the date on which the member completed the 20 years of qualifying service for eligibility for retirement under Title 10, U.S.C., Chapter 67.

a. Spouse. (Including the spouse of a common-law marriage.) The spouse is an eligible beneficiary if:

(1) Married to the member on the date that the member became eligible to participate in the Plan, and married to the member when the member died.

(2) Married to the member after the date that the member became eligible to participate in the Plan, (that is, married after the member completed the years of service required for retired pay) married to the member at least 1 year before the member's death, and married to the member when the member died. Election must be received within 1 year of the remarriage.

(3) Married to the member after the date that the member became eligible to participate in the Plan and married to the member for less than 1 year before member's death, but is a parent of living issue of that marriage. Election must be received within 1 year of the remarriage.

(4) Married to a member who:

(a) Was entitled to participate in the RCSBP on or after 1 Oct 1978;

(b) Was deceased on or after 1 Oct 1978;

(c) Was unable to exercise an election option due to the necessary actions to implement RCSBP; and

(d) Had not executed a statement of intent to participate in the RCSBP and provide a deferred annuity effective on the 60th anniversary

of the member's birth or on the date following the date of death, whichever is later; or had declined to participate. In instances of eligible surviving spouse and children, the surviving spouse is the only eligible beneficiary.

(5) Married to a member who is eligible to provide a Reserve component annuity and who dies:

(a) Before being notified of completion of the years of service required for eligibility of retired pay for non-Regular service retirement; or

(b) During the 90-day period beginning on the date member receives notification of retirement eligibility, if member had not made an RCSBP election. The surviving spouse (or eligible child) of a member described above who died during the period of 30 Sep 1978 through 1 Oct 1985 has until 1 Oct 1988 to apply for the annuity. Such annuity is payable 1 Mar 1986, or the first day of the month after the application is made, whichever is later.

b. Children. (Including children of a common-law marriage.)

(1) Children of a member who elected child coverage when he or she initially became eligible to participate in the Plan.

(2) Children of a member who elected child coverage after initially becoming eligible to participate in the Plan. Election must be received within 1 year of acquiring such class of beneficiary.

(3) Children of a member who died before being notified of retirement eligibility or during the 90-day period immediately following such notification.

(4) Children of a member described in a(4)(d) above, if there is no eligible surviving spouse.

c. Spouse and Children. Eligibility requirements are shown as in a and b above. The spouse is the primary beneficiary with eligibility passing to the children if the spouse remarries before age 55 or dies.

d. Former Spouse or Former Spouse and Children

(1) The former spouse is an eligible beneficiary if:

(a) The former spouse is the member's former spouse when the member

elected beneficiary by the member or is deemed as the beneficiary by the Secretary concerned at the former spouse's request.

(b) The former spouse was not the member's former spouse when the member became eligible to participate in the Plan and a prior election is changed to provide coverage for the former spouse. A former spouse acquired after a member became eligible to participate in the Plan is an eligible beneficiary if married to the member for at least 1 year or if the former spouse is the parent of issue of the marriage.

(2) If coverage is provided for the former spouse and children, the former spouse is the primary beneficiary with eligibility passing to the children if the former spouse remarries before age 55 or dies. Only the children which resulted from the marriage to the former spouse are eligible beneficiaries.

(3) The former spouse for whom coverage is provided under the insurable interest category remains an eligible beneficiary following a remarriage, unless the remarriage is to the

member who is providing the former spouse coverage.

e. Natural Person With Insurable Interest

The natural person with an insurable interest is an eligible beneficiary if member elected:

(1) A person who has a reasonable and lawful expectation of pecuniary benefit from the continued life of the member. May include parents, stepparents, grandparents, grandchildren, aunts, uncles, sisters, brothers, half-sisters, half-brothers, dependent or non-dependent child or step-child, any other person more nearly related than cousin, or

(2) Any individual having a reasonable and lawful basis, founded upon the relationship of parties to each other, either pecuniary or of blood or affinity, to expect some benefit or advantage from the continuance of the life of the retiree.

NOTE: Proof of financial benefit from the continuance of the life of the member is required for other than persons listed in (1) above. The legal staff of the service activity may coordinate on the eligibility requirements.