

CHAPTER 55

RESERVE COMPONENT SURVIVOR BENEFIT PLAN - BENEFICIARIES5501 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.

550101. Spouse (including the spouse of a common-law marriage). The spouse is an eligible beneficiary if:

A. 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.

B. 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. An election must be received within 1 year of the remarriage.

C. 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 a living child from that marriage. Election must be received within 1 year of the remarriage.

D. Married to a member who:

1. Was entitled to participate in the RCSBP on or after October 1, 1978;

2. Was deceased on or after October 1, 1978;

3. Was unable to exercise an election option due to the necessary actions to implement RCSBP; and

4. 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 September 30, 1978, through October 1, 1985, had until October 1, 1988, to apply for the annuity. Such annuity is payable March 1, 1986, or the first day of the month after the application is made, whichever is later.

550102. Children (including children of a common-law marriage)

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

B. 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.

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

D. Children of a member described in subparagraph 550101.D.4., above, if there is no eligible surviving spouse.

550103. Spouse and Children. Eligibility requirements are shown as in paragraphs 550101, and 550102, above. The spouse is the primary beneficiary with eligibility passing to the children if the spouse remarries before age 55 or dies.

550104. Former Spouse or Former Spouse and Children

A. The former spouse is an eligible beneficiary if he or she:

1. Is the member's former spouse when the member becomes eligible to participate in the Plan and is elected beneficiary by the member or is deemed as the beneficiary by the Secretary concerned upon request by the former spouse.

2. 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 a parent of a child born of the marriage.

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

C. 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.

550105. Natural Person With Insurable Interest. The natural person with an insurable interest is an eligible beneficiary if member elected:

A. A person who has a reasonable and lawful expectation of pecuniary benefit from the continued life of the member. This 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

B. 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 subparagraph 550105.A, above. The legal staff of the supporting Military Service activity may coordinate on the eligibility requirements.