

Conditions Under Which a Person is Entitled to a Railroad Retirement Spouse Annuity

Age Require- ment

The requirement for a spouse annuity based on age depends on the employee's years of creditable railroad service, the employee's age, and your age. The employee must be receiving an annuity and you must file an application for your spouse annuity. When all eligibility requirements are met, a spouse annuity based on your age can begin:

CHART 1 - AGE REQUIREMENTS - EMPLOYEE HAS AT LEAST 360 MONTHS OF RAILROAD SERVICE

If the employee is retired:	and the employee:	your spouse annuity can begin the first full month you are age 60. Your Tier 1 will:	Your Tier 2 will:
based on age and attained both age 60 and 360 months railroad service before July 1, 1984,	retired after July 1, 1974, at age 60 or later,	not have an age reduction.	not have an age reduction.
based on age and attained either age 60 or 360 months railroad service on July 1, 1984, or later	retired at age 60 through age 61,	have an age reduction based on the employee's age reduction until both you and the employee have attained age 62. You will then have an age reduction for the number of months you are under Full Retirement Age when both you and the employee have attained age 62.	not have an age reduction.
based on age and attained either age 60 or 360 months railroad service on July 1, 1984, or later,	retired at age 62 or later,	not have an age reduction.	not have an age reduction.
based on disability with 30 years of service and an annuity beginning date before July 1, 1984,	has attained age 60,	not have an age reduction.	not have an age reduction.
based on disability with 30 years of service and an annuity beginning date of July 1, 1984, or later,	has attained age 60,	have an age reduction if you retire before attaining your Full Retirement Age. (You are deemed age 62 on your ABD.)	not have an age reduction.

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CHART 2 - AGE REQUIREMENTS - EMPLOYEE HAS 120 - 360 MONTHS OF RAILROAD SERVICE

If the employee retired:	and the employee has attained	your spouse annuity can begin the first full month you are age 62. Your Tier 1 will:	Your Tier 2 will:
before 1975	age 65,	have an age reduction if you retire before attaining your Full Retirement Age.	have an age reduction if you retire before attaining age 65
January 1, 1975 or later, including some railroad service before August 12, 1983	age 62,	have an age reduction if you retire before attaining your Full Retirement Age.	have an age reduction if you retire before attaining age 65
without any railroad service before August 12, 1983	age 62,	have an age reduction if you retire before attaining your Full Retirement Age.	have an age reduction if you retire before attaining your Full Retirement Age.

Definition of Full Retirement Age for an Age Reduction

Your **Full Retirement Age** means the age at which you can receive a Tier 1 benefit under the Railroad Retirement Act **with no reduction for early retirement**. (Exception: Your Tier 1 will not have an age reduction if the employee has at least 30 years railroad service and retires after attaining age 62.)

If the employee has less than 30 years of railroad service, your Tier 2 benefit may also be reduced for early retirement. If the employee has some railroad service before August 12, 1983, Full Retirement Age for your Tier 2 age reduction will remain at age 65. Otherwise, the Full Retirement Age for your Tier 2 age reduction will gradually increase in the same manner as the Full Retirement Age for your Tier 1 age reduction.

Full Retirement Age also affects the amount of non-railroad earnings you can earn after the annuity beginning date, as explained in Chart 4.

CHART 3 - DETERMINING YOUR FULL RETIREMENT AGE

If you were born:	Then your Full Retirement Age is:
Before 1-2-1938	65
1-2-1938 thru 1-1-1939	65 and 2 months
1-2-1939 thru 1-1-1940	65 and 4 months
1-2-1940 thru 1-1-1941	65 and 6 months
1-2-1941 thru 1-1-1942	65 and 8 months
1-2-1942 thru 1-1-1943	65 and 10 months
1-2-1943 thru 1-1-1955	66
1-2-1955 thru 1-1-1956	66 and 2 months
1-2-1956 thru 1-1-1957	66 and 4 months
1-2-1957 thru 1-1-1958	66 and 6 months
1-2-1958 thru 1-1-1959	66 and 8 months
1-2-1959 thru 1-1-1960	66 and 10 months
1-2-1960 and later	67

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Marriage Requirement

The marriage requirement is met if any of the following conditions exist:

- you have been married to the railroad employee for at least one year immediately prior to filing your spouse annuity application; or,
- you are the natural parent of the railroad employee's child; or,
- you were eligible for a widow(er)'s, parent's, or disabled child's annuity under the Railroad Retirement Act in the month before your marriage to the employee.

Definition of Child in Care

A wife may qualify for a spouse annuity, or a husband may qualify for a Tier 1 benefit, at any age, based on a child of the employee in care. The employee must have attained age 62 (or age 60 with 30 years of service) to qualify the spouse for this annuity. The child must be either:

- a minor child under age 18; or,
- a child age 18 or older with a permanent disability which began before the child attained age 22 and prevents any type of regular employment.

The term **Child in Care** includes the railroad employee's unmarried natural child, adopted child or dependent stepchild, or under certain conditions, a grandchild whose parents are deceased or disabled. A child is in your care if you exercise parental control over, and are responsible for, the welfare and care of the child. If the child is permanently disabled, but mentally competent, he or she is considered to be in your care if you perform personal services. The RRB will make the final determination regarding the personal services you perform and whether or not they constitute the child being in your care.

Tier 1 Reductions for Non-Railroad Earnings

Your Tier 1 benefits are not reduced for your non-railroad earnings if you are receiving social security benefits. Otherwise, the **Annual Earnings Exempt Amount** is the amount of non-railroad earnings you can have in a calendar year without losing part of your Tier 1 benefit. Use Chart 3, on page 2, to determine your Full Retirement Age. Then refer to Chart 4 below and Form G-77a, "How Earnings Affect Payment of Retirement Annuities."

The employee's non-railroad earnings over the Annual Earnings Exempt Amount for the employee's age group may also cause a reduction in your Tier 1 benefit.

CHART 4 - DETERMINING YOUR ANNUAL EARNINGS EXEMPT AMOUNT

For a year:	You may lose up to \$1 in Tier 1 benefits for every	The reduction:
in which you attain Full Retirement Age,	\$3.00 of earnings over the Annual Earnings Exempt Amount for your age group. However, your earnings are only counted for months before the month in which you attain Full Retirement Age.	is removed effective the month in which you attain Full Retirement Age.
you are under Full Retirement Age for the entire year,	\$2.00 of earnings over the Annual Earnings Exempt Amount for your age group.	applies for the full year.
you work outside the U.S. for 45 or more hours per month,	\$2.00 of earnings. There is no Annual Earnings Exempt Amount for work outside the U.S. However, your earnings are only counted for months before the month in which you attain Full Retirement Age.	is removed effective the month in which you attain Full Retirement Age.

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Reductions for Last Pre-Retirement Non-Railroad Earnings

Your **Last Pre-Retirement Non-railroad Employer (LPE)** is generally any non-railroad employer for whom you performed service before your annuity beginning date. You may have more than one LPE if you worked for more than one non-railroad employer before your spouse annuity beginning date.

Any earnings after your annuity beginning date from your LPE, **at any age**, may cause a reduction to your Tier 2 benefit. The reduction is \$1 for every \$2 earned (subject to the maximum reduction of 50% of your Tier 2 benefit).

If the employee has an LPE employer and the employee works for that employer after your spouse annuity beginning date, those LPE earnings can also cause a reduction to your Tier 2 benefit.

When a Spouse Annuity is not Payable

A spouse annuity is not payable for any month in which:

- the employee's annuity is not payable; or,
 - you work for a railroad employer; or,
 - you become entitled to your own railroad retirement employee annuity on your own earnings record that exceeds the amount of your spouse annuity on this earnings record and neither earnings record includes railroad service before 1975; or,
 - you become entitled to a railroad retirement survivor annuity on a different RRB earnings record that exceeds the spouse annuity rate.
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When a Spouse Annuity Ends

A spouse annuity ends the month before the month in which:

- you die; or,
 - the employee dies. (A widow(er)'s annuity may become payable at this time); or,
 - the employee's entitlement to an employee annuity terminates due to recovery from disability; or,
 - your marriage to the employee ends by absolute divorce. (A divorced spouse annuity may become payable at this time); or,
 - your marriage to the employee is dissolved by annulment; or,
 - the child qualifying you for an annuity is no longer in your care or attains age 18 or recovers from disability. Your spouse annuity will end unless you are old enough to receive a spouse annuity based on age.
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If you would like more information concerning spouse annuities, please request Booklet RB-30 *Spouse/Divorced Spouse Annuity* before you come in to file for your annuity.