Title II Claims Specialist Basic Training Curriculum

Unit 2
Modules 12 – 15
Auxiliary
Student

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LESSON PLAN

Chapter Objectives

At the completion of this chapter, the students will be able to:

1. Identify and apply the factors of entitlement to spouse's and divorced spouse's benefits to determine the month of entitlement.

2. Identify the insured status documentation required for a spouse's application and explain the deemed filing provision.

3. Identify and apply the requirements for the types of marital relationships upon which entitlement can be based.

4. Determine the evidence required to establish marriage, divorce and age.

5. Identify the criteria and the evidence needed to determine if the child-in-care requirement is met.

6. Complete a spouse's application in MCS.

7. Compute a spouse's benefit and determine what events require deductions from or termination of spouse's benefits.

8. Determine if government pension offset or an exemption applies, compute benefits, obtain verification of and process actions involving government pension offset.

Length of Chapter

32 hours

Local Supply

SSA-2

SSA-3

SSA-25

SSA-753

SSA-754

SSA-781

SSA-788

Fact Sheet "Government Pension Offset" (05-10007)

SSA-3885

BACKGROUND AND RATIONALE

When the Social Security program was established in 1935, basic protection was provided for workers whose jobs were covered under Social Security.

In 1939, even before Social Security benefits were first paid, supplementary protection was added for workers' wives and widows.

Additional Categories of Benefits

Over the years, the requirements for entitlement to spouse's benefits have changed dramatically.

Benefits became payable to divorced wives if they had been dependent on the worker and had been married to him for at least 20 years. Later, the dependency requirement was removed.

Originally, only women could be entitled to spouse's and divorced spouse's benefits. This portion of the Act was later amended so husbands (but not divorced husbands) could receive benefits if they could show they were dependent on their wives.

In 1977, the Act was again amended to shorten the duration of marriage requirement for divorced wives to 10 years.

Court decisions (later incorporated into the Act by amendments) equalized entitlement requirements for men and women. The requirements for husband's and divorced husband's benefits are now the same as those for wife's and divorced wife's benefits.

The 1983 Amendments provided for a new category of spouse, the independently entitled divorced spouse. Under this provision, certain divorced spouses can be entitled to benefits on the record of a number holder (NH) who is eligible for RIB but has not yet become entitled (i.e., filed an application).

The 1990 Amendments permit simultaneous entitlement of a legal spouse and a deemed spouse.

On June 26, 2013 and June 26, 2015, the Supreme Court issued decisions permitting and recognizing same sex marriages in all States and

U.S. Territories. Based on these decisions, SSA now recognizes and pays benefits to eligible spouses in same-sex couples.

OBJECTIVE 1:

Apply the factors of entitlement to spouse's and divorced spouse's benefits; Determine the month of entitlement (MOE); Determine deduction and termination events.

Categories of Spouse's Benefits

GN 01050.017

Types of Spouse Beneficiaries

There are six types of spouse beneficiaries discussed in this module. Each type has its own beneficiary identification code (BIC). Listed below are the BICs used for spouse's benefits:

	1st Clmt	2nd Clmt	3rd Clmt	4th Clmt	5th Clmt
Aged Wife (62 or over)	B	B3	B8	BA	BD
Aged Husband (62 or over)	B1	B4	BG	BH	BJ
Young wife, with child in care	B2	B5	B7	BK	BL
Young Husband, with child in care	BY	BW			
Divorced Wife (age 62 or over)	B6	B9	BN	BP	BQ
Divorced Husband (age 62 or over)	BR	BT			

Under no circumstances should two claimants be assigned codes from the same column above, even if a different type of benefit is involved. For example, if an aged wife BIC B is established on the record and later a divorced spouse files for benefits, the divorced wife would be BIC B9.

After an assignment of a letter code in one column a claimant should never be assigned a code in a different claimant column.

For example, in 05/2016, a young wife applies for benefits and is the first claimant; she is assigned BIC B2 from the first column. In 07/2018 her benefits terminate due to not having a child in her care. In 09/2018, a divorced spouse (wife) files for benefits when she attains age 62. She will be assigned BIC B9 from the second column because once a BIC has been assigned from a column, the column is not available – even though the first claimant is not receiving benefits. If the young wife later files as an aged spouse, she will be assigned BIC B from the first column since this column belongs to her.

NOTE: If more than one claimant files on the same day, use the dates of marriage to determine the subscripts, with the earliest date of marriage designating the first claimant.

A listing of BICs for all types of benefits can be found in **GN 01050.007**.

Factors of Entitlement

RS 00202.001 and **Exhibit 1**

Listed below are the factors of entitlement for a spouse.

To be entitled to spouse's benefits, a person must:

- Be the spouse of an NH entitled to RIB or DIB;

- Have attained age 62 or have in care a child entitled to child's benefits on the NH's E/R;

- File an application; and

- Not be entitled to own RIB or DIB with a PIA greater than or equal to one-half of the NH's PIA.

Be the Spouse of an NH Entitled to RIB or DIB

RS 00615.684

A spouse must be married to the NH. There are two types of spouses: legal and deemed.

A legal spouse must:

- Be married to the NH under state law, **or**

- Have inheritance rights as a spouse (putative spouse) under state law.

A deemed spouse must:

- Have gone through a marriage ceremony with the NH, **and**

- Have married the NH in good faith (i.e., believing the marriage was legal), **although** there was a legal impediment to the legality of the marriage (e.g., NH wasn't divorced, etc.).

Duration of Marriage

To meet the definition of spouse for SSA benefit purposes, the claimant must also meet the duration of marriage requirement.

The NH and the spouse must be continuously married for one year.

This 1-year marriage duration requirement can be waived if:

- The spouse is the <u>natural</u> mother or father of the NH's biological child,

  EXAMPLE: Mark and Maya's date of marriage is 11/09/18. Maya is the mother of Mark's biological child, Mikey, born 09/14/18. She meets the alternative to the duration of marriage requirement.

  or

- The spouse was entitled, or potentially entitled, to certain auxiliary or survivor's benefits in the month before the month of marriage to the NH. This applies to benefits as a husband or wife, widow(er), (including deemed or divorced spouse, deemed widow(er) or

surviving divorced spouse), parent, or childhood disability benefits. **RS 00202.080**

EXAMPLE: George and Dora's date of marriage is 09/10/18; Dora was receiving widow's benefits when she married George. She meets the alternative to the duration of marriage requirement.

Age Requirement

A spouse must be at least age 62 in order to be entitled to aged spouse or divorced spouse's benefits.

- A spouse who becomes entitled to benefits at FRA will receive full benefits. A full spouse benefit is equal to one-half of the NH's PIA.

- An under-FRA aged spouse will have the benefits reduced for age.

NOTE: A current spouse may be entitled to unreduced benefits prior to age 62 if they have the NH's child in care. This will be discussed further in Objective 4.

File an Application

The claim may be filed using MCS screens, or in rare situations on the paper form SSA-2. The claimant may also file an iClaim on the internet at **www.socialsecurity.gov**.

Own RIB/DIB

If a spouse is entitled to a RIB or DIB based on a PIA equal to or greater than one-half of the NH's PIA, there is no entitlement to spouse's benefits.

EXAMPLE: Karen's own PIA is $642.60. Her husband's PIA is $1170.20. Her own PIA ($642.60) is equal to or greater than one-half of her husband's PIA ($1170.20 / 2 = $585.10), so she cannot be entitled to spouse's benefits on his record.

Insured Status Documentation

GN 00204.020; GN 00204.004

E/R Required

Unless restricted, any application is a claim for all classes of benefits for which a claimant is eligible. When a spouse is not insured on his/her own record, the adjudication of the spouse's application can also serve as a disallowance for RIB entitlement. Established procedures do not require taking a RIB claim in every situation. Nevertheless, procedures ensure entitlement to RIB is explored whenever a spouse claim is filed.

If uninsured, the file must be documented by securing:

- A RIB application (earnings computation/EC screens will serve as certified E/R); or

- A certified earnings record via ICERS.

NHs E/R for IEDS Claims

One of the entitlement requirements for an independently entitled divorced spouse (IEDS) is the NH must be fully insured.

IEDS is discussed in **Objective 5**, and you are given two ways (EC or ICERS) to verify insured status and to determine the NH's PIA.

Month of Election (MOE)

RS 00202.010

Earliest MOE

A spouse's first month of entitlement (MOE) cannot be before the first month <u>throughout</u> which the claimant:

- Is age 62, **or**

- Has the NH's child-in-care.

Throughout the Month

A spouse must also have a relationship to the NH throughout the first month of entitlement.

If entitlement is based upon the **1-year duration requirement**, a marriage is considered to be in existence throughout the month in which it occurred.

> **EXAMPLE**: Lars and Lisa's date of marriage (DOM) is 04/23/18, Lisa's earliest MOE would be 04/19. We consider the one-year duration requirement met as of the month of the first year anniversary.

> **NOTE**: You cannot adjudicate the claim until the actual day of the one-year anniversary. If the date of marriage is 04/23/18, you cannot finally process, or trigger, your claim until 04/23/19.

If entitlement depends on an **alternative to the 1-year duration requirement**:

- If the claimant is under FRA, then the claimant must be the NH's spouse throughout the first month of entitlement.

  > **EXAMPLE**: George and Dora's DOM is 09/10/18; Dora is 63 years old and was receiving divorced spouse's benefits from her prior husband's record when she married George. Dora's MOE is 10/18—the first month Dora is married to George throughout the month.

  > **EXAMPLE**: Mark and Maya's DOM is 11/09/18. Maya is the mother of Mark's biological child, Mikey, born 09/14/18. Maya's MOE is 12/18 –the first month she is married to Mark throughout the month.

- If the claimant is FRA or older, the claimant **is not** required to be married to the NH throughout the month.

  > **EXAMPLE**: Jade and James' DOM is 12/10/18. James is 67 years old. James was receiving widower's benefits when he married Jade. His MOE to spouse benefits would be 12/18, the month of marriage.

Retroactivity

Retroactivity for a spouse's application depends on the type of benefits the NH is receiving.

If the spouse is a RIB auxiliary:

- Under FRA – No retroactivity

  EXAMPLE #1: Lorraine has been entitled to RIB since 09/16. In 11/18, her wife Joanne, DOB 10/15/55, filed for spouse's benefits. Since she is under FRA, she can have no retroactivity. Her earliest MOE is 11/18 (month of filing).

- FRA or older – Up to 6 months limited to claimant's FRA and NH's MOE.

  EXAMPLE #2: Nick has been entitled to RIB since 10/17. In 11/18, his wife Laura, DOB 09/25/52, files for spouse's benefits on his record. Since she is past FRA, she can have up to six months of retroactivity. This is limited to the month she is FRA. Her earliest possible MOE is 09/18 (month of FRA).

If the spouse is a DIB auxiliary:

- Under FRA – No retroactivity
- FRA or older – Up to 12 month limited to claimant's FRA and NH's MOE.

  EXAMPLE: Matt becomes entitled to DIB effective 07/18. In 12/18, his wife Carlotta, DOB 10/14/51, files for spouse's benefits. Her MOE will be 07/18 (Matt's initial MOE).

Divorced Spouse

RS 00202.005

Definition

A divorced spouse is one who is finally divorced from the NH **and** who had been married to the NH for at least 10 years.

Entitlement Factors

To entitle a claimant to divorced spouse's benefits, you must establish a 10-year marriage existed. This requirement is met if the divorce became final **on or after the 10th anniversary of the marriage**.

EXCEPTION: This requirement is met even if there was a break in the NH's and the claimant's marriage as long as the NH and the claimant remarried the year the divorce took place or no later than 12/31 of the following year.

EXAMPLE:

Ted married Judy on 05/05/2008 and they divorced 05/03/2014. On 12/31/2015 they remarried but divorced again 07/03/2018. The 10-year requirement is met. However, if Ted and Judy had remarried in 2016 instead of 2015, and were divorced again on 07/03/2018, the 10-year requirement <u>would not </u>be met. The marriage must be in existence at least one day <u>in each of the 10 consecutive years</u> before the divorce in order for the claimant to be entitled. **RS 00202.005A**

The claimant must be unmarried to become entitled to a benefit as the divorced spouse of a number holder. See **RS 00202.045** for remarriage after entitlement.

All other factors of entitlement are the same as those listed in the discussion of spouse's benefits.

The main difference between a spouse benefit and a divorced spouse benefit is a divorced spouse cannot be entitled to benefits before age 62 even if he/she has a child-in-care (see **Exhibit 2**).

Independently Entitled Divorced Spouse (IEDS)

RS 00202.005B2 and **Exhibit 2**

Introduction

This category provides benefits to a divorced spouse even if the NH hasn't filed an application for benefits.

Entitlement

An independently entitled divorced spouse must:

- Be the divorced spouse (as previously defined) of a fully insured worker. The worker must:

    - have attained age 62 throughout the first month of entitlement and

    - <u>not have filed a claim for benefits</u>;

- Meet other divorced spouse requirements; and

- Be finally divorced from the NH for at least 2 continuous years. The day of the divorce is counted as the beginning point in determining the 2-year duration-of-divorce time period.

    EXAMPLE:

    Len and Mary divorced on 04/15/16. The two continuous years would be 04/15/16-04/14/18 with a possible MOE of 05/18.

NOTE: No benefits were payable under this provision prior to January 1985.

Deemed Filing Provision

GN 00204.004; GN 00204.020 D; GN 00204.035

Concurrent Entitlement Exists

A claimant who is eligible for <u>reduced</u> RIB and <u>reduced</u> spouse's benefits **must** file for both benefits if eligibility for both exists in the first MOET. We refer to this requirement as "deemed filing" because when a claimant applies for one benefit, we "deem" him/her to have filed for the other benefit.

Deemed filing applies to these benefits:

- Retirement benefits

- Spouse's benefits, including Independently-Entitled Divorced Spouse's benefits, on all SSNs;

- Any SSA-25 (Certificate of Election for Reduced Spouse's Benefits); and

- A reduced spouse whose entitlement to DIB terminates before FRA.

On November 2, 2015, the Bipartisan Budget Act of 2015 changed the policy for deemed filing for claimants who have a **date of birth (DOB) of January 2, 1954 or later**. Thus, there are two separate sets of rules for deemed filing *based on the claimant's DOB*.

DOB is January 2, 1954 or later – attain age 62 on or after January 1, 2016

- A claimant filing for RIB **MUST** file for spouse's benefits, beginning with the first month of *eligibility* for the second benefit.

- A claimant filing for spouse's benefits **MUST** file for RIB benefits beginning with the first month of *eligibility* for the second benefit.

- The deemed filing rule applies at any age.

EXAMPLE:

Janice's DOB is 03/15/1955, and she comes in to file for spouse's benefits on her husband Jason's record. She is also insured for RIB. Janice **must** file for both RIB and spouse's benefits because she is eligible for both.

DOB is prior to January 2, 1954 – attain age 62 by December 31, 2015

- A claimant filing for **reduced** RIB **MUST** file for spouse's benefits if *eligible* for both RIB and spouse's benefits *in the first month of entitlement* to RIB.

- A claimant filing for **reduced** spouse's benefits **MUST** file for RIB if *eligible* for both RIB and spouse's benefits *in the first month of entitlement* to spouse's benefits.

- A claimant who is FRA or older may elect to receive spouse's benefits only and let their own RIB benefit accrue DRCs. When the claimant decides to file for RIB, they would receive the RIB PIA plus any accumulated DRCs. If the RIB PIA is more than ½ the PIA on the

spouse's record, the spouse's benefit will terminate when the claimant files for his/her own RIB.

- The deemed filing rule applies only if entitlement is prior to FRA and eligibility happens in the first month of entitlement.

EXAMPLE:

Mary's DOB is 12/15/1953. She filed for reduced RIB with an established MOE of 07/16. We consider 07/16 as her first month of entitlement. Her spouse's DOB is 06/01/1956, so he was not eligible in 07/16 when Mary filed for her RIB. If her husband's PIA is large enough for her to draw a spousal benefit and he files for his own benefits with an MOE of 06/18, Mary can file for spouse's benefits any month 06/18 or later. She is not <u>required</u> to file for spouse's benefits for 06/18.

EXCEPTIONS

The following exceptions apply to all individuals:
- <u>A spouse claimant who meets the requirements for young spouse's benefits with a child in care (B2, BY, etc.)</u>, receives an unreduced benefit. Therefore, he/she is not required to file for reduced RIB. Claimants may exclude RIB from the scope of the application for spouse's benefits by making a clear statement in the remarks section of the application.

- <u>A claimant entitled to DIB</u> on their own record who files for reduced spouse's benefits, is not deemed to have filed for reduced RIB unless the DIB terminates before FRA.

Deemed Filing Rule Invoked Retroactively

For all individuals, if we uncover a case where a filing was missed when the first claim was filed, the law does not define a time limit as to when the deemed filing provision may be invoked. This means whenever SSA becomes aware the claimant was also eligible for the other benefit, the deemed filing provision will be invoked retroactively. We would look back to the first month the claimant became eligible for the second benefit.

Nonpayment, Deduction and Termination Events

Nonpayment of Benefits

RS 00202.030

Nonpayment of benefits will occur for any of the following events:

- NH is deported and spouse is an alien outside the U.S. Refer to **RS 02635.001.**

- Spouse is alien outside U.S. for six full consecutive months. Refer to **RS 02601.001.**

- Spouse is alien residing in country where mailing of U.S. government checks is prohibited. Refer to **RS 02650.001A.**

- Spouse is a U.S. citizen or national residing in a Treasury restricted country. Refer to **RS 02650.001**.

- NH or spouse is granted a tax exemption for religious reasons. Refer to **RS 01802.270.**

- Spouse deprived of certain rights by sentence of court-espionage, sabotage, treason, sedition or subversive activities. Refer to **GN 02602.010**.

- Spouse convicted of a criminal offense and confined to a correctional facility for more than 30 consecutive days. Refer to **GN 02607.160.**

- Spouse has an unsatisfied federal, state or international law enforcement warrant for more than 30 continuous days for escape from custody (offense code 4901), flight to avoid prosecution or confinement (offense code 4902) or flight-escape (offense code 4999). Refer to **GN 02613.001** and **GN 02613.860**.

Spouse's Deduction Events

RS 00202.035

A spouse's benefit is subject to the following deductions.

- Work earnings of the NH or the spouse.*****

- Worker's compensation/public disability benefits (WC/PDB) offset if the NH is a disabled beneficiary and receives WC or PDB payments.*****

  *EXCEPTION:

  NH's work and WC/PDB do not affect the benefits of a divorced spouse if divorced for at least two years. After 12/30/1990, the two years is waived if the NH was entitled to RIB (work deductions) or DIB (WC/PDB) in the month prior to divorce.

- Spouse/divorced spouse receives a government pension based on his/her earnings in non-covered work and no exemption applies. We will cover GPO in more detail in the next objective.

- Spouse under FRA who does not have a child of the worker in care (child is still under age 16 and entitled). ******

  **EXCEPTION:

  The benefit for a divorced spouse age 62 to FRA is not subject to suspension for no child-in-care. **REMINDER**: No benefits are payable to a divorced spouse under age 62.

Spouse's Termination Events

RS 00202.040

Benefits for a legal spouse end with the month before the month in which:

- The NH dies (in most cases, benefits converted to widow's/ widower's).

- The marriage ends due to divorce (however, with a ten-year marriage, the spouse entitlement can be converted to divorced spouse's benefits).

- The child-in-care of under age 62 spouse attains age 16 and is not disabled. **EXAMPLE**: Child-in-care's DOB 12/05/2002; last month of entitlement for spouse with child in care is 11/18.

- The spouse becomes entitled to RIB or DIB based on a PIA which equals or exceeds one-half of the worker's PIA.

- The deemed spouse enters into a valid marriage with someone other than the worker.

- The divorced spouse remarries. However, entitlement can continue IF the marriage is protected—the divorced spouse claimant's new spouse draws a widow(er)'s, mother's, father's, CDB, divorced spouse's or parent's benefits. See **RS 00202.045**.

Certificate of Election

RS 00202.055

The certificate of election for reduced spouse's benefits (SSA-25) is used when an already-entitled B2/BY, young spouse age 62-FRA, no longer has an entitled child in their care and wants to receive reduced spouse's benefits.

The certificate is retroactive for up to a maximum of 12 months, unlike retroactivity rules for reduced benefits, including any month the spouse had an entitled child-in-care. However, it cannot be effective for any month earlier than the 1st MOE to spouse's benefits.

A certificate may be filed before or after the spouse attains FRA. If filed after FRA, reduced benefits may be paid for any month before FRA within the effective life of the certificate.

Make sure the certificate specifies the month for which it may be effective. Input the election choice via T2 POS, selection #25 on the PESL, Post Entitlement Selection List. Fax the certificate into the Non-Disability Repository (NDRED). Once you have ensured the document is in the Non-Disability Repository, destroy the paper certificate. However, if your case is a paper folder, retain the SSA-25 with the other paper documents.

OBJECTIVE 2:

Identify and apply the requirements for the types of marital relationships upon which entitlement can be based.

Legality of Marriages

GN 00305.000ff; **GN 00210.000ff**

Valid

> The law of the state where the marriage took place ordinarily determines the validity of a marriage. If valid in the state, it is usually valid in all other states. Most jurisdictions require a license be obtained by persons intending to contract a ceremonial marriage

Void

> **GN 00305.125**
>
> A void marriage is a marriage which is legally non-existent from the beginning under state law with or without judicial decree. Parties to a void marriage (e.g., bigamous marriage) are considered never to have been husband and wife.

Voidable

> **GN 00305.130**
>
> A voidable marriage is a valid marriage which can be annulled if challenged. If it is not challenged, it remains legitimate.
>
> A voidable marriage may become valid over time. For instance, in the case of a marriage which is voidable because one or both of the parties

were under the age of consent when the ceremony took place, the marriage may become a valid marriage if the parties are living together when the age of consent is attained. If the parties do not live together after the ceremony, the marriage retains its status as voidable.

Underage marriages are absolutely void in four states. Those states are Colorado, Michigan, Minnesota and Utah. Underage marriages were considered void in Arkansas 02/06/41 through 03/26/64 (**GN 00305.010**).

An action to annul a voidable marriage is always required. The marriage remains valid but voidable until the annulment is granted. (**GN 00305.130**)

Same-Sex Marriages

On June 26, 2013, the U.S. Supreme Court issued a decision in the case United States v. Windsor. Based on this decision, Social Security will recognize same-sex marriages for the purpose of determining benefits. Refer to **GN 00210.000ff** for instructions regarding the various benefits due same-sex spouses.

On June 26, 2015, the U.S. Supreme Court issued a decision in the case of Obergefell v. Hodges, finding all states are required to permit and recognize same-sex marriages. **GN 00210.000ff** was updated to reflect these changes.

Transgender Claims

GN 00305.005

Transgender claims are claims from individuals who provide information during the interview indicating one party of the marriage, either NH or claimant, has changed his or her sex since birth.

The processing instructions for transgender claims vary depending on several factors, so you should review **GN 00305.005B.5** if you have one of these claims.

Types of Marriages

GN 00305.005

Introduction

Social Security recognizes five types of marriages. The five types are:

- Valid Ceremonial

- Deemed

- Common-Law

- Putative Marriage

- Custom Marriage

Valid Ceremonial Marriage

A valid ceremonial marriage is the most common type of marriage. The key element of a ceremonial marriage is a civil or religious ceremony.

EXAMPLE:

John and Mary were married in 03/1973 in a civil ceremony at the local district court. This is a ceremonial marriage.

Deemed Marriage

A deemed marriage is not a legal marriage under state law. It exists under Federal law for SSA purposes only. (**GN 00305.055**)

It is created when the claimant's marriage to the NH would have been valid except for a legal impediment, provided:

- The NH and claimant went through a marriage ceremony;

- The <u>claimant</u> went through the ceremony in good faith with no knowledge at the time of the marriage of the legal impediment;

- The claimant, except for a divorced claimant, is living in the same household as the NH at the time the application is filed; and

- The legal impediment, which invalidates the marriage, results from either the lack of dissolution of a prior marriage, or from a procedural defect in connection with the marriage, which invalidates it. Example: the minister was not ordained.

NOTE: Effective 01/91, benefits can be paid to a legal spouse and a deemed spouse simultaneously.

EXAMPLE:

Marcos and Lola are LISH and were married in a ceremony in 09/1986. Marcos told Lola he had been married to Jenny previously and they had divorced. Lola later finds out Marcos and Jenny never divorced. The marriage between Marcos and Lola can be considered a deemed marriage.

Common-Law Marriage

A common-law marriage is a marriage without a formal ceremony. It is a valid marriage in some states. See **GN 00305.075** for a listing of states which do and do not recognize common-law marriages.

A common-law marriage can arise from a temporary stay or sojourn within a state's borders, if accompanied by holding out as husband and wife, even though the parties were never domiciled in the state. Outside the U.S., common-law marriages are usually not recognized. See **GN 00307.255** for information on specific countries.

The requirements to establish a common-law marriage are generally characterized by:

- A mutual agreement to become husband and wife from some time forward, not solemnized by a ceremony;

- An intent to marry;

- A regard, by the couple, of their relationship as one of marriage and (in some states) there is a holding out to the community as husband and wife;

- The legal capability of both people to enter a valid marriage; and

The common law marriage must be contracted in a state which recognizes common-law marriages as valid. Individual states' laws may vary slightly regarding these requirements. It is important to check the appropriate state's laws.

EXAMPLE:

Jack and Josie have been living together in Kansas since 11/2010. They decided they would live as husband and wife, but they never went through a formal ceremony. They have filed their income tax returns as a married couple ever since. This can be considered a common-law marriage.

Putative Marriage

A putative marriage is only recognized in six states: California, Colorado, Louisiana, Arizona, Illinois and Minnesota. (**GN 00305.085**)

The essential basis of a putative marriage is a good faith belief in the existence of a valid marriage at its inception and a **continuous** good faith belief (in a life case) or good faith until the NH dies (in a death case). In the case of a (surviving) divorced spouse, the good faith belief must have lasted until a final divorce was obtained.

EXAMPLE:

Joseph and Doreen were married in a ceremony in 09/1990 in Denver, CO. When Joseph passed away last month, Doreen found out he had been previously married to JoAnn and they had never divorced. This can be considered a putative marriage.

There are two main differences between a deemed marriage and a putative marriage, they are:

- A deemed marriage is recognized only by Social Security under Federal law. A putative marriage is recognized under State law in the six states listed above.

- In a deemed marriage, good faith has to exist only at the time of the marriage ceremony. In a putative marriage there must be a continuous good faith belief the marriage was legal.

Custom Marriages

Another types of marriage you may encounter is an Indian Tribal Marriage (**GN 00305.090**).

These marriages will not be covered in this module because they are encountered infrequently.

Foreign Marriages

We honor marriage ceremonies performed in foreign countries, provided they do not violate state law.

OBJECTIVE 3:

Determine evidence required to establish marriage, divorce, and age.

Evidence of Marriage

RS 00202.050ff

Introduction

To complete a claim for spouse's benefits, the file must contain (**RS 00202.065**):

- proof of the claimant's marriage to the NH **and**

- the NH's statement about present and previous marriages (marital history).

Only the following marriages need to be documented (**GN 00205.070C**):

- Current marriage;

- Marriages lasting 10 years or longer;

- Marriages ended by the spouse's death (regardless of duration);

- Marriages which require proof of termination.

The type of proof necessary to establish the marital relationship depends on the type of marriage. The required evidence and development for each type of marriage is listed below.

Ceremonial Marriage

RS 00202.065ff

NH and spouse filing concurrently

In a life case, the NH's statement on his/her NMAR screen for a concurrently filed MCS claim can be used to establish a valid marriage between the NH and the claimant as long as the NH's statements on the NMAR screen corroborate the information given by the claimant on the Beneficiary Marriage (BMAR) screen. In essence, if the NH and spouse's claims are filed at the same time, the statements on the two applications together will serve as proof of marriage. It also should contain the NH's marital history, and statements from both parties must agree.

NH not filing concurrently with spouse

In addition to the marital history on the NMAR or the ORS application summary, obtain a report of contact or a statement from the NH stating their marital history has not changed since their claim was adjudicated. If there has been no change to their marital status, record "no change in marital status" on the RPOC screen.

NH's marital status has changed

Obtain an SSA-3 to record the changes. The SSA-3 still requires a pen and ink signature because it is not part of Signature Proxy. To avoid having to prepare a paper folder just to house the SSA-3, record the information on the Evidence (EVID) screen in Shared Processes per **RS 00202.065B.1**. In the comments field of the EVID screen, indicate "from NH's SSA-3 signed (date)" and return the form to the NH.

Be sure to check the dates of any prior marriages listed to make sure the dates don't overlap or any unresolved marriages exist, for either person. (MCS will generally produce an edit in these situations.)

NH Refuses To Complete SSA-3

Refer to **RS 00202.065B.2.**

NH's mental condition makes him unable to complete an SSA-3

Obtain statements about the NH's marital history from two persons who would have knowledge a ceremony took place. Compare this information to the marital history from the NH's prior claim.

The statements constitute proof of marital history only – not proof of marriage. Proof of marriage must still be obtained to clear the claim.

NOTE: In cases where the NH has previously filed and the claim is no longer online, recall the NH's claim from archive to view the NMAR screen.

If the claimant has been previously entitled on the NH's account as a spouse and there hasn't been a divorce, the MBR can be used to show proof of marriage has already been established.

Marriage Certificate Required

The marriage certificate **must** be obtained only in these instances:

- The file raises some doubt of the relationship;

- The marriage took place less than two years before the spouse's application is filed. Obtaining the marriage certificate does not eliminate the requirement to contact the NH to verify the marriage is currently valid;

- Either the NH or the spouse is incapable of handling benefits; or

- The spouse is claiming benefits as a deemed or divorced spouse.

NOTE: A divorce decree may be acceptable proof of marriage if it contains sufficient information to determine the marriage lasted at least 10 years and if there is no reason to doubt the decree.

Types of Evidence for Ceremonial Marriage

GN 00305.020-.030

Preferred Proof

The most common preferred proof of marriage is a certificate issued by the custodian of the public or religious record of marriage. **GN 00305.020** lists acceptable preferred proofs. Always attempt to get documentation from the list of preferred proofs first. If no documents are available from the list, then secondary proof must be developed.

Secondary Proof

GN 00305.025 lists acceptable secondary proofs.

When you use secondary proof of marriage, document the MCS claim with the reason why preferred proof is not available.

Obtain as much information as possible about the marriage ceremony and document the claim to include the following statements from the claimant:

- A description of the church or place where the ceremony was performed;

- A description of the person who performed the ceremony;

- How the parties went to the place of marriage;

- What the weather was like;

- Who were the witnesses; and

- Any other details remembered.

Acceptable secondary evidence documents of a marriage ceremony include:

- A signed statement from a clergyman or other official who performed the ceremony;

- Statements of witnesses to the ceremony;

- A newspaper account of the wedding;

- Detailed statements from at least two persons who know a ceremony took place;

- Other evidence of probative value, such as photographs; or

- Souvenir Certificates. See **GN 00301.050C** for procedure which includes evaluating the validity of souvenir certificates.

In general, one piece of secondary evidence along with the above development is sufficient documentation.

Presumption of Marriage

When you are unable to obtain or assist the claimant in obtaining preferred or secondary proof of marriage, you can apply a presumption of ceremonial marriage. This is discussed in detail in **GN 00305.030**. Please note, presumption of ceremonial marriage **cannot** apply to deemed marriages.

Foreign Marriages

If preferred proof of ceremonial marriage for a foreign marriage is not available in the U.S., you can accept secondary proof. If neither preferred nor secondary proof is available in the U.S., attempt to obtain evidence from the foreign country before applying the presumption of a ceremonial marriage. We presume a ceremonial marriage has occurred when a ceremonial marriage is alleged and the allegation is accompanied by cohabitation and repute.

Apply the presumption of ceremonial marriage **only** when neither preferred nor secondary proof of marriage can be obtained. The presumption **cannot** be applied when a deemed marriage is involved. **GN 00305.030**

Deemed Marriage

GN 00305.055

Proofs Needed

Benefits to a "deemed spouse" are paid in addition to and simultaneously with any legal spouse. To establish a deemed marriage, you need the following documentation:

- Proof of ceremonial marriage;

- A statement from the claimant stating "good faith" existed at the time of the marriage ceremony;

- Except for a divorced claimant, a statement the NH and claimant were living in the same household at the time the application was filed (life case) or at the time of death; and

- A determination the legal impediment is one of the accepted impediments listed in **GN 00305.055B.3**.

Common Law Marriage

GN 00305.060-.065

Proofs Needed

To establish a common-law marriage, you need the following documentation:

- An SSA-754-F4 (Statement of Marital Relationship) from the NH and the claimant, and

- An SSA-753 from a blood relative of each.

Once the documentation is received, prepare an informal special determination on the RPOC screen. **GN 01010.360B.3** has instructions

for the informal determination. When the case is fully electronic, fax the documents into NDRED or the electronic folder (EF). There is no need to retain the paper forms.

Refer to **GN 00305.075** for a summary of state laws on validity of common-law marriages.

Putative Marriage

GN 00305.085

When developing a putative marriage, review the state laws for Arizona, California, Colorado, Illinois, Louisiana and Minnesota. These are the only six states which recognize this type of marriage.

When developing a putative marriage, the important thing to remember is continuous good faith must exist. If continuous good faith does not exist or cannot be proven, it is possible the marriage could qualify as a deemed marriage.

Indian Tribal Marriage

GN 00305.090

Other marriages, including Indian Tribal marriages, may or may not be legal marriages. Factors such as the place and date of marriage and the actual process of the marriage may enter into the determination. Generally, you will need to refer to POMS for guidance in developing such marriages.

See **GN 00305.090** for information on Indian Tribal Marriages.

Validity of Marriage

GN 00305.035; GN 00305.045; RS 00202.075; GN 00210.000ff

Evaluating

Determining a marriage occurred and it was a valid marriage are both important aspects of evaluating evidence of a marital relationship. While the law of the state of domicile normally governs in determining relationship validity, the state may apply the law of the place where the marriage occurred. As a result, the law of the state in which the marriage took place ordinarily determines validity.

Most states follow a presumption the last marriage of several marriages is the valid one. It is often easier to develop the possibility of a deemed marriage than to undertake the development required to apply the presumption of validity of the last marriage.

Evidence of Divorce

GN 00305.140; GN 00305.165

Proof Required

Proof of divorce must be obtained when:

- The claimant is filing as a divorced spouse (10-year duration of marriage must be established);

- There is reason to doubt the claimant's allegation a marriage terminated or reason to suspect the divorce occurred on a different date than alleged, and the difference is material; or

- More than one person is claiming benefits as the legal spouse.

Duration of Marriage

The dates on the marriage certificate and the final divorce decree establish the duration of the marriage. Establishing duration of marriage is critical when taking a claim for a divorced spouse who must meet the 10-year duration rule.

Refer to **GN 00305.165** for a Summary of State Laws on Divorce and Remarriage.

Relationship Denials

GN 00305.001C.3

Prepare and record on the RPOC screen (or on an SSA-5002 in non-MCS cases) an informal special determination in all spouse relationship disallowances. Incorporate an analysis of the evidence, resolve any conflicts, and affirm there are no other entitlement options.

Proof of Age (POA)

GN 00302.030

In spouse's claims, proof of age must be established in the following situations:

- Aged spouse benefits

- Spouse under age 62, when:

    - The spouse will attain age 62 in or before the month the youngest child-in-care attains age 16, or

    - The spouse has a child-in-care entitled to Childhood Disability benefits (CDB).

NOTE: We develop for POA in these two child-in-care situations because it permits a continuation of spouse's benefits without interruption when

there is no longer an entitled child in care. (If the spouse is under FRA, the claimant must still make an election to receive reduced benefits.)

The POA Tolerance can be used to establish proof of age. If the POA tolerance cannot be used because an exclusion applies, develop for proof of age as discussed in prior lessons. See **GN 00302.030** for details.

Independently Entitled Divorced Spouse POA Issues

To process a claim for IEDS benefits, obtain POA (or an allegation of a date of birth which matches the date of birth on the Numident) for the claimant, as well as other evidence including NH information, proof of marriage and divorce, etc.

You may apply the tolerance to the NH's DOB if you contact the NH, establish his or her identity, obtain his or her DOB allegation, and the tolerance applies. Code EVID on the NH's SSN (e.g., in the comments field "NH DOB 02/28/54/ID EST/NUMI POA TOL"). **GN 00302.030B.3**

If the claimant is unable to provide the necessary information and/or proofs, an attempt should be made to obtain the information and/or proofs from the NH. If the proof of age tolerance does not apply, many states will provide a certified copy of the NH's birth certificate if a letter from SSA is sent accompanying the request for the BC, which indicates the BC is necessary in connection with a claim for Social Security benefits.

OBJECTIVE 4:

Identify the criteria and the evidence needed to determine if the child-in-care requirement is met.

Child-In-Care Requirement

RS 01310.000ff

Who Can Qualify

For a spouse to qualify for benefits based on having a child-in-care, the child-in-care must be a child of the NH and the child must be under age 16 or over age 16 and disabled.

Spouses who meet the requirement of having a child-in-care are:

- **Spouse under age 62:** The child must be entitled on the NH's ER but may receive benefits on another ER. (The entitlement on the NH's record may be technical entitlement.) Once entitled, the spouse can continue receiving unreduced benefits as long as the spouse has the NH's entitled child in care.

- **Spouse age 62 - FRA:** The child may be entitled on any ER. Unreduced benefits continue as long as the spouse has an entitled child of the NH in care. If the child leaves the care of the spouse, benefits can convert to aged spouse benefits and be reduced for age.

- **Divorced spouse age 62 - FRA:** The child may be entitled on any ER. If the divorced spouse has a child-in-care in the first MOE, his/her benefits will never be reduced even if the child later leaves the care of the spouse.

- **Divorced spouse under age 62:** Does not qualify even if she has a child in care.

Month of Election

A spouse with a child-in-care must also meet the "throughout-the-month" requirement. This means the child must be in the care of the spouse every day of the first month of entitlement. This requirement only applies for the first month of entitlement.

If a child later leaves the spouse's care for an extended period of time, and a young spouse's benefits are suspended, the benefits can be reinstated. The reinstatement will be for the month the child returns to the spouse's care, even if the return is on the last day of the month.

Definition of Child-In Care

The following situations define the child-in-care requirement:

- If the child is under 16, the claimant must exercise parental control and responsibility for the welfare of the child.

- If the child is age 16 or over and **mentally** disabled, the claimant must exercise parental control and responsibility for the welfare of the child.

- If the child is age 16 or older and **physically** disabled, the claimant must perform personal services for the child.

NOTE: If the child is over age 16 and mentally and/or physically disabled, the established onset date must be prior to the date the child attains age 22.

Child-In-Care Evidence

RS 01310.001-.050

Requirements

The evidence required to establish child-in-care depends on three factors:

- Child's age

- Child's disability (mental or physical)

- Living arrangements (LA)

Mental or Physical Disability

To find the disability diagnosis code you can look at the DIG/SDIG fields on the DIB line of the MBR or items 16A and/or 16B of the SSA-831-U3.

After you have located the disability code(s), see **RS 01310.001E.4** to determine whether the child has a mental or a physical disability. The codes listed in this reference refer to mental impairments. Any other code represents a physical impairment.

NOTE: A child who is physically disabled **and** has a mental impairment should be treated as a mentally disabled child (**RS 01310.001D.4**).

Development of Living Arrangements

The regular living arrangement of the claimant and the child they have in care will determine the development of your claim.

Child under Age 16 and Child 16 or Over with Mental Disability

RS 01310.020-.035

Parental Control & Responsibility

Consider parental control and responsibility when the child is under age 16 or is 16 or older and has a mental disability. In order to determine parental control and responsibility, it is important to understand it means more than simply providing food and shelter for the child. The parent must be involved in supervising the child's activities and/or participate in making important decisions about meeting the child's physical and mental needs. **RS 01310.010** defines parental control and responsibility.

How Parental Control is Exercised

Parental control and responsibility can be exercised either directly or indirectly.

- Direct control is exercised when the child lives with the parent and the parent directly oversees the activities of the child.

- Indirect control can be found when the parent gives instructions to the child's custodian and ensures those instructions are carried out.

The child and the parent do not have to live together for in-care to be established. Neither does the parent have to exercise sole parental control and responsibility in order to have a determination of in-care established. Parental control exercised jointly with another parent will not affect the decision of whether the claimant has a child-in-care.

Legal custody of a child isn't always an indication the parent has been exercising parental control or responsibility.

If there's any indication the child isn't living with the parent or if the child is over 16 and mentally disabled, development must be done to establish whether in-care exists.

Living in the Same Household

Under 16

When the child is under 16, you can assume the parent is exercising parental control and responsibility.

Over 16 and mentally disabled

If the child is over age 16 and mentally disabled, get a statement from the claimant about the exercise of parental control and responsibility. This statement requires no corroboration unless you doubt the truth of the allegations. If there is a question, get a statement from another person who lives in the household or from other persons who have knowledge of the circumstances.

Separation (Fewer Than 6 Months)

A separation of fewer than six months can be disregarded when it is found child-in-care exists, provided the child usually lives with the claimant and is in the claimant's care when they live together.

Claimant and Child Live Together Temporarily

Child-in-care can be found when the claimant and the child live together temporarily if the claimant exercises parental control and responsibility when they are not living together.

You can also consider the child in the claimant's care if the child is with the claimant for at least 30 consecutive days and the claimant exercises parental control and responsibility during this time. Do not assume the child-in-care requirements are met. Your decision will be dependent upon whether or not the claimant is exercising parental control and responsibility.

It is necessary to document the claimant's parental control and responsibility by obtaining a statement from both the claimant and from the custodian.

Claimant and Child Not Living Together

Under 16

When the child is under 16, the claimant is exercising parental control and responsibility if the claimant supervises the child's activities, participates in the important decisions about the child's physical and mental needs, and measurably controls the child's upbringing and development

See **RS 01310.030** for additional rules which apply when the child is under the age of 16.

Over 16 and mentally disabled

When the child is over the age of 16 and mentally disabled, the claimant is exercising parental control and responsibility if the claimant supervises the child's activities, participates in the important decisions about the child's physical and mental needs, and measurably controls the child's upbringing and development.

The fact the claimant has the legal custody of the child, furnishes support for the child, and retains the right to exercise supervision is not sufficient. There must be an actual exercise of parental control and responsibility, i.e., the claimant must influence the training and development of the child.

See **RS 01310.035** for additional information when the child is over age 16 and mentally disabled.

Documenting Requirements are Met

Child and Claimant Living Together

When a child and the claimant are living together and the child is under age 16, accept the claimant's statement on the application. We will assume parental control exists.

When you doubt the claimant's allegation, obtain statements from persons who have knowledge of the situation. A determination as to parental control and responsibility is necessary in these situations.

Child and Claimant Not Living Together

In the situation where the child and the claimant aren't living together, obtain an SSA-788 (Statement of Care and Responsibility for Beneficiary) from the custodian and an SSA-781 (Certificate of Responsibility for Welfare and Care of Child Not in Applicant's Custody) from the claimant. Both forms are available in (b) (2)

Corroborate the claimant's statement on the SSA-781 with a statement of the person with whom the child is living.

If the child lives alone, obtain an SSA-781 from the claimant and a statement from the child regarding contributions by the claimant. It is not material whether or not temporary visits, e.g. summer vacations, are spent with the claimant, and the degree of parental control in existence.

After the forms are obtained and a determination as to child-in-care has been made, fax the forms into the Non-Disability Repository (NDRED). Once the forms are stored in NDRED, destroy the paper forms. However, if the folder is paper, retain the forms in the paper folder.

Child 16 or Over With Physical Disability

RS 01310.015; RS 01310.040

Personal Services

When the child is 16 or older and physically disabled, the child-in-care provision exists only if the claimant performs personal services for the child. The child must require services other than the routine household services, which are normally performed for any other member of the household. Examples of personal services are:

- Nursing care;

- Feeding or dressing a child whose disability prevents the child from performing these functions satisfactorily;

- Directing or supervising the activities of a physically disabled child who is unable to manage funds or is able to do so only with considerable help and guidance.

- Providing supervision for the child because they need someone with them constantly. If the claimant's presence is required by the nature of the child's disability (e.g., quadriplegia) the claimant is considered to be performing personal services for the child.

The above examples are some of the services a child might need. The claimant does not have to do all the types of personal service if he/she performs any one of them regularly (not necessarily daily). Personal services may be performed solely by the claimant, or jointly with the claimant's spouse or another in the household.

You must decide each case based on the facts provided and using the instructions in POMS.

Living in the Same Household

You cannot assume personal services are being performed merely because the claimant and the child are living together. Development of the situation is required to make a determination.

Separation (Fewer Than 6 Months)

An in-care determination will not be affected by a temporary separation if the following are true:

- The child usually lives with the claimant; and

- The child is in the claimant's care (claimant performs personal services) when they live together; and

- The separation is expected to be temporary.

The child is not in the claimant's care if the separation is for an indefinite period or is not expected to end within six months. If the child returns to the claimant's care before the end of the 6-month period, consider the separation temporary.

Claimant and Child Live Together Temporarily

The claimant has the child in-care only if he/she is performing personal services and the child is with the claimant for a period of at least 30 consecutive days.

Claimant and Child Not Living Together

A situation involving a physically disabled child who requires the performance of personal services by the claimant normally involves a claimant who is living with the child. Since personal services are performed for a child in the household of the claimant, in-care usually cannot be found if the claimant and child live apart.

Child in Care Established Before Age 16

The finding of child-in-care does not carry over when the child attains age 16 and is physically disabled. If the child is still entitled, determine whether the child is in the claimant's care based on the performance of personal services.

Documenting Requirements are Met

When a child is age 16 or over and physically disabled, obtain a statement from the claimant regarding the nature and frequency of his/her personal services and to what extent the child requires the claimant's presence. Obtain a similar statement from the disabled child.

Development in the file on the child's disability may also contribute information relevant to a determination of the claimant's performance of personal services. If there is any question, obtain statements from others living in the household or from other persons who have knowledge of the circumstances.

OBJECTIVE 5:

Complete a spouse's application.

Establishing the Claim in MCS

To establish a spouse's claim in MCS, enter the number holder's SSN in the NH SSN field and the claimant's SSN in CL SSN field on the MCS Main Menu. In the SELECT field, input 1 = ESTABLISH and 3 = NEW CLAIM in the FUNCTION field. Press Enter to obtain the APPL screen.

Work saving tip: If you are also taking a retirement (RIB) claim from the claimant, take the RIB claim first. This will propagate most of the information from the RIB to the spouse's claim.

APPL Screen

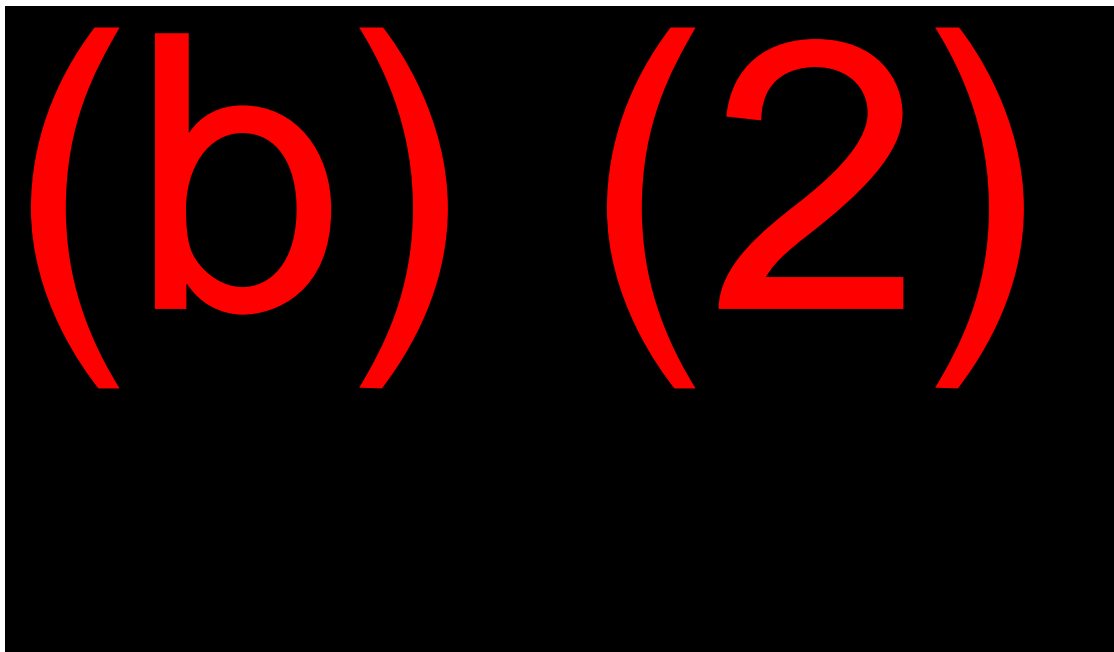
MS 03505.009

Coding For Spouse's Claim

On the APPL screen, the claim type should be coded "4" (which indicates this is a claim for an auxiliary benefit-life case).

In the "relationship to NH" block, the coding would be "1" or "2." Use "1" when you have an aged spouse and use "2" for a spouse with a child-in-care.

The subsequent claim indicator is answered if the NH is currently receiving retirement or disability benefits. You can add the subsequent indicator any time before adjudication, but once the subsequent indicator is entered, it cannot be removed. If you add the subsequent indicator in error, the claim must be deleted and a new claim established.

When a subsequent claim is entered, the APPL screen will remain, with the added remark "verify procedures-no active NH on MCS." This is only

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an alert, which serves to remind you that you are establishing a subsequent claim.

(b) (2)

IDEN screen

MS 03505.059; GN 00205.070D.1

Other Names Used

If the CL used any other names, type up to five names. Enter the CL's name at birth as the first entry.

NOTE: Document any other names in file.

Ever Married

The policy for documenting marriages has changed but the related MCS screens have not. Until this happens, the EVER MARRIED (Y/N) question on MCS' Identification 1 (IDEN) screen now means asking:

- Are you currently married?

- Did you have any previous marriages, which lasted 10 or more years or ended by your spouse's death?

Include multiple consecutive marriages to the same individual if the combined period totals 10 years or more per **RS 00202.005A.**

If eligibility is dependent on claimant being unmarried, ask if he or she remarried after divorcing the NH. If yes, ask for his or her last marriage information, regardless of duration.

If 'yes' to either of these questions, input "Y" to EVER MARRIED and document the marriage(s) on the BMAR screen.

Otherwise input "N" to EVER MARRIED.

Dependent Children

If the claimant is applying for child-in-care benefits, you will first indicate on the IDEN screen if he/she has any dependent children who are unmarried and under 18, or 18-19 and attending school, or disabled before age 22 by entering a "Y".

Disabled in Last 14 Months

A 'yes' answer to the question about disability means SSA needs to determine if the claimant is eligible for disability benefits. However, **no benefits are available to an auxiliary spouse based on disability.** Filing for spouse's benefits does not preclude filing for disability on the claimant's own record.
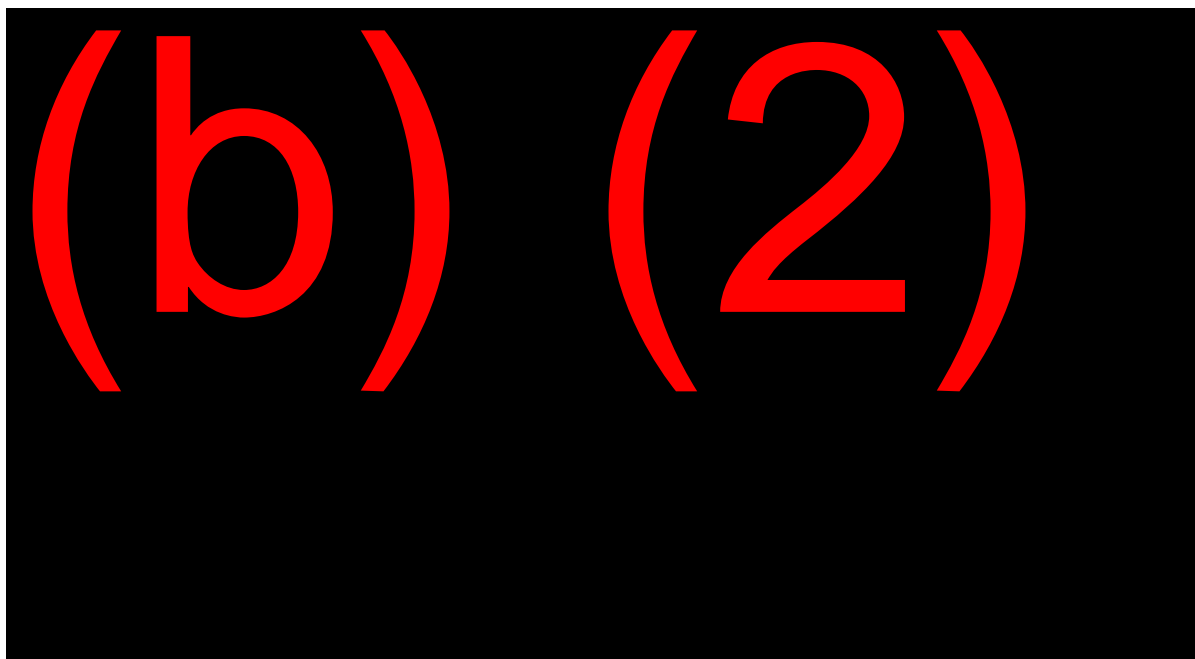
IDN2 Screen

MS 03505.060

Cross Reference Information

This is a continuation of the IDEN screen. The screen has a cross reference field to code information about any prior filings or other current entitlement and a field used to identify multiple SSNs.

It is important to properly code the cross reference field in dual entitlement cases. Enter cross reference SSN and in the STAT code, enter the BIC without any subscript. The following are some of the most common situations:

- If the claimant is receiving or filing for benefits on his/her own SSN, enter the claimant's own SSN and the Stat Code of A.

- If he/she is receiving or filing for benefits on another SSN, enter that SSN. For the Stat Code, use the current BIC or the expected BIC on that SSN.

(b) (2)

ADDB Screen

MS 03505.012

Child in Care

In all Auxiliary Spouse or Surviving Spouse claims, MCS will display the following question in the ADDB Screen:

CLAIMANT HAS CHILD OF NH IN CARE (Y/N):

The monthly benefit amount (MBA) of a spouse claimant is not subject to reduction for age if the spouse has a child of the NH in-care. The claimant's answer to this question will determine whether the reduction will be applied or not. MCS EC uses data entered on the Dependent Child In Care (DCIC) screen to determine whether or not to reduce a spouse claimant's MBA for age.

- Entering a "Y" brings the DCIC screen into the claim's application path. After you complete the DCIC, MCS EC will then consider the data entered on the DCIC in the spouse claimant's MBA computation.

- **CAUTION**: If you change a previous "Y" answer in this field to an "N," any CIC data present on the DCIC will remain on T2Share. You must remove the CIC data from T2Share, via the Delete from T2Share question on the DCIC, before MCS EC will allow you to adjudicate the claim.

This question does not appear in an iClaim. MCS will propagate a "?" into the field for all spouse claims started as an iClaim and propagate the

remark "Claimant Has Child of NH in Care is Not Asked in iClaim" to the DW03 screen.
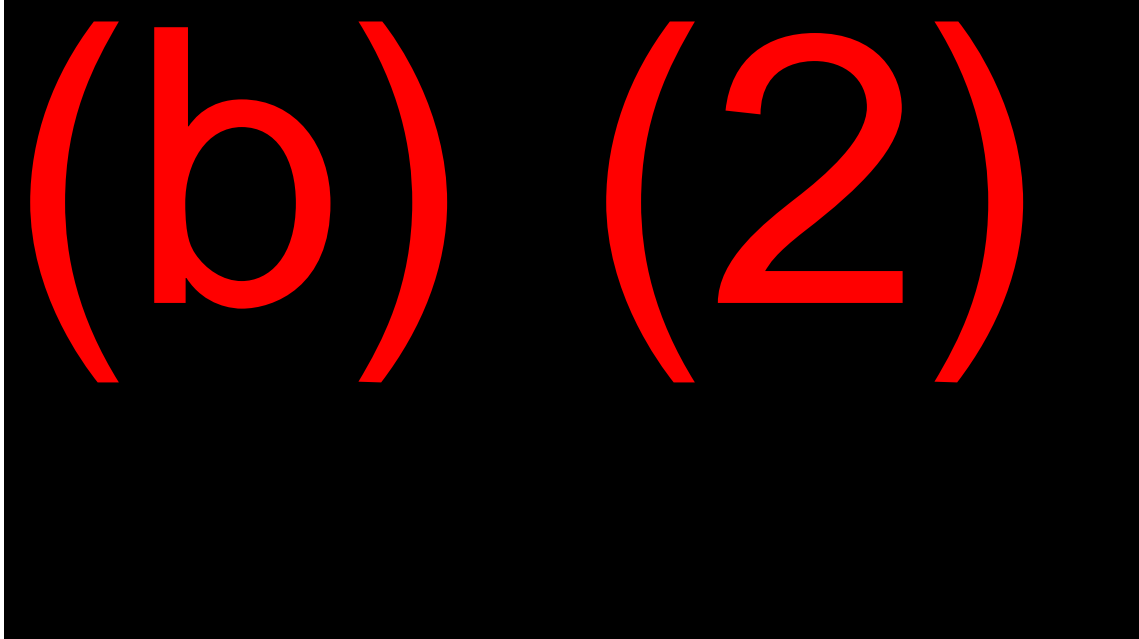

BMAR Screen

MS 00705.007; SM 03020.040

Beneficiary Marriage Screen

Refer to **MS 00705.007** as you complete the BMAR screen. **Only record material marriages on this screen. GN 00205.070C**

This screen is similar to the NMAR screen used for retirement claims. Exercise care when completing the claimant's marriage information on the BMAR screen.

The BMAR screen is one of the Entitlement and Eligibility Common screens, which means it can be accessed from MCS, A101, POS, and MACADE. Information from the screen is stored on the T2 Shared database, which establishes and updates the MARRIAGE Data line on the MBR to include the display of up to 10 occurrences of marriage.
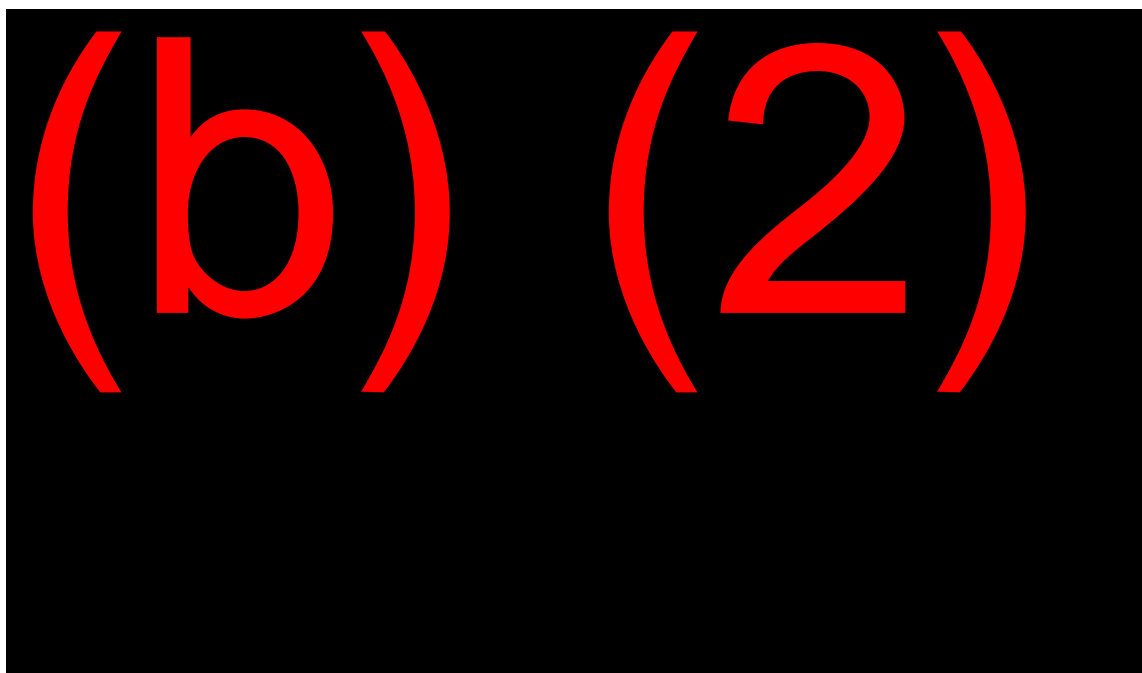
Select Marriage Type

The marriage types listed are:

1) Clergy/Public Official –marriage was a religious or civil ceremony.

2) Common Law – marriage created without a formal ceremony – recognized in certain states only.

3) Other Ceremonial – putative or custom marriages.

4) Deemed – not a legal marriage under State law. Only recognized under Federal law for SSA purposes.

Select the applicable marriage type.

Select Special Relationship

There are five choices. In (b) (2)(b) (2)   , we covered the duration of marriage requirements, which state the spouse must be continuously married for one year. We can waive the one year requirement if:

- The spouse is the natural mother or father of the NH's biological child, **or**

- The spouse was entitled or potentially entitled to certain auxiliary or survivor benefits in the month before the month of marriage to the NH.

If duration of marriage is being waived for one of the above reasons, select 1, "216B1" – if the beneficiary is a female and 2, "216F1" – if the beneficiary is a male.

The third choice, "202C2", is rarely used. Prior to 3/77, there was a one-half support requirement for husband's benefits. However, the support requirement did not apply if the claimant met the alternative to the one-year duration of relationship requirement because he was entitled or potentially entitled to certain benefits in the month before he married the NH.

The fourth choice, 216K, is used in widow(er) cases and will be covered in the module on Widow(er)'s Benefits. It applies to a surviving spouse or surviving stepchild relationship, which existed for less than nine months but one of the exceptions to the duration requirement is met.

The fifth choice will also be covered in the module on Widow(er)'s Benefits. It applies to applications filed 03/04 or later when a surviving spouse does not meet the 9-month duration-of-marriage requirement but meets the exception which involves the institutionalization of the NH's prior spouse.

Protected Marriage

Enter "Y" or "N" based on whether this occurrence of marriage allows the current entitlement to continue on this SSN. This screen also appears in the online post-entitlement system. The answer is only relevant when the claimant is already entitled and then marries. For more information in these instances, refer to the following POMS references.

- **RS 00202.040** covers when a marriage is deemed not to have occurred for the purposes of ongoing entitlement on this SSN.

- **RS 00202.045** states we will answer "yes" to protected marriage if the remarriage of the beneficiary can be disregarded because the beneficiary remarries an individual entitled to widow(er), mother/father, CDB, divorced spouse or parent's benefit.

DCIC Screen

MS 00705.015

Purpose

This screen appears in the claims path of an application for auxiliary spouse with child-in-care benefits.

The DEPENDENT CHILD IN CARE (DCIC) common screen collects data for each child in the care of an auxiliary spouse or surviving spouse with child-in-care beneficiary. The child in the beneficiary's care must be a child of the NH who is under age 16, or over age 16 and disabled, and entitled to child's benefits. Data for each "in-care" child is entered on separate DCIC screens.

List only the NH's unmarried dependent children who are entitled to, or filing for, child's benefits on the NH's ER or any other ER. In addition, the listed child must be under the age of 16 or have a disability which began before age 22 and be in the care of the claimant during at least one month.
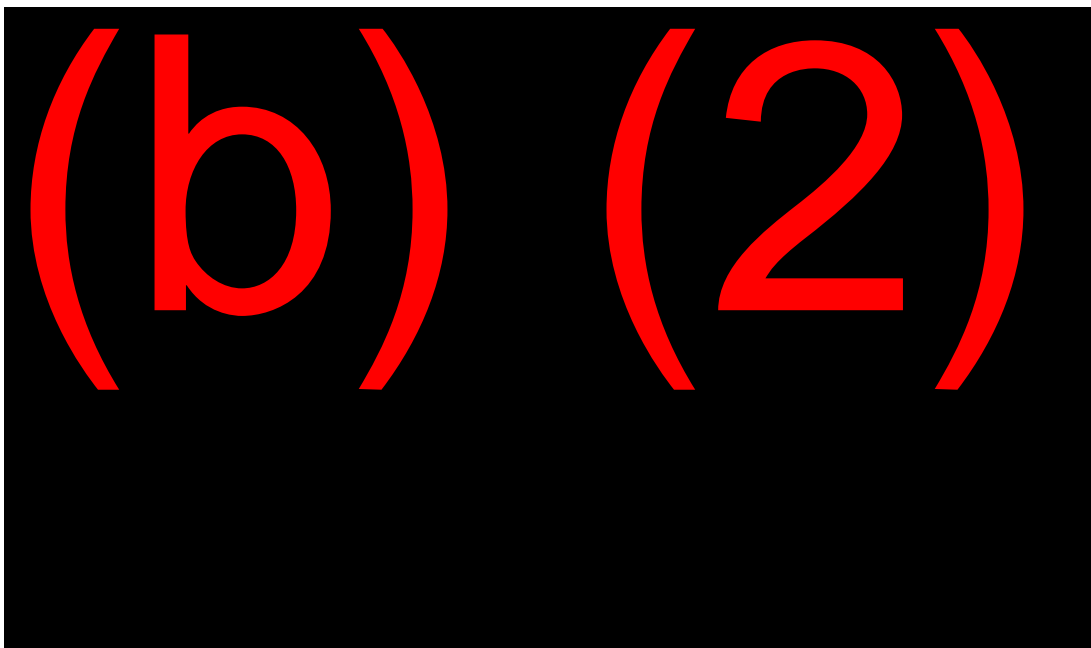
Entries

The following information will be entered on the screen for each child:

- Child's name;

- SSN & BIC under which child is entitled (if the child is entitled on the NH's SSN <u>and</u> another account number, enter the NH's SSN);

- Child's BOAN (beneficiaries own account number);

- First month child-in-care met; and

- Other CIC entitlement, if ended, reason entitlement ended and end date.

The Remarks field can be used to annotate any information relative to the DCIC data. Refer to **MS 00705.015** for more information on the entries on this screen.

For each child entitled on the same SSN as the NH, the system will use the child's age 16 attainment month or the termination month to derive and post a child-in-care end date and end reason to the MBR. A screen entry will not be required. It is important to start with the youngest child first when more than one DCIC screen is being filled out.

NOTE: A system derived end date and end reason will not propagate back to the screen for MCS viewing, but will be shown on the MBR.

Independently Entitled Divorced Spouse

RS 00202.100

For the Independently Entitled Divorced Spouse (IEDS), in addition to the MCS spouse's application, we must document specific information about the NH including military service, non-covered pensions, foreign work, and marital history.

Although the IEDS claim can be input into MCS, these claims cannot be processed through EC and must be processed manually (A101).

NH Information

Document the NH's Name, SSN, DOB, whether the NH has been disabled in the last 14 months, military service, railroad employment, foreign work, marital history, and non-covered pension (WEP) information on the RPOC screen for the IEDS claim. Again, use the spouse's allegations to answer the above questions. Use ICERS to get a PIA computation and information on insured status.

For a great resource detailing the IEDS steps, go to the KCNet (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)   workflow.

Paper Process

GN 00205.145

SSA-2

Use an SSA-2 only if, due to an exclusion, MCS cannot be used. MCS is always the first choice for taking an application. If the claimant is eligible for RIB and spouse's benefits, a supplemental application is used to obtain the necessary information not requested by the first application completed. The application has a check block to use when the form is a supplement. If using SSA-2 as a supplement to another current application, check the supplement block. Then answers do not need to be duplicated.

NOTE: MCS doesn't have supplemental applications. When filing a concurrent RIB and spouse's claim, all the screens must be completed on MCS for both claims. Some information propagates from one application to the next if both are entered into MCS on the same day.

OBJECTIVE 6:

Compute a spouse's benefit

Earnings Computations (EC)

The majority of claims for spouse's benefits, including those involving dual entitlement, will process through EC. In situations where there is a processing limitation or exception, several Interactive Computation (ICF) programs can determine the monthly benefit amount (MBA).

Interactive Computations

MS 02201.001ff

Whenever it is necessary to compute a benefit amount, you can use the Interactive Computation Facility (ICF).

The following sections are designed to teach you the theory behind different computations we use, to enable you to see what information is used to derive a monthly benefit amount, and to show you how to use the following ICF programs to compute spouse's benefits:

- #1   Spouse entitlement only, reduced or unreduced for age, Family Maximum (FMAX) not involved.

- #2   Calculate FRA.

- #5   Spouse also entitled to own RIB, either benefit reduced for age or not (must give PIA at initial DOE and any recomputations for both benefits), no FMAX involved.

- #30 Spouse (and other auxiliaries) when FMAX is involved, regardless of age reduction, but no dual entitlement.

Compute a Spouse's Benefit

RS 00202.020

Original Benefit Unreduced

The basic benefit amount for a spouse is equal to one-half the NH's PIA. This is called the "original rate" or "original benefit." This is the benefit amount for a claimant with an MOE of FRA and for spouse's benefits in which the spouse has an entitled child-in-care (B2, BY, etc). This is also true for the divorced spouse who is age 62 or older who has an entitled child-in-care.

NOTE: If a divorced spouse age 62 or older has an entitled child-in-care in his/her first MOE, the benefits will remain unreduced even if the child leaves his/her care or the child's benefits terminate. See **RS 00202.020**, **RS 00202.035** and **RS 00615.010**. This special provision applies to a divorced spouse only.

Example

Mrs. Martinez, DOB 10/15/1952 applies for B benefits in 10/2018, the month she is FRA. Her husband's PIA is $1423.70 (NH DOB 09/24/1951, ELY 2013).

$1423.70 ÷ 2 = $711.85 or 711.80 after rounding.

Assuming Mrs. Martinez is not insured on her own SSN, the B benefit is $711.80 (Monthly Benefit Amount or MBA) if she is not subject to any reduction or deductions. She will be paid $711.00 (Monthly Benefit Payment or MBP) after dollar down rounding.

ICF

To compute her rate using Interactive Computations, select ICF #1, "Initial A or B Max Not Involved." Input instructions are found in **MS 02402.002**.
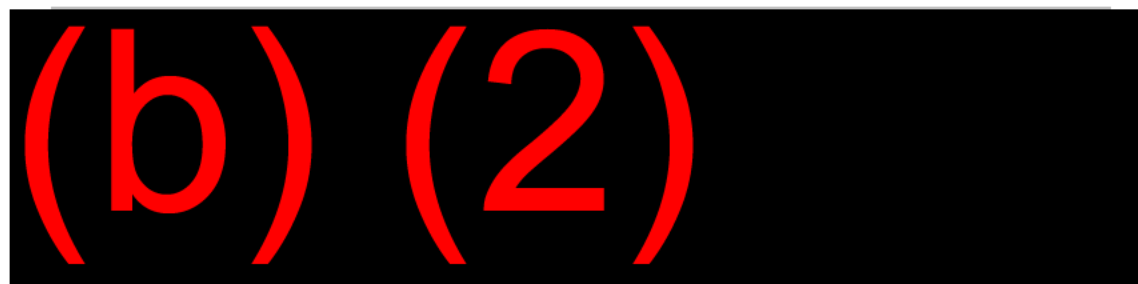
Input Screen:

You enter the beneficiary's BIC, DOB, and initial entitlement. The initial PIA is the NH's PIA in effect at the beneficiary's date of entitlement. **IMPORTANT NOTE**: The eligibility year entered is the **NH's eligibility year**.

(b) (2)

Output Screen:

(b) (2)
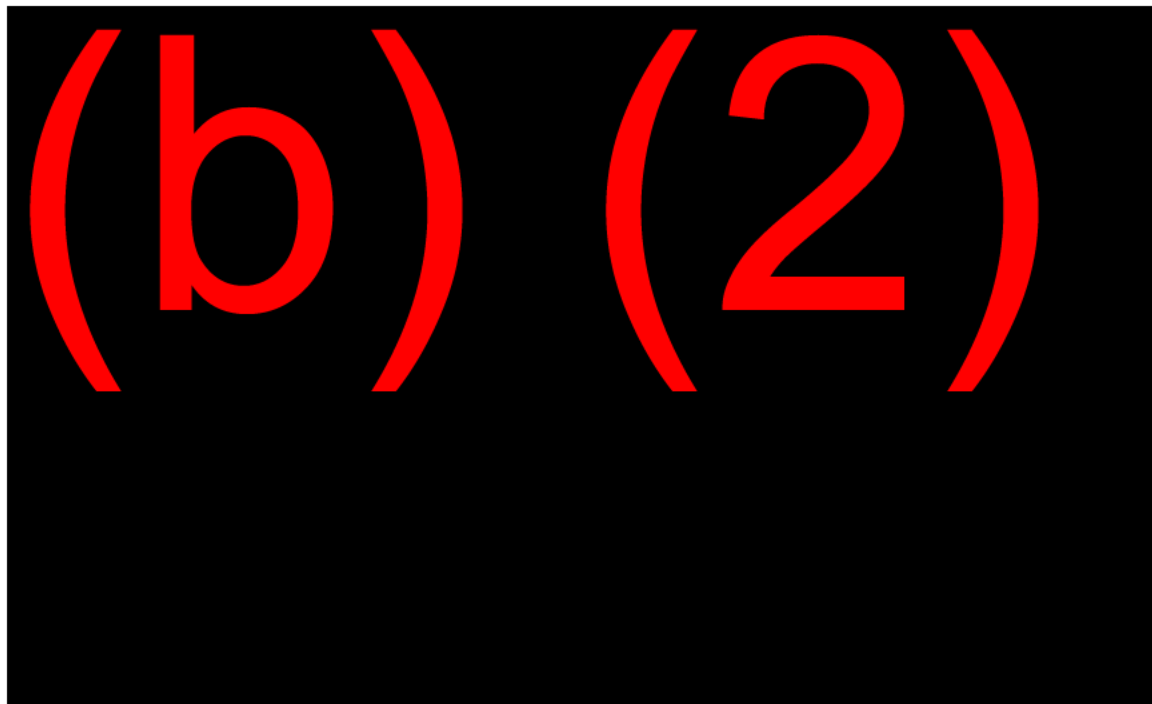
NOTE: ICF #1 does not consider potential RIB entitlement of the spouse (dual entitlement). Dual entitlement is discussed later in this objective.

Age Reduction

RS 00615.005; GN 00615.201

No RIB Entitlement

An aged spouse's benefit is reduced for each month of entitlement before FRA. FRA for spouses is computed in the same manner as for the number holder (See **RS 00615.004**). Program #2 in ICF will compute retirement age for NHs, spouses and widows. **REMINDER:** A divorced spouse's benefit is also subject to age reduction. However, if the divorced spouse has a child-in-care in the first MOE, no age reduction will ever apply. The benefit remains unreduced even if the child should leave care. **RS 00202.020A.6**

Amount of Spouse's Reduction

First 36 Months

The unreduced spouse's original benefit is 50% of the NH's unreduced PIA. This is reduced by 25/36 of 1% for each of the first 36 months. The total reduction for 36 months is 25%.

Months in Excess of 36

When there are more than 36 reduction months (RF), the unreduced spouse's benefit is reduced by 25% (for the first 36 months) plus 5/12 of 1% for each month in excess of 36.

To view the steps to manually compute spouse's benefits, refer to **Exhibit 3**.

ICF # 1

ICF #1 can be used to compute a B benefit with age reduction when dual entitlement is not involved. Use ICF#1 to work the following examples.
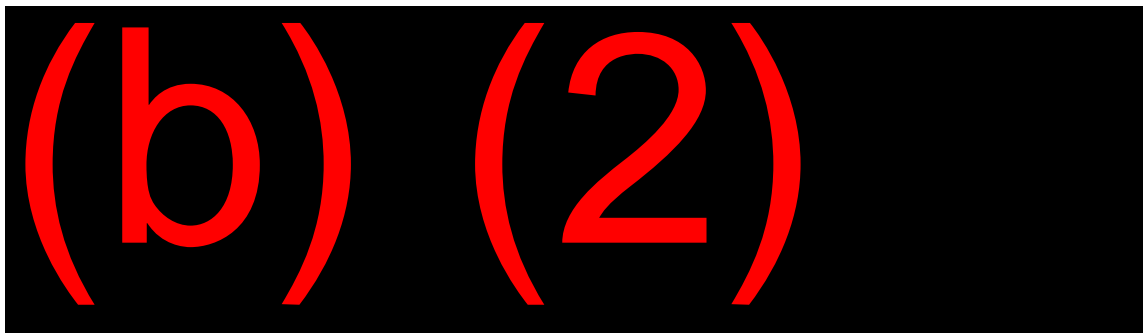

Example 1

Jill files for B benefits two years before her FRA (DOB 10/27/1954; MOE 10/18). Her husband, Jack's, PIA is $1528.90, DOB 06/29/1949 (ELY 2011). Jill is not insured for benefits on her own E/R. The B original rate is $764.40.

Input Screen:

Enter any SSN, your unit code, and requestor data at the top of the screen. Enter the BIC, which in this example is B. Enter Jill's DOB. The DOEI is Jill's first month of entitlement to benefits. Enter the NH's PIA which correlates with the month of entitlement. The PIA entered is from Jack's record. In this example, $1528.90 is the PIA in effect the first month of entitlement. 2011 is the eligibility year for Jack (Jill's spouse) and is used because Jill will be paid based on this PIA. There are no further entries because there are no re-computations and we are not using the program to compute an ARF for Jill.

Output Screen:

(b) (2)
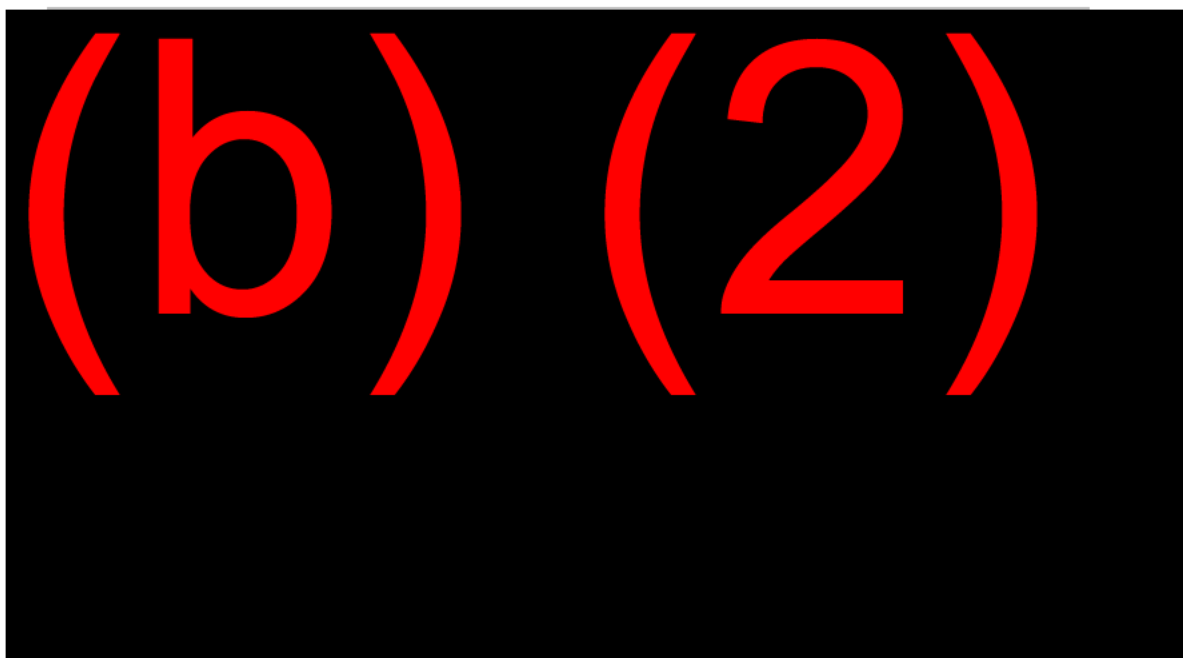
Example 2

Holly files for Spouse's benefits with an MOE of 11/18. Her DOB is 07/05/1954. Her husband, David, DOB 10/18/1951 (ELY 2013) has a PIA of $1647.10. Compute her reduced B benefit.

Input Screen:

(b) (2)
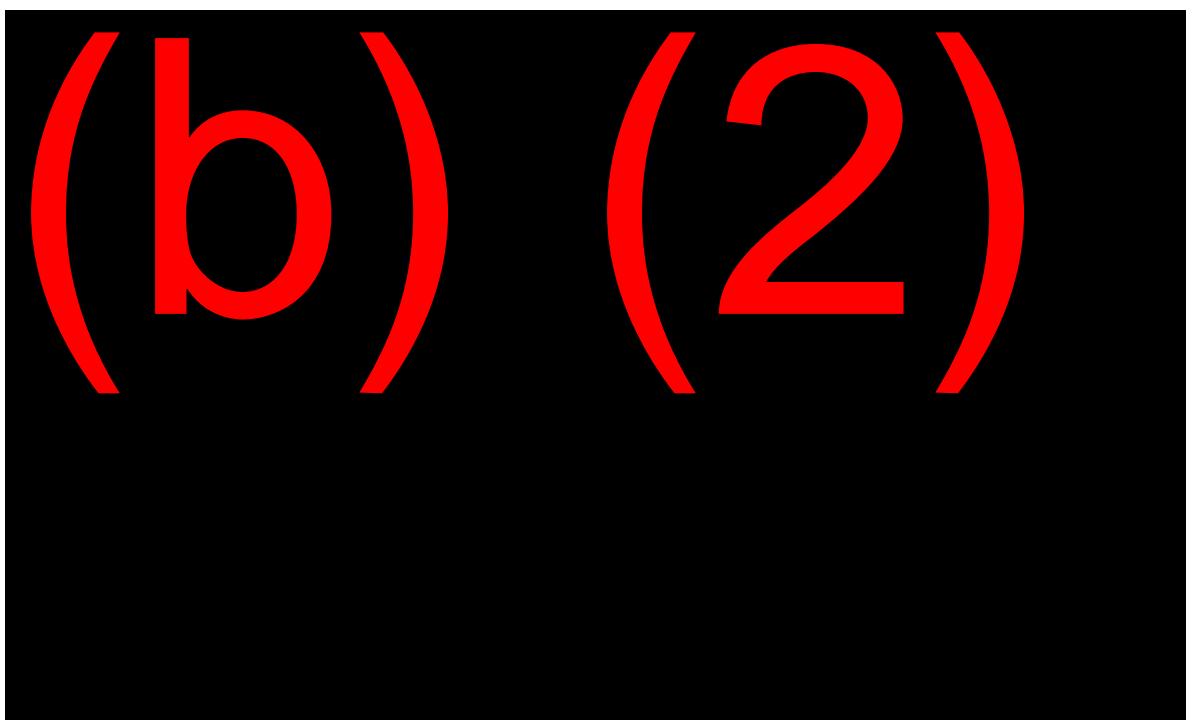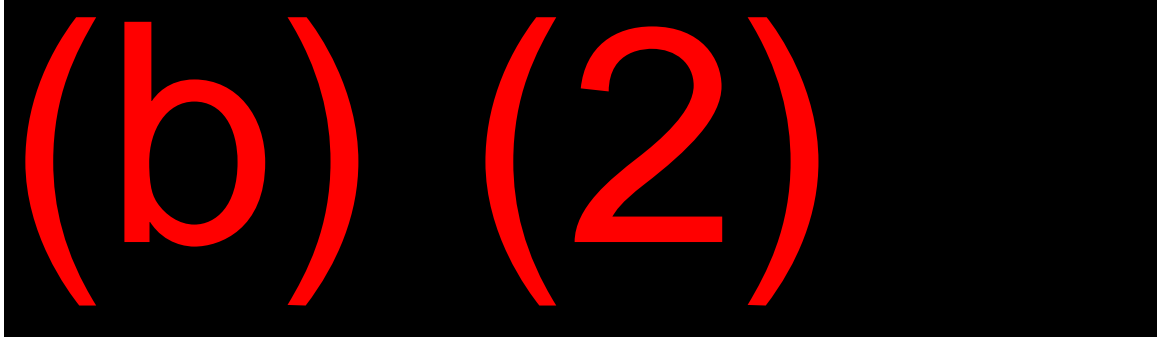
Output Screen:

(b) (2)
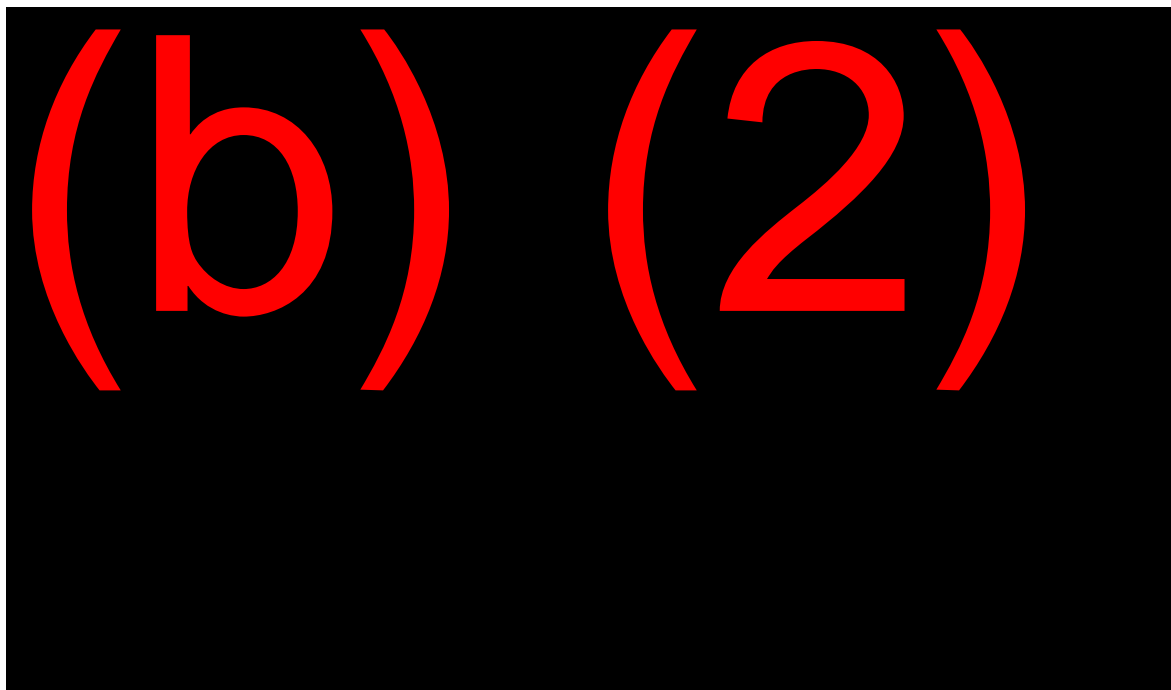
Example 3

Andrew files for spouse's benefits with an MOE of 08/18. His DOB is 08/01/1956. His husband, Brad, DOB 01/15/1953 (ELY 2015) has a PIA of $1755.80.

Input Screen:

(b) (2)

Output Screen:

(b) (2)

For payment purposes only, final monthly benefit amounts, which are not a multiple of $1.00, will be rounded down to the next lower multiple of $1.00. (The system rounds down to the nearest dollar and pays this amount.)

FMAX

RS 00605.900

Definition

There is a maximum amount payable on every NH's record called the family maximum (FMAX). Auxiliaries (beneficiaries who receive benefits on a living NH's record) are entitled to receive 50% of the NH's PIA (the original rate) <u>unless</u> the family maximum does not allow payment of 50% to each auxiliary. If a B benefit is reduced for age, the reduction would be computed after B's share of the maximum has been determined.

Determine each auxiliary's unreduced rate:

EXAMPLE:

Steven (NH), DOB 09/15/56

MOE 10/18

ELY 2018

PIA $900.00

FMAX $1350.00

Steven (NH), Elizabeth (B2), Mark, and Joseph (C1 and C2) (3 auxiliaries, unreduced for age)

Step 1 Subtract the PIA from the family maximum.

```
  1350.00 FMAX
-  900.00 PIA
   450.00
```

Step 2 Divide the answer to Step 1 by the number of auxiliaries.

450.00 / 3 = 150.00

Step 3 Compare this answer to 50% of the PIA.

50% of 900 (.5 x 900) = 450.00

Step 4 Pay the smaller amount to each unreduced auxiliary.

$150.00 is the smaller amount; Elizabeth, Mark, and Joseph will each be paid $150.00

The above formula is used in life cases. Death cases are computed differently and will be discussed in the survivor lesson.

Divorced Spouse Involved

When computing a benefit for a divorced spouse (B6/BR), remember these benefits are never reduced for the maximum. Payment is based on the original rate regardless of any other auxiliaries entitled on the record. The benefits payable to any other auxiliaries on the account are computed as though the B6/BR is not entitled on the account.

ICF #30, Life Family Rates

[RS 00615.210](); [RS 00615.756A]()

The adjusted share of the maximum may need to be reduced for age for an aged spouse entitled before FRA. The following example will illustrate how to use ICF #30 to compute the adjusted share of the maximum, reduced for age of the spouse. Refer to **Exhibit 4** to see how to compute this manually.

EXAMPLE:

PIA $1688.80, FMAX $3145.60. George NH (DOB 09/04/56), Martha B (DOB 08/01/56), Stephanie C1 and Sharon C2, both age 17, are entitled. MOE for all beneficiaries is 10/18.

ICF #30 is used to distribute the family maximum when the wage earner is alive. It will also apply age reduction for a B beneficiary where reduction for the maximum applies. Go into the ICF and choose #30 Life Family Rates.

The first screen is the IC3A input screen. We are going to work on the George and Martha example above. Here are the inputs necessary:

General PIA Comp Information

- Enter the SSN on which benefits will be paid along with the unit code.
- The start date is the MOE.
- The PIA of $1688.80 is the PIA in effect in the MOE.
- The PIFC of L is the PIA code for a New Start 78 PIA comp.
- The ELY is 2018, the eligibility year for the wage earner.
- TOM is for type of Max. A 'T' refers to a table max for RSI benefits. Left blank, the system will assume a regular table max is to be used.
- The stop date can also be left blank and all COLAs through the current month will be computed.

Aged Spouse Information

- Enter "Y" after the question "Aged BIC B involved?" because there is a B who is entitled based on his/her age.

- Information about the BIC B is entered here; that is the DOB and the initial date of entitlement.

Family Composition Information

This bottom section allows for information regarding the family composition at given effective dates. If no effective date is shown after the month of entitlement, the program assumes the family composition remained the same.

Input Screen:
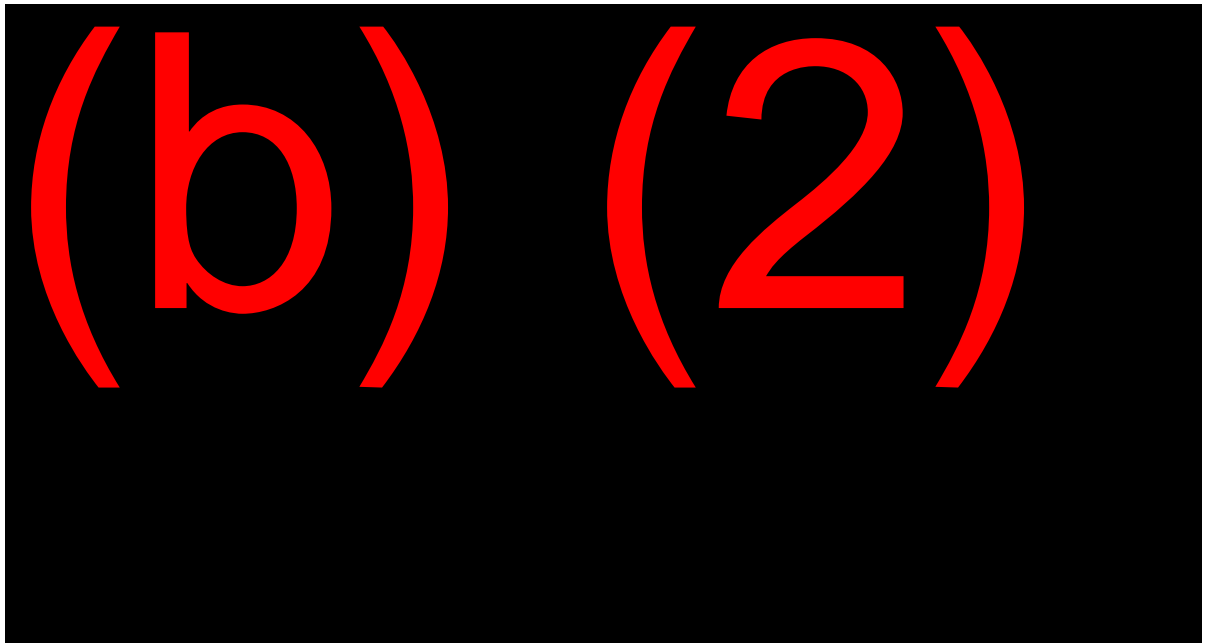
Output Screen:

Advantage to the Family

RS 00615.766

When the spouse will be reduced for age and the FMAX is involved, it may not be advantageous to the family for the spouse or BIC B to become entitled if all auxiliaries live in the same household. If B files, a smaller portion of the FMAX is paid to other family members on the record, due to B's reduced benefit. If B does not file, more of the full FMAX will be paid. Using the prior example, look at how much is paid to the family:

> **NOTE:** Even if the NH is reduced for age, we have to include the full PIA in considering the amount payable to the NH.

> **EXAMPLE**:

> NH PIA = $1688.80 (ELY 18)   FMAX = $3145.60

> George (NH) DOB 09/04/56; 2 Cs, Stephanie and Sharon, age 17 (twins – not disabled); Martha (B) DOB: 08/01/56; MOE 10/18

Amt Payable		Amt Payable
If B files		If B doesn't file
$ 1245.40	NH	$1245.40
$ 485.60	C1	$ 728.40
$ 485.60	C2	$ 728.40
$ 337.80	B	$ 0.00
$ 2554.40	TOTAL PAYABLE	$2702.20

> **NOTE:** Although part of your responsibility as a CS is to explain filing options to the claimant, the decision on whether or not to file rests with the claimant.

Dual Entitlement

RS 00615.020

Combined Benefits

In dual entitlement situations, the method for computing a spouse's benefit depends on what other type of benefit entitlement exists and the entitlement date for each benefit.

The benefit payable on the dually entitled person's own record is called the SAMBA (Smaller Actuarially Reduced Monthly Benefit Amount) because it is based on the smaller PIA. The benefit payable on the larger PIA record is called the LEMBA (Larger Excess Monthly Benefit Amount).

A/B Benefit At or After FRA

If both entitlements are at or after FRA, neither benefit suffers age reduction. The claimant will receive the PIA on his/her own record (SAMBA). Then the RIB PIA is subtracted from the B original rate and the claimant receives the remainder as the spouse's benefit (LEMBA).

EXAMPLE:

MaryAnn's DOB is 11/10/52, MOE for A and B benefits is 11/18 (FRA)

A (RIB) PIA $541.70 (SPIA) ELY 2014

B (Spouse's) PIA $1677.60 (LPIA) ELY 2014

MaryAnn's A (RIB) MBA is $541.70 (SAMBA) since she is FRA.

B Original Rate = $1677.60 ÷ 2 = $838.80

B MBA = $838.80 B original rate (unreduced B)

        – 541.70 A PIA (SAMBA)

        $297.10 (LEMBA)

The B benefit of $297.10 is added to the RIB of $541.70 for a total benefit amount of $838.80.

In a dual entitlement situation, each benefit is subject to dollar down rounding then added to arrive at the payment amount. See **RS 00601.020**.

SAMBA = $541.70   rounded to $541.00

LEMBA = $297.10   rounded to $<u>297.00</u>

For a total payable: $838.00

If the claimant files after FRA, Delayed Retirement Credits (DRCs) increase the A benefit but not the B benefit. Later in this objective, the effect of DRCs on the total payable will be discussed.

A/B Benefit Before FRA

When both entitlements are before FRA, each benefit will be reduced for age. To obtain the reduced benefit rate, we use

- ICF #5, BIC A/B DUAL ENTITLEMENT INITIAL PROGRAM.

This program will compute dual entitlement rates for a claimant who is entitled to retirement benefits on his/her own record as well as spouse's benefits.

The next example shows a simultaneous A/B entitlement before FRA.

EXAMPLE:

Logan's DOB is 08/10/1956; RIB PIA $641.70; DOE 09/18 ELY 2018

His spouse, Sophie's DOB 12/15/1955; Sophie's PIA $1677.60 (LPIA) DOE 09/18 ELY 2017

Let's use ICF # 5 Initial A/B Dual Entitlement:

ICF #5

- Enter the SSN, your unit and the requestor.
- Enter the initial date of entitlement on the claimant's RIB record (A DOEI).
- Enter the initial date of entitlement for the claimant on the spouse's record (B DOEI).
- The LPIA and the LELY correspond with the larger PIA (on the spouse's record).

- The SPIA and the SELY correspond with the smaller PIA (on his/her own record).

Input Screen:

(b) (2)(b) (2)

Output Screen:

(b) (2)

Each MBA is dollar rounded before payment is made. After rounding, claimant will be paid:

$473.00 + $135.00 = $608.00 (Monthly Benefit Payable (MBP))

Exhibit 5 illustrates how to compute the above example manually.

Reduced B After Reduced A

The next example illustrates how to complete ICF #5 screens when the claimant files for reduced spouse's benefits in a later month than he/she filed for reduced RIB. Each benefit will have a different MOE. This situation occurs when the claimant filed for a reduced RIB but was not able to file for spouse's benefits until later because the claimant's spouse is just now filing.

EXAMPLE:

Glory's DOB is 12/27/1955; A (RIB) MOE 01/18; A (RIB) PIA: $343.70 ELY 2017

Glory's MOE on her spouse Joe's record is 10/18. Joe's DOB is 09/24/1956. B (Spouse) PIA: $1901.80. ELY: 2018

Input Screen:

(b) (2)(b) (2)

Output Screen:

(b) (2)

NOTE: Because the DOE for the RIB and SPO are different, we input the PIA in effect at the initial DOE for each.

Seldom seen is the situation where a spouse's entitlement is prior to RIB entitlement. This is because of the deemed filing rules which were discussed in (b) (2)(b) (2)   **RS 00615.240** gives instructions in these rare cases.

Dual Entitlement when the maximum is involved (Parisi Cases)

GN 02603.045; **RS 00615.768**

The family maximum limits the amount payable on a record, including what the dually entitled spouse can receive. In this instance, instead of using the B original rate (or one-half the PIA), you must first distribute the maximum among the family members. This amount is the adjusted-for-the-max rate you will use to figure the dual entitlement LEMBA, rather than the original rate of one-half the PIA.

As the result of the Parisi court case, all dually entitled beneficiaries are processed in the same manner as simultaneously entitled beneficiaries, effective with benefits payable 10/99 or later. We call these situations 'Parisi Cases' and we must identify them to ensure benefits are paid accurately.

There are several characteristics to look for to determine if the case should be processed under the Parisi ruling:

- Two or more auxiliaries are entitled on the record.
- At least one of the auxiliaries on the record is dually entitled, and
- The FMAX would be exceeded if all beneficiaries were paid their original rate.

In these cases, we will reduce the other beneficiaries on the record only by the amount actually payable to the dually entitled beneficiary. (The amount actually payable is before any age reduction, government pension offset, or workers' compensation offset.)

EXAMPLE:

Hank and his wife Joanna come in to file for benefits on 10/02/2018. Joanna, DOB 09/08/1956, will be entitled to RIB effective 10/2018. Hank is filing for RIB on his own SSN and spouse's benefits on Joanna's record. His DOB is 02/15/55.

Hank's A (RIB) PIA is $350.20 (SPIA) with an MOE 10/2018 (RF = 30) ELY 2017

Joanna's PIA is $1532.60 (LPIA) and FMAX $2772.90 (ELY 2018). Hank also has an MOE of 10/2018 on her record.

There are two children also entitled on Joanna's record. The children do not meet the factors of entitlement to receive benefits on Hank's record and are not in his care for purposes of entitlement as a spouse with CIC.

1. Compute Reduced RIB

$\dfrac{\$350.20 \times (180 - 30)}{180}$ = $291.80 (SAMBA)

2. Distribute the maximum on B record:

$2772.90 - $1532.60 = 1240.30

$\dfrac{\$1240.30}{3}$ = $413.433 = $413.40 due to each B, C1, and C2

3. Then use this amount instead of the original benefit (one-half the PIA) to figure the LEMBA as follows:

$413.40 - 350.20 = $63.20

$$\frac{\$63.20 \times (144 - 30)}{144} = \$50.00 \text{ (LEMBA)}$$

4. COMB B MBA

$50.00 + $291.80 = $341.80

In this problem, you can use ICF #1 to compute her RIB, but the rest must be done manually.

There is no single ICF program to compute this rate. We can use two ICF programs and "trick" the system to obtain the benefit amount. Use ICF #30 to get the adjusted-for-the-max rate. Then use ICF #5. However, you must multiply by 2 the adjusted-for-the-max rate found in ICF #30 and enter it as the NH PIA.

Fortunately, the San Francisco Region has developed a calculator to assist us in this computation. See the Lesson Information page for MOD 12 for a link to the calculator.

NOTE: For A101 manual processing, code each child's MBA as $413.40, (the amount before applying Parisi) on the MBEN screen with a remark on the BRCN screen indicating Parisi is involved. **MS 03514.008 D.5-C**

Comparison of Benefits Payable

When the spouse is dually entitled, the benefits she is not due on the Spouse's record because of entitlement on her own record are redistributed to the other auxiliaries. See the table below for a comparison of the benefits payable on the record with Parisi vs. the benefits payable if we did not consider the Parisi ruling. This calculation will be discussed again in the Childhood Disability Benefits MOD.

	With Parisi	Without Parisi
Joanna (NH)	$1130.20 (red RIB)	$1130.20 (red RIB)

Hank (Spouse)	$ 341.80 (red A + B)	$ 341.80 (red A + B)
C1 & C2	$ 588.50 each	$ 413.40 each
Total to Family	$2649.00	$2298.80

Instead of Hank taking up $413.40 of the FMAX, he is only using $63.20 due to entitlement on his own SSN. So, subtract his $63.20 from the $1240.30 payable on the record and then redistribute the remainder.

1240.30 – 63.20 = 1177.10 ÷ 2 = 588.50 = $588.00 payable to each child.

NOTE: The benefits shown above are the amounts payable after age reduction for both Hank and Joanna. Therefore, the total payable to the family will not equal the FMAX in most cases.

If the children are entitled on both the NH's record as well as the spouse's own RIB record, then the maximums are combined. This will be discussed in the module on Child's Benefits.

Benefit Increases

Benefit increases are applied to each benefit separately. The original reduction factor for each benefit is applied to this benefit, even if the reduction factor is different for each benefit. **RS 00615.250**

The following example illustrates a dual entitlement benefit increase.

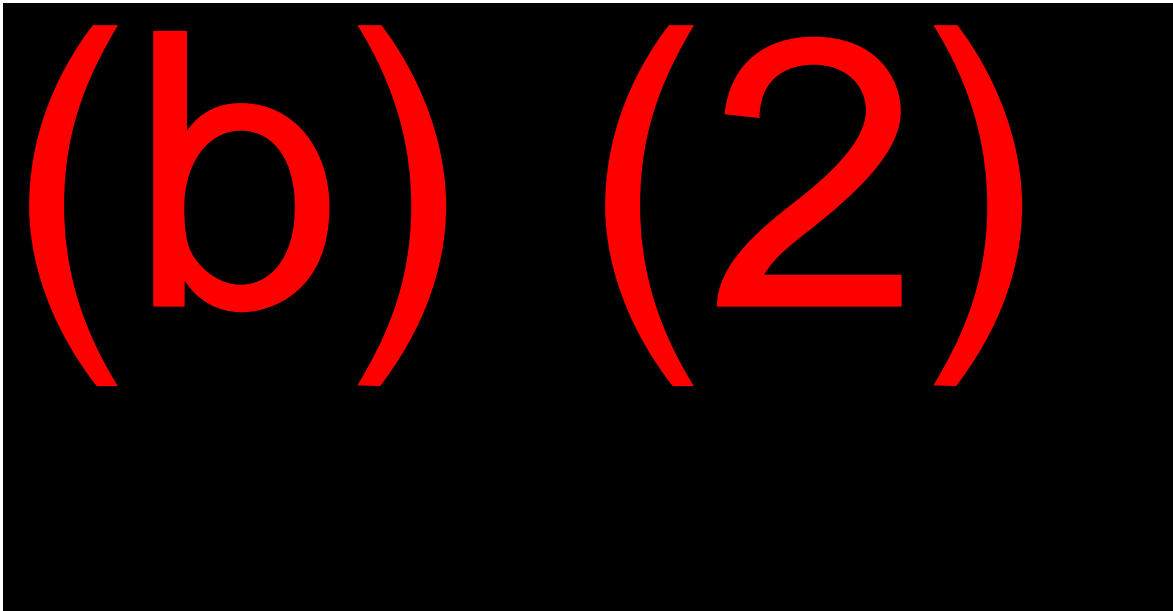**EXAMPLE**:

Max is our claimant with a DOB of 05/19/1953.

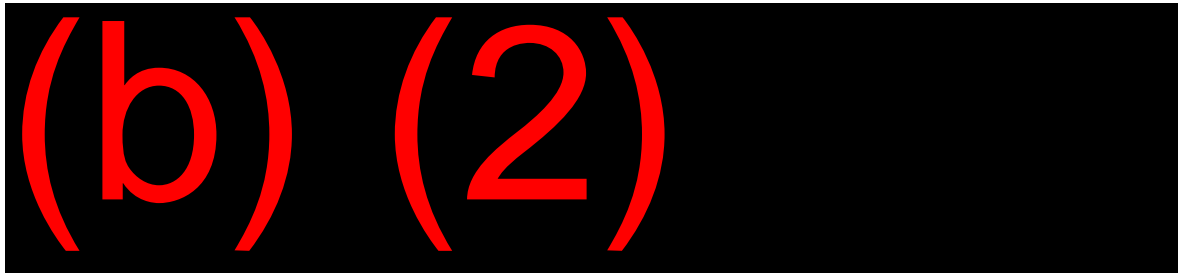MOET for RIB and Spouse: 11/17

Max's A PIA at MOE = $459.20 (SPIA)

B (Spouse) PIA at MOE = $1316.20 (LPIA, ELY: 15)

If the system is unable to compute the COLA at the time of adjudication, the case must be manually processed.

Input Screen:

(b) (2)

Output Screen:

(b) (2)

If an A101 is required, our end of year instructions state we need to apply the 12/17 COLA of 2%. We must apply the COLA to the original PIAs and then reduce the benefits as shown below:

$1316.20 (LPIA) x 1.02 = $1342.50 (with dime down rounding)

$459.20 (SPIA) x 1.02 = $468.30 (with dime down rounding)

Any PIAs with COLAs applied would be added to the A101 PIAD screen.

Once the COLAs have been applied to the new PIAs, we can compute the reduced benefit rate for each (18 RF – given to us in the ICF #5 Comp)

$1342.50 divided by 2 = $671.20 (unreduced B)

$671.20 – $468.30 = $202.90 (unreduced excess)

$468.30 x (180 – 18) = $421.40 SAMBA (with dime down rounding)

180

$$\frac{\$202.90 \times (144 - 18)}{144} = \$177.50 \text{ LEMBA (with dime down rounding)}$$

$177.50 LEMBA

+ $421.40 SAMBA

$598.90 Combined Amount

The combined MBA (before dollar down rounding) would be coded on the A101 MBEN screen. Remember, the actual payment amount (MBP) is dollar down rounded before being combined. $177.00 + $421.00 = $598.00 payable monthly.

Adjustment of Reduction Factor (ARF)

RS 00615.482

ARF

The method of computing a spouse's ARF is the same as the method for computing a RIB ARF. The original reduction factor is adjusted to remove permanent deductions; these adjustments are called credit months.

Spouse beneficiaries receive credit months for permanent deductions based on their own as well as the NH's work. They also receive credit months for months they have a child-in-care. This is because their benefit is not subject to age reduction for these months.

Consider ARFs on any MOE options. Although PC will process all ARFs in post-entitlement situations, you will have to explain the effect of ARFs to claimants.

Effect of Delayed Retirement Credits (DRCs)

RS 00615.694

NH's DRCs

A spouse's benefit is not increased by the NH's DRCs. When the NH's benefit includes DRCs and it becomes larger than the PIA, the spouse's original benefit is still 50 percent of the PIA (subject to the FMAX).

NOTE: When determining the auxiliary rates with regard to the FMAX, subtract only the NH's PIA. Do not subtract the amount after the DRC increase. **RS 00615.695**

NOTE: Unlike spouse's benefits, a deceased NH's DRCs can be used to increase benefits to his/her widow(er). **RS 00615.690A.1**

RIB DRCs

If the spouse is dually entitled to a RIB which is increased for DRCs, the spouse benefit payable is reduced by the amount of the RIB DRCs.

You may refer to **RS 00615.694B** for the six step process to calculate these benefits manually. However, this is easily done by using Interactive Computation Facility (ICF).

- Use program #1 in ICF to compute the RIB benefit with ARF/DRCs as appropriate—showing permanent deduction months before and after FRA.

- Use program #5 to compute the dual entitlement benefit amounts, considering any permanent deductions months before FRA only. (Program #5 will NOT allow DRCs.)

- Subtract the new SAMBA WITH DRCs (obtained from the first step) from the combined A/B amount (obtained in the second step) to get the new LEMBA.

See **Exhibit 6** for a demonstration of this procedure.

NOTE: If the RIB with DRCs equals or exceeds the combined A-B benefit, no B benefits will be payable (the B benefits are suspended). However, as long as the RIB PIA is smaller than the B original rate, technical entitlement as a spouse continues. **RS 00615.694** and **RS 00615.695**

OBJECTIVE 7:

**Determine if government pension
offset or an exemption applies,
compute benefits, obtain proper
verification of and process actions
involving government pension offset.**

Definition/When GPO Applies

GN 02608.100

Background

Spouse's benefits were intended to provide income for spouses who had little or no Social Security benefits of their own. Spouses who have worked and are insured for Social Security benefits get only the difference, if any, between their own PIA and one-half of the spouse's PIA. For those who file before FRA, the difference is reduced for age.

Until 03/77, a husband could not qualify on his wife's account unless the wife had been providing more than one-half of his support. However, since a wife did not have this support requirement, she could have worked in non-covered work for a Federal, state or local government and be treated as a non-working wife by SSA. Effective 12/01/77, a government pension offset (GPO) was applied for the first time to spouse's benefits. $1 in Social Security spouse's benefits was withheld for each $1 of non-covered government pension. This is called the GPO. For spouse's benefits paid since 12/84, the offset was dropped from 100 percent to two-thirds of the government pension.

Review section "Why will my Social Security benefit be reduced?" on the Fact Sheet "Government Pension Offset." (See web address:
(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)

Definition

[GN 02608.100](#); [GN 02608.400](#)

A government pension is any periodic or lump sum benefit based upon a person's own non-covered earnings while in the service of a state, local or Federal government.

The non-covered pension is payable because of:

- Retirement – age and length of service, or

- Permanent disability – a condition, expected to continue throughout the person's lifetime and preclude his/her return to work.

This definition does not include:

- Social Security (RIB or DIB)

- Veterans Administration benefits

- Black Lung benefits

- Railroad Retirement Board annuities

- Worker's Compensation (Federal or state)

- Employee withdrawals, either before or after eligibility for the pension, of only their own contributions (plus any interest) from a non-covered pension plan with relinquishment of all rights to the pension plan

- Early incentive retirement plans (such as a bonus for early retirement)

- A survivor annuity and

- Payments from optional savings plans separate from the retirement plan, e.g., payments from the Federal Thrift Savings Plan.

Unlike WEP, a foreign pension does NOT cause offset.

When GPO Applies

GPO applies with the first month of entitlement to both the government pension and spouse's benefits. Use the month the pension is due (payable) instead of the month in which it is actually received, even when the government pension is awarded (paid) retroactively.

EXAMPLE:

Mary Smith plans to retire from the Federal government on 03/31/19 and receive her CSRS pension beginning 04/19. She is over the age of 62 and files a claim for Social Security spouse's benefits 11/04/18. Her 2019 earnings will not exceed the allowable limit under the earnings test. Therefore, she wants her SSA spouse's benefits to start effective 01/19. GPO cannot be applied until 04/19, the first month she is entitled to both benefits. Mary's monthly benefit as a spouse is $400 and her government pension is $900 per month. For January thru March, Mary receives her benefit of $400 monthly as a spouse. Beginning with 04/19, her SSA spouse's benefit is offset by $600 – two-thirds of her government pension ($900 x 2/3 = $600). The offset is greater than her spouse's benefit, so no spouse's benefit is payable as of 04/19 ($600 > $400, no money due). Her entitlement to spouse's benefits continues, but no benefit is payable.

Exemption from GPO

GN 02608.101-.107

GPO does NOT apply to:

1. Spouses filing for Social Security benefits on or **after** April 1, 2004, or retiring after June 30, 2004, who receive a pension based on non-covered service and were covered by both the government retirement system and Social Security throughout the last 60 months of federal, state, or local government service. **GN 02608.107**

2. Spouses who filed for Social Security benefits **prior** to April 1, 2004, or retired prior to July 1, 2004, as a state, local, or military service employee and whose government pension is based on a job where he or she was paying Social Security taxes on the last day of employment. **GN 02608.102**

3. Federal employees, including Civil Service Offset employees, who are mandatorily covered under Social Security and meet the conditions detailed in **GN 02608.103C**.

4. Federal employees who chose to switch from the Civil Service Retirement System (CSRS) to the Federal Employees' Retirement System (FERS) on or before December 31, 1987, as well as those employees permitted to make a belated switch to FERS through June 30, 1988. See **GN 02608.103C** for additional conditions.

Note: There are other exemptions that may apply to persons who became eligible for a non-covered pension in the 1980s. See **GN 02608.104**, and **GN 02608.105** for these exceptions.

Proofs Needed for Exemption

If the applicant claims an exemption from GPO, ask for proof issued by the employer or pension-paying agency. If the applicant is exempt based on their ELIGIBILITY date for the non-covered pension, keep in mind they did not actually have to be entitled to the pension by this date, just be eligible.

EXAMPLE:

Jane Smith is a CSRS Offset employee. She originally worked under Civil Service for 5 years before leaving on 11/15/1986 to the private sector. She later returned to work for the federal government on 02/01/1988 and was covered under Social Security since returning. If she submits documentation from OPM proving her last 60 months of Federal service was covered under Social Security (and there was no period of non-covered Federal service during that time), she is exempt from GPO. **GN 02608.103C**

Refer to **GN 02608.101-.107** for the proofs needed to establish other exemptions.

Determining a Pension Amount

GN 02608.400

Pension Not Paid Monthly

If the government pension is not paid monthly, it will be prorated as though it were paid monthly. If paid weekly, bi-weekly, semi-annually or annually, refer to **GN 02608.400** for the computation to figure the monthly rate. MCS has the ability to calculate the offset amount, determined from the full pension amount and the frequency the pension is paid.

Lump Sum Payments

Some retired Federal employees were allowed to elect to receive a lump sum in addition to a monthly pension amount. (These lump sum payments were usually equal to the employee's own contributions into CSRS. This is not the same as the $25,000 buy-outs previously offered to some retirees, nor is it the same as an employee withdrawing all contributions and giving up rights to a pension.)

In these cases, the employee had to provide an election letter from OPM stating the amount the monthly pension would have been if no lump sum payment was made (the higher amount) and the amount after the reduction for the lump sum (the lower amount). The difference between the two amounts is a lifetime proration of the lump sum and, therefore, is fixed. GPO is based on the higher pension amount. When the lower monthly pension increases (e.g., OPM applies a COLA), the amount of the lifetime proration is added to the new lower amount to determine the new higher amount to be used for GPO purposes.

If a state or local government pension involves a lump sum payment, obtain proof of what the monthly amount would have been if no lump sum had been paid. If no proof is provided, refer to **GN 02608.400** to determine how to make the proration. MCS will calculate a lump sum proration based on data entered on the **GPLS** screen. **MS 00703.010**

Computing Spouse's Benefits with GPO

[GN 02608.401](#)

When computing a spouse's benefit with GPO, first determine the MBA on the spouse's record. Then calculate 2/3 of the non-covered pension and subtract this amount from the MBA.

EXAMPLE:

Linda, DOB 10/03/1956, files for spouse's benefits with an MOE of 11/18. She is not insured on her own record. Her husband, Jason, has a PIA of $2233.90, FMAX $3909.00. His DOB is 10/21/1951.

Linda is entitled to a non-covered pension of $864.00 effective 05/18.

STEP 1: Use ICF #1 to get the spouse's MBA. (You must apply the government pension offset after the spouse's MBA is calculated.)

Input Screen:

(b) (2)
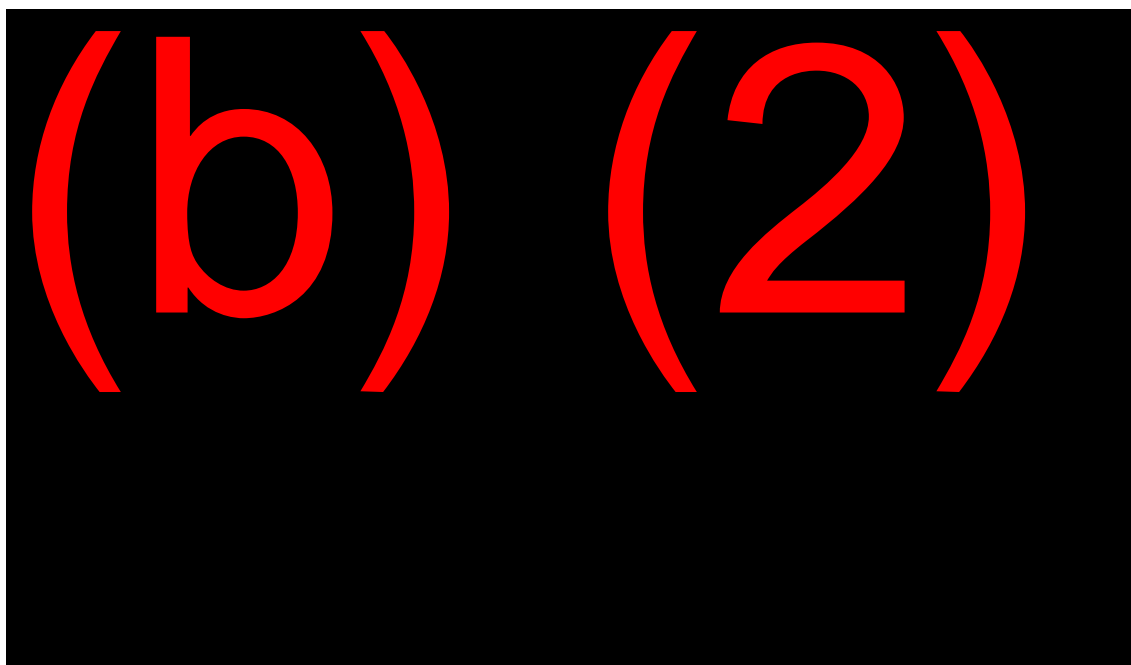
STEP 2: Determine pension offset.

2/3 x $864.00 = $576.00

STEP 3: Apply offset to spouse's benefit.

$767.80   Spouse's MBA

- 576.00   Amount of GPO

$191.80   Payable after offset

NOTE: For A101 coding, complete the spouse's MBA of $767.80 on the MBEN screen. Code the offset amount on the GPOD screen.

Helpful Program

A program on the (b) (2)(b) (2)(b) (2)(b) (2) site computes GPO offset calculations.

On this page, scroll down to the bottom section titled, "Government Pension Offset Computations". For the example shown above, select "Spouse." The illustration below includes the information from the Linda example.

A HELP tab at the bottom of the worksheet is available for instructions.

Dual Entitlement with GPO

The following example illustrates how to compute a spouse's benefit reduced for GPO when dual entitlement is involved. Please note the same non-covered pension can cause both WEP and GPO for a claimant. The RIB PIA used in the computation is the WEP PIA.

EXAMPLE:

Marcus, DOB 03/15/1956, files for benefits with an MOE for RIB (A) and Spouse (B1) effective 11/18. His own WEP PIA (SPIA) is $532.20 (obtain this amount from ICERS or EC). His wife, Brenda, has a PIA of $2119.20 (LPIA), FMAX $3708.20. Her DOB is 10/20/1951.

Marcus is entitled to a non-covered pension of $393.80 effective 06/18.

STEP 1: Use ICF # 5 to get the LEMBA and SAMBA amounts. Remember, you must apply the government pension offset after the LEMBA is calculated.

Input Screen:

Output Screen:

(b) (2)
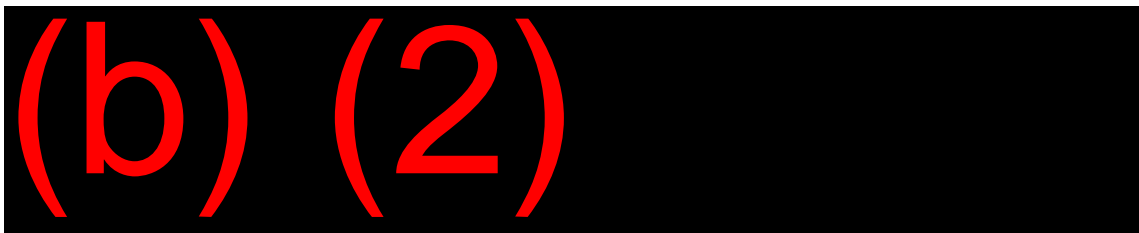
STEP 2: Determine pension offset.

2/3 x $393.80 = $262.533 = $262.60 (rounded ***up***)

STEP 3: Apply offset to spouse's benefit.

$377.90   Spouse's MBA (LEMBA)

<u>- 262.60</u>   Amount of GPO

$115.30   Payable after offset

STEP 4: Determine total benefit payable.

$408.00   RIB benefit amount

<u>+115.30</u>   Spouse benefit amount

$523.30   Total benefit amount after GPO

Calculate the actual amount the claimant receives after rounding as follows:

$408.00 (RIB amount paid)

<u>+115.00</u> (Spouse amount paid)

$523.00 (Total amount spouse receives)

This is because dollar-down rounding must be done to the RIB and to the Spouse benefit independently before adding together to determine the total benefit payable.

If RIB is not involved, use ICF # 1 to compute the spouse's benefit before GPO is applied.

NOTE: For A101 coding, enter the LEMBA of $377.90 on the MBEN screen. The combined MBA (not the payment amount) is the SAMBA and LEMBA before withholding due to GPO.

Helpful Program

The (b) (2)(b) (2)(b) (2) will also compute GPO offset calculations when dual entitlement is involved. For the example illustrated above, select option "A/B." The calculator has been completed below using the Marcus/Brenda example information. There is a HELP tab at the bottom for instructions on the A/B worksheet, if needed.

MCS Screens on Government Pension Offset

MS 00703.001

MCS

Several screens need completion in MCS when there is government pension offset involvement. These are common screens, meaning the information input is also available in POS.

Entries allow MCS to determine whether government pension offset or an exemption applies and to process benefit rate adjustments resulting from government pension offset computations.

The **GPI1 MS 00703.003** screen is a conditional screen. This screen automatically appears in the claims path when answering 'Y' to the question "QUALIFY FOR US FED/STATE/LOCAL GOVT PENSION


BASED ON ANY WORK YOU PERFORMED WHICH WAS NOT COVERED UNDER SS (Y/N)" on the **ADDB** screen. **NOTE:** Even if the spouse is not currently receiving the pension, (e.g. future entitlement) this entry on the ADDB screen must still be answered with a 'Y.'

The **GPI1** records specific information about the pension. Entering the type of pension (Federal, State, Local or Military) brings in a follow-up screen to collect details about the individual pension(s). All subsequent GP screens will reflect the pension ID number and type propagated to the heading.

If the claimant is not currently eligible for a government pension, but will begin to receive such a pension in the future, enter the date of the expected pension on the **GPI1** screen.
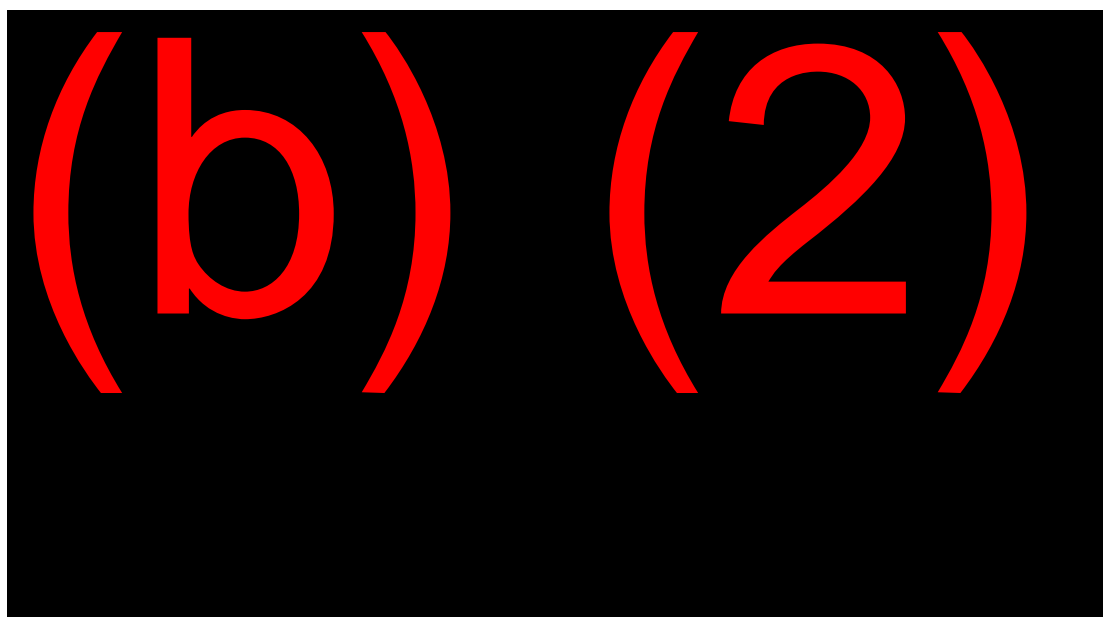
The **GPI2** MS 00703.004 screen is the second screen in the path if the pension is based on the claimant's own work and the pension is NOT based on SS covered work. It collects information about the address of the government employer and the pension payer. This screen is optional, but is helpful to the PC if a follow-up is necessary.
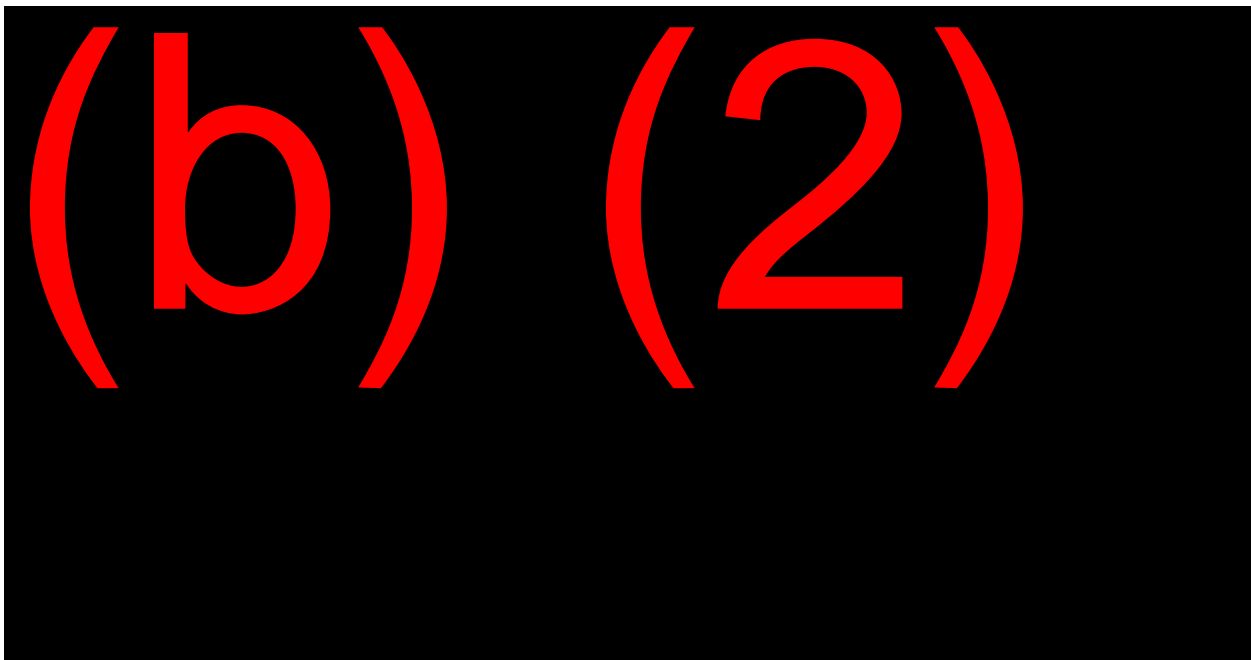
The **GPF1 MS 00703.005** screen appears if pension type 1 (Federal) is entered on the GPI1. It collects data related to the claimant's Federal pension, which then determines if any GPO exemptions apply.
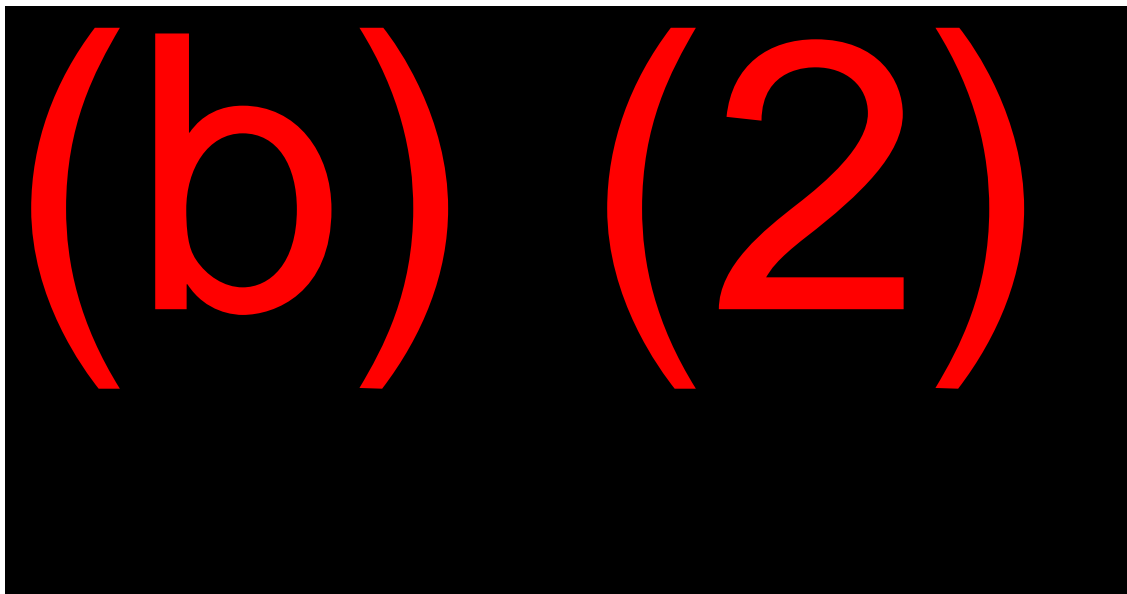
The **GPF2 MS 00703.006** screen appears if #4 (Voluntary election) is entered on the GPF1 screen for the question SELECT THE REASON FOR COVERAGE UNDER SOCIAL SECURITY. This screen collects information about the claimant's voluntary election of coverage under FERS and determines if a GPO exemption applies.

The **GPSL MS 00703.007** and **GPML MS 00703.008** screens appear if the claimant's pension has a State/Local or Military source (respectively). These screens are also used to determine if a GPO exemption applies.

The **GPP1 MS 00703.009** screen collects information about the amount, frequency, start and stop dates of the pension payment. Entering the full amount of the pension (before deductions) and the frequency of the payment allows MCS and EC to calculate the monthly payment for offset purposes. **NOTE:** If GPO continues to apply, the current amount should reflect a start date but no stop date.

(b) (2)
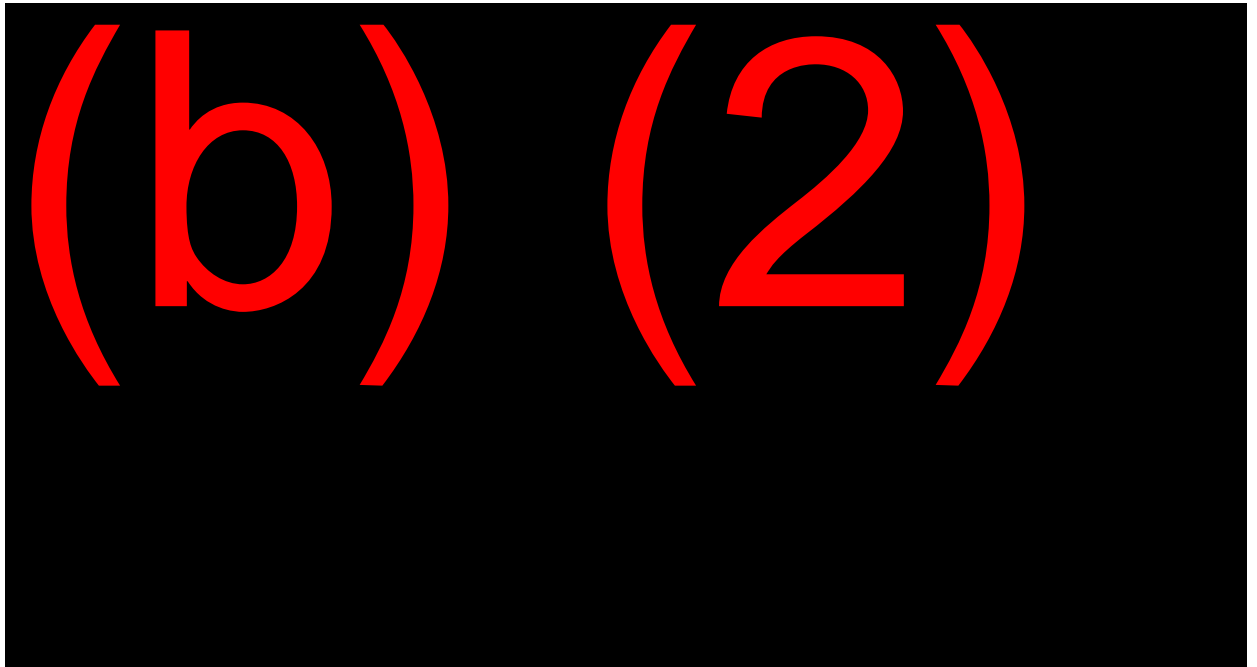
Once information about a government pension has been added, a **GPMU** menu screen is incorporated into the path, allowing you to add another pension if necessary and subsequently, to choose which pension (up to a total of three) you wish to access. For additional details on the GPMU screen, see **MS 00703.002.**
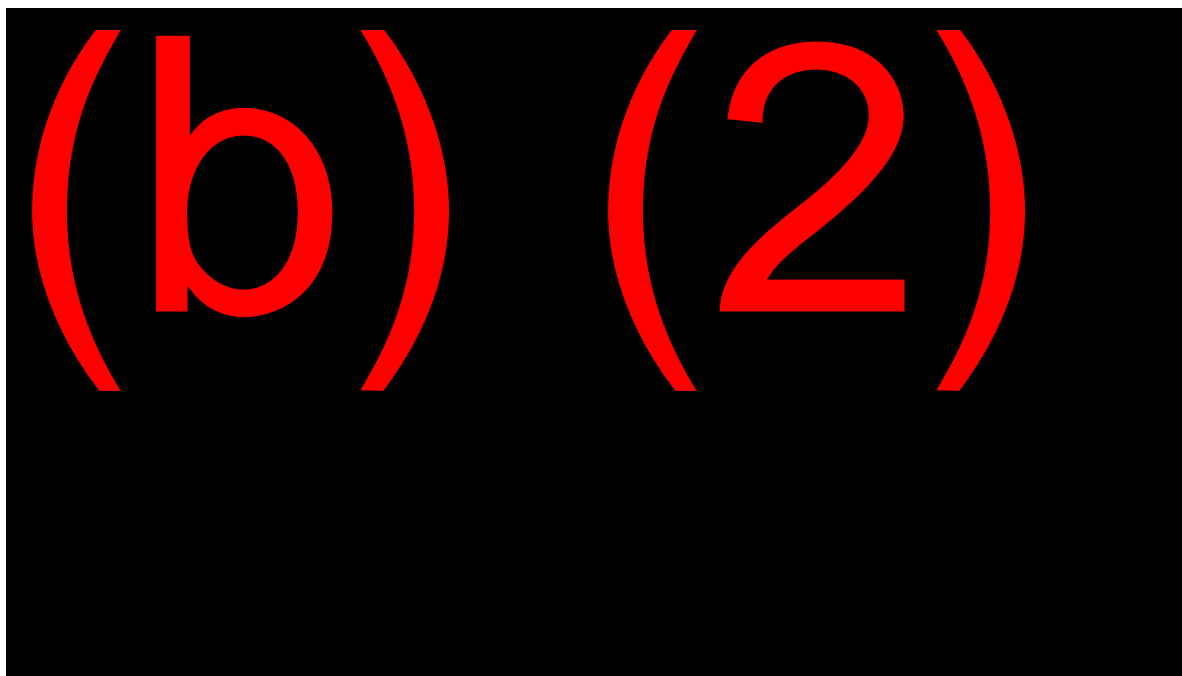
Paper Claims

If you are unable to take the claim on MCS and you must complete a paper application, document the government pension information on form SSA-3885. This form is also used for a government pension reported during a post adjudicative action.

Processing Initial Claims Involving GPO

GN 02608.200

Development & Documentation

MCS common GP screens must be completed if there is an indication the spouse applicant is eligible for, receiving, or has applied for a government pension. MCS will display these screens when the applicant answers Yes to the government pension question on the ADDB screen. As already discussed, the purpose of these screens is to record the claimant's allegation about his/her government employment or pensions.

Be alert to possible GPO in the following situations:

- If there is a presence of non-covered earnings on the spouse's own earnings record.
- If a spouse is filing subsequent to receiving RIB on his or her own record and a review of his or her MBR shows WEP is present.
- If a spouse is filing for RIB/spouse's at the same time and WEP applies on RIB.

Total Offset

If the spouse alleges a government pension which results in total GPO (2/3 of non-covered pension is equal to or more than the spouse's benefit) in the first month of entitlement, code MCS with the information the spouse provides and no further development is needed.

Partial Offset or Total Offset after first MOE

If partial GPO applies or total offset applies after the first month of entitlement, get corroborating statements from the employer or pension paying agency (e.g., an award letter) showing the pension amounts and effective dates. Code the information onto the EVID screen in Shared Processes.

Exemptions: If an exemption to GPO applies, obtain proof depending on the type of exemption claimed.

Claimant does not Cooperate or Development is Incomplete

If the claimant refuses to cooperate or provide needed information, impose total government pension offset. If benefits can be awarded to others on the SSN and the pension development is not yet completed, or the spouse is uncooperative:

- Process the spouse claim with total GPO pending development by entering a large pension amount on the GPP1. Entering the amount of 9999.99 prevents an erroneous payment.

- Include a paragraph in the notice to the spouse to explain why total GPO applies.

- Establish a diary for receipt of the development.

Civil Service Annuitant and EC

If the spouse filed a claim under his/her own SSN and an OPM pension is involved, use the OPM interface information on EC to document GPO.

The **DCSD** Civil Service Data screen, shown below, or ICERS will display Civil Service data for the NH, AUXSPO or SURSPO who is receiving a CS pension. This screen appears in the EC path. You can use the information on this screen to verify the pension amount.

NOTE: The EC process will use the data you code on the GP screens to impose GPO, not the information on the DCSD.

Manual Awards involving GPO

MCS EC will correctly process most claims involving GPO. If not, follow the manual process using an A101. **MS 00704.003** describes the GPOD screen for these cases. The (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) offers instructions on how to take and process a claim involving GPO. When the claimant's entitlement to the pension is in the future, or an increase in a state/local pension is expected, proper completion of the ADDB screen regarding qualifying for a pension and the subsequent completion of the GPI1 screen creates a RETAP alert for the PC.

If a manually processed claim has a GPO exemption, **GN 02608.200B.2** provides instructions for including a remark alerting the Processing Center.

Processing Post-Entitlement Reports

GN 02608.300

SSA-3885

The SSA-3885 must be completed when a post-entitlement report is the first indication the spouse is receiving a pension.

Verification in PE Situations

Verification of the government pension is required if:

- An exemption to the GPO applies and benefits will be paid based on the exemption, **or**

- Full or partial offset results based on the allegation.

Process all pension allegations or increases through the Post Entitlement Online System (POS) and complete the GPO screens. Also, electronically store the SSA-3885 and evidence received through the Non-Disability Repository for Evidentiary Documents (NDRed) system.

Additional Evidence Required

Secure corroborating evidence of the pension information if:

- The report is from a source other than an employer or pension paying agency, **and**

- A change in the pension or spouse's monthly benefit will result in an increase in the spouse's benefit payable; e.g., amount changes from total offset to partial GPO, **and either**

- The pension information of record was not previously verified, **or**

- The pension information of record is more than 2-years old.

Supporting Evidence Not Required

Generally, acceptable evidence of pension information is required. However:

- Accept at face value a report from the employer or pension-paying agency.

- Accept the spouse's statement if the pension amount on record was previously verified if it will not result in an increase to the spouse's benefit amount payable, unless there is any reason to believe an unreported increase in the pension occurred, e.g., it is known the particular pension plan pays increases annually. Resolve the issue before paying benefits.

EXHIBIT 1: DEFINITION OF SPOUSE

FACTORS OF ENTITLEMENT - SPOUSE RS 00202.001

- File an application.

- Be the spouse* of a NH entitled to RIB or DIB.

- Attained age 62 or have a child-in-care entitled to child's benefits on the NH's E/R.

- Not be entitled to own RIB or DIB with a PIA greater than or equal to one-half of NH's PIA.

RS 00202.001A

　　　*The claimant must be:

- A legal spouse who is validly married (per State law), OR who has inheritance rights as a spouse (i.e., putative spouse),

   OR

- A deemed spouse who has gone through a marriage ceremony in good faith resulting in a marriage which would have been valid except for a legal impediment;

   AND

- In addition to being a legal or deemed spouse, the spouse must be married to NH for 1 year OR be natural mother or father of NH's biological child OR entitled or potentially entitled to certain benefits in the month prior to marriage to the NH.

EXHIBIT 2: DEFINITION OF DIVORCED SPOUSE

RS 00202.005A

>   The claimant must:

>   • Be finally divorced from the NH, and

>   • Have been married to NH for a period of at least 10 years immediately before the date the divorce became final.

Factors of Entitlement – Divorced Spouse

>   **RS 00202.005B**

•   Be the divorced spouse of an NH entitled to RIB or DIB.

•   Have filed an application for benefits.

•   Have attained age 62.

•   Not be married. (See **RS 00202.045** for remarriage after entitlement.)

•   Not be entitled to own RIB or DIB with a PIA greater than or equal to one-half of NH's PIA.

Factors of Entitlement – Independently Entitled Divorced Spouse

>   **RS 00202.005B.2**

>   • Be the divorced spouse of a fully insured NH who has attained age 62*.

>   • Have filed an application for benefits.

>   • Have attained age 62.

>   • Not be married.

>   • Not be entitled to own RIB or DIB with a PIA greater than or equal to one-half of the NH's PIA.

- Be finally divorced from the NH for at least two consecutive years (a 'year' signifies a continuous 12-month period).

* The NH must be insured and be age 62 throughout first month of the IEDS claimant's entitlement but need not have filed a claim for benefits.

NOTE: Benefits under this category are effective 01/85 or later.

EXHIBIT 3: MANUAL COMPUTATION OF REDUCED SPOUSES BENEFITS – NO DUAL ENTITLEMENT

Computation of Reduced Spouse Benefit (RF = 1 to 36)

The following formula is used to compute a reduced spouse's benefit for the first 36 months under FRA (RF = 1 to 36).

$$\frac{(144 - RF) \times Original\ rate}{144} = MBA$$

Remember, the original rate is 50% of the NH's unreduced PIA.

EXAMPLES:

1. Jill files for B benefits 2 years before her FRA (DOB 10/27/1954; MOE 10/18). Her husband Jack's PIA is $1528.90 (ELY 2011). Jill is not insured for benefits on her own E/R. The B original rate is $764.40. The RF is 24 months. (FRA 10/2020 minus MOE 10/2018 = 24 RF). The RF equivalent is 120 (144-24).

$$\frac{120 \times \$764.40}{144} = \$637.00$$

   Jill's MBA is $637.00. The payment amount is $637.00.

2. Holly files for spouse's benefits with an MOE of 08/18. Her DOB is 07/05/1954. Holly is not insured for benefits on her own E/R. Her husband, David, DOB 10/18/1951 (ELY 2013) has a PIA of $1647.10.

RF = 23. (FRA 07/2020 minus MOE 08/2018 = 23 RF). The RF equivalent is 121 (144-23).

$$\frac{121 \times \$823.50}{144} = \$691.968$$

With dimes down rounding, her MBA is $691.90. Holly's payment amount is $691.00.

Computation of Reduced Spouse Benefit (RF = 37 to 60)

The formula for calculating a spouse's benefit when the reduction factor is over 36 is:

$$\frac{(180 - ARM) \times Original\ Rate}{240} = MBA$$

The "ARM" (Additional Reduction Months) is the number of months the spouse is reduced in excess of 36 (RF – 36).

EXAMPLE: Andrew, DOB 04/07/56, files for benefits with MOE of 05/18. He is not entitled on his own record. He will be reduced 51 months. His husband Brad, whose DOB is 01/15/1953, is currently receiving benefits with a PIA of $1755.80.

The ARM is 15 (51 – 36). The RF equivalent is 165 (180 – 15).

$$\frac{165 \times \$877.90}{240} = \$603.50\ (MBA)$$

Andrew's payment amount is $603.00.

EXHIBIT 4: MANUALLY COMPUTING REDUCED B BENEFIT WHEN FMAX APPLIES

The adjusted share of the maximum may need to be reduced for age for an aged spouse entitled before FRA. The following example will illustrate the adjusted share of the maximum, reduced for age of the spouse. The benefit is computed using the formula found in **RS 00615.201B**.

EXAMPLE:

PIA $1688.80, FMAX $3145.60, ELY 2018, George NH (DOB 09/04/56), Martha B (DOB 08/01/56), Stephanie C1 and Sharon C2, both age 17 and not disabled, are entitled. The MOE for all beneficiaries is 10/18. Martha's RF is 49. The MBA at her MOE is computed as follows.

ANSWER:

FMAX $3145.60 - PIA $1688.80 = 1456.80 (amount left over to pay auxiliaries)

1456.80 / 3 = $485.60 (adjusted share of the maximum)

180-ARM (49 RF-36 =13 ARM) = 180-13 = 167

(167 x 485.60) / 240 = $337.896

Martha's reduced B benefit is $337.80 with dimes down rounding.

Stephanie and Sharon would have MBAs of $485.60 since their benefits are unreduced (They will actually be paid $485.00. Child and Student benefits will be discussed in a later lesson). Martha would be paid $337.00 after age reduction and dollar down rounding.

EXHIBIT 5: MANUALLY COMPUTING REDUCED RATES - BIC A/B DUAL ENTITLEMENT

EXAMPLE:

Logan is our claimant, DOB 08/10/56, RIB PIA $641.70

DOE 09/18 = 51 RF.

1. Compute reduced RIB

51 RF- 36 =15 ARM

192 -15 ARM = 177

MBA   177 x 641.70 (SPIA) divided by 240 =$473.253 = $473.20 (SAMBA)

2. Compute reduced spouse's benefit

B1 PIA $1677.60

Excess B1 $1677.60 ÷ 2 = $838.80

              $838.80 – $641.70 = $197.10 is original B benefit

B1 MBA   180 – 15 ARM = 165

165 x 197.10 divided by 240 = $135.50 (LEMBA)

3. Add SAMBA and LEMBA to obtain:

Combined MBA = $608.70 ($473.20 + $135.50)

Each MBA is dollar rounded before payment is made. After rounding, claimant will be paid:

        $473 + $135 = $608.00

Reduced B After Reduced A

The next example shows how to compute a benefit when the claimant files for reduced spouse's benefits in a later month than he/she filed for reduced RIB. Each benefit will have a different MOE and a different RF. This situation occurs when the claimant filed for a reduced RIB but was not able to file for spouse's benefits until later because the claimant's spouse is just now filing.

EXAMPLE:

Glory is our claimant; DOB 12/27/1955; A (RIB) MOE 01/18; A (RIB) PIA: 343.70

Glory's MOE on her spouse Joe's record is 10/18. Joe's DOB is 09/24/1956. B (Spouse) PIA: 1901.80. ELY: 2018

1. **Compute reduced RIB**

MOE 01/18 for RIB = 49 RF; ARM = 49 – 36 = 13; 192 – 13 = 179

SAMBA = $\dfrac{179 \times \$343.70}{240}$ = \$256.30 RIB MBA eff 01/18

2. **Compute reduced spouse's benefit**

MOE 10/18 FOR B = 40 RF

Determine the Original Rate for the B Benefit: 1901.80 ÷ 2= 950.90

Subtract the 01/18 RIB PIA from the B Original Rate:

\$950.90 - \$343.70 = 607.20

ARM 40 – 36 = 4; 180 – 4 = 176

LEMBA = $\dfrac{176 \times \$607.20}{240}$ = \$445.20

**3**. **Compute Combined A/B MBA**

RIB MBA effective 01/18 = \$256.30

Combined A/B MBA effective with B MOE (10/18) = \$256.30 + \$445.20 = \$701.50

EXHIBIT 6: DELAYED RETIREMENT CREDITS

Harriet, DOB 09/09/51, RIB DOE 10/18, RIB PIA $600.00 (ELY 2013)

PDs: 09/17 through 09/18 (However, you'll note that since we are processing this award in 10/18, the system won't credit the DRCs for 01/18 through 09/18 until after 2018 is over. That is why only 4 DRCs are associated with the 10/18 DRC'D MBA output.)

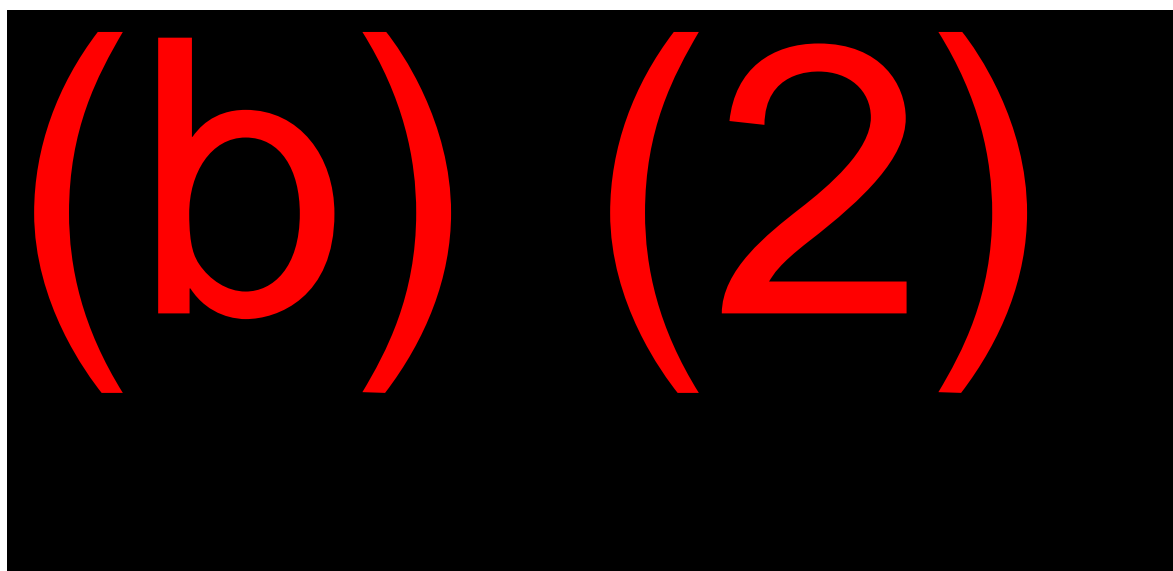**Step 1**: Use ICF #1 to figure the SAMBA with DRCs.

(b) (2)

OUTPUT:

(b) (2)
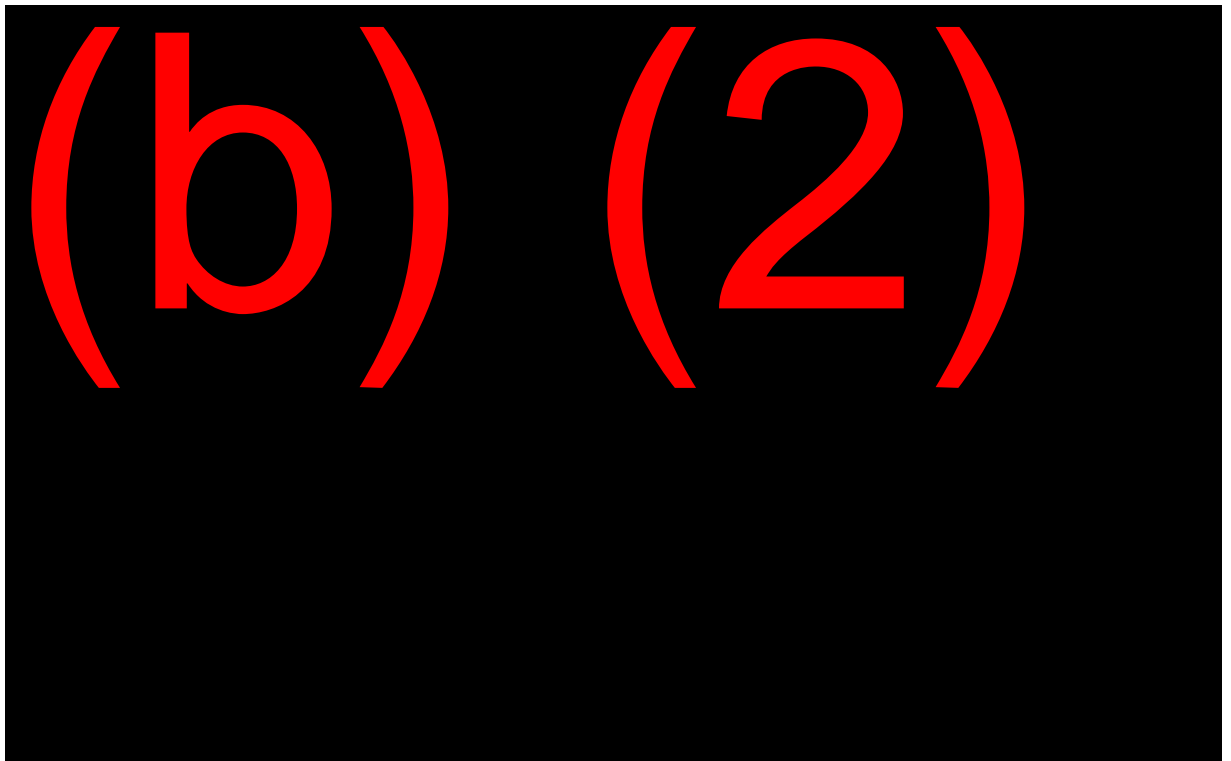
We will show the 10/18 DRC'd MBA as the answer to step 1: $616.00.

Step 2: Use ICF #5 to calculate the dual entitlement without DRCs.

B PIA $1637.00 (ELY 2012)

INPUT:

(b) (2)

The answer to step two is the combined A/B rate as of 10/18 showing 818.50.

STEP 3: Subtract the DRC'd SAMBA of 616.00 (from step 1) from the combined A/B rate of 818.50 (from step 2):

    818.50 COMBINED A/B

   - 616.00 SAMBA (with DRCs)

202.50 LEMBA (amount payable on B record after DRCs)

Notice the Combined A/B MBA of $818.50 does not change. The only change is from which record the payment will be made. DRCs increased the SAMBA, which then caused the LEMBA to decrease, but the combined A/B benefit remains the same.

OFF-AIR ACTIVITIES

- Look up the state law regarding common-law marriage for the state in which you will be working and all of the bordering states. When you have found all those states, ask your mentor to provide any additional information available about common-law marriages in your service area. Discuss the frequency with which you will most likely see common-law marriages and find out where the office keeps local precedents.

- If custom marriages are common in your service area, read any local precedents and talk with your mentor about the procedures in your area.

- Determine the advantages and disadvantages of each of the potential methods of documenting insured status for an uninsured spouse. Find out if your office has any preferred manner of documenting the lack of insured status.

- Read SSR 63-1 for an illustration of a situation in which a claimant exercised parental control and responsibility. Here is the link: (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) (b) (2)(b) (2)

- To test your understanding of GPO, take the Office of Learning course on (b) (2).

- Interviewing Tips:

    - When interviewing, you must be very careful to develop all allegations of marriage. One major clue to the possible existence of a previous marriage is the existence of a different last name on the NUMI, which was not alleged on the application. You must be careful in your questioning, as there are other valid reasons for different last names (e.g., adoption or mother re-married and claimant just used the stepfather's last name).

    - Remember, just because a person is not aware of a divorce, does not mean the other party did not obtain a divorce.

Benefit Matrix:

The Benefit Matrix is designed to be used as a benefit calculator during the initial claims interview and does a great job providing estimates over a period of time. However, a word of caution here, **do not** use it for A101/EF101 calculations.

Access the Benefit Matrix through FORCE. Under the Category column, select Resources. Then under the Subject column click on Benefit Matrix --PhilaNet.

EXERCISE #1

OBJECTIVE 1: Apply the factors of entitlement to spouse's and divorced spouse's benefits; Determine the month of entitlement; Determine deduction and termination events.

In the following problems, determine if the spouse can be entitled to benefits and, if so, in what month. Assume the spouse contacts SSA in time for earliest possible MOE. Explain your answer.

1. Miguel and Lucy have been married since 06/2018. Lucy, 35, is the mother of the NH's biological child born on 10/12/18. Miguel has been receiving benefits for 2 years. Can Lucy be entitled to spouse's benefits on Miguel's record? Explain.

2. Lillie, age 67, was receiving widow's benefits when she married Frankie (a RIB beneficiary) on 09/15/18. Can Lillie be entitled to spouse's benefits on Frankie's record? Explain.

3. George became entitled to RIB benefits in 10/2018. He divorced last year after 12 years of marriage. His former wife, Evelyn, age 43, has three children of the NH in her care and has filed for all possible benefits. Can Evelyn be entitled to benefits? Explain.

4. Alice will be age 62 on 02115/19 and filed for RIB on 11/09/18. Her husband Gary is 65 and is receiving RIB based on a PIA of $950. Alice's PIA is $2200. They were ceremonially married 20 years ago. Can Gary be entitled to benefits on Alice's record? Explain.

5. Ralph, age 62, married Roy on July 10, 2018. Roy receives RIB. Roy's 14-year-old son, Redd, lives with him and is entitled to child's benefits on Roy's record. What is the earliest date Ralph could be entitled to spouse's benefits?

6. Sara Lee has filed an application for spouse's benefits. Based on her earnings record, she has earned 15 QCs, but she needs 40 QCs to be insured. What documentation must be present to address Sara Lee's own retirement benefits?

7. Vai Tham has applied for independently entitled divorced spouse benefits. You obtained a SEQY on the record of her former husband, and you see he has earned more than the 40 QCs needed to be insured. Does this sufficiently document the NH's insured status?

8. Larry Johnson, DOB 07/16/1956 filed for benefits 07/21/18 and was awarded reduced RIB effective 08/2018.   In 11/2018, his wife filed for benefits and became entitled to RIB effective 10/2018 based on protective filing. One-half of her PIA is greater than Larry's PIA. Is Larry deemed to have filed for reduced spouse's benefits effective 10/2018? Explain.

You receive the following reports from various beneficiaries who receive spouse's benefits. How may the events affect their benefits?

9. A divorced spouse beneficiary reports the NH (who receives RIB) returned to work full-time last month and will be earning approximately $2,000/month. The NH and spouse were divorced 10 years ago.

10. The spouse beneficiary's last child-in-care will turn 16 in 2 months, and the child is not disabled. The spouse is age 54.

11. A deemed spouse separated from the NH last week.

12. A young spouse beneficiary, age 36, becomes finally divorced.

13. A young spouse reports the NH's death.

14. A divorced spouse calls to tell you she has remarried. Her new husband is receiving disability benefits on his own record.

15. Martha, age 64, calls to ask why her spouse's benefits stopped a few months ago. You determine her youngest child turned age16 four months ago. Martha is not insured for benefits on her own record.

EXERCISE #2

OBJECTIVE 2: Identify and apply the requirements for the types of marital relationships upon which entitlement can be based.

1. Florence married James 12 years ago. She and James separated a year later. Neither obtained a divorce. James currently lives in Alaska. Florence began living with Mike in Pennsylvania 8 years ago, and they have been living there together ever since. Florence is filing for spouse's benefits on Mike's SSN. She says she and Mike have a common-law marriage because they have lived together 8 years and have presented themselves to the community as husband and wife. What do you tell Florence?

2. Charles and Denise are husband and wife and live together in Oregon. They were married by a Justice of the Peace in Oregon in 1980. Denise is filing for spouse's benefits. She tells you this is her only marriage. She also tells you Charles just recently told her he had married Marilyn in 1975 and the marriage has never actually been terminated. Could Charles and Denise's marriage be considered a deemed marriage?

3. Gary was in the Navy stationed in Barcelona, Spain, where he met and married Maria. However, when he was reassigned stateside she refused to come with him. He tried to obtain a divorce, but he abandoned the project. Later, while he was stationed in Portsmouth, VA, he met Susanna and told her the whole story. Eventually, Gary and Susanna were married in the base chapel. (Assume for purposes of this exercise bigamous marriages are void in Virginia). This happened many years ago, and today Gary is filing for retirement and Susanna is filing for spouse's. Can Susanna be entitled to a spouse's benefit?

EXERCISE #3

OBJECTIVE 3: Determine evidence required to establish marriage, divorce and age.

Review the following case situations and answer each question.

PART I

Case A

Joseph and Margaret have been married 31 years. Joseph is already receiving retirement benefits when Margaret files for spouse's benefits on his record.

Margaret's BMAR screen shows:

- She married Joseph Peters on November 27th, 31 years ago in Long Beach, CA;

- They were married by a clergyman;

- Margaret has no previous marriages and her current marriage has not ended;

- Joseph's NMAR screen reflects the same information. He had no prior marriages.

1. What type of marital relationship exists between Joseph and Margaret?

2. Do they need to submit their marriage certificate or any additional proof for adjudication?

Case B

Joan and James Bridges both filed a claim for benefits on Joan's record on 03/09/2018. Joan's NMAR screen on her retirement application shows she was married to James Bridges on November 14th, 25 years ago in Redlands, CA, by a public official. Joan had previously been married to Dennis Hudson, in Los Angeles, CA. The marriage ended in divorce, after fewer than 10 years, and before her current marriage in Los Angeles, CA. The BMAR screen on James' claim shows he married Joan on November 14th, 25 years ago in Redlands, CA. He had one prior marriage to Bea Smith, in San

Diego. This marriage also ended in divorce, in Long Beach, CA, fewer than 10 years and before the current marriage.

3. What type of marital relationship exists between Joan and James?

4. What additional proofs, if any, are necessary for adjudication?

Case C

Jose Reyes has been receiving retirement benefits for three years. His wife, Lorie Reyes, files a spouse's claim in the month she attains age 62. A public official married Lorie and Jose 1½ years ago in Las Vegas, NV. The BMAR screen shows she had no prior marriages. Jose's prior claim is unarchived and the NMAR shows he had no prior marriages. An SSA-3 is obtained and the date and place on the SSA-3 agree with Lorie's statements.

5. What type of marital relationship exists between Jose and Lorie?

6. What additional proofs, if any, are necessary for adjudication and why?

Case D

This scenario is based on an actual case. The names and places have been changed to protect the innocent.

May and Lou, life-long Illinois residents, were married at a revival meeting in June 1962 in Chicago. Neither of them had been married before. The mood was festive and several other couples were married at the same ceremony by a Reverend D. Seaver. All of May's family were there and Lou's older brother was the best man. Two weeks later, May and Lou held a reception to celebrate the news of their marriage with their friends.

Fifteen years later, May and Lou were shocked to see on *60 Minutes* the Reverend D. Seaver had been convicted of theft by deception for holding himself out as a man of the cloth and using the money from his collections to buy several mansions and a fleet of expensive cars. He had never had any religious training and was not recognized by any governmental or religious organization as a minister.

Now it all made sense. A few years earlier they had gone to the county courthouse in Chicago to try to replace their original marriage certificate which had been burned in a fire, but there was no record there.

Apparently, their marriage was not legal and now they have six children and established themselves as a family in the community. Fortunately, this very Sunday on which the "reverend" was exposed there was a televised night game for the Bears. All of their friends and family had been watching the game, and no one even mentioned the "exposure" to them.

Since no one else seemed to be aware of the problem, they resolved to keep quiet about it and to eventually marry legally on a weekend trip to Iowa. However, they never seem to have time for this Iowa get away.

They are now age 62 and are at the Social Security office to file for benefits. May's PIA is only $300 and Lou's is $1000.

7. Should May file for benefits as the spouse of Lou?

8. What type of marriage are they alleging?

9. What will be needed for proof of marriage?

PART II

10. Jackson and Louise have lived together since their 20s in Maine only. Although they mutually agreed to live together as husband and wife and presented themselves to the community as married, they never went through a marriage ceremony. Both were legally capable of entering into a ceremonial marriage. Is this a valid marriage? Explain your answer.

11. Morgan went through a marriage ceremony in Nevada with Jesse in good faith, not knowing Jesse's marriage to Rita, his former wife, had not ended. Rita, who is still living, was previously entitled to spouse's benefits on Jesse's record. Her benefits were terminated when her child attained age 16. Morgan is the natural mother of Jesse's 13-year-old child and is living in the same household with them. Can Morgan be entitled to spouse's benefits? Explain your answer.

12. Leroy is currently receiving retirement benefits. His wife Emma, age 62, has filed an application for spouse's benefits. She and Leroy have recently separated, and he refuses to answer any questions or complete the SSA-3. What action should be taken?

13. Elliott Dawson married Helen Fremont Dawson at age 21. They separated after two years and never divorced. Mrs. Dawson is currently living in California and is receiving RIB benefits. Mr. Dawson lives with Betty Compton, also a RIB beneficiary, in New Mexico. They never married, although this was their intent when they began living together in 1970. Mr. Dawson is not insured for RIB. On whose account could Mr. Dawson possibly be entitled to spouse's benefits?

14. When is Proof of age (POA) required for a spouse's claim?

EXERCISE #4

OBJECTIVE 4: Identify the criteria and the evidence needed to determine if the child-in-care requirement is met.

1. If the claimant and the 21-year-old entitled child who is mentally disabled are living together, can we assume this claimant has the child-in-care?

2. If both husband and wife share all responsibility for the care of their minor child, can we determine the wife has the child-in-her care?

3. Does the concept of exercising parental control and responsibility apply to a mentally competent, physically disabled child age 16 or over?

4. In each of the following situations, determine if child-in-care could be met:

    a. Child, age 15, is away from home for three weeks while visiting relatives.

    b. Physically and mentally disabled child, age 20, lives in a nursing home. The parent provides no personal services, but exercises parental control over the child's development since the child is mentally incompetent.

    c. Child, age 12, lives at a private boarding school year-round. The parent does not exercise parental control and responsibility. The child spends all holidays with his grandparents.

5. What three factors determine the evidence required to establish child-in-care?

6. What documentation is required to establish child-in-care if the child and claimant live together, and the child is over 16, physically disabled and mentally competent?

EXERCISE #5

OBJECTIVE 5: Complete a spouse's application.

With the assistance of your mentor, load an IEDS claim in MCS for Lauralynn Robins on the record of Patrick Stevens using the cloned SSNs from the Office of Learning's (b) (2)(b) (2)(b) (2) .

- They were married from 05/15/1994 through 07/27/2006.

- He is still working and has not filed for RIB.

- She would like her benefits to begin at the earliest possible month.

- She is not currently working.

EXERCISE #6

OBJECTIVE 6: Compute a spouse's benefit .

1. For the following examples, compute B's benefit at date of entitlement using ICF #1.

B's DOB	MOET	PIA	MBA
a. 09/01/56	09/18	$904.20 (NH ELY 2018)	
b. 07/02/53	12/18	$1821.60 (NH ELY 2014)	
c. 12/14/54	11/18	$942.80 (NH ELY 2016)	

2. a. B and two children auxiliaries (over 16, not disabled) become entitled to benefits. B's DOB is 07/11/54. Compute B's MBA. Compute by using ICF #30.

NH's PIA (AIME comp)	ELY	FMAX	MOET	B's MBA
$1577.70	15	$2947.60	10/18	

b. B and two children auxiliaries (over 16, not disabled) become entitled to benefits. B's DOB is 09/30/55. Compute B's MBA. Compute by using ICF #30.

NH's PIA (AIME comp)	ELY	FMAX	MOET	B's MBA
$1109.10	17	$1663.70	11/18	

3. In 09/18, Pedro, DOB 02/11/1956, became entitled to RIB (PIA $661.40) and spouse's benefits (PIA $1650.80 NH ELY 15). What is his RIB MBA? What is his combined benefit rate? What is the amount payable each month?

4. Sandra, DOB 10/21/1952, became entitled to RIB 01/18 with a PIA $600.10. Her husband Dante, becomes entitled to RIB effective 10/18 (ELY18) which just happens to be Sandra's FRA. His PIA is $1138.40. What is her spouse MBA?

5. Pierce, DOB 10/30/1952, files for RIB 10/18 based on a PIA of $1716.80. His wife, Olive, DOB 09/03/1956, filed at the same time. Her PIA is $645.90. Neither Pierce nor Olive has worked for 2 years. Compute the RIB amount for each of them and the spouse's benefit amount for Olive.

6. Compute the ELY and MBAs for all entitlements.

    NH: John   DOB: 02/21/53   MOE: 11/18   PIA: 11/18 $1707.30

    SPO: David   DOB: 05/04/56   MOE RIB: N/A   PIA: not insured

    MOE B: 11/18

7. Compute the ELY and MBAs for all entitlements.

    NH: Paul   DOB:09/06/56   MOE: 10/18   PIA: 10/18 $1859.20

    SPO: Marilyn   DOB:07/26/54   MOE RIB:08/16   PIA: 08/16 $363.90

    MOE B: 10/18

EXERCISE #7

OBJECTIVE 7: Determine if government pension offset or an exception applies, compute benefits, obtain proper verification of and process actions involving government pension offset.

1. The NH's wife has been entitled to a Civil Service Retirement Annuity of $779.85 per month since 01/2017. She was first eligible for the pension 07/2007. Upon attainment of age 62 in 02/2019, she becomes entitled to spouse's benefits on the NH's account. The amount of the spouse's benefit after reduction for age is $654.50. Will the spouse's benefit be subject to offset? Explain your answer.

2. The NH's husband worked for a state government entity and his earnings were not covered by Social Security. He has been receiving a state pension of $335.70 per month since 05/2010, the same date he was first eligible to receive the pension. Upon attainment of age 62 this year, he becomes entitled to spouse's benefit, which after reduction for age is $290.80. Will the spouse's benefit be subject to offset? Explain your answer.

3. The NH's wife worked as a teacher in a public school system. Her earnings as a teacher were not covered by Social Security. She is receiving a teacher's pension of $400 a month. She has been eligible for the pension since 01/2003. Does GPO apply? Explain your answer.

4. Use this information to answer the questions, which follow.

Spouse's Date of Birth	08/29/56
Spouse's Date of Entitlement	09/2018
NH PIA (ELY: 2016)	$1707.30
FMAX	$3134.40
Spouse's original benefit	$853.60
Amount of Government Pension	$734.20

a. Assuming the spouse is not insured on her own record, compute the spouse's payment after government pension offset.

b. Now, assume the spouse is insured. Compute the spouse's payment using the information above, plus the fact that the spouse is entitled to a reduced RIB. The spouse's current PIA after application of WEP is $533.70.

c. Compute the total Social Security benefit based on (b) above.

5. What information does the GPI1 screen provide?

6. Why would it be necessary to verify eligibility to a government pension prior to 07/83?

EXERCISE ANSWERS

<div style="border:1px solid black; text-align:center;">

Exercise #1

</div>

1. A wife who is the natural mother of the NH's biological child does not have to meet a duration of marriage requirement. Lucy can be entitled effective 11/2018, the first month throughout which the CIC requirement is met.

2. Yes. Since Lillie is entitled to widow's benefits in the month before the month she married Frankie, an alternate to the duration of marriage requirement is met. She can be entitled to spouse's benefits in 09/2018 since she is over FRA for the entire period. **RS 00202.010, RS 00202.001B-C**

3. No. Benefits cannot be paid to a divorced spouse who is not 62 years old even if she has a child of the NH in her care.

4. Yes. All of the factors of entitlement are met. Gary's own PIA is less than 1/2 of the NH's PIA, so spouse's benefits would be payable. He can be entitled to spouse's benefits effective 05/03/2019, the MOET for the NH.

5. Ralph's potential entitlement begins July 2019. He is entitled based on meeting the one-year duration of marriage requirement because he doesn't meet either alternative (not natural parent). Because he is entitled based on the duration requirement, the marriage is deemed to be in existence throughout the month in which it occurred. **RS 00202.001B-C**, **RS 00202.010**, **GN 00210.100**

6. You must request an ICERS or take an application on her own SSN and deny it for lack of insured status. Either of these methods is acceptable documentation of her lack of insured status. **GN 00204.004**

7. No, a certified earnings record must be requested on the NH's SSN. You must request an ICERS on his record to prove his insured status.

8. True, Larry would be deemed to have filed for reduced spouse's benefits. Larry was born after 01/02/1954, so he must take for the auxiliary spouse benefits in the first month he is eligible for the benefit. Note: If Larry's wife had chosen a month of entitlement later than 04/2018, deemed filing for Larry would still apply. **GN 00204.035**

9. The divorced spouse's benefits will not be subject to deductions due to the worker's earnings.

10. The spouse's benefit will be terminated.

11. The benefits will not be affected.

12. Spouse's benefits are terminated due to divorce.

13. The spouse's benefits are terminated due to the worker's death, and converted to survivor benefits.

14. Divorced spouse benefits will terminate; however, she would be potentially eligible for benefits on her new husband's record.

15. Explain she could be due reduced spouse's benefits. Give her the benefit amounts and have her sign an SSA-25, Certificate of Election, if she wants the reduced benefits. (Usually, the SSA-25 will be sent from PC with a letter explaining the situation, but occasionally a person will call the office, especially if they did not receive the notice.)

Exercise #2

1. Let Florence know a common-law marriage cannot exist in this situation because she is still married to someone else. **GN 00305.060**

2. Yes. Denise meets all the requirements for a deemed marriage, including having gone through the ceremony in good faith (without knowledge of the prior undissolved marriage). **GN 00305.055**

3. No. Gary's first marriage in Spain was valid and never terminated. If we presume bigamous marriages are void in Virginia, then the ceremony between Gary and Susanna resulted in a void marriage. Susanna cannot be determined to have a deemed marriage since she has always known of the first ceremony in Spain. **GN 00305.055**

Exercise #3

Part I

Case A

1. Ceremonial (performed by a clergyman)

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2. We do not need their marriage certificate; however, a contact with Joseph is also necessary to verify there has been no change in his marital history. Proof of age for Margaret would be necessary for the claim.

Case B

3. Ceremonial (performed by a public official)

4. Neither of the previous marriages lasted at least 10 years or ended in death, so neither would need to be documented on the claims. No additional proofs are needed regarding the Joan and James 's relationship. The concurrently filed NMAR and BMAR screens are sufficient. Proof of age would be necessary for all the claims.

Case C

5. Ceremonial (performed by a public official)

6. Marriage certificate or other preferred proof of marriage is required, as the marriage took place less than two years before the date the spouse's claim was filed. Proof of age would be necessary for Lorie's claim.

Case D

7. Yes. They are alleging a marriage exists and there is potential entitlement based on the PIAs.

8. This is a deemed marriage. They went through a ceremony in good faith and are still living together. The only reason it is not a valid marriage is the impediment of the minister not being authorized to perform the ceremony.

9. The first requirement for a deemed marriage is to have gone through a marriage ceremony. Because they do not have proof of the marriage and there is their allegation the marriage was not legal, we need to develop secondary evidence of the marriage. This would include statements from those in attendance at the ceremony. If there are no surviving witnesses from the ceremony, we could also accept statements of those attending the reception. We also need a statement from May verifying she entered the marriage in good faith and a statement from both indicating they are still living together.

Part II

10. No, Maine does not recognize common-law marriage.

11. Yes, we would consider her to be a deemed spouse with a child-in-care.

12. Document the RPOC screen and make a determination by comparing marital history on the Leroy's RIB claim with Emma's marital history.

13. There is possible spouse's entitlement on Helen Dawson's record. No benefits would be due on Betty Compton's record, as Mr. Dawson was not free to marry and could not have entered into a common-law marriage in any state.

14. When the claimant filing for spouse's benefits is age 62 or over, when a spouse will attain age 62 in or before the month the youngest entitled child in care attains age 16, or when the spouse has in-care a child who is entitled to CDB.

Exercise #4

1. No, if the child is age 16 or over and mentally disabled, we must obtain a statement from the claimant describing how he or she exercises parental control and responsibility.

2. Yes. Exclusive exercise of parental responsibility or exclusive provision of personal services is not required.

3. No. In this situation, the claimant must provide personal services.

4. a) Yes. This is a temporary separation.

    b) Yes. The parent continues to exercise parental control.

    c) No. This is not a temporary separation, and the parent does not exercise parental control and responsibility.

5. Living arrangement, child's age, and type of disability

6. A statement from the claimant regarding the nature and frequency of the personal services performed and to what extent the claimant's presence is required, plus a similar statement from the disabled child.

Exercise #5

This is a hands-on exercise taking a claim with your mentor's assistance.

Exercise #6

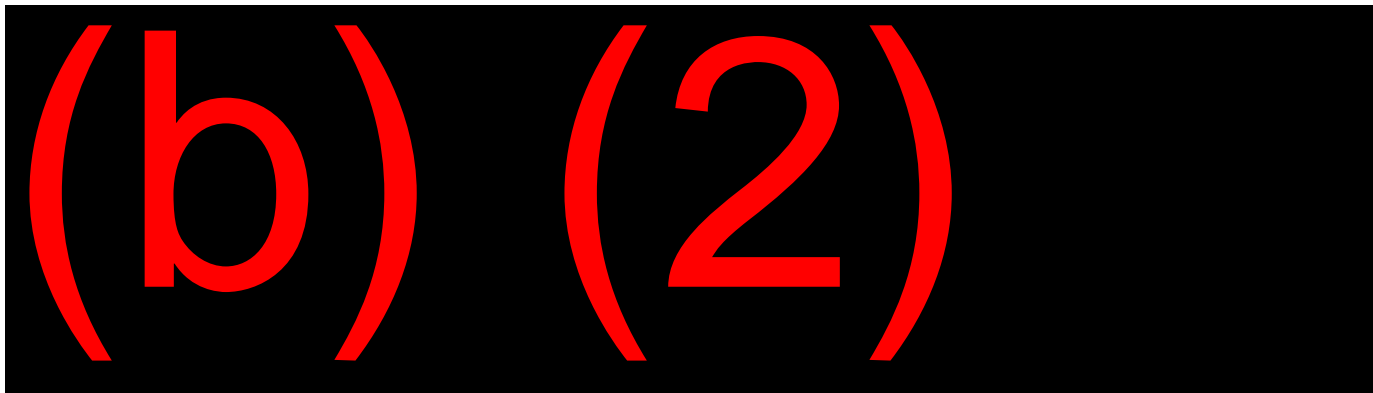1. Using ICF #1

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(b) (2)(b) (2)

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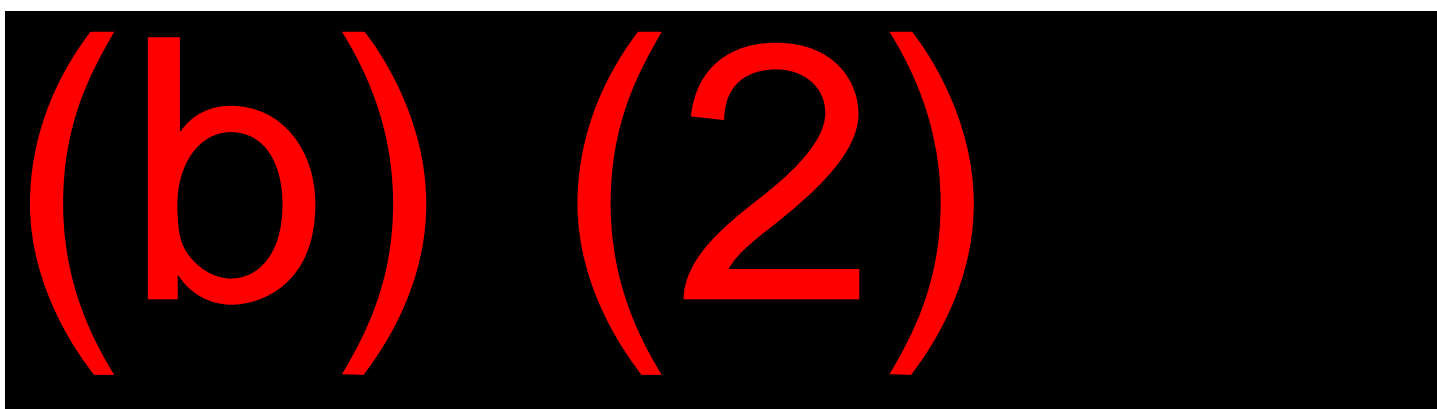
(b) (2)

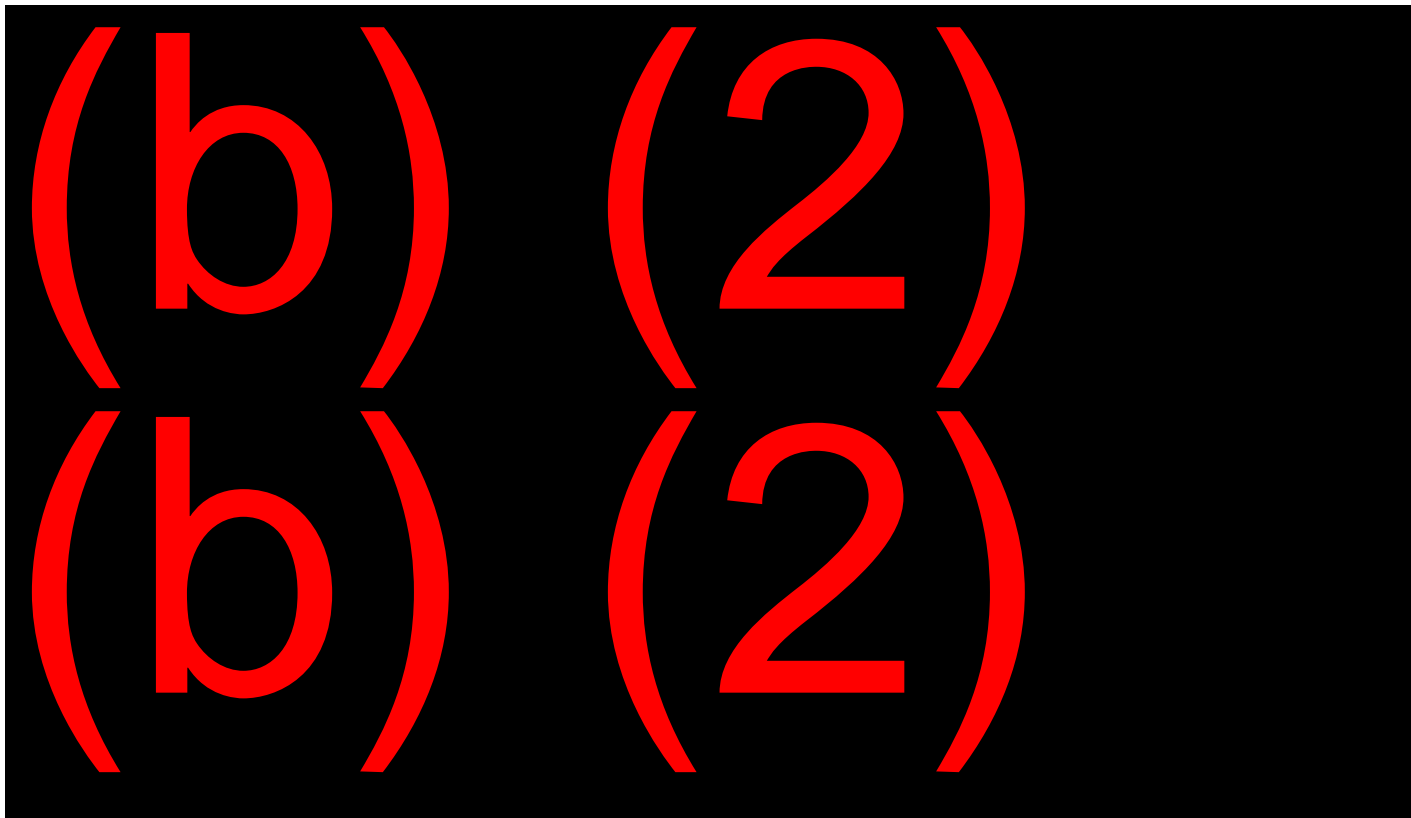b) **INPUT SCREEN**

(b) (2)

OUTPUT SCREEN

(b) (2)

c) **INPUT SCREEN**

(b) (2)(b) (2)

OUTPUT SCREEN

(b) (2)

2. Using ICF # 30

a) **INPUT SCREEN**

(b) (2)

(b) (2)

OUTPUT SCREEN

(b) (2)

b) **INPUT SCREEN**

(b) (2)

(b) (2)

OUTPUT SCREEN

(b) (2)
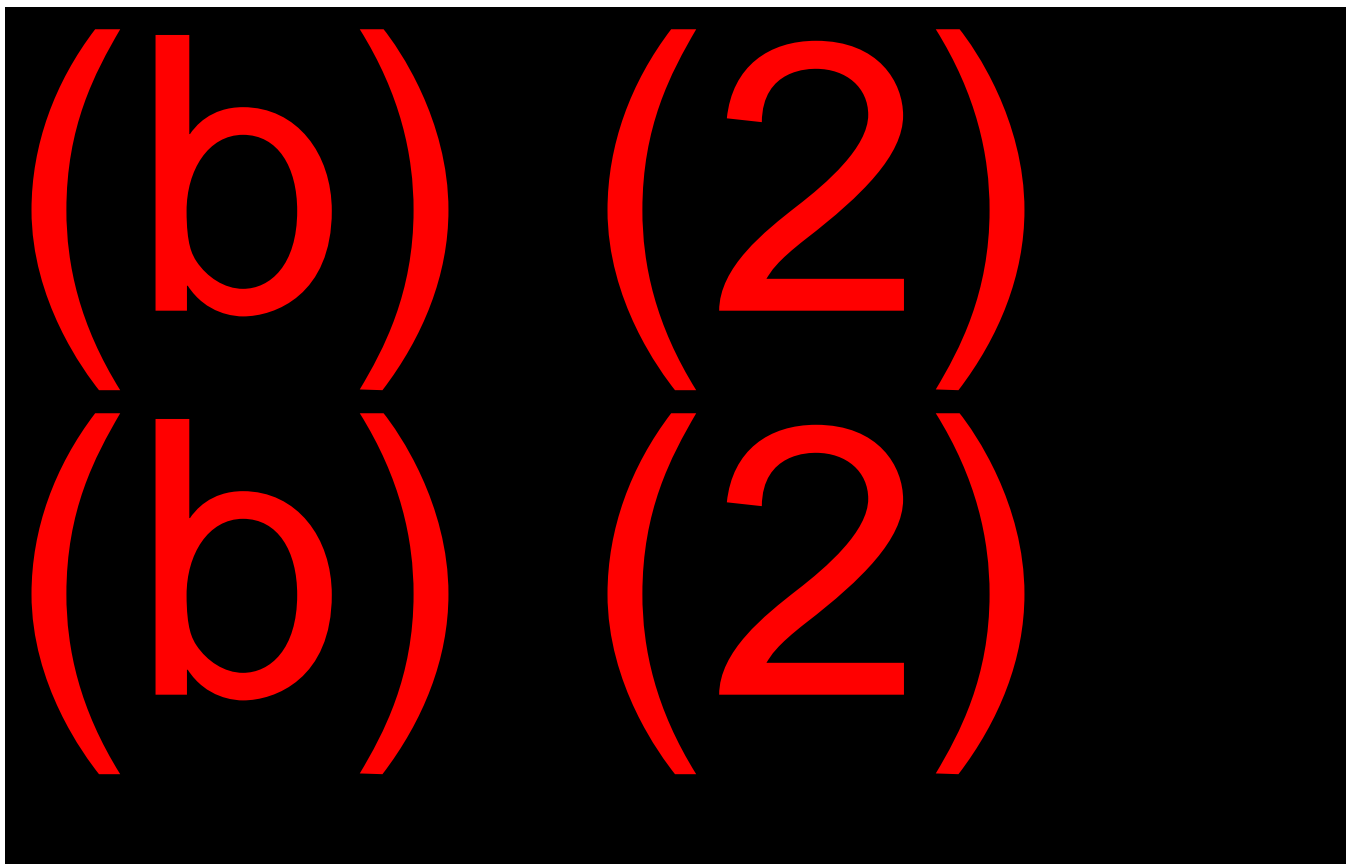
3. Reminder: When dual entitlement is involved, each individual benefit is rounded down to the nearest dollar before they are combined for payment, so the actual check amount can be $1.00 less than the MBA. We can use ICF # 5 to get our benefit amounts but we must manually deduct the dimes and then add the two amounts to get the amount actually payable. The RIB MBA is $504.30. The combined benefit amount is $621.10. The monthly amount payable is $504.00 + $116.00 = $620.00.

ICF #5 Input Screen:

(b) (2)
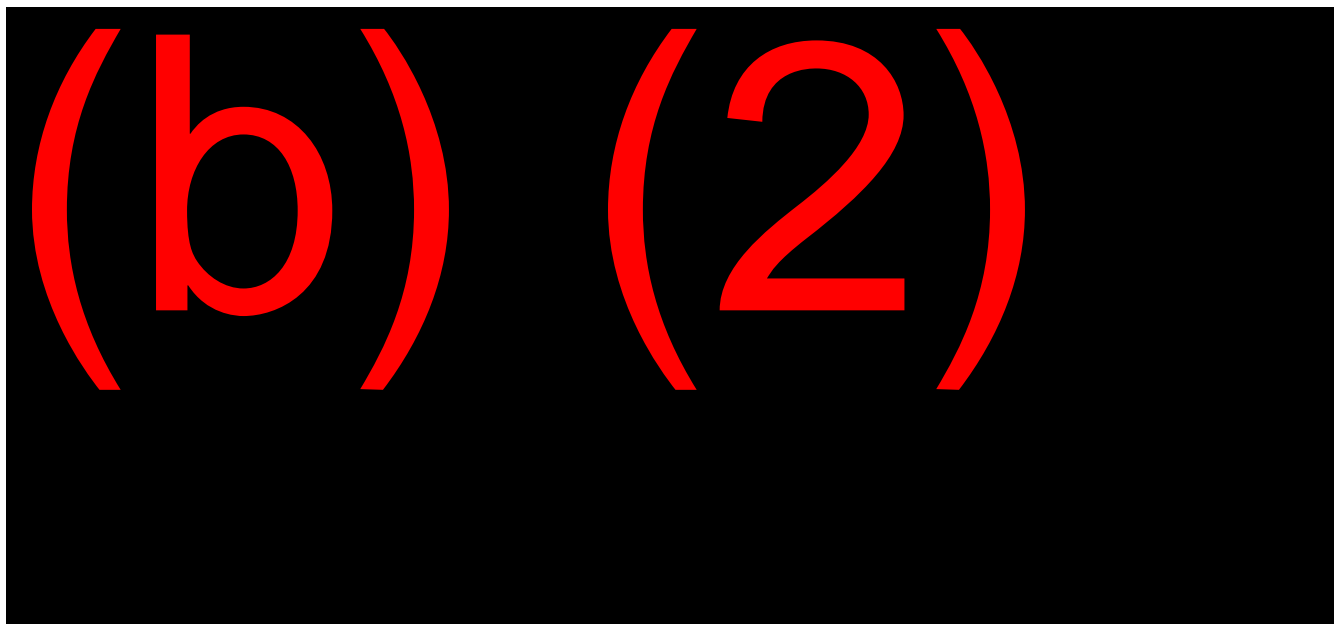
4. $0.00. One-half of Dante's PIA is $569.20. Sandra's PIA is $600.10, which is higher than the spouse OB. If you attempt to input this in ICF #5 you will see a remark at the bottom after you press enter which tells you "SPIA GREATER THAN OR EQUAL TO ORIGINAL RATE," which means her PIA is equal to or greater than one half of Dante's PIA.
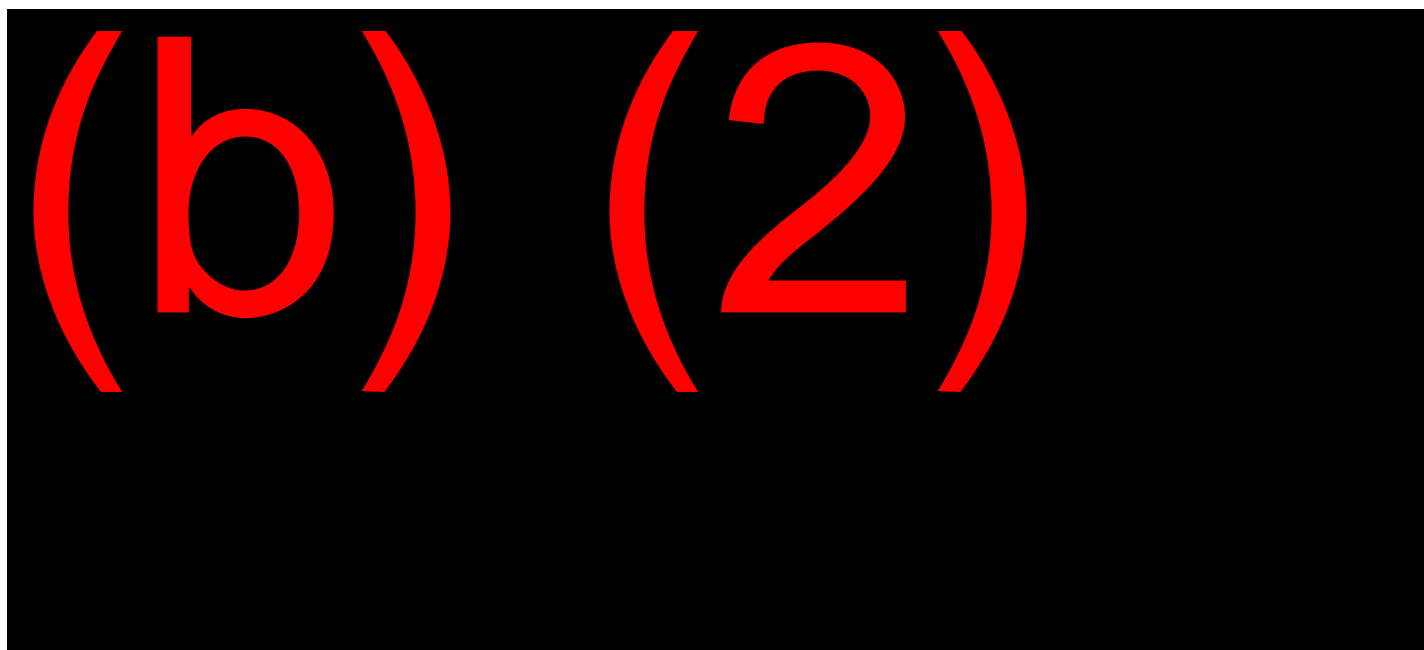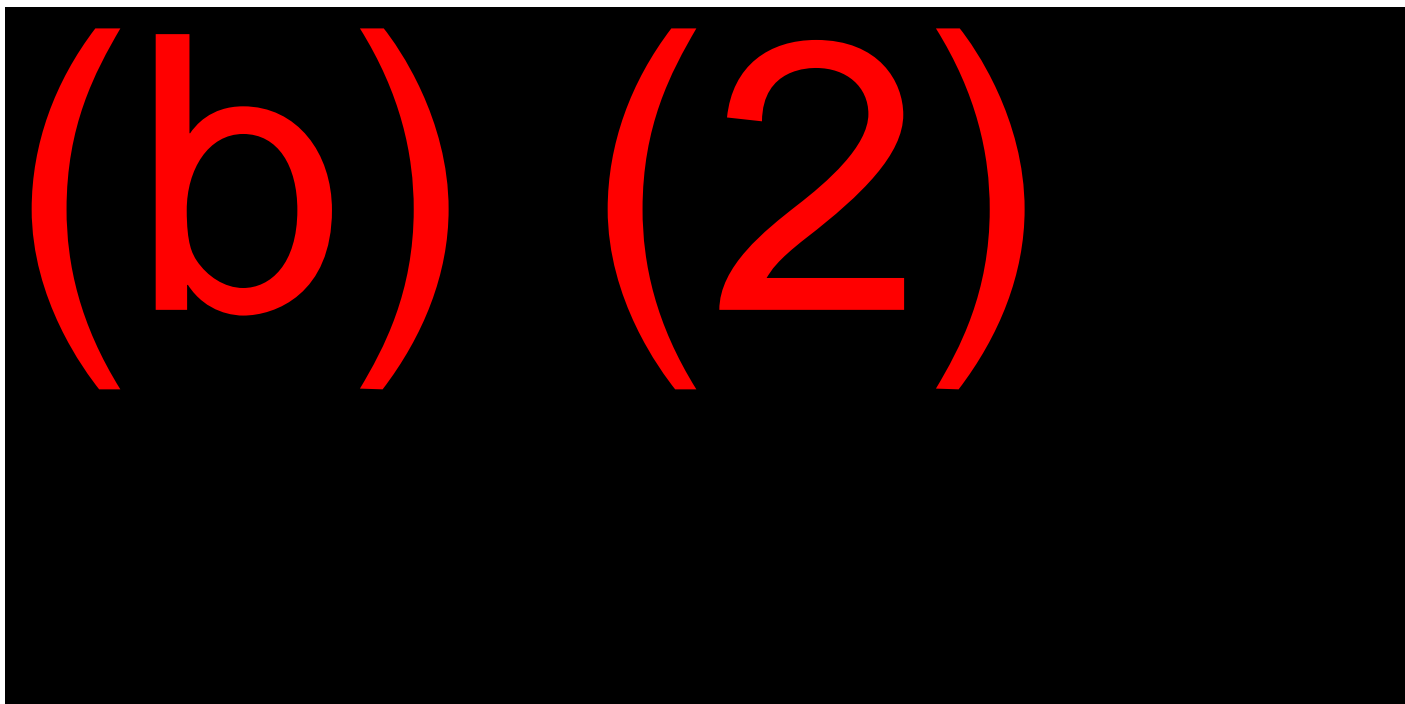
5. **Pierce's RIB Comp (ICF #1):**

(b) (2)
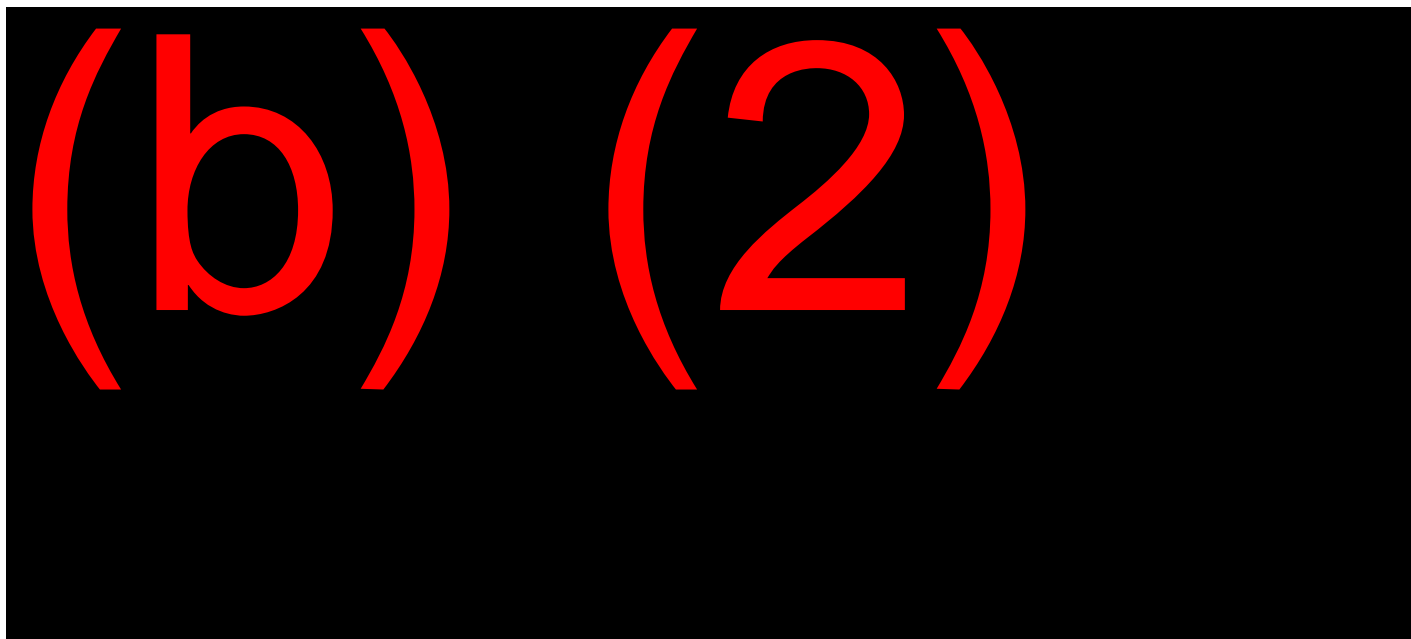
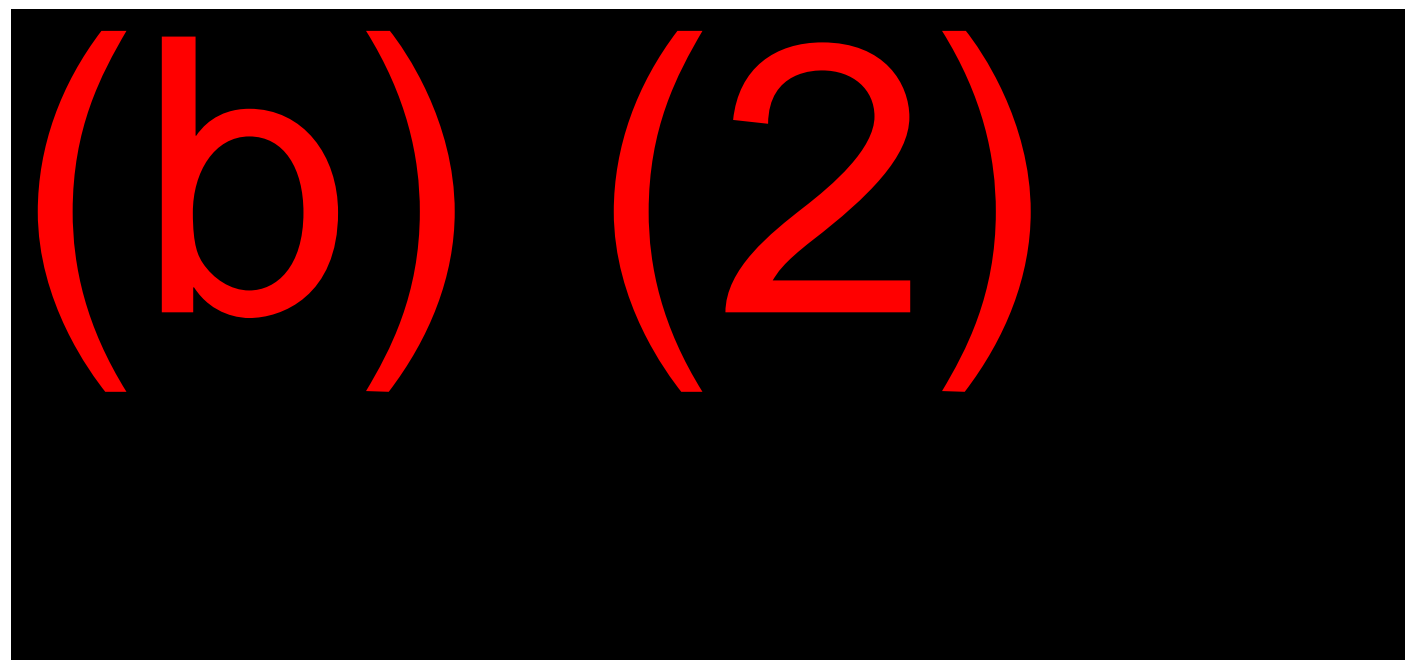**Olive's Input Screen (ICF #5 will figure her RIB and Spouse's benefit):**
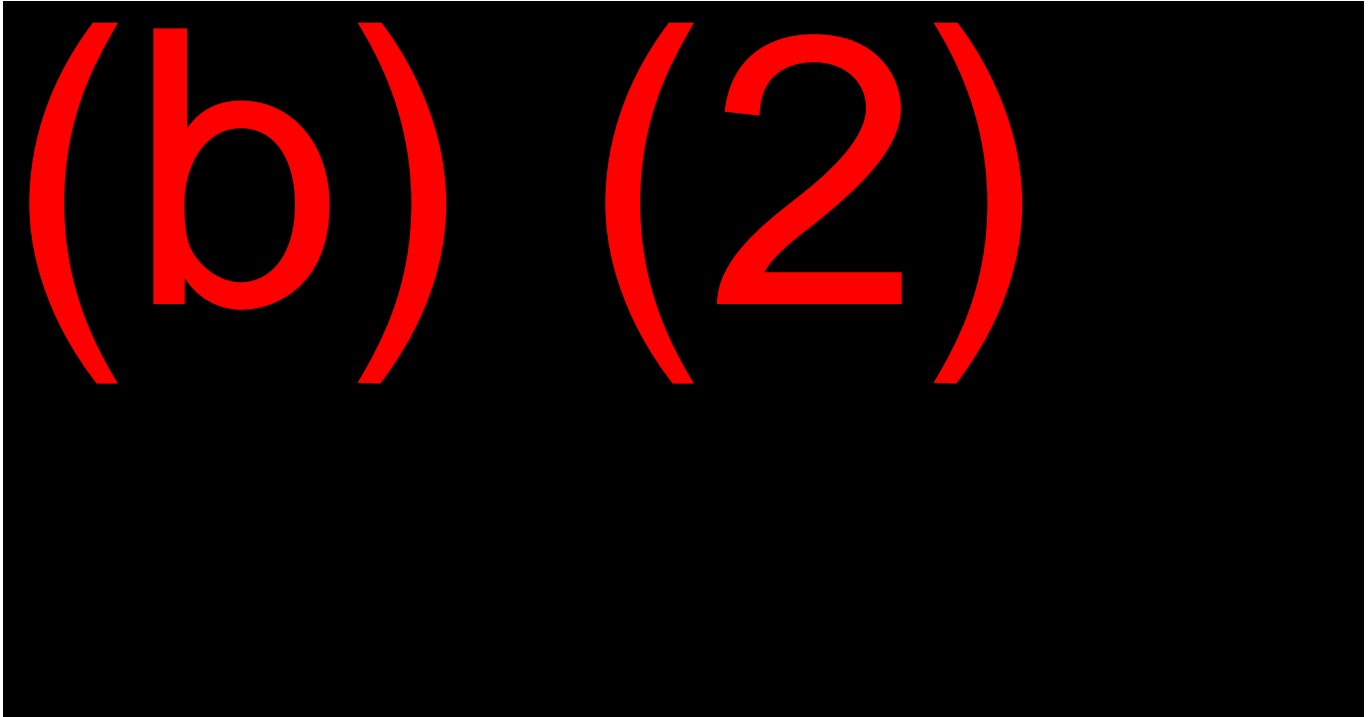
(b) (2)
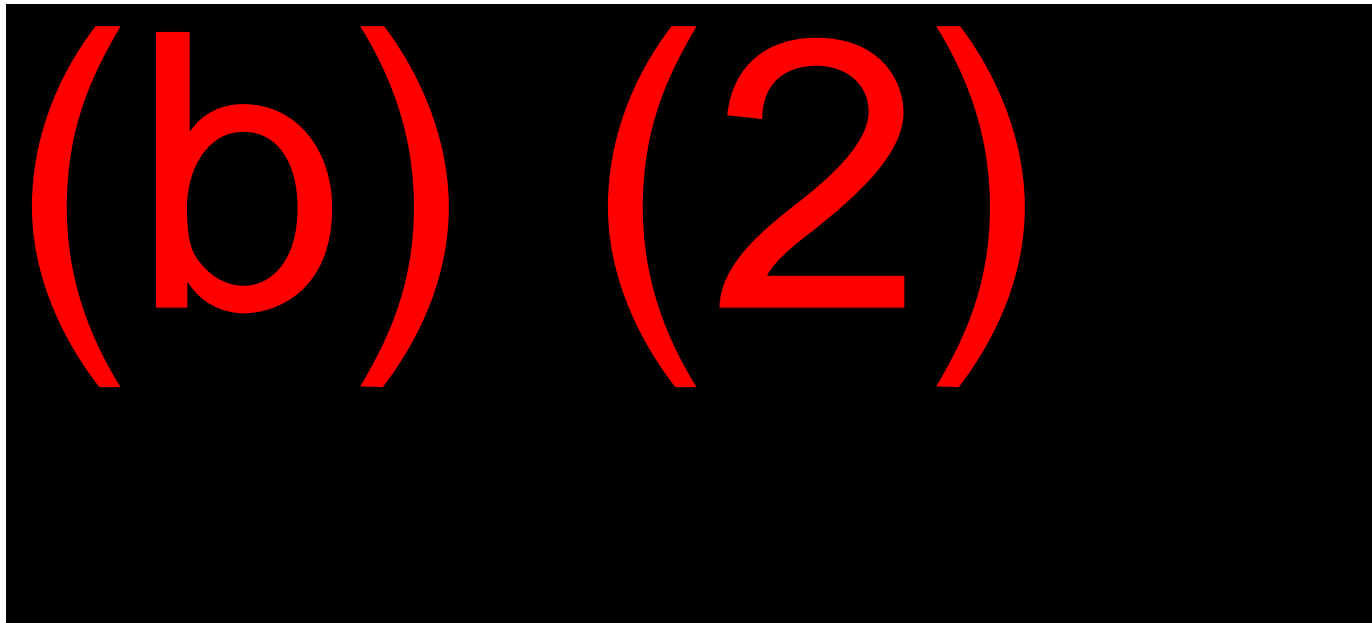
6. **John's RIB Comp (ICF #1):**

(b) (2)

David's Input Screen (ICF #1):

(b) (2)

7. **Paul's RIB Comp (ICF #1):**

(b) (2)

Marilyn's Input Screen (ICF #5 will figure her RIB and Spouse's benefit):

(b) (2)

Exercise #7

1. Yes, she is subject to offset. She does not meet any of the exemptions. We figure 2/3 of her pension [($779.85 x 2) ÷ 3] = $519.90. Subtract this number from her spouse MBA ($654.50 – $519.90 = $134.60). Her MBA is $134.60 after offset and she would receive $134.00.

2. The government pension offset will be applied to the husband's benefit. No exception applies. $335.70 x 2/3 = $223.80; $290.80 - $223.80 = $67.00. The amount payable is $67.00 after offset.

3. GPO applies. There are no exceptions because she became eligible for her pension after 06/83.

4. a) $586.80 spouse's MBA (Obtain from ICF # 1)

   <u>   - 489.50</u> 2/3 of pension, rounded up ($734.20 x 2/3)

   $ 97.30 spouse's benefit payable

   NOTE: You can also use "Spouse with GPO Offset" computations from the San Francisco AIPQB website (here is the link): (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) (b) (2)(b) (2).

(b) (2)

b)   Step 1:   RIB MBA $393.60 (SAMBA) (Use ICF # 1 to compute)

Step 2: $853.60 spouse's original rate

- 533.70 RIB PIA (after WEP)

$319.90 excess unreduced

ARM 51 – 36 = 15; 180 – 15 = 165

$\frac{\$319.90 \times 165}{240}$ = $219.90 spouse's benefit (LEMBA)

Step 3:   2/3 x $734.20 = $489.47 = $489.50 (rounded up)

Step 4: $219.90 (LEMBA)

- 489.50 (2/3 pension amount)

$ 0.00 = after GP offset

c)   Payment amount after offset and dollar down rounding would be:

$393.60 A (RIB)

+   0.00 B

$393.60

(b) (2)

5. The GPI1 screen solicits information about the government pension such as the pension identification number, the earliest eligibility date for the pension, whether the pension is received in periodic payments or in a lump sum, and the date the pension amount was last verified.

6. An individual could meet one of the exemptions to GPO by proving eligibility prior to 07/83.

TABLE OF CONTENTS

LESSON PLAN

Chapter Objectives

At the completion of this chapter, the students will be able to:

1. Apply the factors of entitlement for a minor child and determine the month of entitlement to benefits.

2. Identify and apply the requirements for establishing a child's relationship to the NH and determine what evidence/documentation is necessary.

3. Complete or review applications for child's benefits and determine what evidence is necessary to process them.

4. Given a PIA and FMAX, correctly compute a child's benefit.

5. Given post-entitlement events, determine whether deduction, nonpayment, or termination of child's benefits is proper.

Length of Chapter

12 hours

Instructional Aids

SSA-4-BK

SSA-783

SSA-2519

BACKGROUND AND RATIONALE

Three Types of Beneficiaries

Children's benefits make up a significant part of the SSA workload. There are three types of child beneficiaries: minor children under age 18, students age 18 to 19 years, and disabled children age 18 and over.

Under Age 18

The original Social Security Act provided for the payment of an old-age benefit to a retired worker. In 1939, before any benefits were paid, the original law was amended to provide protection for the family. At that time, it was presumed by age 18, a child could be expected to be self-supporting.

Students

In 1965, the law was amended to provide benefits to a child age 18 and over if the child was a full-time student. Benefits were paid until the child was no longer a full-time student or attained age 22, whichever was earlier.

The 1981 amendments limited student benefits to those attending an elementary or secondary level school and then only to age 19. It further provided for a phase-out period for post-secondary school students already on the rolls.

Originally, the categories of children eligible for benefit purposes were limited. These included legitimate children, illegitimate children, stepchildren, and adopted children. All categories had to meet certain relationship and dependency requirements. Over the years, Congress has amended the Act several times, adding relationship categories and liberalizing the relationship and dependency requirements. These changes resulted in larger numbers of children being able to establish entitlement for benefits.

Disabled Child

In the mid-1950s, concern developed about the catastrophic effects on a family when a child is permanently and totally disabled. Such a child is as dependent on his family after age 18 as he was before. Therefore, in the 1956 amendments, benefits were extended to disabled children age 18 and over whose disability began prior to age 18. The 1972 amendments, which became effective 01/01/1973, changed the age by which the disability must have begun to age 22.

In this module, we will discuss only the minor child under age 18. Students and disabled children will be discussed in other modules.

OBJECTIVE 1:

Apply the factors of entitlement for a minor child and determine the month of entitlement to benefits.

Factors of Entitlement

RS 00203.001

Factors

For a minor child to be entitled to benefits, the child must be:

- The child of a NH entitled to RIB or DIB, or the child of a NH who died fully or currently insured;

- Dependent on the NH;

- Unmarried;

- Under age 18; or if age 18 or over,

  - Have a disability which began prior to age 22, or

  - Be a full-time elementary or secondary school student under age 19; and

- Have filed an application.

A child can qualify even if they do not live in the same household as the NH.

Child/NH Relationship Types

GN 00306.000ff

Natural Legitimate Child

A natural legitimate child is the natural child of the NH born of a valid marriage under State law. Most children qualify under this type of relationship.

Legally Adopted Child

This is a child who is legally adopted under the laws of a state or foreign country.

Stepchild

A stepchild is a child whose relationship to the NH was created by the NH's marriage to the child's natural or adoptive parent. The child is not eligible until 1 year after the marriage in a life case, or 9 months in a survivor case.

Other Categories

The following categories can include:

- Legitimated child

- 216(h)(3) child

- Grandchild/step-grandchild

- Equitably adopted child

- Illegitimate child with inheritance rights

- Child of an invalid ceremonial marriage

- Child of a void or voidable marriage

Dependency

GN 00306.006 - **GN 00306.009**

Dependency Development

To be entitled, a child must be dependent on the NH at a certain specified time. Most biological children of the NH are deemed dependent. In other cases, actual dependency must be proven. The point at which dependency must be proven will vary according to the type of claim filed. **GN 00306.006**

NH Entitled to DIB – life case

If the NH is entitled to DIB, dependency may be met:

- At the beginning of the period of disability, (if the NH had more than one period of disability, only the beginning of the last period can be used); or

- At the time the NH last became entitled to DIB; or

- At the time the child's application is filed.

The NH's period of disability must have lasted at least five full calendar months.

NH Entitled to RIB – life case

When the NH had a period of disability which did not end prior to RIB entitlement, then dependency may be met:

- At the beginning of the period of disability; or

- At the time the NH became entitled to DIB; or

- At the time the NH became entitled to RIB; or

- At the time the child's application is filed. **GN 00306.007**

NH Deceased

The dependency requirement may be met at the time of the NH's death.

If the NH had a period of disability which did not end before the month of death, or before RIB entitlement, dependency may be met at the following additional points:

- At the beginning of the period of disability; or

- At the time the NH became entitled to DIB; or

- At the time the NH became entitled to RIB.

The dependency chart in **GN 00306.001 B** helps determine whether dependency is deemed or if further development must be taken. If further development is needed, the dependency point chart in **GN 00306.009** helps determine at what point in time dependency must be met. **Exhibit 1** of this lesson also has information regarding when dependency must be met. **GN 00306.008**

Unmarried

RS 00203.020

Initial Entitlement

A child must be unmarried at the time of the child's initial entitlement. A child who has been married is considered "unmarried" at the time of filing an application if the marriage has been terminated by annulment, divorce, death of the spouse, or the marriage was void.

Example: Betty, age 17, is divorced in March. She has never filed for child's benefits before. In April, her father becomes entitled to RIB. In June, Betty comes to the office to file for child's benefits. Her entitlement could start with April, the first month she is no longer married.

Re-Entitlement

If the child was receiving benefits and was terminated, the child may be re-entitled <u>only</u> if the child's marriage was annulled or void. The child whose marriage ended in divorce or death <u>cannot</u> be re-entitled.

Example: Matthew was entitled to benefits on his mother's record. His benefits terminated because he got married when he was 16. If at age 17 he gets divorced, he cannot be re-entitled to child's benefits. However, if the marriage was annulled or voided, he could be re-entitled to child's benefits. **RS 00203.015**

Under Age 18

RS 00203.001

Minor Child

To be entitled as a minor child, the child must be under age 18. Proof of age is required for the child and is developed under regular proof of age procedures. The POA tolerance may be used for a child's claim. **GN 00302.030** However, in most cases we will need the public birth record to prove the relationship of the child to the NH.

As mentioned, children, age 18 to 19, may be entitled to student's benefits. Children age 18 or over may be entitled because of a disability and are referred to as disabled adult children. The same factors of entitlement must be met for all types of child's benefits. We will cover student and disabled child's benefits in future lessons.

Application

RS 00203.001 - RS 00203.070; **GN 00205.000ff**; **GN 00501.010**

Ordinarily, an application listing all the NH's children is an application on behalf of all children listed. The application establishes a filing date for the children, but does not require the applicant be the representative payee. Usually, when the applicant fails to restrict the application to the child/children for whom they are responsible, another individual files on behalf of the other child/children. The applicant will usually be a parent,

guardian, or custodian of the child. If the applicant states they are not filing for one or more of the children listed on the application, follow the procedure outlined in **RS 00203.050**.

Conversion

A new application is not required to pay a child survivor benefits if:

- The child is already receiving benefits as a dependent child of a living NH and the NH dies, or

- An application has been filed prior to the first month of the NH's entitlement to RIB or DIB and the NH dies prior to the first month of entitlement.

When the NH dies and was the child's payee, a representative payee application is required to appoint a new payee for the child.

Children should file on their own behalf in the following situations:

- A minor child qualifies as payee;

- A child applies for student benefits; or

- An alleged disabled child age 18 or over is mentally competent.

Proofs Needed

RS 00203.040

When filing a claim for child's benefits, the following proofs will be needed:

- Proof of Age

- Proof of Relationship to NH

- Proof of Dependency on NH (A natural child's dependency is deemed.)

- Proof of citizenship or lawful presence

- Proof, if 18 or older:

    - Full-time student

    - Disabled before age 22

Month of Entitlement/BIC Code

Child of Living NH

GN 00204.030

Entitlement begins when all requirements are met <u>throughout the entire month provided an application has been filed for that month</u>. **RS 00203.010**

Surviving Child of Deceased NH

Entitlement begins the first month all requirements are met <u>during any part of the month</u>. **RS 00203.005**

Retroactivity

A child's claim filed on the record of a NH drawing a <u>disability</u> benefit may have up to <u>12 months</u> of retroactivity.

A claim filed on the record of a <u>retired</u> or <u>deceased</u> NH is limited to a maximum of <u>6</u> months of retroactivity. **GN 00204.030**

BIC

The beneficiary identification code (BIC) for all children (whether auxiliary, survivor, minor, student, or disabled) is always a **C** followed by a subscript. Normally the youngest child is assigned C1, the next older child C2 and so forth. **SM 00550.010**

OBJECTIVE 2:

Identify and apply the requirements for establishing a child's relationship to the NH and determine what evidence/documentation is necessary.

Relationship Requirements

GN 00306.000ff

As a general rule, SSA will apply state law in determining a child's relationship to the NH.

- In life cases, the law applied is the one in effect in the state where the NH is living at the time the child's claim is filed.

- In death cases, apply the law in effect in the state where the NH was living at the time of death.

To protect the child's interest, check all possibilities for entitlement under all relationship types and use the earliest month of entitlement. Consideration of the "throughout the entire month" provision must be given so the earliest possible month of entitlement is established.

For example, there may be no doubt a child is the NH's biological child, but legitimacy may be a question. If the child meets the requirements of section 216(h)(3), development of other child relationship types may not be necessary unless earlier entitlement is possible under one of the other categories. **Exhibit 1**

Dependency requirements are governed by the child's relationship type. A child must be dependent upon the NH at a specified point in time. In general, the child must have been in existence and have the necessary relationship to the NH at the specified point in time.

Natural Legitimate Child

GN 00306.010; **GN 01010.800ff**

Definition

A child born during a valid marriage of the biological parents is generally considered a "natural, legitimate" child under State law.

Evidence

A birth certificate (BC), hospital birth record, or baptismal certificate normally is sufficient evidence to establish a natural legitimate relationship. For the document to suffice as proof of relationship, the marriage must precede the child's birth.

A long form BC must contain the names of the alleged parents and the child's surname must agree with the father's surname. A short form BC (one which does not have space for showing the parents' names) is sufficient if it is submitted concurrently with the parent's claim, the child's surname agrees with the father's surname, and there is no reason to doubt the parents' marital relationship or that the child is their child.

If a child's NUMIDENT record shows a "6" in the FMC field of the INTERNAL section indicating an enumeration at birth (EAB) record, accept the record as proof of natural legitimate parent-child relationship instead of a birth record showing the parents' names if all the following conditions are met:

- There is no evidence in file the child was born before the parents' marriage;

- There is no other evidence showing the child is not the NH's natural legitimate child;

- The alleged mother's name is shown in the MNA field of the PARENT section of the NUMIDENT, and the alleged father's name is shown in the FNA field; and

---

- There is no NUMIDENT record created later than the EAB NUMIDENT which shows different parents' names than those on the EAB NUMIDENT. **GN 00306.010 D.1**

Special Documentation

Additional development will be required when questions about paternity are raised.

EXAMPLES:

- The father's name is not shown on the child's proof of age.

- The parents' marriage is defective.

- The child was born out of wedlock.

- The alleged mother was over age 50 when the child was born.

Proof of Marriage Requirement

Proof of the marital relationship of a natural child's parents is required when:

- The potentially entitled child's mother does not file and her explanation for filing is not reasonable.

- The mother's name is on the child's proof of age and the NH father's name is not shown.

Presumption of Legitimacy

Absent evidence to the contrary, a child born in wedlock is presumed to be the natural legitimate child of the mother's husband. This is referred to as the "presumption of legitimacy."

There are special rules on presumption of legitimacy which apply to Louisiana, California, and Oregon covered in **GN 00306.021**.

The presumption of legitimacy can generally be rebutted if clear and convincing evidence shows:

- The husband was sterile (unless the child was conceived by artificial insemination);

- The husband was constantly absent during the period in which the child must have been conceived;

- The husband was present with his wife only under circumstances which made sexual relations impossible; or

- The child's mother was living in adultery continuously during the period the child must have been conceived and there is no evidence of access by the husband.

If there is no precedent opinion in the legal precedent file, questions about rebuttal of the presumption of legitimacy must be submitted to the Regional Chief Counsel per **GN 01010.815**.

Questioning Paternity

The natural legitimate status of a child born during wedlock will be questioned only when:

- An adverse claimant or relative of the NH raises the questions;

- The child's mother or her legal husband volunteer information which raises doubt about legitimacy (SSA's acceptability of these statements is subject to the Lord Mansfield Rule—discussed on the following page);

- The child's BC does not show the NH as the father;

- The child's claim is on the E/R of a NH who was not the mother's legal husband when the child was conceived or born; or

- The child was born more than 287 days after the father's death or the mother's divorce from the NH.

See **GN 00306.020** for special rules in Tennessee and Louisiana for further instruction.

Acceptable Evidence

Statements from neighbors, friends, relatives, or other persons who would be in a position to know the facts are acceptable evidence. The evidence disproving or proving a child's presumed legitimacy should include:

- The continuity of the relationship between the mother and alleged father (whether they lived together, were considered husband and wife in the community);

- The whereabouts of the mother, her legal husband, and the alleged father during the period the child could have been conceived;

- The circumstances under which the mother and alleged father were together (in cases where the legal husband was not constantly absent) during the period the child could have been conceived;

- When pertinent, a statement by the attending physician as to whether the child was born prematurely or the gestation period was normal or abnormal;

- Who was considered the natural father by the family and those in a knowledgeable position at the time of the child's birth; and

- Any other pertinent evidence.

Lord Mansfield Rule

GN 00306.025

In some states, the Lord Mansfield Rule bars the child's mother and her legal husband at the time of the child's conception or birth from testifying the child is illegitimate. SSA cannot accept such evidence in these states.

Refer to **GN 00306.026**, which is a digest of the State laws on the applicability of the Lord Mansfield Rule. Review the State laws for the states in your region.

Stepchild

GN 00306.230; **GN 00306.232**

Definition

A child whose relationship was created by the NH's marriage to the child's natural or adopting parent after the child's birth is the NH's stepchild.

NOTE: See **GN 00306.290** for applicability of the Hutcheson v. Califano acquiescence ruling in the Ninth Circuit.

Duration of Marriage

Life case

The NH and the child's biological or adoptive parent must be married 1 year. Social Security deems the 1 year anniversary of marriage to be the first day of the month of the anniversary. **RS 00203.010 B.7**

Example: Joe marries Jane on 12/15/2017. The 1-year anniversary of Joe and Jane's marriage is 12/15/2018, but SSA deems the 1-year anniversary of the marriage to be 12/01/2018. Therefore Joe's child's month of entitlement to child's benefits on Jane's record is 12/2018.

Death case

The NH and the child's biological or adoptive parent must have been married 9 months prior to the NH's death. See **GN 00305.100** for exceptions to 9-month requirements.

Evidence/Documentation Requirements

To prove stepchild eligibility, the following proofs are necessary:

- Proof of relationship between the child and the natural parent (e.g., birth certificate);

- Proof of marriage of the natural parent to the NH – this can be statements on the application, an SSA-3 or a marriage certificate.

- Proof the duration of marriage requirement has been met;

- Form SSA-783, "Statement Regarding Contributions," from the NH, other adult members of the household, and/or any other person who has contributed to the child's support;

- Documentary evidence supporting all allegations concerning the child's support

Dependency

Dependency for a stepchild is not deemed. A stepchild initially entitled July 1996 or later must have been receiving one-half support from the NH at points in time listed in **GN 00306.007** and **GN 00306.008**. A stepchild does not have to live with the NH.

NOTE: A stepchild becoming entitled for months <u>before</u> July 1996 must have been living with or receiving at least one-half support from the NH at one of the dependency points listed in Objective 1. **RS 01301.010ff**

Determining One-Half Support

To determine one-half support, we look at the stepchild's support picture for a "reasonable period" before the specific dependency point:

- The reasonable period is usually the 12-month period immediately preceding the dependency point.

- There are times when a support period of fewer than 12 months may be used (see **RS 01301.020** for specific examples).

Typically, support is computed by dividing the total funds coming into the family by the number of members in the household. (This is called the "pooled fund method.") The result is considered the cost of each member's support. Contributions made by the NH must equal or exceed one-half of the cost of the claimant's support for the one-half support requirement to be met.

Use Exhibit 3 as a desk guide to compute the "Pooled Fund Method" or use the (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) .

EXAMPLE:

Ned died in February. In March, his 17-year-old stepdaughter filed for child's benefits. In the year preceding his death, the household consisted of Ned (the NH), his wife Marge, and stepdaughter Lisa. The total household income was $36,000: $29,400 from Ned's wages and $6,600 in child support received from Lisa's natural father. Marge did not have any income over the 12-month period. All income was pooled for the family's use. Since there were 3 members of the household, the cost of support for each was $12,000 ($36,000/3 people). For the stepchild to be entitled, Ned must have provided at least $6,000 towards her support (1/2 of the cost of support). The child received $6,600 in child support, so Ned's income only accounts for $5,400 of her support. Therefore, the stepchild cannot be entitled on his record. Her claim would be denied.

Using the "(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)" calculator, the input and output screens are shown below. The first screen collects the support period dates and the total income for the NH during the period listed. Using the example above, the NH earned $29,400.00 for the 12 month period prior to his death. When your data is entered, click the "Continue" button. The input screen is shown below:

One Half Support - Pooled Fund Method

-- Instructions for this page --

Enter the following information below about the NH. When entering the NH's income use a dollar format (i.e. $12500.00) and use a date format (i.e. 6/23/01) when entering the Support Period. If the NH has no income enter $0 in the income field. Once you have completed this page click the "Continue" button at the bottom of this screen.
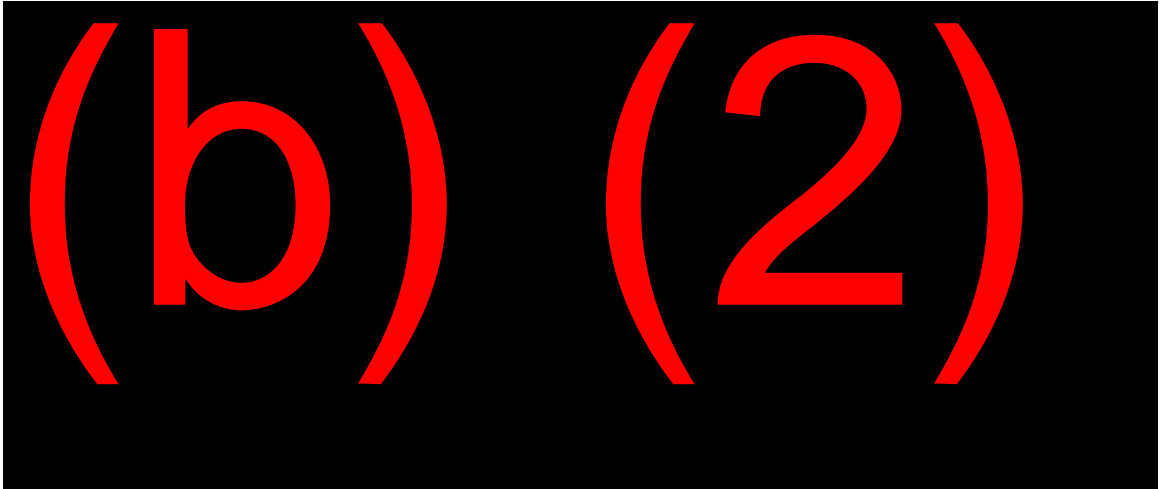
RS 01301 (Policy Net)

(b) (2)

The next screen collects the names and income from all stepchildren. In our example there is only one stepchild. We enter the name and her income - $6600.00 as shown below:

(b) (2)

Once all data is entered, scroll down and click on the "Continue" button.

The final input screen collects names and income of any other members of the household. In our example, the wife is part of this household but has no income. Be sure to list all members of the household, and if they have no income, enter $0.00 as shown for Marge in the screen shot below:

(b) (2)
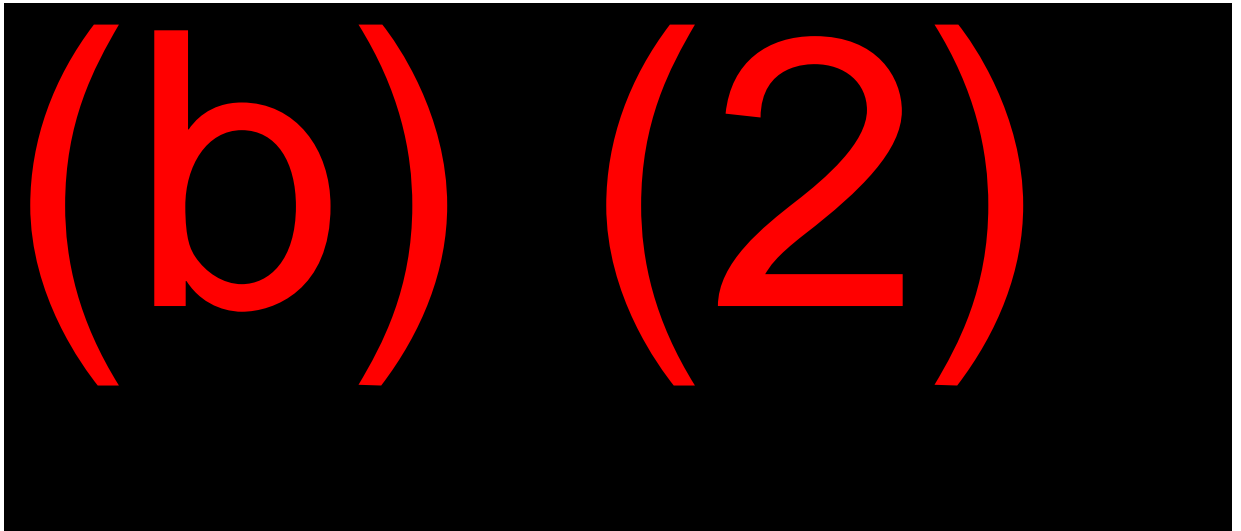
Once all "other household members" have been entered, scroll down and click on the continue button.

The next screen is the output screen. It summarizes the data from all three screens and lets the CS know if one half support is met. In this example, one half support is not met as shown in the screen shot below:

(b) (2)
(b) (2)
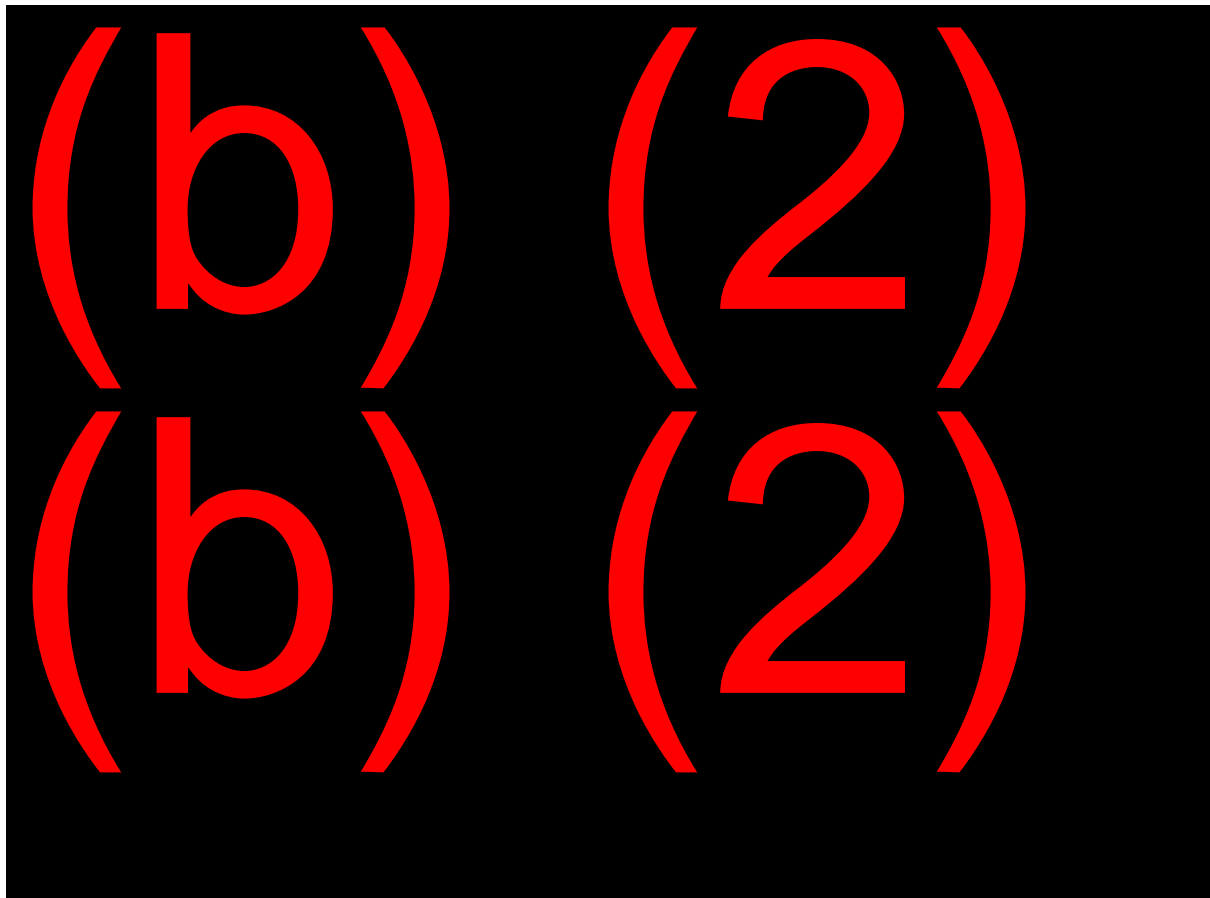
The NH's Contribution is figured by taking the Cost of Support during the period minus the Stepchild's income. $12,000.00 - $6,600.00 = $5,400.00.

Special Considerations

Once a stepchild is entitled, a divorce ending the parent's marriage to the stepparent will terminate the stepchild's benefits if the divorce becomes final in or after July 1996.

Legally Adopted Child

GN 00306.135ff

Definition

A child is the legally adopted child of the NH if the adoption is valid according to the laws of the State or foreign country where it took place.

Evidence/Documentation Requirements

The following evidence is necessary to establish a legally adopted child:

- Amended BC, or

- If the date of adoption is material to the month of entitlement, you must obtain evidence of probative value such as:

  - Court Records;

  - Welfare Records; or

  - Official Notice.

Do not solicit the adoption decree unless the parents voluntarily submit it. **GN 00306.155**

Dependency

Dependency requirements depend on the date of the adoption. If the adoption is prior to the month the NH became entitled to RIB, DIB, or died, then dependency is deemed to be met.

If the adoption is after the NH's entitlement to RIB or DIB, dependency is deemed in most cases. **GN 00306.137**

Special Considerations

A child legally adopted by the NH's surviving spouse can be entitled as a legally adopted child if certain conditions described in **GN 00306.145** are met. The child is deemed to be a child of the NH beginning with the date of the NH's death.

Section 216(h)(3) Child

GN 00306.100

Definition

A child entitled under Section 216(h)(3) must be the biological child of the NH and is deemed to be the NH's child for SSA purposes. When considering the status of an illegitimate child for purposes of entitlement to child's benefits, you may not disallow benefits until you have considered the child's status under applicable State intestacy law. It's not sufficient to disallow a child solely because they do not meet provisions of Section 216(h)(3). This entitlement requirement is based on Federal law rather than State law.

There must be:

- A court order of paternity/maternity or support, <u>or</u>

- A written acknowledgement of the child, <u>or</u>

- Satisfactory evidence which shows the NH is the child's parent <u>and</u> is living with, or contributing to, the child's support at the time the child's application is filed or at the time the NH died.

Evidence/Documentation Requirements

Proof of status as a 216(h)(3) will depend on which condition is being used to entitle the child.

- For any case involving illegitimacy (the child was not born during a valid marriage), obtain a **FULL** birth certificate. **GN 00306.100 E.1.**

- Court order – A copy of the court decree of paternity or support must be obtained.

- Written acknowledgement - A photocopy should be included in the file. The document does not need to be in the NH's handwriting or signed by him/her as long as it is a written record prepared at the NH's direction. In some instances, the NH's name as father on the child's BC may be sufficient to establish written acknowledgement. **GN 00306.120**

- Satisfactory evidence – If satisfactory evidence is used, it must identify the child and establish the NH is the child's biological parent. Obtain a SSA-2519, Child Relationship Statement. This form must be in file for all claims which are denied using the disallowance code 32 (failure to establish child relationship). It should also be used while developing possible evidence. **GN 00306.001 E**

- NH's or applicant's statement on the application is normally sufficient evidence of "living with."

- "Contributions of support" means regular and substantial contributions in cash or in kind. Obtain a SSA-783, Statement Regarding Contributions, to document support from the NH, applicant and any other person who has contributed to the child's support.

Dependency

If the child is entitled based on a court order or the NH's written acknowledgement, dependency is deemed. However, dependency is not deemed if someone other than the NH adopts the child. In this case, the child is dependent only if living with or receiving contributions for support from the NH at a specific point in time.

A child entitled based on "other satisfactory evidence" of paternity must be living with or receiving contributions from the NH at a specific point in time.

Special Considerations

See **RS 00203.010** for how the "throughout entire month" provisions affect child beneficiaries entitled under Section 216(h)(3).

Illegitimate Child with Inheritance Rights

GN 00306.055

Definition

An illegitimate child with inheritance rights is a child whose parent(s) have acknowledged or recognized the child under applicable state law for inheritance purposes only. The individual state law digest entries are found in **GN 00306.400 - .680**. Provisions in these sections which provide inheritance rights are preceded by an "I" in the individual state entries.

Dependency

Children are deemed dependent unless adopted by someone other than the NH during their lifetime.

Common Error

If children are filing on the record of their biological mother and were **not** born during a valid marriage, then the children were born out of wedlock and technically only have inheritance rights with respect to the mother under the laws of all States and are not natural legitimate children. **GN 00306.055 B.1.a**

Equitably Adopted Child

GN 00306.175

Definition

An equitably adopted child is a child who has inheritance rights under state law even though a contemplated adoption was never completed.

Evidence/Documentation Requirement

For equitable adoption, there must be:

- An expressed (or implied in some states) contract to adopt the child;

- A legal consideration for the adopting parent's promise to adopt;

- A promise to give a child inheritance rights is required in some states;

- Surrender of the child to the adopting parent;

- Performance of the child as a child of the NH; and

- Sufficient lapse of time so that the child could have been legally adopted under applicable State law before the NH's death or the time the child's application is filed if the NH is alive.

Dependency

The NH must have been living with, or contributing to, the child's support at the applicable time.
GN 00306.007 (Life cases)
GN 00306.008 (Death cases)

Grandchild and Step-Grandchild

GN 00306.235 – GN 00306.250

Definition

To qualify as a grandchild or step-grandchild, the child must be the grandchild or step-grandchild of the NH and both of the child's natural or adoptive parents must be either deceased or disabled in the month which the NH became entitled to RIB, DIB or died.

If the child's natural or adoptive parents are not deceased or disabled at the time the NH becomes entitled to RIB (and no disability is involved), but

the parents die or become disabled later, the child cannot be entitled to life benefits. However, if the NH subsequently dies, survivor benefits might be payable if the child's parents are deceased or disabled at the time of the NH's death. The child may also qualify if they were legally adopted by the NH or by the NH's surviving spouse after the NH's death.

Evidence/Documentation Requirements

Relationship must be established as follows:

- Proof of relationship of the child to parent (BC), and

- Proof of relationship of parent to NH or NH's spouse (BC and parent's marriage certificate).

Death or disability of natural or adopting parents must be established by documenting:

- Proof of the natural mother's, father's, or adopting parent's deaths, or

- Proof of disability for natural or adoptive parents (entitlement to Title II/XVI disability).

If you cannot determine the natural father's identity after full development, assume he was deceased at the applicable time. **GN 00306.250 A.1**

Dependency

The child must have lived with the NH in the U.S. and received at least one-half support for the entire year before the applicable dependency point. The child must also have begun living with the NH before age 18.

Legitimated Child

GN 00306.050

Definition

Legitimated children are born illegitimate but legitimated under state law by acts of their parents. To review individual state laws on how a child can be legitimated, see **GN 00306.400** – **GN 00306.680**.

EXAMPLE:

A child whose parents marry after the child was born.

Dependency

Children are deemed dependent unless adopted by someone other than the NH during their lifetime.

Child of an Invalid Ceremonial Marriage

GN 00306.090 – GN 00306.095

Definition

A child of an invalid ceremonial marriage is a child whose parents went through a marriage ceremony, but the marriage is not valid because of a legal impediment. This includes a prior marriage which was not dissolved, an impediment arising out of the previous marriage or its dissolution, or a defect in the procedure connected with the marriage.

Dependency

Children are deemed dependent unless adopted by someone other than the NH during their lifetime.

Child of a Voidable Marriage

GN 00306.030

Definition

A child of a voidable marriage is a child born of a marriage which could be adjudged void by a court but is valid unless and until it is declared void. If child was born of a voidable marriage which has been annulled, invalid ceremonial marriage provisions or 216(h)(3) may apply.

EXAMPLE:

A child born to a couple in a state where the parents are not legally old enough to marry.

Dependency

The child is deemed dependent unless adopted by someone other than the NH during their lifetime.

Child of a Void Marriage

GN 00306.035

Definition

A child of a void marriage is a child born of a marriage which is invalid from the beginning, with or without judicial decree.

Dependency

The child is deemed dependent unless adopted by someone other than the NH during their lifetime.

OBJECTIVE 3:

Complete applications for child's benefits and determine required evidence.

Complete Application/Evidence Screens

MS 03505.001

Introduction

The DADE MCS application screens introduced in this chapter are the:

- APPL (Application)
- CHD1 (Child's Identification 1)
- CREL (Child's Relationship)
- CHD2 (Child's Identification 2)
- CHPE (Child's Potential Entitlement)
- DEPC (Dependent Children of NH)

Application Screen

Refer to the APPL facsimile in **MS 03505.009**. A facsimile of the APPL is shown:
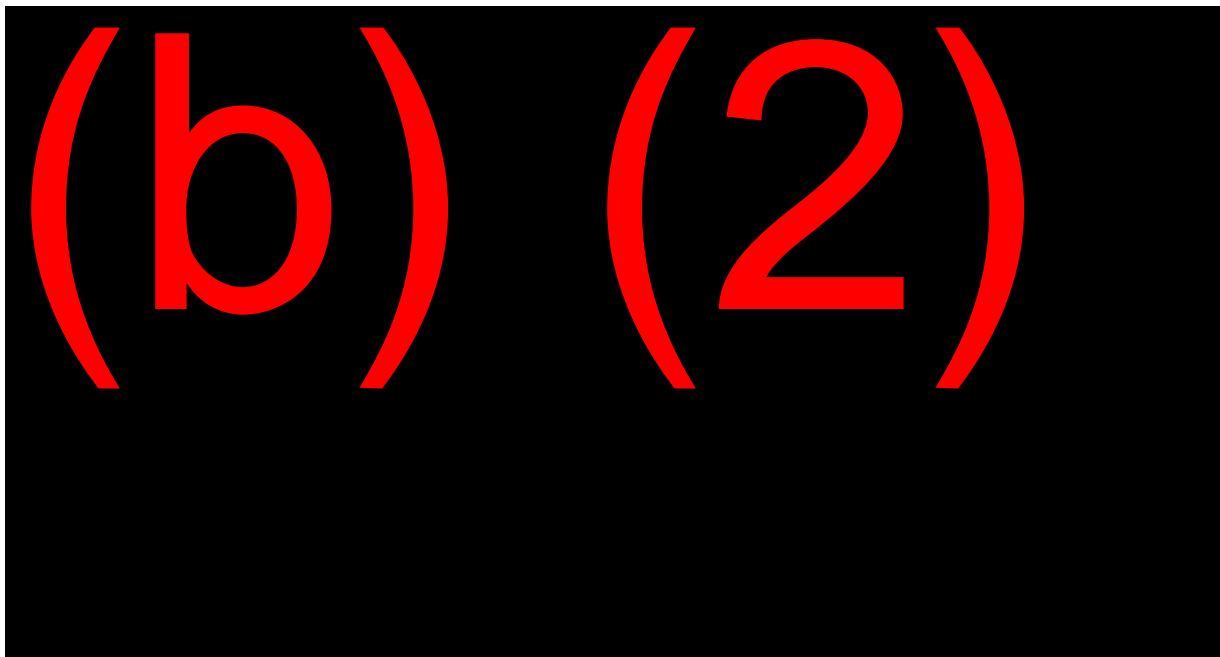
Code the following entries to begin a child's claim on MCS:

- Claim Type "03" if the claim is a survivor claim and "04" if the claim is an auxiliary claim.

- The entry in the Relationship to NH field would be "3" for child.

- Complete the subsequent claim indicator in life claims. Show "1" if the NH is receiving RIB or "2" if the NH is currently receiving DIB.

- Complete the applicant field when someone is filing on behalf of a child.

Child's Identification 1 Screen

MS 03505.014

CHD1 is the first of the two child identification screens which are mandatory for surviving and auxiliary child claims. A facsimile is shown:

(b) (2)
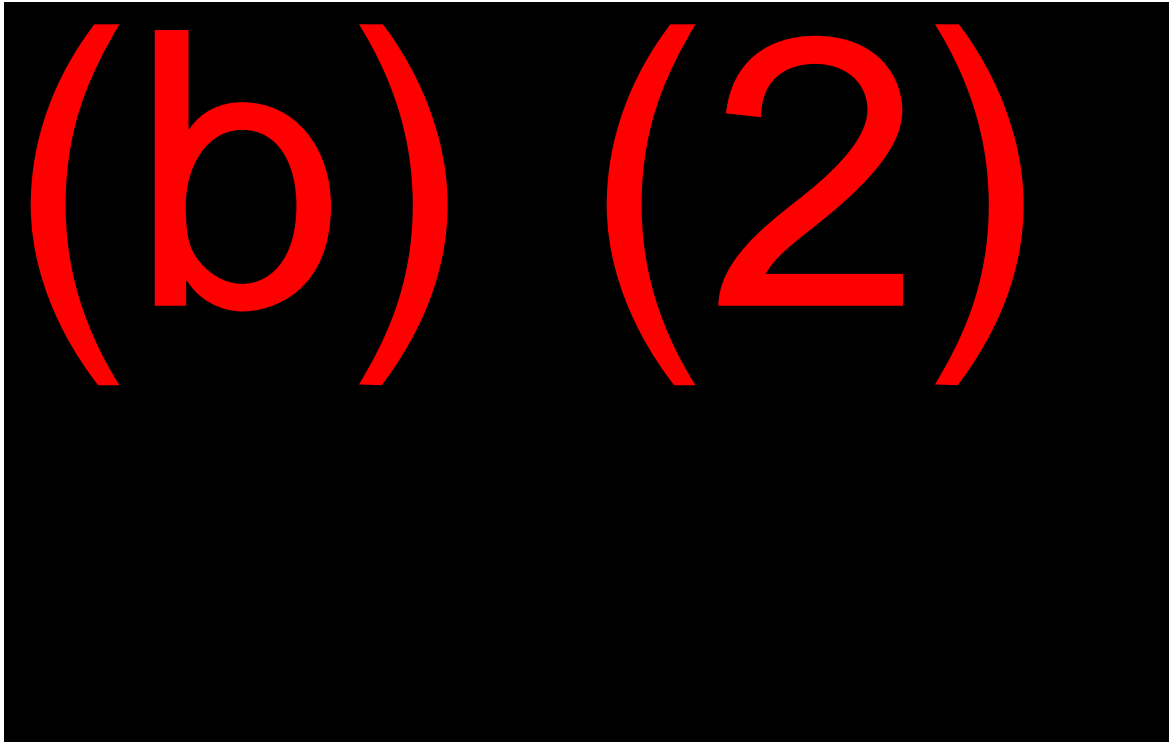
This screen gathers basic information needed to determine a child's entitlement to benefits.

The NH's name and SSN and the child's name and SSN are propagated onto the CHD1 screen.

BIRTH CITY:

If known, enter the city where the child was born. If not known, leave blank.

BIRTH STATE:

Enter the two letter state abbreviation where the child was born.

BIRTH COUNTRY:

Enter the appropriate two letter birth country abbreviation. If no entry was made in the birth state field, an entry must be made in this field. See **RM 00499.004** for a list of abbreviations of foreign countries.

HAS ANYONE EVER FILED ON CHILD'S BEHALF FOR BENEFITS (Y/N):

If the answer is "Yes", complete the identifying information about the prior claim.

For more information about the STAT field, see **MS 03505.014 C**.

<u>IF AGE 16 OR OLDER, LANGUAGE SPOKEN AND WRITTEN IS ENGLISH (Y/N):</u>

If the answer is No, the Client Language screen will appear in the path so the language the child prefers can be captured.

<u>IF OVER 16 IS CHILD DISABLED (Y/N):</u>

If the answer is "Yes," complete the questions which follow regarding a claim for Childhood Disability Benefits.

<u>SELECT FILED OR INTEND TO FILE FOR SSI:</u>

- 1 = YES

- 2 = NOT DISABLED, BLIND, OR WITHIN 2 MONTHS OF AGE 65 OR OLDER

- 3= DOES NOT WISH TO FILE

<u>IF AGE 17 AND 6 MONTHS, IS CHILD A STUDENT (Y/N):</u>

If the answer to this question is "Yes", the Student Entitlement (STUD) screen will appear in the path for additional information regarding the child's school attendance. Student entitlement will be covered in Module 14.

<u>WORK LAST YEAR THIS YEAR NEXT YEAR (Y/N):</u>

If this question is answered "Yes," the Work Deductions/Election Option (DEME) screen will include questions regarding the child's work.

<u>EVER MARRIED (Y/N):</u>

If answered with "Yes", the Beneficiary Marriage (BMAR) screen will appear in the claims path for additional information regarding the child's marriage.

Child Relationship Screen

MS 00705.012

The CREL is a common eligibility and entitlement screen used to record the child's relationship to the NH. It is used both for initial claims and for processing any changes to established entitlement. A facsimile is shown:
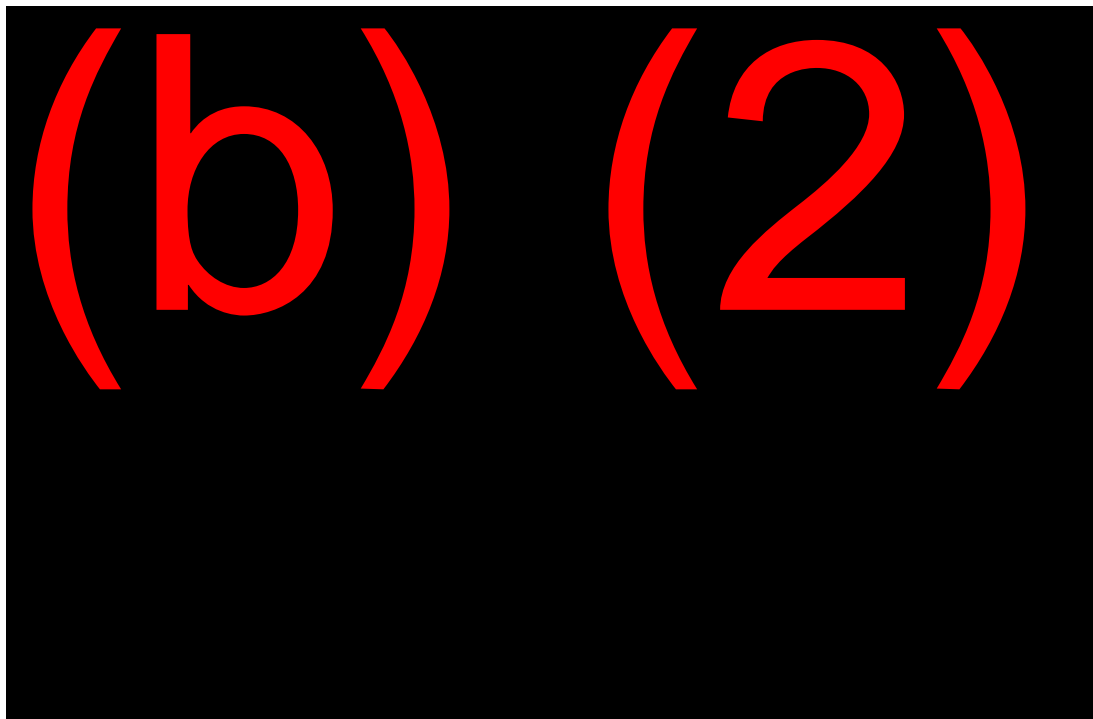
The fields which appear on this screen are as follows:

DATE DEPENDENCY MET (MMDDCCYY):

This is the date the child's dependency on the NH started. This date must be completed if the relationship type entered is 3, 4, 5, 6 or 7. Child relationship types which require a Dependency Met Date include: adopted child, equitably adopted child, grandchild, stepchild, and stepchild (216k).

CHILD RELATIONSHIP BEGIN DATE (MMDDCCYY):

The beginning of the relationship date will depend on the event which began the relationship. For natural/legitimate children, enter the child's date of birth.

SELECT RELATIONSHIP TYPE:

Determine the correct relationship type and enter the corresponding number.

1=natural/legitimate	6=stepchild
2=legitimated child	7=stepchild (216K)
3=adopted child	8=inheritance rights
4=equitably adopted	9=other (216H3)
5=grandchild	

CHILD RELATIONSHIP END DATE (MMDDCCYY):

If the relationship to the NH ended after the entitlement date, that date should be entered here. This will cause a termination in benefits after entitlement. If an end date is shown a relationship end reason must be entered also.

DELETE THIS OCCURRENCE OF DATA (Y/N):

This field is used only when a common CREL screen has been previously established.

ADD NEW OCCURRENCE (Y/N):

If you have entered both a child relationship begin date and a child relationship end date on this screen you may add another occurrence if a new relationship beginning date would now apply.

Child's Identification 2 Screen

MS 03505.015

The questions on the CHD2 screen are used to determine dependency, record basic information about each child filing on the NH's SSN, and record information about the proper applicant for the child. The CHD2 screen is shown:
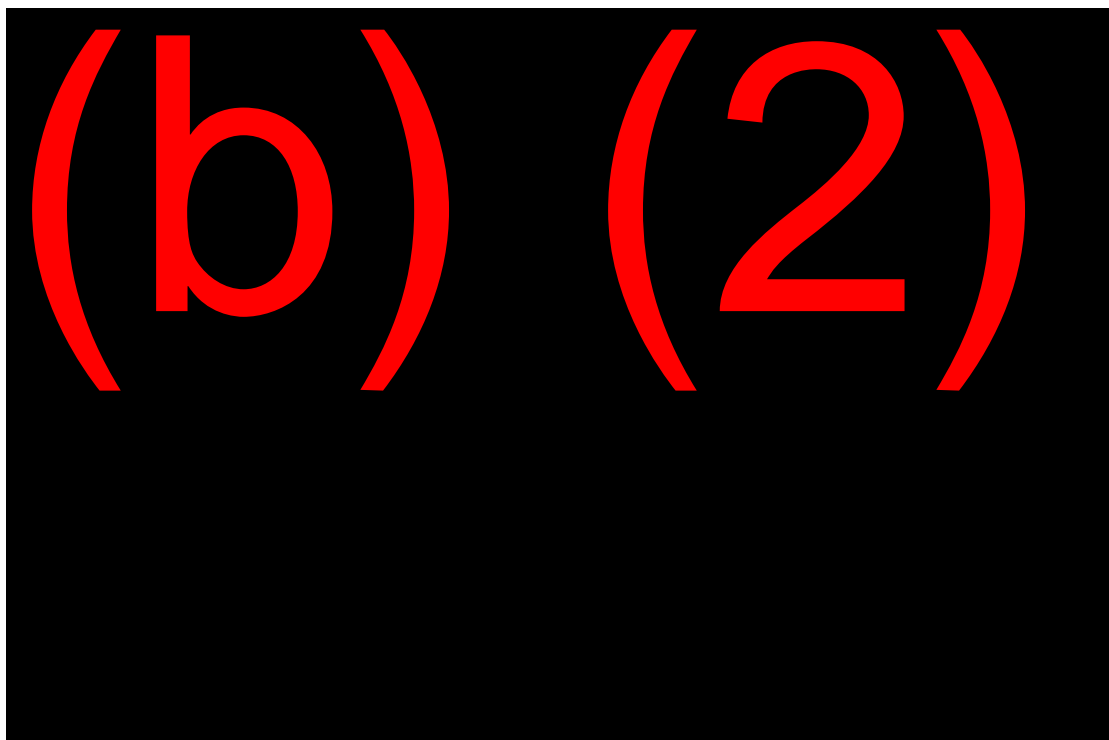
IF NOT LIVING WITH NH ANY OF LAST 13 MTHS OR AT TIME OF DTH SHOW MTHS:

You will complete this screen depending on whether the NH is alive or deceased and if the child lived with the NH.

If the NH is alive, count back 13 months, including the current month. Enter an X for each month the child did not live with the NH. If the child lived with the NH all 13 months, no entry is required.

If the NH is deceased, enter the year before death and the year of death and enter an X for each month the child did not live with the NH. If the child lived with the NH all 13 months, no entry is required.

IF NOT LIVING WITH NH (AS SHOWN ABOVE), WAS CHILD LIVING WITH APPLICANT? (Y/N):

If the child had been living with the applicant and lived away from the NH all months in the period, enter "Yes". If the child was living with someone other than the NH or applicant, enter that person's identifying information in the name and address request. This item serves the purpose of documenting the custody of the child for payee purposes. The question may also serve to corroborate child-in-care information on a mother's application.

If the child lived with the NH for the 13 months prior to the NH's entitlement or death and has not been adopted, no information is required on this screen.

<u>IF ADOPTED, NAME OF PERSON ADOPTING IF OTHER THAN NH:</u>

This information is used both for determining if the dependency requirement is met and whether the claim is being filed by the proper applicant.

Child's Potential Entitlement CHPE Screen

MS 03505.016

The CHPE screen is used to collect identifying information about a living or deceased NH on whose record a child claimant could potentially have dual entitlement or eligibility, such as another biological parent, an adoptive or step parent, and a grandparent or step grandparent. A facsimile of this screen is shown:
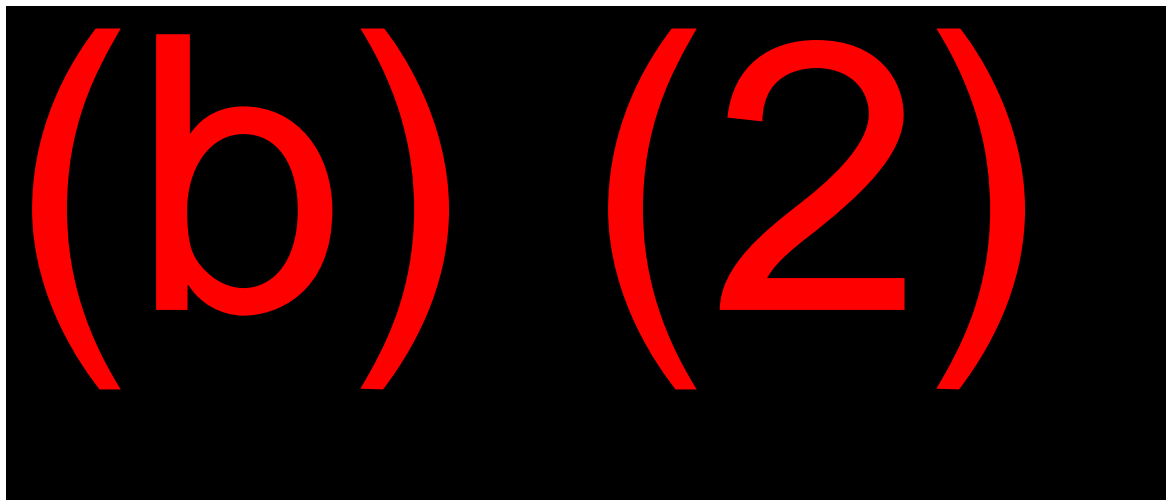
The diary code 023 will be propagated to the DIARY CODE field on the DECI screen when either or both fields, "CHILD POTENTIALLY ENTITLED ON ADOPTIVE, STEP, OR OTHER PARENT RECORD" or "CHILD POTENTILLY ENTITLED ON A GRAND OR STEP GRAND PARENT RECORD" equal a "Y."

<u>CHILD POTENTIALLY ENTITLED ON ADOPTIVE, STEP OR OTHER PARENT RECORD (Y/N):</u>

Enter "Y" if child is potentially eligible or entitled.

Enter "N" if unknown or if no potential entitlement or eligibility exists.

CHILD POTENTIALLY ENTITLED ON A GRAND OR STEP GRANDPARENT RECORD (Y/N):

Enter "Y" if child is potentially eligible or entitled.

Enter "N" if unknown or if no potential entitlement or eligibility exists.

LIST THE FIRST NAME: XXXXXXXXXXXXXXX MI: X LAST NAME XXXXXXXXXXX CHILD POTENTIALLY ENTITLED ON:

If either or both "CHILD POTENTIALLY ENTITLED ON ADOPTIVE, STEP OR OTHER PARENT" or "CHILD POTENTIALLY ENTITLED ON A GRAND OR STEP GRANDPARENT RECORD" equals "Y", enter the FIRST, MI, AND LAST name of the number holder the child is potentially entitled or eligible on. Leave MI blank if unknown or does not exist.

If both are "Y" two entries are required.

You may enter up to 5 occurrences.

LIST THE SSN CHILD POTENTIALLY ENTITLED ON:

Enter valid SSN of the NH child potentially entitled or eligible on if known, leave SSN blank if unknown. Do NOT enter "?".

Dependent Child of NH Screen

MS 03505.026

The DEPC screen lists ALL children of the NH (including stepchildren, adopted children, and illegitimate children) who are eligible for benefits. A facsimile of this screen is shown:

(b) (2)
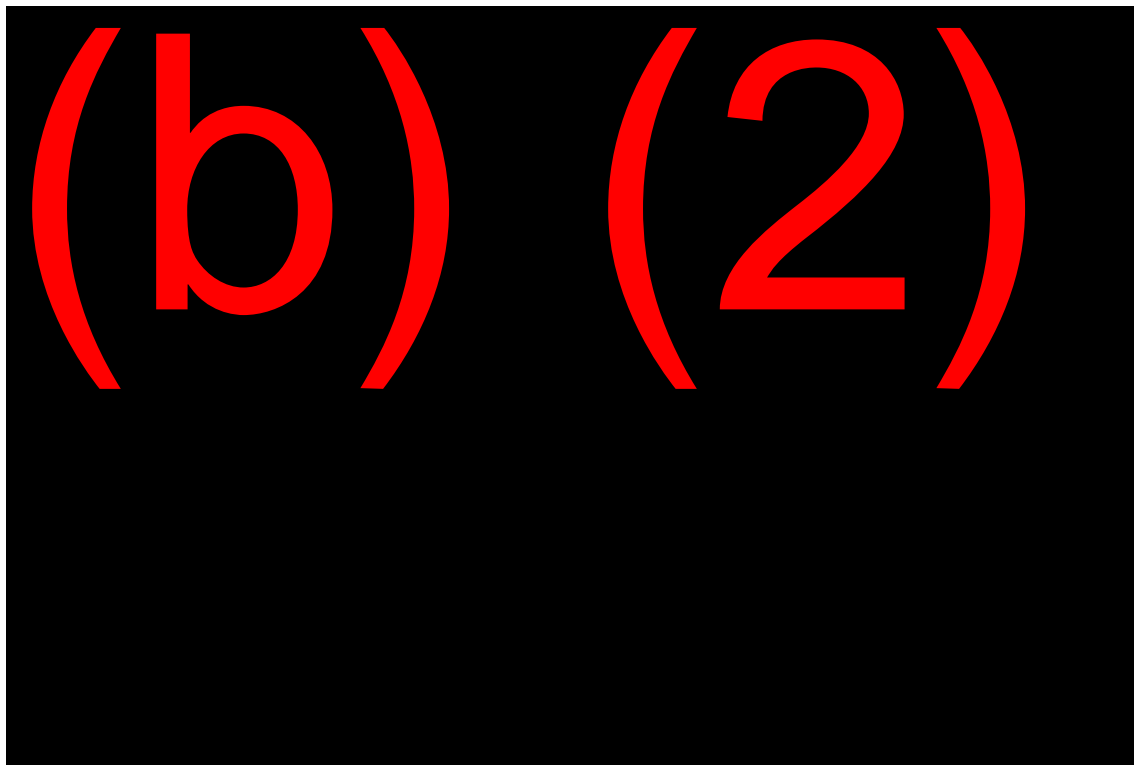
You can list as many as 10 children on this screen.

When an application is filed listing all the NH's children (including stepchildren, adopted children, and illegitimate children), ordinarily it establishes a protective filing for all children listed. Completion of this screen does not require the filer to be the representative payee. If the applicant does not wish to be payee for any child listed on the DEPC screen, list the child's name and address (if known) on the RMKS screen.

All reasonable efforts to protect the interests of each child eligible for benefits should be undertaken. If a child's whereabouts are unknown, reasonable efforts to locate the child should be made.

Development Screens

DW01

Once the application has been attested, enter a claim receipt date on the DW01 of each child. Also, establish tickles for any outstanding issues.

PRST

Use the Print and Store (PRST) screen to print the application after the claims information has been entered in MCS. This screen propagates into the path after the DW01 screens. The PRST screen is used to print the application summary and store a copy to ORS.

To print a single application for multiple children with the same representative payee, only enter the NH SSN on the MCS Main Menu; do not enter a claimant SSN. Then, print from the PRST screen.

NOTE: If a rep payee is filing, complete and print the eRPS application first, then print the claim in MCS.

Additional Information

A separate claim is required for each child. MCS propagates data when a single applicant files for 2 or more children on the same SSN. This simplifies the claims taking procedure. The system will propagate information about the NH and the applicant from the first child's application screens to each additional child's screens.

You can save time and keystrokes by using the F5 key as described below. By doing this you do not have to hit enter to call up application screens for any other child after you have input the application for the first child.

After the last screen on the first child's claim:

- Enter and go back to the MCS Main Menu.

- NH SSN will propagate. Type in next Claimant's SSN.

- Select #1 (Establish) and #3 (New Claim), then press the F5 key.

If the claim cannot be established in MCS, use the SSA-4-BK paper application to take the child's claim.

OBJECTIVE 4:

Given a PIA and FMAX, correctly compute a child's benefit.

Child Benefit Computations

RS 00203.025

Life Cases

In a life case each child's benefit is 50 percent of the PIA, subject to adjustment for the family maximum (FMAX).

Child Life Benefit = 50 percent of NH's PIA

EXAMPLE:

PIA = $880.20

$880.20 x .5 (50 percent) = $440.10

Death Cases

The benefit for a surviving child is 75 percent of the PIA and is also subject to adjustment for the FMAX.

Child Death Benefit = 75 percent of NH's PIA

EXAMPLE:

PIA = $880.20

$880.20 x .75 (75 percent) = $660.15, rounded down to $660.10

Adjustment for FMAX

Children's benefits are not reduced for age, but are subject to adjustment for the FMAX.

When the total of individual benefits exceeds the FMAX, benefits must be proportionately reduced so the maximum is not exceeded. When the benefits are adjusted for the maximum, children receive less than a full 50 percent or 75 percent of the PIA.

FMAX Computations

RS 00615.756 B

Life Cases

The following is the formula for determining the child's MBA:

1. Subtract the PIA from the FMAX. Divide your answer by the number of auxiliaries.

2. Multiply the PIA by 50 percent.

3. Select the smaller answer from number 1 or number 2. Round down to the nearest dime.

Remember, it is the PIA and not the NH's MBA that is subtracted from the maximum to determine the amount available for auxiliaries.

EXAMPLE:

Facts of the case: PIA $500; FMAX $750.10; Eligibility Year (ELY) 2017; MOE 12/17; 4 entitled children.

Step 1: $750.10 - $500 = $250.10. If 4Cs are entitled, $250.10 divided by 4 = $62.53, rounded down to nearest dime = $62.50 each

Step 2: 50 percent of the PIA = $250.

Step 3: $62.50 is the smaller amount.

ICF #30

Use ICF #30 to figure the MBA in life cases. Using the information from the above example, the ICF screens are shown below:
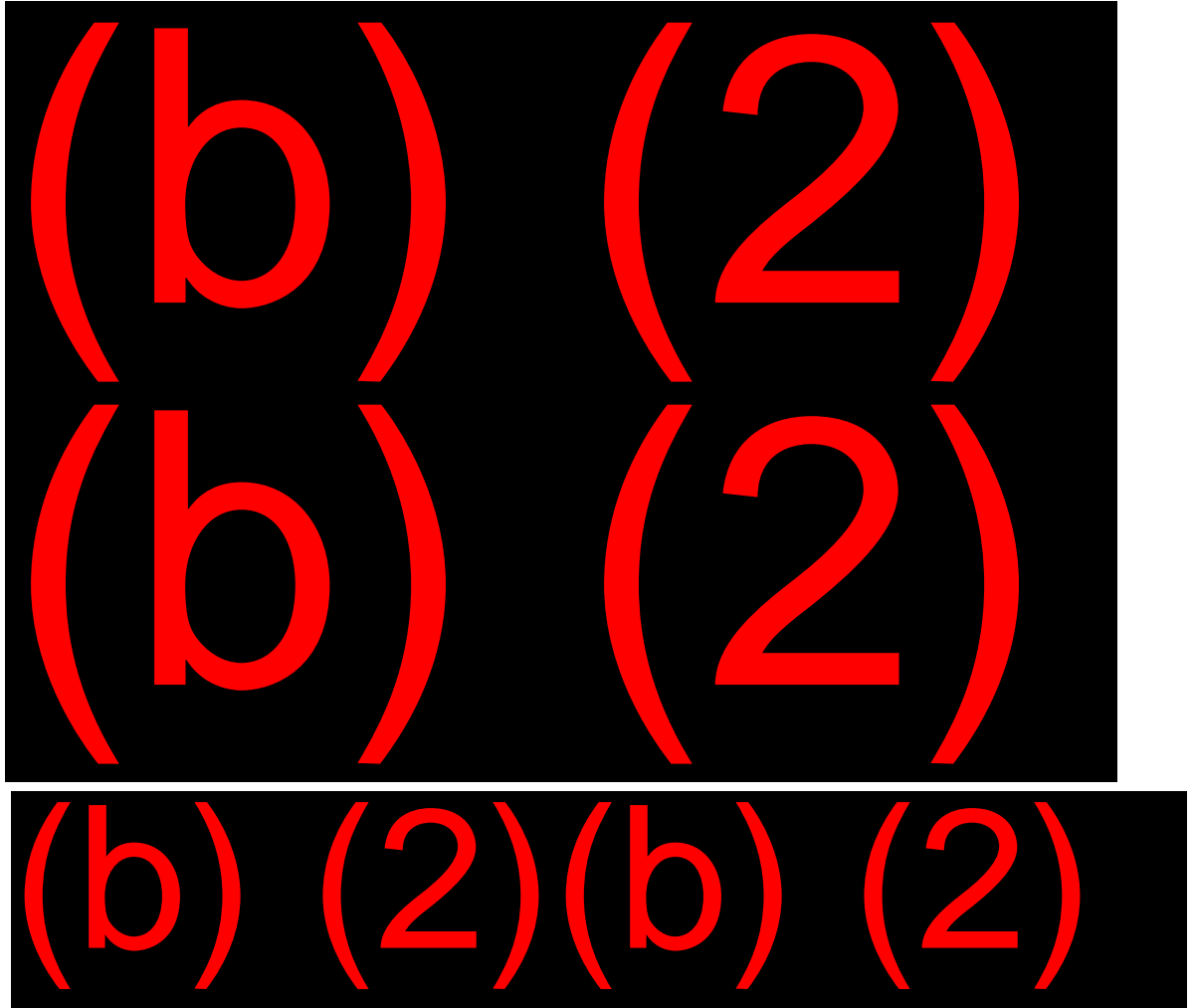
Death Cases

The following formula is used to determine the child's MBA:

1. Divide the FMAX by the number of survivors.

2. Multiply the PIA by 75 percent.

3. Select the smaller answer from number 1 or number 2. Round down to the nearest dime.

EXAMPLE:

Facts of the case: PIA $500; FMAX $750.10; Eligibility Year (ELY) 2017; MOE 12/17; 4 entitled children.

Step 1: If 4 Cs entitled, $750.10 divided by 4 = $187.53, rounded down to $187.50 each.

Step 2: 75 percent of the PIA = $375.

Step 3: $187.50 is the smaller amount.

Usually, the FMAX is high enough to pay two survivors the full rate (75 percent). Adjustments for the maximum frequently occur when there are three or more surviving entitled children or mother/father and two children.

The lesson about childhood disability benefits will discuss how the benefit payment for children who are dually entitled is computed based on a court decision (Parisi by Cooney v. Chater).

The lesson on widow's benefits will discuss how to adjust the survivors' benefits for the maximum when the survivors receive unequal shares.

ICF #23

Use ICF #23 to figure the MBA in death cases. Using the information from the above example, the ICF screens are shown below:

INPUT

(b) (2)

OUTPUT

(b) (2)
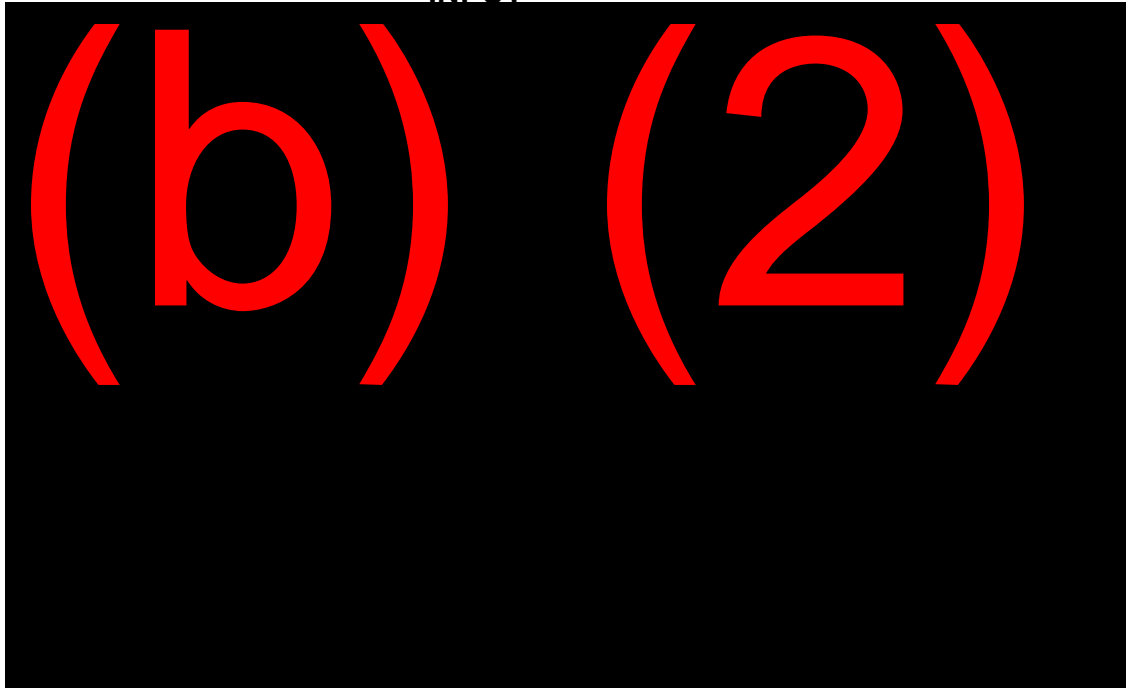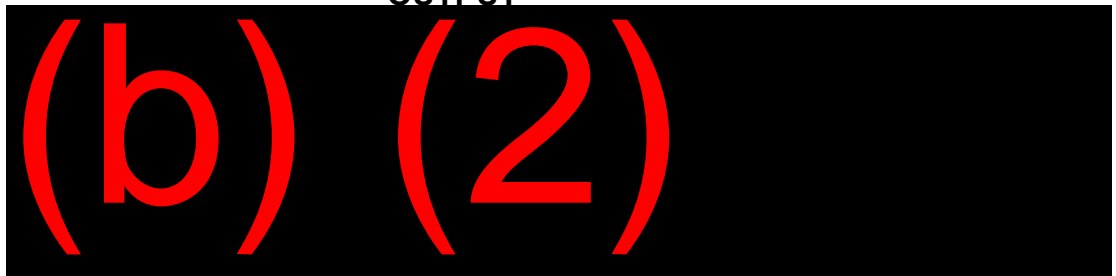
Combined Family Maximum Situations

RS 00615.770 – RS 00615.778

Simultaneous Entitlement

A child can be entitled to child's benefits on more than one parent's SSN. This is called simultaneous entitlement because the child is entitled and receives benefits on one SSN but is "technically entitled" on the other SSN.

Combined family maximum applies when at least one child is simultaneously entitled on two or more SSNs and the monthly payments of at least one beneficiary on one or all of the records involved are limited because of the family maximum (FMAX) provision.

The maximums of both records are added together to get the combined maximum amount, but there are limits placed on the maximum amount. These limits are listed in **RS 00615.770 C**.

When to Combine Maximums

A combined maximum must be considered when:

- Combining the maximums results in a higher benefit amount for the simultaneously entitled child(ren); or

- Combining the maximums does not change the simultaneously entitled child(ren)'s benefit amount, but another entitled beneficiary will receive a higher monthly amount based on the combined family maximum benefit; or

- Combining the maximums increases the total family benefits, even if it decreases the simultaneously entitled child's benefit.

The maximums are combined on the record the simultaneously entitled child(ren) is paid. On the record where the simultaneously entitled child is technically entitled, the benefits of other auxiliaries or survivors are computed as though the simultaneously entitled child is not entitled. This usually results in higher benefits payable to the other entitled auxiliaries or survivors.

Which Record Do We Pay

A simultaneously entitled child will be paid on the SSN with the higher original benefit (OB). There are three situations when payments are made on the record with the lower PIA. See **RS 00615.772** for this information.

The combined family maximum will be applied on the lower PIA record when a child is entitled on a disability record that goes into suspension because of the NH's work. When this occurs the child's benefits are also suspended. When the child is simultaneously entitled on another record, we will pay benefits on that record even if the PIA is lower.

Combined Max No Longer Applies

When the last simultaneously entitled child is terminated on one or both records, the combined maximum no longer applies.

CMAX Example:

3 children are entitled on Mary's record. Mary is still alive.

Mary's PIA is $650.00; FMAX $975.00; ELY 2018; MOE 01/18

The benefits payable to the children are computed as follows:

$975.00 FMAX
<u>- 650.00 PIA</u>
$325.00 divided by 3 = $108.30 for each child (C1, C2 and C3).

The following month, Peter files. The C1 and C2 are Peter's children; C3 is not Peter's child, and Mary and Peter were never married.

Peter's PIA is $1400.00; FMAX $2428.10; ELY 2018; MOE 02/18.

Without combining the maximums, C1 and C2 would be paid on Peter's record because it results in a higher benefit for them:

$2428.10 FMAX
<u>- 1400.00 PIA</u>
$1028.10 divided by 2 = $514.00 each to C1 and C2.

C3, entitled only on Mary's record, would receive $325.00 (FMAX – PIA on Mary's record) because we would no longer have to divide the FMAX by 3 since C1 and C2 are being paid a higher benefit on another record.

Notice every child receives an increased benefit amount. However, we want to combine the maximums on the two records because C1's and C2's simultaneous entitlement on both records will result in an even higher amount payable for all three children.

C1 and C2 must be paid on Peter's record since it has the higher PIA which means they will be only technically entitled on Mary's, the low record. C3 is entitled only on Mary's record with no change to the family maximum because of the combined maximums.

We need to compute what C1 and C2 would be paid as a result of the combined max.

First, compute the combined maximum:

$2428.10 FMAX high record (Peter's)
+ 975.00 FMAX low record (Mary's)
$3403.10 CMAX

The auxiliaries' benefit amounts are:

$3403.10 CMAX
- 1400.00 Dad's PIA
$2003.10 divided by 2 = $1001.50 each to C1 and C2.

Be sure to compare these benefit amounts to the original benefit amount (50 percent of the PIA). In this case, their original benefit on Peter's record is $700.00. So instead of paying $1001.50, C1 and C2 will get $700.00 each.

In this example, Mary and Peter were never married, so Mary was NOT entitled on Peter's record. If Mary and Peter were married, Mary would be one of the auxiliaries entitled on Peter's record and would be a dually entitled spouse. She would then be included in the computations.

ICF #29

Program #29 on ICF will calculate which record to pay the simultaneously entitled children as well as compute the benefits payable to all auxiliaries/survivors.

Input Screen (IC33):
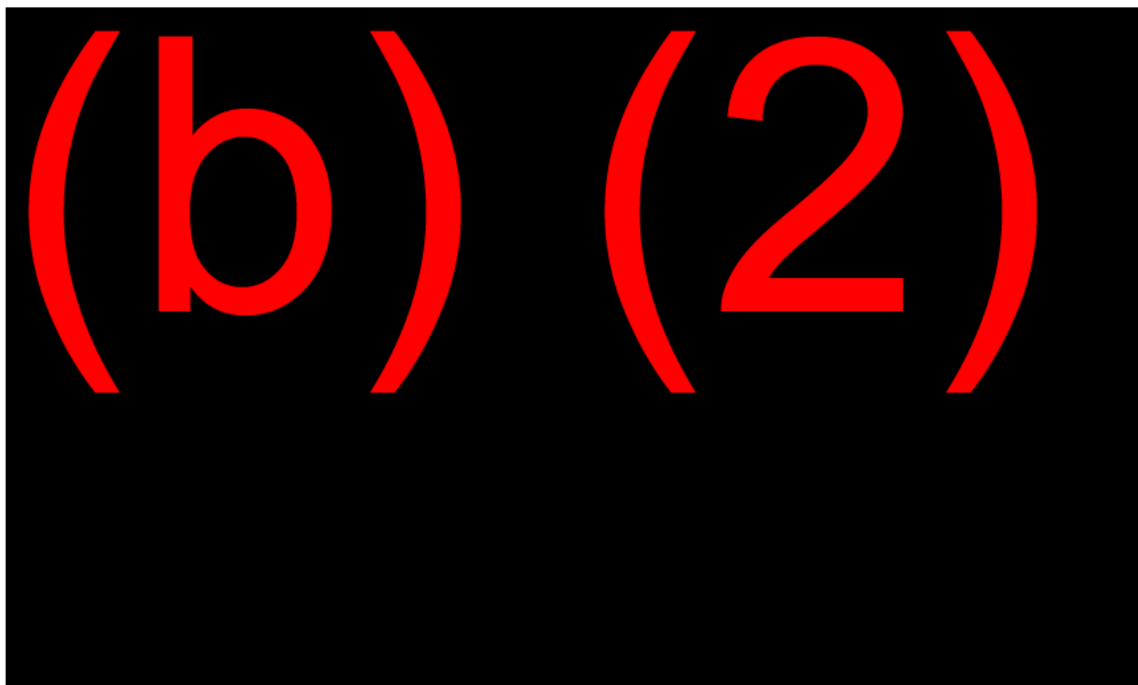
Family Composition Screen (IC3I):

Combined Family Max Output (IC3H):

(b) (2)
(b) (2)

OBJECTIVE 5:

Given post-entitlement events, determine whether deduction, non-payment or termination of child's benefits is proper.

Deduction and Nonpayment

RS 00203.030

Most Common Events

The most common events causing deductions and/or nonpayment are:

- Wages of the NH and/or wages of the entitled child

- Alien withholding provisions

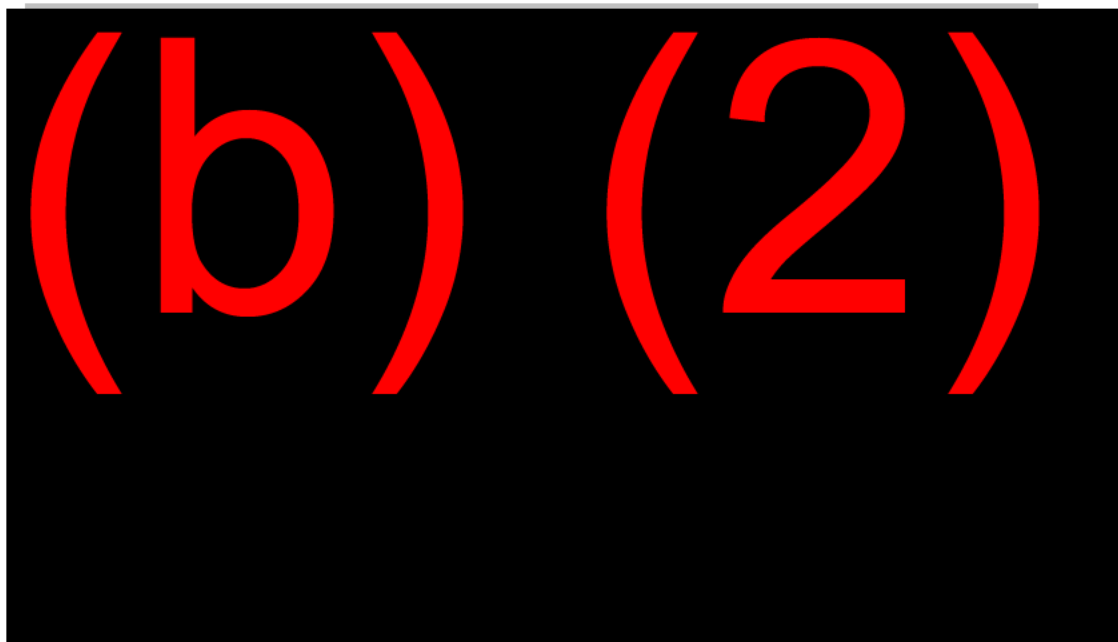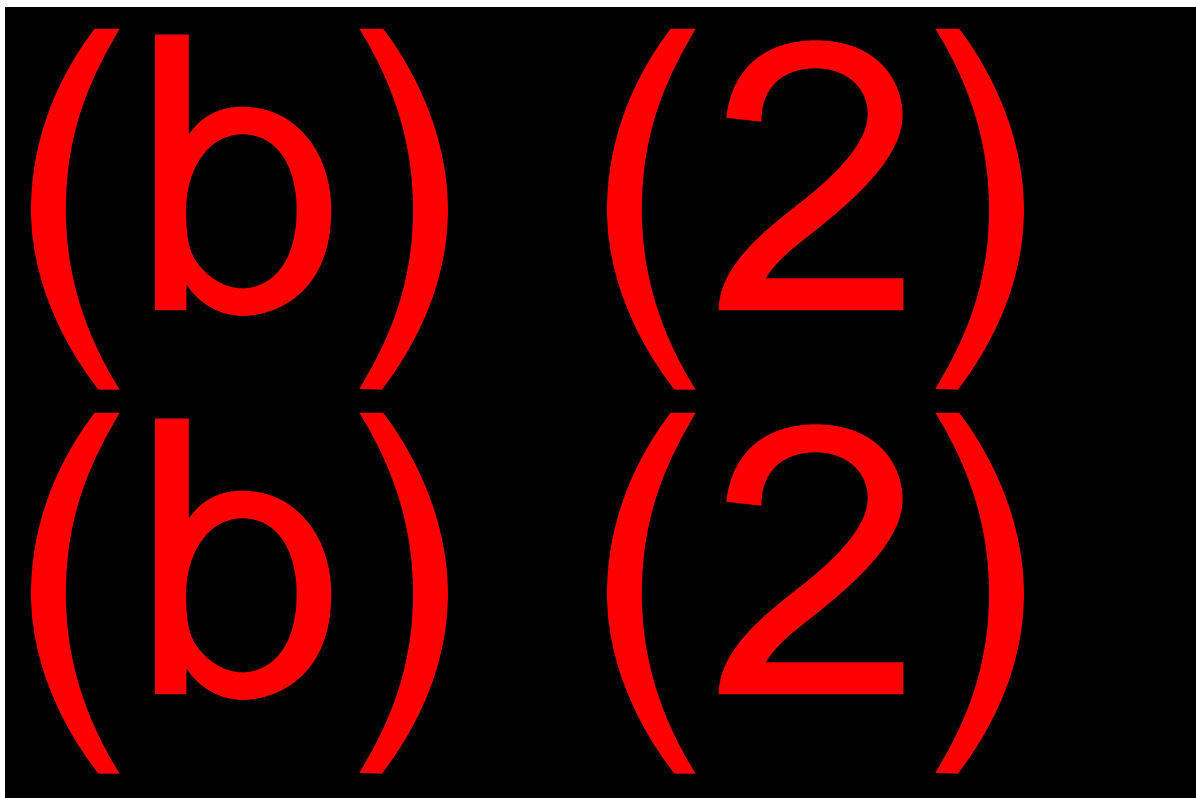- NH is a DIB beneficiary and is entitled to a workers' compensation (WC) benefit which causes disability offset. **DI 52150.001**

- Child is convicted of a criminal offense and confined to a penal institution for more than 30 continuous days beginning 04/01/2000. For prisoner suspension rules prior to 04/01/2000, refer to **GN 02607.160 B**.

- Events that only apply to children who are entitled as students or disabled adult children will be discussed in separate chapters.

- In September 2009, a United States District Court in California approved a nationwide class action settlement agreement (Martinez v. Astrue), which reduced the number and type of felony warrants SSA will use to prohibit payment of Social Security and Supplemental Security Income (SSI) benefits. Now, Social Security will suspend or deny benefits <u>only</u> if an individual's outstanding felony arrest warrant was issued for: escape, flight to avoid prosecution or confinement, or flight-escape. **GN 02613.860**

Termination

RS 00203.035

A child's entitlement ends with the month before the month in which any of the following occurs:

- Death

- Attainment of age 18 and is not disabled or a full-time student

- Marriage

- NH no longer entitled to DIB

- Adoption annulled for a legally adopted child

Entitlement ends the month before the month a terminating event occurs (e.g., minor child marries in March; last month of entitlement is February). First of the month birthdays will affect age 18 attainment. A person born 07/01/00 would attain age 18 in 06/18. The last month of entitlement is 05/18.

Additionally, divorce between a parent of a stepchild and the NH will terminate the stepchild's entitlement. In this case, the stepchild's entitlement ends with the month the divorce becomes final.

Other special rules for termination of child's benefits are found in **RS 00203.035 B**.

Exhibit 2

Refer to Exhibit 2. This is a quick reference summary of the requirements and evidence necessary for entitlement, relationship types, payment amounts, and terminating events.

EXHIBIT 1: CHILD DEFINITIONS

Stepchild GN 00306.230

Definition

Child whose relationship was created by the NH's marriage to the child's natural or adoptive (legally or equitably) parent after the child's birth. (A child conceived and born to, or adopted by, one of the parties after the marriage is not a stepchild.)

Status

The child is not a natural child.

The inheritance test is not applicable in determining a child's status with respect to a stepparent. However, the child must be able to inherit from a natural parent at the time the natural parent married the stepparent in order for the child to be a stepchild.

In most cases, the marriage must occur after the child's conception or adoption. The marriage may be either ceremonial or common-law (if the State recognizes common-law).

Evidence/Documentation Requirements

If the NH is living, the marriage of the NH and child's parent must have taken place 1 year before the child's application is filed in order for the child to qualify as a stepchild.

If the NH is deceased, the marriage of the NH and the child's parent must have taken place 9 months before the NH's death for the child to qualify as a stepchild (or one of the exceptions in **GN 00305.100** must be met).

Proof of relationship between the child and natural parent, such as a birth certificate

Proof of the marriage of the natural parent to the NH

Dependency

Dependency is not deemed.

The stepchild must be receiving one-half support from the NH at specific points in time.

Obtain an SSA-783, Statement Regarding Contributions, from the NH (if alive), all other contributors to the child's support, and each adult member of the household. Documentary evidence of support should also be obtained in every case. Develop any discrepancies.

Special Considerations

If the anniversary of the NH and natural parent's marriage falls at any time during the child's first MOET, the stepchild is deemed to meet the 1-year duration of marriage requirement throughout the month.

If a point other than the point at which the child's application is filed is used for establishing dependency, the child will be deemed to meet the dependency requirements throughout the first MOET.

A child found dependent at the time the child's application is filed must have been living with the NH throughout the first MOET. Otherwise, the child's first MOET is the following month. See **RS 00203.010 C.2.b**.

A child whose dependency is based on one-half support at the time the child's application is filed, must meet the throughout the month requirement. See **RS 00203.010 C.2.d**.

Once a stepchild is entitled, a divorce ending the parent's marriage to the stepparent will terminate the stepchild's benefits.

See **GN 00306.290** for application of Hutcheson acquiescence ruling if claimant resides in Ninth Circuit.

Legally Adopted Child **GN 00306.135**

Definition

Child legally adopted by the NH according to the laws of the state or foreign country where the adoption took place. Either the child or adopting parent must have been domiciled or a resident at time of adoption.

Status

The child is not a natural child. A parent/child relationship is established at the time the adoption is effective under State law.

If child meets requirements as a child adopted by NH's surviving spouse, child is deemed adopted as of date of NH's death.

NOTE: Summary of State laws – **GN 00306.160**

Evidence/Documentation Requirements

An amended BC will establish there has been a final adoption decree and the persons shown as parents of the adopted child were named as parents in the decree.

If the date of adoption is material, evidence of probative value such as court records, welfare records, or official notice must be obtained. (Do not solicit the adoption decree unless the parents voluntarily submit it.)

Dependency

Dependency requirements depend on the date of adoption. If the adoption was prior to the month the NH became entitled to RIB, DIB, or died, dependency is deemed.

If the adoption is after the NH's entitlement to RIB or DIB, dependency is deemed if:

- The child is the NH's stepchild; or

- The child was legally adopted by the NH in a U.S. court of competent jurisdiction; and

- The child was under age 18 when adoption proceedings were started; or

- The child was over age 18 when adoption proceedings were started and was living with or receiving one-half support from NH for the year immediately preceding the month in which the adoption was decreed.

Special Considerations

A child legally adopted by the NH's surviving spouse can be entitled as a legally adopted child under certain conditions. The child is deemed a child of the NH as of the date of the NH's death.

If the date of adoption is in the first possible MOET, but it is not on the first day of the month, the child's first MOET to life benefits is the following month.

Section 216(h)(3) Child GN 00306.100

Definition

Biological child of the NH deemed to be the NH's child for SSA purposes.

There must be:

- A court order of paternity/maternity or support, or

- Written acknowledgement of the child, or

- Satisfactory evidence which shows the NH is the child's parent <u>and</u> is living with or contributing to the child's support at the time the child's application is filed or the NH died.

Status

The child is a natural child.

The child can qualify as a 216(h)(3) child even if presumed a legitimate child of another under State law.

Evidence/Documentation Requirements

An original or certified copy of the **FULL** birth certificate must be obtained. **GN 00306.100**

Proof of status as a 216(h)(3) will depend on which condition is being used to entitle the child.

SSA-2519, Child Relationship Statement, must be in file for all claims denied under disallowance code 32 (failure to establish child relationship) **GN 00306.001 E.1**

A copy of the court decree of paternity or court order for support should be obtained.

Include in file a photocopy of the written acknowledgment. In some instances, the NH's name as father on the child's BC may be sufficient to establish written acknowledgment.

Other satisfactory evidence or relationship need not be in any specific form, but it must identify the child and establish the NH as the biological parent.

The NH's or applicant's statement on the application is normally sufficient evidence of "living with."

"Contributions for support" means regular and substantial contributions in cash or in kind.

- If the NH is **alive**, obtain an SSA-783, Statement Regarding Contributions, from the NH, applicant, and any other person who has contributed to the child's support. Obtain an SSA-783 from a knowledgeable person if the applicant has no knowledge or is the NH. Evidence corroborating the NH's contributions, such as receipts, cancelled checks, etc., may be used in lieu of an SSA-783.

- If the NH is **deceased**, obtain an SSA-783 from the applicant, any other contributors to the child's support, or a knowledgeable person. Corroborating evidence as described above may be used in lieu of an SSA-783.

- Develop any discrepancies.

Dependency

Dependency is deemed, unless someone has adopted the child other than the NH. In this case, the child is dependent only if living with or receiving contributions for support from the NH at a specific point in time.

A child entitled based on "other evidence" of paternity must be living with or receiving contributions from the NH at a specific point in time.

Two new issues about 216 (h)(3) children that have been updated for claims filed after 11/27/98:

Written Acknowledgement

If a child was born but not listed on the NH's RIB or DIB Application and the NH later acknowledged the child in writing, this constitutes doubt as to the biological relationship, in the absence of a reasonable explanation for the delayed acknowledgement. This policy is included in **GN 00306.100 E.2** and additional documentation is needed.

A Child Conceived After the Death of the NH

A child conceived by artificial insemination after the NH's death cannot be entitled under Federal law. This child can only be entitled if he or she has inheritance rights under applicable state law. Therefore, any cases involving a

child conceived by artificial insemination after the NH's death should be submitted to the Regional Chief Counsel for an opinion. **GN 00306.001 C**

State Intestacy Law

On 11/27/98, Amendments to Social Security Regulations became effective changing three aspects of SSA's policy of state intestacy law in determining child relationship under Section 216(h)(2)(a) of the act. The policies concern:

- Choosing the version of state law to apply in death cases **GN 00306.075.B.2**,

- State intestacy law time limits **GN 00306.075 B.3**, and

- State court determinations of paternity **GN 00306.075 B.4**.

The policies contained in the regulations apply to claims filed on or after 11/27/98, or pending on that date.

Special Considerations

You must consider the child's status under State inheritance/legitimation law if the child does not qualify under Section 216(h)(3). You may not disallow the child under Section 216(h)(3) without considering State law status.

The processing of a 216(h)(3) child case sometimes requires development of other evidence of paternity where a court order or acknowledgment in writing exists, since written acknowledgement or a court order establishes relationship only with the month that it is executed. If retroactive benefits are involved, other earlier evidence of paternity must be developed.

The "throughout the month" provisions of MOET affect child life beneficiaries entitled under Section 216(h)(3).

- If a child is entitled on the basis of other evidence of paternity and living with or receiving contributions, the conditions for entitlement must be met throughout the entire month.

- If the child is entitled on the basis of written acknowledgment, court decree or a court order, these proofs are deemed to have occurred on the first day of the month in which they actually occurred.

This provision is effective for children of RIB beneficiaries in 9/81.

Illegitimate Child with Inheritance Rights GN 00306.055

<u>Definition</u>

Illegitimate child whose parent(s) have acknowledged or recognized the child (even if not legitimated) under applicable State law for inheritance purposes only.

<u>Status</u>

The child is a natural child.

Illegitimate children have inheritance rights with respect to their mother under all State laws, except in Louisiana and Puerto Rico, where acknowledging acts are required.

Refer to **GN 00306.005** for rules on change of domicile.

NOTE: Digest on State Laws on Legitimation and Inheritance Rights **GN 00306.400 - GN 00306.680**. An "I" precedes provisions concerning inheritance rights but not legitimation.

<u>Evidence/Documentation Requirements</u>

Proof the child is the NH's natural child (generally a birth certificate).

Evidence the state law requirements are met.

NOTE: Effective date of inheritance rights is discussed in **GN 00306.055**.

<u>Dependency</u>

Dependency is deemed unless child adopted by someone else.

<u>Special Considerations</u>

State laws concerning the Lord Mansfield Rule apply.

If the act which gives the child inheritance rights is not retroactive in its effect, the child's first MOET to life benefits is the month following the month the child acquired inheritance rights, unless the inheritance rights were acquired on the first day of the month. **RS 00203.010**

Equitably Adopted Child GN 00306.175

<u>Definition</u>

Child who has inheritance rights under State law because a contemplated adoption was never completed.

For equitable adoption there must be:

- An expressed (or implied in some states) contract to adopt the child; and

- A legal consideration for the adopting parent's promise to adopt; and

- In some states, a promise to give the child inheritance rights; and

- Surrender of the child to the adopting parent; and

- Performance of the child as a child of the NH; and

- Sufficient lapse of time so that the child could have been legally adopted under applicable State law before the NH's death or at the time the child's application is filed if the NH is alive.

    NOTE: Summary of State Laws on Equitable Adoption **GN 00306.225**

Status

The child is not a natural child.

Most states grant inheritance rights to children whose contemplated adoption was never completed and who have performed as children for such a length of time that failure to permit the children to inherit, as if they were legally adopted, would be unjust.

Evidence/Documentation Requirements

Statements, as outlined in **GN 00306.220**, must be obtained from the applicant and one or more knowledgeable persons, where it appears a child may qualify as an equitably adopted child.

Because of variances in statutory requirements and other complexities, no exact evidence requirements can be laid down, and each case must be handled on an individual basis.

Obtain any written agreement, even when one is not required under State law. The agreement, in addition to the statement from at least two knowledgeable persons, should be sufficient evidence to make a determination.

Document the file if no written agreement exists. Judgment should be used in determining if more than two statements from knowledgeable persons are needed.

Dependency

Dependency is not deemed.

The child must have lived with, or received contributions for support, from the NH at specific points in time.

Special Considerations

When the conditions for equitable adoption are first met in the first possible MOET, but not on the first day of that month, the child's first MOET to life benefits will be the following month.

Grandchild and Step Grandchild GN 00306.235-.250

Definition

Natural child, legally adopted child, or stepchild of a parent who is a child of the NH or spouse.

A grandchild or step grandchild of the NH or the NH's spouse can qualify as a child if:

- The child's natural or adoptive parents are either deceased or disabled at specific points in time, or

- The child was legally adopted by the NH's surviving spouse and the child's natural or adopting parent or stepparent was not living with the NH and making regular contributions to the child's support at the time the NH died.

Status

The child is not a natural child.

Evidence/Documentation Requirements

Relationship:

- Proof of relationship of child to parent (birth certificate)

- Proof of relationship of parent to NH or NH's spouse (birth certificate and parent's marriage certificate)

Death or disability of natural or adopting parents:

- Proof of the natural mother's, father's, or adoptive parent's deaths, or

- Proof of disability for natural or adoptive parents (entitlement to Title II/XVI disability).

<u>Dependency</u>

To be dependent on the NH, a grandchild or step grandchild must have:

- Lived with the NH in the U.S. and received one-half support from the NH throughout the year before a specific point in time; and

- Began living with the NH before attaining age 18.

<u>Special Considerations</u>

If any of the relationship requirements for dependent grandchild are not met throughout the first possible MOET, the first MOET for life benefits will be the following month.

If the children's entitlement is based on their natural or adoptive parent being deceased, the parent will be deemed to be deceased as of the first day of the month of death.

If you cannot determine the natural father's identity <u>after</u> full development, assume he was deceased at the applicable time. **GN 00306.250 A.1**

Legitimated Child **GN 00306.050**

<u>Definition</u>

Children born illegitimate but legitimated under State law by acts of their parent(s)

EXAMPLE: Child whose parents marry after the child was born.

<u>Status</u>

The child is a natural child.

The child has inheritance rights.

State laws concerning the Lord Mansfield Rule apply if the child was born in wedlock.

NOTE: Digest of State Laws on Legitimation and Inheritance Rights **GN 00306.075** – provisions concerning inheritance rights, but not legitimating the child are preceded by an "I" in these entries.

Evidence/Documentation Requirements

Proof the child is the NH's natural child (generally a birth certificate).

Evidence the State law requirements are met.

NOTE: Effective dates of legitimating acts are discussed in **GN 00306.085**.

Dependency

 Dependency is deemed unless child adopted by someone else.

Child of an Invalid Ceremonial Marriage GN 00306.090-.095

Definition

Child whose parents went through a marriage ceremony, but the marriage is not valid due to a legal impediment. This includes a prior undissolved marriage, an impediment arising out of the previous marriage or its dissolution, or a defect in the procedure connected with the marriage.

Status

The child is a natural child.

The child is deemed legitimate from birth, regardless of when the marriage took place.

It is unnecessary to determine whether the child has inheritance rights under State law.

Evidence/Documentation Requirements:

Documentary proof of the marriage is required, regardless of whether the marriage occurred before or after the child's birth.

Proof the child is the natural child of the NH.

If the child's mother has no legal husband, a birth certificate, hospital record, school record, etc., is sufficient relationship evidence, if it shows the NH as father.

NOTE: If the child's mother was legally married to someone else at conception, but she and the NH were living together, this tends to establish relationship to the NH. If the child's mother and NH were not living together and she has a legal husband, evidence must clearly show the NH is the biological father.

Dependency

Dependency is deemed.

Special Considerations

The Lord Mansfield Rule has no application in determining the status of a child under the invalid ceremonial marriage provisions if it is shown the NH is the biological father.

If a biological relationship cannot be established between a child and the NH, the child may be able to qualify as a stepchild of an invalid ceremonial marriage.

Child of a Voidable Marriage GN 00306.030

Definition

This is a child born of a marriage which could be adjudged void by a court, but is valid unless and until it is declared void.

EXAMPLE: Child born to a couple who were not legally old enough to marry.

Status

The child is a natural child.

The child is legitimate. If the marriage is annulled, the case should be submitted to the regional chief counsel unless entitlement can be established under another type of relationship (i.e., 216(h)(3), child of invalid ceremonial marriage, etc.).

The child has inheritance rights.

Evidence

The evidence of relationship is the same as for a natural legitimate child.

<u>Dependency</u>

Dependency is deemed.

Child of a Void Marriage **GN 00306.035**

<u>Definition</u>

Child born of a marriage which is invalid from the beginning, with or without a judicial decree

<u>Status</u>

The child may be considered legitimate without court action by states which have true void marriage statutes. Generally, if at least one party had good faith at the time of marriage, the child is deemed the legitimate child of both parents.

Some states which have not adopted true void marriage statutes have laws providing a child of a marriage declared void by judicial decree is, or may be decreed, legitimate. (Except for New York, cases involving the statutes must be sent to the regional counsel.)

The child has inheritance rights.

<u>Evidence/Documentation Requirements</u>

When a child is considered legitimate because of a void marriage statute, a BC is sufficient to establish relationship if the same requirements as those for a natural legitimate child are met.

<u>Dependency</u>

Dependency is deemed.

EXHIBIT 2: MINOR CHILD SUMMARY GUIDE

I. Factors of Entitlement:

A. Child of a NH entitled to a RIB or DIB, or the child of a NH who died fully or currently insured

B. Dependent on NH

C. Unmarried

D. Under age 18

E. File an application

II. First MOET:

A. Child of living NH -- entitlement possible only when all requirements, except filing an application, are met throughout the entire month

B. Surviving child -- first month all requirements are met during any part of the month

III. Relationship Types:

A. Natural legitimate child

B. Stepchild

C. Legally adopted child

D. 216(h)(3) child

E. Illegitimate child with inheritance rights

F. Equitably adopted child

G. Grandchild or step grandchild

H. Legitimated child

I. Child of invalid ceremonial marriage

J. Child born of a void or voidable marriage

IV. Three Most Common Relationship Types:

A. <u>Natural legitimate</u> -- a child born of a valid marriage under state law

B. <u>Stepchild</u> -- a child whose relationship was created by the NH's marriage to the child's natural or adoptive parent

C. <u>Legally adopted</u>

V. Proofs Needed to Satisfy Entitlement Factors – Payment Factor

A. Insured status -- MBR, ER

B. Death--SSA-721 or death certificate

C. Application

D. Unmarried—accept allegation unless child had been married and marriage terminated; if so, will need proof of divorce

E. Dependency—proof of applicable dependency requirement

F. Under 18--normally a pre-age 5 birth certificate

G. Relationship (varies according to child type)

H. Citizenship -- Legal Alien Residency Status

VI. Amount of Child's Benefits:

A. <u>NH alive</u> -- each child's benefit is 50 percent of the NH's PIA subject to the FMAX.

B. <u>NH deceased</u> -- each child's benefit is 75 percent of the NH's PIA, subject to the FMAX.

VII. When Entitlement Ends:

A. Child dies

B. Attains age 18 and is not a student or disabled; entitlement ends month before age 18

C. Child marries; entitlement ends month before month of marriage

D. NH no longer entitled to DIB

E.   Divorce of stepchild's parent and stepparent

F.   Adoption is annulled

EXHIBIT 3: STEPCHILDREN SUMMARY GUIDE

Entitlement Date of July 1996 GN 00306.232:

1. If Before July 1996:

    - Child can either be living with or receiving one-half support to be deemed dependent.

    - Divorce does not terminate relationship prior to 07/96.

2. If July 1996 or After:

    - Child must be receiving one-half support from the NH to be deemed dependent.

    - Divorce terminates stepchild relationship month after the month of event.

3. Regardless of eligibility date, death of the NH does not terminate stepchild relationship.

Eligibility Criteria

1. Must Meet Definition of Child **RS 00203.001**

2. Must Provide Proof of Relationship **GN 00306.230**

    - child's birth certificate

    - marriage certificate of natural parent to NH

    - proof of invalid ceremonial marriage if needed

3. Proof of One-Half Support

    - Development Considerations

        Time Period – usually the 12 month period prior to entitlement. **RS 01301.020**

        Life cases – The beginning of last period of disability; at time NH became entitled to DIB; at time became entitled to RIB; or time of child's application (month within retro or prospective period of the application). **GN 00306.007**

Death Cases **GN 00306.008**

In addition to the above list, consider the time of NH's death

- Exception to 12 month period – circumstances beyond the NH's control **RS 01301.020 C**

- Period of time under consideration in this situation would be 3 consecutive or intermittent months of support if no one else furnished support. Generally, any period is reasonable if the NH plainly showed intention to provide at least one-half support **RS 01301.020 D.2**. But if the claimant works part of the time under consideration and is expected to return to work, we must use the full 12 or 9-month period **RS 01301.020 D.3**.

Documentation of One-Half Support

- Preferred method is the pooled fund method **RS 01301.190**. It works on the assumption all funds are used to meet expenses – see attached worksheet.

- Exceptions to this method can be found in **RS 01301.190 A.2** (i.e., proof submitted that not all income was pooled).

- If pooled method cannot be used, then you have to develop expenses and income of people in the household.

- Contact NH (if alive), all contributors, and adult members of claimant's household separately.

- Document their statements on an SSA-783 or the RPOC **RS 01301.165**.

- If NH is deceased, obtain a statement from another member of the NH's household.

- Obtain proof of living expenses and income of the involved individuals **RS 01301.080**.
  Use SSA-553 or the RPOC to document determination of one-half support.

One Half Support Test – Pooled Fund Method

I. Total Income

    A. Number Holder's Income $ _____

    B. Spouse's Income $ _____

    C. Child's Own Income $ _____

    D. Income of others in the household $ _____

    E. Total Income (Add A-B-C-D) $ _____

II. Amount of One-Half Support

    A. Divide Total Income by number of people

       (This equals Cost of Support) $ _____

    B. Divide A by 2 (This is One-Half Support) $ _____

    C. Subtract Cost of Support from each individual's income:

	NH	SPOUSE	CHILD
INCOME OF:			
MINUS COST OF SUPPORT			
AVAILABLE FOR OTHERS			

* If the child has a positive balance, the child is not eligible.

III. Determine NH Proportionate Share (Percentage):

    A. NH Available for Others Amount $ _____

    B. Spouse Available for Others Amount $ _____

    C. Add A. and B. $ _____

    D. Divide A by C   % _____

    *The answer to D (a percentage) is NH's Proportionate Share.

IV. Comparison to Determine One-Half Support

A. Subtract Child's Income from Cost of Support $ _____

B. Multiply answer by NH's Proportionate Share $ **_____**

*If the result is equal to or greater than ½ support, then the ½ support requirement test is met.

OFF-AIR ACTIVITIES

1. The student should review a summary of child's benefits and entitlement factors. To get there:

    - Go to the Office of Learning Home Page at (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)

    - Once there, click on Online Lessons.

    - Then, under Title II, you will find a topic called Auxiliary and Survivors.

    - Once there, skip ahead to Chapter 5 - Children's Benefits for a review of information covered in this chapter.

2. The students should sit with a CS/TE in the office, who will be conducting an auxiliary child's claim, and assist them with the interview. If possible, ask the CS/TE to hold off on processing the claim. Then, with the assistance of your mentor, you adjudicate the claim after the Auxiliary Adjudication module.

3. To learn more about the Combined Family Maximum (CMAX) computation, the students should review the online site by following these directions:

    - Use the (b) (2)(b) (2)(b) (2) .

    - Go to the "(b) (2)(b) (2)(b) (2)(b) (2)" under Program Information.

    - Under the Table of Contents, select "Computations", then "Combined Family Maximum".

EXERCISE #1

1. Bobby Sticklemeyer is filing for RIB and states he has two natural legitimate children at home for whom he wishes to file a claim. Their ages are 14 and 16. What proofs are necessary?

2. Peter and Lois had a child before they were married. Peter and Lois married after the child was born and no one adopted the child in the meantime. The family resides in North Carolina. When the NH files for RIB, what is the child's status?

3. Is a short form birth certificate acceptable as proof of a natural, legitimate parent-child relationship to his father? Explain.

EXERCISE #2

MOCK INTERVIEWS

Follow the instructions below.

Divide into pairs of two and assign each person a number one or two. Person one will be the pre-interviewer in the first exercise. Person two will be the applicant. Use exhibits one and three to help you, if needed.

Person two, use the background notes below to answer any questions person one asks you. You should not volunteer any information which is not asked.

Person one, after you have conducted the mock pre-interview be prepared to answer questions about the case.

Then reverse roles for the second exercise.

If another person is not available to do the mock interviews, read the information for each **pre-interview** and be prepared to answer questions based on the case facts.

PRE-INTERVIEW #1 – BACKGROUND NOTES

> You are Annie M. Spock. Your son, Mark T. Spock, died unexpectedly last Thursday of a heart attack. You want to file the necessary applications to entitle your grandson, Timothy, to benefits.

- Timothy turned 4 last July 15.

- Mark and Martha, Timothy's natural mother, married 7 years ago on February 14. They divorced two years ago on November 19.

- Mark turned 38 last August 12.

- Martha, Timothy's mother, died last year at the age of 36. Martha never worked under Social Security, so Timothy cannot draw on her record. Your son already tried to file for benefits for Timothy on Martha's record, but he was denied because she never worked.

- Timothy has never had any earnings, never been married, never been adopted, and has was denied benefits on his mother's record because she didn't work.

- Mark never filed for any Social Security benefits, was never in the military or naval service, never worked for a railroad, and had never been out of the U.S. He worked under covered employment for the last 5 years. He earned $20,000 last year.

- Mark and Timothy had been living together continuously since Timothy's birth.

- Timothy came to live with you after his father's death and will remain with you indefinitely. You are going to apply to be his legal guardian, but have not done it yet.

- You do not have any proof with you now, but will bring whatever is needed.

PRE-INTERVIEW #1 – QUESTIONS (for person conducting pre-interview)

1. On whose record will you take an application, and what type of application will you take?

2. Who is the proper applicant?

3. What proofs will you need?

4. What is Timothy's MOE?

PRE-INTERVIEW #2 – BACKGROUND NOTES

Steve Harms filed for Social Security retirement benefits this month. You are Kathy Harms, his wife. You do not wish to file for benefits for yourself, but you do wish to file the necessary application to entitle your daughter, Valerie Woods, to benefits on Mr. Harms' record. An MBR for Mr. Harms establishes his date of birth with a proof code B.

- Valerie turned 16 last July 15.

- You and Steve 1 year ago today.

- Steve turned 62 last August 12. During the past year he was earning $5,000 per month.

- Valerie's natural father, John Wood, is not deceased, disabled, or retirement age. He pays $500 per month in child support. You were previously married to John, but divorced 9 years ago.

- You still work and earn $2,000 per month.

- Valerie has never had any earnings, never been married, never been adopted, and has never filed for SSA benefits. She is not disabled.

- You, Steve, and Valerie have been living together continuously since your marriage to Steve. No one else lives in the household.

- You did not bring any proofs, but can bring you whatever you need.

PRE-INTERVIEW #2 – QUESTIONS (for person conducting pre-interview)

1. On whose record will you take an application, and what type of application will you take?

2. Who is the proper applicant?

3. What proofs will you need?

4. What is Valerie's MOE?

EXERCISE #3

In each example, compute the child's monthly benefit amount (MBA). Use ELY 2018 and MOE 04/18. (PIFC = L, TOM = T)

1. Life Benefits

    A) A, B2, C1   PIA 766.30   MAX 1149.40

    B) A, C1   PIA 1452.70   MAX 2555.60

    C) A, B2, C1-4   PIA 1359.70   MAX 2302.70

2. Death Benefits

    A) E, C1   PIA 1351.10   MAX 2279.30

    B) C1-C4   PIA 942.00   MAX 1413.00

    C) E, C1-C2   PIA 2072.00   MAX 3659.10

EXERCISE #4

Determine whether the following events will cause deduction, nonpayment, or termination of benefits, or will have no effect.

1. Jane Brady, a child beneficiary, reports she was married last week.

2. Billy Smith (a U.S. citizen, child beneficiary) calls and says he plans to go on vacation to Mexico for 3 weeks.

3. Mrs. Gomez comes in and states her son, Jack, earned $19,200 last year.

4. Tom Morrison's father, age 63 and entitled to RIB, reports he expects to earn $26,000 this year.

5. Barb Dwyer calls and asks what will happen after she turns 18 next month since she is no longer in school and is not disabled.

EXERCISE ANSWERS

Exercise #1

1. The children's birth certificates will usually satisfy both the age and relationship evidentiary requirements.

2. The child was legitimated by the parent's marriage.

3. Yes, if it is submitted with the child's claim when the child's parent is applying for spouse's benefits, RIB, or DIB. Then, the parent's application will show their marital status if the child's surname shown on the birth certificate is the same as the father's, and nothing in the file raises a question about the marital relationship of the parents or relationship of the child to the NH.

Exercise #2

The following answers reflect how these applications would be completed in MCS

Answer pre-interview #1

1. Mark's record; surviving child's claim

2. Annie M. Spock, grandmother with custody; you will need to record her as the applicant on the APPL screen and complete an application in eRPS to make her the payee.

3. Obtain Timothy's birth certificate showing Mark was his father and proof of the Mark's death.

4. Since his application is for survivor benefits, Timothy will be eligible the month his father died. There is no throughout the month rule for survivor benefits.

Answer pre-interview #2

1. Steve Harms' record; take an auxiliary child application.

2. Kathy Harms, who is her mother and has physical custody. You will need to record her as the applicant on the APPL screen and complete an application in eRPS to make her the payee.

3. Proofs needed:

   - Valerie's birth certificate to prove age, citizenship, and relationship to Kathy.
   - Kathy and Steve's marriage certificate to prove marital relation of Valerie and Steve and that they have met the one year duration requirement for a life claim.
   - Proof of dependency (step-child) showing Valerie received ½ support from Steve using form SSA-783.

4. Valerie can be entitled this month, the month of the first anniversary of her mother and the NH, assuming she meets all the requirements.

Exercise #3

1. **A) 191.50**. Use ICF #30 or manually shown below:

   ```
   $ 1149.40  FMAX          $ 766.30  PIA
   -   766.30  PIA          x       50  percent
   $   383.10               $ 383.15 (rounded down to $383.10)
   ```

   383.10 divided by 2 = 191.55 (rounded down to 191.50). B2 and C1 each receive $191.50, the smaller of the two amounts.

   B) 726.30. Use ICF #30 or manually shown below:

   ```
   $ 2555.60  FMAX          $ 1452.70  PIA
   - 1452.70  PIA           x       50  percent
   $ 1102.90                $ 726.35 (rounded down to $726.30)
   ```

   C1 receives ½ of the PIA. FMAX is not involved.

   C) 188.60. Use ICF #30 or manually shown below:

   ```
   $ 2302.70  FMAX          $ 1359.70  PIA
   - 1359.70  PIA           x       50  percent
   ```

$943.00 $ 679.85 (rounded down to $679.80)

$943.00 divided by 5 = 188.60. B2, C1, C2, C3, C4 each receive $188.60.
RS 00615.756 A

2. **A) 1013.30**. Use ICF #23 or manually as shown below:

$ 1351.10 PIA
x   75 percent
$ 1013.325 (rounded down to $1013.30)

2279.30 divided by 2 = $1139.65 (rounded down to $1139.60)

The E and C1 will receive $1013.30 each, the smaller of the two amounts.

B) 353.20. Use ICF #23 or manually as shown below:

$ 942.00 PIA
x   75 percent
$ 706.50

1413.00 divided by 4 = $353.25 (rounded down to $353.20).

All four Cs receive $353.20 each, the smaller of the two amounts.

C) 1219.70. Use ICF #23 or manually as shown below:

$ 2072.00 PIA
x   75 percent
$ 1554.00

3659.10 divided by 3 = $1219.70.

The E and C1-C2 will receive $1219.70 each, the smaller of the two amounts.

Exercise #4

1. Termination. The last payment is due for the month prior to the month of marriage.

2. No effect.

3. Deductions due to excess earnings.

4. Deductions due to NH's excess earnings.

5. Termination. No payment is due for the month of age 18 attainment. The first month of nonpayment is the month of attainment of age 18.

AS WE REDESIGN ENTRY-LEVEL TRAINING, WE ARE ELIMINATING THE NEED FOR PAPER COURSE MATERIALS. THE MATERIAL PREVIOUSLY TAUGHT FOR THIS MODULE HAS BEEN CONVERTED TO ONLINE CONTENT. ALL NECESSARY INFORMATION IS EMBEDDED WITHIN THE ONLINE OBJECTIVES. THEREFORE, THERE ARE NO CORRESPONDING PAPER MATERIALS. PLEASE VISIT THE (b) (2)(b) (2)(b) (2) **TO FIND MORE** **THIS TOPIC.**

TABLE OF CONTENTS

LESSON PLAN

Lesson Objectives

At the completion of this lesson, the students will be able to:

1. Differentiate between initial and subsequent claims;

2. Use the eRPS and MCS systems to process representative payee involvement in an initial claim;

3. Process an initial or subsequent spouse/child's claim through MCS EC;

4. Process special claims situations;

5. Determine proper procedure to manually process, clear or delete a spouse/child's claim.

Length of Lesson

10 hours

BACKGROUND AND RATIONALE

Introduction

In a previous lesson, you learned adjudication is a determination of the rights of claimants under the Social Security Act. Since most Social Security claims are District Office Final Authorization (DOFA), Field Office (FO) personnel are usually responsible for making the final determination on a claim. You receive and develop the claim, evaluate the evidence in the file, resolve any material discrepancies, and make the final authorization to an award or disallowance.

The adjudication of auxiliary claims is very similar to the adjudication of retirement claims. There are additional guidelines and procedures used to expedite the claims process as some subsequent auxiliary claims cannot be processed through earnings computations (EC).

OBJECTIVE 1:

Differentiate between initial and subsequent claims

Initial Claims

The processing of auxiliary claims partially depends upon whether the application is an initial or subsequent claim.

Initial Claim Definition

An initial claim is the first claim filed on an earnings record (ER). An application for a spouse's or child's benefits which is adjudicated at the same time as the number holder's (NH's) retirement or disability claim is considered an initial claim.

Initial claims are usually processed through EC, though there are a few exceptions.
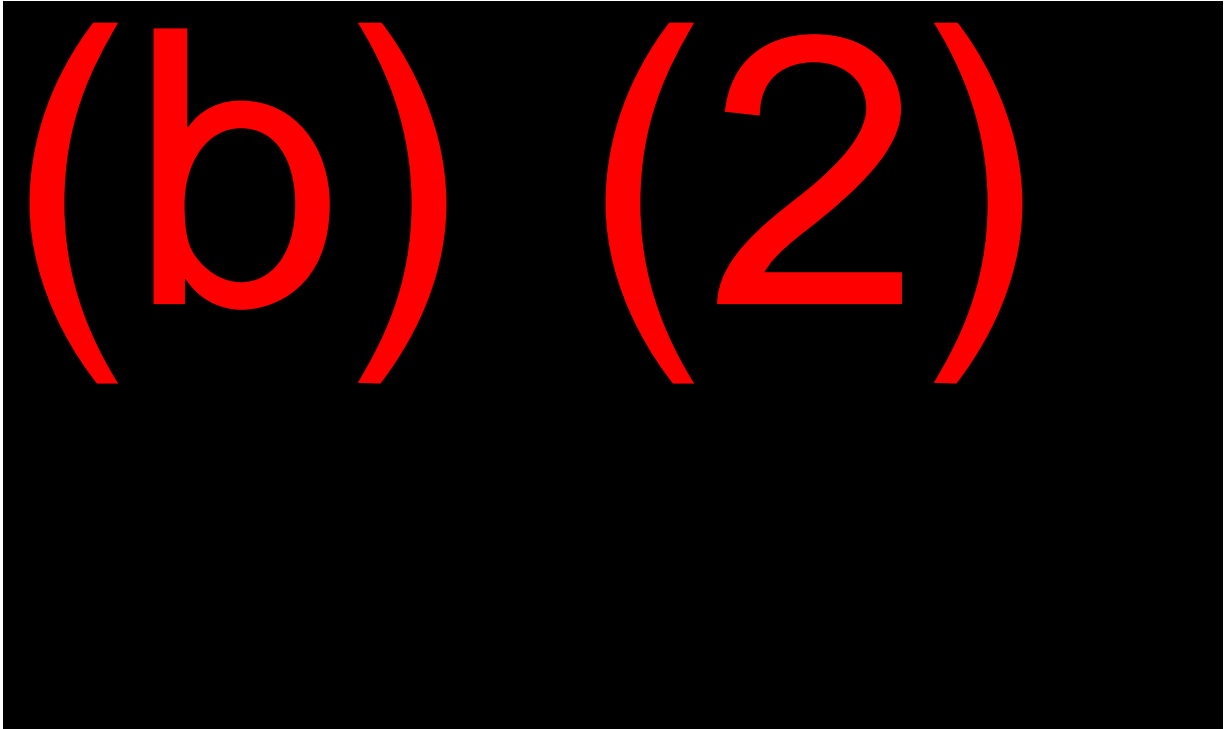
EC Processing Exceptions

1. Independently entitled divorced spouse's benefits (IEDS)

    This type of auxiliary claim is unique because the NH is eligible for benefits but has not filed for them. **RS 00202.005B.2** discusses the factors of entitlement, and **RS 00202.100** explains the procedural development, including what needs to be documented regarding the NH.

    - Obtain an ICERS on the NH's SSN to get a PIA computation and information on insured status.

    - Process an IEDS claim via an A101 on the insured NH's SSN.

    - Follow the steps in the (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) (b) (2) from the (b) (2)(b) (2)(b) (2)(b) (2)

2. HI/SMI for Spouse Based On NH's Insured Status

The NH does not need to establish entitlement to monthly benefits for a spouse to file for Medicare on their record. The HI/SMI entitlement on the NH's work record is based on either SSQCs (Social Security quarters of coverage) or GEQCs (Government Employment quarters of coverage) or a combination of the two.

- Follow the steps in the (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) (b) (2) from the (b) (2)(b) (2)(b) (2)(b) (2) .

Subsequent Claims

Subsequent Claim Definition

GN 01010.100

A subsequent claim is a claim for any type of benefit on an SSN when a PIA has previously been established. An example of a subsequent claim is a spouse claim filed after the NH's RIB entitlement and an MBR is already established.

Completion of the subsequent claim indicator on the MCS APPL screen is required when the NH is alive and the MBR is established.

- Complete this field with a '1' when the NH is receiving RIB.

- Complete this field with a '2' when the NH is receiving DIB.

(b) (2)

(**MS 03505.009**)

EC Clearance

Most subsequent auxiliary claims can be adjudicated to completion through EC. The MCR3 screen (Earnings Comp Determination – Subsequent Claim) shown in **MS 03601.009**, is the Earnings Comp Determination menu for subsequent claimants. This screen looks similar to the MCR1 (Earnings Comp Determination) screen that you see on a standard retirement claim. However, since this is a subsequent claim, the MCR3 will provide information about the claimant's benefit amount instead of the NH.

EC Processing Exceptions

If you cannot process a subsequent auxiliary claim through EC, it will require manual clearance. Complete the A101 and/or EF101 for allowances and MACADE Denial (3428) screens for disallowances.

- For the A101 workflow, see **MS 03514.001ff**.

- The EF101 and MACADE Denial workflows are in the MCS EC Claims Workflows in the (b) (2)(b) (2)(b) (2)

Sources of Prior Claims Information

GN 01010.053; **GN 00301.285**; **MS 01701.003**

Prior Claim Information

GN 01010.030; GN 01010.032

Sometimes additional information from the prior claim is needed before adjudicating the current auxiliary claim. You can obtain prior claim information from:

- MCS screens established for a prior claim;

- Full MBR (FACT);

- Inquiry Response (I/R) screens on the Master File Query Menu option # 17– QENT(entitlement) and QROP(Overpayment) used together in lieu of the MBR for subsequent claims (**MS 05206.001**); and

- DRAMS query for information about military service, prior periods of disability, and railroad.

Prior to adjudicating the claim, review one or more of these sources to determine the status of the prior claim and identify issues such as:

- Current overpayments or underpayments;

- Conflicts in name or date of birth;

- Possible open applications;

- Erroneous entitlements/terminations;

- Adverse adjustments; or

- Adverse claims situations.

The MBR or prior MCS screens are usually acceptable proofs of:

- Death;
- Age,

- Relationship, or
- Previous entitlement - if the file contains proof the required evidence was submitted with the earlier claim.

Information and evidence from prior files needed to adjudicate a current claim may be obtained by reviewing the screens of a prior MCS application. This information may also be available on the Evidence (EVID) screen in Shared Processes. (**MS 01701.003**)

If the prior claim was taken in MCS, review the application screens in MCS. When the claim is archived, retrieve it by using the Archive Retrieval screen (AREQ). Retrieving the segment is an overnight process. (**MS 03519.002**)

DOTEL Procedure

GN 01070.001; **GN 01070.210**; **GN 01070.205**

DOTEL provides telephone contact between the field office and the PC retaining a prior file.

This procedure is rarely necessary but may be used when developing a claim if:

- The evidence was previously submitted and cannot be provided by the claimant now or it is not readily available; or

- The evidence cannot be found on the prior MCS claim, evidence screens, or MBR or is in conflict with evidence received on the current claim. **GN 01070.200**

Do not use this procedure if the prior claims folder was destroyed. **GN 01070.205**

You can assume the folder was destroyed if entitlement on the SSN terminated:

- 5 or more years ago for a retirement claim,
- 10 years or more ago for a disability claim, or
- If the MBR shows "NIF."

Always check PCACS to verify the file location.

To request items stored in the paperless system used by PSC, follow the procedures in **GN 01070.600**.

Spouse's Earnings Record

GN 00204.004

In all spouse claims, it is important to document the spouse's non-entitlement to RIB on their own E/R due to lack of insured status. This applies to initial and subsequent claims, even when the spouse alleges they are not insured.

You must obtain a certified earnings record (ICERS) to document lack of insured status if a RIB claim is not taken on the spouse's own SSN. Along with this record include information about possible lag earnings or Military Service credits. Then use all information gathered and document the insured status determination using the Report of Contact (RPOC) screen of the spouse's application.

Request the certified earnings record by:

- Selecting #23 (ICERS) on the Master File Query, and

- Selecting #4 (Certified Earnings Record) on the Information/Certified Earnings Records Menu (ICMN) screen.

OBJECTIVE 2:

Use the eRPS and MCS systems to process representative payee involvement in claim situations

When to Use eRPS

GN 00501.000ff; **MS 07401.001ff**

Under most circumstances, children under the age of 18 do not receive direct payment of benefits. Disabled adult claimants (over age18) also may need a representative payee. When it has been determined that a representative payee is required, use the Electronic Representative Payee System (eRPS) to secure the application.

MCS Application Screens

Application (APPL) screen

If it is known at the time the application is taken the claimant will need a payee, enter the payee applicant name and SSN on the APPL screen.
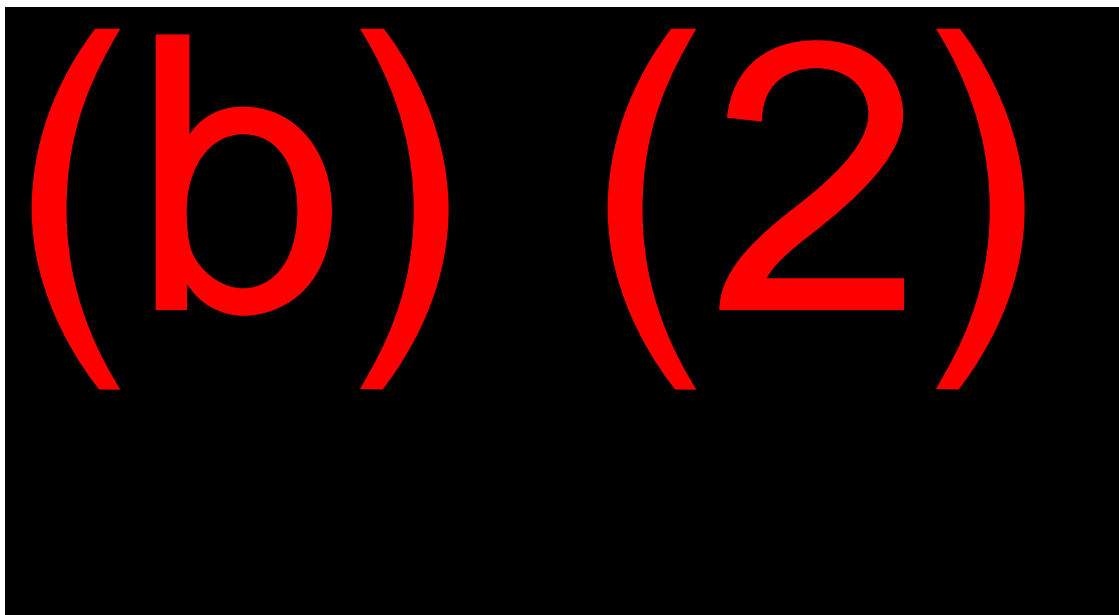
WILL APPLICANT BE ENTERED IN RPS – "Y"

(b) (2)
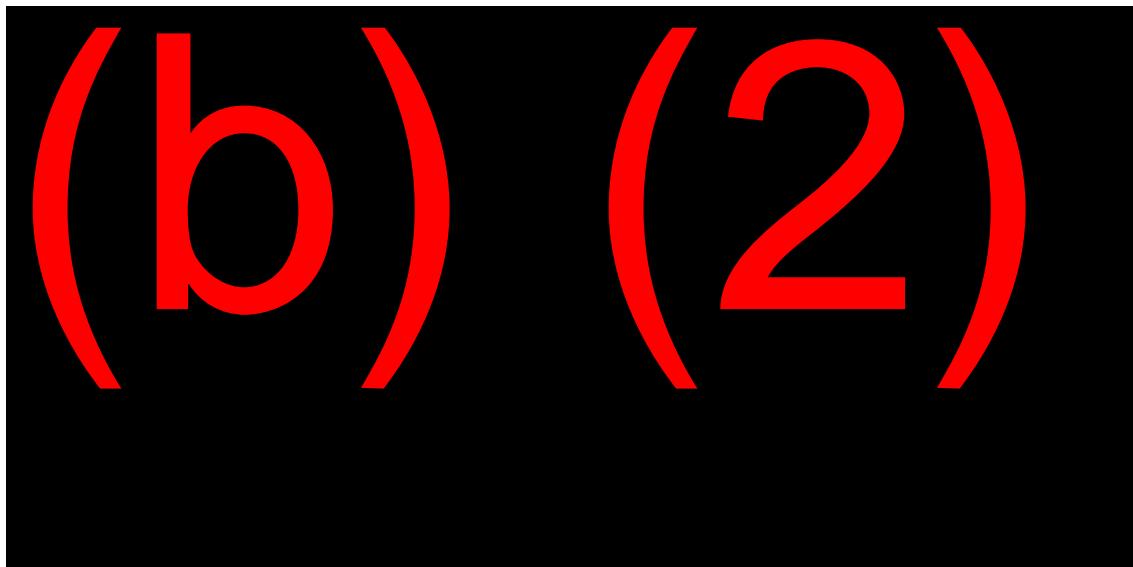
Remarks (RMKS) screen

When the field WILL APPLICANT BE ENTERED IN RPS is answered with a "Y", the RMKS screen will display the following question at the bottom of the screen:

- GO TO RPS (Y/N):

Entering a "Y" in this field and pressing enter will take you to eRPS.

(b) (2)

---

eRPS Screens

Claimant Entitlements screen

MS 07409.018

This screen identifies and establishes a pending application for all appropriate entitlements belonging to a beneficiary. The system automatically retrieves entitlements from the MBR and SSR and displays them on the screen with a claim status of PE (post-entitlement), and selects them for inclusion in the application. The CS may add initial claims and PE claims that the system has not retrieved from the MBR/SSR.

General rules for completing the screen:

- At least one entitlement must be included in the application.
- A maximum of three T2 entitlements may be included in the application.
- Only one T16 entitlement may be included in the application.
- All PE entitlements must be included in the application.
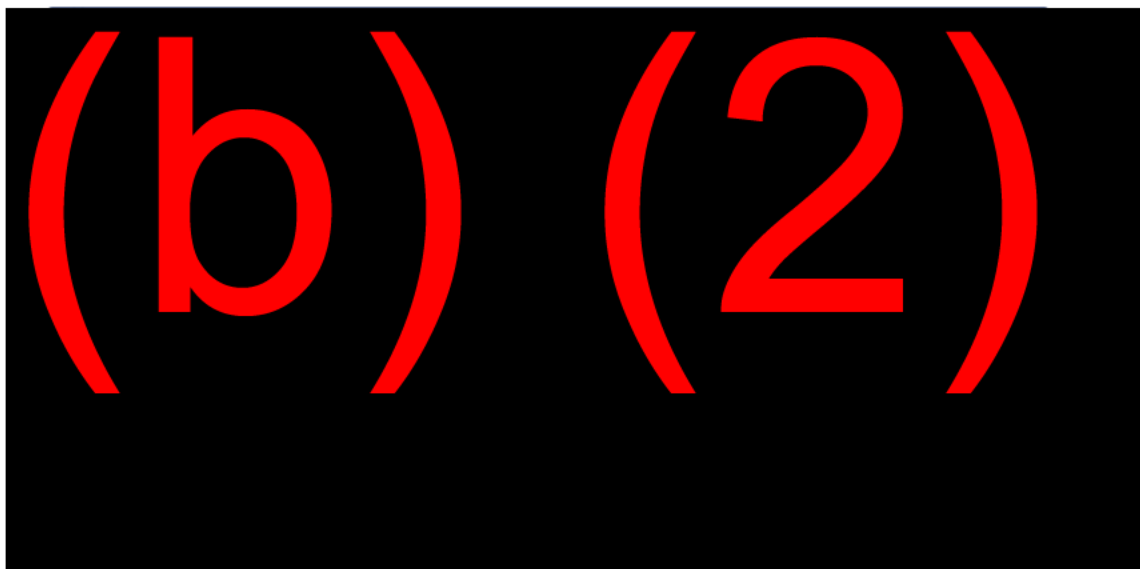
Rep Payee Selection screen

MS 07412.001ff

This screen is used to key in your decision(s) on the selection of an applicant to be a payee for a beneficiary. Select the payee applicant on the Selection - Decision screen.

When an applicant is selected and all outstanding issues are cleared, eRPS establishes a ready-to-process (RTP) date. Once this date is set, the rep payee action can take place.

For Title II initial claims, MCS and MACADE can retrieve and use the payee information from eRPS.
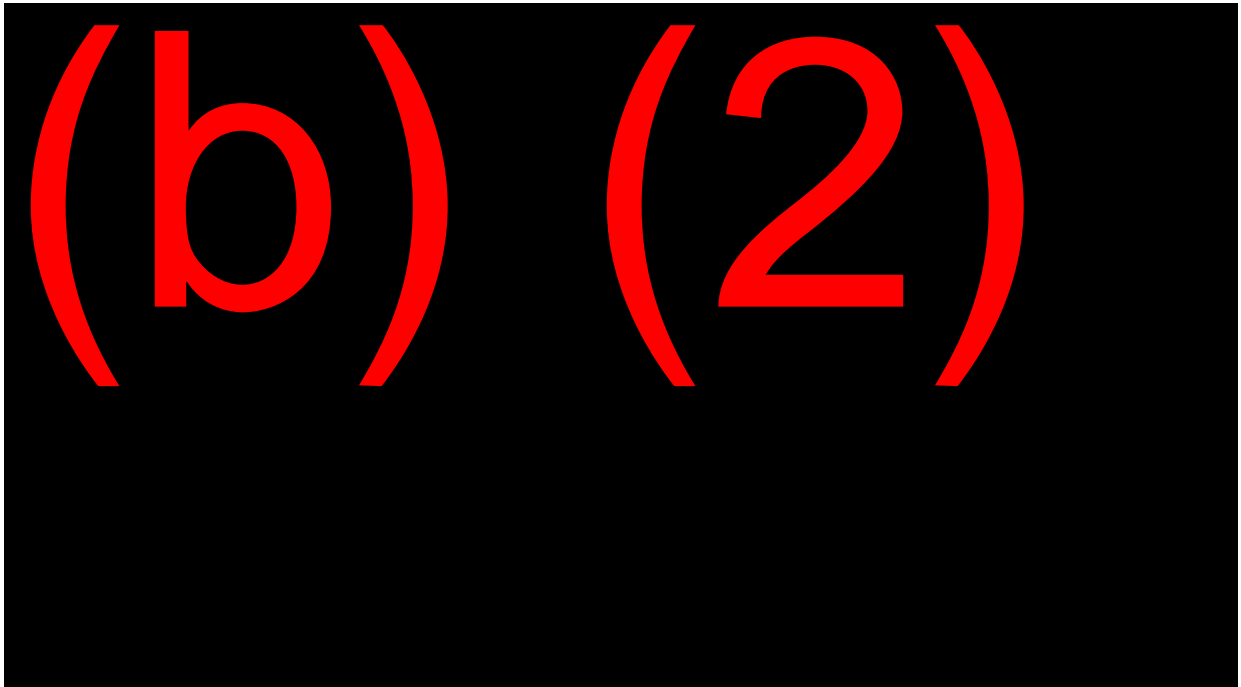
MCS Clearance Screens

Accessing Clearance Screens

MCS needs information other than what is asked on the application screen to process an adjudicative decision on a claim. The MCS Clearance Screens are used to include this additional information in the processing of claims. Access the MCS Clearance screens by entering #2 (Update) and #6 (Claims Clearance) from the MCS Main Menu.


Check/Notice 1 (NOT1) screen

MS 03509.008

The NOT1 is option #1 on the Claims Clearance Menu (CMEN). In initial claims, payee information will propagate from eRPS to the NOT1 screen.

When the payee is selected in eRPS and given the appropriate advance notice, eRPS will show a ready to process (RTP) date. The payee can then be documented on the NOT1 screen in MCS.

When you access the NOT1 after an RTP date is set in eRPS, the remark "**APPLICANT READY TO PROCESS IN RPS**" and the alert "**PRESSING ENTER WILL SET APPLICANT FOR ADJUDICATION**" displays in the bottom of the screen. This alert notifies you pressing ENTER selects the payee for the applicant. If eRPS is not ready to process, this statement will not appear.

In ALL claims involving a rep payee, the NOT1 must be entered once the payee selection is final, and has been input in eRPS. After this step, the claim is ready for adjudication.
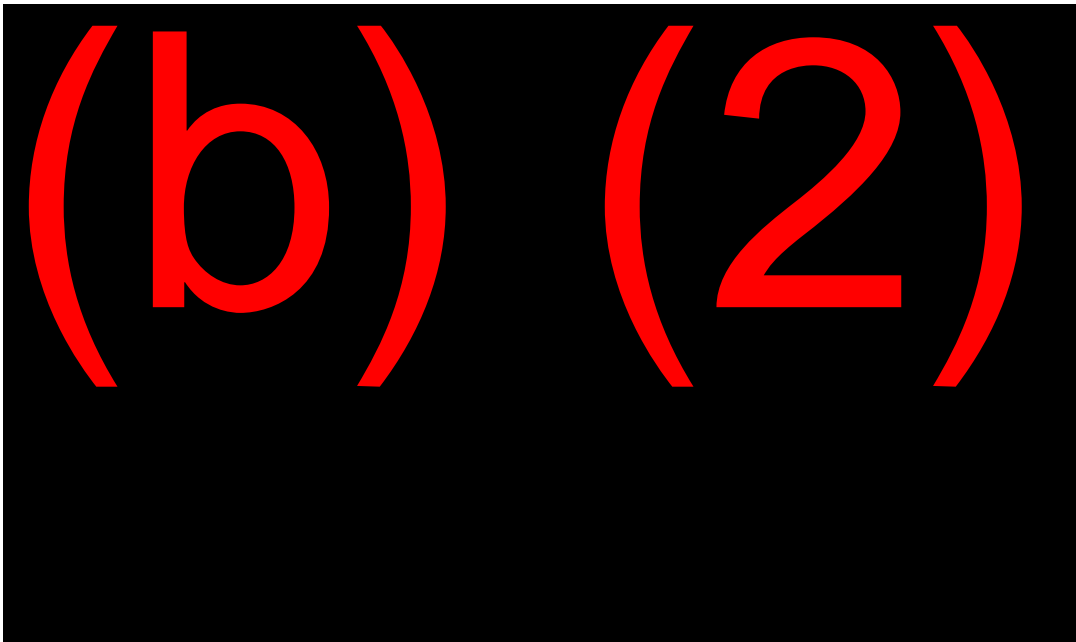
Clearance Menu (CMEN) screen

If you determine a different payee is needed after taking an application in eRPS, the second payee application can still be loaded and processed in eRPS.

After selecting the new applicant in eRPS, the NOT1 screen may not display the correct payee information with the remarks "**APPLICANT READY TO PROCESS IN RPS**" and **"ALERT- PRESSING ENTER WILL SET APPLICANT FOR ADJUDICATION**."

If this happens, go to the CMEN screen (the menu for the clearance screens) and select #11 – "CHANGE OF APPLICANT." This brings up a new NOT1 screen with the correct payee information and the above remarks. When you press enter, the APPL screen will change to reflect the new payee applicant, and the claim can then be triggered.
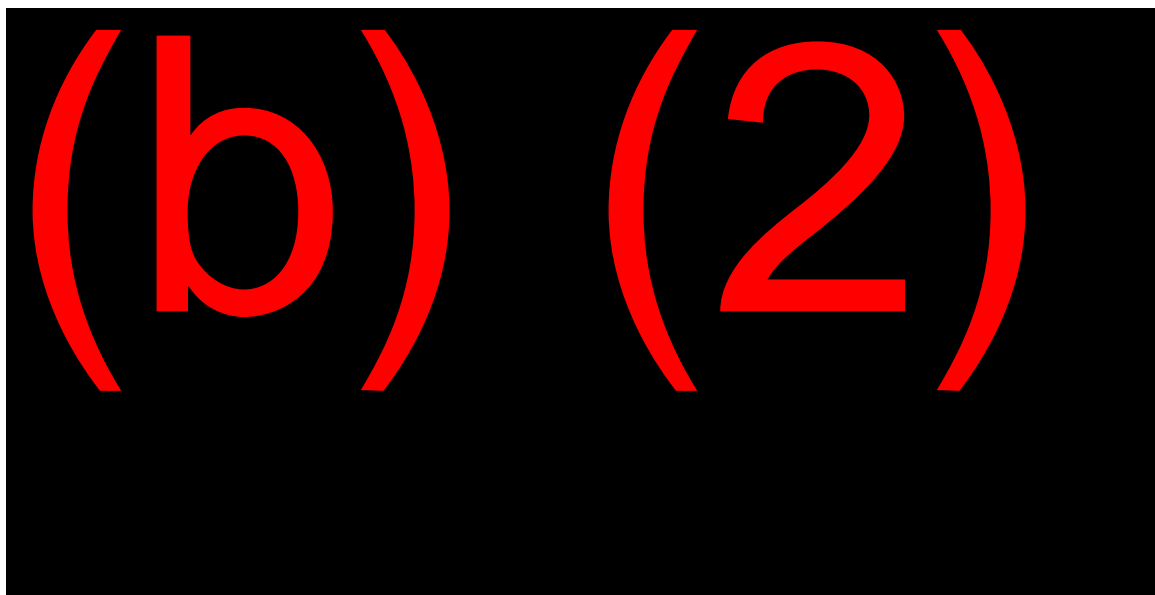
OBJECTIVE 3:

Process an initial or subsequent spouse/child's claim through MCS EC

Common Screens Used in Auxiliary Claims

Spouse and Divorced Spouse

MS 00705.007

The BMAR screen is a Common Screen which, once established for the claimant, is also used for post-entitlement processing through POS. Each material marriage has its own separate occurrence of the BMAR screen.

The MCS application path for a spouse includes a BMAR screen which is where we document the claimant is currently married to the NH and meets the length of marriage requirements. The BMAR also documents whether divorced spouses meet the duration of marriage requirement. If there was a subsequent marriage, another BMAR must be completed to indicate the end of that marriage, also.

(b) (2)
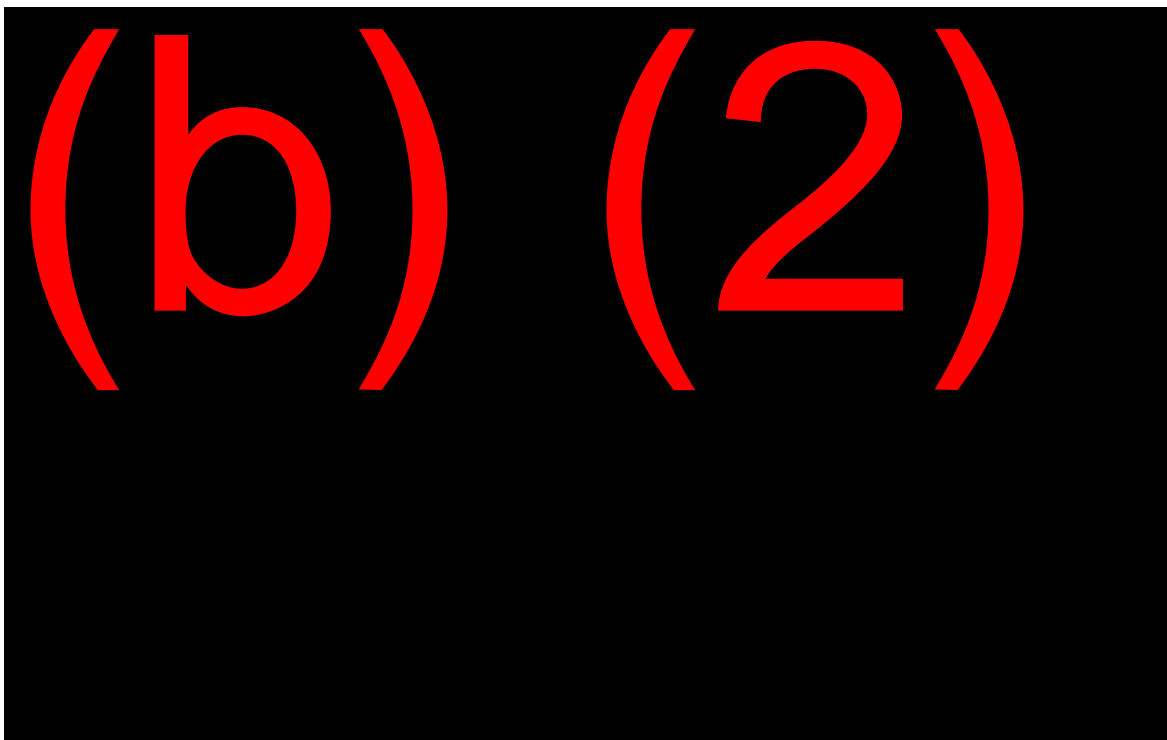
Spouse with Child-in-Care

MS 00705.015

A spouse with a child-in-care filing for benefits must be married to the NH (as documented on the BMAR) <u>and</u> must have in-care, a child of the NH. (**RS 00202.001C**)

A divorced spouse must be age 62 whether or not she has a child-in-care. This entitlement is based on age, but having a child-in-care in the first month of entitlement enables a divorced spouse to receive a benefit for all months thereafter, which is not reduced for age. The MCS claims path must include a Dependent Child in Care (DCIC) screen which documents the child-in-care requirement is met. The DCIC screen is a Common Screen, and once it is established for the claimant, it is used for post-entitlement processing through POS.

EC will not process a spouse with child-in-care claim when the qualifying child is not filing at the same time. These cases require manual processing.
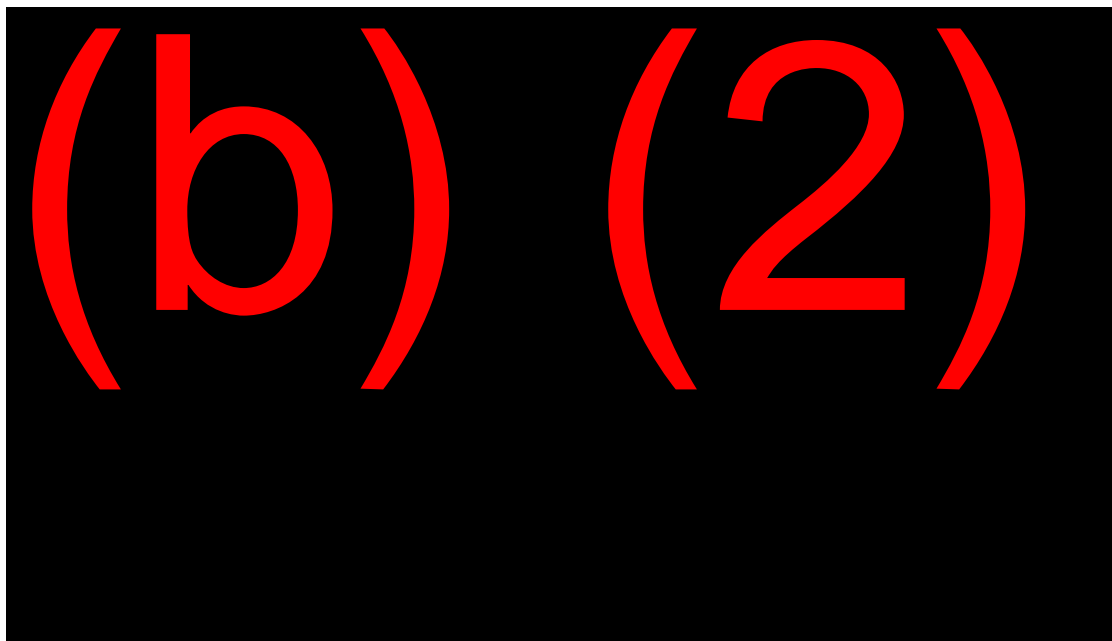
(b) (2)
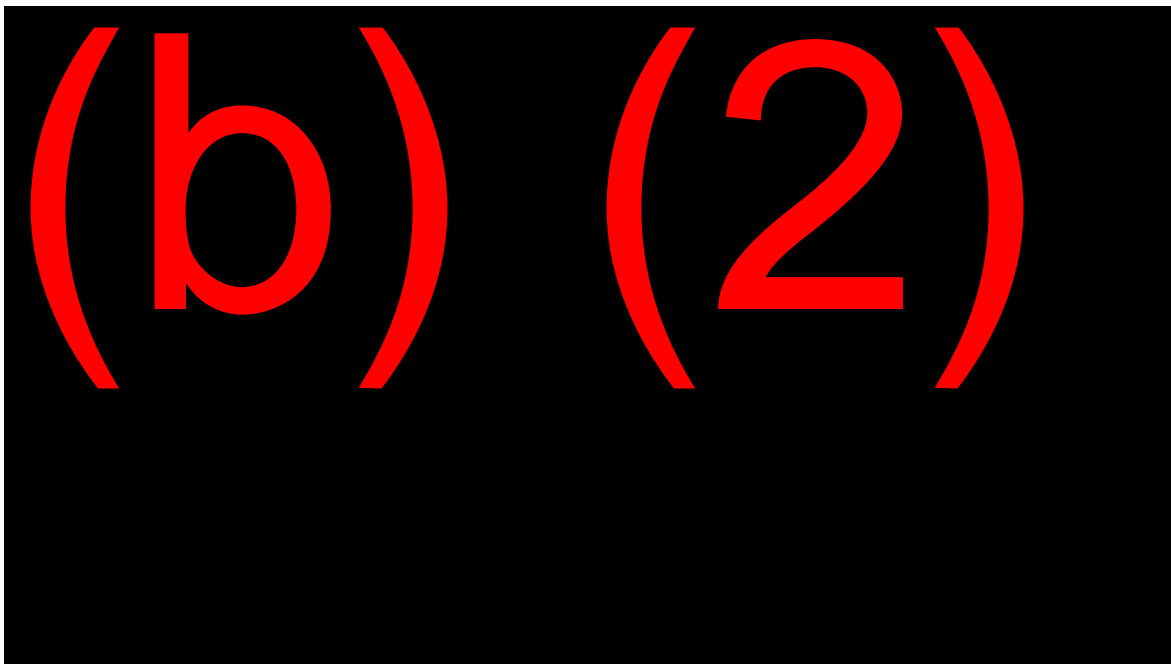
Child and Student Claims-Child Relationship

MS 00705.012

If you select #3 (Child) for RELATIONSHIP TO NH on the APPL screen, the MCS application will include the Child Relationship (CREL) screen to document the child's relationship to the NH.

(b) (2)

Student Claims - Student Screen

MS 00705.029

If a child files for student benefits the MCS application path will include both the CREL and the Student Entitlement (STUD) screens. The STUD screen is used to input a student claimant's information about school attendance. The STUD screen is a Common Screen and is also used for post-entitlement processing via POS.
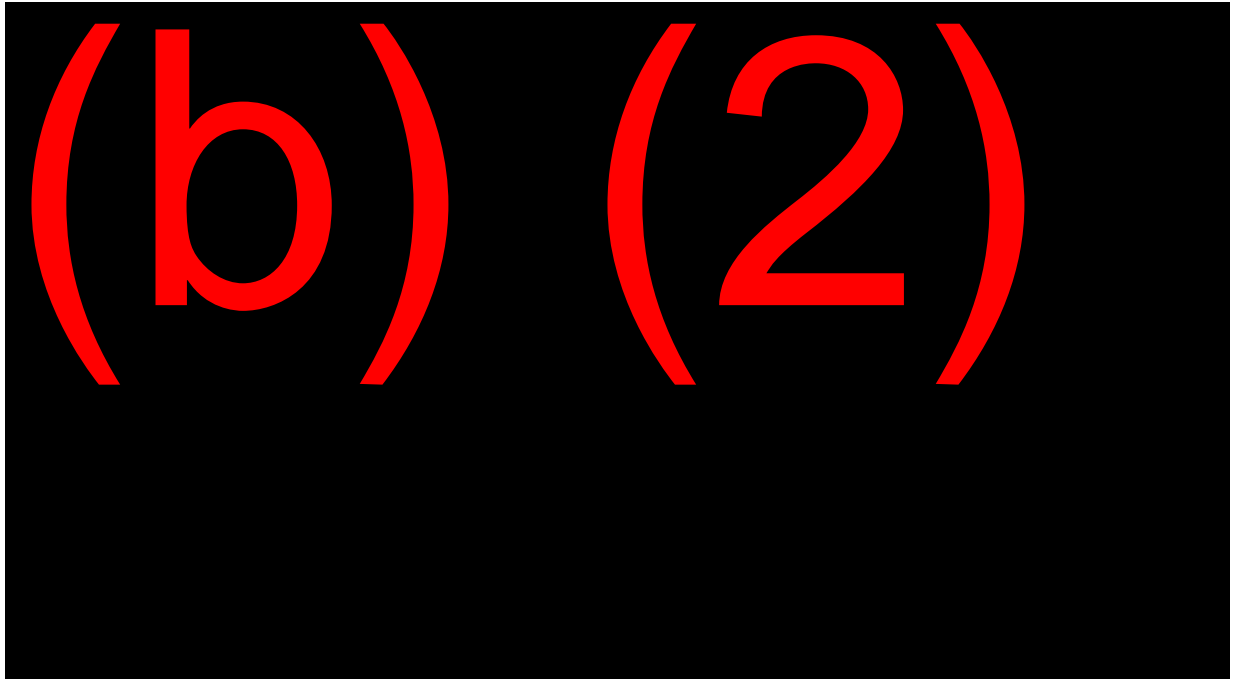
Requesting Proper MCS Screens

Request and complete the proper clearance and decision screens before attempting to clear a claim through MCS EC.

If the auxiliary claim is an initial claim and is located in the same segment as the NH's, it can be cleared through MCS EC. If an MBR is established, MCS also allows for EC clearance of RIB/DIB auxiliaries filing subsequent claims as long as there are no MBR discrepancies.

Claim Clearance Menu (CMEN)

MS 03509.004

The claims path for a spouse's or child's application will include its own optional clearance screens. Use the Claims Clearance (CMEN) menu to select the auxiliary claimant and the optional screens which need coding. Complete the individual fields on the screens much as you did for the NH, though some entries are unique to an auxiliary claim.

NOTE: Refer to MSOM for instruction on how to complete each clearance screen.
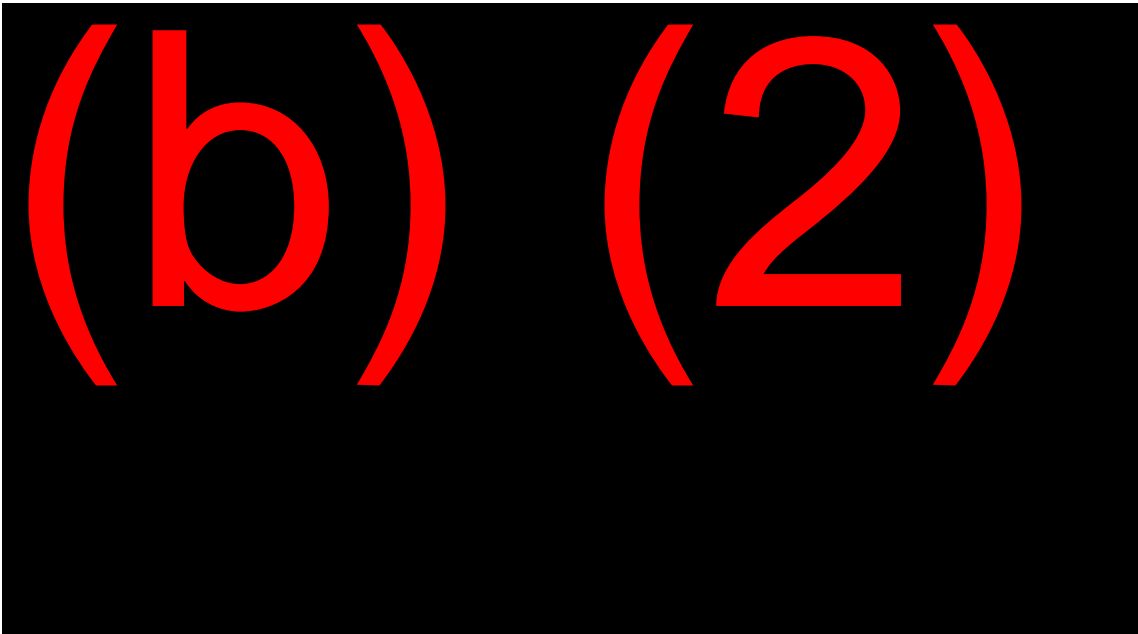

0 = BROWSE PATH

When you select function "0" (BROWSE PATH), MCS displays only the Check/Notice 1 (NOT1) and any other previously entered optional clearance screens. MCS displays the screens in the order they appear on the CMEN. When you select function "0", use the ENTER key to call up the next screen in the sequence. To go back to a prior screen in the sequence, use the F7 key. The F3 key will stop the browsing and go back to MCS Main Menu (MENU).

REMINDER: You may use screen-to-screen transfer to go to and from screens without returning to menu/submenu screens.

---

1 = NOT1 Screen

The Check/Notice 1 (NOT1) screen (**MS 03509.008**) contains data necessary for content and direction of notices and payments. As previously noted, select NOT1 when a claim involves representative payee information or third party information. Entering the NOT1 will set the payee selection.

If there is a representative payee, complete the fields through Select Payee Legend, as appropriate. If eRPS is used, these fields will be propagated.

(b) (2)
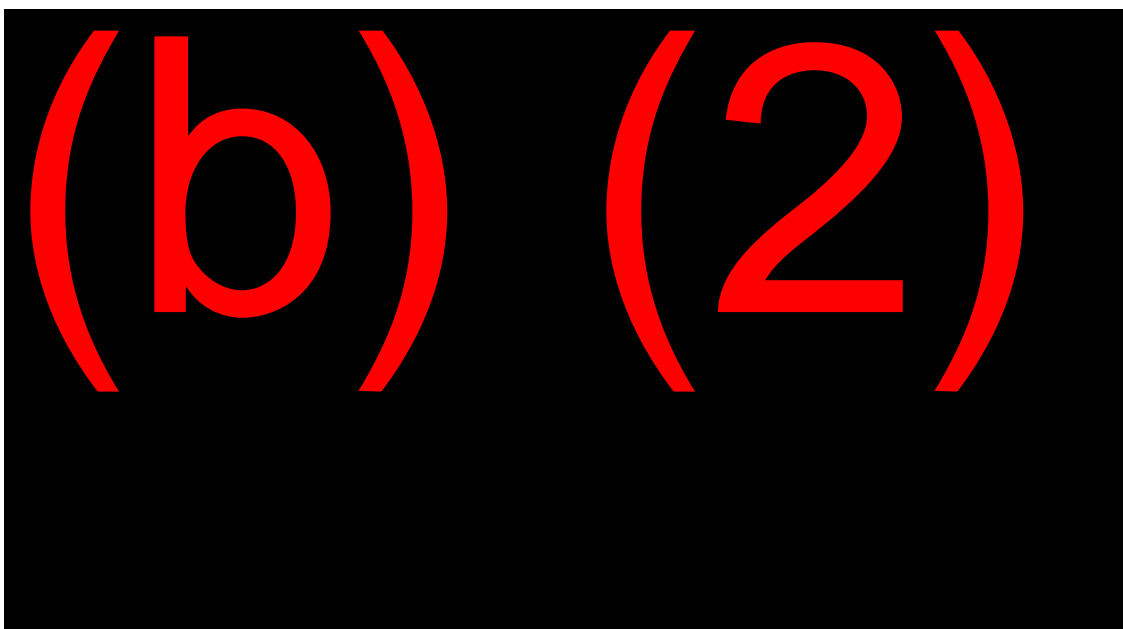
2 = NOT2 Screen

The Check/Notice 2 (NOT2) screen (**MS 03509.009**) captures information about the authorized representative.
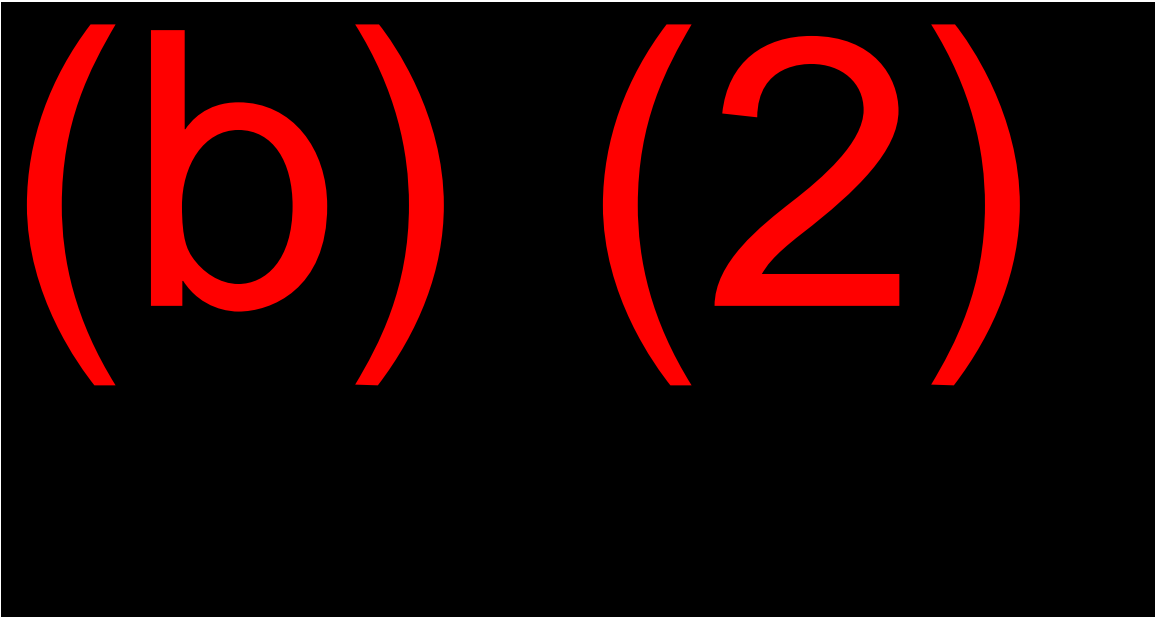
4 = HICL Screen

The Health Insurance/Supplemental Medical Insurance (HICL) Screen (**MS 03509.007**) is occasionally required to properly code an auxiliary claim. It is completed the same as for a retirement claim. The HICL records HI/SMI information which MCS cannot derive from other DADE screens. If a claim involves Civil Service Annuity or MQGE insured status, complete the HICL.
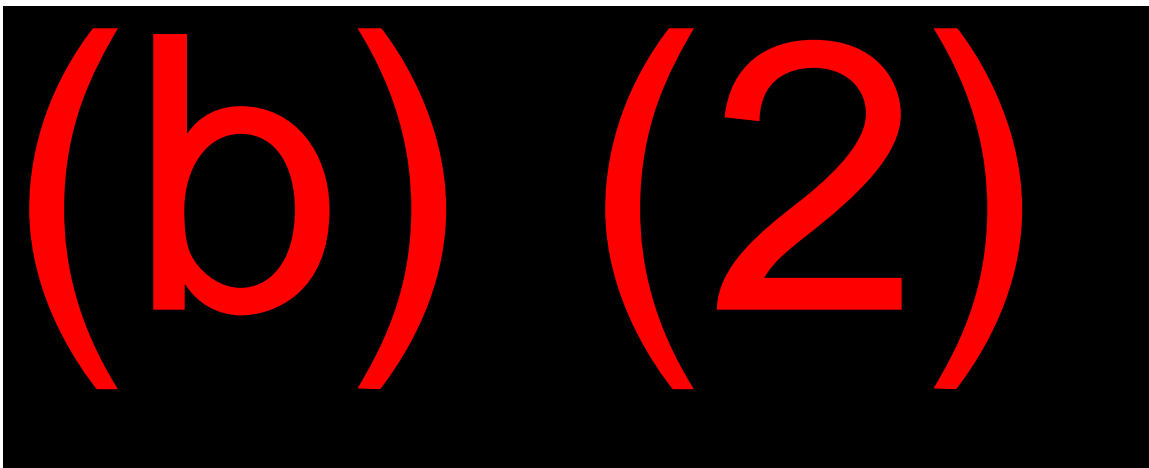
5 = BECF Screen

The Benefit Continuity Factors (BECF) screen (**MS 03509.003**) records information MCS needs to set up the benefit continuity fields such as: disallowance, abatement, or withdrawal reasons; marriage of an auxiliary or

survivor claimant which does not preclude entitlement. The BECF also records miscellaneous factors such as RR certification, SSI windfall offset, good cause for late filing of a LSDP claim, unpaid maritime tax, and working Federal employee granted military service credits.

(b) (2)

6 = FCAC Screen

The Alien Taxation (FCAC) screen (**MS 03509.006**) is required for an auxiliary claim involving alien tax withholding and is coded in the same manner as for a retirement claim.

(b) (2)

7 = NOT3 Screen

The Check/Notice 3 (NOT3) screen (**MS 03509.010**) is used to enter notice language for both initial awards and denial/disallowances. Enter the fill-in(s) or dictated paragraph(s) in the appropriate upper or lower case. When the NOT3 is completed, MCS prints the paragraphs on the notice sent to the claimant

(b) (2)
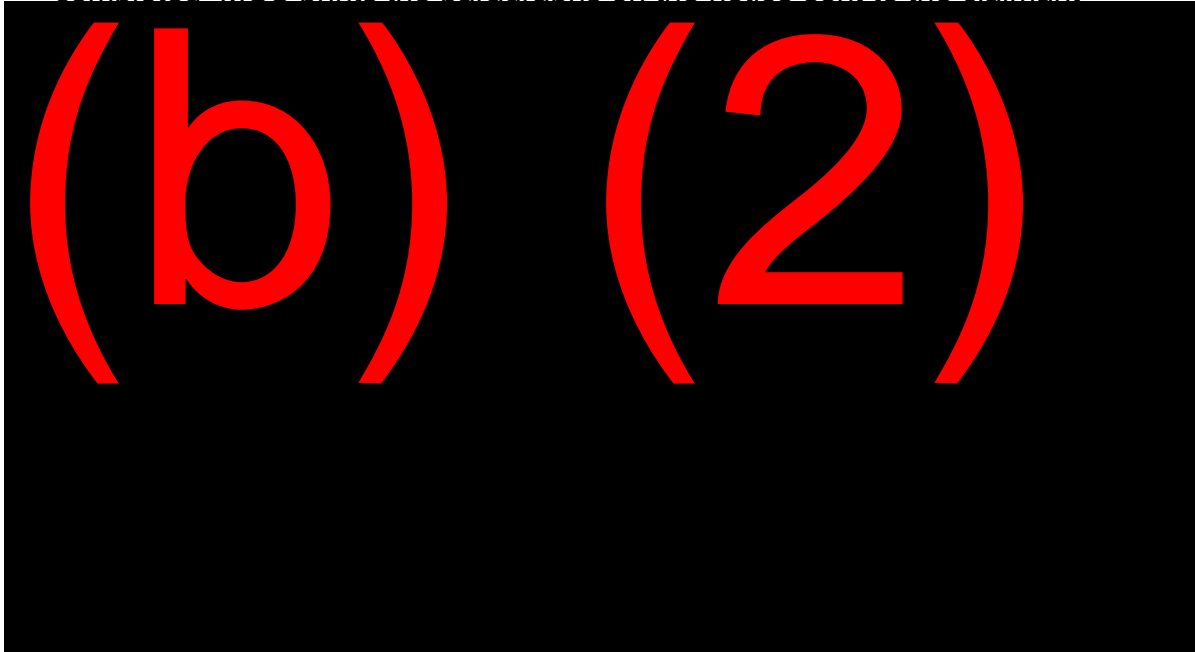
9 = VTWH

The Voluntary Tax Withholding (VTWH) screen (**MS 03509.012**) is used for voluntary tax withholding requests.

(b) (2)
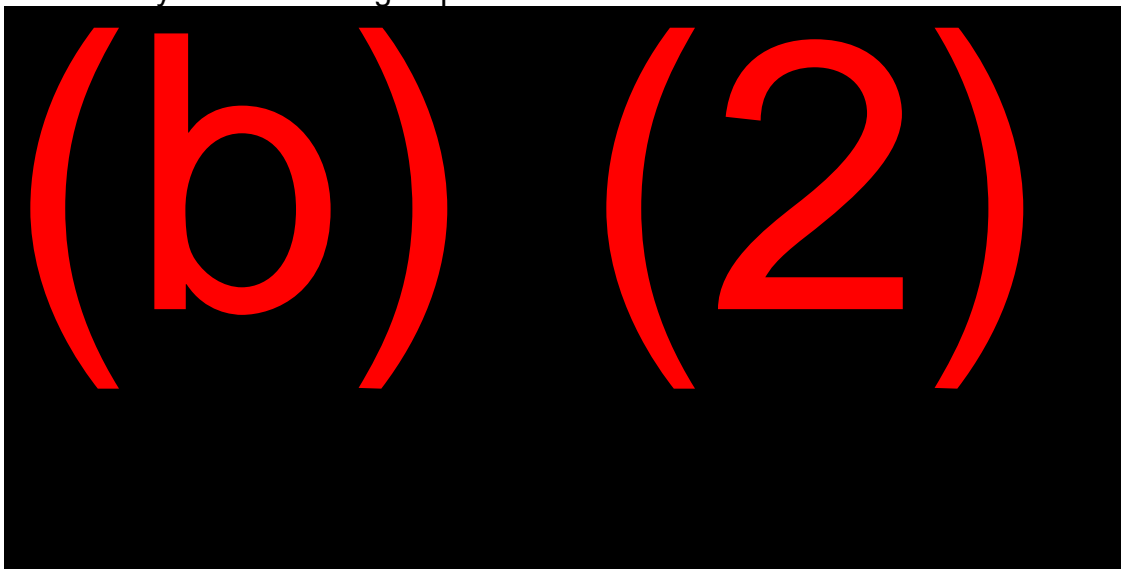
The acceptable rates are: 0%, 07%, 10%, 12% or 22% per **GN 02410.015**.

10 and 11= View or Change Applicant

The View or Change Applicant screens are used when a representative payee is involved or when the applicant is not the claimant. See the previous objective for more information.

(b) (2)
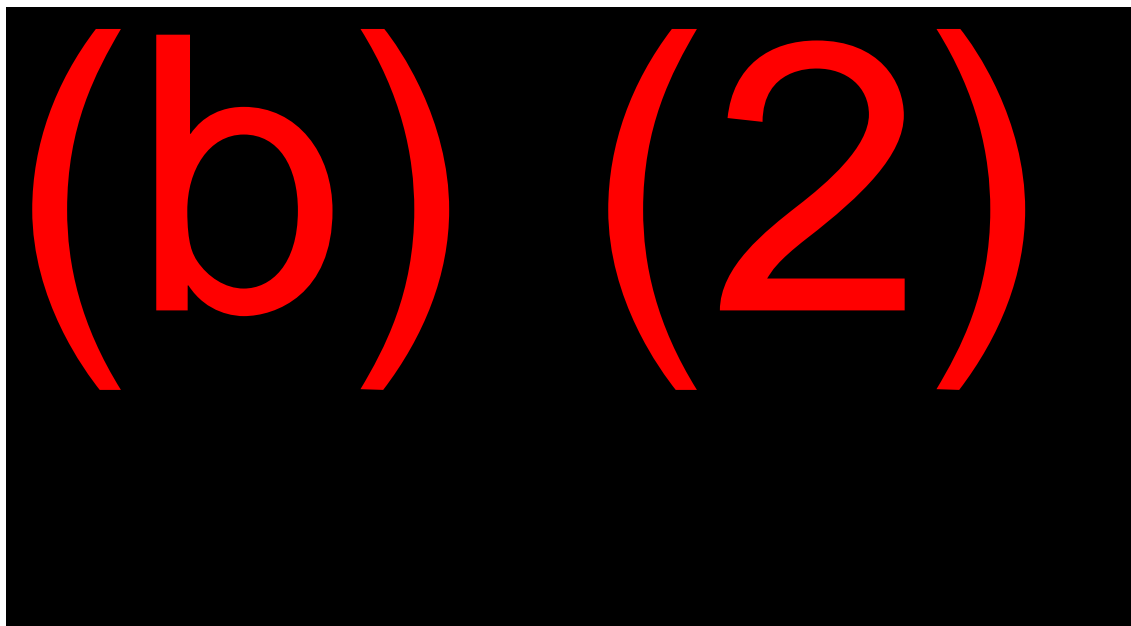
12 = DEAD Screen

The Death (DEAD) screen (**MS 00705.018**) collects information about a beneficiary's actual or alleged death. This screen collects data to terminate, suspend, reinstate, reverse an erroneous termination, change the date of death and/or proof code, or correct the place, state, or country of death. In most cases, the DEAD is used in PE situations through POS (Post-entitlement Online System) to terminate a record (discussed in the Survivor Adjudication module). It is seldom used in claims situations.
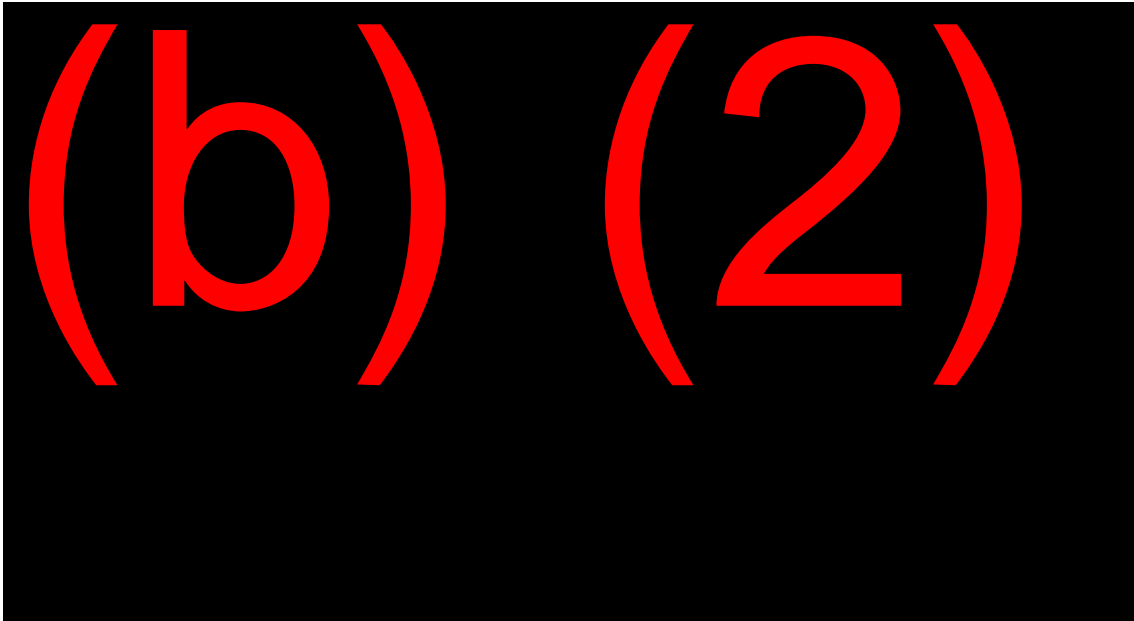
13 = CELE

The Certificate of Election (CELE) screen (**MS 00705.009**) documents when a spouse no longer has a child-in-care, is now at least age 62 but not yet FRA, and wants to receive reduced spouse's benefits. This screen can only be requested if the BIC equals B2/BY, B5/BW, B7, BK, or BL. The CELE collects data for the election of reduced spouse's benefits and is most frequently used in POS. Use this screen only when the spouse has filed a Form SSA-25 (Certificate of Election for Reduced Spouse's Benefits) and proof of age has been established on the MBR.
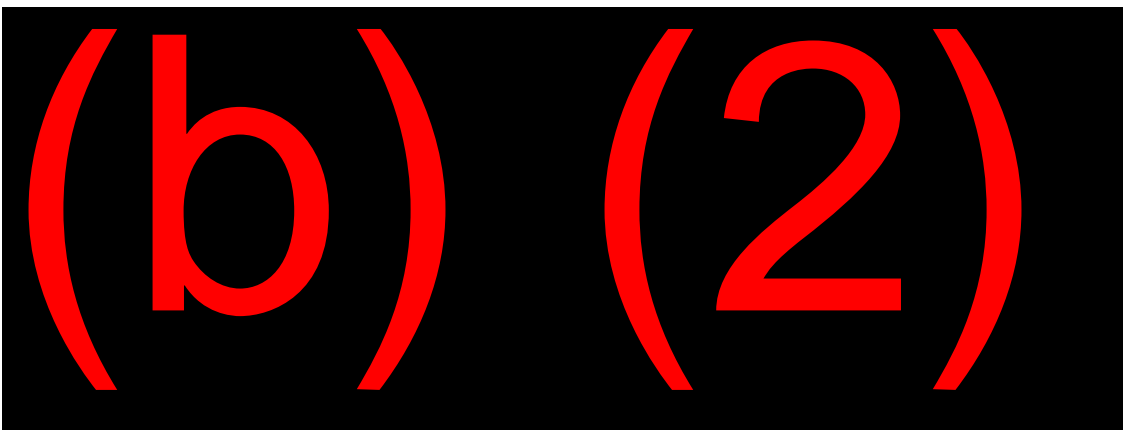
If proof of age is submitted with the SSA-25, process the proof of age action first. After the proof of birth code updates to the MBR, use the CELE screen to enter the spouse's month of election to receive reduced benefits.

Decision Screens

File Date Determination (FDDS) Screen

MS 03509.014

The FDDS is the first of three screens in the decision input screen path. Access this screen by selecting option #23 (Decision Input) on the MCS Main Menu.

The PROTECTIVE FILE DATE (PFD)/FIRST CONTACT and the APPLICATION RECEIPT DATE fields on the FDDS screen contain propagated dates which cannot be changed. If the protective file date needs to be changed, refer to the MSOM reference for adding an issue on the DW01 to update the PROTECTIVE FILE DATE (PFD)/FIRST CONTACT field.

The MATERIAL FILE DATE field will be pre-filled with the application receipt date and can be over-keyed to change the date to an earlier date if it affects payment or eligibility.
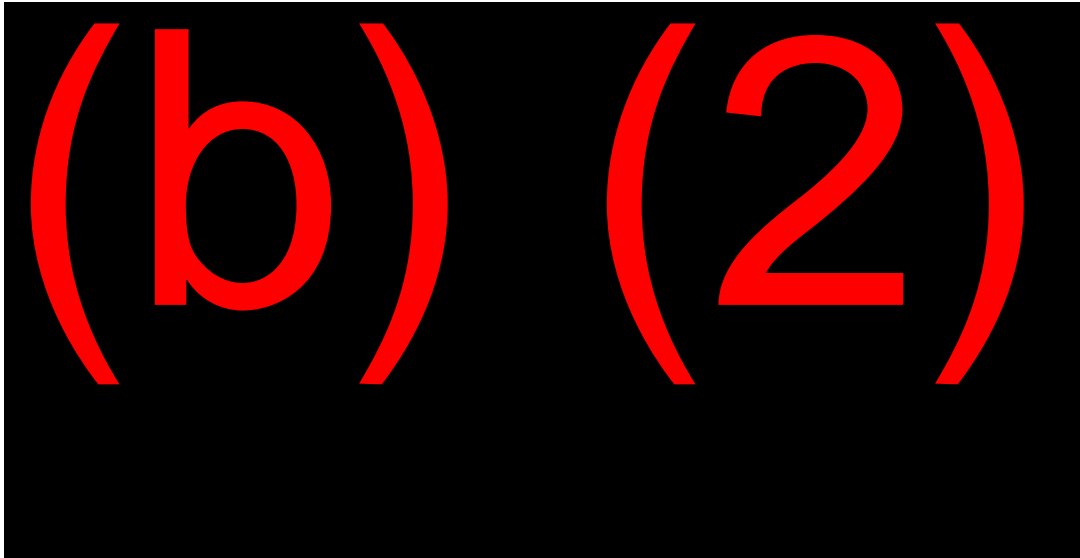
Decision Input (DECI) Screen

MS 03509.013

All claimants in the same segment are listed on one DECI screen. Code this screen to record filing date changes and adjudicative decisions (DEC STAT field) for each claimant waiting clearance in the segment.

Complete the DEC STAT field only when adjudicating a claim. If MCS cannot generate the disallowance code for a disallowance, abatement, withdrawal, or denial, also complete one of the following screens:

- DISALLOWANCE REASON on Benefit Continuity Factors (BECF). Disallowance codes are for technical reasons (**SM 00380.040**), or

- DENIAL BASIS CODE on Disability Allowance/Denial (DICL). Denial codes are for medical reasons (**SM 00380.100**).

If the auxiliary claim is not excluded from FO adjudication, type one of the following codes to show the decision:

1 = RSHI allowance (also ESRD and DIB auxiliaries);

2 = RSHI disallowance (also ESRD and DIB auxiliaries);

7 = Withdrawal/Abatement;

8 = Delayed Claimant (discussed later in this objective);

9 = RSHI allowance partial;

11 = Dismissal;
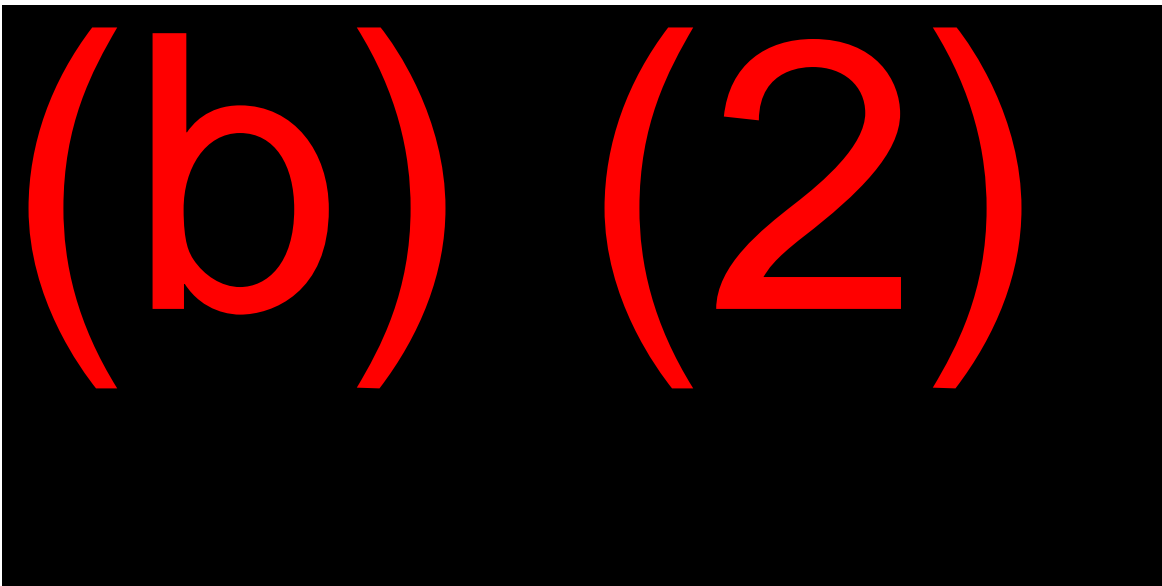
Diary (DIAR) Screen

MS 03509.015

The DIAR screen is used and completed in the same manner for both retirement and auxiliary claims.

(b) (2)

Adjudicate Initial and Subsequent Claims through EC

EC Adjudication

EC has the capability of processing claims to completion even when an active or inactive BIC exists on the MBR.

EC compares the data elements on the MBR with the pending MCS claim for consistency and generates an alert or exception message when the data does not agree. Take action whenever possible to change the inconsistent information. Depending on the circumstance, make the correction to either the MBR or to the MCS claim screens.

Earnings Comp Request (MREQ) Screen

Adjudication is accomplished by entering #2 (Update) and #21 (Earnings Comp Request) on the MCS Main Menu. This brings up the MREQ screen.

Request an adjudicative or pre-adjudicative EC from the MREQ. From the MREQ you may exclude some claimants from the EC, consider Dual Entitlement, consider or ignore possible MQGE entitlement, and inform MCS if additional information is needed to process cases with older application dates.

Other possibilities on this screen include overriding the following: WAN exceptions, Alien Deportation data present on the DRAMS file, Earnings Discrepancy indicators present on the MEF, and Multiple SSNs on the MULTX file.

RS 02635.000 gives more information regarding Alien Deportation.

MCS uses data input on the MCS screens in the EC determination. To get the most complete and accurate computation results, complete all MCS screens before requesting the EC screens.

(b) (2)
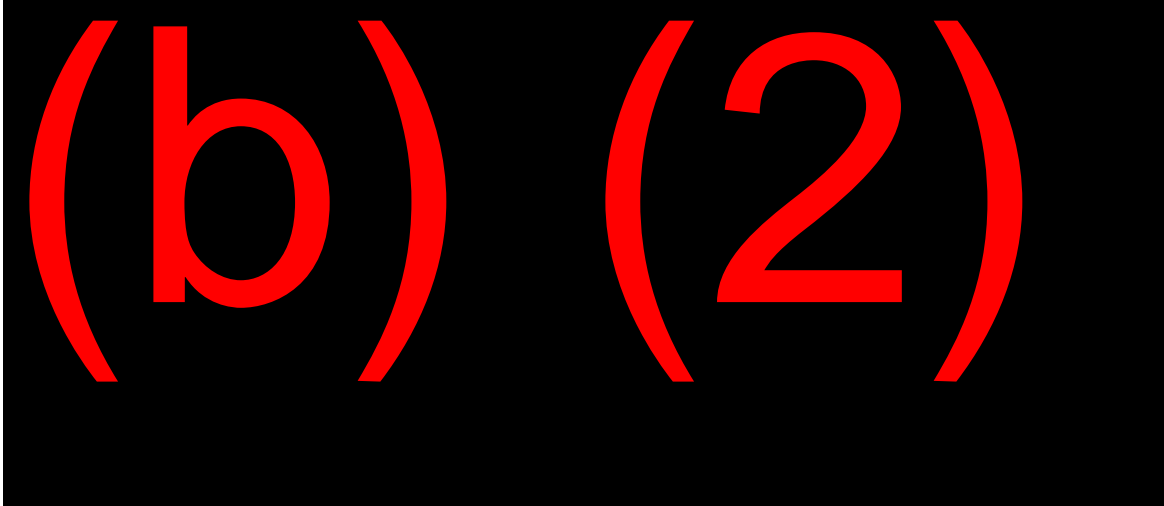
Earnings Comp Determination (MCR1) Screen

MS 03601.007

The MCR1 screen is the first screen in the EC path in an initial claim. Review the MCR1 to ensure the LAF code and ONGOING PAYMENT for each claimant is correct. Also, use the MCR1 to request and review all EC screens.

(b) (2)
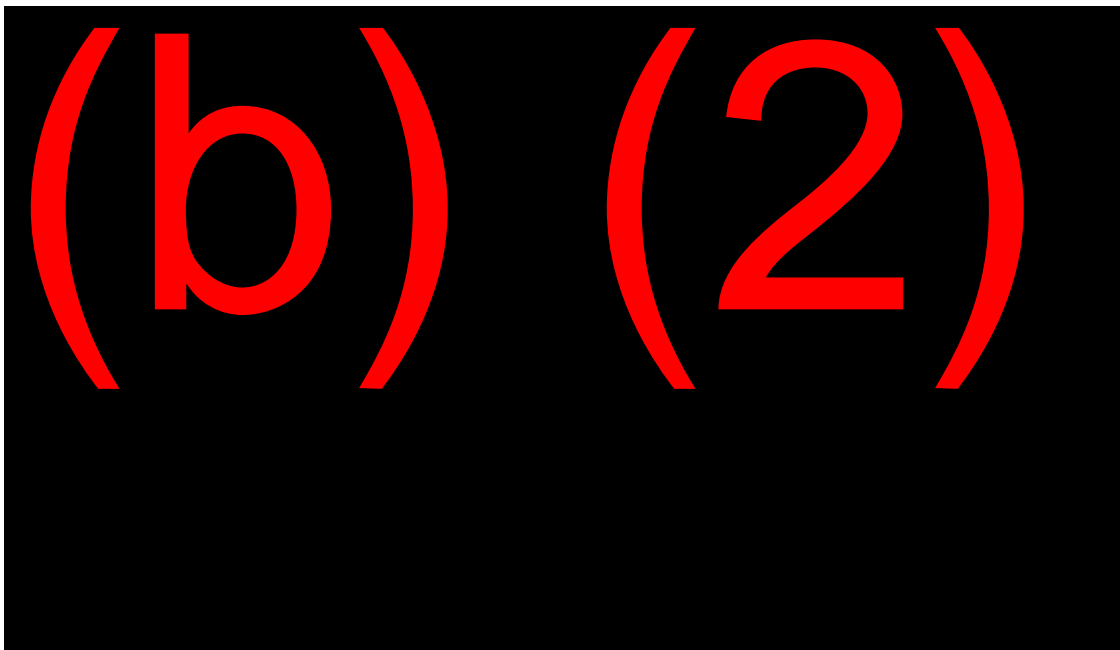
Earnings Comp Determination – Subsequent Claim (MCR3) Screen

MS 03601.009

The MCR3 screen appears for subsequent claims on a previously established MBR. If the NH is awarded in this EC, the MCR3 screen is not displayed. The case display options on the MCR3 screen are limited compared to the MCR1 screen. No Earnings or PIA data is available since the award does not involve the NH.

Review the MCR3 to ensure the LAF code and ONGOING PAYMENT for each claimant is correct. Also, use the MCR3 to request and review all EC screens.
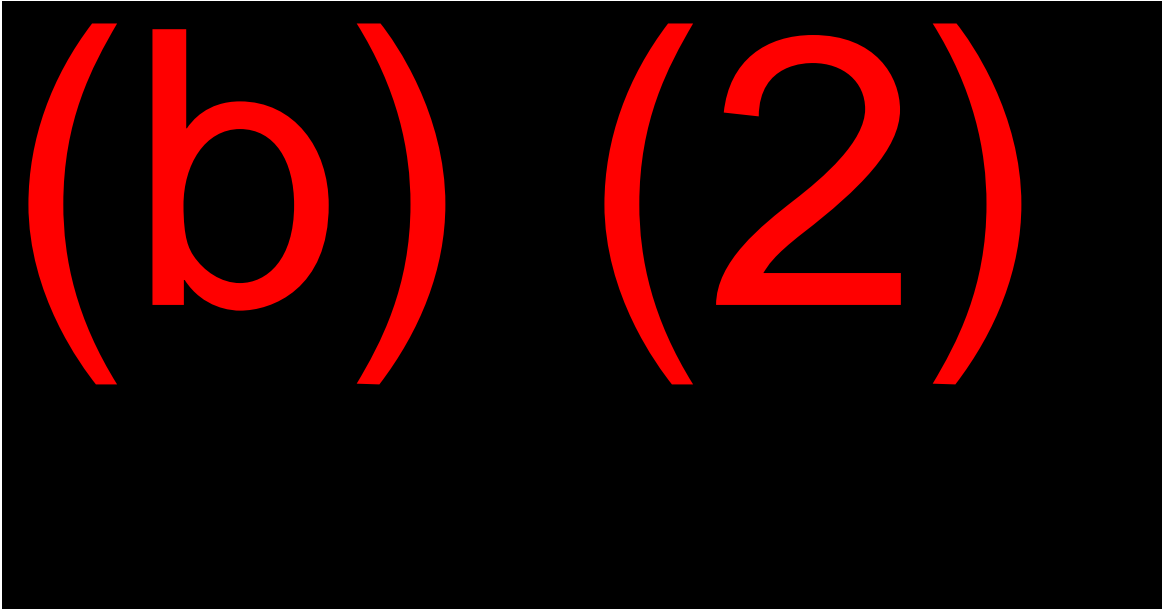
Earnings Comp Approval (DAPP) Screen

MS 03601.034

If all information in EC appears correct, complete the DAPP screen with a "Y" to process the claim. If EC is not correct, enter an "N" to go back into the MCS screens and update the incorrect information. You must request another adjudicative EC when the claim is ready to clear.

OBJECTIVE 4:

Processing Special Claims Situations

Delayed Claimants

GN 01010.140; **MS 03509.013**

When to Delay a Claim

When applying for auxiliary or survivor benefits, a claimant may provide information regarding other individuals who may be potentially entitled on the same record. An award to an auxiliary claimant may be delayed if:

- A proper applicant files an application for auxiliary or survivor claimant and we are developing evidence for at least one factor of entitlement, OR

  A potential auxiliary or survivor claimant with no valid application has a protective filing per **GN 00204.010**; AND

- Immediate payment is due to claimant(s) currently being processed, AND

- The benefit amount for the claimant(s) currently being entitled would be overpaid if we do not include the delayed claimant in the initial benefit calculation (i.e., the family maximum is involved).

The delayed claimant is posted to the MBR, but actual entitlement has not been determined and no payment is made. The other beneficiaries receive adjusted payments for the family maximum involvement as though the delayed claimant is being paid.

Enter the actual or alleged data on the application screens.

EXAMPLE:

On his initial application for benefits, James Hawkins lists his minor son, Jared Hawkins, who lives in a separate household with his mother. James's application is ready for clearance along with a wife's claim and child claims for his two other younger children.

Jared's mother files his application for benefits, but has failed to provide student verification. Indications are it will be weeks before this proof will be available. Jared will show on the MBR as a delayed claimant because his application is pending, and the benefit amounts of the other entitled beneficiaries are adjusted due to his entitlement.

Establishing Delayed Claimants

GN 01010.140C

There are 2 categories of delayed claims that determined how the application is processed:

- Claims with valid application, or
- Claims with no valid application and a protective filing

As with any claim, MCS EC is the preferred method of adjudication. The DECI screen will reflect a STAT CODE of 01 (RSHI Allowance) for the other beneficiaries and 08 (Delay) for Jared per the example above. Establish a diary on the DECI screen for follow up on the student verification. See **GN 01010.140** for action after receiving the delayed claimant's proof.

(b) (2)
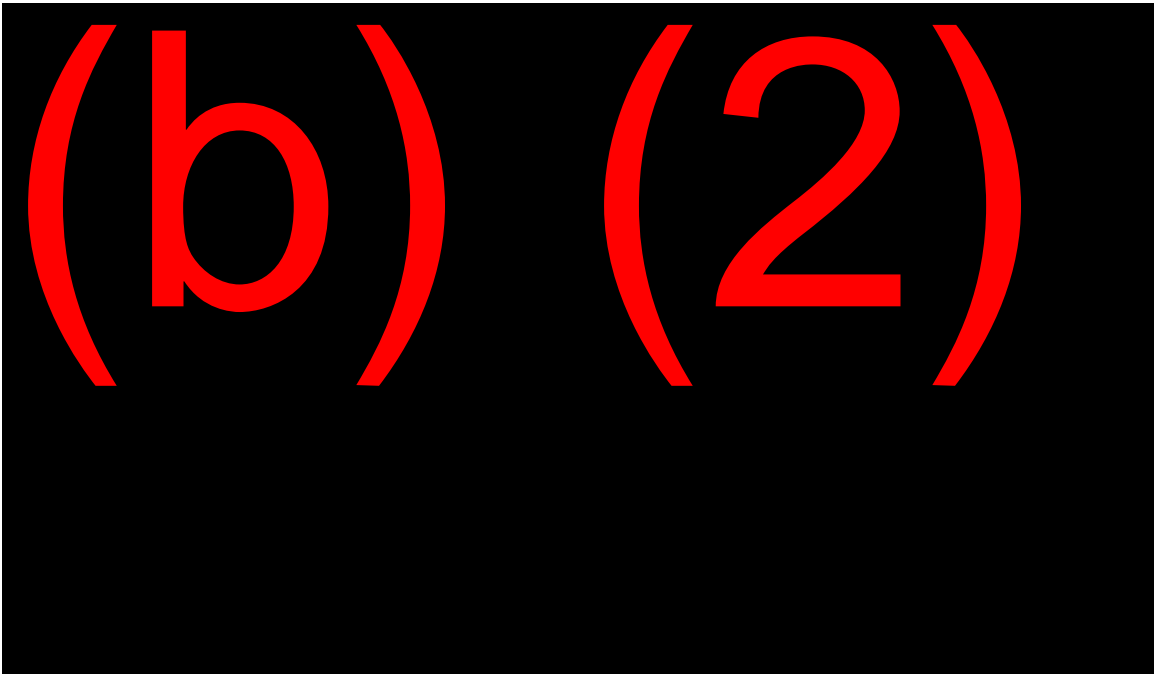
NOTE: If a protective filing is established, though a proper applicant has not filed an application, follow procedure detailed in **GN 01010.140C.2**.

If EC is not possible, use an A101 to process a manual award. Show all information normally needed to entitle the person plus the following:

- Show Y in the DELAYED CLAIMANT field of the BENE screen of the A101,

- Include the delayed claimant on the Monthly Benefit Screen (MBEN) when you compute the benefits, if the family maximum is involved;

- In the REMARKS field of the BCRN screen, show "(BIC) – Delayed Claimant" making sure to specify if the person has a valid application or no valid application with a protective filing only, and

- If the person has a valid application:

  - Request paragraph ENT066 to go to the applicant for the delayed claimant or the payee.

  - When the applicant for the entitled claimant(s) also files for the delayed claimant, request paragraph ENTR26. (**MS 04802.003**)

- If claim is that with no valid application and a protective filing suppress the notice in the BCRN screen.

- The initial LAF code will show as PB on the MBR

Processing the Delayed Claimant

GN 01010.140E

After securing all development, and required proofs for the delayed claimant, an initial determination must be made regarding entitlement.

If we secured a valid application from a proper applicant, the delayed claimant is allowed, there is <u>no</u> change in either the PIA or basic entitlement data for the both the delayed or currently entitled beneficiaries, we don't load a new claim or prepare an A101. We do the following:

- Secure all the application development and obtain the required proofs to award;

- Annotate the RPOC screen in MCS to explain there are no changes in the PIA or entitlement data for the delayed claimant or currently entitled

beneficiary. If RPOC is not available, we input a Special Message on the MBR;

- Document specific details of the delayed claimant's entitlement on form SSA-5002. Include any relevant information or minor changes (e.g., representative payee for a minor child, applicant lives in a separate household than the beneficiary, etc.);

- Fax a copy of form SSA-5002 to CFUI;

- Fax a request including the SSA-5002 to the Paperless barcode system. Select "Claim Delayed-Delayed Claims from the paperless barcode dropdown options. Annotate in the remarks section of the coversheet "BA ACTION REQ/BENEFIT PAYABLE-SEE RPOC IN FILE."

- Manually clear (MANCLR) any pending application in MCS or eRPS to your office.

If we secured a valid application and there <u>are</u> changes in benefits or entitlement for any claimant on that SSN:

- Load the claim in MCS and process the via an A101

- If an A101 exclusion exists, MNCLR the MCS claim and process via an EF101

If we established a non-valid application with a protective filing only (we used "placeholder" information:

- Secure an application from a proper applicant before making an initial determination

- Process the claim via an A101

- Update the electronic Representative Payee System with correct information if applicable

If the delayed claimant is not entitled or we did not receive an application:

- Manually clear any pending claims in MCS or eRPS; and

- Input a manual adjustment and award date entry (MACADE) denial with the applicable disallowance code or miscellaneous code "064" if a specific code does not apply to the delayed claimant; and

- Prepare a denial notice to the delayed claimant with a valid application. Do not sent a notice to the claimant with the non-valid application and a protective filing date only; and

- Prepare a RPOC or SSA-5002. Include specific details concerning the delayed claimant's disallowance or denial and advise the PC to increase benefit rates to the currently entitled auxiliaries/survivors affected by the maximum. You must sign the RPOC since the entitlement decision is pending for the claimant and the action to allow, disallow or deny a delayed claimant is a claims-related issue; and

- Fax the SSA-5002 to the Paperless PC system for action and a copy to CFUI via NDRED.

Adverse Actions

Definition - Adverse Adjustment

GN 01010.310

A claim is considered an adverse adjustment when:

- The family maximum provision results in a reduction in the past or present benefit payment rates of a previously entitled beneficiary due to:

    o Entitlement of a new beneficiary (see **GN 01010.310B.1**), or

    o Re-entitlement or resumption of a prior beneficiary (see **GN 01010.310B.2** or **GN 01010.310B.3**; **and**

- The "late filer" is not part of the same household as the adversely affected beneficiary(ies).

EXCEPTION: If the late filer(s) shares the same payee <u>or</u> lives in the same household as **all** of the affected beneficiaries, adverse adjustment procedures do **not** apply (see **GN 02201.003C**).

EXAMPLE:

William is entitled to disability benefits. His wife, Claire, is entitled to young spouse benefits and their son, James, is entitled to child's benefits. Gina Huntley, William's minor daughter from a prior marriage, lives in a separate household with her mother. Gina's mother filed for child's benefits for Gina on William's record on April 8th. However, she had a protective filing date of January 3rd. Gina receives her first payment as BIC C2 in April. This check included retroactive monthly benefits due for January, February, and March.

Gina's entitlement is considered an adverse adjustment because her entitlement caused a reduction in the benefits for both Claire and James for January, February, and March.

NOTE: If a protective filing date did not exist for Gina, benefits paid to B2 and C1 for January, February, and March are protected from reduction under Section 202(j)1 of the law. See **RS 00615.760** for details.

Processing Adverse Actions - Adverse Adjustment

GN 01010.330

Document the current claim showing the affected beneficiary was informed of the effect the new claim will have on their benefits. Advance due process for an adverse adjustment can be given in person, via telephone, or in writing. Do not clear the new claim for payment until the affected beneficiary receives notification.

Adverse Adjustment Notice

Include the following in your discussion with or notice to the adversely affected beneficiary:

- New claimant's identity;

- Basis for new claimant's entitlement;

- Summary of the evidence supporting the entitlement;

- The effect the entitlement will have on the beneficiary's monthly benefit amount;

- Approximate date the adjustment would be made;

- Affected beneficiary has 10 calendar days in which to protest the proposed action and present rebuttal evidence;

- If the beneficiary elects to protest and receive continued benefits at the unadjusted rate, they may do so until a formal decision has been made; then

- If the adverse adjustment is sustained, the continued unadjusted rate will be subject to overpayment recovery provisions (including waiver, reconsideration, etc.); and

- If no protest is received, another notice will be sent with more information about our action.

Document an RPOC if you contact the beneficiary either in person or over the telephone. If the adjustment is not protested, effectuate the new claim.

The FO sends written due process notices which are available in DPS. For written notices, allow 15 days from the date of the notice before adjudicating the new claim.

Definition - Adverse Claim

GN 01010.320

An adverse claim is a benefit award to a subsequent claimant or reinstatement/resumption of benefits to a prior beneficiary resulting in non-entitlement or termination of a previously entitled beneficiary.

Processing Adverse Actions - Adverse Claims

Adverse claims are NON-DOFA and require review code RV02 on the DECI screen. (**GN 01010.027C**)

The field office does not send notices for adverse claims because PCs have jurisdiction.

Refer to **GN 01010.320** for FO procedures for handling adverse claims.

Dual Entitlement

MS 03601.001

Dual Entitlement (DE) exists when a person is entitled to different types of benefits on two or more records. (**RS 00615.768A.2**)

MCS EC will process DE cases.

Exceptions

Dual entitlement situations which cannot be handled through MCS EC because of systems limitations are:

- (DIB) HA and (HC) CDB;

- (D) Widow and (D6) Surviving divorced wife age 60 or over;

- (C) Child and (C) Child;

- (D6) Surviving divorced wife age 60 and (B) spouse; and

- A Title II offset (e.g. SSI, WC/PDB, or GPO) applies to claimants on both records.

DE Processing Procedures

MS 03601.034

MCS EC Clearances

Once you complete the application screens:

- Print the Application Summary.
- Annotate the DW01.
- Run a pre-adjudicative EC to confirm EC computes the proper benefit. Indicate on the MREQ to process Dual Entitlement.

- On the MCR1, select #1 (ALL) under Case Display and #1 (ALL) under Claim Display to access all screens.
- Review all screens in the EC path.
- Review the data shown on the DAPH screen to confirm the arrangement for proper benefit adjustment.

After completing the pre-adjudicative review, take the following action to process D/E claim(s):

- Complete **DECI** (#23 on MCS Main Menu) with decision STAT code.

- Select function #21 (Earnings Comp Request) on the MCS Main Menu (MENU).

- Complete **MREQ** with "Y" for ADJUDICATIVE REQUEST and "Y" for PROCESS DUAL ENTITLEMENT. (PROCESS ALL CLAIMANTS should also be "Y".) If you forget to code the claim as dual entitlement, EC is programmed to notify you to consider DE.

- Complete **EDES** by selecting the number corresponding to the DE claimant.

- Enter the option to "Approve" in the Case Display field on the MCR1 screen to access the **DAPP**.

- Once on the **DAPP**, make an entry to process the claim(s). If two pending claims exist in a DE situation, an entry on the DAPP triggers both claims for payment or denial/disallowance. Also, if one claim is pending and an MBR exists for entitlement on another record, the DAPP entry triggers the new claim for payment and makes adjustments on the existing record.

Future Month Claims

Future Month or Auto-Initiate (AI) triggers (entitlement later than COM + 1) allow us to process dual entitlement claims with a future month of entitlement.

If the future MOE case rejects from the Auto Initiate Process, one of the following issues will generate to the DW01 (**MS 03508.002H**) with a tickle date equal to the next day:

- FMOEFL – A Processing Limitation generated to the MCS Main Menu;

- FMOEPL – A Processing Limitation generated to the DRMK screen;

- FMOEEX – An Exception generated to the DRMK screen.

If you receive any of these issues:

- From the MCS Main Menu go into #2 and #22 and unlock the claim by selecting "N" on the DAPP to release for auto-initiate.

- From the MCS Main Menu, go back into MCS EC via #2 and #21 and select remarks to determine the basis for the processing limitation or exception.

- Fix the problem and re-trigger.

- If the problem cannot be resolved in order to allow the case to process through EC, you will need to complete an A101.

Helpful Links

See the link to (b) (2)(b) (2)(b) (2)(b) (2)(b) (2) under the Systems Information heading in the (b) (2)(b) (2)(b) (2) for assistance in processing DE cases.

While triggering EC DE claims, if you encounter processing limitations and exceptions, refer to the (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) on the (b) (2) (b) (2)(b) (2)

OBJECTIVE 5:

Determine proper procedure to manually process, clear or delete a spouse/child's claim

Manually Processed Claims

GN 01010.220; **GN 01010.400B.4**

Some auxiliary claims cannot process through EC and must be manually processed using either an A101 or EF101 for awards or MACADE for disallowances.

Using the MBR

If the claimant already has an MBR, use it to:

- Determine the PIA and payment status of entitled beneficiaries when a subsequent claim is filed. This data assists in calculating the benefit rate of the subsequent filer.

- To document a claimant's date of birth (DOB) or determine if relationship to the NH was previously established.

If factors of entitlement were previously established, redevelopment is unnecessary. DOB codes P, B, C, F, or Q (if claim filed after 1977) on the MBR indicate proof of age was submitted and the DOB established. Reviewing DADE screens or calling the PC may also help in obtaining information.

Automated 101 (A101)

MS 03514.001ff

A101 Process

When a processing limitation or exception prevents a claim from processing in MCS EC, or results in an incorrect action, adjudicate and process the allowance by using an A101.

The A101 input screens contain information propagated from the MCS application, MCS EC, and the MBR (if one exists). Also, the common Entitlement/Eligibility (EE) screens from the MCS path appear in the A101.

Propagation

Much of the information needed to complete the A101 screens propagates from MCS.

Take the following steps to maximize propagation from EC to the A101:

- Enter 01-RSHI Allow on the **DECI** screen (#23 on the MCS Main Menu);

- Request an Adjudicative EC (#21 on the MCS Main Menu) by entering a "Y" in the ADJUDICATIVE REQUEST field on the **MREQ**;

- Review the **MCR1** for a message indicating the claim is an EC processing limitation or exception. In the CASE DISPLAY field, enter a 1 (All) to display all EC screens;

- Review the processing limitation or exception appearing on the **DRMK** screen. Review the (b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2)(b) (2) on the (b) (2) (b) (2)(b) (2) to see if a workaround exists. If there is a workaround, fix the problem. If not, enter through the rest of the EC path;

- If EC permits the case to process, but EC processing would result in an incorrect action, input "N" in the PERMIT CLAIM PROCESSING field on the **DAPP**;

  - Access the **INTE** screen (#14 on the MCS Main Menu) and enter "A" in the PROC CODE field to propagate MCS data into the A101; and

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- Establish and complete the A101.

   NOTE: In some cases, when making an Adjudicative EC request on the MREQ, the EC determination screens are not available. If this occurs, the system returns to the MCS Main Menu, the processing limitation will appear at the bottom of the screen, and very little information propagates into the A101. Review the MBR (if established), ICERS, and/or ICF to obtain the information necessary to complete the A101.

INTE Screen

MS 03512.003

The INTE propagates data from the MCS claim path to the A101 screens and transfers control of a claim to the PC upon completion of an A101.

Enter a PROC CODE of "A" when ready to access and complete the A101 screens. Once the A101 is completed, enter a PROC CODE of "N" to transfer the claim to the PC. In all claims, inputting the INTE screen both establishes and clears control.

(b) (2)(b) (2)

Completing A101 Screens

The ACCT, AIN1, and AIN2 screens contain information about the number holder and data used to determine insured status and computation of the PIA.

The PIAD screen reflects the PIA(s) used to determine the benefit amounts for all claimants entitled on the record. The PIA(s) on the A101 should be consistent with PIA(s) on the existing MBR. If they are not, you must determine the reason and make corrections to the MBR or A101 as needed.

Screens specific to an individual claimant show the NH's SSN and name at the top of the screen, and the claimant's own SSN appears as the BN (beneficiary) SSN. All other information on that screen pertains to the individual claimant.

Changes made on the Common Screens (e.g. date of marriage) will update the A101 screens without re-propagating. However, if before adjudicating the A101,

the month of election must be changed or a new beneficiary must be added, delete the A101, add the new information into MCS, and then go through EC again to re-propagate all of the information back into the A101.

Deleting an A101

In the event the A101 must be deleted, follow these steps:

- Select Function #6 from the **M101** screen;

- Perform a new adjudicative EC (#21 from the MCS menu) and page through the EC screens while in the adjudicative mode (answer "N" to "Permit Processing" on the **DAPP**);

- Request a new A101 by selecting Function #1 and Mode #1 on the M101 screen.

Review all data on the A101 to ensure it is accurate and complete. Propagated information must be reviewed, and if necessary, make corrections and additions to the data. Reverse propagation from the A101 path back into the MCS path will not occur. If major changes occur in the course of preparing the A101 screens, you must then go back into the MCS screens to make corrections.

Remarks

MS 03514.006

The BCF/Remarks/Notice (BCRN) screen appears in the A101 path and allows you to give processing instructions for each individual claimant.

A BCF (Benefit Continuity Data) entry is required only when coding Attorney Fees, Non-Resident Aliens, and No Withholding information.

Add additional remarks as needed in order to assist the Benefit Authorizer with processing the A101. If all remarks will not fit in the REMARKS section, use an RPOC screen to complete them, and include a notation on the BCRN to see the RPOC screen for additional information.

General Instructions for MADCAP Paragraphs

It is important to note that although the A101 processes through MADCAP/MACADE - a Payment Center program- you also use MADCAP paragraphs to request additional notice information. You <u>must</u> enter additional

requested notice information <u>not</u> generated by MADCAP in the free-format Notice field.

- Use an asterisk (*) to mark the beginning of a new section of data.
- If a paragraph requires fill-ins, surround each fill-in with parentheses.
- Leave a space at least once every 50 consecutive characters.
- Date format varies by paragraph. POMS will indicate format.
- Refer to **NL 00720.000ff** for the various paragraphs.

Common Eligibility/Entitlement Screens

A claimant's entitlement and eligibility is documented in the MCS claims path on screens named "Common Screens." Once established, these screens are used in MCS, A101, MACADE, and the Post-Entitlement System (POS). However, the Common Screens in an A101 are "query only," and any changes need to be made on the MCS screens. After corrections are made, review them in the A101 path.

The Common Input Screens Menu (ACMM) comes into the A101 path after the BCRN screen. This screen may list individual screens in red, indicating they need review. Instead of selecting an individual screen, select SHOW ALL SCREENS (Y), because <u>all</u> of the indicated Common Input Screens need review before adjudication. After a full review, individual screens may then be viewed if necessary.

MBEN Screen

MS 03514.008

The Monthly Benefits (MBEN) screen shows each beneficiary's BIC, monthly benefit amount (including dual entitlement amounts), entitlement dates, and any benefit amount paid after application of offset. It is unnecessary to complete fields for beneficiaries already on the MBR unless there is a change in their entitlement. If the MBAs for previously entitled beneficiaries will change, be sure to show each BIC and the new rates on the MBEN.

When there are multiple beneficiaries, it is important to code this screen correctly. Failure to do so creates exceptions in PC processing, and the BA will have to manually key information.

List each beneficiary individually by BIC, not by entitlement dates. The following example shows the proper coding.

(b) (2)

Interscreen Edits

The A101 Messages (AMSG) screen displays interscreen edits. The information indicates there is inconsistent data on two or more screens in the A101 path. The possible edits and instructions for resolution are listed in **MS 03514.025**. The edits require resolution before adjudicating the A101.

Adjudication & Transfer to PC

After resolving all edits and completing the A101 path, the claim is ready for adjudication:

- Return to the M101 screen and, in update mode, select function #2 to adjudicate the A101.
- The ADJU screen appears next:
    o Complete the ADJU screen, including a "Y" in the ADJUDICATION FINAL (Y/N) field to indicate the A101 screen path is finalized and should be locked.
    o Complete the DATE OF ADJUDICATION
- Pressing enter returns you to the A101 Main Menu (M101).
- On the M101, choose function #7 to transfer the A101 to PC.
- Press enter and the INTE screen will appear:
    o Enter "N" in the PROC CODE field to transfer the A101 to the Program Center and protect all fields on the A101.

Unlocking the A101

After adjudication, but before transfer to the Payment Center, the A101 can be unlocked by selecting function #5 from the M101 screen. After unlocking the A101, you may make corrections. The A101 then requires adjudication again. The unlock feature can be used only two times per claim.

Claims Routing Cover Sheet

Most claims will not involve any paper documents. Use a cover sheet for routing a claim only when documentation or proof cannot be stored electronically.

Manual Clearance (MANC) Screen

MS 03520.004

Purpose

The purpose of the MANC screen is to lock a claim and remove it from the FO's WMI Claims Pending List.   Management and Claims Specialists (CS) are authorized to use the Manual Clearance screens.

- MANC locks the entire segment, meaning any claims pending in MCS on that SSN are affected.

- Use MANC to make a segment inactive rather than the deletion function (discussed below) whenever possible. However, if only one claimant in the segment needs to be inactivated, manual clearance will not work and deletion is required.

Access the Manual Clearance screen as follows:

- Select #2 (Update) and #7 (Case Movement) on the MCS Main Menu; press enter.

- Select #2 (Manual Clearance) on the **MOVE** screen.

- Enter your own field office code in the "Transfer To" line of the **MANC** screen and press enter.

Since this action locks the claim and removes it from the WMI list, a new claim can then be established, right away if needed. Understand the manual clearance process has advantages and disadvantages. Some advantages of a manual clearance are:

- Takes fewer key strokes

- It is easier

- Claims screens remain viewable

The primary disadvantage of manual clearance is it does not allow a single claim to be cleared when there are multiple active claims in the segment.

Claimant Deletion (CLDL) Screen

MS 03517.002

Purpose

The purpose of the CLDL screen is to delete all the screens on a <u>specific</u> claimant. Management and Claims Specialist (CS) personnel are authorized to use Claimant Deletion (CLDL) screens.

Access the Claimant Deletion screen as follows:

- Select #2 (Update) and #20 (Claimant Deletion) on the MCS Main Menu. Include both the Number Holder SSN and the Claimant SSN. If they are the same, you will type the same number in both locations. Press Enter.

- The **CLDL** screen is presented. Enter the claimant's name exactly as it appears on the APPL screen. Press enter and the claim is deleted.

Use the claimant deletion procedures when an MCS claim has been established, but not cleared, and:

- the applicant does <u>not</u> submit a signed application, <u>or</u>

- MCS does <u>not</u> allow correction to the claim type, <u>or</u>

- when one claimant needs to be removed from the segment and multiple claimants are present on the active claims segment, <u>or</u>

- a claim is established on the wrong SSN.

IMPORTANT: Once a date has been entered in the application <u>receipt</u> field on the DW01, the claimant deletion function is no longer available.

EXHIBIT 1: A101 WORKFLOW

I. **Select #2 (Update) and #21 (Earnings Computation Request) from the MCS Main Menu.**

   A. Answer the "Adjudicative Request" question with a 'Y' on the MREQ screen.

   B. Page through all EC Screens. This allows propagation into the A101. If EC allows the case to be processed, but an A101 is needed, answer the "Permit Processing" question on the DAPP screen with a 'N.'

II. **Select #2 (Update) and #14 (INTE) from the MCS Main Menu**.

   A. Complete the INTE screen with PROC code "A" and press enter. This action will automatically take you to the M101 menu.

III. **From the M101**:

   A. Select Function #1—A101

   B. Select Mode #1—Establish

   C. Press Enter

   D. Complete the A101 screens following the predetermined order (**MS 03514.001ff**). Required fields appear in yellow, and screen edits appear in red. Other fields may need completion based on case specific data. Review propagated information and over-key if necessary. Use **MS 03514.001ff** for assistance.

IV. **Common Input Screens Menu** (**ACMM**—**MS 03514.020**)

   A. Correct common screens by accessing and modifying in MCS.

V. **A101 Messages** (**AMSG**—**MS 03514.025**)

   A. If inter-screen edits exist, the AMSG screen appears in the A101 path.

   B. Make corrections as indicated by the edit message. The AMSG screen stays in the A101 path until all edits are resolved. The screen does not appear in the A101 path if no inter-screen edits exist.

VI. **Adjudicate the A101**

   A. Completion of the last A101 screen returns the user to the M101 screen.

B. Select Function #2—Adjudicate

C. Select Mode #2—Update

D. Press enter.

E. Complete the ADJU screen, and press enter to return to the M101 screen.

VII. Transfer A101 to PC

A. On the M101 screen, selection Function #7—Transfer to PC.

B. The INTE screen comes into the path. Complete the INTE with a PROC code of "N."

VIII. DW01

A. Post the issue "A101" and tickle to ensure PC properly establishes the MBR.

OFF AIR ACTIVITIES

- Before the IVT broadcast, read the module and review the exhibits.

- After the IVT broadcast, work the exercises.

- With the assistance of your mentor, adjudicate the child's claim you observed as part of the Off Air Activities for the Child's Benefits module.

- With assistance from your mentor or an experienced CS/TE, take and adjudicate several auxiliary claims.

EXERCISE #1

Objective 1: Differentiate between initial and subsequent claims.

Part 1– Label each case below as either an initial or subsequent claim.

1. Barry (RIB), along with a young wife and a minor child, are filing for benefits. Barry previously received DIB.

2. Juan is filing for RIB on his own record and for a spouse benefit on his wife's record. Juan's wife is currently entitled. Juan meets the factors of entitlement for all benefits he is claiming.

3. Stuart is filing for benefits as a disabled child. Stuart's father, the NH, is already entitled.

4. Jim and his wife Pam, both age 63, file simultaneously for benefits on Jim's record. Neither has filed before.

Part 2 – Determine proper action.

5. Elaine, age 62, files an application for spouse's benefit on her husband Jerry's (NH) record. Jerry and George (his child who is age 17) are currently entitled. Elaine's uncertified E/R shows she needs 40 QCs for fully insured status and has only 21 QCs. Can we use an uncertified earnings record to close out the lead for benefits under her record?

EXERCISE #2

Objective 2 & 3: Using MCS and eRPS

Allow trainees to trigger any previously loaded claims, including claims involving eRPS.

EXERCISE #3

Objective 4: Processing Special Claims Situations

Part I – **Delayed claimants**

Indicate whether the following statements are true or false.

1. A delayed claimant appears on the MBR as a claimant.

2. When a claim in a segment is delayed, MCS creates a new segment for the delayed claim so the DADE screens may be updated after receiving the outstanding evidence.

3. After obtaining necessary evidence to entitle the delayed claimant, an amended award is always necessary to entitle him/her.

4. If the evidence shows the delayed claimant should not be entitled, the only action necessary is to send a notice to the delayed claimant.

Part II – **Adverse actions**

For each of the following situations, indicate whether the new claim is an example of:

    A. An adverse claim

    B. An adverse adjustment

    C. Neither an adverse claim nor adverse adjustment

5. Tom, Dick, and Harry each receive child's benefits on their retired father's account. In January of this year, a stepbrother living in a different state files a claim for benefits on the same record.

6. Betty receives "B" benefits as Bob's wife. Alice files a claim for spouse's benefits on Bob's account, stating they were married but separated many years ago. The

District Office establishes that the marriage between Alice and Bob never ended, and Alice is Bob's legal wife. Betty did not know Bob and Alice had never divorced.

Part III – Dual-Entitlement Claims

For each of the following cases, indicate whether EC could be used to adjudicate the claim. Please indicate "Y" (for yes) or "N" (for no) for the following statements:

7. Keisha, a minor child, is entitled and filing for benefits on both of her parents' records.

8. Jose and his spouse file simultaneously for RIB. Jose's spouse, Teresa, also files on his record.

9. Amir is already entitled to benefits. His spouse files for her own RIB and spouse's benefits on Amir's record.

10. Juanita files for RIB only.

11. Nebraska files for surviving divorced wife benefits and benefits as a spouse simultaneously.

EXERCISE #4

Objective 5: Determine proper procedure to manually process, clear or delete a spouse/child's claim.

1. Today, Shaunté Jones, born February 10, 1955, applies for spouse's benefits on the record of her husband, Ronell Jones. She and Ronell were married May 5, 1979. She stayed at home with the children, so her work history is sparse, but she is insured for benefits on her own record. Her PIA is $208.00. Shaunté and Ronell divorced July 30, 2011. Ronell Jones was born January 15, 1954. He has not retired. His PIA is $1,751.00.

   Based on this information, what type of process will you use to adjudicate Shaunté Jones's claim for spouse's benefits?

2. Last week you took claims for NH Xavier Reynolds and three of the four children he listed on his application. These claims are still pending because you were waiting to take a claim for a fourth child, Rhianna. You just took the claim, but before you receipt it in you realize that you had a typo in the claimant SSN you entered because the claimant name doesn't match.

   Based on this information, would you manually clear or delete this claim?

EXERCISE ANSWERS

Exercise #1

1. Subsequent

2. Juan's RIB is an initial claim. The claim on his spouse's record is a subsequent claim.

3. Subsequent

4. Initial (both claims)

5. We <u>cannot</u> use an uncertified earnings record as the basis for lack of insured status. We must either take and deny a RIB claim on Elaine's own SSN <u>**or**</u> obtain an ICERS and document the spouse's application.

Exercise #2

This is a hands-on exercise.

Exercise #3

Part I

1. True

2. False

3. False (**GN 01010.140C**)

4. False (**GN 01010.140C**)

Part II

5. B - An Adverse adjustment

6. C – Neither an adverse claim nor adverse adjustment. Effective 01/91, the law permits payment to both a legal and deemed spouse.   (**GN 00305.055**; **RS 00202.020**; **RS 00615.000**)

Part III

7. N

8. Y

9. Y

10. Y

11. N

Exercise #4

1. This is a claim for an Independently Entitled Divorced Spouse. Use the Workflow outlined in the MCS EC Claims Workflow for processing Shaunte's claim (you will use an A101 to adjudicate her claim).

2. You would manually delete this claim using the Claimant Deletion (CLDL) Screen since you did not use the correct claimant SSN. Using manual clearance would clear all active claims on the segment, and you would have to reload the claims for the all the children.