



Death Before Retirement

There are several types of survivor benefits available to members of Massachusetts contributory retirement systems. The benefit types and benefit amounts that are payable depend on a number of factors, including:

- creditable service,
- salary,
- cause of death, and
- date of death.

The types of survivor benefits available include:

- benefits based on a member's retirement option selection,
- benefits for members in service who die prior to retirement,
- benefits for accidental disability retirees, and
- benefits for certain public safety officials who are killed in the line of duty.

If an active member is killed in the line of duty, or dies as a result of injuries sustained while in the performance of duties, then the member's dependents are entitled to statutory benefits under various sections of the public employee retirement law. Please see below for more information on *Accidental Death Benefits* and *Survivor Benefits for Public Safety Officials Killed in the Line of Duty*.

However, if the active member's death is not job related, then Option D, or the "Member-Survivor Allowance," can provide benefits to the member's dependents.

Member Survivor Allowance—Option D

Option D provides a named beneficiary with the monthly retirement allowance that a member would have received under Option C had the member retired on the date of death. If the member is under age 55 at death, the member's age will be "bumped up" to 55 to calculate the allowance. For members joining the system after April 2, 2012, the age is 60. If over 55 (or 60 for newer members), the calculation factor for the member's actual age at death is used.

A member can designate an Option D beneficiary at anytime by completing the [Benefit Election Form](#) available on our website. Only one Option D beneficiary may be named, and only a spouse, child, former spouse who has not remarried, mother, father, brother or sister is eligible for designation. Unless trumped by a spousal election, discussed below, a nominated Option D beneficiary must receive the allowance.

Surviving Spouses. If a member does not make an Option D designation, the member's spouse can still elect to receive the Option D allowance, or can request a return of the member's accumulated retirement deductions, if (1) the member has completed at least *two years of creditable service*; (2) the member and spouse have been

married for at least one year; and (3) the member and spouse have been *living together* at the time of the member's death.

If the member and spouse were not living together at the time of death, the Board must find that they were *living apart for justifiable cause*, other than desertion or moral turpitude on the part of the spouse.

The rights of an eligible surviving spouse will always trump any other person nominated as the Option D beneficiary. The retirement board will notify the member's spouse of his or her right to elect Option D benefits and the member's eligible spouse has 90 days from the date of this notice to elect Option D benefits. However, if the member's spouse is named by the member as the Option D beneficiary, the spouse must receive the monthly allowance, and may not choose between the allowance and a one-time return of the member's accumulated deductions.

Dependent Children. When a Member-Survivor Option D allowance is paid, another statute provides an additional allowance to the member's minor children of *\$120.00 per month to the oldest child*, and *\$90.00 per month to each additional child*. These benefits end upon adoption or marriage, or upon reaching age 18, or age 22 if a full-time student. Benefits to children will not end if the child is physically or mentally incapacitated from earning on the member's date of death. If the member has no spouse, the member's children can, in some circumstances, receive the benefits a spouse would have received, along with the additional allowance described above.

A Member-Survivor Option D allowance may also be available to a beneficiary of an inactive member. However, no benefit for children is available.

If a member has not named another individual as an Option D beneficiary, the member's accumulated deductions will be paid to the beneficiary designated on the Beneficiary Selection Form. If there are none, these funds will be paid to the spouse in one sum.

Accidental Death Benefits

The retirement plan provides benefits to an eligible beneficiary of a member who dies as the result of a personal injury sustained, or a hazard undergone as a result of, and while in the performance of duties. Further, there must be no serious and willful misconduct on the member's part. The member's injury must be sustained while a member-in-service.

Generally, benefits to an eligible beneficiary consist of a lump-sum payment of the member's accumulated deductions and a pension equal to 72% of the annual rate of regular compensation on the date of injury, or the average annual **rate of regular compensation** for the 12 month period immediately preceding the date of death, whichever is greater. There is also a benefit for eligible dependent children.

The primary beneficiary of an accidental death pension is the member's surviving spouse. If there is no surviving spouse, dependent children may be eligible for pension payments for a limited period of time. Specifically, as long as they are unmarried and under the age of 18, they are physically or mentally incapacitated from earning regardless of age, or they are under the age of 22 and are a full-time student at an accredited educational institution.

Survivor Benefits for Public Safety Officials Killed in the Line of Duty

Survivor benefits are available for firefighters, police officers and corrections officers killed in the line of duty.

Killed in the Line of Duty Retirement Allowance

Under certain circumstances, surviving spouses may receive a pension equal to the amount of regular compensation the member would have received had the member been receiving the maximum salary for the position at the time of death. Pension amounts will be adjusted in accordance with salary increases granted for the position.

In this situation, where the spouse is eligible for the "killed in the line of duty" benefit, the accumulated deductions and interest in the member's account will be paid in one sum to the member's surviving beneficiary of record.

If there is no surviving spouse, or the surviving spouse dies, then surviving children will be eligible to receive 72% of the pension the spouse had been receiving on the date of death, as well as an additional pension of \$312.00 per child. The benefit will be paid to a legal guardian and will continue until the child turns age 18, or until age 22 if the child is a full-time student in an accredited educational institution. For a child who is mentally or physically incapacitated from earning on the date of the parent's death, the benefits will continue until the child dies.

Killed in the Line of Duty Lump Sum Benefit

If a firefighter, police officer, public prosecutor or corrections officer is killed in the line of duty and as a result of an incident, accident or violence, or sustains injuries that are the direct and proximate cause of death, his or her family members are entitled to a lump-sum payment of \$150,000.

This one-time award will be paid to the surviving spouse of such a firefighter police officer, public prosecutor, or corrections officer. If there is no surviving spouse, the surviving children will receive the benefit. If there are no surviving children, the parents would be entitled to this benefit.

The State Board of Retirement administers and pays this benefit for all eligible public employees, regardless of which retirement system a member is enrolled in at the time of death.