

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

Age Requirement	When all eligibility requirements are met and you file an application, a divorced spouse annuity based on your age can begin as explained in Chart 1. Chart 2 explains Full Retirement Age (FRA) .
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CHART 1 - DETERMINING YOUR AGE REQUIREMENT

If the employee is at least:	And you are age 62 and one month and	And the employee	Your annuity will
Age 62 and has 120 months of railroad service: or 60 months after 1995 and an SSA Insured Status,	Divorced less than 2 years	Is receiving an annuity	Have an age reduction if you retire before attaining your Full Retirement Age (FRA).
Age 62 and has 120 months of railroad service: or 60 months after 1995 and an SSA Insured Status,	Divorced 2 or more years	May or may not be receiving an annuity	Have an age reduction if you retire before attaining your Full Retirement Age (FRA).

Full Retirement Age (FRA)	<p>Your Full Retirement Age (FRA) is the age at which you can receive a full divorced spouse annuity (not reduced for early retirement). FRA is age 65 for persons born before January 2, 1938. FRA for persons born after January 1, 1938, will gradually increase as illustrated in Chart 2.</p> <p>FRA also affects the amount of non-railroad earnings you can earn after the annuity beginning date, as explained in Chart 3.</p>
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CHART 2 - DETERMINING YOUR FULL RETIREMENT AGE

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

Marriage Requirements	<p>In order to qualify for a divorced spouse annuity, your marriage must have ended by a final divorce decree and you must meet each of the following requirements:</p> <ul style="list-style-type: none"> ● You were married to the railroad employee for at least 10 consecutive years immediately preceding the date of your final divorce decree; and, ● you are divorced from that railroad employee; and, ● you are not currently married to anyone. (If you remarried after the divorce from the employee, the later marriage must have terminated.); and, ● you are not entitled to a social security benefit (before any reductions) on your own earnings record that exceeds the amount of the divorced spouse annuity.
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General Conditions Under Which a Person is Entitled to a Railroad Retirement Divorced Spouse Annuity (cont.)

SSA Insured Status	<p>If the employee's annuity is based on 60-119 months of railroad service after 1995, you qualify for a divorced spouse annuity if the employee has an SSA Insured Status based on combined railroad and social security earnings. The employee has an SSA insured status if:</p> <ol style="list-style-type: none"> 1. the employee has at least 40 quarters of coverage in age and service cases; or 2. the employee has a Disability Freeze (D/F) under SSA rules in disability cases. (See Booklet RB-1D <i>Employee Disability Benefits</i> for an explanation of a D/F.) The D/F cannot be deemed.
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Reductions for Non-Railroad Earnings	<p>Your benefits are not reduced for your non-railroad earnings if you are receiving social security benefits,</p> <p>Otherwise, the Annual Earnings Exempt Amount is the amount of non-railroad earnings you can have in a calendar year without losing part of your benefit. Use Chart 2 to determine your Full Retirement Age (FRA). Then refer to Chart 3 below and Form G-77a <i>How Earnings Affect Payment of Retirement Annuities</i>. The employee's non-railroad earnings over the Annual Earnings Exempt Amount for the employee's age group may also cause a reduction in your benefit.</p>
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CHART 3 - DETERMINING YOUR ANNUAL EARNINGS EXEMPT AMOUNT

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

When a Divorced Spouse Annuity is not Payable	<p>Your divorced spouse annuity is not payable for any month in which:</p> <ul style="list-style-type: none"> ● you work for a railroad employer; or, ● you become entitled to an RRA employee annuity on your own earnings record that exceeds your RRA divorced spouse annuity rate.
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When a Divorced Spouse Annuity Ends	<p>Your divorced spouse annuity ends the month before the month in which:</p> <ul style="list-style-type: none"> ● you die; or, ● the employee dies. (a surviving divorced spouse annuity may become payable at this time); or, ● you marry; or, ● you become entitled to SS benefits on your own earnings record that are greater than the RRA divorced spouse annuity; or, ● you become entitled to an RRA survivor annuity on another claim number that exceeds the amount of the RRA divorced spouse annuity.
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If you would like more information concerning divorced spouse annuities, please request Booklet RB-30 *Spouse/Divorced Spouse Annuity* before you come in to file for your annuity. This booklet is available at www.rrb.gov.