



FROM THE DESK OF

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For Publication
April 2025

Railroad Retirement Survivor Benefits

Under the Railroad Retirement Act (RRA), monthly survivor annuities may be payable to a railroad employee's widow(er), children, and select other dependents. Lump-sum death benefits may also be payable to qualified survivors.

The following questions and answers describe railroad retirement survivor benefit eligibility requirements and provide benefit-related information.

1. What are the general service eligibility requirements for railroad retirement survivor benefits?

Except for one type of lump-sum death benefit, an individual's eligibility for a survivor annuity depends on whether a deceased employee was "insured" under the RRA. An employee is insured if they have at least 120 months (10 years) of railroad service, or 60 months of railroad service (5 years) performed after 1995, and a current connection with the railroad industry as of the month the annuity begins or the month of death, whichever occurs first.

2. What is a current connection and how is it determined under the RRA?

A "current connection" is the term the RRB uses to describe a railroad employee's maintenance of a relationship to the railroad industry. It is demonstrated by an employee having earned 12 months in a 30-month period as explained below. The current connection determination is made when an employee files for a railroad retirement annuity. Once a current connection is established at the time that the annuity begins, an employee never loses it, no matter what kind of work is performed thereafter. For purposes of railroad retirement survivor benefits, if an employee dies before applying for their retirement annuity, the current connection determination is made upon notification of death.

Normally, the current connection requirement is met if the employee has railroad service in at least 12 of the 30 consecutive months immediately preceding the month their railroad retirement annuity begins. If the employee died before retirement, railroad service in at least 12 months in the 30 months before the month of death will meet the current connection requirement for the purpose of paying survivor annuities.

However, if an employee does not qualify as explained above, but has 12 months of service in an earlier 30-month period, they may still meet the requirement if the employee does not work outside the railroad industry in the interval between the 30-month period and the month the employee's annuity begins or the month of death if that occurs earlier. Full or part-time nonrailroad employment in that

(More)

interval can break the employee's current connection, even with minimal earnings. Self-employment in an unincorporated business will **not** break a current connection. However, if the business is incorporated the individual is considered an employee of the corporation and such self-employment can break a current connection. All self-employment will be reviewed to determine if it meets the standards for maintaining a current connection.

Federal employment with the Department of Transportation, National Transportation Safety Board, Surface Transportation Board, National Mediation Board, Railroad Retirement Board, U.S. Coast Guard, or Transportation Security Administration will **not** break a current connection. State employment with the Alaska Railroad, if that railroad remains an entity of the State of Alaska, will not break a current connection. Also, railroad service in Canada for a Canadian railroad will neither break nor preserve a current connection.

A current connection can also be maintained for purposes of survivor annuities if the employee completed 25 years of railroad service, was involuntarily terminated without fault from their last job in the railroad industry, and did not thereafter decline an offer of employment in the same class or craft in the railroad industry, regardless of the distance to the new position. If **all** these requirements are met, an employee's current connection may not be broken, even if the employee works in regular nonrailroad employment after the 30-month period and before the month their railroad retirement annuity begins or the month of their death. This exception to the normal current connection requirement was established by amendments to the RRA and became effective October 1, 1981. It only covers employees alive on that date who left the rail industry on or after October 1, 1975.

3. What if these general service requirements are not met?

If a deceased employee did not have an insured status, jurisdiction of any survivor benefits payable is transferred to the Social Security Administration and survivor benefits are paid by that agency instead of the RRB. Regardless of which agency has jurisdiction, the deceased employee's railroad retirement and social security credits will be combined for benefit computation purposes.

4. What are the age and other eligibility requirements for widow(er)s who haven't remarried?

Widow(er)s' annuities are payable at age 60 or over. They are also payable at any age if the widow(er) is caring for the deceased employee's unmarried child who is under age 18 or the deceased employee's disabled child of any age who became permanently disabled before age 22. Widow(er)s' annuities are also payable at ages 50-59 if the widow(er) is totally disabled as determined by the Social Security Administration and unable to work in any regular employment. The disability must have begun within 7 years after the employee's death or within 7 years after the termination of an annuity based on caring for the deceased employee's child. In most cases, a 5-month waiting period is required after the onset of disability before disability payments can begin.

Generally, the widow(er) must have been married to the employee for at least 9 months prior to death, unless they were the natural or adoptive parent of their child, the employee's death was accidental or while on active duty in the U.S. Armed Forces, the widow(er) was potentially entitled to

(More)

certain railroad retirement annuities or social security benefits in the month before the month of marriage, or the marriage was postponed due to state restrictions on the employee's prior marriage and divorce due to mental incompetence or similar incapacity.

5. Can surviving divorced spouses and remarried widow(er)s also qualify for annuities?

Yes, under certain circumstances, survivor annuities may be payable to a surviving divorced spouse or remarried widow(er). However, while the widow(er) annuity otherwise payable by the RRB is composed of two components (tier I and tier II), surviving divorced spouse and remarried widow(er) annuities are limited to the amount social security would pay (tier I only). Tier II is **not** payable to a surviving divorced spouse or a remarried widow(er).

A **surviving divorced spouse** may qualify if they were married to the employee for at least 10 years immediately before the date the divorce became final and is age 60 or older (age 50 or older, if disabled). An unmarried surviving divorced spouse can qualify at any age if caring for the employee's child who is under age 16 or became disabled before age 22. In these cases, the 10-year marriage requirement does not apply.

A **widow(er) or surviving divorced spouse who remarries** after age 60, or a disabled widow(er) or disabled surviving divorced spouse who remarries after age 50, may also receive the portion of a survivor annuity equivalent to a social security benefit (tier I). However, remarriage prior to age 60 (or age 50, if disabled) would not prevent eligibility if that remarriage ended. The tier one component may also be paid to a remarried younger widow(er) or remarried surviving divorced spouse caring for the employee's child who is under age 16 or became disabled before age 22, if the remarriage is to a person entitled to a railroad retirement annuity or social security benefit, or the remarriage ends.

6. When are survivor annuities payable to children and other dependents?

Monthly survivor annuities are payable to an unmarried child under age 18, and to an unmarried child age 18 in full-time attendance at an elementary or secondary school, or in approved homeschooling, until the student attains age 19 or the end of the school term in progress when the student attains age 19. In most cases where a student attains age 19 during the school term, benefits are limited to the two months following the month age 19 is attained. These benefits will be terminated earlier if the student marries, graduates, or ceases full-time attendance. An unmarried disabled child over age 18 may qualify if the child became totally disabled before age 22. An unmarried dependent grandchild meeting any of the requirements for a child described above may also qualify if both the grandchild's parents are deceased or found disabled by the Social Security Administration.

Monthly survivor annuities are also payable to a parent at age 60 who was dependent on the employee for at least half of the parent's support. If the employee was also survived by a widow(er), surviving divorced spouse or child who could ever qualify for an annuity, the parent's annuity is limited to the amount that social security would pay (tier I).

(More)

7. How are railroad retirement widow(er)s' benefits computed?

The tier I component of a two-tier survivor annuity is based on the deceased employee's combined railroad retirement and social security earnings and is computed using social security formulas. The railroad retirement survivor tier I component is generally equal to the amount of survivor benefits that would have been payable under social security.

December 2001 legislation established an *initial minimum amount* which yields, in effect, a widow(er)'s tier II component equal to the tier II component the employee would have received at the time of the award of the widow(er)'s annuity, minus any applicable age reduction.

However, such a tier II amount will not receive annual cost-of-living increases until such time as the widow(er)'s annuity, as computed under prior law with all interim cost-of-living increases otherwise payable, exceeds the widow(er)'s annuity as computed under the initial minimum amount formula.

A widow(er) who received a spouse annuity from the RRB is guaranteed that the amount of any widow(er)'s annuity payable will never be less than the annuity they were receiving as a spouse in the month before the employee died.

The average annuity awarded to widow(er)s in fiscal year 2024, excluding remarried widow(er)s and surviving divorced spouses, was \$2,848 a month. Children received \$1,839 a month, on average. Total family benefits for widow(er)s with children averaged \$5,357 a month. The average annuity awarded to remarried widow(er)s or surviving divorced spouses in fiscal year 2024 was \$1,572 a month.

8. Are early retirement (age) reductions applied to survivor annuities?

Yes, in some instances. A widow(er), surviving divorced spouse, or remarried widow(er) **whose annuity begins at full retirement age or later** receives the full tier I component - unless the deceased employee received an annuity that was reduced for early retirement. In that case, an age reduction would be applied to the applicable annuity. Applicants who file for a survivor annuity prior to their full retirement age will also have an age reduction applied to their annuity. The eligibility age for a full widow(er)'s annuity varies and is based on the widow(er)'s date of birth, as is the maximum age reduction which is also variable. For those born in 1962 or later, the maximum age reduction is 20.36 percent. For a surviving divorced spouse or remarried widow(er), the maximum age reduction is 28.5 percent. For a disabled widow(er), disabled surviving divorced spouse or disabled remarried widow(er), the maximum age reduction is also 28.5 percent, even if the annuity begins at age 50. These early retirement reductions are permanent, even after an annuitant attains full retirement age.

9. Are survivor annuities reduced for the receipt of social security benefits?

Yes. Under the RRA, the tier I component of a survivor annuity is reduced if **any** social security benefits are payable, even if the social security benefit is based on the survivor's own earnings. This reduction follows principles of social security law which, in effect, limit payment to the highest of any

(More)

two or more benefits payable to an individual at one time. A survivor annuitant should notify the RRB promptly if they become entitled to social security benefits.

10. What happens if a widow(er) is eligible for both a railroad retirement employee annuity and a survivor annuity?

If the widow(er) is entitled to a railroad retirement employee annuity and neither the widow(er) nor the deceased employee had any railroad service before 1975, the survivor annuity (tier I and tier II) payable to the widow(er) is reduced by the total amount of the widow(er)'s employee annuity.

If either the deceased employee or the widow(er) had some railroad service before 1975, but less than 120 months of service, the widow(er)'s employee annuity and the tier II component of the survivor annuity would be payable to the widow(er). The tier I component of the survivor annuity would be payable only to the extent that it exceeds the tier I component of the widow(er)'s employee annuity.

If a widow or dependent widower is also a railroad employee annuitant, and either the widow(er) or the deceased employee had at least 120 months of railroad service before 1975, the tier I reduction may be partially restored in the survivor tier II component.

11. What types of lump-sum death benefits are payable under the RRA?

A lump-sum death benefit is payable to certain survivors of an employee with 10 or more years of railroad service, or at least 5 years after 1995, and a current connection with the railroad industry - if there is no survivor immediately eligible for a monthly annuity upon the employee's death.

If the employee did not have 10 years of service before 1975, the lump sum is limited to \$255 and is payable only to the widow(er) living in the same household as the employee at the time of the employee's death.

If the employee had less than 10 years of service but had 5 years after 1995, they must have met social security's insured status requirements for the lump sum to be payable.

If the employee had 10 years of service before 1975, the lump sum is payable to the living-with widow(er). If there is no such widow(er), the lump sum may be paid to the funeral home or the payer of the funeral expenses. These lump sums averaged \$1,043 in fiscal year 2024.

If a widow(er) is eligible for monthly benefits at the time of the employee's death, but the widow(er) had excess earnings deductions which prevented annuity payments or for any other reason did not receive monthly benefits in the 12-month period beginning with the month of the employee's death totaling at least as much as the lump sum, the difference between the lump-sum benefit and monthly benefits actually paid, if any, is payable in the form of a deferred lump-sum benefit.

The average for all types of lump sums was \$940 in fiscal year 2024.

The railroad retirement system also provides, under certain conditions, a residual lump-sum death benefit which ensures that a railroad family receives at least as much in benefits as the employee paid

(More)

in railroad retirement taxes before 1975. This benefit is, in effect, a refund of an employee's pre-1975 railroad retirement taxes, after subtraction of any benefits previously paid based on the employee's service. This benefit is seldom payable.

12. How does a person get an estimate of, or apply for, survivor benefits?

Active or retired railroad employees who are concerned about the benefit amount potentially payable to their survivors can call the RRB toll-free (1-877-772-5772) to request an annuity estimate from the agency's field service staff. (Pre-retirement counseling is also available by appointment at any RRB field office or over the phone.) Survivors of railroad employees can also call 1-877-772-5772 to request an annuity estimate.

Applications for survivor benefits are generally filed at one of the RRB's field offices, with a traveling RRB representative at a customer outreach program service location, or by telephone and mail.

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