

## **Rule 513-7-1-.17 Conversions Under Section 47-7-100(d)(3) on Death or Divorce or Remarriage**

- (1) Purpose of Rule. This rule implements Code Section §[47-7-100](#) concerning conversions of a Joint and Survivor benefit to a retiree lifetime benefit following death of or divorce from a spouse and conversion of a retiree lifetime benefit to a Joint and Survivor benefit upon a subsequent remarriage. This rule prescribes the manner in which the calculation of resulting benefits is to be made.
- (2) Death or Divorce.
  - (a) If a member has elected Option A, the "Joint and Survivor" benefit and following retirement the spouse dies or the member and the member's spouse are divorced, a member may convert the retirement benefit to a "Regular Retirement" benefit.
  - (b) The amount of the retiree lifetime benefit in that case will be calculated as of the time the application to revoke the Option A benefit is received by the Board in proper form. Payments shall commence effective the first day of the month immediately following the Board's approval. There is no payment of retiree lifetime benefits for any period prior to the time the revocation is approved by the Board.
  - (c) The amount of the benefit will be calculated based on:
    1. The member's age at the time of the member's retirement;
    2. The maximum monthly retirement benefit at the time of the member's retirement; and
    3. All lump sum or percentage increases in that maximum monthly retirement benefit which have been made by action of the General Assembly, or by action of the Board since the date of the member's original retirement date.
- (3) Remarriage.
  - (a) If after retirement, a member has previously revoked an Option A benefit because of the death of, or divorce from the designated spouse and converted the benefit to a retiree lifetime benefit, and the member then remarries, the member may then elect an Option A benefit for the member and the member's new spouse.
  - (b) The amount of the Option A benefit payable to the member during the member's lifetime and payable to the spouse upon the death of the member shall be calculated from the time the application to elect Option A benefit is received by the Pension Fund in proper form. Payments shall commence effective on the first day of the month immediately following the Board's approval. The calculation of the Option A benefit shall be based on both the member's and new spouse's ages at the time the completed application for the Option A benefit is received by the Pension Fund.
  - (c) The calculation of the Option A benefit is also based on:

1. The maximum benefit in effect at the time of the member's original retirement;  
and
2. All lump sum of percentage increases in that maximum monthly retirement benefit which have been made by action of the General Assembly or by action of the Board since the date of the member's original retirement date. For purposes of simplicity, the calculation shall be made as if the member and the member's new spouse, at each of their ages at the time the application is received by the Pension Fund in proper form, were retired at the date of the member's original retirement, and adjustments to the lifetime and survivor benefits had been made since that time. However, there is no payment of benefits so calculated for any period prior to the time the application for the Option A benefit is approved by the Board. Any benefit change of this nature shall be effective on the first day of the month immediately following board approval.

**Cite as Ga. Comp. R. & Regs. r. 513-7-1-.17**

**Authority:** O.C.G.A. Sec. [47-7-23](#).

**History.** Original Rule entitled "Determination of Unprotected Property Under O.C.G.A. Sec. [47-7-61](#)" adopted. F. Sept. 3, 1986; eff. Sept. 23, 1986.

**Amended:** F. Aug. 22, 1994; eff. Sept. 11, 1994.

**Amended:** F. Dec. 29, 1999; eff. Jan. 18, 2000.

**Amended:** F. Feb. 5, 2001; eff. Feb. 25, 2001.

**Amended:** F. Aug. 20, 2009; eff. Sept. 9, 2009.

**Repealed:** New Rule entitled "Conversions Under Section [47-7-100](#) on Death or Divorce or Remarriage" adopted. F. Aug. 10, 2015; eff. Aug. 30, 2015.