

742-3-16

Survivor benefits.

- (A) "Interim Survivor Benefit Payment" is defined as the interim monthly survivor benefit initially paid by Ohio police and fire pension fund ("OP&F") to a surviving spouse of a member in the amount described in division (D) of section 742.37 of the Revised Code until OP&F receives the properly completed application for survivor benefits on the form approved by OP&F and required documents referenced in such application (collectively, the "Application"), subject to the terms and conditions set forth below.
- (B) Upon receipt of OP&F's notice of the death of a member, the following will occur:
- (1) OP&F will process the interim survivor benefit payment due the surviving spouse, which shall be paid to the member's surviving spouse for a period not to exceed ninety days (the "Interim Period");
 - (2) OP&F will send the surviving spouse an application to the most recent address referenced in the member's record or the address provided to OP&F; and
 - (3) OP&F will process an interim health care card to the surviving spouse, if applicable, or will notify the surviving spouse of any documents needed to ensure the transition of medical expense benefits to the surviving spouse.
- (C) In the event the properly completed Application is not received by OP&F by the expiration of the interim period, OP&F will send a notice to the surviving spouse that the interim survivor benefit payments will be suspended, effective sixty days after receipt of the notice of suspension (the "Notice Period"), unless the properly completed application is filed with OP&F on or before the expiration of the notice period.
- (D) In the event the properly completed application is received by OP&F on or before the expiration of the notice period, OP&F will no longer be considered to be paying interim survivor benefit payments, but rather shall be paying the survivor benefit provided for in division (D) of section 742.37 of the Revised Code.
- (E) In the event the interim survivor benefit payments are suspended due to a surviving spouse failing to file a properly completed application on or before the expiration of the notice period, OP&F will begin to pay the survivor benefits provided for in division (D) of section 742.37 of the Revised Code beginning the month following OP&F's receipt of the properly completed application for survivor benefits and OP&F will then pay any retroactive survivor benefits due the surviving spouse, subject to the provisions of paragraph (F) of this rule.

- (F) In the event OP&F pays a benefit to a member prior to OP&F's receipt of notice of the member's death (the "Member Benefit"), the member benefit payment is not returned to OP&F, and the surviving spouse is the beneficiary of the member's estate, then in such event, OP&F will offset any member benefit paid against the survivor benefits due the surviving spouse under division (D) of section 742.37 of the Revised Code or section 742.58 of the Revised Code.
- (G) For purposes of the notices provided for in this rule, the notices will be deemed to have been given as of the earlier of:
- (1) The date of the actual receipt;
 - (2) The next business day when sent via express mail or personal delivery; or
 - (3) Three days after mailing in the case of first class or certified U.S. mail, which will be based upon the date of the postmark of such mailing.
- (H) For purposes of filings provided for in this rule, all filings will be the date of OP&F's actual receipt of the filings.
- (I) OP&F may conclusively rely upon its books and records for purposes of determining the notices and filings provided for in this rule.
- (J) OP&F will pay all other survivor benefits provided for in section 742.37 of the Revised Code upon OP&F's receipt of the properly completed application by eligible parties.
- (K) OP&F will reimburse the medicare part "B" premium to the surviving spouse according to the terms of division (D) of section 742.45 of the Revised Code and rule 742-7-09 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 06/11/2008

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.37, 742.58
Prior Effective Dates: 2/7/00 (Emer.), 5/1/00, 2/14/2005