

742-3-19

**Pre-1967 survivor benefits.**

(A) The board of trustees of Ohio police and fire pension fund ("OP&F") shall consider the following as evidence acceptable to the board for purposes of determining the eligibility of a surviving spouse for the benefits provided for in division (D)(4) of section 742.37 of the Revised Code:

- (1) The certification provided for in OP&F's application for surviving spouse's pension under division (D)(4) of section 742.37 of the Revised Code or a substantially similar certification, which will be determined by OP&F in its sole and absolute discretion (the "application"); and
- (2) For applications for benefits filed with OP&F under division (D)(4) of section 742.37 of the Revised Code from and after April 1, 2002, public documentation provided by the applicant, including an affidavit signed by an independent third party and notarized before a notary public that identifies or, in the case of the affidavit, certifies that the decedent identified in the surviving spouse's application was a former member of or contributor to a fund established under former Chapter 521. or 741. of the Revised Code (the "local fund member"); and
- (3) A copy of the marriage certificate that documents the marriage of the surviving spouse to the local fund member.

Notwithstanding the foregoing, OP&F will also require the applicant to provide such other documents required for the application of statutory survivor benefits under division (D) of section 742.37 of the Revised Code.

(B) OP&F's board of trustees shall consider the following as evidence acceptable to the board for purposes of determining the eligibility of a local fund member's surviving spouse for the surviving spouses benefits provided for in division (F)(1)(b) of section 742.63 of the Revised Code (the "death fund benefits"):

- (1) A certification from the local fund member's surviving spouse that the local fund member was a member of or contributor to a fund established under former Chapter 521. or 741. of the Revised Code, which can be the certification provided by the applicant in the application for benefits under division (D)(4) of section 742.37 of the Revised Code; and
- (2) For applications for benefits filed with OP&F under division (F)(1)(b) of section 742.63 of the Revised Code from and after April 1, 2002, public documentation provided by the applicant, including an affidavit signed by an independent third party and notarized before a notary public that identifies or, in the case of the affidavit, certifies that the decedent identified in the

surviving spouse's application was a former member of or contributor to a fund established under former Chapter 521. or 741. of the Revised Code (the "local fund member"); and

- (3) The surviving spouse shall also file with OP&F a completed application for Ohio public safety officers death benefits and such other documentation identified in the application, as provided for in section 742.63 of the Revised Code and rule 742-19-01 of the Administrative Code, as such rule may be amended from time to time.
  - (4) In addition to the evidence outlined in this paragraph (B), the terms of rule 742-19-01 of the Administrative Code shall also apply to the processing of these benefits.
- (C) The spouse(s) of the applicant who was not a local fund member and the children or dependents resulting from such marriage(s) shall not be entitled to healthcare coverage sponsored by OP&F.
- ~~(D) Any benefits due a surviving spouse under division (D)(4) of section 742.37 of the Revised Code shall commence the later of:~~
- ~~(1) The effective date of Sub. H.B. No. 157, 124th General Assembly, which is February 1, 2002; or~~
  - ~~(2) The first of the month following OP&F's receipt of the application and evidence outlined in this rule.~~

Effective: 07/19/2012

R.C. 119.032 review dates: 05/02/2012 and 07/19/2017

CERTIFIED ELECTRONICALLY

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Certification

07/09/2012

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Date

Promulgated Under: 111.15  
Statutory Authority: 742.10  
Rule Amplifies: 742.37, 742.63  
Prior Effective Dates: 2/4/02 (Emer.), 4/26/02, 5/17/2007