

## §218.14

(C) The first day of the sixth month before the month in which the application is filed.

(ii) *Widow(er) over age 62 but under age 65.* The earliest date permitted by law is the latest of—

(A) The first day of the month in which the employee dies;

(B) The first day of the month in which the claimant attains age 62 and one month; or

(C) The first day of the month in which the application is filed.

(3) *Disability annuity.* The earliest date permitted by law is the latest of—

(i) The first day of the month in which the employee dies;

(ii) The first day of the month in which the claimant attains age 50;

(iii) The first day of the twelfth month before the month in which the application is filed; or

(iv) The first day of the sixth month after the month of disability onset.

(4) *“Child in care” annuity.* The earliest date permitted by law is the latest of—

(i) The first day of the month in which the employee dies;

(ii) The first day of the month in which the claimant becomes eligible for a widow(er) annuity based on having a “child in care” as explained in part 216 of this chapter; or

(iii) The first day of the sixth month before the month in which the application is filed.

### §218.14 When a child annuity begins.

(a) A child annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.

(b) *Earliest date permitted by law—(1) General rules.* The earliest date permitted by law is the later of—

(i) The first day of the month in which the employee dies; or

(ii) The first day of the month in which the claimant becomes eligible for a child annuity as explained in part 216 of this chapter.

(2) *Child age annuity.* The earliest date permitted by law is the later of—

(i) The month shown in paragraph (b)(1) of this section; or

(ii) The first day of the sixth month before the month in which the application is filed.

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(3) *Child annuity based on full-time school attendance.* The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the sixth month before the month in which the application is filed;

(iii) The first day of the month in which the claimant is in full-time school attendance at an elementary or secondary educational institution; or

(iv) The first day of the month in which the claimant attains age 18.

(4) *Child disability annuity.* The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

(ii) The first day of the sixth month before the month in which the application is filed;

(iii) The first day of the month in which the claimant meets the definition of disability as explained in part 220; or

(iv) The first day of the month in which the claimant attains age 18.

### §218.15 When a parent annuity begins.

A parent annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law. The earliest date permitted by law is the latest of—

(a) The first day of the month in which the employee dies;

(b) The first day of the month in which the claimant attains age 60; or

(c) The first day of the sixth month before the month in which the application is filed.

### §218.16 When a surviving divorced spouse annuity begins.

(a) A surviving divorced spouse annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.

(b) *Earliest date permitted by law—(1) General rules.* The earliest date permitted by law is the later of—

(i) The first day of the month in which the employee dies; or

(ii) The first day of the month in which the claimant becomes eligible for a surviving divorced spouse annuity as shown in part 216 of this chapter.

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(2) *Full-age annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the month in which the claimant attains age 65; or
- (iii) The first day of the sixth month before the month in which the application is filed.

(3) *Reduced age annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the month in which the claimant attains age 60; or
- (iii) The first day of the month in which the application is filed or the first day of the month preceding the month in which the application is filed if the employee died in that preceding month.

(4) *Disability annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the month in which the claimant attains age 50;
- (iii) The first day of the twelfth month before the month in which the application is filed; or
- (iv) The first day of the sixth month after the month of disability onset.

(5) *“Child in care” annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section; or
- (ii) The first day of the sixth month before the month in which the application is filed.

### § 218.17 When a remarried widow(er) annuity begins.

(a) A remarried widow(er) annuity begins on the later of either the date chosen by the applicant or the earliest date permitted by law.

(b) *Earliest date permitted by law*—(1) *General rules*. The earliest date permitted by law is the later of—

- (i) The first day of the month in which the employee dies; or
- (ii) The first day of the month in which the claimant becomes eligible for a remarried widow(er) annuity as shown in part 216 of this chapter.

(2) *Full-age annuity*. The earliest date permitted by law is the latest of—

(i) The month shown in paragraph (b)(1) of this section;

- (ii) The first day of the month in which the claimant attains age 65; or
- (iii) The first day of the sixth month before the month in which the application is filed.

(3) *Reduced-age annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the month in which the claimant attains age 60; or
- (iii) The first day of the month in which the application is filed or the first day of the month preceding the month in which the application is filed if the employee died in that preceding month.

(4) *Disability annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section;
- (ii) The first day of the month in which the claimant attains age 50;
- (iii) The first day of the twelfth month before the month in which the application is filed; or
- (iv) The first day of the sixth month after the month of disability onset.

(5) *“Child in care” annuity*. The earliest date permitted by law is the latest of—

- (i) The month shown in paragraph (b)(1) of this section; or
- (ii) The first day of the sixth month before the month in which the application is filed.

### Subpart C—How Work and Special Payments Affect an Employee, Spouse, or Divorced Spouse Annuity Beginning Date

#### § 218.25 Introduction.

The rules in this subpart apply only to an employee, spouse, divorced spouse, and supplemental annuity. They do not apply to any type of survivor annuity.

#### § 218.26 Work started after annuity beginning date.

(a) *General*. An annuity can begin only after an employee, spouse, or divorced spouse stops any work for a railroad employer. However, if the employee, spouse or divorced spouse