

§218.44

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(6) The last day of the month before the month in which the surviving divorced spouse attains age 65 (the annuitant then becomes entitled to an annuity based upon age).

§218.44 When a remarried widow(er) annuity ends.

(a) *Entitlement based on age.* When the remarried widow(er) annuity is based on age, the annuity ends with the earliest of the last day of the month before the month in which the remarried widow(er)—

- (1) Dies;
- (2) Becomes entitled to an old age benefit under the Social Security Act that is equal to or larger than the amount of the full remarried widow(er) annuity before reduction for age or the family maximum (see part 228 of this chapter); or
- (3) Becomes entitled to a spouse or survivor annuity in a larger amount, unless he or she elects to be paid the smaller annuity.

(b) *Entitlement based on disability.* When the remarried widow(er) annuity is based on disability, the annuity ends with the earliest of—

- (1) The last day of the month shown in paragraph (a) of this section;
- (2) The last day of the second month following the month in which the disability ends; or
- (3) The last day of the month before the month in which the remarried widow(er) attains age 65 (the disability annuitant then becomes entitled to an annuity based upon age).

(c) *Entitlement based on “child in care.”* When the remarried widow(er) annuity is based on having a “child in care,” as explained in part 216 of this chapter, the annuity ends as shown in this paragraph unless the remarried widow(er) is at least age 60. In that case, the remarried widow(er) annuity based on having a “child in care” is changed to an annuity based on age. If the remarried widow(er) is not entitled to an annuity based on age, the remarried widow(er) annuity based on having a “child in care” ends with the earliest of—

- (1) The last day of the month shown in paragraph (a) of this section;
- (2) The last day of the month before the month in which the child is no

longer in the remarried widow(er)’s care, as explained in part 216 of this chapter (in this case entitlement to the annuity does not terminate but no annuity is payable while the child is no longer in care);

- (3) The last day of the month before the month in which the child attains age 16, unless the child is disabled;
- (4) The last day of the month before the month in which the remarried widow(er) remarries unless the marriage is to an individual entitled to a retirement, disability, widow(er)’s, father’s/mother’s, parent’s or child’s disability benefit under the Railroad Retirement Act or Social Security Act;
- (5) The last day of the second month after the month in which the child’s disability ends, if the child is over age 16; or
- (6) The last day of the month before the month in which the remarried widow attains age 65 (the annuitant then becomes entitled to an annuity based upon age).

PART 219—EVIDENCE REQUIRED FOR PAYMENT

Subpart A—General Evidence Requirements

- Sec.
- 219.1 Introduction.
- 219.2 Definitions.
- 219.3 When evidence is required.
- 219.4 Who is responsible for furnishing evidence.
- 219.5 Where and how to provide evidence.
- 219.6 Records as evidence.
- 219.7 How the Board decides what is convincing evidence.
- 219.8 Preferred evidence and other evidence.
- 219.9 Evidence, information, and records filed with the Board.

Subpart B—Evidence of Age and Death

- 219.20 When evidence of age is required.
- 219.21 Types of evidence to prove age.
- 219.22 When evidence of death is required.
- 219.23 Evidence to prove death.
- 219.24 Evidence of presumed death.

Subpart C—Evidence of Relationship

- 219.30 When evidence of marriage is required.
- 219.31 Evidence of a valid ceremonial marriage.
- 219.32 Evidence of a common-law marriage.
- 219.33 Evidence of a deemed valid marriage.