

742-3-16

Survivor-Interim 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 a properly completed ~~survivor pension~~ application for survivor benefits on a form provided by OP&F and the required documents referenced therein and forms required by this rule, subject to the terms and conditions set forth in this rule. In no event shall interim survivor benefit payments be made for more than ninety days.
- (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");~~ provided that there is a valid marriage certificate on file. No interim survivor benefit payment will be paid without a valid marriage certificate on file.
 - (2) OP&F will send the surviving spouse an application for survivor benefits, a direct deposit application, tax withholding forms and, if applicable, health care stipend forms on forms provided by OP&F to the most recent address referenced in the member's record or the address provided to OP&F.
- (C) The surviving spouse shall submit the application for direct deposit to OP&F within sixty days of the issuance of the first interim survivor benefit payment. If a properly completed application for direct deposit is not received by the end of that sixty-day period, the payment of interim survivor benefits shall be suspended until the application is received by OP&F.
- ~~(D)~~ (D) The surviving spouse shall submit the application for survivor benefits to OP&F within ninety days of the issuance of the first interim survivor benefit payment. In the event a properly completed application for survivor benefits is received by OP&F on or before the expiration of the ninety-day 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. In the event a properly completed application for survivor benefits 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 a properly completed application is filed with OP&F on or before the expiration of the notice period. end of that ninety-day period, the payment of interim survivor benefits shall be suspended.

~~(D) In the event a 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~~ submit a properly completed application for survivor benefits on or before the expiration of the ~~notice~~ ninety-day 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; and 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 overpaid member benefit ~~paid~~ against the survivor benefits due the surviving spouse under division (D) of section 742.37 of the Revised Code and section 742.58 of the Revised Code, as necessary.

~~(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)~~(G) 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 for survivor benefits by eligible parties.

~~(K)~~(H) OP&F will reimburse the medicare part "B" premium to the surviving spouse according to the terms of division (B) of section 742.45 of the Revised Code and rule 742-7-09 of the Administrative Code.

Effective: 9/22/2024

Five Year Review (FYR) Dates: 4/21/2029

CERTIFIED ELECTRONICALLY

Certification

09/12/2024

Date

Promulgated Under: 111.15

Statutory Authority: 742.10

Rule Amplifies: 742.37, 742.58

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