Part 100 Chapter 35 Filing an Application for Monthly Benefits and Establishing an Effective Date of Retirement

100 Purpose

The purpose of the regulation is to prescribe 1) the forms and information necessary to file an application for monthly benefits, 2) the conditions under which an effective date of retirement is established, and 3) when changes in the option specified on the retirement application can and cannot be made.

101 Establishing the Effective Date of Retirement

1. Application for Service Retirement
   a. The effective date of service retirement shall be the first of the month following withdrawal or termination from service as defined under Miss. Code Ann. § 25-11-103 (aa) (1972, as amended) and receipt by PERS of the properly completed application for service retirement, provided that the member is eligible for service retirement benefits on said date.
   b. The Application consists of the
      i. Form 9A SRVC, Pre-Application for Service Retirement Benefits;
      ii. Form 9S, Service Retirement Application;
      iii. Form PLSO, Partial Lump Sum Option Distribution Election (if applicable), and
      iv. Acceptable proof of age for the applicant and for the beneficiary(ies), if selecting a joint and survivor option.
   c. Receipt of Form 9A SRVC, Pre-Application for Service Retirement Benefits, will be used in setting the effective date of retirement provided that all other forms in the Application as noted in Section 101.1.b of this Regulation are received in the PERS office no later than ninety (90) days following the effective date of retirement.
   d. All forms in the Application must be on file in the PERS office before benefit payments can be initiated.
   e. Failure to submit all required forms in the Application within ninety (90) days following the effective date of retirement, as established upon receipt of the Form 9A SRVC, will require the completion of a new Application thereby establishing a new effective date. The Executive Director may extend the ninety-day period for completing the application if the applicant can demonstrate that failure to complete the application or to provide the necessary information for the completion of the application was due to circumstances beyond his or her control.
   f. Where a vested member has withdrawn or terminated from service but is not eligible for retirement benefits at the time of withdrawal or termination from employment and has not returned to covered employment, he or she may at a later date become eligible for a service retirement allowance. The effective date of retirement will be the first of the month following the event that qualifies him or her for retirement, provided the member has not taken a refund of his or her contributions and interest and PERS has

received a properly completed application as noted in Section 101.1.b of this Regulation. Such events include:

(ii) reaching the statutory age at which a member with the requisite minimum number of years of membership service is eligible for a retirement allowance; or

(ii) completion of the purchase of eligible service credit or repayment of a refund which gives the member the requisite years of creditable service necessary to qualify for a retirement allowance regardless of age.

2. Application for Disability Retirement

a. The effective date of disability retirement shall be the first of the month after the later of either 1) receipt of a completed application, or 2) actual termination from covered employment as certified by the employer.

b. The Application consists of the

(i) Form 9A DSBL, Application for Retirement Benefits;

(ii) Form 6, Disability Retirement Application;

(iii) Form 8, Medical Information Form;

(iv) Form 7, Statement of Examining Physician, for each physician listed on the Form 8;

(v) Physicians' office records and hospital records for each referenced treatment listed on the Form 8;

(vi) Workers' Compensation Report of Injury if applying for Duty-Related Disability;

(vii) PERS Form 6B, Employer's Certification of Job Requirements;

(viii) PERS Form 6C, Authorization for Release of Information;

(ix) Form P, Retiree Payroll Authorization;

(x) Form 9F, Family Information;

(xi) Form MPAC (Monthly Payment of Accumulated Contributions), if applicable; and

(xii) Acceptable proof of age for the applicant and for the beneficiary(ies), if selecting a joint and survivor option.

d. Receipt of the Form 9A DSBL, Application for Retirement Benefits, will be used in setting the effective date of disability retirement, provided that all other forms in the Application as noted in Section 101.2.b of this Regulation are received in the PERS office no later than ninety (90) days following the effective date of retirement.

Provided the member files all forms required in Section 101.1.b.ii. through iv. of this Regulation within 90 days of the effective date established by the filing of the Form 9A DSBL, Application for Retirement Benefits, the Form 9A DSBL will also be used in setting the effective date for service retirement in the following situations:

(i) a member who is eligible for service retirement but elects not to receive service retirement benefits while pursuing disability benefits and who

a. is later denied disability benefits, or

b. withdraws the application for disability benefits, or

(ii) a member whose application for disability retirement is voided pursuant to Section 101.2.e of this Regulation.

d. All forms in the Application must be on file in the PERS office before the claim is presented to the PERS Medical Board and before disability benefit payments can be initiated. Where a member filing for disability benefits is also eligible for service retirement benefits as provided in Miss. Code Ann. § 25-11-113 (c) (1972, as amended) and Board Regulation 45A, Section 102.3, Forms 9A DSBL and 6S, along with applicable acceptable proof of age, must be received before service retirement benefits can begin.

e. Failure to submit all required forms in the Application within ninety (90) days following the effective date of retirement as established upon receipt of the Form 9A DSBL will require the completion of a new Application thereby establishing a new effective date. The Executive Director may extend the ninety-day period for completing the application if the applicant can demonstrate that failure to complete the application or to provide the necessary information for the completion of the application was due to circumstances beyond his or her control.

f. After the application is made and disability benefits initiated, an applicant may not change the type of disability claim (i.e., he or she may not change the application from a claim for non-duty related disability benefits to a claim for duty-related disability benefits.)

g. After a member begins to receive a service retirement allowance, he or she may not apply for a disability retirement allowance.

h. Primary proof of an applicant's child as a dependent child for purposes of the dependent child supplement under the Tiered Disability Plan is the birth certificate of the child with the member listed as the mother or father, as applicable. In the absence of a birth certificate listing the member as a parent, proof must be provided that the member is the lawful guardian or primary custodian of the child. Such proof might include a court order granting guardianship or recent tax returns showing that the member claims the child as his or her dependent.

3. Application for Survivor Benefits

a. The effective date of survivor retirement benefits is the first of the month after date of the member's death and receipt of a completed application for survivor benefits. In the case where the application for survivor benefits is received within one (1) year following the member's date of death, the effective date of retirement is the first of the month after the member's date of death as certified on the death certificate, provided that all forms in the Application as noted in Section 101.3.c of this Regulation are received in the PERS office no later than ninety (90) days following receipt of the Form 9A, Pre-Application for Survivor Retirement Benefits. In the case where the application for survivor benefits is received more than one (1)

year after the member's date of death, the effective date of retirement is the first of the month following receipt of the Form 9A SRVR retroactive for not more than one (1) year.

b. All applicable forms noted in Section 101.3.c of this Regulation must be on file in the PERS office before benefit payments can be initiated.

c. The Application consists of Form 9A SRVR, Pre-Application for Survivor Retirement Benefits; Workers' Compensation Injury Report, if applying for duty-related death benefits; acceptable proof of age for the member, spouse and dependent children; Marriage Certificate; Death Certificate; school attendance records, if dependent children are between the ages of 19 and 23; Form 14, Final Application for Spouse Survivor Retirement Benefits; and/or Form 15, Final Application for Dependent Child Survivor Retirement Benefits. If someone other than a natural parent makes application for dependent child survivor benefits on behalf of the child, adoption papers, guardianship papers, or proof of representative payee status with the Social Security Administration or PERS will also be required.

d. Primary proof of an applicant's status as a dependent child is the birth certificate of the child with the deceased member listed as the mother or father, as applicable. In the absence of a birth certificate listing the deceased member as a parent, proof must be provided that the deceased member was the lawful guardian or primary custodian of the child. Such proof might include a court order granting guardianship or recent tax returns showing that the member claimed the child as his or her dependent.

4. Advanced Application

a. After a member of the Public Employees' Retirement System (PERS), the Supplemental Legislative Retirement Plan (SLRP), or the Mississippi Highway Safety Patrol Retirement System (MHSPRS) becomes eligible to retire or after a previously retired PERS or SLRP member cancels his or her service retirement and has returned to covered employment and completed the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), he or she may file a Form 16, Advanced Application, with PERS.

d The Form 16 allows the member to pre-select an option and designate a beneficiary to receive payments of monthly benefits in the event the member dies prior to retirement.

d To be effective, the Form 16 must be on file in the PERS office at 429 Mississippi St., Jackson, Mississippi 39201 at the time of the member's death prior to retirement.

d In the event of the member's death prior to the actual effective date of retirement, benefits based on a Form 16 on file with PERS will become effective the first of the month following the member's death.

5. Effect of Death on Service Retirement Application

a. If a member dies before the effective date of retirement and has a valid Advanced Application on file with PERS, benefits will be paid in accordance with the Advanced Application. If a member dies before retirement and has no valid Advanced Application on file, benefits will be paid in accordance with the applicable law.

b. If a member dies on or after the effective date of retirement but before benefits have begun and he or she has a completed Form 9A SRVC and Form 9S on file with PERS, benefits will be paid in accordance with the Form 9A SRVC and Form 9S. If both forms are not on file with PERS at the time of the member's death and before benefits have begun, the application will be considered void and benefits paid in accordance with the applicable law.

c. If a member of PERS or SLRP dies after having canceled his or her service retirement but before completing the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), benefits will be paid to the lawfully designated beneficiary(ies) in accordance with the optional benefit payment plan in effect immediately prior to the cancellation of the service retirement allowance.

d. If a member of PERS or SLRP dies with a valid Advanced Application on file with PERS after having canceled his or her service retirement and after having completed the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), benefits will be paid in accordance with the Advanced Application. If a member of PERS or SLRP dies without an Advanced Application on file with PERS after having canceled his or her service retirement and after having completed the requisite reemployment period for recalculation of benefits, benefits will be paid in accordance with the applicable law irrespective of any previous optional benefit payment plan selection.

6. Effect of Death on Disability Retirement Application

a. If a vested member who has filed a claim for disability benefits dies prior to the review and determination of his or her claim by the PERS Medical Board, his or her beneficiary or beneficiaries shall be eligible for death benefits in the form of spouse/survivor benefits or a refund of contributions, unless a Form 16 has been completed by the member prior to death and is on file with PERS.

b. If a vested member who has filed a claim for disability benefits dies after his or her claim has been approved by the PERS Medical Board but before his or her effective date of disability retirement, his or her beneficiary or beneficiaries shall be eligible for death benefits in the form of spouse/survivor benefits or a refund of contributions, unless a Form 16 has been completed by the member prior to death and is on file with PERS.

c. If a vested member who has filed a claim for disability benefits dies after his or her claim has been approved by the PERS Medical Board and on or after the effective date of disability retirement but before benefits have begun, his or her beneficiary or beneficiaries shall be entitled to benefits in

accordance with the option selected by the member on the disability retirement application.

7. **Acceptable Proof of Age**
   a. The primary proof of age is the applicant's birth certificate.
   b. Any document that requires a birth certificate prior to issuance would also be considered a primary proof of age, such as a copy of the applicant's:
      (i) passport;
      (ii) valid driver license;
      (iii) Social Security records, if the applicant is already receiving Social Security benefits; or
      (iv) school census record showing the applicant's age when attending as a student.
   c. If an applicant applied for a copy of his or her birth certificate and was advised by the Office of Vital Statistics that his or her birth certificate is not available, the following, listed in the order of preference, may be acceptable as alternative proof of the applicant's age:
      (i) his or her child's birth certificate that shows the applicant's age at the time of the child's birth;
      (ii) his or her Department of Defense Form DD214 from the United States Armed Forces;
      (iii) a statement from the Social Security Administration showing the applicant's date of birth as established in their records;
      (iv) a copy of his or her voter registration form, provided the form is at least five years old and shows the applicant's age at the time of registration;
      (v) a statement from the United States Bureau of Census showing the applicant's date of birth as established in their records; or
      (vi) a copy of his or her baptismal record notarized by a Notary Public.

102 Withdrawal from Service or Termination from Service

Section 25-11-103 (aa) defines "withdrawal from service" or "termination from service" as the complete severance of employment from state service of an employee by resignation, dismissal, or discharge.

For purposes of setting the effective date of retirement, withdrawal from service or termination from service shall mean the cessation of the employee-employer relationship as characterized by resignation or termination from employment, with or without cause. While a member may not be performing the duties of the job, if the member has not resigned or been terminated from employment by the employer, the member is still considered employed. Where the member is on authorized leave without pay or administrative leave or is receiving Workers' Compensation benefits, such member is considered an employee and thus not terminated from employment for purposes of setting the benefit effective date.

103 Changing the Optional Benefit Payment Plan before Receipt of a Retirement Benefit

No change in the option selected shall be permitted after the member's death or after the member has received a retirement benefit except as provided in Section 104. For purposes of this regulation, "receipt of a retirement benefit" means negotiating or cashing a benefit payment. Except as specifically provided by law, a member may not change an option after ninety (90) days from the date the first benefit payment is issued even if such payment is not negotiated or cashed.

104 Changing the Optional Benefit Payment Plan after Receipt of a Benefit Payment

1. The option selected on the Service Retirement, Disability, or Survivor Application may not be changed after receipt of a benefit payment except as provided below or otherwise provided by law.

a. A retired member who is receiving a reduced retirement allowance under Option 2, Option 4, or Option 4-A and whose designated beneficiary predeceases him or her, or whose marriage to a spouse who is his/her designated beneficiary is terminated by divorce or other dissolution may elect to cancel his or her reduced retirement allowance and receive the maximum retirement allowance for life in an amount equal to the amount that would have been payable if the member had not elected Option 2, Option 4, or Option 4-A. That election must be made in writing and filed in the PERS office on Form R, Application for Recalculation of Benefits. Any such election shall be effective the first of the month following the date the election is received by PERS, provided that all other required documents are received in the PERS office no later than ninety (90) days following the receipt of the Form R. However, the election to pop-up to the maximum retirement allowance after the death of a retired member's designated beneficiary may be applied retroactively for not more than three (3) months, but no earlier than the first of the month following the date of the death of the beneficiary.

b. A retired member who is receiving the maximum retirement allowance for life or a retirement allowance under Option 1 and who marries after his or her retirement may elect to cancel his/her maximum retirement allowance and receive a reduced retirement allowance under Option 2, Option 4, or Option 4-A to provide continuing lifetime benefits to his or her spouse. That election must be made in writing and filed in the PERS office on Form R, Application for Recalculation of Benefits, no earlier than the date of the marriage. Any such election shall be effective the first of the month following the date the election is received by PERS, provided that all other required documents are received in the PERS office no later than ninety (90) days following the receipt of the Form R.

c. A retired member of PERS or SLRP who is reemployed and becomes a contributing member for a period of time that exceeds six (6) calendar months may have his or her benefit recomputed under the same or a different option as provided in Section 108 of Regulation 34.

105 Effect of Pending Service Credit Transactions on Qualification for a Benefit and on the Effective Date of Benefits

1. The right of a member to repay a refund, to purchase service credit, or to pay an adjustment for unreported wages or service credit belongs only to the member and ceases with the member's death or retirement.
2. A member who wishes to repay a refund to establish previously forfeited service credit must do so before his or her death or before his or her effective date of retirement. Where a member is in the process of repaying any part of a refund, the effective date of retirement cannot be established until the payment is received by PERS.
3. The payment of an adjustment for unreported income and/or service credit based on unreported wages and/or service or for the purchase of optional service credit must be completed prior to the death or the effective date of retirement of the member. If a member is in the process of purchasing service credit based on a reporting error adjustment or purchasing optional service credit at the time of retirement, the effective date of retirement cannot be established until the purchase is completed.
4. The payment for any adjustment for underreported income which is required to award or retain service credit must be completed prior to the death or effective date of retirement of the member. If a member is in the process of paying contributions and interest at the time of retirement due to an underreporting of earnings, the effective date of retirement cannot be established until the purchase is completed. However, in the case of elected fee officials, benefits can be initiated prior to the complete reporting of the final year's wages and contributions. If, however, full contributions are not remitted to PERS within ninety (90) days following the due date of the fee official's final annual financial report as prescribed by law, PERS may suspend benefits until such time as all contributions and interest, if any, due are made.
5. All rights to purchase retroactive service credit or repay a refund as provided in Miss. Code Ann. § 25-11-101 et seq. (1972, as amended) terminate upon retirement. Likewise, the right of a member to make a claim for service credit for prior service, service credit attributable to unused personal (vacation) and major medical (sick) leave days, military service, out-of-state service, service credit for professional leave, and non-covered service as provided in Miss. Code Ann. § 25-11-109 (1972, as amended) ceases with the member's retirement. Any member who wishes to make a claim for service credit attributable to the above types of service must do so before his or her effective date of retirement. The Executive Director may extend the period for claiming service credit attributable to unused personal (vacation), major medical (sick) leave days, or active duty military service if the applicant can demonstrate that failure to provide the necessary information for the calculation of applicable service credit was due to circumstances beyond the member's control.

106 Non-payment of Interest

In accordance with Miss. Code Ann. § 25-11-120(4) (1972, as amended), interest shall not be paid on any benefits, including, but not limited to, benefits that are delayed as a result of an administrative determination or an appeal from an administrative determination.

(History: Adopted November 17, 1971; amended June 21, 2005, to be effective August 1, 2005; reformatted August 1, 2007; amended July 1, 2008; amended effective July 1, 2009; amended effective August 1, 2011)

Part 100 Chapter 35 Filing an Application for Monthly Benefits and Establishing an Effective Date of Retirement

100 Purpose

The purpose of the regulation is to prescribe 1) the forms and information necessary to file an application for monthly benefits, 2) the conditions under which an effective date of retirement is established, and 3) when changes in the option specified on the retirement application can and cannot be made.

101 Establishing the Effective Date of Retirement

1. Application for Service Retirement

a. The effective date of service retirement shall be the first of the month following withdrawal or termination from service as defined under Miss. Code Ann. § 25-11-103 (aa) (1972, as amended) and receipt by PERS of the properly completed application for service retirement, provided that the member is eligible for service retirement benefits on said date.

b. The Application consists of the

i. Form 9A SRVC, Pre-Application for Service Retirement Benefits;

ii. Form 9S, ~~Final Application for~~ Service Retirement Application ~~Benefits~~;

iii. Form PLSO, Partial Lump Sum Option Distribution Election (if applicable), and

iv. Acceptable proof~~s~~ of ~~birth of~~age for the applicant and for the beneficiary(ies), if selecting a joint and survivor option.

c. Receipt of Form 9A SRVC, Pre-Application for Service Retirement Benefits, will be used in setting the effective date of retirement provided that all other forms in the Application ~~Packet~~ as noted ~~above~~in Section 101.1.b of this Regulation are received in the PERS office no later than ninety (90) days following the effective date of retirement.

d. All forms in the Application must be on file in the PERS office before benefit payments can be initiated.

e. Failure to submit all required forms in the Application within ninety (90) days following the effective date of retirement, as established upon receipt of the Form 9A SRVC, will require the completion of a new Application thereby establishing a new effective date. The Executive Director may extend the ninety-day period for completing the application if the applicant can demonstrate that failure to complete the application or to provide the necessary information for the completion of the application was due to circumstances beyond his or her control.

f. Where a vested member has withdrawn or terminated from service but is not eligible for retirement benefits at the time of withdrawal or termination from employment and has not returned to covered employment, he or she may at a later date become eligible for a service retirement allowance. The effective date of retirement will be the first of the month following the event that qualifies him or her for retirement, provided the member has not taken a refund of his or her contributions and interest and PERS has

received a properly completed application as noted ~~above~~in Section 101.1.b of this Regulation. Such events include:

(i) reaching the statutory age at which a member with the requisite minimum number of years of membership service is eligible for a retirement allowance; or

(ii) completion of the purchase of eligible service credit or repayment of a refund which gives the member the requisite years of creditable service necessary to qualify for a retirement allowance regardless of age.

2. Application for Disability Retirement

a. The effective date of disability retirement shall be the first of the month after the later of either 1) receipt of a completed application, or 2) actual termination from covered employment as certified by the employer.

b. The Application consists of the

(i) Form 9A DSBL, Application for Retirement Benefits;

(ii) Form 6, Disability Retirement Application ~~Benefit Payment Selection~~;

(iii) Form 8, Medical Information Form;

(iv) Form 7, Statement of Examining Physician, for each physician listed on the Form 8;

(v) Physicians' office records and hospital records for each referenced treatment listed on the Form 8;

(vi) Workers' Compensation Report of Injury if applying for Duty-Related Disability;

(vii) PERS Form 6B, Employer's Certification of Job Requirements;

(viii) PERS Form 6C, Authorization for Release of Information;

(ix) Form P, Retiree Payroll Authorization;

(x) Form 9F, Family Information;

~~**(xi)** Form 6S, Special Service Retirement Benefit Payment While Pursuing Disability Selection (if applicable);~~

(xi~~i~~) Form MPAC (Monthly Payment of Accumulated Contributions), if applicable; and

(xii~~i~~) Acceptable proof~~s~~ of ~~birth~~age for the applicant and for the beneficiary(ies), if selecting a joint and survivor option.

c. Receipt of the Form 9A DSBL, Application for Retirement Benefits, will be used in setting the effective date of disability retirement, provided that all other forms in the Application as noted ~~above~~in Section 101.2.b of this Regulation are received in the PERS office no later than ninety (90) days following the effective date of retirement.

Provided the member files all forms required in Section 101.1.b.ii. through iv. of this Regulation within 90 days of the effective date established by the filing of the Form 9A DSBL, Application for Retirement Benefits, the Form 9A DSBL will also be used in setting the effective date for service retirement in the following situations:

(i) a member who is eligible for service retirement but elects not to receive service retirement benefits while pursuing disability benefits and who

a. is later denied disability benefits, or

b. withdraws the application for disability benefits, or

(ii) a member whose application for disability retirement is voided pursuant to Section 101.2.e of this Regulation.

d. All forms in the Application must be on file in the PERS office before the claim is presented to the PERS Medical Board and before disability benefit payments can be initiated. Where a member filing for disability benefits is also eligible for service retirement benefits as provided in Miss. Code Ann. § 25-11-113 (c) (1972, as amended) and Board Regulation 45A, Section 102.3, Forms 9A DSBL and 6~~S~~, along with applicable acceptable proof~~s~~ of ~~birth~~age, must be received before service retirement benefits can begin.

e. Failure to submit all required forms in the Application within ninety (90) days following the effective date of retirement as established upon receipt of the Form 9A DSBL will require the completion of a new Application ~~Packet~~ thereby establishing a new effective date. The Executive Director may extend the ninety-day period for completing the application if the applicant can demonstrate that failure to complete the application or to provide the necessary information for the completion of the application was due to circumstances beyond his or her control.

f. After the application is made and disability benefits initiated, an applicant may not change the type of disability claim (i.e., he or she may not change the application from a claim for ~~regular~~non-duty related disability benefits to a claim for duty-related disability benefits.)

g. After a member begins to receive a service retirement allowance, he or she may not apply for a disability retirement allowance.

h. Primary proof of an applicant's child as a dependent child for purposes of the dependent child supplement under the Tiered Disability Plan is the birth certificate of the child with the member listed as the mother or father, as applicable. In the absence of a birth certificate listing the member as a parent, proof must be provided that the member is the lawful guardian or primary custodian of the child. Such proof might include a court order granting guardianship or recent tax returns showing that the member claims the child as his or her dependent.

3. Application for Survivor Benefits

a. The effective date of survivor retirement benefits is the first of the month after date of the member's death and receipt of a completed application for survivor benefits. In the case where the application for survivor benefits is received within one (1) year following the member's date of death, the effective date of retirement is the first of the month after the member's date of death as certified on the death certificate, provided that all forms in the Application as noted ~~below~~in Section 101.3.c of this Regulation are

received in the PERS office no later than ninety (90) days following receipt of the Form 9A, Pre-Application for Survivor Retirement Benefits. In the case where the application for survivor benefits is received more than one (1) year after the member's date of death, the effective date of retirement is the first of the month following receipt of the Form 9A SRVR retroactive for not more than one (1) year.

b. All applicable forms noted ~~below~~in Section 101.3.c of this Regulation must be on file in the PERS office before benefit payments can be initiated.

c. The Application consists of Form 9A SRVR, Pre-Application for Survivor Retirement Benefits; Workers' Compensation Injury Report, if applying for duty-related death benefits; acceptable proof~~s~~ of ~~births~~age for the member, spouse and dependent children; Marriage ~~License~~Certificate; Death Certificate; school attendance records, if dependent children are between the ages of 19 and 23; Form 14, Final Application for Spouse Survivor Retirement Benefits; and/or Form 15, Final Application for Dependent Child Survivor Retirement Benefits. If someone other than a natural parent makes application for dependent child survivor benefits on behalf of the child, adoption papers, guardianship papers, or proof of representative payee status with the Social Security Administration or PERS will also be required.

d. Primary proof of an applicant's status as a dependent child is the birth certificate of the child with the deceased member listed as the mother or father, as applicable. In the absence of a birth certificate listing the deceased member as a parent, proof must be provided that the deceased member was the lawful guardian or primary custodian of the child. Such proof might include a court order granting guardianship or recent tax returns showing that the member claimed the child as his or her dependent.

4. Advanced Application

a. After a member of the Public Employees' Retirement System (PERS), the Supplemental Legislative Retirement Plan (SLRP), or the Mississippi Highway Safety Patrol Retirement System (MHSPRS) becomes eligible to retire or after a previously retired PERS or SLRP member cancels his or her service retirement and has returned to covered employment and completed the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), he or she may file a Form 16, Advanced Application, with PERS.

b. The Form 16~~, Advanced Application,~~ allows the member to pre-select an option and designate a beneficiary to receive payments of monthly benefits in the event the member dies prior to retirement.

c. To be effective, the Form 16~~, Advanced Application,~~ must be on file in the PERS office at 429 Mississippi St., Jackson, Mississippi 39201 at the time of the member's death prior to retirement.

d. In the event of the member's death prior to the actual effective date of retirement, benefits based on a Form 16~~, Advanced Application,~~ on file with PERS will become effective the first of the month following the member's death.

5. Effect of Death on Service Retirement Application

a. If a member dies before the effective date of retirement and has a valid Advanced Application on file with PERS, benefits will be paid in accordance with the Advanced Application. If a member dies before retirement and has no valid Advanced Application on file, benefits will be paid in accordance with the applicable law.

b. If a member dies on or after the effective date of retirement but before benefits have begun and he or she has a completed Form 9A SRVC and Form 9S on file with PERS, benefits will be paid in accordance with the Form 9A SRVC and Form 9S. If both forms are not on file with PERS at the time of the member's death and before benefits have begun, the application will be considered void and benefits paid in accordance with the applicable law.

c. If a member of PERS or SLRP dies after having canceled his or her service retirement but before completing the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), benefits will be paid to the lawfully designated beneficiary(ies) in accordance with the optional benefit payment plan in effect immediately prior to the cancellation of the service retirement allowance.

d. If a member of PERS or SLRP dies with a valid Advanced Application on file with PERS after having canceled his or her service retirement and after having completed the requisite reemployment period for recalculation of benefits (i.e., in excess of six calendar months), benefits will be paid in accordance with the Advanced Application. If a member of PERS or SLRP dies without an Advanced Application on file with PERS after having canceled his or her service retirement and after having completed the requisite reemployment period for recalculation of benefits, benefits will be paid in accordance with the applicable law irrespective of any previous optional benefit payment plan selection.

6. Effect of Death on Disability Retirement Application

a. If a vested member who has filed a claim for disability benefits dies prior to the review and determination of his or her claim by the PERS Medical Board, his or her beneficiary or beneficiaries shall be eligible for death benefits in the form of spouse/survivor benefits or a refund of contributions, unless a Form 16 has been completed by the member prior to death and is on file with PERS.

b. If a vested member who has filed a claim for disability benefits dies after his or her claim has been approved by the PERS Medical Board but before his or her effective date of disability retirement, his or her beneficiary or beneficiaries shall be eligible for death benefits in the form of

spouse/survivor benefits or a refund of contributions, unless a Form 16 has been completed by the member prior to death and is on file with PERS.

c. If a vested member who has filed a claim for disability benefits dies after his or her claim has been approved by the PERS Medical Board and on or after the effective date of disability retirement but before benefits have begun, his or her beneficiary or beneficiaries shall be entitled to benefits in accordance with the option selected by the member on the disability retirement application.

7. Acceptable Proof of Age

a. The primary proof of age is the applicant's birth certificate.

b. Any document that requires a birth certificate prior to issuance would also be considered a primary proof of age, such as a copy of the applicant's:

(i) passport;

(ii) valid driver license;

(iii) Social Security records, if the applicant is already receiving Social Security benefits; or

(iv) school census record showing the applicant's age when attending as a student.

c. If an applicant applied for a copy of his or her birth certificate and was advised by the Office of Vital Statistics that his or her birth certificate is not available, the following, listed in the order of preference, may be acceptable as alternative proof of the applicant's age:

(i) his or her child's birth certificate that shows the applicant's age at the time of the child's birth;

(ii) his or her Department of Defense Form DD214 from the United States Armed Forces;

(iii) a statement from the Social Security Administration showing the applicant's date of birth as established in their records;

(iv) a copy of his or her voter registration form, provided the form is at least five years old and shows the applicant's age at the time of registration;

(v) a statement from the United States Bureau of Census showing the applicant's date of birth as established in their records; or

(vi) a copy of his or her baptismal record notarized by a Notary Public.

102 Withdrawal from Service or Termination from Service

Section 25-11-103 (aa) defines "withdrawal from service" or "termination from service" as the complete severance of employment from state service of an employee by resignation, dismissal, or discharge.

For purposes of setting the effective date of retirement, withdrawal from service or termination from service shall mean the cessation of the employee-employer relationship as characterized by resignation or termination from employment, with or without cause. While a member may not be performing the duties of the job, if the member has not resigned or been terminated from employment by the employer, the member is still

considered employed. Where the member is on authorized leave without pay or administrative leave or is receiving Workers' Compensation benefits, such member is considered an employee and thus not terminated from employment for purposes of setting the benefit effective date.

103 Changing the Optional Benefit Payment Plan before Receipt of a Retirement Benefit
No change in the option selected shall be permitted after the member's death or after the member has received a retirement benefit except as provided in Section 104. For purposes of this regulation, "receipt of a retirement benefit" means negotiating or cashing a benefit payment. Except as specifically provided by law, a member may not change an option after ninety (90) days from the date the first benefit payment is issued even if such payment is not negotiated or cashed.

104 Changing the Optional Benefit Payment Plan after Receipt of a Benefit Payment

1. The option selected on the Service Retirement, Disability, or Survivor Application may not be changed after receipt of a benefit payment except as provided below or otherwise provided by law.

a. A retired member who is receiving a reduced retirement allowance under Option 2, Option 4, or Option 4-A and whose designated beneficiary predeceases him or her, or whose marriage to a spouse who is his/her designated beneficiary is terminated by divorce or other dissolution may elect to cancel his or her reduced retirement allowance and receive the maximum retirement allowance for life in an amount equal to the amount that would have been payable if the member had not elected Option 2, Option 4, or Option 4-A. That election must be made in writing and filed in the PERS office on Form R, Application for Recalculation of Benefits. Any such election shall be effective the first of the month following the date the election is received by PERS, provided that all other required documents are received in the PERS office no later than ninety (90) days following the receipt of the Form R. However, the election to pop-up to the maximum retirement allowance after the death of a retired member's designated beneficiary may be applied retroactively for not more than three (3) months, but no earlier than the first of the month following the date of the death of the beneficiary.

b. A retired member who is receiving the maximum retirement allowance for life or a retirement allowance under Option 1 and who marries after his or her retirement may elect to cancel his/her maximum retirement allowance and receive a reduced retirement allowance under Option 2, Option 4, or Option 4-A to provide continuing lifetime benefits to his or her spouse. That election must be made in writing and filed in the PERS office on Form R, Application for Recalculation of Benefits, no earlier than the date of the marriage. Any such election shall be effective the first of the month following the date the election is received by PERS, provided that all other required documents are received in the PERS office no later than ninety (90) days following the receipt of the Form R.

c. A retired member of PERS or SLRP who is reemployed and becomes a contributing member for a period of time that exceeds six (6) calendar months may have his or her benefit recomputed under the same or a different option as provided in Section 109~~8~~ of Regulation 34.

105 Effect of Pending Service Credit Transactions on Qualification for a Benefit and on the Effective Date of Benefits

1. The right of a member to repay a refund, to purchase service credit, or to pay an adjustment for unreported wages or service credit belongs only to the member and ceases with the member's death or retirement.
2. A member who wishes to repay a refund to establish previously forfeited service credit must do so before his or her death or before his or her effective date of retirement. Where a member is in the process of repaying any part of a refund, the effective date of retirement cannot be established until the payment is received by PERS.
3. The payment of an adjustment for unreported income and/or service credit based on unreported wages and/or service or for the purchase of optional service credit must be completed prior to the death or the effective date of retirement of the member. If a member is in the process of purchasing service credit based on a reporting error adjustment or purchasing optional service credit at the time of retirement, the effective date of retirement cannot be established until the purchase is completed.
4. The payment for any adjustment for underreported income which is required to award or retain service credit must be completed prior to the death or effective date of retirement of the member. If a member is in the process of paying contributions and interest at the time of retirement due to an underreporting of earnings, the effective date of retirement cannot be established until the purchase is completed. However, in the case of elected fee officials, benefits can be initiated prior to the complete reporting of the final year's wages and contributions. If, however, full contributions are not remitted to PERS within ninety (90) days following the due date of the fee official's final annual financial report as prescribed by law, PERS may suspend benefits until such time as all contributions and interest, if any, due are made.
5. All rights to purchase retroactive service credit or repay a refund as provided in Miss. Code Ann. § 25-11-101 et seq. (1972, as amended) terminate upon retirement. Likewise, the right of a member to make a claim for service credit for prior service, service credit attributable to unused personal (vacation) and major medical (sick) leave days, military service, out-of-state service, service credit for professional leave, and non-covered service as provided in Miss. Code Ann. § 25-11-109 (1972, as amended) ceases with the member's retirement. Any member who wishes to make a claim for service credit attributable to the above types of service must do so before his or her effective date of retirement. The Executive Director may extend the period for claiming service credit attributable to unused personal (vacation), major medical (sick) leave days, or active duty military service if the applicant can demonstrate that failure to provide the necessary

information for the calculation of applicable service credit was due to circumstances beyond the member's control.

106 Non-payment of Interest

~~There is no authority in the laws governing the administration of the defined benefit plans administered by the Board of Trustees of the Public Employees' Retirement System to pay interest on benefits from the effective date on which benefits are determined to be payable and the date on which such benefits are actually paid. Thus, in no case shall interest be paid on any benefits lawfully due but which have not been previously paid.~~ In accordance with Miss. Code Ann. § 25-11-120(4) (1972, as amended), interest shall not be paid on any benefits, including, but not limited to, benefits that are delayed as a result of an administrative determination or an appeal from an administrative determination.

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