

English

Les Livrets
Thématiques

Survivor's benefits

United Nations
Joint Staff Pension Fund

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Introduction

The United Nations Joint Staff Pension Fund (UNJSPF) Regulations and Rules govern the conditions of participation and the determination of entitlements derived from such participation.

The Regulations and Rules are numerous and complex, therefore the purpose of this booklet is to explain briefly the benefits payable to a participant's family upon his/her death in service or death after separation from service.

This booklet does not, however, attempt to deal with all aspects of any one benefit for it is impossible to foresee the circumstances of every individual case that may arise. Family members facing circumstances not covered by this booklet are therefore encouraged to consult the Fund Secretariat or the secretary of the Staff Pension Committee (SPC) of the organization for which the participant worked.

All the benefit amounts quoted in this booklet reflect their estimated value as of 1 April 2009 and are therefore subject to change. Furthermore, benefits are adjusted periodically for cost of living increases in accordance with the UNJSPF Pension Adjustment System (PAS). Information on the PAS can be found on the Fund's website (www.unjspf.org). Adjustments are normally undertaken once a year, in April, provided that the relevant consumer price index has moved at least 2% since the date of the last adjustment.

The information in this booklet is made available for the convenience of the UNJSPF beneficiaries. If there is an ambiguity, inconsistency or conflict between the information provided and the UNJSPF Regulations and Rules, any decisions will be based on the Regulations and Rules, and not on the information contained in this booklet.

Terms and acronyms used in this booklet

Participant: refers to an active staff member contributing to the Fund in accordance with articles 21 and 25 of the Regulations of the Fund.

Retiree: refers to a participant who has officially separated from the service of his/her employing organization and is entitled to a periodic benefit from the Fund.

Beneficiary: refers to a person entitled to a survivor's benefit (widow/widower, child, divorced surviving spouse, secondary dependant) or to a one-time payment from the Fund (e.g. a residual settlement).

Separation from service: refers to the act by which a participant ceases to be employed by a member organization of the UNJSPF otherwise than by death.

Surviving spouse: refers to a widow or widower who, under article 34 or 35 of the UNJSPF Regulations, would be entitled to a spousal benefit.

SPC: Staff Pension Committee of a member organization of the Fund.

UNJSPB: United Nations Joint Staff Pension Board.

UNJSPF: United Nations Joint Staff Pension Fund also referred to as "the Fund".

Family benefits provided by the fund

Surviving spouse's benefit *(Articles 34 and 35 of the Regulations)*

This benefit is payable 1) to the surviving spouse of a retiree who was entitled to a retirement, early retirement, deferred retirement or disability benefit, if the surviving spouse was married to the retiree at the date of separation from service and remained married to him/her until the date of death, or 2) to the surviving spouse of a participant who died in service, if the surviving spouse was married to the participant at the date of death in service.

Under what circumstances is a surviving spouse's benefit not payable by the Fund upon the death of a retiree?

A surviving spouse's benefit is not payable if the retiree separated from service before 1 April 2001 **and** opted for a deferred monthly benefit together with a one-time lump sum payment in respect of that service.

or

If the marriage took place **after separation from service and no article 35 *ter* annuity was purchased** (see more below).

Under what circumstances is a surviving spouse's benefit shared with another beneficiary?

If the Fund determines, on the basis of supporting documentation provided, that there are two or more surviving spouses entitled to a benefit, the survivor's benefit is divided equally between such spouses. However, if the article 34 benefit is to be shared with a divorced surviving spouse (refer to article 35 bis below) then the division is proportionate to the length of each marriage to the participant.

How much is the surviving spouse's benefit?

In general, the amount of the benefit is equivalent to half of the full retirement, early retirement or disability benefit payable to a participant or retiree.

In the case of a full deferred retirement benefit that was not yet in payment, the surviving spouse's benefit is equivalent to half the (actuarial) value of the full deferred retirement benefit at the time of the retiree's death.

When does payment of a surviving spouse's benefit start?

An entitlement to a surviving spouse's benefit is effective as of the first day of the month following the date of the retiree's death. However, in the case of a participant's death in service, it is due as of the day after the death.

How is the surviving spouse's benefit paid and for how long is it payable?

The surviving spouse's benefit is paid monthly to the bank account specified in the original signed payment instructions submitted to the Fund, and for as long as the surviving spouse is alive.

Divorced surviving spouse's benefit

(Article 35 bis of the Regulations)

This benefit is payable to the divorced surviving spouse of a participant or retiree who meets the requirements set forth in Article 35 bis (b) of the Regulations.

Who can apply for a divorced surviving spouse's benefit?

The former spouse of a participant or of a retiree who survives said participant or retiree can request a divorced surviving spouse's benefit.

What conditions have to be met for the payment of a divorced surviving spouse's benefit?

There are four conditions that have to be met. These are outlined in art. 35 bis (b) of the UNJSPF Regulations. The text of the article can be found at the end of this booklet or on the UNJSPF website at "www.unjspf.org".

How much is the divorced surviving spouse's benefit?

If the participant or retiree separated from the service of the Organization before 1 April 1999, the divorced surviving spouse's benefit is a fixed amount. As of 1 April 2009 this amount is estimated at US\$ 9'337.00 per year (US\$ 778.00 per month). However, the amount payable cannot exceed the amount payable to a surviving spouse.

If the participant or retiree separated from the service of the Organization on or after 1 April 1999 and there is one or more surviving spouse(s) entitled to a widow's/widower's benefit, the survivor's benefit is divided between the surviving spouse(s) and the former spouse(s) in proportion to the duration of their marriages to the participant/retiree (please see logical diagram at the end of this Booklet).

If the participant or retiree separated from the service of the Organization on or after 1 April 1999, and there is **no widow/widower entitled to a survivor's benefit**, the divorced surviving spouse's benefit is equivalent to half of the full benefit payable to the participant or to the retiree.

When does payment of a divorced surviving spouse's benefit start?

If the participant or retiree separated from the service of the Organization before 1 April 1999, payment of the divorced surviving spouse's benefit is due as of the first day of the month following the date of the participant's/retiree's death or as of 1 April 1999 whichever is later.

If the participant or retiree separated from the service of the Organization on or after 1 April 1999, payment of the divorced surviving spouse's benefit is due as of the first day of the month following the date of the UNJSPF Chief Executive Officer's decision authorizing the entitlement to the benefit.

How is the divorced surviving spouse's benefit paid and for how long is it payable?

This benefit is paid monthly to the bank account specified by the divorced surviving spouse in the original signed payment instructions submitted to the Fund, and for as long as he/she is alive, in accordance with article 35 bis of the Regulations of the Fund.

Spouses married after separation

(Article 35 ter of the Regulations)

This benefit is payable in cases where a retiree enters into a marriage after separation from service and purchases an annuity for his/her new spouse.

Who is considered a "spouse married after separation" for UNJSPF pension benefit purposes?

A person entering into a marriage with a retiree after the date of the retiree's separation from the service of his/her employing organization.

Who can purchase an annuity?

A retiree **receiving a periodic benefit** may elect to purchase an annuity for a spouse married after separation.

What process must a retiree follow to purchase an annuity for a spouse married after separation?

The retiree should submit a request for the purchase of an annuity within one year of the date of the marriage (or within 180 days after the date of marriage if the marriage took place before 1 January 2009) and ask for an estimate. If upon receiving the estimate, the retiree decides to purchase the annuity, payment for the annuity will be made via a monthly deduction from his/her benefit, thus reducing the monthly benefit paid to him/her by the Fund.

Does the entitlement become effective immediately upon electing to purchase the annuity?

No. The entitlement to a benefit becomes effective 18 months after the date of marriage (or after one year if the marriage took place before 1 January 2009).

How is the entitlement for a spouse married after separation calculated?

The amount of the benefit payable to a spouse married after separation depends on the percentage elected by the UNJSPF retiree. In any case, the monthly benefit payable to the spouse shall not be larger than the amount of the reduced monthly benefit which was payable to the retiree.

When does payment of the benefit begin?

Upon becoming effective, the benefit for a spouse married after separation is payable as of the first day of the month following the date of the retiree's death.

How is the benefit paid and for how long is it payable?

The benefit is paid monthly to the bank account specified by the spouse married after separation in the original signed payment instructions submitted to the Fund, and for as long as the spouse is alive.

Can the participant "opt out" of purchasing the annuity once the election has been made?

The participant may opt out of purchasing the annuity at any time prior to the date that the election takes effect, i.e., one year or 18 months after the date of marriage as the case may be. Once the election is in effect it cannot be revoked except by divorce or death of the spouse married after separation.

Child's benefit *(Article 36 of the Regulations)*

This benefit is payable to each child of a participant who is entitled to a retirement, early retirement or disability benefit or who has died in service, while the child remains under 21. A child's benefit is also payable to any child of a participant who is over 21 and found by the Staff Pension Committee (SPC) of each member organization to be incapacitated by illness or injury for substantial gainful employment.

Who is considered a child for UNJSPF pension benefit purposes?

- (1) A natural, legally adopted or step child of a participant who is under the age of 21 at the time of the participant's separation from service or of his/her death in service;
- (2) Any child of the participant over the age of 21 who is found to have been incapacitated by illness or injury for substantial gainful employment; and
- (3) A child born after the date of a participant's separation from service or of his/her death in service and conceived before the date of his/her separation from service or of his/her death in service (i.e., child "in utero").

It is important to underline that not more than one child's benefit shall be paid in respect of any one child.

Additionally, no child's benefit is payable if a participant opts for a withdrawal settlement or for a deferred retirement benefit.

How much is the child's benefit? Are there any limits on the amount payable as a child's benefit?

A child's benefit is derived from the benefit payable to the participant. The annual amount of the child's benefit is one-third of the participant's benefit, subject to a **minimum amount estimated at US\$ 1,558.08 per year and to a maximum amount estimated US\$ 3,099.48 per year** as of 1 April 2009.

Additionally, irrespective of the number of children, article 36 (f) sets forth a maximum amount that the Fund can pay in total for all the children of a participant, namely US\$ 9,298.00 as of 1 April 2009.

Under what circumstances is an increased child's benefit payable?

Subject to verification by the Fund and other applicable criteria, a higher child's benefit under article 36 (e) may be paid to the child of a **deceased** beneficiary (participant, widow/widower, divorced surviving spouse) should the child become an orphan, or, should he/she be the child of divorced parents or parents who never married.

When does a child's benefit commence?

Payment of the benefit generally starts at the time of a participant's separation from service or upon him/her reaching normal retirement age, whichever is later, or at the time of a participant's death in service.

How is the child's benefit paid and for how long is it payable?

The child's benefit is payable monthly and until the child reaches the age of 21, unless the child is found to be incapacitated for substantial gainful employment by the relevant SPC in which case the benefit continues in payment for as long as the child remains so disabled.

Can the child's benefit be paid to someone other than the UNJSPF retiree/beneficiary?

Yes. Payment can be made to the parent who has custody of the child, if that parent is not the retiree/beneficiary, or to the legal guardian of the child with whom the child resides and who provides for his/her daily care and maintenance.

Alternatively, at the request of the retiree/beneficiary or of the child's parent or other legal guardian who has custody, the child's benefit can be paid directly to the child through a bank account in the child's name. Also, the benefit can be paid directly to the child if he/she is over age 16.

Secondary dependant's benefit

(Article 37 of the Regulations)

This benefit is payable to only one surviving secondary dependant of a participant who was entitled to a retirement, early retirement or disability benefit, or dies in service

Who is considered a “secondary dependant” for UNJSPF pension benefit purposes?

A secondary dependant is a participant's/retiree's mother or father or unmarried sister or brother under the age of 21, who was the participant's/retiree's dependant during his/her service or from the date of separation from service until the participant's/retiree's death.

“Dependant” means in receipt of financial support from the participant/retiree, in an amount sufficient to meet the financial criteria established for the payment of a secondary dependants allowance under the Staff Regulations and Rules of the participant's/retiree's employing/former employing organization, whether or not such allowance was actually paid.

Under what circumstance is a secondary dependant's benefit payable by the Fund?

The benefit is payable only if there is no surviving spouse, divorced surviving spouse or child eligible for a periodic benefit.

Under what circumstance is a secondary dependant's benefit not payable by the Fund?

A secondary dependant's benefit is not payable if a benefit is due to a child or surviving spouse/divorced surviving spouse. In the case of a brother or a sister a benefit would also not be payable if the participant had elected a deferred retirement benefit.

How many secondary dependants can benefit from this entitlement?

A secondary dependant's benefit is payable to only one surviving secondary dependant of a participant or a retiree. In the event there is more than one person eligible under article 37, the benefit will be payable to the person designated by the participant/retiree or, in the absence of such designation, to the person designated by the UNJSPB.

How much is the secondary dependant's benefit?

If the benefit is payable to a surviving parent, it would be equivalent to the rate of the benefit payable in respect of a surviving spouse. If it is payable to a surviving sister or brother under the age of 21, it would be equivalent to the rate of the benefit payable in respect of a child.

How is the secondary dependant's benefit paid and for how long is it payable?

Whether the benefit is payable to a surviving parent or to an unmarried sister or brother under the age of 21, the payment is effected monthly in accordance with the original signed payment instructions submitted to the Fund.

If the benefit is payable to a surviving parent, payment normally continues for the rest of the surviving parent's life, whereas the benefit for a surviving unmarried sister or brother normally stops when he or she turns 21. It may, however, be paid beyond the age of 21 if the surviving sister or brother is found by the relevant SPC to be incapacitated by injury or illness for substantial gainful employment.

Residual Settlement *(Article 38 of the Regulations)*

A residual settlement is a benefit due from the Fund at the time of death of a participant or of retiree, if the total amount of the benefits paid to and on account of the participant or retiree (such as surviving spouse's benefit, divorced surviving spouse's benefit, child's benefit) is less than the participant's/retiree's own contributions to the Fund. The benefit is paid as a one-time lump sum payment.

When is this benefit payable?

Upon the death of a participant or of a retiree provided there are no survivors entitled to a monthly benefit.

Who is entitled to receive a residual settlement?

The residual settlement is payable to the person and/or institution designated as a recipient by the participant/retiree on the form entitled "Designation of recipient of residual settlement" (known as "A/2 form").

It should be noted that the A/2 form is often confused with the United Nations Form P.2 (Designation, Change or Revocation of Beneficiary) or a similar form issued by the participant's employing organization in respect of benefits arising from the participant's employment in the event of his/her death. In case of doubt about the form you may have in your possession, please inquire with the Fund or with the respective SPC on this matter.

What if the participant/retiree did not complete an A/2 form?

In the absence of a designation by the participant/retiree, the residual settlement will be paid to the participant's/retiree's Estate.

How is the residual settlement paid?

The residual settlement constitutes a **one-time payment** effected in accordance with the original signed payment instructions submitted to the Fund. It is not a monthly periodic benefit.

How is the residual settlement calculated?

This one-time payment is equivalent to the participant's/retiree's own contributions, with compound interest, minus any payments made to that participant/retiree and/or to his/her respective survivor(s).

Actions by and documents required from participants, retirees or beneficiaries

A residual settlement is a benefit due from the Fund at the time of death of a participant or of retiree, if the total amount of the benefits paid to and on account of the participant or retiree (such as surviving spouse's benefit, divorced surviving spouse's benefit, child's benefit) is less than the participant's/retiree's own contributions to the Fund. The benefit is paid as a one-time lump sum payment.

What should a participant do before retirement to facilitate the processing of benefits payable to his/her survivors?

All participants **must** submit to the Fund **at the time of separation from service** copies of:

- ✓ their **birth certificate**; ☐
- ✓ **marriage certificate(s)**; ☐
- ✓ **divorce decree(s)**; ☐
- ✓ copy of **birth certificate of their spouse(s)**; ☐
- ✓ verified signature of the spouse(s); and ☐
- ✓ **birth certificate of each of their children under the age of 21** ☐

What can a retiree do after retirement to facilitate the processing of his/her survivor's benefits?

After separation from service, it is strongly recommended that all retiree's and/or beneficiaries bring to the Fund's attention any change(s) in the retiree's marital status and/or family composition together with the supporting documentation.

What if a participant/retiree passes away?

Upon the death of a participant or of a retiree, a family member/friend or other representative must notify the Fund of the participant's/retiree's death as soon as possible and provide the Fund with **a certified copy of the participant's/retiree's official death certificate**.

This will allow the Fund to review the file to determine what benefit(s), if any, are payable. In the case of a retiree in receipt of a benefit from the Fund, a late notification can lead to overpayments that will need to be recovered from his/her estate or from benefits payable to his/her survivors.

Do I need to submit any documents in support of my claim for a benefit from the Fund upon a participant's or retiree's death?

In general, the Fund will require, as applicable and if not already in its file, the submission of copies of the following documents to process the abovementioned benefits:

- ✓ **Death Certificate** of the participant/retiree; ☐
- ✓ **Marriage Certificate(s)** of the participant's/retiree's widow/widower and/or divorced surviving spouse; ☐
- ✓ **Divorce Decree(s)** of the participant's/retiree's divorced surviving spouse; ☐
- ✓ **Birth Certificate** of each beneficiary; ☐
- ✓ Original and authenticated **Payment instructions** (form Pens.E/2) from each beneficiary; and ☐
- ✓ Copy of an **Official Identification Document** from each beneficiary and bearing the beneficiary's signature (such as passport, driver's license, or national identity card) ☐

Optional and only applicable in certain cases: form Pens./E1 - with appropriate proof of residence, must be provided in the event a retiree or beneficiary decides to opt for the two-track feature of the Pension Adjustment System. Please refer to "The Two Track" booklet published by the Fund and contact the Fund or the SPC of the participant's/retiree's former employing organization for more information on this matter.

What if I am unable, for medical reasons, to sign the document(s) requested by the Fund?

You can use your fingerprint in lieu of your signature. In this case, the fingerprint must be authenticated by a UN official or an authorized governmental authority.

Actions by beneficiaries and relevant documents once the benefit is in payment

Will I receive information from the Fund about any benefit in payment to me as a beneficiary?

Yes. Once a survivor's benefit is processed and put into payment, you will receive a letter from the Fund (Entitlement Letter) with all the details of the benefit(s) payable to you.

Will the Fund request any further documents from me once a monthly benefit is in payment?

Yes. A document known as the "Certificate of Entitlement" (CE) will be mailed every year to you around October/November in order to confirm that you are still eligible to receive a benefit. However, if you have been receiving a benefit for less than six months at the time of the annual mailing, you will not be included in that year's mailing but should receive a CE the following year. The original of the signed CE must be received each year by the Fund in order to verify the continued entitlement to a benefit in payment.

What should I do upon receiving the CE?

Please sign it, or provide confirmation by means of a fingerprint and have the form authenticated by a UN Official, attending physician or local government authority, and mail it back to the Fund. Falsification of a signature or of any other information provided will be considered as fraud.

What will happen if I do not mail back the CE I received?

Failure to submit the CE will result in the suspension of the benefit in question. It is therefore important that you keep the Fund informed of any change in your mailing address and/or country of residence.

Is there anything else I should do?

Yes. To avoid problems with the payment of your benefit, please keep the Fund informed in writing with original signature or by submitting the PF.23 form of any change in the banking information used to pay your benefit(s) and/or in your mailing address.

Applicable Legal Provisions

Article 34

WIDOW'S BENEFIT

(a) A widow's benefit shall, subject to article 41 and to (b) below, be payable to the surviving female spouse of a participant who was entitled to a retirement, early retirement, deferred retirement or disability benefit at the date of his death, or who died in service, if she was married to him at the date of his death in service or, if he was separated prior to his death, she was married to him at the date of separation and remained married to him until his death.

(b) A benefit shall nevertheless not be payable if the participant had commuted his widow's prospective benefit under article 28 or 29.

(c) The benefit shall, if the participant died in service or during entitlement to a retirement, early retirement or disability benefit, be payable at the standard annual rate of half the retirement or the disability benefit that would have been payable to the participant had he become entitled thereto at the date of his death, or half of his retirement, early retirement or disability benefit including such part thereof as may have been commuted, as the case may be, provided that the rate shall not be less than the smaller of the following:

(i) 750.00 dollars [increased to 3,891.48 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009] or

(ii) Twice the standard annual rate above.

(d) The annual rate of the benefit shall, notwithstanding (c) above, not be less, when no other benefit is payable on account of the participant under the Regulations, than the smaller of 500 dollars [increased to 2,472.24 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009] or the final average remuneration of the participant.

(e) The benefit shall, if the participant died after the commencement of a deferred retirement benefit which had not been commuted under article 30(c), be payable at half the annual rate of such benefit and, if he died before its commencement, at the rate of half the actuarial equivalent at the date of death of the annual rate of the benefit at the normal retirement age.

(f) The benefit shall be payable at periodic intervals for life, provided that a benefit payable at an annual rate of less than 600 dollars may be commuted by the widow into a lump sum which is the actuarial equivalent of the benefit at the standard annual rate under (c) above, or the annual rate under (e) above, as the case may be.

(g) The benefit shall, where there is more than one surviving spouse, be divided equally between the spouses, and upon the death of each such spouse shall be equally divided among the remainder.

(h) Notwithstanding the provisions of (a) and (f) above, with respect to a surviving spouse who had remarried prior to 1 April 1999 the benefit under (a) above shall be payable as from 1 January 2001, subject to recovery (with interest) of the lump sum payment that had been made to that surviving spouse upon remarriage, as provided in the Regulations then in effect.

Article 34
Widow's benefit

Article 35
Widower's benefit

Article 35 bis
Divorced surviving spouse's benefit

Article 35 ter.
Spouses married after separation

Article 36
Child's benefit

Article 37
Secondary dependant's benefit

Article 38
Residual settlement

Article 35

WIDOWER'S BENEFIT

A widower's benefit, at the rates and under the conditions applicable in article 34 to a widow's benefit, shall be payable to the surviving male spouse of a participant.

Article 35 bis

DIVORCED SURVIVING SPOUSE'S BENEFIT

(a) Any divorced spouse of a participant or former participant, separated on or after 1 April 1999, who was entitled to a retirement, early retirement, deferred retirement or disability benefit, or of a participant who died in service on or after that date, may, subject to the provisions of article 34(b) (applicable also to widowers), request a former spouse's benefit, if the conditions specified in paragraph (b) below are fulfilled.

(b) Subject to paragraph (d) below, the divorced spouse is entitled to the benefit set out in paragraph (c) below, payable prospectively following receipt of the request for a divorced surviving spouse's benefit, if, in the opinion of the Chief Executive Officer of the Fund, all of the following conditions are fulfilled:

(i) The participant had been married to the former spouse for a continuous period of at least 10 years, during which contributions were paid to UNJSPF on account of the participant or the participant was awarded a disability benefit under article 33 of the Regulations of UNJSPF;

(ii) The participant's death occurred within 15 years of the date when the divorce became final, unless the former spouse proves that at the time of death the participant was under a legal obligation to pay maintenance to the former spouse;

(iii) The former spouse has reached the age of 40. Otherwise the benefit entitlement shall commence on the day immediately following the day that age is reached; and

(iv) Evidence is provided that a divorce settlement does not have an express renouncement of UNJSPF pension benefit entitlements.

(c) A former spouse who, in the opinion of the Chief Executive Officer, has met the conditions set out in paragraph (b) above shall be entitled to the widow's or widower's benefit under article 34 or 35 as the case may be; however, if the participant is survived by both one or more such former spouses and/or by a spouse entitled to a benefit under article 34 or 35, the benefit payable under article 34 or 35 shall be divided between the spouse and former spouse(s) in proportion to the duration of their marriages to the participant.

(d) Article 34 (f) and (g) shall apply *mutatis mutandis*.

(e) The divorced spouse of a former participant who separated before 1 April 1999 and, in the opinion of the Chief Executive Officer, met all the other eligibility conditions in paragraphs (a) and (b) above shall be entitled as from 1 April 1999 to a benefit equal to twice the minimum surviving spouse's benefit under article 34 (c), payable from the first day of the month succeeding the death of the former participant, subject to the proviso that the amount of such benefit cannot exceed the amount payable to a surviving spouse of the former participant.

Article 35 ter.

SPOUSES MARRIED AFTER SEPARATION

(a) A former participant receiving a periodic benefit may elect to provide a periodic benefit for life in a specified amount (subject to paragraph (b) below) to a spouse who was not married to him or her at the date of separation. Such election shall be made within one year of the date of marriage or of the entry into force of this provision, if later, and shall become effective 18 months after the date of marriage. The benefit shall be payable as of the first day of the month following the death of the former participant. When the election becomes effective, the benefit payable to the former participant shall be reduced in accordance with actuarial factors to be determined by the Fund's Consulting Actuary. An election under this subsection may not be revoked after it becomes effective, except by an explicit request in writing by the former UNJSPF retiree who has divorced the new spouse or by the death of the spouse, in which case it will be considered terminated as from that date. The UNJSPF retiree may rescind his or her decision to provide a periodic benefit for life to a spouse married after separation by providing the Fund with a final divorce decree issued by a competent national court. Payments made for the annuity before such a cancellation will not be refunded to a UNJSPF retiree, neither do such payments convey to the divorced spouse a benefit entitlement from the Fund

(b) Any election made under paragraph (a) shall be subject to the following:

(i) The amount of the periodic benefit payable to the former participant, after reduction owing to elections made pursuant to paragraph (a) above, shall be at least one half of the benefit that would have been payable without any such elections; and

(ii) The amount of the benefit payable to the spouse shall not be larger than the amount of the benefit payable to the retired participant after reduction for the elections.

Article 36

CHILD'S BENEFIT

(a) A child's benefit shall, subject to b) and (c) below, be payable to each child of a participant who is entitled to a retirement, early retirement or disability benefit or who has died in service, while the child remains under the age of 21.

(b) A benefit shall be payable to a child who is over the age of 21 if the child is found by the Board to have been incapacitated by illness or injury for substantial gainful employment:

(i) On reaching the age of 21, if immediately prior thereto a child's benefit was payable; or

(ii) At the time of the death in service or entitlement to a benefit of the participant.

A benefit payable as above shall continue for as long as the child remains incapacitated.

(c) A child's benefit shall, notwithstanding (a) above, not become payable, if the participant has chosen an early retirement benefit, until the participant dies or reaches the normal retirement age, except to a child under the age of 21 found by the Board to be disabled.

(d) The benefit shall, during the continuance of any periodic benefit resulting from retirement, early retirement, disability or death in service, but subject to (e) and (f) below, be payable at the annual rate of one third of the benefit payable to the participant or, if the participant died in service, one third of the retirement or disability benefit which would have been payable to the participant if

the participant had become entitled thereto at the date of death, subject to a minimum of 300 dollars per annum [increased to 1,558.08 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009] and a maximum of 600 dollars [increased to 3,099.48 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009].

(e) The benefit, if no other periodic benefit is payable and there is no surviving parent able, in the opinion of the Board, to support the child, or if the other periodic benefit payable is to a surviving spouse who is not a natural or adoptive parent and does not have custody of the child, and further subject to (f) below, shall be payable at the rate in (d) above increased by the greater of:

(i) 300 dollars [increased to 1,558.08 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009] or one quarter of the retirement, early retirement or disability benefit from which it is derived, if one child's benefit is payable; and

(ii) 600 dollars [increased to 3,099.48 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009] or half the retirement, early retirement or disability benefit from which it is derived, and divided by the number of eligible children, if more than one such benefit is payable.

(f) The total benefits payable under (d) above shall nevertheless not exceed an annual rate of 1,800 dollars [increased to 9,335.28 dollars under the UNJSPF Pension Adjustment System, effective 1 April 2009], nor shall the total benefits under (d) or (e) above, added to any retirement benefit payable under article 28(b), (c), (d) or (e), early retirement benefit under article 29(b), disability, widow's or widower's benefit exceed the final average remuneration of the participant added to the total annual children's allowances that were payable by the member organization at the time the participant was separated.

(g) Benefits payable under this article shall be recalculated as may be required to achieve the purposes of (e) and (f) above.

Article 37

SECONDARY DEPENDANT'S BENEFIT

(a) A secondary dependant's benefit shall, subject to article 41 and to (b) below, be payable to not more than one surviving secondary dependant of a participant who was entitled to a retirement, early retirement, deferred retirement or disability benefit at the date of death, or who died in service.

(b) A secondary dependant's benefit shall nevertheless not be payable:

(i) Where a benefit is or was payable to a child or to the surviving spouse of the participant; and

(ii) In the case of a brother or sister, where the benefit payable to the participant was a deferred retirement benefit.

(c) The benefit shall be payable at the following rates:

(i) In the case of a mother or father, at the rates and under the conditions applicable in article 34(b), (c), (d), (f) and (h) to a widow's or widower's benefit, save that the Board may, in the event of remarriage, decide in its discretion to continue the benefit;

(ii) In the case of a brother or sister, at the rate applicable in article 36(d) to a child's benefit and shall be payable or shall continue to be payable beyond the age of 21 under the conditions of article 36(b).

(d) In the event that more than one person is eligible under this article, the benefit shall be payable to the person designated by the participant or, failing such designation or person, to the person designated by the Board.

Article 38

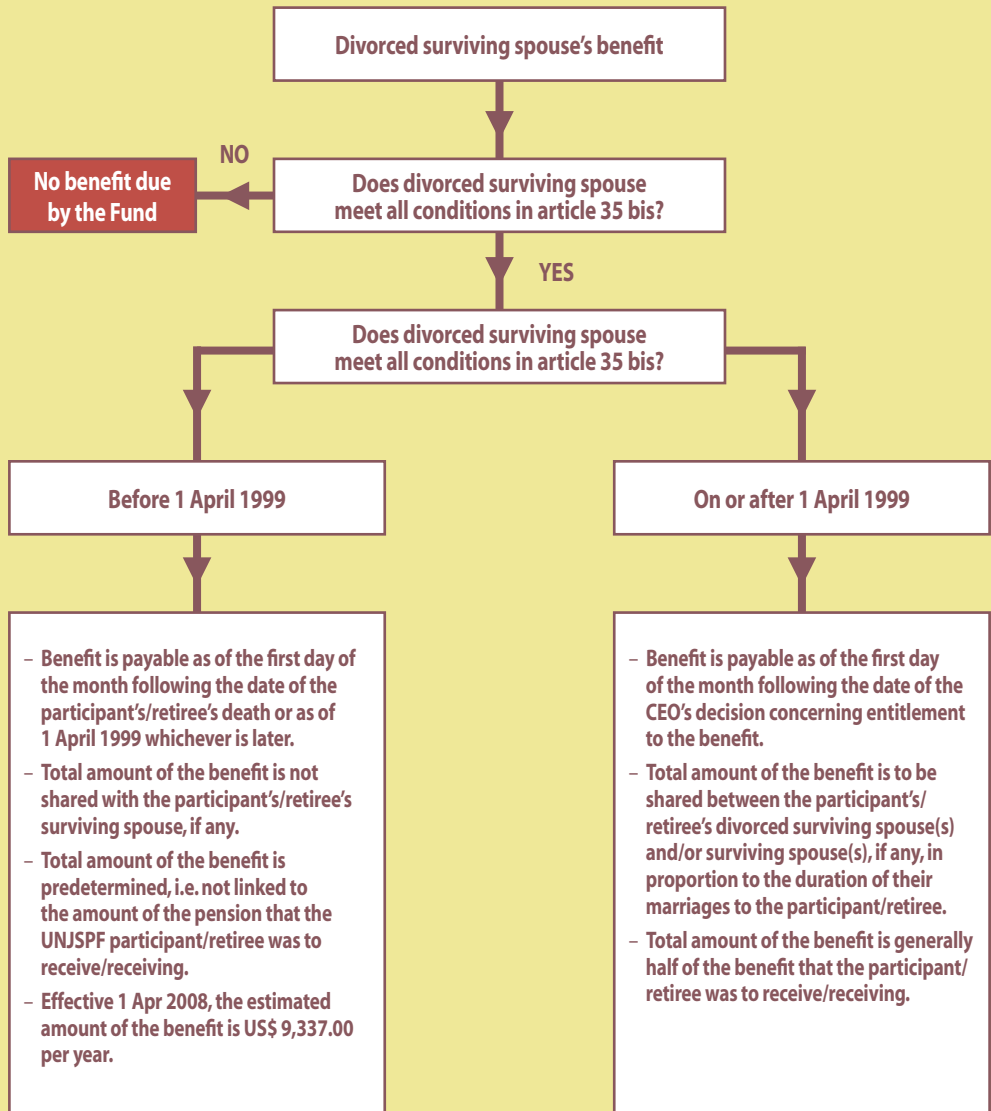
RESIDUAL SETTLEMENT

(a) A residual settlement shall be payable if, upon the death of a participant and the exhaustion, as the case may be, of any entitlements due under these Regulations to his or her survivors, the total amount of the benefits paid to and on account of the participant is less than the participant's own contributions.

(b) The settlement shall be payable to a beneficiary designated by the participant and alive when the payment is due; failing such beneficiary, the settlement shall be paid to the estate of the participant.

(c) The settlement shall consist of the participant's own contributions at the date of his or her separation or death in service, reduced by the total amount of the benefits paid to and on account of the participant.

Divorce Surviving Spouse's Benefit Logical Diagram





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***The secretariat of the
Staff Pension Committee will assist participants from member
organisations.***