

OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 014 – DEATH AND SURVIVOR BENEFITS

459-014-0050

Designation of Beneficiary at Retirement and Survivor Benefits

- (1) For the purposes of this rule, “first payment is due” means the first of the calendar month after the effective retirement date.
- (2) The beneficiary designated on an application for service retirement becomes effective on the effective retirement date. If the service retirement application is rejected by PERS, canceled by the member, or if the member dies prior to the effective retirement date, the beneficiary designation on the retirement application is null and void and does not revoke previous pre-retirement beneficiary designations on file.
- (3) PERS must receive a copy of the death certificate of the member or alternate payee.
- (4) When a retired Tier One or Tier Two member or alternate payee dies:
 - (a) Before the first payment is due, the benefit option selected pursuant to ORS 238.300 or 238.305 determines how benefits are paid to the designated beneficiary.
 - (b) After the first payment is due, unpaid benefits accrued by the member or alternate payee before their death, less any outstanding invoice amounts, will be paid to the designated beneficiary pursuant to ORS 238.390(4) or, in the event there is no designated beneficiary at the time of member or alternate payee’s death, as provided in ORS 238.390(2).
- (5) A monthly benefit payable to a beneficiary is effective the first of the month after the last month payable to the member or alternate payee.
- (6) If a retired member receiving unit payments under ORS 238.440 dies before the last payment has been made, the designated beneficiary will receive a lump sum payment of the remaining unit account balance. There is no benefit due from employer contributions.
- (7) If adjustments are made to the retirement allowance or benefit of a deceased retiree:
 - (a) A member’s estate will be invoiced for any overpayment of benefits paid to the member. Any underpayment of benefits to the member will be paid as accrued benefits in accordance with subsection (4)(b) of this rule.
 - (b) An alternate payee’s estate will be invoiced for any overpayment of benefits paid to the alternate payee. Any underpayment of benefits to the alternate payee will be paid as accrued benefits in accordance with subsection (4)(b) of this rule.
 - (c) A beneficiary or a beneficiary’s estate will be paid any underpayment or invoiced for any overpayment of benefits paid to a beneficiary.

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238.300, 238.305, 238.390, 238.715, 238A.190 & 238A.400