

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

459-014-0040

Valid Request for Distribution of Pre-Retirement Death Benefits

(1) For the purposes of this rule, “valid request for distribution” is when PERS receives the last required document PERS has determined necessary to distribute a death benefit to a beneficiary.

(2) PERS must receive a copy of the death certificate of the deceased member or alternate payee. PERS will provide instructions to a beneficiary identifying additional documents that must be received to make a valid request for distribution. Required documents may include but are not limited to:

- (a) Death Benefit Election;
- (b) Letters of Testamentary/Administration;
- (c) Simple Estate Affidavit or out of state equivalent;
- (d) Affidavit of Next of Kin;
- (e) Affidavit of Beneficiary;
- (f) Declaration of Beneficiary;
- (g) Proof of marriage;
- (h) Proof of registered domestic partnership;
- (i) Proof of birth of the beneficiary;
- (j) Trust document or certification of trust;

1 (k) Proof of Conservatorship; and

2 (l) Proof of Guardianship.

3 (3) Earnings crediting for the distribution amount for an IAP account beneficiary will be
4 determined under OAR 459-007-0320.

5 (4) A benefit distribution will be considered “delayed” under ORS 238.395(2) and
6 ORS 238A.230 when a valid request for distribution is received more than one year
7 after the member’s date of death.

8 (a) If a benefit under ORS 238.395(2) or ORS 238A.230 is delayed, the death
9 benefit effective date will be the first of the month in which the affidavit or
10 declaration requesting distribution is received by PERS.

11 (b) If a benefit under ORS 238.395(2) or ORS 238A.230 is delayed and the
12 member’s beneficiary dies prior to PERS receiving an affidavit or
13 declaration requesting distribution, the benefit will be paid as a lump-sum
14 payment equaling the sum of the payments the member’s beneficiary would
15 have received had they not delayed distribution.

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