

***U.S. Railroad Retirement Board***

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***WHEN AN INDIVIDUAL IS  
ELIGIBLE FOR A RAILROAD RETIREMENT  
DIVORCED SPOUSE ANNUITY***

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**FORM G-I77c (5-94)**

**A. REQUIREMENTS FOR A DIVORCED SPOUSE ANNUITY -- A person is eligible for a divorced spouse annuity under the Railroad Retirement Act (RR Act) when all of the following conditions are met:**

- 1. The railroad employee is at least age 62 and is currently receiving a Railroad Retirement employee annuity; and,**
- 2. The divorced spouse is at least age 62 for a full month if applying for a reduced annuity, or at least age 65 if applying for an unreduced annuity; and,**
- 3. The marriage to the employee ended in a final decree of divorce; and,**
- 4. The divorced spouse was married to the employee for at least 10 years immediately before the date the divorce became final; and,**
- 5. The divorced spouse is not currently married; and,**

**6. The divorced spouse is not entitled to a social security benefit based on his or her own earnings, the amount of which before any reductions is greater than the maximum amount to which he or she would be entitled as a divorced spouse annuitant; and,**

**7. The divorced spouse is not entitled to a spouse annuity, remarried widow(er)'s annuity or surviving divorced spouse annuity on a different RRB claim number, the net monthly rate of which is greater than the amount to which he or she would be entitled as a divorced spouse annuitant; and,**

**8. The divorced spouse has stopped all work for pay for an employer covered by the RR Act and given up all rights to return to such service.**

**B. WHEN A DIVORCED SPOUSE ANNUITY IS NOT PAYABLE -- A divorced spouse annuity is not payable for any month in which:**

**1. The divorced spouse works for an employer covered by the RR Act; or,**

**2. The employee annuity on the same RRB claim number is not payable; or**

**3. The divorced spouse is entitled to an employee annuity on his or her own earnings record that exceeds the divorced spouse annuity.**

**C. WHEN A DIVORCED SPOUSE ANNUITY ENDS -- A divorced spouse annuity ends on the last day of the month before the**

month in which:

1. The divorced spouse dies; or,
2. The employee dies. (The divorced spouse may qualify for a surviving divorced spouse annuity at this time); or,
3. The divorced spouse marries; or
4. The divorced spouse becomes entitled to a social security benefit based on his or her own earnings, the amount of which before any reductions is greater than the maximum amount to which he or she was entitled as a divorced spouse; or,
5. The divorced spouse becomes entitled to a spouse annuity, a remarried widow(er)'s annuity or a surviving divorced spouse annuity on a different RRB claim number that is greater than the amount to which he or she was entitled to as a divorced spouse.

**FORM G-177c (5-94)**

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