

Beneficiary Selection Form (If Member Dies Before Retirement)

INTRODUCTION

The Middlesex County Retirement Board is providing this information to assist active members in completing the member's Beneficiary Selection Form. However, the public employee retirement statute, Chapter 32 of the Massachusetts General Laws, is notoriously complex, and the information contained here is not a substitute for competent legal advice. Various sections of Chapter 32 will come into play depending upon whether a member dies as a result of an on-duty injury, or leaves a spouse and/or minor children.

The member's Beneficiary Selection Form instructs the Middlesex County Retirement Board on the disposition of your retirement benefits in the event that you should die *prior to retirement*. You have the right at any time prior to retiring to change your beneficiaries.

I. CHOICE OF BENEFICIARY TO RECEIVE A RETURN OF ACCUMULATED DEDUCTIONS AT MEMBER'S DEATH

The first part of the Beneficiary Selection form asks you to name a beneficiary or beneficiaries who, upon your death, will be entitled to receive a one-time payment of your accumulated retirement deductions which have been withheld from your compensation and credited to your account. This is paid in accordance with G.L. c. 32, § 11(2). You can name any person as your beneficiary to receive this benefit. The Board will pay the amount owed to the beneficiary or beneficiaries named on the Beneficiary Selection Form, unless another section of the retirement statute supercedes, as discussed below. This is a lump sum payment without an allowance. The Board cannot return the deceased member's accumulated deductions to the § 11(2) beneficiary if there is an eligible beneficiary nominated under another section of the law, § 12(2)(d), or if there is an eligible spouse, or if there are minor or dependent children.

II. CHOICE OF OPTION D BENEFICIARY

The second page of the form asks you to name a § 12(2)(d) or "Option D" beneficiary. You can name only one Option D beneficiary, and it must be your spouse, child, a former spouse who has not remarried, mother, father, brother or sister. The Option D beneficiary will receive a Member Survivor Allowance for life. There would be no return of the accumulated deductions made to the § 11(2) beneficiary, because the Option D beneficiary's rights are superior. Some members select a minor child as their Option D beneficiary in order to maximize the retirement benefit.

III. RIGHT OF AN ELIGIBLE SPOUSE

Irrespective of what is stated on the Beneficiary Selection Form, if an active member dies having worked for at least two years and having been married for at least one year, and if the member and spouse were living together, the surviving spouse may elect to receive the Member Survivor Allowance provided in § 12(2)(d). The surviving spouse's right trumps the right of any other beneficiary named by the member. Thus, a member is entitled to name a young child as the Option D beneficiary, knowing that the surviving spouse can always elect to receive the allowance instead of the child.

IV. COMPLETE BOTH SECTIONS OF THE BENEFICIARY SELECTION FORM

Members should make sure to designate both § 11(2) beneficiary or beneficiaries and a § 12(2)(d) beneficiary. If the member should die as the result of an on-duty injury, the accidental death benefit in § 9 provides that accumulated total deductions shall be paid in a lump sum to the named § 11(2) beneficiary. In addition to the lump sum payment, the Board will pay a lifetime allowance to the surviving spouse or other eligible beneficiary. Thus, accumulated deductions can be paid to one person and an allowance paid to a different person, as long as the member has designated a § 11(2) beneficiary. The member can name a spouse or other eligible beneficiary as both the § 11(2) and § 12(2)(d) beneficiary.