

Directive 491.1
4/26/74

ACTION BY: All Divisions and Offices

Settlement of Claims for Unpaid Compensation
Due Deceased Employees

I PURPOSE

This Instruction:

- A Provides information on claims for unpaid compensation due deceased employees, and
- B Explains how to process such claims to the National Finance Center (NFC) for settlement.

II AUTHORITY

The authority for settlement of claims for unpaid compensation due deceased employees, as contained in law, does not include:

- A Amounts payable under the Civil Service Retirement Act and the Federal Employees Group Life Insurance Act.
- B The disposition of amounts which is otherwise prescribed by Federal law.

III UNPAID COMPENSATION

Unpaid compensation means the pay, salary, allowance, or other compensation due on account of the services of the deceased for the Federal Government. it includes, but is not limited to:

- A Per diem in lieu of subsistence, mileage, and other amounts due in reimbursement of travel expenses. Also, incidental and miscellaneous expenses incurred in connection with travel for which payment is due.
- B Lump-sum payment for all accumulated and current accrued annual leave to the employee's credit on the date of his death. This includes accumulated annual leave brought forward at the beginning of the leave year and annual leave accrued during the current leave year, less annual leave used during the current leave year.
- C Amounts due as refund of salary deductions for U.S. Savings Bonds.
- D Overtime or premium pay.
- E Allowances upon change of official station.
- F Quarters and cost-of-living allowances.
- G Amounts due for payment of cash awards for suggestions.
- H Amounts of all checks drawn in payment of any types of compensation described above which were not delivered to the deceased during his lifetime.
- I Amounts of any unnegotiated checks returned to the Government because of the death of the employee.

IV ORDER OF PRECEDENCE

Unpaid compensation shall be paid to the person or persons surviving at the date of the employee's death in the following order of precedence. Such payment shall be a bar to recovery by any other person of amounts so paid.

- A To the beneficiary or beneficiaries designated by the employee in writing to receive such compensation. The designation must be on file with AMS at the time of death.
- B If there is no designated beneficiary, to the widow or widower of the employee.
- C If there is no beneficiary or spouse, to the child or children of the employee, or descendants of deceased children, by representation.
- D If none of the above, to the parents of the deceased or their survivors.
- E If none of the above, to the legal representative of the estate of the deceased employee. If there be none, to the person or persons determined to be entitled under the laws of the domicile of the deceased.

V DESIGNATION OF BENEFICIARY

- A An employee may designate any person or persons as beneficiary by completing SF-1152, Designation of Beneficiary - Unpaid Compensation of Deceased Civilian Employee. (See AMS Instruction 340-2, Designation of Beneficiaries.) Send completed SF-1152 to the Employee Relations and Services Branch, Personnel (PE) Division.
- B To be valid, the designation must be received by AMS before the employee's death.
- C Unless changed or revoked by the employee, the designation remains in effect for the duration of employment by the Department. A designation previously made may be changed or revoked by submitting another SF-1152.
- D If the employee resigns and is later reemployed, or is transferred to another Department of the Government, and desires his unpaid compensation in case of death to be paid to a designated beneficiary, another SF-1152 must be filed. This is necessary even though the same beneficiary is designated.

VI DEATH NOTIFICATION

Immediately upon notification of the death of an employee:

- A The timekeeper shall:
 - 1 Inform the Employee Relations and Services Branch, PE Division, by telephone of the deceased employee's name and date of death.
 - 2 Complete a Time and Attendance (T&A) Report to reflect the employee's duty and leave status up through the date of death.
 - 3 Send the T&A report to the contact point for forwarding to the NFC.
- B The contact point shall send the T&A report via airmail or first class mail, whichever is normally used, to NFC with Form AD-342, Transmittal - Time and Attendance Reports.
 - 1 Place an "X" in the "Special" block of Item 13, Type of Handling; and
 - 2 Enter "Deceased Employee" in Item 14.
- C The Cost Responsibility Center (CRC) shall:
 - 1 Send to the Employee Relations and Services Branch, PE Division:

a Form SF-52, Request for Personnel Action, terminating the employee's appointment due to death. Enter in the Remarks section the annual leave and compensatory leave balances and the holiday and premium pay to which the employee would have been entitled. (See AMS Instruction 333-2, Lump-Sum Annual Leave or Compensatory Time Payments - Form AD-581.)

b Any undelivered checks drawn payable to the deceased.

c Any undelivered Savings Bonds with the name of the deceased as sole owner.

d Approved vouchers for any other amounts due the deceased.

e A copy of the last T&A Report showing the employee's duty and leave status through the date of death.

2 Send to NFC Form AD-616, Travel Voucher, covering any unclaimed travel expenses to which the deceased is entitled. Enter "Traveler Deceased" in the claimant's signature block, and "Special Handling Traveler Deceased" in Section A directly above the deceased's name.

3 *-Notify the Fiscal Operations and Services Branch, Financial Services (FS) Division, by telephone or wire, if the deceased employee was in an overdrawn leave situation or if he had unaccounted for items to which a monetary value was placed (see AMS Instruction 442-1, Accountability Clearance of Separating Employees).-*

D The Employee Relations and Services Branch, PE Division, shall notify the NFC by telegram of the deceased employee's name, Social Security number, and date of death.

VII SUBMISSION OF CLAIMS

The Employee Relations and Services Branch shall determine if unpaid compensation is due the deceased. If amounts are due, that office shall request each designated beneficiary, surviving spouse, and/or other claimants to submit claims with a copy of the death certificate, as explained below. The Branch shall also assist claimants, as necessary, to assure the proper completion of all required forms.

A Each designated beneficiary, or surviving spouse if no beneficiary was designated, shall submit SF-1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee. The names and signatures of the beneficiaries must be exactly as listed on the SF-1152 prepared by the deceased. If a beneficiary's name has been changed by marriage or court order since the time of designation, both the former and present names must be shown.

B If there is no designated beneficiary or surviving spouse, the person or persons claiming the right to share in the deceased employee's unpaid compensation shall submit SF-1155, Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse).

c If a guardian or committee has been appointed for a minor or incompetent who appears to be entitled to unpaid compensation, such guardian or committee shall submit SF-1155. A certificate of the court showing the appointment of the claimant to such capacity shall accompany the form.

D If no guardian or committee has been or will be appointed for a minor or incompetent, the person who has care and custody of the minor or incompetent shall submit SF-1155 and a statement

which includes:

- 1 The claimant's relationship to the minor or incompetent, if any;
- 2 The name and address of the person who has care and custody of the minor or incompetent;
- 3 A provision that any moneys received will be applied to the use and benefit of the minor or incompetent; and
- 4 A provision that the appointment of a guardian or committee is not planned.

VIII UNNEGOTIATED AND UNDELIVERED GOVERNMENT CHECKS

The Employee Relations and Services Branch shall take the following action regarding unnegotiated and undelivered Government checks.

- A Return of Checks. Instruct the claimant to:
- 1 Return unnegotiated Government checks drawn to the order of the deceased, whether from AMS or another agency in the Department of Agriculture, and in the possession of the claimant to the Employee Relations and Services Branch, PE Division, with the completed claim form.
 - 2 Return unnegotiated Government checks drawn to the order of the deceased from Agencies other than USDA to the Agency from which received with a request for further instructions.
- B Recording. Maintain a record of unnegotiated checks, which are returned by claimants.
- C Disposition. Forward undelivered and unnegotiated checks to NFC for inclusion in final settlement.

IX TRANSMITTAL OF DOCUMENTS TO NFC

The Employee Relations and Service Branch shall airmail the completed claims forms, along with the following documents, to NFC:

- A SF-1152, if filed.
- B Certified vouchers for any other amounts due the employee.
- C Documentation for any cash awards due.
- D Any unnegotiated or undelivered salary and travel reimbursement checks drawn payable to the deceased.
- E Any Savings Bonds inscribed in the name of the deceased as the sole owner.
- F Form AD-343, Payroll Action Request. In addition to the normally required information include the accounting distribution data:
- 1 Applicable to the unnegotiated checks, and
 - 2 For any lump-sum leave and/or compensatory time due the deceased.
- G A copy of the death certificate.
- H SF-2800, Application for Death Benefit.
- I SF-2810, Notice of Change in Health Benefit Enrollment. The form shall show that either FEHBA coverage is to be terminated or that the enroll-

ment is to be transferred to the Civil Service Commission when there is an eligible survivor annuitant.

J SF-2809, Health Benefits Registration Form (from the personnel folder), if the registration is to be transferred to the Civil Service Commission.

Richard P. Bartlett, Jr.
Deputy Administrator, Management
