



**Office of  
Personnel Management**  
*The Federal Government's Human Resources Agency*

***Retirement and Insurance Service  
Benefits Administration Letter***

Number: 00-216

Date: August 25, 2000

**Subject: Federal Employees Health Benefits (FEHB): Clarification of Guidance on  
Temporary Continuation of Coverage (TCC)**

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This is to clarify our guidance about the TCC eligibility of children who lose FEHB coverage because they do not qualify for a survivor annuity upon the death of an employee or annuitant.

We recently reviewed a case in which an annuitant with a self and family FEHB enrollment died, leaving no surviving spouse and one child who was 21 years old. This child was not eligible for a survivor annuity because he was over 18 and not a full-time student. Therefore, he was unable to continue his deceased father's FEHB enrollment as a survivor annuitant and the enrollment terminated. While reviewing this child's eligibility for TCC, we concluded that our guidance in the FEHB Handbook reflects too narrow of an interpretation of FEHB law.


Applicable law (5 USC 8905a(b)) provides that a child who loses coverage because he or she no longer meets the requirements for being considered an unmarried dependent child is eligible for TCC. The law further defines "dependent" (5 USC 8901(9)) to mean that the employee or annuitant is living with or contributing to the support of the child.

In the case described above, the child is eligible for TCC because the annuitant died and the child does not qualify for a survivor annuity as a dependent of the deceased. Similarly, a child receiving a survivor annuity as a dependent of the deceased would cease to be dependent if the survivor annuity stops for any reason, including because he or she is no longer a full-time student. This child would also be eligible for TCC.

Our previous guidance states that a child who does not qualify for a survivor annuity would not be eligible for TCC. We issued it over 10 years ago (FPM Letter 890-30, December 27, 1989) and based it upon a narrow interpretation of the law. We have now concluded that a broader interpretation is possible and fully consistent with the purposes of the TCC provisions. We are updating the information in the Termination, Conversion, and Temporary Continuation of Coverage chapter of the FEHB Handbook to reflect this.

Unfortunately, current law offers no basis for extending TCC eligibility to spouses who do not qualify for a survivor annuity. We are requesting amendatory legislation to correct this situation.

If you need assistance in understanding this change, please call our information staff on (202) 606-0191. You may also send Email about this issue to Barbara Myers at [bdmyers@opm.gov](mailto:bdmyers@opm.gov).

A handwritten signature in black ink, reading "Abby L. Block". The signature is fluid and cursive, with a long horizontal stroke at the end.

Abby L. Block, Chief  
Insurance Policy  
and Information Division