

**DECISION**

DIGEST - L - CP

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

712

FILE: B-195158

DATE: October 26, 1979

MATTER OF:

(Deceased)

**DIGEST:** Widow of a deceased Department of Agriculture employee claims entitlement to unpaid compensation of husband alleging that husband intended to change designated beneficiary to her from his children by a previous marriage. Under 5 U.S.C. § 5582 payment must be made to designated beneficiary.

H. Larry Jordan, an Authorized Certifying Officer of the Department of Agriculture (DOA), has requested an advance decision as to who is the appropriate beneficiary for the unpaid compensation of \_\_\_\_\_, a deceased employee of DOA. Since \_\_\_\_\_ designated his minor children, \_\_\_\_\_ and \_\_\_\_\_, as the beneficiaries for any unpaid compensation, they, through their legal guardian, are entitled to receive the funds.

The unpaid compensation consists of unpaid salary, annual leave, and real estate expenses incident to a transfer of official duty station. \_\_\_\_\_, the deceased's widow, is contesting payment of the unpaid compensation to the deceased's children. Although she recognizes that she was not named as a beneficiary for unpaid compensation she believes that her husband's intent was for her to receive these funds.

Prior to his second marriage, \_\_\_\_\_ filed the appropriate forms designating his children as the beneficiaries of any lump-sum benefit under his CSC retirement, Federal Employees Group Life Insurance Program (FEGLI), and unpaid compensation. After his marriage to \_\_\_\_\_ in February of 1973, \_\_\_\_\_ filed forms changing the beneficiaries of retirement entitlement and FEGLI from his children to his wife, \_\_\_\_\_, first and otherwise to his son and daughter 50 percent each. These changes were filed in September 1973, but he did not file a change of beneficiary for unpaid compensation.

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Upon filing these latter change of beneficiary forms, enclosed a memorandum of September 12, 1973, to his personnel officer which stated:

"Since my remarriage last February, I decided that I better get my beneficiaries straightened out. I have enclosed completed Standard Forms No. 54 & 2808 for the FEGLI and Civil Service Retirement respectively.

"If there is anything else of this nature that I should fill out, please let me know."

The personnel officer did not communicate with regarding whether he wished to change his beneficiary for unpaid compensation.

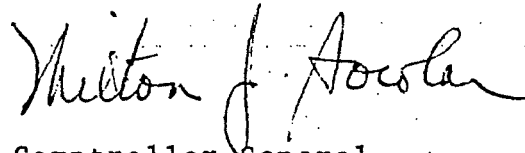
alleges that action of changing his beneficiary for his retirement annuity and FEGLI coupled with the statement in his memorandum of September 12, 1973, evidences his intent to have her be the beneficiary for the unpaid compensation.

change of beneficiary for his FEGLI and retirement annuity has no effect on the beneficiary designation for his unpaid pay and allowances. Each beneficiary program is a separate and distinct statutory scheme and the designation of a beneficiary under one program does not effect the designation of a beneficiary under another program. \_\_\_\_\_, B-182519, ✓ April 2, 1975. Each program statutorily provides how beneficiaries are designated and how changes may be effected as well as what occurs when no beneficiary is designated. See 5 U.S.C. § 5582 ✓ for unpaid compensation; 5 U.S.C. § 8705 ✓ for FEGLI; and 5 U.S.C. § 8342 ✓ for retirement annuities. Accordingly, action in changing his beneficiaries for purposes of his FEGLI and retirement annuity cannot alter his designated beneficiaries for unpaid compensation. Where an individual has designated beneficiaries, payment may not be authorized to a person other than the designated beneficiary. See \_\_\_\_\_, B-193965, July 9, 1979, 58 Comp. Gen. 644. ✓

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points out that if the children are declared the beneficiaries they will receive approximately \$3,000 for reimbursement of real estate commissions incurred in the sale of the residence which she and her husband owned jointly. Under the provisions of 5 U.S.C. § 5581 which specifically includes allowances on changed official station as money due at time of death, we have held that any expenses incurred in the sale of a residence accrue to the designated beneficiary for unpaid compensation. \_\_\_\_\_, B-166528, April 21, 1969, \_\_\_\_\_, B-183389, November 24, 1975.

Accordingly, on the record before us, the children of the deceased, \_\_\_\_\_ and \_\_\_\_\_, are the beneficiaries of the deceased for all unpaid compensation.



For The Comptroller General  
of the United States