

Social Security Fairness Act Information

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This information provided is taken from the Social Security web site, ssa.gov. Actual eligibility determinations are based on their final decision. This is informational in nature to advise you of your potential benefits. For more information, contact **Social Security National Teleservice 1 800 772-1213** or find your local office by visiting www.ssa.gov/locator.

The [Social Security Fairness Act](#) was signed on January 6, 2025. It eliminates the offset of WEP (“Windfall Elimination Provision”) and GPO (“Government Pension Offset”) and allows retirees, spouses and survivors to qualify for Social Security benefits without any offset due to a Non-Covered Pension.

Retirement beneficiary currently subject to WEP

If you are currently receiving Social Security under the WEP provisions you do not need to file a claim since SSA has all of the information on you and can therefore process your retroactive benefits and establish your new monthly benefit amount. SSA is expected to provide information to you which will include when you may receive your back payment and your new benefit amount. We will keep you updated as we receive more information from Social Security.

Eligible for SSA Retirement benefits but have not filed

If you are filing for SSA retirement you will need to file an SSA-1, submit your birth certificate and direct deposit information. You may need your DD214.

Please remember that you may also be eligible for benefits as a Spouse or as a Widow/Widower.

GPO affected Spouses and Survivors benefits

Category of Benefits:

Spouses, Divorced Spouses, Widows/Widowers, Remarried Widow/Widowers after age 60, Surviving Divorced Husband/Wife and Disabled Widows. If you are potentially eligible in any of these categories of benefits you need to file a claim. You can file On-Line via [SSA.gov](https://ssa.gov), or complete a paper application [SSA-2 Application for Wife’s or Husband’s benefits](#) and [SSA-3 Marriage Certification](#) or an [SSA-10 Widow’s or Widower’s Application](#) and mail it to your Social Security office, or call Social Security and request a telephone appointment or go into any Social Security office and file your application. I would recommend that you set up telephone appointment if you are potentially eligible on more than one spouse or survivor record. You may need your spouse’s DD214, but your claim can be processed without it and SSA can help you get the document if you need it.

Under this law [Act], you may be eligible for retroactive benefits back to **January 2024**. At this time to ensure full retroactivity, you must file an application before January 31, 2025 to protect your right to full retroactivity. Congress has requested SSA provide by January 17, 2025 information and instructions on filing, documents required and when beneficiaries can expect their payments. Hopefully SSA will establish a grace period for filing for retroactive benefits. NARFE will advise you of the information that they receive either by the National magazine, NARFE Daily News Clips, chapter newsletter or e mail.

Those affected by Government Pension Offset [GPO]

If you have filed an application for Spouse or Survivor benefits and are currently in Government Pension Offset you need to contact Social Security to ensure that the information on your records is current and up to date so they can determine your new benefit amount as a spouse or survivor and issue all retroactive benefits. Remember you may have filed that application many years ago and a lot of information may have changed, your address, direct deposit, remarriage, etc. You can call the 1 800 number or your local Social Security office to verify the correct information on file.

Eligible Spouse is age 62 or older and not eligible for Social Security benefits.

If you are not entitled to Social Security benefits on your own record and you are 62 or older you will be eligible for Spouse's benefits. Your spouse must be eligible and receiving Social Security benefits and you must be married for more than 1 year.

You will need to file an application for Spouses benefits. The form is called an **SSA-2**, you must submit your birth certificate**, **SSA -3** Marriage Certification signed by your spouse and your direct deposit information.

***If you are currently on Medicare, you will not need your birth certificate because your Proof of Age/Citizenship is already on Social Security records.*

Eligible for Social Security on your own record---potential Spouse's eligibility.

If you are married for more than 1 year and your Social Security non-WEP benefit amount is less than your spouse SSA payment you may be eligible for extra money on your spouse's record.

Social Security will have to determine your new non-WEP benefit and compare what your potential spouse's benefit would be. The spouse's benefit is generally $\frac{1}{2}$ of your husband or wife's retirement benefit amount, minus your benefit amount.

EXAMPLE: Your non-WEP benefit is \$500 and your spouse's own benefit is \$1500. $\frac{1}{2}$ of the \$1500=\$750. If you are Full Retirement Age or older your Spouse's benefit amount would be \$250 and your new total benefit would be \$750. If you are under FRA, you would receive a smaller amount of the \$250.

Please Note: The benefit on your spouse's record, if you qualify for a payment, does not affect their payment. The money, if you are eligible, is in addition to the amount your spouse currently receives.

Divorced Spouse's Benefits

To Qualify as a Divorced Spouse, you must be age 62 or older, married for 10 years before your divorce and currently unmarried.

You need to file an application SSA-2, submit your birth certificate [if you are not receiving Social Security or Medicare], your marriage certificate, divorce papers and direct deposit information.

If you were married more than once you could be eligible on that other spouse's record if that marriage to that spouse was for 10 years, then divorced and you are unmarried. Again, you would need that marriage certificate and those divorce papers from that marriage.

Social Security would need to determine which of the divorce spouse's record would pay you the highest benefit. You can only receive the highest of the two benefits not both.

If you are potentially eligible on more than one divorced spouse's record you probably need a telephone or in office appointment since you cannot get the correct information when you file On-line. The on-line system cannot tell you whose record would pay the highest benefit.

If you are eligible for a Divorce benefit your payment does not affect that spouse's benefit or his present wife or children benefits.

Widows/Widowers Benefits

There are multiple possible benefits as a survivor:

Widow's/Widower's

Widow/Widower who Remarried after age 60

Surviving Divorced Wife/Husband

Disabled Widow/Widower age 50 or older.

Widow or Widower and receiving Social Security

You must be age 60 or older and unmarried.

Your widow's benefit must be higher than your benefit amount.

You will need to file an **SSA-10** and submit your marriage certificate and possibly the death certificate. If you received the death benefit when your spouse died that record of death is on file.

SSA will determine what your additional benefits are and that payment will be sent to your retirement direct deposit. You will receive a retroactive check and then the benefits will be combined and you will receive only one deposit per month.

Widow or Widower and not receiving Social Security.

You must be age 60 and unmarried. You will need to file an **SSA-10** application, submit your birth certificate, marriage certificate, death certificate and direct deposit information.

Again, if you are on Medicare, you do not need your birth record and if you received the death benefit when your spouse died that record of death is on file.

If you are a widow/widower and remarry in the future it does not terminate your widow's benefit and you remain eligible, but you need to contact Social Security to inform them of your marriage and to correct your new name, address or direct deposit information if applicable. They will also check to see if you could be entitled to a higher benefit on your present husband record.

If you were widowed more than once you are potential eligible to file on the record that would pay you the highest benefit. Again, you would need to contact SSA to determine what record to file on.

Widow/Widower who Remarried after age 60

If you were widowed and remarried after age 60 you are potentially eligible on the deceased spouse's record or your current spouse's record which ever will pay you the highest benefit. Widows' benefits are generally higher than Spouse's benefits. You will need to contact SSA to determine what record to file on.

To file as a widow, you will need to file an **SSA-10**, submit your birth record if necessary, the marriage certificate to your deceased spouse, death certificate if necessary and your marriage certificate to your present spouse.

If your present spouse's benefit is higher than the survivor benefit you will need to file an **SSA-2, SSA-3**, submit your marriage certificate and direct deposit information.

You can only receive a spouse or survivor benefit not both.

Surviving Divorce Wife/Husband

If you were married for more than 10 years and divorced you may be eligible for these benefits if you are unmarried and age 60 or older.

You will need to file an **SSA-10**, submit your birth record if necessary, your marriage and divorce papers. If you were married and divorced after that marriage you will need to submit those divorce paper to document that you were divorced and are now unmarried.

Also, if you receive a surviving divorce benefit your payment does not affect any other payments to individuals on that record.

Disabled Widow age 50 to 60.

To qualify you must be age 50 to 60, totally disabled and disabled within 7 years of your spouse's death.

If you believe that you may qualify for this benefit, contact Social Security as other terms and conditions may apply.

In Summary

I hope that this information is helpful in assisting you to what benefits you may be eligible to and how to file and what documents are necessary.

It is Social Security responsibility to advise and inform you when you are potentially entitled on more than one record. Whether it is your record, your present or past spouse but be sure to inquire about all potential benefits to ensure that you are being paid on the most advantageous record.

Marriage and divorce records are available at the county records office where the event occurred. Birth records are available from the State. Be sure that you request **certified** copies of those records. SSA does not accept photocopies.

If you have any questions, please contact me at dmteefy@comcast.net with subject: WEP/GPO NARFE.

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