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Search the Laws

Go To:

[Next Section](#)

[Previous Section](#)

[Chapter Table of Contents](#)

[MGL Search Page](#)

[General Court Home](#)

[Mass.gov](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS

CHAPTER 32. RETIREMENT SYSTEMS AND PENSIONS

Chapter 32: Section 11. Return of accumulated total deductions and amounts due beneficiaries of deceased members

Section 11. (1) *Return of Accumulated Total Deductions to Members.* — (a) Any member entitled to a return of his accumulated total deductions as provided for in paragraph (1)(c) or (1)(d) of section five, in subdivision (4) of section ten, in paragraph (2)(b) of section thirteen or in subdivision (3) of section twenty-five, shall, subject to the provisions of subdivision (8) of section three, to the provisions of this section, and to the provisions of section fifteen, be paid in one sum the amount of his accumulated total deductions within sixty days after his filing with the board on a prescribed form his written request therefor. For any such member who becomes a member subsequent to January first, nineteen hundred and eighty-four, who voluntarily withdraws from service with creditable service of less than sixty months, the rate of regular interest for purposes of calculating accumulated total deductions shall be zero. For any such member who becomes a member subsequent to January first, nineteen hundred and eighty-four, who voluntarily withdraws from service with creditable service of less than one hundred and twenty months but equal to or greater than sixty months, the rate of regular interest for purposes of calculating total deductions shall be fifty per cent of the rate of regular interest otherwise payable. Any other member entitled to return of his accumulated total deduction shall receive one hundred per cent of the rate of interest payable. For any such member who becomes a member subsequent to January first, nineteen hundred and eighty-four, the difference between the accumulated total deductions otherwise payable and the reduced accumulated deductions as provided for in this paragraph shall be transferred into the Pension Reserve Fund and shall be used to reduce the unfunded pension liability of the system.

(b) If any member entitled to a return of his accumulated total deductions as provided for in paragraph (a) of this subdivision has failed to request such return by the time interest has ceased to accrue thereon under the provisions of paragraph (6)(d) of section twenty-two for the purpose of determining any amount available to him upon such return, the board shall notify him in writing of the amount of his accumulated total deductions, of the fact that interest has ceased to accrue thereon for such purpose and of his rights, if any, to a prospective retirement allowance as provided for in section ten in case he is not paid the amount of his accumulated total deductions.

(c) If a member is eligible to receive a return of accumulated total deductions and requests such return from the board on the prescribed form, prior to the return of such accumulated total deductions, the board shall provide to the IV-D agency the member's name, date of birth, address, and social security number. Within 15 days of receipt of such information the IV-D agency shall notify the board if such member owes child support arrears, provided, however, that if, due to unforeseen circumstances, the IV-D agency is unable to provide such notice within 15 days, said IV-D agency shall notify the board of said unforeseen circumstances and the anticipated date by which the IV-D agency will provide such notice. In the event the member owes child support arrears, upon receipt of a levy from the IV-D agency on the accumulated total deductions, the board shall withhold the child support arrears from the accumulated total deductions and, unless the IV-D agency releases the levy or the board receives notice from either the IV-D agency or the member that an appeal of the levy is pending, the board shall, within 60 days, disburse to the IV-D agency the accumulated total deductions up to the amount of child support arrears. If the board receives such notice of an appeal, the board shall not disburse such accumulated total deductions until the board receives notice that the appeal has been resolved and in what manner the accumulated total deductions should be disposed.

(d) If a member is entitled to a return of his accumulated total deductions and requests such a return from the board on the prescribed form, then prior to the return of such accumulated total deductions, the board shall contact the member's employer to determine whether the member owes an obligation to the employer under an employee benefit plan, including a cafeteria plan established pursuant to 26 U.S.C. section 125. If it is determined that the member owes the employer under any such plan, the board shall not return the accumulated total deductions until it has received notice from the employer that the obligation has been satisfied.

Upon notice by the IV-D agency to the board that a lien has arisen under section 6 of chapter 119A against a member and if the member has terminated service, the board shall send to the member the prescribed form to request a return of accumulated total deductions. If the member fails to file the prescribed form with the board within 60 days, the board shall notify the IV-D agency of such failure and whether the board has received notice that the member has become a member of any other system. The IV-D agency may seek a court order for the submission of the prescribed form to request a return of accumulated total deductions. Upon request of the IV-D agency, the court shall order the member to sign and submit the prescribed form or shall appoint a special master to sign and submit such form in place of the member. Upon receipt of a levy from the IV-D agency on the accumulated total deductions, the board shall withhold any child support arrears owed by such member from the accumulated total deductions and, unless the IV-D agency releases the levy or the board receives notice from the IV-D agency or the member, that an appeal of the levy is pending, the board shall, within 60 days, disburse to the IV-D agency the accumulated total deductions up to the amount of child support arrears. If the board receives such notice of an appeal, the board shall not disburse such accumulated total deductions until the board receives notice that the appeal has been resolved and in what manner the accumulated total deductions should be disposed. Notwithstanding the provisions of any general or special law to the contrary, a disbursement of accumulated total deductions and a return of accumulated total deductions pursuant to the provisions of this subdivision shall have the same effect on the rights of the member as a return of accumulated total deductions pursuant to the provisions of this chapter.

(2) *Amounts Due Beneficiaries of Deceased Members.* — (a) Upon receipt by the board of proper proof of the death of any member before the date any retirement allowance becomes effective for him under the provisions of sections one to twenty-eight inclusive, the amount of any accumulated total deductions credited to his account in the annuity savings fund of the system shall, subject to the provisions of paragraph (c) of this subdivision, to the provisions of option (d) of subdivision (2) of section twelve, to the provisions of section twelve B and to the provisions of section fifteen, be paid in one sum to his surviving beneficiary or beneficiaries entitled thereto; provided, however, that prior to the payment of

such accumulated total deductions to said beneficiary or beneficiaries, the board shall provide to the IV-D agency the name, date of birth, address, and social security number of each beneficiary; and provided further, that within 15 days of receipt of such information the IV-D agency shall notify the board if such beneficiary owes child support arrears. If due to unforeseen circumstances the IV-D agency is unable to provide such notice within 15 days, said agency shall notify the board of the unforeseen circumstances and the anticipated date by which the IV-D agency shall provide such notice. If such beneficiary owes arrears, upon receipt of a levy from the IV-D agency, the board shall withhold any arrears owed by any such beneficiary and disburse the accumulated total deductions due that beneficiary, up to the amount of the arrearage, to the IV-D agency within 60 days.

(b) Upon receipt by the board of proper proof of the death of any member on or after the date any retirement allowance payable under the terms of option (b) of subdivision (2) of section twelve becomes effective for him and during the continuance of such allowance and while there is any cash refund due under the terms of such option, the amount of any such cash refund shall, subject to the provisions of paragraph (c) of this subdivision and to the provisions of section fifteen, be paid in one sum to his surviving beneficiary or beneficiaries entitled thereto. Upon receipt by the board of proper proof of the death of any person who is receiving payments under any retirement allowance payable under the provisions of sections one to twenty-eight inclusive, any pro rata payment allowable at his death under the provisions of subdivision (1) of section thirteen and not included in the amount of any cash refund payable under the terms of option (b) of subdivision (2) of section twelve, shall be paid to his surviving beneficiary or beneficiaries, or if there is no beneficiary living, then to the person or persons appearing in the judgment of the board to be entitled thereto, and such payment shall constitute a legal settlement of all claims on account thereof and shall bar recovery thereof by any other person.

(c) Any member, upon his written notice on a prescribed form filed with the board prior to his death, may nominate, and from time to time change, one or more beneficiaries to receive in designated proportions, or in the alternative, any sum becoming payable under the provisions of this subdivision on his death, and/or any uncashed checks in payment of amounts to which he was entitled from the funds of the system of which he was a member, or any sum payable to his estate from said funds; provided, that any such beneficiary or beneficiaries nominated by a minor shall be of his kindred. The payment of any such sum or portion thereof to his beneficiary or beneficiaries of record surviving at his death shall bar the recovery of such payment by any other person. If there is no beneficiary of record or if any beneficiary of record is not living at the death of such member, such sum or the amount which would have been paid to such beneficiary if he had survived such member, as the case may be, shall be paid to the legal representatives of such member; provided, that if any such sum or amount does not exceed three hundred dollars, and if there has been no written demand upon the board for payment thereof by a duly appointed executor or administrator of the estate of such member and the board has not otherwise been informed that probate proceedings relative to such estate have been commenced, such sum or amount may be paid after the expiration of ninety days from the date of death of such member, to the person or persons appearing in the judgment of the board to be entitled thereto. The payment of any such sum or amount in such a manner, or to the natural or legal guardian or conservator of a minor or incompetent beneficiary, shall constitute a legal settlement of all claims on account thereof to the extent of such payment and shall bar recovery of such payment by any other person. Payment shall not be made under this subdivision if the deceased member is survived by a beneficiary appointed under option (d) of subdivision (2) of section twelve who is eligible to receive the allowance provided by said option, nor if the deceased member is a male and is survived by a person eligible to receive the allowance provided for in section twelve B, or is a female and is survived by a child eligible to receive the allowances provided for in section twelve B, unless the widow or person acting for such child elects, in lieu of receiving allowances provided for in said section twelve B, to have payment of any moneys due made in accordance with the provisions of this paragraph.

(3) *Transfer to Pension Fund of Accumulated Total Deductions.* — The accumulated total deductions of any member not having the right to receive a retirement allowance under the provisions of section five, six, seven or ten, and whose service has been terminated for at least ten years, or any amounts due to any designated beneficiary or beneficiaries or to the estate of a deceased member which has not been claimed within ten years of the date of death of such member shall be transferred to the Pension Reserve Fund or the Commonwealth's Pension Liability Fund established under section twenty-two.

No check, which has been issued by the state treasurer in payment of any obligation of the state board of retirement or the teachers' retirement board under authority of sections one to twenty-eight, inclusive, or which is issued by any county, city or town treasurer, by the secretary-treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Housing Finance Agency, the secretary-treasurer of the Massachusetts Port Authority, the Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, or by the Minuteman Regional Vocational Technical School District in payment of any obligation of any retirement system established under this chapter, shall be payable later than six years after its date, and the obligation of the commonwealth or of any county, city, town, the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system or the Minuteman Regional Vocational Technical School District, represented by any such check, shall not be enforceable if such check is not presented for payment within such period. The amount represented by such check shall thereupon be transferred to the Pension Reserve Fund or the Commonwealth's Pension Liability Fund of the retirement system under whose authority the check was originally issued.

Any person entitled to payment of accumulated total deductions or payment of amounts due beneficiaries or estates of deceased members or amounts represented by uncashed checks, which were transferred to the Pension Reserve Fund or the Commonwealth's Pension Liability Fund under the provisions of this section may establish a claim therefor at any time. The board shall determine all such claims and if it finds such claim to be valid shall pay the amount of the claim out of the Pension Reserve Fund or the Commonwealth's Pension Liability Fund.