

Bond Case Briefs

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BENEFITS - DISTRICT OF COLUMBIA

Rivera v. Lew

District of Columbia Court of Appeals - September 11, 2014 - A.3d - 2014 WL 4450507

Former spouse of police officer sought judicial review of District of Columbia Retirement Board's (DCRB) denial of spouse's request for a survivor annuity following officer's death. The District Court granted summary judgment in favor of DCRB. Spouse appealed.

The Court of Appeals held that mayor was not required to comply with posthumous nunc pro tunc order amending divorce settlement.

Mayor was not required to comply with a posthumously-issued nunc pro tunc court order that on its face related back to a date before police officer's death and retroactively amended a divorce settlement agreement to provide the officer's former spouse with entitlement survivor annuity in a way that was inconsistent with the last benefits election executed by the officer prior to his death, where order had not been issued prior to officer's retirement, as officer's death prior to retirement precluded retirement.