

ASK THE EXPERT

Tapping ex-spouse's benefits

The problem: My spouse and I divorced 17 years ago after 23 years of marriage. I never remarried. Can I collect on his retirement plan when he turns 62 and then switch to my own retirement plan when I turn 65, which is the age when I can collect full benefits?

The expert: Lloyd C. Rosen, matrimonial and family law attorney, Wisselman, Harounian & Associates, Great Neck

The rules: Once you elect to receive Social Security payouts, your benefits are determined and locked in permanently. You cannot collect under your ex-husband's record at 62 years of age and then switch to your own when you reach full retirement age. Although your question refers to your "retirement plan," I assume you are referring to Social Security, rather than a defined-benefit pension plan.

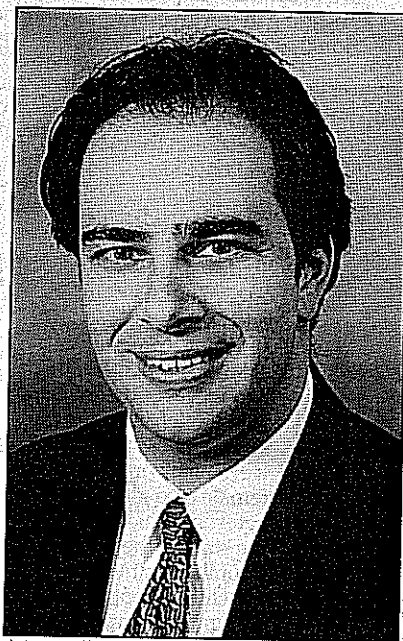
The strategy: When you apply, the Social Security Administration will investigate the benefits you would receive under your own record and the benefits you'd receive under your ex-husband's record. The benefits are based upon your age at retirement and your compensation record. SSA will pay you the

highest amount for which you qualify.

How it works: Social Security lets you collect benefits under your ex-husband's Social Security number if you were married at least 10 years, are at least 62 years old, are unmarried and are not entitled to a higher benefit under your own Social Security number.

If you are referring to a pension plan rather than Social Security, your stipulation of settlement or judgment of divorce should have delineated what right, if any, you have to your ex-husband's pension benefits. Look over your settlement or talk to your attorney about your rights.

The results: If you apply for Social Security before your full retirement age, you'll receive reduced benefits, whether you are collecting on your ex-husband's record or your own. Go to your local Social Security Administration office with proof of your marriage and divorce, and have them provide you with specific details of your retirement entitlements from your ex-husband's plan and your own.



Matrimonial lawyer Lloyd C. Rosen

— KAREN E. KLEIN
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See the show at a discount

For those collecting Social Security, here's one more benefit: A discount to see "Social Security" at the Show Place theater in Bellmore.

The comedy by Andrew Bergman centers on a Manhattan couple coping with an unexpected addition to their family: the wife's elderly mother, who is deposited in their apartment by her Long Island daughter. The play originally was produced on Broadway in 1986, directed by Mike Nichols and starred Marlo Thomas, Ron Silver and Olympia Dukakis.

This version of "Social Security" is produced by Plaza Theatrical Productions, an Oceanside-based touring company. The show opens today and runs through March 2.

Tickets are \$22, but if you're on Social Security, they're only \$15. Call 516-599-6870 or go to plazatheatrical.com.

HAVE A TIPS IDEA?

E-mail Peter King at pwking@aol.com, or write him at Peter King, Act Two, Newsday, 235 Pinelawn Rd., Melville, NY 11747-4250.