

Examples of Beneficiary Determinations

Case Study 1

Date of Death:	5 June 2012
Lump Sum Value:	£80,000
Age at Date of Death:	48
Did deceased leave a Will?	No
Did deceased complete an Expression of Wish?	Yes
Details of Expression of Wish	100% to Mother
Date of Expression of Wish	10 September 2010

Details:

The Beneficiary Investigation Form that was sent out to the company once we had been notified of the death, detailed four potential beneficiaries. These were the mother, the son (age 6), the current partner and a former partner – who was the mother of the son. The company could not confirm if any of the parties were financially dependent on the deceased.

Further forms were then sent out to each of the potential beneficiaries, with exception of the son, to establish any financial dependency. The mother confirmed she was not financially dependent. The former partner confirmed that she personally was not, but her son was. The current partner also confirmed she was financially dependant on the deceased.

The deceased had completed an 'Expression of Wish' form only a couple of years before he died. However, we concluded that this did not reflect the deceased's situation at date of death.

We determined that the son had a claim on the lump sum as well as the current partner. We therefore paid £40,000 to each of them. We paid £40,000 due to the son to the boy's mother, to be held in trust for him until he attained the age of 18. This was a better option than setting up a separate trust, which can be expensive to set up. We felt that as long as communication is clear that money is to be held in trust for another party, and a suitable 'custodian' is identified, this was a better alternative.

The former partner's brother contacted us after the beneficiary award letter had been sent out awarding £40,000 to the son. He was an employee of the same company as the deceased and knew the total death benefit should have been higher than the £40,000 awarded to the son. We explained to him that our duty of confidentiality did not allow us to divulge the identity of beneficiaries. This was met with a heated and angry response. Subsequently, the deceased's mother also contacted us wanting to know who the beneficiaries were. Again, we had to explain about our duty of confidentiality and the mother found it hard to understand why we could not tell her who the beneficiaries were.

A few weeks later we received an email from the former partner's brother thanking us for our patience and confirming his understanding of our duty of confidentiality. We also received an email from the company thanking us for dealing with the claim and expressing relief that they had not had to.

Case Study 2

Date of Death:	12 August 2011
Lump Sum Value:	£150,000
Age at Date of Death:	25
Did deceased leave a Will?	No
Did deceased complete an Expression of Wish?	Yes
Details of Expression of Wish	100% to mother
Date of Expression of Wish	5 June 2011

Details:

The HR manager confirmed the only potential beneficiary was the deceased's mother. A Beneficiary Investigation Form was sent to the Employer and was returned by the mother confirming her and the deceased's father as potential beneficiaries.

This was a high-profile death case (as some of our cases are) and there was some press coverage. The press reports suggested there had been a girlfriend.

Further investigations were made with the company. These revealed that the deceased had been living with his girlfriend at the date of his death and that she was also living with him at the time he completed the Expression of Wish form.

We paid the full amount to the deceased's mother, as she was named as the beneficiary on the two independent Beneficiary Investigation Forms we had sent out. Furthermore, the Expression of Wish form had been completed only two months before the date of death, at which point his personal circumstances were the same as those at the date of his death. We felt we did not have sufficient reason to rule against the member's wishes.

Case Study 3

Date of Death:	18 January 2012
Lump Sum Value:	£45,000
Age at Date of Death:	38
Did deceased leave a Will?	Yes
Did deceased complete an Expression of Wish?	Yes
Details of Expression of Wish	50% to husband, 25% to Son 1 (age 7), 25% to Son 2 (age 4)
Date of Expression of Wish	1 March 2009

Details:

In this case, the Beneficiary Investigation Form detailed the same potential beneficiaries as those listed on the Expression of Wish form. These were the husband and two young sons living at the same address as their father. All three were identified as being financially dependant.

The Will, however, left the deceased's estate to her husband, with the sons benefitting only if the husband pre-deceased her.

We decided to pay the full amount to the deceased's husband. Although the Expression of Wish form listed the children too, the Trustee decided that as the children were minors, the husband should receive the full lump sum.

Case Study 4

Date of Death:	12 March 2011
Lump Sum Value:	£20,000
Age at Date of Death:	35
Did deceased leave a Will?	No
Did deceased complete an Expression of Wish?	No

Details:

In this case the employer confirmed that the deceased left no dependants and that no Expression of Wish form had been completed by the deceased. The employer also confirmed that they did not have contact details for the persons handling the deceased's affairs.

As the death certificate showed that the informant was the deceased's cousin and an address was listed, we sent a beneficiary investigation form to the cousin. We were subsequently informed that the deceased's sister was dealing any financial affairs.

A further beneficiary investigation form was therefore sent to the sister. She confirmed that she and her mother were the potential beneficiaries.

As the surnames of both the mother and sister were different to that of the deceased and we had not been provided with the names of these individuals by either the deceased or the employer, we obtained copies of relevant certificates and documentation to confirm they were related to the deceased.

We then had the issue that the deceased's birth certificate listed his mother as someone with an entirely different name to the one we had been provided with. In a subsequent telephone call with the sister she confirmed that whilst her mother was registered officially with her father's surname she used her mother's surname. Her mother also used a different Christian name to the one which was stated on her children's birth certificates which explained why the deceased's birth certificate did not include the name we had been provided.

We had no reason to doubt what we had been told however as there was no documentary evidence to confirm the differences in names listed on official registration documents, we asked the mother to swear a statutory declaration to confirm that she was the deceased's mother.

Once we had received the signed statutory declaration to this effect, we determined that the full claim value of £20,000 should be paid to the mother.