

1225.5 Request for Additional Information

Answer any questions concerning the contents of the letter and/or the annuitant's rights. Make it clear to the annuitant that the request for additional information is not being treated as a reconsideration request. Explain that a reconsideration request must be made within certain periods. Do not offer opinions or attempt to resolve problems that would be better handled in a personal conference.

If you need additional information to clarify the contents of the letter, call the examiner who released the overpayment letter. An abbreviated examiner name is shown on the ORCS Fact Sheet, which is available on Web Connect. If you cannot determine the examiner's name from the abbreviation, call the unit shown on the Fact Sheet. This call will not postpone recovery.

If necessary, the field office may request the unit to release additional information in a letter directly to the annuitant. This will not postpone recovery action either. Advise the annuitant that the letter may be delayed because of the processing of the recovery action.

1225.10 Request for a Review Of The Facts - No Personal Conference

An annuitant may request a review of the facts without requesting a personal conference. He may use Form G-66a or a signed statement. Generally, the annuitant sends a request for review of the facts to the lockbox. When you receive a Form G-66a, or a statement requesting a review in the field office, also secure a statement of the facts as the annuitant alleges and any supporting evidence he may have.

1225.10.1 Request for a Review of the Facts Made Within 60 Days After the Date on the Overpayment Letter

Enter the information on ASTRO. If the case is not on ASTRO and current entitlement exists, call the unit shown on the overpayment letter to prevent suspension of payments. You may advise the annuitant that he will receive his payment as usual. Send the Form G-66a, or statement and supporting evidence, to the Reconsideration Section (RECON) in a plain white envelope.

NOTE: Due to the cost of collection action in these cases, collection efforts are terminated if the annuitant requests review of the facts and the overpayment is \$100 or less. Do not advise the annuitant that the overpayment will not be recovered. Also, under no circumstances should an office solicit or suggest this option based on the amount of the overpayment. Headquarters will release a Form Letter RL-160 and close out the overpayment amount upon receipt of the Form G-66a.

1225.10.2 Request for a Review of the Facts Made More Than 60 Days After the Date on the Overpayment Letter

If a request is received in the field office after the timely request period, you must determine if good cause for delay is evident. Some examples of circumstances in which good cause may exist are:

- Serious illness prevented the annuitant from contacting the RRB in person, in writing or through a friend, relative or other person;
- A death or serious illness in the annuitant's immediate family prevented timely filing;
- Important and relevant records were destroyed;
- Failure to be notified of a decision; and
- An unusual or unavoidable circumstance existed which demonstrates that the annuitant could not have known of the need to file timely or which prevented the claimant from filing in a timely manner.
- The annuitant thought that his or her representative had requested reconsideration.

The RRB will accept as the date of filing the date the request for a review of the facts was mailed to the RRB by the United States mail. Therefore, if date the request for a review of the facts is received in the field office is after the timely request period, but the date shown by a U.S. postmark is within the timely request period, deem the request as timely filed.

If recovery has already started, do not request reinstatement or adjustment of the annuity to remove partial withholding until a good cause determination has been made.

If good cause is evident, forward the Form G-66a, the reason for delay statement from the annuitant and a statement that summarizes your reasoning for finding good cause in a plain white envelope addressed to the Reconsideration Section (RECON). Advise the annuitant that his/her request for review of the facts has been accepted, and that the annuity will be reinstated or adjusted to remove partial withholding if recovery has already started, and further recovery will be delayed while the case is being reviewed. To expedite that action, notify RECON via electronic mail. If recovery has not already started, you must enter a new received date in ASTRO. Enter the last day of the 60-day period. This is in addition to forwarding the appropriate materials to Headquarters.

If good cause for delay is not evident, the field is responsible for releasing a denial letter to the annuitant. The letter must include reconsideration rights. If recovery has already started, advise the annuitant in your letter that recovery will continue. If recovery has not yet been started, you must blank out the option and date entries you previously entered on the RECON/APPEAL OPTIONS screen on ASTRO, and in your letter advise the annuitant that recovery of the overpayment will proceed. Forward a copy of the

denial letter to the appropriate Operations unit (RBD or SBD) as an attachment to an Email. The Email should also include your reasoning for not finding good cause and explain that the G-66a and the annuitant's statement are being Faxed or mailed separately. The Form G-66a and the annuitant's statement should then be Faxed or mailed to the appropriate Operations unit.

1225.10.3 Request for Review of Facts and Waiver

If an annuitant requests a review of facts and waiver consideration refer to section 1225.15.4 for handling instructions.

1225.15 Request for Waiver Only - No Personal Conference

An annuitant may request waiver consideration without requesting a personal conference. He may use Form G-66a or a signed statement.

1225.15.1 Form DR-423 and Related Evidence

When the beneficiary sends the waiver request to the field office, always secure Form DR-423, "Financial Disclosure Statement," unless the overpayment is \$100.00 or less. If the overpayment is \$100 or less, it is only necessary to secure the Form G-66a. Analyze the completed form and secure a supporting statement if needed to resolve any apparent discrepancies. See instructions on analyzing the Form DR-423. When securing Form DR-423, also secure a copy of the beneficiary's most recent Federal income tax return if a tax return has been filed within the last 2 years. If the annuitant does not wish to complete the Form DR-423, advise him that this may result in the denial of the request to have waiver considered and submit his statement or memo advising why he does not wish to complete the Form DR-423.

1225.15.2 Request for Waiver Made Within 60 Days after the Date on the Overpayment Letter

Enter the information on ASTRO. If the case is not on ASTRO and current entitlement exists, call the unit shown on the overpayment letter to prevent suspension of payments. Advise the annuitant that he will receive his payment as usual. Send Form G-66a, or the statement, Form DR-423, a "Statement of Review," and the most recent Federal income tax return copy to BFO-DRD in a plain white envelope.

If the overpayment is \$100.00 or less, it is only necessary to secure Form G-66a. See "NOTE" under FOM-I-1225.10.1.

1225.15.3 Request for Waiver Made More Than 60 Days after the Date on the Overpayment Letter

Determine if good cause for delay is evident. (See FOM 1225.10.2, above, for some examples of circumstances in which good cause may exist.)

If good cause is evident, forward the Form G-66a, the reason for delay statement from the annuitant, Form DR-423, a copy of the most recent Federal income tax return and a statement which summarizes your reasoning for finding good cause in a plain white envelope addressed to BFO-DRD. The annuitant should be advised that the request for waiver has been accepted. If action has already been taken to start recovery, the annuity will be reinstated, or adjusted to remove partial withholding. Any amounts already recovered will be refunded. Waiver will be considered on the entire overpayment and further recovery will be delayed while the case is being reviewed. To expedite that action, notify BFO-DRD via electronic mail. If recovery has not already started, you must enter a new received date in ASTRO. Enter the last day of the 60-day period. This is in addition to forwarding the appropriate materials to Headquarters.

If good cause for the delay is not evident, forward the Form G-66a and the reason for delay statement from the annuitant in a plain white envelope addressed to BFO-DRD and notify DRD via electronic mail of the late waiver request. If recovery of the overpayment has started, advise the annuitant that the Railroad Retirement Board will still consider a request for waiver filed after the 60 day time period. However, any amounts collected prior to the request for waiver will not be waived and recovery of the overpaid amount will continue while we are considering the request for waiver. If waiver is granted, amounts recovered after the date the waiver request is received are waived and refunded. If recovery has not yet started, you must enter a new received date in ASTRO. Enter the date you received the Form G-66a. DRD will make an exception and delay recovery of the overpaid amount until a decision has been made on the waiver request. Be sure to forward the appropriate materials to Headquarters.

If the overpayment is \$100.00 or less, forward whatever information you have on hand to Headquarters. Do not secure additional information from the annuitant unless advised to do so by Headquarters. See "NOTE" under FOM-I-1225.10.1.

1225.15.4 Request for Review of Facts and Waiver

A request for review and waiver should be handled in the same manner as a request for waiver only, except that the field office should secure a statement of the facts as the annuitant alleges and any supporting evidence he may have. Forward that documentation to RECON. If the supporting evidence is not immediately available, forward the request and statement of the facts to RECON immediately. Inform RECON that supporting evidence is forthcoming.

The Reconsideration section (RECON) handles cases in which the annuitant requests a review of the facts and waiver first. RECON handles the request for review of the facts. If RECON confirms the overpayment, RECON sends the case to the Debt Recovery Division (DRD) for a decision on the request for waiver.

NOTE: In a case where the request for review and waiver is received after the timely request period and good cause is established, the RRB will honor both the request for review and the request for waiver. If action has already been taken to start recovery, the annuity will be reinstated, or adjusted to remove partial withholding. Any amounts

already recovered will be refunded. Further recovery action will be delayed until the decision on the review and waiver requests have been handled. If a request for review and waiver is received after the timely request period and good cause is not established, RECON will release a letter stating the review request will not be honored but that the waiver request will be forwarded to DRD for consideration. If recovery of the overpayment has started, advise the annuitant that the Railroad Retirement Board will still consider a request for waiver filed after the 60-day period. However, any amounts collected before the request for waiver will not be waived and recovery of the overpaid amount will continue while we are considering the request for waiver. If waiver is granted, amounts recovered after the date the waiver request is received are waived and refunded.

When the review of the facts confirms the overpayment, RECON will release a preliminary letter advising the annuitant of the results of the review. That letter will not include appeal rights or recovery options. The final decision letter released by DRD will include appeals rights that apply to both the overpayment review decision and the waiver decision.

1225.20 Request for Personal Conference with A Review And/Or Waiver Request

An annuitant must request a personal conference in conjunction with a review and/or waiver request on Form G-66a or a signed statement within 60 days of the date on the overpayment letter. An annuitant making a request for a personal conference more than 60 days after the date of the overpayment letter, forfeits his right to a personal conference, if "good cause" is not indicated.

If an annuitant only requests a personal conference, the field office should contact the annuitant and determine the nature of the personal conference. In other words, whether the annuitant wants review, waiver, review and waiver, or merely wants to discuss the overpayment and/or options for repayment. The field office should answer any questions regarding the overpayment and get assistance from the adjudication unit. If the debtor wants to make other arrangements for repayment or seeks a reduction in the offset amount, forward such request to BFO-DRD.

The Reconsideration Section (RECON) initially handles cases in which an annuitant requests a personal conference in conjunction with a review of the facts or review and waiver. BFO-DRD handles cases in which a debtor requests a personal conference in conjunction with a waiver. (When a request for a personal conference in conjunction with a review and/or waiver request is not made timely, it will be handled in the same manner as indicated in the "NOTE" in FOM-I-1225.15.4 above.)

In the case where the annuitant requested a Review of the Facts and a personal conference but not waiver consideration, DRD will honor the waiver request if the annuitant requests waiver at the conference.

If the overpayment is \$100.00 or less, it is only necessary to secure Form G-66a. See "NOTE" under FOM-I-1225.10.1. A personal conference will not be held in these cases.

1225.20.1 Annuitant Living Outside the Continental U.S.

A person living outside the continental U.S. may also request a personal conference within 60 days of the date on the overpayment letter. If you receive an inquiry from someone living outside the continental U.S. (except Canada or Mexico), advise the individual that he should make arrangements through the Chicago field office. The conference will be held in the U.S. and the person must travel at his or her own expense.

