U.S. Railroad Retirement Board
844 North Rush Street
Chicago Illinois, 60611-2092

Phone: (312) 751-7139
TTY: (312) 751-4701
Web: http://www.rrb.gov

1425.5 Notification

Advance Notice

Under the Code of Federal Regulations, whenever a representative payee is selected or changed, the annuitant must be notified 15 days in advance of the appointment via release of a Form Letter RL-107, "Advance Notice of Representative Payee Selection." The RL-107 letter informs the annuitant of the RRB's plan to name a representative payee and who that payee will be. The letter informs the annuitant of their right to review the RRB's proposed actions and to submit any additional evidence to be considered by the RRB before the representative payee appointment. This advance notice does not confer rights for reconsideration to the annuitant. The appeal rights and reconsideration process is initiated after the 15 day advance notice period ends when Form Letter RL-107B is released at the time of the representative payee appointment. If the annuitant requests a review of the intent of the RRB to appoint a representative payee within the 15 day advance notice period, the RRB will review the decision and consider any additional information provided and then decide whether to proceed with the representative payee appointment. This review and decision is made by the party who has made the representative payee selection, usually the RRB field office, and not by the Reconsideration Section.

Appointment Notice

After the 15 day advance notice period, the annuitant must be notified of the RRB's appointment of a representative payee via release of a Form Letter RL-107B, "Notice to Annuitant of Representative Payee Selection." The RL-107B letter provides the annuitant with his or her rights to file a request for reconsideration of the representative payee appointment decision.

Other Notices

A representative payee applicant is notified of his or her status via either Form Letter RL-107A, "Notice to Selected Representative Payee" or Form Letter RL-107E, "Notice to Not Selected Representative Payee Applicant."

An annuitant is notified of the resumption of direct payment via RL-107C, "Notice to Annuitant Who Will be Paid Directly Because of Representative Payee Dismissal."

A discharged representative payee is notified of his or her removal via Form Letter RL-107D, "Notice to Dismissed Representative Payee."

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Whenever the field office learns of a change in the custody of an annuitant in a representative payee case, the field office releases Form Letter RL-107F, “Custodian Notice – Third Party Representative Payee Selected” to the new custodian.

1425.5.1 Initial Annuity Award

When the representative payee has been selected, a Form Letter RL-107, "Advance Notice of Representative Payee Selection," must be released to the annuitant 15 days prior to the representative payee appointment. The initial annuity award is made to a representative payee and the representative payee receives the award letter. The letter contains a paragraph indicating that he/she has been selected as representative payee. The annuitant also receives a copy of the award letter if he has not been declared legally incompetent.

1425.5.2 Payee/Custody Changes

Field offices are responsible for issuing notices signed by the district manager, to annuitants, denied and selected representative payee applicants and custodians. Copies of all notices released by the field are to be provided to ORSP.

NOTE: In spouse to widow(er) conversion cases, the Form Letter RL-107 series letter copies should be attached to the Form G-659A and submitted with the proof of death.

A. Change from annuitant to representative payee - Fifteen days prior to the representative payee appointment, release Form Letter RL-107 to the annuitant. When the payee is appointed, release Form Letter RL-107A to the representative payee as notice of his or her selection. Form Letter RL-107B is also sent directly to the annuitant. See FOM-I-1745 for instructions on the completion of these forms.

B. Change from representative payee to representative payee - Fifteen days prior to the representative payee change, release Form Letter RL-107 to the annuitant. At the appointment, release Form Letter RL-107D to the old payee. Send the new payee Form Letter RL-107A. Notify the annuitant of the change in payee with Form Letter RL-107B.

   Exception: In cases involving minor child annuitants, field offices should decide whether the release of the Form Letter RL-107B would be in the best interests of the annuitant.

C. Change from representative payee to annuitant - Send the annuitant Form Letter RL-107C. Release Form Letter RL-107D to the representative payee.

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D. Non-custodian representative payee selected - When a representative payee is selected for an annuitant with a third party acting as the annuitant's custodian, release Form Letter RL-107F to the custodian. This letter advises the custodian of the selection of the representative payee, requests they notify the RRB when custody changes, the annuitant dies or they have indications that the representative payee is not acting in the annuitant's best interest.

E. Change in custody of annuitant - Whenever custody of the annuitant changes in a representative payee case, field offices should release a Form Letter RL-107F to the new custodian.

1425.5.3 Denials

Disallow an application for a representative payee when:

1. A Form AA-5 is submitted by a person who is not selected as representative payee; or

2. It is determined that the annuitant can manage annuity payments on his own behalf.

Send Form Letter RL-107E to the person not selected as representative payee. File the denied AA-5 application in the field office representative payee file.

1425.10 Appeals

Under the Code of Federal Regulations, the decision to appoint a representative payee and who shall be appointed to serve as representative payee are considered to be initial decisions by the RRB and are subject to reconsideration. The provisions for who is granted the right to file for reconsideration and when the right is granted in representative payee appointment situations is described below.

1425.10.1 Non-appealable Decisions

Annuitants under age l8 do ***not*** have the right to appeal the RRB's decision to pay a representative payee. (These annuitants do have the right to contest the finding that he or she is, in fact, under age 18.)

Annuitants who have been found to be legally incompetent do ***not*** have the right to appeal the RRB’s decision to pay a representative payee. (These annuitants do have the right to contest the finding that he or she has been found to be legally incompetent.)

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Applicants to serve as the representative payee for an annuitant do ***not*** have the right to appeal the RRB's denial of their application to serve as representative payee.

1425.10.2 Appealable Decisions

Annuitants over age 18 who have not been found to be legally incompetent have the right to appeal both the RRB's decision to pay a representative payee and who is selected to serve as their representative payee .

Annuitants under age 18 have the right to appeal the fact that he or she is, in fact, under age 18. (These annuitants do ***not*** have the right to appeal the RRB's decision to pay a representative payee.)

Annuitants found to be legally incompetent have the right to appeal the fact that he has been found to be legally incompetent. (These annuitants do not have the right to appeal the RRB's decision to pay a representative payee.)