

1.5.1 Eligibility and Date Of Entitlement Of Child Under 100% O/M Computation Or 110% Grandfather O/M Computation

The 1937 Railroad Retirement Act did not provide a child's annuity in retirement cases. The 1974 Railroad Retirement Act has not, as of the date of this revision, provided a child's annuity in retirement cases. However, if the employee has attained age 62 or is entitled to an actual disability freeze, a child can be included in the O/M computation as an Ineligible Person Included (IPI), as explained in RCM 8.3.24.

1.5.2 Amount of Child's Retirement O/M Share

The additional amount payable under SSA formula because of the inclusion of a child in the family group is explained in RCM 8.3.75 - RCM 8.3.84, RCM 8.3.110 and RCM 8.3.115. Usually the additional Retirement O/M amount resulting from the inclusion of a child is paid to the employee annuitant, or if there is a spouse annuitant, proportionately to the employee and spouse.

1.5.3 Assignment or Garnishment of The Retirement O/M Increase Amount

Under Section 459 of PL 93-647, annuity payments may be attached or garnished by court order to enforce an obligation for child support or alimony, as explained in RCM 8.3.170 - RCM 8.3.173.

1.5.4 Earnings Restrictions

The Social Security Act rules for work deductions are applied to the Retirement O/M computation, as explained in RCM 8.3.138 - RCM 8.3.139 and RCM 8.3.142 - RCM 8.3.143.

1.5.5 Termination or Suspension Of Child's Benefit Under The 100% O/M OR 110% Grandfather O/M Computation

The child's benefits are taken into account in figuring the family O/M or DIB O/M computations only for those months in which the child would have been eligible for benefits under the Social Security Act rules, as explained in RCM 8.3.27.

1.5.10 Types of Evidence

The following evidence is required for including a child under the Retirement O/M:

Evidence	When Required
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Age of Child.	Always.
Relationship of Child.	Always.
Form G-134, "Statement Regarding Contributions and Support"	Proof of 1/2 support is required when dependency cannot be "deemed," (See RCM 4.7).
Form G-319, "Statement Regarding Family and Earnings for Special Guaranty Computation".	For all initial entitlements.
Proof of Death or Disability of Grandchild's Parents	If a grandchild is to be included as a "child" IPI and has not been adopted by the employee.
Marital Relationship of Child's Parents	If child is stepchild of employee annuitant or when mother is eligible for spouse's annuity and does not file, or when "child" is born of an invalid ceremonial marriage.
Disability of Child	If alleged disabled child is age 18 or over, or will attain age 18 within three months.
Form G-320, "Statement By Employee Annuitant Regarding Student Age 18-19"	If FTS age 18-19 can be included in O/M.
Form G-315, "Student Questionnaire"	If FTS age 18-19 can be included in O/M
Form G-315a, "Statement by School Official of Student's Full-Time Attendance"	If FTS age 18-19 can be included in O/M and the FTS was not verified on Form G-315.
Form G-315a.1, "Notice of Cessation of Full-Time School Attendance"	If FTS age 18-19 can be included in O/M. This form is released to the school after the FTA is verified.

1.5.20 Relationship and Dependency Requirements

The following sections are intended only as a summary of the relationship and dependency requirements that a child must meet in order to be included in the Retirement O/M. More detailed explanations of these requirements and how they are

met are contained in Chapter 4.4, "Family Relationships," and Chapter 4.7, "Dependency, Support, and Care."

1.5.21 Parent-Child Relationship

In order for a child to be included in the Retirement O/M, he must be the employee's:

- A. Natural legitimate child who is:
 - 1. A child of a valid ceremonial marriage.
 - 2. A child of a voidable marriage.
 - 3. A child of a void marriage in some States.
 - 4. A child legitimated under applicable State law.
 - 5. A legitimate child under State law even though there has been no marriage or act of legitimation; or
- B. Illegitimate child, if the child would have rights under applicable State law for the purpose of inheriting the employee's intestate personal property; or
- C. Stepchild who is dependent on the employee; or
- D. Legally adopted child; or
- E. Equitably adopted child; or
- F. Grandchild. Effective 1-1-73, a grandchild of an employee is deemed to be the employee's "child" to qualify as an IPI in the O/M if:
 - 1. The grandchild was living with and being supported by the employee when the employee retired or became disabled; and
 - 2. The child's parents were either dead or disabled when the employee retired or became disabled.

See Chapters 4.4 and 4.7 for a further explanation of requirements that must be met for a grandchild to be considered the employee's "child".

If a grandchild is legally adopted by the employee, entitlement is determined under the rules for an adopted child.

1.5.22 Dependency Requirements

In order for a child, who is otherwise eligible, to be included in the Retirement O/M, he or she must be dependent upon the employee. This dependency must exist at the time the employee's annuity can be increased under the Retirement O/M.

For Retirement O/M purposes, we presume that an application on behalf of a child is timely, i.e., filed at the earliest time that the employee's annuity can be increased because of the child.

A finding of dependency depends upon the relationship of the child to the employee (natural child, adopted child, stepchild, etc.). In some cases, dependency can be "deemed" for Retirement O/M purposes (see RCM 4.7). If dependency is deemed, an indication that the child is actually dependent on someone other than the employee is immaterial.

See Chapter 4.7 for instructions for the use of Form G-134, "Statement Regarding Contributions and Support", to establish dependency when it cannot be deemed. Refer any questionable cases to the RRA Payment Analysis and Systems Group in the Office of Policy and Systems.

1.5.30 Developing Initial Eligibility for Retirement O/M

When a disability freeze is granted or one of the conditions in RCM 8.3.12 is met, test the case for the Retirement O/M. When the Retirement O/M may apply, request Retirement O/M development from the RRB field office via an E-mail.

The forms to be included in the initial Retirement O/M development package are:

- Form G-319, "Statement Regarding Family and Earnings For Special Guaranty Computation", and,
- Booklet G-179, "Special Guaranty in Employee and Spouse Annuities".

If the family group includes a child age 18-19, request the RRB field office to develop for the following forms which are stocked in the RRB field offices:

- Form G-320, "Statement By Employee Annuitant Regarding Student Age 18-19", and,
- Form G-315, "Student Questionnaire".
- Form G-315a, "Statement By School Official of Student's Full-Time Attendance."

If the family group also includes a disabled child, also request the RRB field office to develop a Form AA-19a, "Application For Determination of Child Disability." Booklet

RB-19a, "Child Disability Benefits," should be given to the applicant to explain the child disability requirements.

NOTE: Field offices have been instructed that when developing the Retirement O/M for an employee with a disability freeze and stepchildren are involved, develop a dependency determination for each stepchild regardless as to whether the stepchild is the qualifying dependant (see FOM 325.36.) This will protect each stepchild's potential entitlement to future survivor benefits. Do not delay payment to other beneficiaries while making the support determination.

1.5.31 Securing SS Benefit Information

Always develop SS benefit information from SSA when information on the Retirement O/M development forms or in the claim file indicates that a minor child, disabled child or FTS is entitled to or has filed for SS benefits on his own, his mother's, the employee annuitant's, or any other wage record. The reduction to the Retirement O/M is explained in RCM 8.3.107 and RCM 8.3.110.

1.5.32 Developing Continuing Eligibility after Age 18

Four months before a child will attain age 18, Form letter RL-175 is released to the employee. This advance notice is sent out before payments are suspended to enable the employee to contact the RRB field office to develop the possibility of continuing eligibility after the child attains age 18. The form shows the month the child attains age 18 and advises the employee to call the nearest RRB field office if the child is disabled or is attending school full-time. Refer any inquiries concerning the RL-175 letter to the RRB field office.

Diary cards are also forwarded to the claims examiner for action. Listed below are the possible messages for children included in the Retirement O/M:

- CHILD IPI ATTAINING AGE 18 OR 19
- CHILD IPI OVER AGE 18 OR 19

If the Retirement O/M is in force when the child attains age 18, do not initiate development for a full time student benefit or disabled child benefit other than the RL-175 attainment letter.

Usually the RRB field office will only need to develop current information on Form G-320 and Form G-315 if the child is age 18-19 and in full time school attendance at an elementary or secondary school. The other information on Form G-319 should already be in the claim file. (Refer to RCM 1.5.59.)

The RRB field office will need to develop Form AA-19a when the child attaining age 18 is disabled, if the disability has not yet been established in the claim file.

If the child could be entitled as either a student or a disabled child, refer to RCM 1.5.61.

If the child is 17 years and 8 months at the time of the initial action to include him or her in the O/M, see the NOTE in RCM 8.3.27A.

1.5.40 Disabled Child Age 18 or over

Effective 1-1-65, an unmarried dependent child age 18 or over who became disabled for all substantial gainful activity (SGA) prior to age 18 can be included in the Retirement O/M. Effective 1-1-73 such a child can be included in the Retirement O/M even if he became disabled after age 18 and before age 22. A disabled grandchild has the same status under the RR Act as any other disabled child effective 1-1-73.

1.5.41 Requesting Medical Evidence

If medical evidence for an alleged disabled child has not been requested, or if there is an indication in file that the child is entitled to SS Act benefits, send the case to the Disability and Medicare Operations Division (DMOD). DMOD will initiate development of medical evidence or contact SSA for copies of their medical evidence. Refer to DMOD any case in which they have rated a child disabled who has been denied at SSA or vice versa.

1.5.42 Securing Report of SS Benefit And Wage Data

When the alleged disabled child could be included in the O/M, and child has an SS account number or worked after 1936, secure a wage breakdown and names of employers from SSA. Do not send the folder to DB for a disability determination until the information has been received from SSA.

If the wage breakdown shows a possible insured status, obtain a report of SS entitlement data for the child. After the report is received, send the case to DMOD for a determination of the child's disability only if the employee's annuity can definitely be increased by including the child in the Retirement O/M.

1.5.43 Deductions Imposed On Disabled Child

Under the SS Act, a disabled child age 18 or over is subject to deductions because of refusal, without good cause, to accept vocational rehabilitation services. If notice is received from SSA that a disabled child had refused these services, any increase made in the employee's annuity under the Retirement O/M or Retirement DIB-O/M by including the disabled child, is not payable for any month for which the child refused such service. Consider payments for any such months erroneous.

1.5.50 Full-Time Student Age 18-19

Refer to FOM1 505 - 535

Appendices

Appendix A - Pre-1981 Amendment Full-Time Student Provisions

Refer to FOM1 Article 5 Appendix C

Appendix B - Legislative History

Effective Date	Retirement O/M Child and Student Provisions
11-01-57	Children disabled before age 18 may be included in the O/M.
09-01-58	Inclusion of auxiliary beneficiaries in the DIB O/M for months after 8-1958.
06-01-59	The O/M guaranty increased from 100% to 110% of the amount which would be payable under the Social Security Act if the railroad service after 1936 were credited as employment under the Social Security Act.
1-1-65	Eligibility extended to children under age 22 if full time students at a secondary or post-secondary school.
10-01-72	Change in the dependency requirement for a child adopted by the employee.
11-01-72	Child's entitlement under the O/M not ended because of adoption by someone other than the employee.
1-1-1973	Extended eligibility to children disabled before attaining age 22.
1-1-73	<p>Extended eligibility to students age 22 if their school term has not been completed.</p> <p>Dependent grandchild or step grandchild qualifies if:</p> <ul style="list-style-type: none"> • the grandchild's parents are deceased or disabled, or • the grandchild was adopted by the surviving spouse and the child's parents were not "living with" and contributing to the grandchild's support.
01-01-75	100% O/M and 110% Grandfather O/M established under the 1974 RR Act.
6-1-82	No Retirement O/M benefits are payable to IPI "phase-out" students for the summer months (5, 6, 7 & 8). Phase-out

	students are students who were entitled to an IPI child's benefit in August 1981 and were in FTA at a post-secondary school for any month prior to May 1982.
8-1-82	No Retirement O/M benefits are payable for IPI post-secondary students unless they qualify as "phase-out" students.
10-1-82	Retirement O/M benefits for IPI phase-out students were reinstated at a reduced rate (25% reduction effective in 1982; 50% in 1983 and 75% in 1984).
6-1-85	Retirement O/M benefits for IPI phase-out students were terminated effective 8-1-85. No benefits were actually payable for months after April 1985 because of the nonpayment provisions for summer months.
7-1-96	A stepchild must be dependent on employee for 1/2 support to be included in the Retirement O/M computation.
1-1-2002	A child or student may qualify as IPI based on the earnings record of an employee who had less than 120 months of railroad service, but at least 60 months of railroad service after 1995. The Retirement O/M is payable only when the age and service employee has sufficient quarters of coverage based on combined railroad compensation and SSA wages for an insured status under the SS Act or the disability annuitant has an actual SS Act disability freeze.