

### 5.11.1 Submissions to The Board

Submissions to the Board usually consist of two parts:

- A transmittal memorandum explained or justifying the proposal; and/or
- A Board recommendation (G-20a) which becomes a Board Order if the proposal is approved.

Address submissions to "The Board" from the Director of Programs.

Prepare an original and 8 copies of both the transmittal memorandum and the G-20a. Have at least 3 Xerox copies made for any additional copies that may be requested.

Do not sign or date submissions. The chief of the division in which the submission originates initials the next to the last copy of the transmittal memorandum.

### 5.11.2 Transmittal Memorandum

A transmittal memorandum is typed double spaced with the first line of each paragraph indented five spaces. The original copy of the first page is typed on G-115 and the original copy of any succeeding page is typed on heavy bond paper. Show on the original and all copies of the memorandum the titles of bureaus, offices or persons to whom copies are being sent, e.g., cc: Office of the General Counsel (3).

### 5.11.3 Board Recommendation

A Board recommendation must be double spaced and written in the form and language of the Board Order; a recommendation of more than ten pages may be single- spaced.

If the subject of the Board recommendation breaks naturally into separate paragraphs, write each part as a separately numbered paragraph. Uniformly indent any subparagraphs and number them in parentheses.

- A. Paper Requirements - When a Board recommendation is not duplicated it must be prepared on the following kinds of paper:
1. First page (original and all copies) - typed on Form G-20a.
  2. Second and any succeeding pages - original typed on heavy bond; carbon copies are typed on tissue.
- B. Preparation - The stenographers and typists have detailed instructions for setting up Board recommendations. Some of the specific requirements that must be observed are given here for the information of the person who initiates a Board recommendation.

1. The number of pages of the Board recommendation must be entered in the appropriate space in the upper right corner of the G-20a.
2. Starting two spaces below the last ruled line of the heading of the G-20a and two spaces to the right of the printed line, enter a title (entirely in upper case type) that clearly states the subject of the recommendation. Two or more single spaced lines may be used for the title. Keep the title as short as possible, typed in block style.
3. The text should start three spaces below the last line of the title and, for paragraph indentation, five spaces to the right of the designated left margin of the G-20a. Leave at least four spaces between the end of each typed line and the printed line on the right side of Form G-20a.
4. On page 2 and succeeding pages, the page number should be typed four spaces below the top edge of the paper and six spaces to the left of the right margin. The text should start six spaces below the upper edge of the sheet.

#### **5.11.4 Employer Pension Plans**

Ordinarily, the Policy and Systems (P&S) section in Programs determines whether an employer pension plan is a "supplemental pension plan" under the RRA. P&S sends a memorandum to the Office of the General Counsel (OGC) for an advisory opinion.

If the OGC advises that a new or revised plan is questionable, P&S will submit the plan to the Board for approval. In this situation, Board approval is required before any SUP ANN payments are reduced because of the employer pension payments, or before any tax credits are given to the employer. The Board also will determine if the plan was established by a collective bargaining agreement.

P&S prepares the submission memorandum in the manner outlined in sec. 5.11.3 and attaches a copy of the plan and copies of the G-88r, Request for Information About Employer Pension Plans. A copy of both the plan and the memorandum is always sent to the OGC. The Chief Actuary also receives a copy of the memorandum.

Pension plan submissions are routed in the same manner as other Board submissions.

#### **5.11.5 Assembling**

Assemble only the one set that will be returned to the originating unit. Staple that set to the material to be retained by the originating unit. The Director of Program's secretary will assemble the remaining sets.

## 5.11.6 Disposition

Forward the original and all copies of a submission through channels to the office of the Director of Programs.

If the Director of Programs approves the submission, he will sign the originals of the transmittal memorandum and G-20a. The Director's secretary will stamp his signature and the current date on all copies. One copy will be returned to the originating unit and the remaining copies sent to their proper destinations.

## 5.11.7 Legal Submissions

### 5.11.7.1 Introduction

All formal legal submissions are to be prepared by Policy and Systems (P&S). Informal legal submissions, such as individual case questions or coverage issues, are prepared and released by the units.

### 5.11.7.2 Types of Legal Questions

The two types of legal questions are formal and informal and may or may not involve a specific claim number.

#### 5.11.7.2.1 Informal Legal Questions

Informal legal questions usually refer to a special situation or individual case such as a question about a void or conflicting marriage. Refer these questions to the attorney advisor assigned to your unit through the supervisor or quality analyst. The attorney advisors may return legal questions for formal submission for the following reasons:

- The question will require substantial research and cannot be answered quickly.
- The question involves a matter that should be addressed in an opinion that can be applied to all cases.

If the attorney advisor returns the question, send the case to P&S. P&S will attempt to resolve the issue and if necessary will prepare a formal submission to the Office of General Counsel.

#### 5.11.7.2.2 Formal Legal Questions

Individual units should submit issues of a more general nature which may affect policy or procedure to P&S for review and submission to OGC, if necessary. General questions can result from a new law, change in current law, or a decision which affects a group or category of cases.

### 5.11.7.3 Preparation of Questions for P&S

The following information should be included in legal questions that are forwarded to P&S for handling.

- A summary of the issue including a thorough description of the question being asked and all the facts in the case.
- The attorney advisor's request, if any, for a legal submission
- If the attorney advisor's request was oral, document the name of the attorney advisor and the fact that formal submission to the OGC was requested.

### 5.11.7.4 Routing Questions to P&S

Route all questions/issues to the Director of P&S through a supervisor or quality analyst who will review and sign it. If there is a claim folder involved, include the folder with your request.

### 5.11.7.5 P&S Handling

Cases and questions received in P&S will be assigned according to subject matter. A P&S analyst will review the issue and either answer the questions or prepare a formal legal submission. In folderless cases, the P&S analyst will send an e-mail to the examiner, with a cc to the manager/supervisor of the unit, advising that he/she has been assigned the case for handling. If there is an applicant or annuitant awaiting action on their benefit, P&S will release a letter explaining the involvement of a legal question.

After a legal opinion has been issued, it will be reviewed by the P&S analyst to determine if any procedure changes are necessary. After appropriate action is taken the opinion and case file will be returned to the unit that originated the submission.

If a legal opinion cannot be issued because further development is required of the unit, P&S will return the case with specific development instructions. The unit will take the required development action and handle the case to conclusion, without resubmitting, unless directed otherwise by P&S.

