

2701 Provision of the Act

Section 5(i) of the Act provides, in part, that:

"...Any...claimant or other properly interested person may be represented by counsel or other duly authorized agent, in any proceeding before the Board or its representatives or a court, but no such counsel or agent for a claimant shall either charge or receive for such services more than an amount approved by the Board or by the court before whom the proceedings of the Board are reviewed. Any person who violates any provision of this subsection shall be punished by a fine of not more than \$10,000 or by imprisonment not exceeding one year."

2702 Railroad Retirement Board's (RRB) Action Confined to Approval of Fee

The RRB does not, under Section 5(i) of the Act, set attorneys' fees for representing claimants in obtaining benefits. The amount of the fee to be charged in any particular case, is in the first instance, a matter of agreement between the attorney and his client. After the amount of the fee has been so agreed upon, it must be submitted to the RRB for approval. After approval by the RRB, the fee may properly be received by the attorney for his services in the case.

2703 Notice Regarding Section 5(i)

2703.01 Communication from attorney

When an attorney communicates with an adjudicating office (field office or the Sickness and Unemployment Benefits Section (SUBS)) with respect to a claimant and there is information indicating that the claimant is being charged an amount by this attorney for services in connection with his claims for unemployment insurance benefits, the reply should call attention to the provisions of Section 5(i) unless this was previously done. A paragraph similar to the following should be included in the first reply to the attorney:

"I do not know whether Mr. (name of claimant) has employed you in a professional capacity, but if he has, your attention is called to the provisions of Section 5(i) of the Railroad Unemployment Insurance Act, a copy of which is enclosed. You will note that no counsel or agent may charge or receive for such service more than an amount approved by the Railroad Retirement Board."

2703.02 Information received from sources other than attorney

If a claimant informs the adjudicating office, or if the adjudicating office is otherwise reliably informed, that the claimant is being charged an amount by an attorney for services in connection with his claims for unemployment insurance

benefits the claimant should be advised by special letter of the provisions of Section 5(i) of the Act and instructed to show such letter to his attorney. In the absence of information that the provisions of Section 5(i) of the Act are being violated, no further action should be taken by the adjudicating office.

2704 Inquiries from Attorneys

When an attorney inquires about the amount of his fee, the adjudicating office shall immediately send him a letter stating the policy of the RRB in not setting fees (See Section 2702). If an attorney requests approval of a fee, the pertinent files on the case shall be sent to the SUBS.

2705 Subsequent Action

After the files have been submitted, the adjudicating office shall refer any letters or inquiries received from the attorney to SUBS for reply.

The Office of General Counsel will notify the attorney directly whether or not the fee is approved by the RRB and will send a copy of the notification to the adjudicating office.

