

## 3101 Provisions of the Act

Section 12(n) of the Railroad Unemployment Insurance Act provides in part:

"Any employee claiming, entitled to, or receiving sickness benefits under this Act may be required to take such examination, physical, medical, mental, or otherwise, in such manner and at such times and by such qualified individuals, including medical officers or employees of the United States or a State, as the Board may prescribe. The place or places of examination shall be reasonably convenient for the employee. No sickness benefits shall be payable under this Act with respect to any period during which the employee unreasonably refuses to take or willfully obstructs an examination as prescribed by the Board...The Board may enter into agreements or arrangements with doctors, hospitals, clinics, or other persons for securing the examination, physical, medical, mental, or otherwise, of employees claiming, entitled to, or receiving sickness benefits under this Act....The Board may compensate any such doctors, hospitals, clinics, or other persons upon such reasonable basis as the Board shall prescribe...."

## 3102 Examination required

### 3102.01 Conditions for prescribing examination

An examination of the claimant for sickness benefits may be prescribed under any of the conditions set forth below:

#### **a. Insufficient evidence for determination**

Information on Form SI-1b or Form SI-34 is insufficient to determine ability to work.

#### **b. Extended duration of infirmity**

A date of recovery reported on a supplemental doctor's statement executed within 14 days of the estimated ending date of a period of disability is later than such date as determined on the basis of available evidence.

#### **c. Protest**

The claimant protests an initial determination that he is able to work and such initial determination was not based on an examination by a medical examiner.

#### **d. Questionable evidence**

The reliability of the medical evidence presented is questionable.

**e. Test check**

The claimant's infirmity, occupation, place of residence or other circumstances are such that his case is a proper subject of investigation with a view to assembling information relating to the administration of the Act.

**3102.02 Additional factors to be considered**

The following additional factors are to be considered in prescribing an examination:

**a. Claimant's reported condition**

If the claimant's condition is reported to be such that he could not appear at an examiner's office, the examination may be conducted at the place where the claimant is confined.

**b. Qualification of examiner**

If a specialized examination is required, the district office shall select an examiner qualified to conduct the type of examination required.

**c. Place of examination**

The place of examination is to be reasonably convenient for the claimant, taking into consideration his reported condition, the distance which he would have to travel, transportation facilities, travel cost and travel time.

**d. Time of examination**

The examination should be scheduled within the period of infirmity indicated by the medical information presented.

**3102.03 Status of claimed days after determination**

No day after the date of determination that a claimant is required to take an examination shall be considered as a day of sickness pending:

- a. Receipt of a report of examination, or
- b. Receipt of information showing that the examination was not made, or
- c. Receipt of a new statement of sickness.

## **3103 District office responsible for selection of medical examiners**

### **3103.01 General**

The district office shall make arrangements with a sufficient number of qualified medical examiners located in its territory to permit ready scheduling of medical examinations of sickness claimants. The district office shall select all medical examiners needed.

### **3103.02 Files**

The district office shall originate and maintain a medical examiner's index card file. The index card shall show, for each medical examiner, the doctor's name, address and telephone number, and the doctor's specialties or special equipment.

## **3104 Scheduling medical examination**

### **3104.01 Request to district office**

When requested by the chief of claims operations, the district office shall schedule the type of examination called for in the request.

### **3104.02 District office action**

The district office shall:

- a. schedule examinations in accordance with instructions in FOM-II-31 (if the district office cannot schedule an examination promptly, it shall notify the division of claims operations), and
- b. send to the chief of claims operations two copies of the authorization letter along with the medical report and the doctor's claim for reimbursement for conducting the medical examination.

## **3105 Following up request for medical examination**

A request for medical examination shall be followed up provided:

- a. A claim is held pending the report of examination, and
- b. No medical report or other information is received from the medical examiner, the claimant, or the district office on or before the pending date.

## **3106 Consideration of medical report**

### **3106.01 Acceptable or unacceptable**

A medical report is acceptable if the medical examiner has signed it, has shown the date of the examination, and has completed not less than two other items. If the report is not acceptable, practicable efforts shall be made to have it completed so that it will be acceptable. If, after such efforts have been made, a report is not acceptable, notify the medical examiner that he will not be paid for the examination, giving the reason.

### **3106.02 Satisfactory or unsatisfactory**

An acceptable medical report shall be considered satisfactory if the examination was given no more than two days after the date specified by the district office in its authorization letter, and if enough items on the report are completed to permit a reasonably accurate determination of the claimant's ability to work. If a determination of the claimant's ability to work can be made even though the report is unsatisfactory, proceed as though the report were satisfactory.

## **3107 Denial of claims for refusing or obstructing examination**

If it is found that the claimant unreasonably refused or willfully obstructed the examination, no benefits shall be paid with respect to the period beginning with the day when the claimant was to be examined, or if no such date was set, the date shown in the authorization letter as the latest date for conducting the examination, and ending immediately prior to (1) the day when the claimant places himself in a position to take the examination, or (2) the first day with respect to which a new statement of sickness is filed in his behalf.

## **3108 Instructions superseded**

This article supersedes ROM-I-31.

