

A personal conference is offered to every overpaid individual who is currently entitled to an annuity. A personal conference can be held in person or over the telephone. An annuitant requesting a personal conference must make that request in connection with a request for a review of the facts and/or waiver consideration. Overpayment recovery action is delayed pending the results of the personal conference.

The goals of the conference are to:

- provide the annuitant an opportunity to present any evidence, explanation or other information that would affect the overpayment review and/or waiver decision; and
- help the annuitant understand why he or she is overpaid and how the overpayment occurred.

We achieve these goals by allowing the annuitant to review and copy material pertinent to the overpayment and by discussing the overpayment with him or her at the conference. In the situation where the personal conference is conducted over the telephone, material pertinent to the overpayment is mailed to the overpaid individual. Likewise, if the overpaid person has any additional information or evidence for consideration, the overpaid person should send such information or evidence to the field office for review prior to the personal conference telephone call.

The field office is responsible for setting up and conducting the conference and preparing a report of the conference.

### **1230.5 Release of Folders or Material to the Field Office**

Since field offices have access to Web Connect and since most material in e-file cases is imaged, it may not be necessary for headquarters to send any “folder” material to the field office for conducting a personal conference. If “folder” material does need to be sent to the field office, there are several options for sending it there. Recon and DRD specialists do not need to send any material to the field office that is already available through electronic means. The field has access to:

- any material that is already imaged and appears on Web Connect;
- any mainframe information they can view on systems like RRAPID or PAR; and
- any documents sent to headquarters through the field (if there is an indication the field office maintained a copy of what was sent into headquarters).

Headquarters will forward a summary of the facts (with references to the RR Act and equivalent U.S. code) and cover memorandum to the field office. There may be other material that should be sent as well. The annuitant may have provided pertinent information when the request for the personal conference was made. While preparing for the personal conference, Recon and DRD specialists may have developed additional

information that has not yet been imaged. The summary of facts and a cover memorandum for the conference will be sent as attachments to an EMAIL. The EMAIL may also contain a few facts provided by the annuitant in the request for the personal conference. Any hard copy documents that the field requires will be sent to the field will either be sent via FAX or a temporary folder. The EMAIL will inform the field office if any additional material is being sent and how it is being sent. When material is prepared for release to the field office for a personal conference, it will not include any items that cannot be released under the Privacy Act.

When a folder is prepared for release to the field office for a personal conference, the file is purged of items that cannot be released under the Privacy Act. A summary of the facts concerning the overpayment with references to the RR Act and equivalent U.S. Code is prepared. A copy of the summary of the facts is retained in Headquarters along with the purged items. Before releasing the folder to the field office, the unit preparing the file will send an EMAIL message to the manager advising that they are sending the file. The folder is sent to the Bureau of Supply and Service and then forwarded to the field office via FEDEX. Allow 1 week for delivery.

The Reconsideration Section (RECON) takes the above actions when a personal conference has been requested in conjunction with a request for a review of the facts only, or a request for both review of the facts and waiver.

The Debt Recovery Division (DRD) takes the above actions when a personal conference has been requested in conjunction with a request for waiver only.

When RECON prepares a summary of facts for a personal conference, they also prepare a cover memorandum. If the annuitant requested both a review of the facts and waiver consideration, the cover memorandum explains what actions the field office should take to ensure that BFO-DRD gets the information needed to make the waiver decision. BFO-DRD needs the following information:

- A financial disclosure statement (Form DR-423); and
- A copy of the annuitant's latest income tax return, if one was filed within the last 2 years.

The above items are to be secured before, during, or within 30 days after the conference. If the field office receives these items before RECON has sent material to the field office for the conference, the field should forward the items to RECON immediately instead of holding them at the field office.

If the above items have not been submitted before or at the personal conference, the annuitant should furnish them within 30 days after the conference. They should be submitted directly to the Debt Recovery Division. The field office should provide the annuitant with an envelope addressed as follows:

Railroad Retirement Board

Debt Recovery Division

844 North Rush Street

Chicago, Illinois 60611-2092

If the items are not submitted within 30 days after the conference, a determination on the waiver request will be made without them.

### **1230.5.1 Form G-26p**

If a physical folder is being sent to the field office, form G-26p is affixed to the folder for routing purposes. Do not remove it from the folder. Follow the instructions on the form when returning the folder to Headquarters.

### **1230.5.2 Tracing for the Personal Conference Material or Folder**

There may be a delay between the time you advise that a personal conference request has been received and the time you receive the personal conference material or folder. If you receive an inquiry from the annuitant, you may trace no sooner than 7 weeks after the date you first notified RECON or DRD of the personal conference request. Tracing with RECON or DRD should be via EMAIL.

## **1230.10 Annuitant No Longer Wants a Personal Conference**

If the annuitant changes his (her) mind after requesting a personal conference and no longer wants a personal conference, secure a signed statement to that effect. If the annuitant still wants a review of the facts and/or waiver without the personal conference that should be indicated in the signed statement. Also, secure the properly completed "G" form attachment that was provided with the overpayment notice if he (she) does not want the overpayment recovered by the method stated in the overpayment letter.

If the material or the folder to conduct the conference has not yet been received in the field office, notify RECON immediately to inform them that the personal conference is cancelled. Notify RECON either by EMAIL or by telephone. After notifying RECON, submit the above documentation to RECON.

If material or the folder to conduct the conference has already been sent to the field office, notify RECON that the personal conference is cancelled using RRAILS Form FO PERS CONF REPORT. After imaging the report, advise Headquarters by E-MAIL that the personal conference report has been imaged. Assemble any pertinent material including documentation of your contacts with the annuitant and forward this material to the originating section. When the folder has been sent to the field office, return the folder according to the instructions on Form G-26p.

## **1230.15 Annuitant's Rights in a Personal Conference**

The purpose of the personal conference is to explain the overpayment and give the debtor an opportunity to present additional evidence that could affect the overpayment. This is accomplished in several ways.

The annuitant may present his (her) case orally. He (she) may be represented by legal counsel or any other person. The annuitant may submit evidence through documents or witnesses. It is the annuitant's responsibility to ask a witness to appear in his (her) behalf. If the witness is unable to appear, the annuitant may ask the witness to prepare a signed statement to be used at the conference.

The field office will advise the annuitant that material is available at the field office for review before the conference. The material must be available for review at least 5 days before the conference.

Be sure the annuitant understands that any decision made by the RRB based on evidence given by an adverse claimant is in the file. An adverse claimant is one who made an allegation or presented evidence to the RRB contrary to that presented by the annuitant. If the annuitant requests this adverse claimant be present at the conference, it is the field office's responsibility to ask the adverse claimant to voluntarily appear at the conference or answer a prepared list of written questions.

## **1230.20 Determining Who Will Conduct the Personal Conference**

The manager will conduct any personal conference in the territory assigned the office except when he (she) is unavailable or was previously involved in the overpayment determination. If the manager cannot conduct the conference, he (she) will designate a contact representative (GS-10 or higher) in the office to conduct the conference. If there is no one available in the office to conduct the conference, the manager will contact the regional director who will determine the person to conduct the personal conference. When someone other than the manager conducts the conference, include a brief explanation in the personal conference summary prepared after the conference.

## **1230.25 Setting up the Personal Conference**

### **1230.25.1 Review of Material or Folder**

The person conducting the conference should review the material or folder received from headquarters and become familiar with the facts in the case. He (she) may prepare notes that for use when summarizing the case at the conference. If you need any additional information concerning the overpayment, call the originating office for assistance.

### **1230.25.2 Setting up a Time and Place or Time and Date**

The field office should hold the conference within 60 days of receipt of the material or folder from headquarters. If you cannot schedule the conference within 60 days, send an e-mail to the originating section indicating status of personal conference scheduling. Also, contact your regional office for any advice it may give.

The conference can be held by telephone or in person, whichever the annuitant prefers. If in person, the conference will normally be held at the field office. However, at the discretion of the manager, it may be held at a location more convenient for the annuitant such as a customer outreach program service location. The manager must consider conditions present in the field office (workload, travel budget, personnel, etc.) and proximity to the debtor before scheduling a conference outside the office.

The person conducting the conference is responsible for contacting the annuitant or his (her) payee to give the annuitant a choice of either an in person or telephone conference and to arrange the conference. Do this by telephone with a confirming letter. Use the RL-150, Personal Conf Appt Notice, on RRAILS as the confirming letter. If you cannot reach the annuitant or payee by telephone, send a letter by Certified Mail-Return Receipt Requested. In either case, retain a copy of the letter for the Headquarters file.

If circumstances prevent the annuitant from setting a date or he (she) does not cooperate in scheduling a conference, send a notice to the annuitant requesting him (her) to contact the field office to schedule a personal conference within 30 days of the date of the notice. You can use RRAILS letter "CUSTOM Field Service Letter" for this purpose. Advise that if this is not done, he (she) will forfeit rights to a personal conference, and a decision will be made based on the information in file. If at the end of the 30-day period the annuitant has not responded, prepare an EMAIL outlining your attempted contacts with the annuitant. Also forward copies of letters as documentation of your contacts with the annuitant.

### **1230.25.3 Annuitant Fails to Appear for Conference or Does Not Answer the Telephone**

Contact the annuitant and determine why the appointment or telephone call was missed. If the annuitant no longer wants a personal conference, follow the instructions in [FOM-I-1230.10](#). If the annuitant still wants a conference, arrange a second appointment or phone call and confirm it by letter. The second appointment or phone call should be within 30 days of the first appointment. During your contact and in your letter, advise the annuitant that if the second appointment is not kept the file will be returned to Headquarters and a decision will be made based on the evidence in file. Do not schedule a third appointment or phone call.

If the annuitant fails to keep the second appointment or phone call, release a letter advising that the file is being returned to Headquarters and a decision will be made based on evidence already in file. Prepare an EMAIL including summaries of your

contacts with the annuitant, including the dates personal conferences were scheduled. Also forward copies of all correspondence with the annuitant.

## **1230.30 Format of the Personal Conference**

Assure all parties involved that the conference is informal. You may take notes during the conference but direct transcription or recording must not be used by any individual involved.

### **1230.30.1 Introduction**

The person conducting the conference will open by introducing all present either in person or via the telephone, and determining their roles. State that the purpose of the conference is to give the annuitant an opportunity to present his (her) case and obtain all relevant evidence. Also, explain the role of the person conducting the conference which includes: listening to the evidence; asking questions to clarify issues; assisting the annuitant through questions, suggestions and explanations; summarizing the conference; and forwarding the summary and any evidence to Headquarters for a review and decision. Emphasize that this is fact-finding and explain that if the request involves a waiver request, the decision regarding the overpayment or granting of waiver is made at Headquarters. Also, briefly outline how the conference will proceed.

### **1230.30.2 Summary**

Give a brief history of the claim. Specifically state issues and dates involved in the overpayment determination. Generally explain the applicable provisions of the law.

### **1230.30.3 Annuitant Presents His (Her) Case**

Ask the annuitant if the summary is a correct account of the events. Then let the annuitant (or representative) present his (her) case and submit evidence. You may allow the annuitant to tell his (her) own story and/or use a question and answer method. Offer any explanations or suggestions that may assist the annuitant. Try to prevent irrelevancies from becoming time-consuming.

### **1230.30.4 Witnesses**

Allow the witness(es) to tell the story in their own words and/or question them if appropriate. You, the annuitant or his (her) representative may question any witnesses to determine the basis for their knowledge. You also may ask questions to clarify misunderstandings and facts.

### **1230.30.5 Inappropriate Conduct**

If the conduct of the annuitant deteriorates so that orderly progress cannot be made, remind him (her) that the purpose of the conference is to secure all facts and that his (her) conduct is defeating that purpose. Attempt to mediate or clarify any misunderstanding. Caution the annuitant that the conference will be terminated and

only the evidence presented up to that point will be submitted to Headquarters if his (her) conduct does not improve. After that point, if the situation does not improve, terminate the conference.

### **1230.30.6 Additional Evidence**

Any additional evidence the annuitant may wish to submit may be allowed if submitted within 30 days. Do not hold the folder pending receipt of the additional evidence.

### **1230.30.7 Closing the Conference**

Close the conference by reviewing all the facts presented. Allow the annuitant to make closing remarks. Advise the annuitant that the facts and evidence presented will be forwarded to Headquarters for a decision. Advise the annuitant that a final decision from should be received from Headquarters within 90 to 180 days after all the evidence is submitted.

If the personal conference is for review of the facts only and it is apparent that the annuitant agrees with the overpayment, the person who conducted the personal conference should ask the annuitant if he (she) wants to select a method of recovery at that time.

If the personal conference involves waiver and it is apparent that the annuitant agrees with overpayment, and does not believe the conditions for waiver will be met, the person who conducted the personal conference should ask the annuitant if he would like to withdraw the request for waiver and select a method of recovery at that time. If the annuitant wishes to withdraw their request for waiver, secure a statement to that effect.

Under no circumstances should you offer the annuitant a method of recovery not already offered on the Form G-421 attachment provided with the overpayment notice. If the annuitant requests an alternate means of recovery not already offered, contact DRD to discuss the request. Document any agreement by DRD to an alternative means of recovery and submit the signed statement withdrawing the request for waiver to Headquarters.

In a case where the annuitant requested a Review of the Facts and a personal conference but not waiver consideration, DRD will honor the waiver request if the annuitant requests waiver at the conference.

## **1230.35 Documentation and Notification to Headquarters**

### **1230.35.1 Personal Conference Summary on RRAILS Form FO PERS CONF REPORT**

Prepare and image a summary of the personal conference on RRAILS Form FO PERS CONF REPORT. Advise Headquarters by E-MAIL the report has been imaged. The report should include:

- A. The place and date of the in-person conference, or the time and date of the telephone conference, and a brief explanation if the in-person conference was held outside the district office;
- B. A brief explanation if the manager did not conduct the conference;
- C. The format of the conference, a summary of the facts and evidence presented, and important discussion points made during the conference;
- D. Your personal observations and impressions gained during the conference;
- E. Information regarding whether the annuitant refused to select a method of recovery; and
- F. Your recommended decision.
- G. What documents or evidence, if any, the annuitant will be submitting within the next 30 days.

### **1230.35.2 Information Submitted to Headquarters**

This should include:

- A. Form G-66a;
- B. Form DR-423, which has been reviewed and discrepancies reconciled, if waiver is requested;
- C. Properly completed "G-421" series form attachment that was provided with the overpayment notice in the event that the annuitant's request for waiver and/or review of the facts is denied;
- D. Documentation of contacts with the annuitant; and
- E. Any additional evidence submitted within 30 days of the conference.

### **1230.35.3 Releasing the Conference Results to Headquarters**

When the field office completes the conference, they should image the summary of the conference on RRAILS Form FO PERS CONF REPORT and advise Headquarters by EMAIL to the Recon or DRD specialist handling the case that the report has been imaged. Also, advise whether other material is to follow in the mail or by FAX. It is not necessary for the field office to return any material that was faxed to them. However, if any original material was mailed to the field office or if the field office developed material before, during, or after the conference, that material should be Faxed or mailed back to the Recon or DRD specialist. The field office should send any waiver-related material, such as tax returns and the DR-423 directly to DRD.



Folders are returned to the originating section according to the instructions on Form G-26P. Insert all the necessary information in the folder and return it to Headquarters as soon as possible after the conference is held. Do not hold submission of the conference report for receipt of Form DR-423, the income tax return, other statements from the annuitant regarding the waiver request, or any evidence being submitted for any other reason. Advise the annuitant that this evidence should be submitted within 30 days. If circumstances prevent you from immediately returning the folder, give a brief explanation in your summary and submit the entire package to Headquarters as soon as possible.

### **1230.40 Tracing the Headquarters Decision**

If the annuitant inquires concerning the Headquarters decision, you may trace the appropriate section no sooner than 8 weeks after you returned the case to Headquarters. Tracing with BFO-DRD should be via EMAIL. Tracing with RECON can be either by EMAIL or by telephone.

