

130.1 Disclosure of Information

Release of information and records by RRB employees is governed by the Railroad Retirement Act, the Railroad Unemployment Insurance Act, the Privacy Act and the Freedom of Information Act. Release information only if authorized by the regulations and/or not specifically prohibited by the PA, or sections 12(d) and 12(n) of the RUIA.

The RRB-22 Privacy Act Systems of Records provides a complete list of routine uses for all of the RRB systems of records. You can access the RRB-22 by clicking on the [System of Records](#). The Office of General Counsel (OGC) has the responsibility for responding to all requests that cite the Freedom of Information Act (FOIA). These requests should be forwarded to the OGC via facsimile machine (312)751-7102.

130.2 Definitions

Access - The term "access to record" refers to the subject individual's right under the Privacy Act to examine and request correction of RRB records indexed by his or her name, social security number, or other personal identifier.

Denials – Any information requested by an individual or business that cannot be released.

Disclosure of Information - This term refers to release of information about an individual to an authorized third party or to routine uses for which no authorization is required.

First Party – Refers to the person, usually a railroad employee, which the RRB maintains a record accessed by a personal identifier such as the employee's name or social security number.

First Party Request – This is a claimant request to access his or her personally identifiable record maintained in a Privacy Act system of records.

FOIA Request - Request for records of the RRB, any request that cites the FOIA for personally identifiable records about an individual from an unauthorized third party, or an inquiry about a deceased person's records. Also, any other request which specifically cites the FOIA.

Personal Identifier - Refers to an individual's name, SS number, claim number, DOB, POB, parent's names, or any means by which the individual's records can be identified.

Privacy Act Request - Any request made by the individual to whom the record pertains for records or information that is of a personal or private nature and located in a system of records indexed by a personal identifier.

Routine Uses - This term refers to furnishing information about an individual, without his or her authorization, to certain parties publicly identified by the RRB in the **Federal Register** as routine recipients of personal information. These parties such as the Treasury Department and the Department of Justice, are included in the Privacy Act Notification printed in the booklets describing the benefits paid by the RRB and are printed on various applications and claim forms used by the RRB. Refer to [System of Records](#) for categories of users.

System of Records - Records maintained by an agency which are retrieved by a personal identifier.

Third Party - A request made by a third party for records of a railroad employee maintained in a Privacy Act system of records

Third Party Request— A third party request for information about a record is from someone other than the first party.

130.5 The Privacy Act of 1974 (PA)

Congress intended the Privacy Act (PA) to protect the rights of individuals to privacy in the records pertaining to them maintained by Federal agencies. The PA requires that the RRB and other agencies publish in the **Federal Register**, upon establishment or revision, a notice describing the types of records it maintains, the types of individuals on whom records are maintained, and the extra-agency uses of the information in the records. Upon request, the RRB must tell an individual whether any records pertaining to him are maintained.

The following types of requests for personally identifiable records granted under the Privacy Act:

- An individual's request to access to his or her own record and a request that a record pertaining to them be corrected;
- An authorized third party request for personal records; and
- A request by a "routine use" recipient wanting the record for the purpose published in the Privacy Act Notification.

NOTE: The Privacy Act does not cover information that we do not have.

130.6 Privacy Act Systems of Records

Privacy Act System of Records is a group of records which contain information about an individual and each of which is retrieved by some kind of identifier such as name or number. Below is a list of some of system of records maintained by RRB:

- RRB-6 Unemployment Insurance Record File

- RRB-7 Application for Unemployment Benefit and Placement Service under the Railroad Unemployment Insurance Act
- RRB-21 Railroad Unemployment and Sickness Insurance Benefits Systems
- RRB-22 Railroad Retirement, Survivor and Pensioner Benefit System
- RRB-42 Uncollectible Benefits Overpayment Accounts

You can access these through the [System of Records](#).

130.10 The Freedom of Information Act of 1974 (FOIA)

Under the Freedom of Information Act (FOIA), the public has a legal right to see RRB documents of a policy-determining nature which affect the public, such as final legal decisions, policy decisions not related to establishing tolerance, Board Orders, and claims and administrative manuals (including FOM) to the extent that they affect any member of the public. However, when any of these types of documents are requested, any personal identification contained within must be purged before release to the requestor.

Under the FOIA, the public may also request records in a Privacy Act system of records. The requester must reasonably describe the records being sought, and has the right to a response within 20 working days of the date the request is received by the agency official who is able to answer it. If the agency denies the request, the requester may appeal. The agency must answer the appeal within 20 calendar days. If the appeal is denied, the requester may seek judicial review. If the agency fails to respond timely, the requester may file a civil action without waiting for the agency's response, and may recover attorney fees and court costs. Agency denials citing the FOIA are recorded for an annual report to Congress.

The FOIA contains exemptions that permit withholding under certain circumstances. RRB relies on exemptions three and six when denying request.

- Exemption three permits withholding of information the disclosure of which is prohibited by statute, such as the RUIA. For instance, when sections 12(d) or 12(n) of the RUIA prohibit compliance with a particular third party request for information, the FOIA does not require disclosure.
- Exemption six permits withholding if disclosure would be an unwarranted invasion of personal privacy. Exemption six may not apply, however, if there is a compelling public interest in disclosure.

The OGC handles all FOIA requests ([click here for fax number](#)).

130.15 Relationship of FOIA and PA

In order to correctly handle a request for records and to account accurately for any disclosure made, it is necessary to know under which act it was made.

Any requests from individuals for access to records pertaining to themselves are considered Privacy Act requests, but do not need to be accounted for. Requests for personally identifiable records made by persons other than the subject individual but who either have the consent of the subject individual or are "routine use" recipients are also Privacy Act requests and are subject to the accounting provisions of the Privacy Act.

Requests for non-personally identifiable records are covered under the FOIA. However, the FOIA accounting provisions are only applied to requests that specifically cite the FOIA.

130.20 General Provisions of the Privacy Act

130.20.1 Privacy Act Notification

Under the Privacy Act, whenever an RRB representative requests personal information from any source, whether by application, claim or standardized form or by interview, the RRB must furnish the informant with written Privacy Act Notification. The Privacy Act notification must contain the following elements:

1. The authority for requesting the information (e.g. section 5(b) of the Railroad Unemployment Insurance Act)
2. Whether furnishing the information is voluntary or mandatory
3. The purpose for which the information will be used (e.g. to determine entitlement to benefits)
4. The routine uses of the information (e.g. release to the U.S. Treasury to issue benefit payments)
5. The effects on the individual of not providing the requested information.

130.20.2 Time Limit For Replies To Requests Under The Privacy Act And The Freedom Of information Act.

According to the FOIA and PA, a request for information, whether granted or denied, should be answered within 20 work days of the date the request is received. However, the RRB customer service standards require that if the request cannot be processed within the 20-day limit, it must be acknowledged within 10 work days. The acknowledgement should advise the inquirer that the request has been received and is being processed, and that a reply will be made within 30 days.

Field offices should acknowledge in writing within 10 work days any request citing FOIA, before forwarding the request and copies of pertinent records to OGC ([click here for fax number](#))

If release of the information will involve the payment of a fee, the request for the information will not be deemed received until the requestor is contacted, informed of the fee, and submits payment.

The request cannot be deemed received until delivered to the manager of the system of records. If the information is to be furnished by a section in the Office of Programs, the 20-day limit starts on the date received by that section.

130.20.3 Accounting Requirements Under The Privacy Act And the Freedom Of Information Act

The Privacy Act requires the RRB to account for all third party disclosures of personal information about a beneficiary. Form G-671 should be used to record any verbal disclosure (i.e., by telephone or in person) of such information and is to be imaged at the time of creation. G-671 is not needed for written disclosures, such as rate verifications, the written response which serves as an accounting record is to be imaged through RRAILS at the time of creation.

NOTE: This procedure is not intended to change the use of On-line Rate Verification Letters (ORVL). Field offices **must** follow retention schedule.

130.20.4 Types of accounting required for disclosures under the Privacy Act.

A. Record of Disclosure

Whenever personal information on an individual is released to a third party (including routine uses, see [System of Records](#)), a record of the disclosure should be imaged. This includes copies of all form letters, custom letters, or other paper records on which personal information was released AND a complete written record must include the:

1. Date, nature and purpose of each disclosure; and
2. Name and address of the person or agency to which disclosure is made.

It is important to make and retain accurate records of each disclosure to a third party because an accounting of these disclosures can be made to the individual named in the record at his request. If a request for such an accounting is received from an individual, forward the case to P&S - RAC.

Authorization for release of information for routine uses is not required. Therefore, there is no need to keep the request but the response to the request should be imaged at the time of creation. All non-routine uses' third party requests will be held in the field office files for five years and then destroyed.

Responses to non-routine uses' third party requests will be imaged at the time of creation and a copy of the response will be attached to the original request and placed in field office files for five years and then destroyed. The response to requests from routine uses should be imaged only, eliminating the need to retain a copy in the Field Office.

EXCEPTION: Rate verifications letter to third parties created using RRAILS should be imaged at the time of creation.

- B. Accounting Record For Information Resources Management Group
The Information Resources Management Group must furnish OMB with an estimate of the number of inquiries handled under the Privacy Act. The cost of the Board implementing the PA will be imputed from these figures. Whenever a request **citing the PA** is granted, a photocopy of the inquiry should be sent to P&S – RAC, to record the number of PA requests that have been granted. Include the claim number. It is not necessary to include a copy of the reply.
- C. Accounting Record for FOIA Requests
Accounting records of Freedom of Information Act requests will be kept by the OGC. All inquiries citing the FOIA should be forwarded to the OGC. A verbal request is NOT an FOIA request. Tell the inquirer to make the request in writing to the OGC.

130.20.5 Penalties For Disclosing And Securing Information

- A. Penalty for disclosing information - Any officer or employee of the RRB who discloses information, knowing that disclosure of such information is prohibited by the Privacy Act and RRB Regulations may be charged with and found guilty of a misdemeanor and subject to a fine of not more than \$5,000.
- B. Penalty for securing information - Any person who knowingly requests and obtains under false pretenses any record from the RRB concerning an individual, may be charged with and found guilty of a misdemeanor and subject to a fine of not more than \$5,000

130.25 Fees for Furnishing Copies Of Records

The RRB may assess fees for copies of any records furnished to an individual. The RRB also has the authority to waive any and all fees if it is determined to be in the best interest of the public to do so.

Generally, the amount of any applicable fee is determined by the relative bulk of the material and/or the amount of time required to extract it.

Requests that can be handled in district offices will not ordinarily involve a charge. Claims representatives will explain any fee involved to the requestor when a request is

forwarded. If the only method by which an individual may be granted access to review his or her records is by providing copies of the records, no fee is charged.

Under the RRB's regulations (20 CFR 200.4) requestors may be charged fees, not in excess of the cost of reproduction, in accordance with this schedule:

130.25.1 Fees for Records Requested under the FOIA

The OGC will assess any charges for FOIA requests. The following is general information about charges applicable to FOIA requests:

- The charge for copies is 10 cents per page.
- Making a manual search for records is the salary rate, including benefits, for a GS-7 Step 5 Federal Employee.
- The computer search charge is \$2,250.00 per hour (\$37.50 per minute)
- No fee will be charged if the cost of search time, computer time and photocopying is less than \$10.00. (Most requests will fall into this category).
- If the fee is more than \$10.00 it may be waived.
- No fees are charged member of Congress for a record request.

In cases where the fee would be \$30 or more, the request for records (for purposes of the 20 day time limitation) will not be deemed received until the requester is contacted, informed of the fee, and submits such fee as determined applicable.

130.25.2 Fees for Records Covered Under the PA

Requests covered under the PA are not usually charged a fee if they come from the following sources:

- An attorney representing an applicant or the applicant requests medical or non-medical records to contest a denial of benefits by the Board
- The Bureau of the Census as provided by US code;
- The National Archives,
- Members of Congress;
- The Comptroller General;
- Requests pursuant to an order of a court
- Another government agency for a law enforcement activity.

Records can be furnished to individuals under the Freedom Of Information Act; charges for photocopying may be assessed. The person requesting the information incurs the charge.

130.25.3 Photocopying Charges Other Situations Covered Under the Privacy Act

Where a charge is allowed, the fee for copies shall be \$.10 per copy per page, not to exceed the actual cost of reproduction. A fee of less than \$10.00 may be waived by the Privacy Act System Manager (i.e., the responsible organizational head) if he/she determines that it is in the public interest to do so.) The fee is usually waived so the issue of charging fees for records covered under the Privacy Act applies only for requests for 100 or more pages of documents.

130.30 Handling Requests For Release Of Information

In this chapter, when we discuss the release of information, we are referring to information about a person which can be retrieved by a personal identifier such as name, SS number, claim number, etc. RRB employees may disclose information only if authorized by the regulations and/or not specifically prohibited by the PA or sections 12(d) and 12(n) of the RUIA.

Any person can be given general information about the Railroad Retirement Act (RRA) or the Railroad Unemployment Insurance Act (RUIA). Information that can be disclosed without authorization includes general explanation of reasons for termination or suspension of payments and the eligibility requirements for benefits under the RRA or RUIA.

- A. Annuitant is living - If a request for specific information is received from a person or organizations not listed in this section or as a "routine uses" recipient, forward the request to P&S - RAC or to DBD if the request is for medical evidence.
- B. Annuitant is deceased - The Privacy Act does not prohibit the disclosure of information about deceased individuals (such as employees, spouses, or widows), but it does not permit the unauthorized release of information about former annuitants (such as children) who are not known to be deceased. Information about deceased individuals may be furnished. Most requests concerning deceased individuals are received from relatives interested in settling an estate, compiling a family tree ([Click here](#) for information on these request), or other family-related matters.

130.30.1 Authorization to Release Information

There are two ways to have authorization for the release of information. You must be a routine user or have written authorization.

Individuals may authorize disclosure of information about themselves to a third party, i.e., friend, relative, attorney, employer, union, etc. The only persons or entities entitled

to receive information without specific authorization are those listed under "Routine uses" or those to whom information is required to be disclosed under the FOIA Act. Refer to [System of Records](#) for routine uses of records and categories of users (RRB-22). If there is any doubt as to whether disclosure may be made, forward the request to P&S – RAC for a decision. In any case, all requests for medical evidence should be forwarded specifically to Operations – DBD for handling in accordance with [FOM1 130.40.8](#) even though accompanied by an authorization.

NOTE: If a request for specific information is received from a person or organizations not listed in this section or as a "routine users" recipient, forward the request to P&S-RAC or to DBD if the request is for medical evidence.

Proper authorization from the individual is sufficient basis for disclosing non-medical information. To be acceptable, the authorization must be:

- Signed by the individual within the past 12 months;
- Addressed to the Railroad Retirement Board, or reasonably include the RRB by use of a phrase such as "...Federal Agencies..."
- Specific about what information is to be disclosed. (The phrase "...all information about my claims under the Railroad Unemployment Insurance Act..." is sufficiently specific.); and
- Specific as to whom the information is to be disclosed. For example, an authorization for release of information to a specific law firm does not justify release of the information to a different party, such as a subpoena or records search service, acting on the law firm's behalf.

130.30.2 Verbal Requests For Information

An individual may call or come in to an RRB office to request information from his file. Before the information can be released the identity of the person must be verified.

In person

Beneficiary – If the person claims to be the beneficiary, verify the identity of the person. If the person is the beneficiary release the requested information.

If the identity of the person cannot be verified, explain to the individual that we cannot release any personal information until adequate proof of identity is established.

Third Person – If the person is not the beneficiary, determine if the inquirer is authorized to receive the information using the criteria in [FOM1 130.30.1](#). Be sure to verify the identity of the person. If the identity and authorization can be verified release the information to the individual and complete a G-671 to record verbal disclosure of the personal information to a third party. (See [FOM1 130.20.3](#) for handling of G-671)

If the identity of the individual cannot be verified and or the authorization to release the information cannot be verified according to [FOM1 130.30.1](#), explain to the individual that we cannot release any information until adequate proof of identity is established and written authorization to release the information has been verified.

Inform the requestor that the information has been furnished to the employee.

Telephone

Beneficiary – If the caller claims to be the beneficiary or the beneficiary’s spouse refer to guidelines for verifying callers and procedures to establish the caller’s identity and what to do if the caller’s identity cannot be identified. (See [FOM1 130.50](#))

Third Party – If the caller claims to be an authorized representative verify that the caller has proper authorization in file (see [FOM1 130.30.1](#)) to receive the information being requested. If you are satisfied that the caller is authorized, release the information and complete the form G-671 to record any verbal disclosure (i.e. telephone or in person) of personal beneficiary information to a third party. (See [FOM1 130.20.3](#) for handling of G-671)

If the caller does not have proper authorization, inform the requestor that the information cannot be released without written authorization from the individual to whom the records pertain.

130.30.3 Written Requests for Information

If the request is from the beneficiary, release the information requested to the address on record.

If the request is from an individual to whom the records do not pertain, determine if the requestor is a routine user or a third party that is authorized to receive the information requested. If the request is from a routine user or a third party that is authorized to receive the information, release the information.

If the request is from a third party that is not authorized to receive the information, disclosure of information cannot be provided. The request should be forwarded to P&S-RAC for denial.

Exception: Send the requested information to the annuitant and send an RL- 35 to the inquirer if,

- it appears to be in the annuitant's best interest, or the annuitant is apparently aware of the inquiry; and
- the Privacy Act or Freedom of Information Act is not cited.

If RRB does not have the information, advise the inquirer. Do not consider this a denial and do not send case to P&S-RAC.

130.35 Requests to Amend Information in a Record

An individual may request that a record pertaining to himself be amended by submitting a written request to the Director of Operations. The request may be made by mail or in person at the one of the RRB's field offices. The request should include the following:

- A statement of the information in the record which the individual believes is incorrect.
 - A statement of any information not in the record which the individual believes would correct the record.
 - A statement of any evidence which substantiates the individual's belief that the information presently in the record is inaccurate.
- A. Acknowledging Request to Amend a Record - When such a request is received, it **MUST** be acknowledged within 10 work days from the date it is received in Operations.
- B. Notifying Individual of Decision
1. Request to Amend Record Granted - Operations will make any corrections of any portion of the individual's record which he has requested be changed. OPNS will advise him in writing that the requested change has been made. Where an accounting of disclosures has been made, OPNS will advise all previous recipients of the record to whom disclosure of such record was made, and the substance of the change.
 2. Request to Amend Record Denied - If the individual's request to amend his record is denied, OPNS will inform him of this and the reason for the denial and advise him of his right to appeal.

130.40 Handling Requests for Release of Specific Types Information

Guidelines for specific situational requests for information are contained in the following sections. These guidelines address the most common requests. Refer to the [RRB-22 Privacy Act Systems of Records](#) for a full listing of situations that are considered to be "routine uses". The [RRB-22](#) can be accessed at RRB.gov from the RRB Privacy Act [Systems of Records page](#).

130.40.1 Annuitants, applicants, and prospective applicants

If an employee, annuitant, applicant or prospective applicant requests information from his case that directly concerns him, furnish the information, except when medical

evidence is involved (see [FOM1 130.40.8](#) if medical information is involved). Information regarding the determination and recovery of an overpayment made to an individual may be released to any other individual from whom any portion of the overpayment is being recovered.

130.40.2 Disclosing amounts paid and the names of survivors

If an applicant or prospective applicant in a death case claims to have a valid reason for believing himself to be the proper beneficiary you may furnish him:

- The amount payable in the case, and
- The name (but not the address) of the person found entitled to that amount.

130.40.3 Representative payee cases

If an annuitant or applicant has a representative payee, you may furnish the representative payee with information that is relevant to carrying out his functions.

You may furnish any court, in which proceedings are pending relating to an incompetent individual, the amounts payable to the incompetent under the RR Act.

130.40.4 Authorized person

An annuitant, applicant or representative payee may authorize release of information to another person by submitting a signed request. Honor the authorization to the extent that the annuitant's or applicant's request for information would be honored. The information released should be confined to the occasion for authorization and limited in scope to that which is understood to be authorized.

If the request for information would be denied the annuitant or applicant, then it must also be denied the person authorized by the annuitant or applicant. Forward such a request to P&S – RAC for handling.

If the request is for medical evidence, see [FOM1 130.40.8](#).

130.40.5 Divorce proceedings

If an employee and spouse are in divorce proceedings and either party requests the annuity rate of the other, it can be provided. Both the request and the response should be in writing, however.

Current or future rates of a divorced spouse's annuity can be provided to an employee upon request. Similarly, rates for an employee can be given to a spouse upon request.

See [FOM1 135.35.2](#) for handling inquiries regarding property settlements in divorce proceedings.

130.40.6 Requests for release of an Annuitant's Address

If a request for an annuitant's address is received from a third party, inform the inquirer that without the authorization of the annuitant the RRB cannot release the requested information.

You may tell the inquirer that we MAY be able to forward the inquiry to the beneficiary if the inquiry is in writing and unsealed. Forward the written request, to P&S-RAC for reply.

If the request for an annuitant's address comes from a Member of Congress, it may be released if the intent is to communicate with the annuitant about legislation which affects the railroad retirement system.

If a request for the address comes from a person not related to the annuitant, or from an organization, refer the request to P&S-RAC for reply.

130.40.7 Telephone Requests Regarding RUIA Claims

Information more extensive than a general inquiry concerning the status of a claim should not be provided by telephone. Explain to the caller (claimant or third party) that a written request from the claimant or an authorized third party is required before the information may be released.

130.40.8 Requests for Medical Data

When a request is received for information about medical records on file in the RRB, advise the inquirer to send a written or typed request that is signed by the authorized party. Once the written request is received, route the request to the Disability Benefits Division (DBD) through one of the following means:

- Attach a G-115F memo to the request and forward it to DBD (upon receipt of the request, DBD will prepare an acknowledgement letter to be mailed to the requestor and image both the request and the acknowledgement letter), or
- Scan the request into imaging with a G-180D and (in order to ensure timely handling) send an email to the DBD mailbox notifying them of the request (upon receipt of the request, DBD will prepare an acknowledgement letter to be mailed to the requestor and image the acknowledgement letter).

Be sure to advise the inquirer that there may be certain types of medical records in the file that are sensitive in nature that cannot be forwarded directly to the inquirer, but may be furnished to a physician designated by the individual. Obtain the name and address of a physician that the RRB can furnish these records to prior to submitting the request to DBD, if needed, and include it with the request to DBD. When an individual makes a written request for copies of medical records in his claim folder, DBD will determine (if necessary and with the guidance of the Chief Medical Officer (CMO) whether disclosure

of the records might be harmful to the individual's mental or physical health. Disclosure of records could be harmful to an individual if they mention psychiatric problems, contain information about possible abuse of alcohol or drugs, make reference to possible malingering, or were furnished the RRB on a "confidential" basis, regardless of reason. DBD will handle requests for medical evidence in the following manner:

A. Disclosure of Records Might Be Harmful to Individual's Mental or Physical Health

If, upon review of the medical records requested by the individual from his or her claim folder, it is determined that disclosure of the records or any part of them would be harmful to the individual, DBD will contact the CMO for opinion and determination. The CMO determination is on a case-by-case basis. If the CMO determines the evidence should not be sent to the individual directly, DBD will forward copies of the medical records to the designated physician that was obtained from the individual using a secure and trackable mail method. DBD will advise the physician that the records are being provided for the purpose of making an independent determination as to whether release of the record directly to the individual would be harmful to him. The physician will be informed that:

- If, in his or her opinion, direct disclosure of the records would not be harmful to the individual's mental or physical health, copies may be sent to the individual using a secure and trackable mail method.
- If he or she should determine that disclosure of the records might be harmful to the individual, such records are not to be disclosed and should be returned to the RRB by the physician using a secure and trackable mail method. The physician may summarize and discuss the contents of the records with the individual.

B. Disclosure of Records Determined Not to Be Harmful to Individual's Mental or Physical Health

If upon receiving a written request from an individual to review medical records in his or her claim folder or to be furnished copies of such records it is determined that disclosure of the records or any portion of them would not be harmful to the individual's mental or physical health, the individual will be permitted to review the records or will be furnished copies of them using a secure and trackable mail method. DBD will determine with the guidance of the CMO whether disclosure of the records might be harmful to the individual's mental or physical health.

C. Request for Records to Contest Decision

Regardless of the above, if a determination made on the individual's claim for benefits under the RR Act or the RUIA Act is based in whole or in part on medical records, disclosure or access to such medical records will be granted to the individual or his/her representative when the records are requested for the purpose of contesting the determination either administratively in the RRB or judicially in the courts. The information will be sent using a secure and trackable mail method.

D. Request for Medical Records for, or from Third Party

An individual may not direct the RRB to disclose medical records to any third party other than a physician chosen to review the records in accordance with Subsection A above or to a representative in an action to contest a determination under the RRA or RUIA. However, when a third person shows compelling circumstances affecting the health or safety of the individual, records may be furnished to that person without written consent of the individual, provided notice is sent to the individual's last known address. Records also may be furnished to other governmental agencies under routine uses as published in the Federal Register. If a request for medical records is received from a third party, DBD will send the records to the RRB applicant or annuitant directly using a secure and trackable mail method if the request meets the requirements of Subsection B above. The RRB applicant or annuitant will be informed that RRB regulations do not permit the release of medical records to a third party, but he may do so if he wishes. A copy of the letter will be sent to the third party.

When a request is received from or to furnish medical records to a third party other than governmental agencies that may be furnished such records under routine uses, and the request does not meet the requirements of B above, the request will be denied if from the third party, but handled as in A above if the request is from the RRB applicant or annuitant.

Requests for medical information pertaining to a deceased employee may be released to the estate or an authorized third party. The protection of medical records under the Privacy Act and section 12(n) of the RUIA does not extend to deceased persons, so the request is governed by section 12(d) of the RUIA, which allows the release of information if it "is clearly in the furtherance of the interest of the employee or his estate."

If the request cites the FOIA forward to the OGC ([Click here for fax number](#)).

E. Request for Rating Form or Other Adjudicatory Documents

The above procedures for access to medical records do not apply to request for the disability decision sheet in file. Such decision sheets are not considered medical data and may be released as provided in section [FOM1 130.30](#).

130.40.9 Medical Information Request From a Medicare Provider

Without written consent from a Medicare enrollee or an authorized representative, disclosure of Medicare information cannot be provided in response to a telephone call or a written inquiry. Disclosure can be made only with the prior written consent of the subject of the record. Therefore, a public or private sector provider or supplier, such as a hospital, a doctor, a medical laboratory, a medical equipment company, an ambulance service, etc., must rely on the Medicare card for information such as verification of identity, verification of Medicare entitlement dates, verification of the Medicare health insurance claim number, etc

[FOM1 130.50](#), Confirming the Identity of Callers, contains guidelines for verifying the identity of callers and procedures on what to do if a caller's identity cannot be verified. This section should ONLY be used to confirm the identity of active and former railroad employees and their spouses, and annuitants/beneficiaries (employee, spouse and survivors) and their spouses.

A. General Inquiries - Advise the provider or supplier that:

- The information may not be given over the telephone and that the enrollee is to show them the Medicare card or give them the Medicare health insurance claim number.
- The Medicare health insurance card is verification of identity, entitlement and/or the Medicare health insurance claim number and that they should be routinely verifying the information.
- The RRB can send the information directly to the enrollee at the address on our records and that the provider or supplier can obtain it from the enrollee.

B. Requestor claims they are unable to obtain needed information from enrollee. Direct the requestor to make a written request to the RRB. The written request must be accompanied by a consent statement signed by the enrollee or enrollee's representative and containing the following:

- A Statement directed to the RRB authorizing release of the information requested;
- The enrollee's name and address and the name and address of the enrollee's representative if applicable;
- The enrollee's RRB claim number and Medicare health insurance claim number if different from the RRB claim number;
- The specific information being requested;
- A penalty statement which states "I am the individual to whom the information/record pertains, or an authorized consent, on behalf of the individual, to the release of the information/record. I understand that any false representation to knowingly and willfully obtain information from RRB records is punishable by a fine of not more than \$5,000 or one year in prison, or both";
- The enrollee's signature (or representative's signature, if applicable);
- A timeframe for disclosing the information. (The information can be disclosed only once, unless a specific period of time was stated in the written consent statement.

- C. Requestor Claims Enrollee is Unconscious or Comatose. Ask the requestor if an attempt was made to get the information from a family member. If the information cannot be obtained from a family member or other source, and the enrollee's health is at risk, the information may be released.

Upon such disclosure, however, send a notice to the enrollee's last known address. Information should only be disclosed when the time required to obtain the enrollee's consent might result in a delay which could impair the enrollee's health or safety. Instances where disclosure without consent is permitted under this provision should be quite rare.

NOTE: If the requestor is from a dialysis center, process the request (with consent) as quickly as possible.

If the written inquiry is not accompanied by a written consent statement signed by the enrollee or representative containing all of the elements listed in [FOM1 130.40.9 B](#). Inform the requestor, in writing that the information may not be released and to contact the enrollee for the information. If the requestor is unable to obtain the information from the enrollee, the requestor should obtain a written and signed consent statement from the enrollee or representative containing all of the elements listed in [FOM1 130.40.9B](#).

130.40.10 Evidence Requested for Criminal Prosecution of Annuitant

If any government agency requests copies of annuity checks or certification of payments made to annuitants, refer the request to the OGC, ([click here for fax number](#)).

130.40.11 Requests For Medicare Information After the Death of an Enrollee

Medicare information obtained in the administration of Title XVIII may be disclosed to a surviving relative or legal representative of the estate of the individual or to others, for a determination as to what supplementary benefits or services such deceased individual was eligible to receive under a private or public hospital or medical insurance program which is consistent with the purposes and objectives of Title XVIII. Such information may be disclosed only if the individual has consented to such disclosure, or a surviving relative or the legal representative of the estate consents.

130.40.12 Disclosure of Tax Rates

Railroad Retirement Tax Act rates are considered general information. However, the employee's earnings to which the tax rates apply are considered as specific information and may be released only to authorized persons.

An employee's survivors are considered authorized persons. Field offices may furnish them the amount of the employee's RR earnings and applicable tax rates.

When it appears that the person inquired about tax rates because of a demand from a state tax agent, include in the reply some reference to the exemption from taxation of regular RR retirement annuities. Supplemental annuities are taxable under Federal income tax laws, but in the opinion of the RRB's general counsel, are exempt from state income tax laws.

If there an inquiry about the tax rate, information can be found on [Boardwalk under Bureau of Actuary](#).

130.40.13 Data on RRB's Operations

"The Quarterly Review" is the official source for figures on current RRB operations for release outside the RRB. Data available in the review may be furnished to any inquirer.

130.40.14 Requests to Forward Letters

The RRB has a policy of not forwarding sealed letters to persons whose addresses we have on file. But if we receive a request to forward a letter and the information to be forwarded would be valuable to the recipient, we may comply with the request under the following conditions:

- The letter must be submitted to the RRB in a plain unsealed envelope.
- The envelope must bear the full name of the addressee.
- The letter must not be accompanied by anything of value.

Make no report to the sender on the RRB's efforts to forward the letter.

130.40.15 Requests for a Copy of the Railroad Retirement Act

Anyone requesting a copy of the Railroad Retirement Act (RRA) or Retirement Unemployment Insurance Act (RUIA) should be referred to the Superintendent of Documents, Government Printing Office (GPO) Washington, D.C. 20402. In cities where the GPO has a bookstore, inquire may be made through the bookstore.

If an attorney requests a copy of the RRA, tell him that he may find provisions of the law which apply to the particular points in which he is interested in the U.S. Code. Cite the section(s) of the code. Keep in mind that more than one section of the RRA or RUIA may govern a particular point (e.g., computation of an annuity).

130.40.16 Genealogical Inquiries

All requests for genealogical information shall be referred to Public Affairs.

According to the General Counsel, the agency is restricted with respect to the disclosure of information and records pertaining to an individual, or identifying the

individual to whom they pertain, by section 12(d) of the RUIA, which is incorporated into the RRA by section 7(b)(3) of that Act. The agency may only release such information in certain specific instances, including cases in which disclosure is clearly in the best interest of the employee or the employee's estate.

Unlike the protection afforded by the Privacy Act, which ends with the death of an individual, the protection in section 12(d) extends beyond the life of the employee. Because of that, we may not provide genealogical information in response to a request **unless** the request is accompanied by an authorization signed by the employee, or if the employee is deceased, an authorization signed by the personal representative of the employee's estate.

In addition, to a proper signed authorization, all requests for genealogical information will be assessed a fee prior to handling. Public Affairs will process these requests.

The fee for searching our records is \$27.00 for each individual on whom records are requested. This fee is payable before any search is attempted and is not refundable, even if we are unable to locate the information requested or if the file has been destroyed.

The interested individual or party should be aware RRB records are limited to individuals who worked in the railroad industry after 1936 and for employers covered under the RRA. Employers such as street, interurban, or suburban electric railways are not covered under the Act.

130.40.17 Requests and Fees for Check Photocopies 18 or More Months Old

The Department of the Treasury (Treasury) charges the RRB for check photocopies that are 18 or more months old. The current charge is \$5.50 per check photocopy. The costs for securing photocopies of checks are to be passed on to the requestor. Refer all requests received from the payee, family member of the payee, or representative of the payee to the Clerical Services Section (CSS) in the Programs Support Division. CSS will process the request upon receipt of the proper payment. Payment can be made by check or money order, payable to the Railroad Retirement Board, and is to be forwarded to CSS. Do not use the lockbox.

NOTE: Treasury is unable to provide a check photocopy if the issue date of the check is more than six and one-half years from the current date.

There is no fee for check photocopies that are less than 18 months old. However, securing check photocopies is a time-consuming and costly process and must be held to a minimum. Requests are to be limited to those made for administrative purposes, such as:

- When the RRB is attempting to recover an RRB overpayment; or,

- When the payee failed to disclose the receipt of RRB benefits to a State welfare agency from which the payee is or was also receiving benefits.

130.40.18 Request for records that are no longer available

If you determine that all or part of requested records has been purged in accordance with the RRB's schedule for records disposal, the requestor should be advised that the records are no longer available and cannot be furnished. Information concerning records disposal is found in the [Records Disposition Schedule](#) IRM-4 on Boardwalk.

- If the request is for **RUIA** information that is more than 6 years and 3 months old and/or unavailable release form letter ID-6D-2 to inform requestor that **RUIA** records have been destroyed.
- If the request is for **RRA** information that is more than 30 years old and/or unavailable release a letter to inform requestor that **RRA** records have been destroyed.

130.40.19 Requests Includes Subpoena or Affidavit

If the request includes a subpoena or the signing of an affidavit relative to the status of persons or companies under the Railroad Retirement Act or the Railroad Unemployment Insurance Act, refer the request to the OGC for review ([click here for fax number](#)).

EXCEPTIONS:

If the Inquiry concerns payment in a divorce proceedings, or payments for separated maintenance, alimony, or child support, refer the request to the OGC ([click here for fax number](#)).

Information in the RRB's possession concerning an individual is not subject to disclosure by a subpoena, which is a court order to produce certain records. The RRB's position that disclosure could not be compelled by subpoena received judicial support in Greene v. Yellow Cab Co., Exparte Railroad Retirement Board, No. 50 C 1144 (N.D. Ill., Oct. 10, 1951) (Order to Quash Subpoena)(see below); and Hubbard v. Southern Railway Company, 179 F. Supp. 244 (D.C. M.D. GA, 1959) (see below). Subpoenas are treated as requests for disclosure of information or records. Subpoenas received in a field office should be handled in accordance with [FOM2 Chapter 155](#), while those received in SUBS should be forwarded to the OGC.

The text of the two legal opinions cited above is in the following sections; use this for reference if the inquirer questions the procedure.

A. Green v. Yellow Cab Company

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION
L-51-468

JOHN K. M. GREEN, plaintiff)
) 50 C 1144
 V.)
)
 YELLOW CAB COMPANY, a corporation)
 Defendant)

MOTION

Comes now the Railroad Retirement Board by its attorney, OTTO KERNER, JR., United States Attorney for the Northern District of Illinois, and moves the court as follows:

That the subpoena duces tecum issued by this court on October 5, 1951, and directed to the Secretary or Custodian of the records, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, and served upon the aforesaid Myles F. Gibbons on October 5, 1951, returnable to this court on October 8, 1951, at 10:00 o'clock, A.M., and issued on behalf of the Yellow Cab Company, defendant in case No. 50 C 1144, entitled Greene v. Yellow Cab Company, be quashed.

And in support of this Motion the government submits its memorandum of law.

OTTO KERNER, JR.
United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JOHN K. M. GREEN, plaintiff)
) 50 C 1144
 V.)
)
 YELLOW CAB COMPANY, a corporation)
 Defendant)

MEMORANDUM IN SUPPORT OF MOTION
TO QUASH SUBPOENA

The subpoena calls for the production of "Any and all records, compensation or accident reports, medical reports, reports from doctors from time to time made to the Railway Retirement Fund, pertaining to medical examinations made from time to time by them, or any of them, whether in connection with injuries sustained by him at any time or for any other purpose; any and all x-ray films and Roentgenologists' reports in connection with such x-ray films taken of John K. M. Greene, all relating and pertaining to one John

K. M. Greene residing at 492 West 1st Street, Galesburg, Illinois; also any and all books, records, documents, reports, papers and memoranda containing information relative to said John K. M. Greene's employment by the Chicago, Burlington Railroad, or any other Railroad, and showing absences from his work for any purpose or reason whatsoever, whether said reason be injury, illness or any other reason.

"The medical reports in the possession of the Railroad Retirement Board have been secured by the Board in the administration of the Railroad Unemployment Insurance Act in connection with the claims of the plaintiff, John K. M. Greene, for benefits under the Act. Similarly, the Board's detailed records of the employment of the plaintiff with the "Chicago, Burlington Railroad", which might be relevant, have been secured by the Board in accordance with the provisions of Section 6 of the Railroad Unemployment Insurance Act. (45 U.S.C., section 356).

Section 12(d), (45 U.S.C., section 362(d) provides as follows:

"Information obtained by the Board in connection with the administration of this Act shall not be revealed or open to inspection nor be published in any manner revealing an employee's identity: Provided, however, that (i) the Board may arrange for the exchange of any information with governmental agencies engaged in functions related to the administration of this Act; (ii) the Board may disclose such information in cases in which the Board finds that such disclosure is clearly in furtherance of the interest of the employee or his estate; and (iii) any claimant of benefits under this Act shall, upon his request, be supplied with information from the Board's records pertaining to his claim."

Moreover, with specific reference to medical reports secured under the Act, section 12(n) (45 U.S.C., section 362(n)) provides, in pertinent part, as follows:

"Any doctor who renders any attendance, treatment, attention, or care, or performs any examination with respect to a sickness of an employee or as to the expected date of birth of a female employee's child, or the birth of such a child, upon which a claim or right to benefits under this Act is based, shall furnish the Board, in such manner and form at such times as the Board by regulations may prescribe, information and reports relative thereto and to the condition of the employee. An application for sickness or maternity benefits under this Act shall contain a waiver of any doctor-patient privilege that the employee may have with respect to any sickness or maternity period upon which such application is based: Provided, that such information shall not be disclosed by the Board except in a court proceeding relating to any claim for benefits by the employee under this Act."

In the face of this plain statutory language there is no occasion for considering cases dealing with the power of government departments or agencies to issue regulations making their records confidential, under general statutory provisions authorizing them to maintain their offices, and to administer the acts under which they operate.

The authority and duty of the Board are fully stated in the statute itself. Under section 12(n) of the Railroad Unemployment Insurance Act the medical records of the Board,

which apparently constitute the only possibly important information in the Board's possession, cannot be disclosed by the Board in any circumstance in this case. Under section 12(d) of the Act, the possibly relevant employment history of the plaintiff clearly cannot be disclosed by the Board in the absence of a showing to the Board, and a finding by the Board, that such disclosure would be in the interest of the plaintiff.

OTTO KERNER, JR.
United States Attorney

MYLES F. GIBBONS
General Counsel
Railroad Retirement Board

EDWARD E. REILLY
Assistant General Counsel
Railroad Retirement Board
OF COUNSEL

B. Hubbard V. Southern Railway Company

B.

DECISION UNDER SECTIONS 12(d) and (n) OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT (Hubbard v. Southern Railway Co., 179 F. Supp. 244 (M.D.) Georgia 1959)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MRS. EMMA NORRIS HUBBARD
V.
SOUTHERN RAILWAY COMPANY,
A Virginia Corporation

CIVIL ACTION No. 1593

BOOTLE, District Judge:

Plaintiff, widow of a former employee of the defendant, Southern Railway Company, brought suit for injuries to and for the death of her husband under the Federal Employer's Liability Act. The defendant caused a subpoena duces tecum to be served on H. H. Dashiell, Regional Director, Railroad Retirement Board, Atlanta, Georgia, requiring him to produce: "(a) The entire file related to Robert H. Hubbard, 704-14-0602, and payments made to him for sickness or injury benefits; (b) specifically, the application of Robert H. Hubbard dated March 25, 1956 for sickness benefits; (c) record showing payments made on account of such benefits; (d) any subsequent application

made by Hubbard for sickness benefits; (e) any records pertaining to the determination that benefits paid Hubbard from June 19, 1956 through January 15, 1959 were for illness and not for injury; (f) any statement or application made or signed by the deceased in connection with any application made by him for sickness or injury benefits to the Railroad Retirement Board." Thereafter, Dashiell, through the United States Attorney, moved that the subpoena be quashed, contending that he was prohibited from producing the records by the provisions of the Railroad Unemployment Insurance Act, 45 U.S.C. 362(d), 362(n), the Railroad Retirement Board's regulations, 20 C.F.R. 262.16, and by instructions from his superior officers.

The courts have recognized the right of administrative agencies to make reasonable regulations regarding their records and reports and have upheld regulations forbidding agency employees from testifying in suits between private parties concerning the contents of secret official records. Appeal of United States Securities & Exchange Commissions, 226 F. 2d 501, 518, 6th Cir. 1955. The cited case holds that such regulations may be promulgated by important administrative agencies created by Act of Congress, as well as by heads of departments of cabinet rank, page 518. The instant motion to quash the subpoena duces tecum is supported by Mr. Dashiell's testimony to the effect that he complied with the applicable regulations by reporting to the Board the fact that this subpoena duces tecum had been tendered to him, and was not thereafter authorized by the Board to comply with it.

The particular question before this court at this time is controlled by the cases of

Boske v. Comingore, 177 U.S. 459, 469, 470, 44 L. Ed. 846 (1900), and United States ex rel. Touhy v. Ragen, 340 U.S. 462, 468, 95 L. Ed. 417 (1951). In each case a subordinate employee was held justified in refusing to produce (in Boske, by attaching to a deposition, and in Ragen, in response to a subpoena duces tecum) documents belonging to the department of the United States Government in which the witness was employed, the witness in each case relying upon a regulation promulgated by the head of his department. The Boske case involved a Collector of Internal Revenue and a regulation by the Secretary of the Treasury. The Ragen case involved an agent in charge of the Federal Bureau of Investigation and a regulation by the Attorney General.

In the Boske case Mr. Justice Harlan, for the Court, wrote: "The papers in question, copies of which were sought from the appellee, were the property of the United States, and were in his official custody under a regulation forbidding him to permit their use except for purposes relating to the collection of the revenue of the United States. Reasons of public policy may well have suggested the necessity, in the interest of the government, of not allowing access to the records in the offices of collectors of internal revenue, except as might be directed by the Secretary of the Treasury... Great confusion might arise in the business of the department if the Secretary allowed the use of records and papers in the custody of collectors to depend upon the discretion or judgment of subordinates. At any rate, the Secretary deemed the regulation in question a wise and proper one, and we cannot perceive that his action was beyond the authority conferred upon him by Congress. . . . In our opinion the Secretary, under the regulations as to the custody, use, and preservation of the records, papers, and property

appertaining to the business of his department, may take from a subordinate, such as a collector, all discretion as to permitting the records in his custody to be used for any other purpose than the collection of the revenue, and reserve for his own determination all matters of that character."

Mr. Justice Reed, for the Court, in the Ragen case said: "When one considers the variety of information contained in the files of any government department and the possibilities of harm from unrestricted disclosure in court, the usefulness, indeed the necessity, of centralizing determination as to whether subpoenas duces tecum will be willingly obeyed or challenged is obvious."

Accordingly, the court is of the opinion that the witness Dashiell, a regional director of the Railroad Retirement Board, and as such a subordinate employee of the Board, is justified in respectfully declining to produce, disclose or deliver the subpoenaed documents, his declination being in strict accord with Sections 262.16(a) and (b) of the Board's Regulations by which he is bound.

The court finds it unnecessary to pass upon the broad questions argued by counsel. It is not necessary here to consider the ultimate reach of the authority of the Board itself to refuse to produce by order of court government papers in its possession. Nor does the court reach the question whether by the provisions of 45 U.S.C.A. 362(d) Congress intended to place the documents here subpoenaed beyond the reach of court processes. Nor does the court reach the other broad question suggested by counsel, whether, if Congress so intended, such provisions might constitute an unconstitutional, unwarranted or impermissible legislative interference with or invasion into purely judicial functions. No opinion is expressed or intimated as to these questions. This ruling is based upon the very much narrower ground above stated.

Accordingly, the motion to quash subpoena duces tecum is hereby granted and sustained, and said subpoena duces tecum is hereby quashed.

This the 9th day of November, 1959

/s/ W.A. BOOTLE
UNITED STATES DISTRICT JUDGE

130.45 Handing Information Requests from Common Sources

130.45.1 Requests from Attorneys

Information, except when medical evidence is involved, can be released without prior written consent to an attorney who claims in writing to represent:

- A beneficiary or potential beneficiary in his claim for benefits under the RR Act; or
- Either party in a civil action involving payments for separate maintenance, alimony, or child support. In this type case, tell the attorney **ONLY** that there is

entitlement and furnish the current benefit rate. See [FOM1 135.35.2](#) for handling inquiries regarding property settlements in divorce proceedings.

- If attorney has an attachment or garnishment court order, see [RCM 5.15.25](#), Court Orders Affecting Annuity Payments

Note: If a denial of benefits is the issue, be sure to inform the attorney of section 5(i) of the Act concerning fees as explained in [AIM 27](#).

A. Inquiry indicates attorney represents individual

An attorney may be furnished information about an individual if it is reasonably clear that the individual asked the attorney to inquire on his behalf. The following may be proof that the attorney represents the individual:

- The inquiry is accompanied by the individual's letter or quotes from it; or
- The inquiry contains facts that can be inferred to have been supplied by the individual; or
- The attorney refers to the individual as his client or states that he is representing the individual.

Release only the information requested by the attorney at this specific time. Any additional correspondence sent to the individual that pertains to the original request by the attorney should include a copy to the attorney. Always send the individual a copy of any correspondence addressed to the attorney.

For example, an individual files a disability application. A month later a letter is received inquiring on the status of the disability application from an attorney that represents the individual. DBD will reply to this letter. When the case is then rated, it would be necessary to send the attorney a copy of the disability decision letter that is sent to the individual

B. Inquiry does not indicate that attorney represents individual

When it cannot be inferred from the attorney's letter that he has been authorized by the individual to secure information, release only general information to the attorney. If specific information is requested, furnish it to the individual and advise the attorney that we have furnished the information requested to the individual so that the information may be made available to him immediately if the individual so desires.

130.45.2 Requests from Power-of-Attorney

Filing Power-of-Attorney - Accept any written request as a power-of- attorney when it names and authorizes another person to act for the applicant or annuitant. The signature on the written request does not require formal authentication.

When a power-of-attorney has been filed in a case, take up all matters in the claim with the agent or attorney within the limitations or qualifications, if any, specified in the power-of-attorney.

A power-of-attorney only can be used for information requests; it cannot be used for payment purposes (e.g., change of address).

Cancellation of Power-of-Attorney - A signed request from the annuitant or applicant is sufficient authority to cancel a power-of-attorney. The signature of the person requesting withdrawal does not require formal authentication.

Once a power-of-attorney is withdrawn, do not recognize it again. If representation is desired after cancellation, inform the applicant that a new authorization is required.

130.45.3 Requests for Information from Employers

A. Information that may be disclosed to Employers

Identifying information such as full name, address, DOB, SS No., employee ID number, and date last worked may be released to the last employer to verify entitlement for benefits under the Railroad Retirement Act.

1. Disclosing annuity rates to employers

An employer or an organization under contract to an employer may be told the methods used to calculate the annuity rate, entitlement data, and present address for the purpose of determining entitlement to and rates of private supplemental pensions, sickness or unemployment benefits, and to calculate estimated benefits due.

NOTE: If an employer (with the exception of the Burlington-Northern Santa Fe) requests the annuity rate or other personal information about a person who is not a former employee, forward the request to P&S - RAC.

Benefit rate information of an annuitant may be disclosed to a railroad claims agent under the following circumstances:

- The railroad represented by the claims agent is a former employer to the annuitant.
- The claims agent submits a written request for the information.
- The request indicates that the information is needed to reach a settlement with the annuitant or is related to the litigation involving the annuitant.

2. Burlington Northern – Santa Fe

You may furnish Burlington Northern – Santa Fe (BNSF) the amounts of RRA payments made to its employees or survivors of its employees when this information is requested for purposes of the employer's scholarship plan. Under that plan, the BNSF gives financial help toward the college education of talented children of its employees, both living and deceased.

3. Filing date of employee application

The employee's last employer under the RRA may be furnished the date the employee filed an application for an annuity for use in determining entitlement to continued major medical benefits under insurance programs negotiated with labor organizations.

4. Base-year employers

Base-year employers have the right to protest RUIA payment of benefits to their employees and can be furnished the following information:

- The amount and periods for which benefits are approved.
- Prepayment and post-payment notifications.
- Medical information (if the employer protests the determination allowing benefits and the information is material to the protest).

Occasionally, employers will request information to be used in connection with a claim for damages based on liability for an on-duty injury, such as medical reports or evidence that an employee worked during a period of alleged infirmity. Because this information would be used in the railroad's legal defense rather than to protest the payment of RUIA benefits, its release is not permitted under section 12(d) of the RUIA.

Only information necessary to administer the RUIA may be released to employers, insurance companies and their agents, such as attorneys or claim agents, without the claimant's authorization. Such information is generally limited to that needed to effect reimbursement under sections 12(o) and 2(f) of the Act and to verify eligibility, as with Form ID-5i. Refer inquiries about the amount of reimbursement due under sections 12(o) and 2(f) of the Act to the customer service section in accordance with [DOP/FOM-11-165](#).

B. Restrictions on Disclosure of Information to Employers

1. DOB of employee - When an employer requests the DOB of an employee, furnish the information without a signed authorization from the employee ONLY if the employer indicates in the request that the data is required for identification purposes. In that event, furnish the birth date shown on

service and compensation records (i.e., EDMA, MARC file or Form G-90). Tell the employer that the birth date is from the RRB's compensation records and that it has not been verified.

If the request for an employee's DOB is for any reason other than identification purposes, the employee must authorize disclosure over his signature.

2. Employee's annuity filing date - Refer any request for the filing date of an annuitant's application to P&S - RAC, except for requests for employee filing date, for purpose shown in [FOM1 130.45.3](#)

130.45.4 Requests from Governmental Agencies

A. SSA

You may furnish SSA with the necessary information required for administration of the Social Security Act (SSA) or the SSI program. However, when SSA requests benefit rates for SSI purposes, furnish only the current RRB rate. Under an agreement with SSA, the RRB is not obligated to furnish retroactive annuity rates to SSA for the SSI program. Manually accessible records of past payments are forwarded to SSI. (For RUIA only) Restrict disclosure to benefit amounts, duration and entitlement.) Do not disclose the employee's address or employment history without his or her authorization.

B. Department of Veterans Affairs (VA)

Furnish VA the following information for use in the administration of its veterans benefit programs:

- The amount of the annuity or death benefit paid or payable under the RRA.
- Information about whether a person claimed to be missing is alive, or was alive, following the date of his disappearance.
- Medical records, if available; if not, forward request to DBD.

If the person's claim file does not contain sufficient information, or if the person does not have a file, forward the VA request to the Program Support Division/Clerical Services Section (PSD-CSS).

C. Internal Revenue Service (IRS)

Furnish the Internal Revenue Service (IRS) with information necessary for the administration of the Railroad Retirement Tax Act and the amount of RRA regular and SUP ANN payments. These benefits are taxable under Federal income tax laws.

If IRS requests information about the amount of the lump-sum death benefit, or residual lump-sum payment in a particular case, refer the inquiry to P&S-PAS.

We will furnish the IRS with the most current address for an individual with the assumption that they will use it solely for tax administration purposes only.

D. Government Welfare Agencies

Without authorization, furnish a government welfare agency (i.e., state and local welfare or relief agencies, or public housing authorities, etc.), requested information about the amount, effective date of benefits, or eligibility for benefits, of any person, for use in processing applications or calculating benefits under that agency's program(s). If such information is requested for a purpose other than a routine uses (for example, fraud investigation) see [FOM1 130.45.4G](#)

E. Members of Congress or Presidential Offices

RRB may recognize, without power-of-attorney, a Member of Congress or Presidential Offices as an applicant's or annuitant's duly authorized representative, if such recognition appears to be in his interest. Presume it is in his interest if there is no evidence to the contrary.

A Member of Congress may be given:

- Information about the award or denial of his constituent's claim,
- The amounts of annuities and accruals when necessary to explain the award,
- The annuitant's address if the intent is to communicate with the annuitant about legislation which affects the railroad retirement system,
- Any other information necessary to answer the inquiry and which it would be reasonable to assume the constituent would have contemplated being disclosed.
- Route any inquiry from a member of Congress to the Congressional Inquiry Section in the Office of Public Affairs.

Exception: Requests for address lists of constituents should be referred to P&S-RAC for handling.

F. State Authorities

Furnish the agency of any state of the U.S. charged with administration of taxing laws:

- The amount of lump-sum death payments, SUP ANN, or accrued annuities in death cases; and
- The name of the person(s) to whom such amount was payable.

A state taxing authority also may be furnished a beneficiary's SS number for tax purposes only.

Furnish the agency of any state of the U.S. charged with administration of unemployment laws the amount payable to a person under the RRA or RUIA. This applies to both life and death cases and to both recurring and non-recurring payments.

G. Law Enforcement Agencies

When a request for personal records is received from any governmental agency (Federal, state, or local), for the purpose of anticipated civil or criminal law enforcement activity, the information may be furnished if:

1. A written request is made by the head of the agency (this includes anyone from the requesting agency to whom authority has been delegated, down to the level of section head) specifying the portion of the individual's record that is desired; and
2. The request states the law enforcement reason the individual's record is required; and
3. Disclosure would not be prohibited by sections I2 (d) or I2 (n) of the RUIA.
4. The employee is liable for child support or alimony. Do not disclose the employee's address or employer without authorization.

130.45.5 Requests from Non-Governmental Organizations

A. Parent Locator Service

The last known addresses and employer information may be released to Department of Health and Human Services in conjunction with the Parent Locator Service. If an inquiry is received from one of the State Parent Locator Services refer the inquirer to:

Department of Health and Human Services
Office of Child Support Enforcement
330 C Street, SW
Washington, DC 20201

If an inquiry is received from someone other than HHS or one of the state agencies, inform the inquirer that he must first contact the State Parent Locator Service. (Refer to [FOM135.45](#) for State Parent Locator).

B. Labor Organization Representative

RRB may recognize, without power-of-attorney, a railway labor organization official as an applicant's duly authorized representative. The official:

- Must be a person designated by the employee's railway labor organization to act in behalf of members of that organization, and

- May be recognized only with respect to his own class or craft of employees and not with respect to any other class or craft of employees. The individual may be assumed to represent the employee if he is a member of the same class or craft as the employee.
- May be given information about the award or denial of the applicant's claim. He may also be furnished the amounts of annuities and accruals when necessary to explain an award.

Route any inquiry from an official of a labor organization (other than local lodge to Director of Operations).

C. Consular Officers

RRB may disclose information to a consular officer, even though he does not hold a power-of-attorney, when all of the following conditions are met:

The requested information does not appear to be detrimental to the interest of the applicant or to be against the public interest.

The requested information is pertinent to the applicant's RRA or RUIA claim and is information which we would release to the applicant himself if he requested it.

The consular officer represents a country to which U.S. Treasury checks are sent and is acting on behalf of an applicant who is a fellow countryman.

D. Public Advocacy Columns

We may answer news media requests (i.e., Action Line) made on behalf of the railroad public because the individual's consent is implied by his seeking the assistance of the media entity. The extent of the data furnished to the media should be dictated by the scope of the individual's request.

When a copy of the individual's written request is not available, any response should not include personal data (e.g., age, marital status, benefit amounts, detailed employment history, etc.).

If the information to be released is sensitive, or if you believe that the employee may not have anticipated the release of such sensitive information to the advocacy service, release a general letter to the service and a detailed letter to the employee.

If the request received cannot be handled expeditiously in the field office, forward it to the Office of Public Affairs.

E. Insurance Companies

Some companies contract with Disability Insurance carriers who offset their benefits by amounts paid by the RRB. These companies help claimant's

complete forms, organize and gather information, and keep them informed of the status of their claims

If an authorization for release of information and a designation of representation are received in connection with a claim for benefits, all information requested, including medical evidence can be provided. In addition, information about the award or denial of benefits should be sent to the designated representative.

If no designation of representation is filed, the only information which may be disclosed would be governed by the authorization for the release of information submitted with the request. In these cases, medical information could only be disclosed directly to the employee.

If a designation of representation is filed without an authorization for release of information, no information can be released to the designated representative until an authorization for release is received.

These requests are handled by the Retirement and Survivor Customer Service Representatives and DBD employees. Any questions about the release of information to insurance companies should be referred to Director of Operations.

NOTE: MetLife Requests

A special handling procedure is used for responding to group life insurance policy requests received from MetLife. Due to the high volume of monthly requests, and to expedite handling, RRB information is furnished to MetLife using email. An RRB designed Microsoft Word form is stored at MetLife for transmission. MetLife completes identifying information and sends the form to an Outlook mailbox named PSD-MetLife. Program Support Division/Clerical Service Section will open the mail and complete information blocks on the form. The completed form is then returned to the MetLife benefit authorizer's email address.

F. Private Organizations

Information may not be released to private organizations for the purpose of soliciting memberships or any other reason. In Association of Retired Railroad Workers, Inc. v. U.S. R.R.B., the U.S. Court of Appeals in Washington, D.C. ruled that such disclosure is prohibited under exemptions in the FOIA.

130.50 Confirming Identity of Callers

An individual who requests access to or information about personally identifiable records must supply adequate identifying information (i.e., full name, social security number, claim number, date of birth, etc.), to ensure the release of personal information only to the correct party. This section contains guidelines for verifying the identity of callers and procedures on what to do if a caller's identity cannot be verified. This section should ONLY be used to confirm the identity of active and former railroad employees and their spouses, and annuitants/beneficiaries (employee, spouse and

survivors) and their spouses. For all other callers refer to the appropriate sections of FOM1 130, Release of Information, Disclosure of Information; Freedom of Information Act, Privacy Act and Release of Information.

Note: The vast majority of questionable inquiries may come from an elderly person who is being assisted by a family member or friend. In these cases, the person helping the beneficiary is making the telephone call and should be able to hand the telephone over to the annuitant/beneficiary who can provide the identifying information. The annuitant/beneficiary can then verbally consent and authorize the RRB representative to speak and conduct business with the person providing the assistance.

* **Special Instructions:** Because claims representatives have frequent dealings with some individuals, claims representatives are not required to go through all the questions to verify the identity of a caller if the claims representative knows the person he or she is speaking with.

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| If the Contact is: | General caller |
| and Type of Request is: | General inquiry where no specific benefit information is divulged. |
| then You Must: | No verification is necessary |
| then You Can: | Release general information |

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| If the Contact is: | The Beneficiary or Employee (* See Special Instructions Above) |
| and Type of Request is: | <ul style="list-style-type: none"> • Add or modify Direct Deposit; • Change address; • Inquiry regarding benefit payments (RUIA and RRA); • Retirement or Survivor annuity estimate; • Medicare entitlement or inquiry about the amount of Part B premium deductions; • Tax withholding amounts; • Status of Retirement annuity; |
| Then You Must: | Verify the identity of the beneficiary or employee by asking for his/her: <ul style="list-style-type: none"> • Social Security number and/or Railroad Retirement claim number; • Full name; • Address; |

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| | <ul style="list-style-type: none"> • Current Direct Deposit Account Number (if request is to modify Direct Deposit). Exception: Direct Express account numbers are internal and not given out to annuitants. Nonetheless, ask for the card number to confirm that the caller is aware that payments are sent via Direct Express. The Direct Express card number is 16-digits and always starts with the digits “5332”. • Date of birth; and • One additional piece of information such as: <ul style="list-style-type: none"> ○ Monthly benefit amount (RRA) or type of benefit – UI or SI and amount of last payment (RUIA) ○ RUIA PIN – If employee is receiving RUIA benefits ○ Name of last railroad employer and/or employee ID number |
| <p>Then You Can:</p> | <p>Release any entitlement and claim information and answer any questions pertaining to that beneficiary/employee. You may add or change any Direct Deposit information, as well as change of address information.</p> |

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| <p>If the Contact is:</p> | <p>The Beneficiary or Employee</p> |
| <p>and Type of Request is:</p> | <ul style="list-style-type: none"> • Add or modify Direct Deposit; • Change address; • Inquiry regarding benefit payments (RUIA and RRA); • Retirement or Survivor annuity estimate; • Medicare entitlement or inquiry about the amount of Part B premium deductions; • Tax withholding amounts; • Status of Retirement annuity; |
| <p>And:</p> | <p>The beneficiary or employee makes a mistake on the information (Social Security number and/or Railroad Retirement claim number; full name; address; date of birth; or additional piece of information) used to verify his/her identity.</p> |
| <p>then You Must:</p> | <p>Explain to the beneficiary or employee that the information does not match the information in the RRB’s records. Ask him/her to repeat the information, and if still incorrect, suggest that the beneficiary look at his/her records to find the correct information, or ask a family member or friend to help secure the information.</p> |

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| <p>then You Can:</p> | <p>If the beneficiary or employee is able to provide the correct information, handle according to the instructions above.</p> <p>If the beneficiary or employee is unable to provide the correct information, do NOT release any entitlement, claim information, add or modify Direct Deposit, make address changes or assist with a password request code (PRC). However, certain requested information may be mailed to the address on record. Likewise, if the caller’s identity remains questionable require that any change to account information (COA or Direct Deposit) is submitted in writing.</p> <p>Advise the beneficiary or employee that the information is protected under the Privacy Act and it is for their protection that we will not release the information.</p> |
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| <p>If the Contact is:</p> | <p>A Beneficiary’s Spouse</p> |
| <p>and Type of Request is:</p> | <p>General inquiries where no specific benefit information is divulged.</p> |
| <p>Then You Must:</p> | <p>No verification is necessary</p> |
| <p>then You Can:</p> | <p>Release general information</p> |

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| <p>If the Contact is:</p> | <p>A Beneficiary’s Spouse</p> |
| <p>and Type of Request is:</p> | <ul style="list-style-type: none"> • Add or modify Direct Deposit; • Change address; • Inquiry regarding benefit payments (RUIA and RRA); • Retirement or Survivor annuity estimate; • Medicare entitlement or inquiry about the amount of Part B premium deductions; • Tax withholding amounts; • Status of Retirement annuity; |
| <p>And:</p> | <p>The beneficiary gives verbal consent or authorization for you to speak and conduct business with the spouse.</p> <p>(The beneficiary does not have to remain on the line during the conversation.)</p> |

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| <p>then You Must:</p> | <p>Make sure you verify the identity of the beneficiary by asking the beneficiary for his/her:</p> <ul style="list-style-type: none"> • Social Security number and/or Railroad Retirement claim number; • Full name; • Address; • Current Direct Deposit Account Number (if request is to modify Direct Deposit). Exception: Direct Express account numbers are internal and not given out to annuitants. Nonetheless, ask for the card number to confirm that the caller is aware that payments are sent via Direct Express. The Direct Express card number is 16-digits and always starts with the digits “5332”. • Date of birth; and • One additional piece of information such as: <ul style="list-style-type: none"> ○ Monthly benefit amount (RRA) or type of benefit – UI or SI and amount of last payment (RUIA) ○ RUIA PIN – If employee is receiving RUIA benefits ○ Name of last railroad employer and/or employee ID number |
| <p>then You Can:</p> | <p>Release any entitlement and claim information and answer any questions pertaining to that beneficiary. You may add or change any Direct Deposit information, as well as change of address information.</p> |

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| <p>If the Contact is:</p> | <p>A Beneficiary’s Spouse</p> |
| <p>and Type of Request is:</p> | <ul style="list-style-type: none"> • Add or modify Direct Deposit; • Change address; • Inquiry regarding benefit payments (RUIA and RRA); • Retirement or Survivor annuity estimate; • Medicare entitlement or inquiry about the amount of Part B premium deductions; • Tax withholding amounts; • Status of Retirement annuity; |
| <p>And:</p> | <p>The beneficiary is not available to verbally consent or authorize you to speak with the spouse and there is no written consent on file.</p> |
| <p>Then You Must:</p> | <p>Advise the spouse that you may not give out any information without the beneficiary’s consent or authorization. The</p> |

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| | <p>spouse may call back at a later time when the beneficiary is present to give consent or authorization.</p> <p style="text-align: center;">-or-</p> <p>The beneficiary could provide written consent or authorization to allow the spouse to obtain information about his or her record.</p> |
| <p>Then You Can:</p> | <p>DO NOT release any entitlement, claim information, add or modify Direct Deposit, make address changes or assist with a password request code (PRC). However, certain requested information may be mailed to the address on record. Likewise, if the caller's identity remains questionable require that any change to account information (COA or Direct Deposit) be submitted in writing.</p> <p>Advise the spouse that the information is protected under the Privacy Act and it is for the beneficiary's protection that we will not release the information.</p> |

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| <p>If the Contact is:</p> | <p>A Beneficiary's Spouse</p> |
| <p>and Type of Request is:</p> | <ul style="list-style-type: none"> • Add or modify Direct Deposit; • Change address; • Inquiry regarding benefit payments (RUIA and RRA); • Retirement or Survivor annuity estimate; • Medicare entitlement or inquiry about the amount of Part B premium deductions; • Tax withholding amounts; • Status of Retirement annuity; |
| <p>And:</p> | <p>The RRB has a written consent or authorization on file that allows us to give beneficiary specific information to the spouse.</p> <p>See the Note at the end of this chart for information regarding written consent/authorization.</p> |
| <p>then You Must:</p> | <ul style="list-style-type: none"> • The spouse must provide the beneficiary's: • Social Security number and/or Railroad Retirement claim number; • Full name; • Address; • Current Direct Deposit Account Number (if request is to modify Direct Deposit). Exception: Direct Express |

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| | <p>account numbers are internal and not given out to annuitants. Nonetheless, ask for the card number to confirm that the caller is aware that payments are sent via Direct Express. The Direct Express card number is 16-digits and always starts with the digits “5332”.</p> <ul style="list-style-type: none"> • Date of birth; and • One additional piece of information such as: <ul style="list-style-type: none"> ○ Monthly benefit amount (RRA) or type of benefit – UI or SI and amount of last payment (RUIA) ○ RUIA PIN – If employee is receiving RUIA benefits ○ Name of last railroad employer and/or employee ID number <p>Ensure that the spouse is the authorized individual and the written authorization is still valid.</p> |
| <p>then You Can:</p> | <p>Only discuss information or take action as authorized by the written consent/authorization.</p> |

Note: A written consent/authorization must:

- Be signed and dated by the beneficiary;
- Specify the individual to whom information may be disclosed;
- Specify the type of information that may be disclosed; and
- Indicate whether the consent is a one-time, a limited time, or an ongoing release.

Exhibits

Exhibit 1 - Section of 1937 Railroad Retirement Act United States Code Equivalent

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|---------------------------|---------------------------------------|
| Section 1(a) through (q) | 45 U.S.C. 228 a (a) through 228 a (q) |
| Section 2(a) 1 | 45 U.S.C. 228 b (a) 1 |
| Section 2(a) 2 | 45 U.S.C. 228 b (a) 2 |
| Section 2(a) 3 | 45 U.S.C. 228 b (a) 3 |
| Section 2(a)4 | 45 U.S.C. 228 b (a)4 |
| Section 2(a) 5 | 45 U.S.C. 228 b (a) 5 |
| Section 2(b) through 2(j) | 45 U.S.C. 228 b (b) through 228 b (j) |
| Section 3(a) (1) | 45 U.S.C. 228 c (a) (1) |
| Section 3(a) (2) | 45 U.S.C. 228 c (a) (2) |
| Section 3(b) (1) | 45 U.S.C. 228 c (b) (1) |
| Section 3(b) (2) | 45 U.S.C. 228 c (b) (2) |
| Section 3(b) (3) | 45 U.S.C. 228 c (b) (3) |
| Section 3(c) through 3(e) | 45 U.S.C. 228 c (c) through 228 c (e) |
| Section 3(f)(1) | 45 U.S.C. 228 c (f) (1) |
| Section 3(f)(2) | 45 U.S.C. 228 c (f) (1) |
| Section 3(f)(3) | 45 U.S.C. 228 c (f) (3) |
| Section 3(f)(4) | 45 U.S.C. 228 c (f) (4) |
| Section 3(f)(5) | 45 U.S.C. 228 c (f) (5) |
| Section 3(f)(6) | 45 U.S.C. 228 c (f) (6) |
| | 45 U.S.C. 228 c (g) through 228 c (i) |

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| Section 3(j)(1) | 45 U.S.C. 228 c (j) (1) |
| Section 3(j)(2) | 45 U.S.C. 228 c (j) (2) |
| Section 3(j)(3) | 45 U.S.C. 228 c (j) (3) |
| Section 3(j)(4) | 45 U.S.C. 228 c (j) (4) |
| Section 4(a) | 45 U.S.C. 228 c -1(a)45 U.S.C. 228 c -1(p) |
| Section 5(a) 1 | 45 U.S.C. 228 e (a) (1) |
| Section 5(a) 2 | 45 U.S.C. 228 e (a) (2) |
| Section 5(b) through 5(e) | 45 U.S.C. 228 e (a) through 228 e (e) |
| Section 5(f)(1) | 45 U.S.C. 228 e (f) (1) |
| Section 5(f)(2) | 45 U.S.C. 228 e (f) (2) |
| Section 5(g)(1) | 45 U.S.C. 228 e (g) (1) |
| Section 5(g)(2) | 45 U.S.C. 228 e (g) (2) |
| Section 5(h) | 45 U.S.C. 228 e (h) |
| Section 5(i)(1) | 45 U.S.C. 228 e (i) (1) |
| Section 5(i)(2) | 45 U.S.C. 228 e (i) (2) |
| Section 5(i)(3) | 45 U.S.C. 228 e (i) (3) |
| Section 5(i)(4) | 45 U.S.C. 228 e (i) (4) |
| Section 5(i)(5) | 45 U.S.C. 228 e (i) (5) |
| Section 5(j) | 45 U.S.C. 228 e (j) |
| Section 6(a) through 6(c) | 45 U.S.C. 228 f (a) through 228 f (c) |
| Section 8 | 45 U.S.C. 228 h |
| Section 9(a) through 9(d) | 45 U.S.C. 228 i (a) through 228 i (d) |
| Section 19(a) and 19(d) | 45 U.S.C. 228 s (a) and 228 s (b) |

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| Section 20 | 45 U.S.C. 228 s -1 |
| Section 21(a) through 21(e) | 45 U.S.C. 228 s -2 (a) through 228 s -2 (e) |

Exhibit 2 - Section of 1974 RR Act - US Code Equivalent

| Section of 1974 Railroad Retirement Act | United States Code Equivalent | Section Titles and Subject matter Covered by Subsections |
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| Title 1 | | |
| Section 1 | 45 U.S.C. 231 | Definitions |
| 1(a) | 45 U.S.C. 231(a) | Employer |
| 1(b) | 45 U.S.C. 231(b) | Employee |
| 1(c) | 45 U.S.C. 231(c) | Employer Representative |
| 1(d) | 45 U.S.C. 231(d) | In Service of An Employer |
| 1(e) | 45 U.S.C. 231(e) | In Employment Relation |
| 1(f) | 45 U.S.C. 231(f) | Years of Service |
| 1(g) | 45 U.S.C. 231(g) | In Military Service |
| 1(h) | 45 U.S.C. 231(h) | Compensation |
| 1(i) | 45 U.S.C. 231(i) | Board |
| 1(j) | 45 U.S.C. 231(j) | Company |
| 1(k) | 45 U.S.C. 231(k) | Officers |
| 1(l) | 45 U.S.C. 231(l) | Person |
| 1(m) | 45 U.S.C. 231(m) | United States |
| 1(n) | 45 U.S.C. 231(n) | Social Security Act |
| 1(o) | 45 U.S.C. 231(o) | Current Connection |

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| 1(p) | 45 U.S.C. 231(p) | Annuity |
| 1(q) | 45 U.S.C. 231(q) | Quarter: Calendar Quarter |
| 1(r) | 45 U.S.C. 231(r) | Permanently Insured Under the SS Act |
| Section 2 | 45 U.S.C. 231a | Annuity Eligibility Requirements |
| 2(a)(1) | 45 U.S.C. 231a(a)(1) | Employee Annuities |
| 2(a)(2) | 45 U.S.C. 231a(a)(2) | Standards For Occupational Disability |
| 2(a)(3) | 45 U.S.C. 231a(a)(3) | Proof of Disability |
| 2(b) | 45 U.S.C. 231a(b) | Supplemental Annuity |
| 2(c) | 45 U.S.C. 231a(c) | |
| 2(d) | 45 U.S.C. 231a(d) | Survivor Insurance Annuities |
| 2(e) | 45 U.S.C. 231a(e) | LPS, R or R, Return to LPS |
| 2(f) | 45 U.S.C. 231a(f) | SS Work Restrictions For Employee and Spouse |
| 2(g) | 45 U.S.C. 231a(g) | SS and RR Work Restrictions For Survivors |
| 2(h) | 45 U.S.C. 231a(h) | Reductions In Annuities |
| Section 3 | 45 U.S.C. 231b | Computation of Employee Annuities |
| 3(a) | 45 U.S.C. 231b(a) | Social Security Component |
| 3(b) | 45 U.S.C. 231b(b) | 1937 Act Computation With Imputed SS Benefit Offset |
| 3(c) | 45 U.S.C. 231b(c) | Pre-1975 Service Computation |
| 3(d) | 45 U.S.C. 231b(d) | Post 1974 Service Computation Formula With COL Included |

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| 3(e) | 45 U.S.C. 231b(c) | SUP ANN Computation |
| 3(f) | 45 U.S.C. 231b(f) | Maximum Payable At ABD, GF Clause, and the O/M Guaranty |
| 3(g) | 45 U.S.C. 231b(g) | COL Increase-ABD Before Effective Date of COL Increase |
| 3(h) | 45 U.S.C. 231b(h) | Windfall |
| 3(i) | 45 U.S.C. 231b(i) | Years of Service--S/S, M/S, and P/S |
| 3(j) | 45 U.S.C. 231b(j) | Average Monthly Compensation |
| 3(k) | 45 U.S.C. 231b(k) | Employee Representative Treated Same As Employee |
| 3(l) | 45 U.S.C. 231b(l) | Separate Reduction of increase |
| 3(m) | 45 U.S.C. 231b(m) | Reduction For SS Act Benefit |
| Section 4 | 45 U.S.C. 231c | Computation of Spouse and Survivor Annuities |
| 4(a) | 45 U.S.C. 231c(a) | SS Component For Spouse |
| 4(b) | 45 U.S.C. 231c(b) | RR Component For Spouse |
| 4(c) | 45 U.S.C. 231c(c) | Maximum Employee and Spouse Annuity |
| 4(d) | 45 U.S.C. 231c(d) | COL Increase For RR Component |
| 4(e) | 45 U.S.C. 231c(e) | Windfall For Spouse |
| 4(f) | 45 U.S.C. 231c(f) | SS Component For Survivor |
| 4(g) | 45 U.S.C. 231c(g) | RR Component For Survivor With Spouse Minimum Guaranty |
| 4(h) | 45 U.S.C. 231c(h) | Windfall For Widow |

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| 4(i) | 45 U.S.C. 231c(i) | Spouse Reduction For SS Act WIB and Spouse and Survivor Reduction RR Annuity |
| Section 5 | 45 U.S.C. 231d | Annuity Beginning and Ending Dates |
| 5(a) | 45 U.S.C. 231d(a) | ABD For Annuities |
| 5(b) | 45 U.S.C. 231d(b) | Application For Annuity |
| 5(c)(1) | 45 U.S.C. 231d(c)(1) | Termination of A&S and SUP Annuities |
| 5(c)(2) | 45 U.S.C. 231d(c)(2) | Termination of Employee Disability Annuities |
| 5(c)(3) | 45 U.S.C. 231d(c)(3) | Termination of Spouse Annuity |
| 5(c)(4) | 45 U.S.C. 231d(c)(4) | Termination of Aged Widow(er)'s Annuity |
| 5(c)(5) | 45 U.S.C. 231d(c)(5) | Termination of Disabled Widow(er)'s Annuity |
| 5(c)(6) | 45 U.S.C. 231d(c)(6) | Termination of Mother's Annuity |
| 5(c)(7) | 45 U.S.C. 231d(c)(7) | Termination of Child's Annuity and Reentitlement |
| 5(c)(8) | 45 U.S.C. 231d(c)(8) | Termination of Parent's Annuity |
| Section 6 | 45 U.S.C. 231e | Lump-Sum Payments |
| 6(a) | 45 U.S.C. 231e(a) | Annuities Due But Unpaid At Death |
| 6(b) | 45 U.S.C. 231e(b) | Lump-Sum Death Payment |
| 6(c) | 45 U.S.C. 231e(c) | Residual Lump Sum |
| 6(d) | 45 U.S.C. 231e(d) | Tax Refund |
| Section 7 | 45 U.S.C. 231f | Powers and Duties of the Board |

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| 7(a) | 45 U.S.C. 231f(a) | Composition of the Board |
| 7(b)(1) | 45 U.S.C. 231f(b)(1) | General Authority To Administer RR Act |
| 7(b)(2) | 45 U.S.C. 231f(b)(2) | General Authority to Administer SS Act Provisions |
| 7(b)(3) | 45 U.S.C. 231f(b)(3) | Specific Powers and Authority to Delegate |
| 7(b)(4) | 45 U.S.C. 231f(b)(4) | Certification To the Treasury |
| 7(b)(5) | 45 U.S.C. 231f(b)(5) | Authority to Issue Rules and Regulations |
| 7(b)(6) | 45 U.S.C. 231f(b)(6) | Authority to Maintain Records and Secure Information |
| 7(b)(7) | 45 U.S.C. 231f(b)(7) | HHS and RRB Record Exchanges |
| 7(b)(8) | 45 U.S.C. 231f(b)(8) | Verifying Records of M/S and Benefits Based on It |
| 7(b)(9) | 45 U.S.C. 231f(b)(9) | Employees and Offices of the Board |
| 7(c)(1) | 45 U.S.C. 231f(c)(1) | Payment From RR and SUP Accounts |
| 7(c)(2) | 45 U.S.C. 231f(c)(2) | Financial Interchange |
| 7(c)(3) | 45 U.S.C. 231f(c)(3) | Rate Interest |
| 7(d)(1) | 45 U.S.C. 231f(d)(1) | Administration of Medicare Program |
| 7(d)(2) | 45 U.S.C. 231f(d)(2) | Qualified RR Medicare Beneficiaries |
| 7(d)(3) | 45 U.S.C. 231f(d)(3) | DIB Insured Status Deeming Provision |
| 7(d)(4) | 45 U.S.C. 231f(d)(4) | Medicare Provisions for Canada |

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| 7(d)(5) | 45 U.S.C. 231f(d)(5) | Exchange of Information Between RRB and HEW |
| 7(e) | 45 U.S.C. 231f(e) | Authority to Accept Gifts |
| Section 8 | 45 U.S.C. 231g | Court Jurisdiction Provisions for Court Review |
| Section 9 | 45 U.S.C. 231h | Returns of Compensation Reports of Compensation and Finality of Such Reports |
| Section 10 | 45 U.S.C. 231i | Erroneous Payments |
| 10(a) | 45 U.S.C. 231i(a) | Authority to Recover Erroneous Payments |
| 10(b) | 45 U.S.C. 231i(b) | Manner of Recovery |
| 10(c) | 45 U.S.C. 231i(c) | Authority to Waiver Recovery |
| 10(d) | 45 U.S.C. 231i(d) | Certifying Officer Not Liable For Erroneous Payment |
| Section 11 | 45 U.S.C. 231j | Waiver of Annuities Makes Provision For Waiver of an Annuity |
| Section 12 | 45 U.S.C. 231k | Incompetence |
| 12(a) | 45 U.S.C. 231k(a) | RRB Authority When Beneficiary Is Incompetent |
| 12(b) | 45 U.S.C. 231k(b) | Authority to Deal With Guardian |
| Section 13 | 45 U.S.C. 231l | Penalties |
| 13(a) | 45 U.S.C. 231l(a) | Penalty Provision and Fines |
| 13(b) | 45 U.S.C. 231l(b) | Collection and Crediting of Fines |
| Section 14 | 45 U.S.C. 231m | Exemption From Legal Process Except SUP ANN Is Subject to Tax (Annuities May be Attached |

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| | | or Garnished Under Social Services Amendments of 1974) |
| Section 15 | 45 U.S.C. 231n | <u>Railroad Retirement Account</u> |
| 15(a) | 45 U.S.C. 231n(a) | Continuation of 1937 Act Provision For RR Account |
| 15(b) | 45 U.S.C. 231n(b) | Appropriation For M/S |
| 15(c) | 45 U.S.C. 231n(c) | Continuation of 1937 Act Provisions For SUP ANN Account |
| 15(d) | 45 U.S.C. 231n(d) | Appropriation Because of 1974 RR Act |
| 15(e) | 45 U.S.C. 231n(e) | Investment of Funds |
| 15(f) | 45 U.S.C. 231n(f) | Actuarial Advisory Committee |
| 15(g) | 45 U.S.C. 231n(g) | Annual Report to Include Status of Accounts |
| Section 16 | 45 U.S.C. 231o | Private Pensions No Restriction on Payment of Private Pensions |
| Section 17 | 45 U.S.C. 231p | Free Transportation Carriers Permitted to Furnish Free Transportation to Annuitants |
| Section 18 | 45 U.S.C. 231q | Crediting Service Under the Social Security Act |
| Section 19 | 45 U.S.C. 231r | Automatic Benefits Eligibility Requirement Adjustments |
| 19(a) | 45 U.S.C. 231r(a) | SS Eligibility Changes Apply Similarly For SS Component of Annuity |
| 19(b) | 45 U.S.C. 231r(b) | New SS Beneficiaries Also Acquire RR Annuity Eligibility |

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| 19(c) | 45 U.S.C. 231r(c) | New Medicare Benefits For SS Act Beneficiaries Apply to RR Act Beneficiaries |
| 19(d) | 45 U.S.C. 231r(d) | Limits Life Cases to Those With 10 Years of Service and Survivor Cases to Those Where the Employee Has 10 Years of Service and A C/C |
| Section 20 | 45 U.S.C. 231s | Separability Invalidity of One Provision Does Not Affect Other Provisions |
| Section 21 | 45 U.S.C. 231t | Short Title Railroad Retirement Act of 1974 |