

6.4.1 When To Reinstate Payments

The decision to reinstate payments is often based on the annuitant's own statement. Accept the annuitant's statement and reinstate payments subject to later confirmation unless there is sufficient reason to doubt his statement.

A. Suspended Payments - Reinstate suspended payments when:

- An overpayment is recovered or waived;
- An employee or spouse annuitant ceases railroad service;
- A disabled employee or survivor annuitant's earnings no longer require work deductions;
- An investigation which caused suspension is completed;
- A new payee is selected in foreign cases;
- A SMI premium is deducted from the accrual; or
- The reason for suspension no longer exists.

B. Terminated Payments - Reinstate terminated payments when:

- The marriage which caused termination was annulled;
- The marriage which caused termination was void;
- The adoption which caused termination was revoked; or
- There was an erroneous report of death.

6.4.2 Record Of Previous Payments

Construct a record of returned checks and previous payments from the claim file, microfilm record of checks, and the various adjustment listings.

Assume that payments were made for all months that the annuity was in force and that all lump-sum payments previously certified were made.

Assume that a check was returned or withheld if the claim file contains:

- A G-96 dated before the cut-off date or is stamped "Check dated cancelled."
- A G-695 (provided the claim file does not contain a record of rejection),

- A G-696 showing the check was cancelled or withheld,
- A photostatic copy of the check marked "cancelled" or "not negotiable,"
- 'Green Sheets' as described below:
 - Notice of Cancelled Payment
 - Limited Payability Cancellation Notice
 - Reclamation Credit Notice
 - Non-Receipt Credit Notice
- A computer-generated code 97 referral.
- Xerox copy of an SF-1184e, Unavailable check cancellation with a check mark beside, "Check NOT paid etc."

If the annuity payments were being sent Direct Deposit prior to the termination, the processing of an initial, reinstatement or reinstatement/recert award will delete the Direct Deposit information from the checkwriting master record.

NOTE: For RR-only or SS-only payments, the Direct Deposit information will always be deleted. For combined RR/SS payments, use the following chart to determine whether the Direct Deposit will be deleted:

STATUS		DELETE DIRECT DEPOSIT?
RR	SS	
TERM	N/A	YES
N/A	TERM	YES
TERM	TERM	YES
TERM	SUSP	NO
SUSP	TERM	NO
TERM	CPS	NO
CPS	TERM	NO

The accrual will be mailed to the annuitant's home address. The Direct Deposit information will also be deleted from the DATA-Q display when the award is processed.

6.4.3 Award Forms

When reinstating an annuity, prepare the appropriate award forms:

- Regular employee annuity, see [RCM 8.6](#)
- Supplemental annuity, see [RCM 8.7](#)
- Spouse annuity, see [RCM 8.8](#)
- Survivor insurance annuity, see [RCM 8.9](#)

6.4.4 Award Notices

When reinstating an annuity, use the Automated Award Letters Annuitants (ALTA) System to produce the award letter.

Give the payee a complete explanation about any recovery or waiver of an erroneous payment.

Send the field office servicing the area in which the annuitant lives a copy of the adjustment award letter.

6.4.5 Reinstatement After Mechanical Adjustments

A mechanical suspension - reinstatement action (e.g., SMI adjustments) will cause a slight delay in the issuance of the adjusted benefit.

If the adjustment involves a combined payment, the payment will be split into the separate components and as many as three separate payments may be issued in the month of adjustment. Only the components actually involved in the adjustment will be delayed (i.e., either the RR REG and SUP component(s) or the SS component).

If the payment is normally issued under the direct deposit program, the benefit being adjusted will also be forwarded to the financial organization.

6.4.11 Payments Suspended Because Of An Overpayment

Reinstate payments if:

- The annuitant refunds the overpayment;
- The annuitant accepts an actuarial adjustment;

- Recovery of an overpayment is waived;
- It is determined that payment thought to be erroneous were not erroneous;
- The amount of the annuities withheld exceeds the overpayment; or
- The overpayment is recovered by any combination of the above methods.

6.4.16 Reinstatement After Return To Service

Situation

An employee who returns to railroad service after the ABD has his annuity suspended, not terminated. When he stops working for the railroad, the annuity is payable and reinstated the month after his date last worked.

Age and Service Annuitant

If the employee is an age and service annuitant, he must relinquish his rights before reinstatement.

Disability Annuitant

If the employee is a disability annuitant, he does not have to relinquish his rights.

However, the Disability Benefits Division must reconcile a return to work with the disability rating. The file should have been sent to DBD for the reconciliation at the time the benefits were suspended. Do not reinstate benefits until DBD has made a disability determination on the case.

Tier 1/OM

The additional earnings may be used to increase tier 1. However, the increase cannot be paid until January of the following year.

Delayed retirement credits (DRCs) are applicable for those months where the employee annuity is withheld between the employee's FRA/age 65 and age 70. DRCs earned in years prior to age 70 are payable effective January of the following year. DRCs earned in the year the employee attains age 70 are payable effective with the month the employee attains age 70.

Tier 2

The additional service months and earnings acquired in railroad service will be used to increase the tier 2. The increase is due the month of reinstatement.

Reinstating Benefits

When you are informed that an employee who had returned to railroad service is no longer working, take the following steps:

1. Reinstatement the annuitant at the latest rate shown on PREH, updated for any intervening COLs.

EXAMPLE: The employee was suspended for return to service in 08-1999. He tells his local field office that his last day of work was 12-27-2000. His benefits can be reinstated effective 01-2001. Update the rates shown on PREH for the 12-1999 and 12-2000 COLs and pay this rate effective 01-2001.

2. If the TEMP-RT-FLG code of 2 is present on PREH for the suspension months, change the Annuity Not Payable code to zero (0) on ROC effective with the reinstatement date.
3. If the TEMP-RT-FLG code of 2 is not entered on PREH for the period of railroad service, summarize the suspension period on ROC with an Annuity Not Payable code of 2.

EXAMPLE: In the case above, you would take the following actions to make sure PREH is correctly coded for the suspension period.

- Check PREH screen 3235, the TEMP-RT-FLG field, for the period 08-1999 through 12-2000.
 - If the code of 2 is not shown, include the suspension period on ROC. Calculate the tiers from 08-1999 through 12-2000. Include the COLs.
 - On PF 19, enter the Annuity Not Payable code of 2 for 12-2000, 12-1999, and 08-1999.
 - Enter the date of 01-2001. The 12-2000 rates will automatically appear. Change the Annuity Not Payable code to zero(0).
4. Set a tickler for June 1 of the year following reinstatement. Earnings for the previous year should be posted by that time.

NOTE: The BUSI clearance screen (PF17) is required when reinstating an EE annuity suspended for return to RR employment.

Legal Opinion L-95-20

Legal Opinion L-95-20 affirms that all COLs that accrue during the suspension period are due to the annuitant with the reinstatement. Therefore, the COL rates that are calculated by ROC should be paid to the annuitant.

When the tickler matures

After the earnings have been posted to EDM, send an updated EDM screen showing the earnings to CCU.

If the earnings are high enough, have CCU calculate a new PIA for January of the following year.

Have CCU calculate a new AMC for any reinstatement dates.

When CCU returns the case with the new PIA and/or AMC(s), use ROC to calculate the new tier 1 and tier 2.

Single Recalculation Date for tier 2

When the case has a single recalculation of the AMC, enter this information on PF 10:

- Enter the new number of total months.
- Enter the new AMC amount.
- Use the reinstatement date as the TIER 2 CALC EFF DATE.

ROC will automatically calculate the reinstatement rate, and the COL rates. Process the rest of the case as usual.

Multiple Recalculation Dates

If the case has several recalculation dates because the employee went in and out of railroad service more than once, you will have to take several steps on ROC.

1. On PF 10, enter the total months, the AMC, and the TIER 2 CALC EFF DATE for the first recalculation date. Go to PF 15 and write down the net tier 2 effective with the recalculation date, and the COL rates until the next recalculation date.
2. Repeat these steps for each recalculation until you reach the LAST recalculation date. After you have entered the information for the last recalculation, go to PF 19.
3. On PF 19, insert the previous dates and calculated tier rates. Make sure you enter the appropriate Annuity Not Payable Code of 2 or zero (0) for each date break. You will be able to compute underpayments/overpayments as usual.
4. Send a 59R to Statistical Services. Tell them the EE-SPEC-CALC-CD on the 3300 screen of PREH should be coded '1' to show that RR service after the ABD is included in the calculation.

74 Act Cases

If you have a 74 Act return to service case, refer it to the RBD operations analyst.

6.4.17 When A Disabled Employee Annuitant Stops Working

Before reinstating a disability annuity, forward the claim folder to DPS for reconciliation of work with the employee's disability, if it has not previously been reconciled.

6.4.18 Payments Suspended

Spouse Annuitant Returned To Service

When a spouse indicates that (s)he ceased railroad service and relinquished her rights, reinstate her annuity. Request the district office to secure confirmation of the DLW and R of R. The D/O will obtain Form G-88 from the spouse and forward it to headquarters to verify the DLW and R of R.

Survivor Annuitant Returned To Service

When a survivor annuitant indicates that (s)he ceased railroad service, reinstate the annuity. If the case has been in suspense for more than 6 months, verify the annuitant's address before reinstating the annuity.

For Investigation

Reinstate payments as soon as the investigation is completed if reinstatement is in order. This includes code 98 actions that require manual reinstatement.

When manual reinstatement of a code 98 action is deemed necessary, payment records will forward the case to an adjudication examiner with a G-696 stamped "Reinstate all payments due including the returned check". Prepare the award form in the usual manner for reinstatement and route the folder to (1) "Vouchering (2) PR code 98."

The award action will void the 98 code, produce a message indicating the amount that should have been paid on the reinstatement, and authorize issuance of a check. Payment records will hold the folder until the computer message is received from the benefit payment group.

NOTE: SMI premiums in code 98 (or 97) cases are only transferred to the SMI account for months in which a check was issued. When making a manual reinstatement, be sure to show in the Deduction section, "SMI premiums previously transferred" followed by the premium amount for months in which a check was issued and returned. Then deduct premiums for other withheld months in which a check was issued and returned. Then deduct premiums for other withheld months in the SMI premium block of the award form.

Entitlement To Other Benefits

- A. Basic Rate - Pay the annuity at the basic rate (i.e., the rate for the individual based on the 1966 Railroad Retirement Act amendment formula and a spouse annuity on the basis of 1/2 of the employee's basic rate) if:
1. The monthly rate of the SS benefit the annuitant has applied for is not known; or
 2. The monthly rate of the unreduced SS benefit the annuitant is eligible for is not known; or
 3. The monthly rate of the supplemental annuity the employee is entitled to is not known.
- B. Increased Rate - Pay the annuity at the rate as increased under the O/M or the 1968 and 1970 RR Act amendments and reduced for SS benefit entitlement if:
1. The effective date and monthly rate of the SS benefit can be determined from data in the claim folder furnished by SSA; or
 2. The effective date and monthly rate of the SS benefit can be determined from information furnished by the D/O which is based on documentary evidence from SSA; or
 3. The monthly rate of the supplemental annuity the employee is entitled to is known.

Change Of Payee

Claims examiners in RM and SM reinstate payments to the new payee when payments were suspended because of a change of payee. If payments were under direct deposit for the former payee, delete direct deposit. If the new payee wants payments made under direct deposit, a new Form SF-1199A must be completed jointly by the payee and financial institution.

See [RCM 5.10](#) when the selection or cancellation of the selection of a representative payee is involved.

NOTE: The initial adjudication units handle cases in which a partial award has been made and the final certification is pending.

6.4.37 Child's Payments Suspended When Mother Died

When a mother receiving an annuity for herself and child(ren) or for child(ren) alone dies, secure her insured status from SSA if unknown.

- A. Mother Insured Under the SS Act - If the mother was insured under the SS Act:
1. Reinstate payments to the new payee at the RR basic rate;
 2. Request SS benefit data;
 3. Tell the new payee, in the award letter, to file at SSA if he has not already done so; and then
 4. When SS benefit data is received, recertify the annuity to the rate as increased under the O/M or the RR Act formula and reduce for SS entitlement.
- B. Mother Not Insured Under the SS Act - If the mother was not insured under the SS Act, reinstate payments to the new payee at the rate as increased under the O/M or the RR Act formula, whichever is higher.

6.4.38 When Outstanding Checks Are In The Possession Of A Person Other Than The Proper Payee

When outstanding checks are in the possession of a person other than the proper payee, advise that person he cannot legally cash the checks and ask him to return them or make refund.

Reinstate payments to the new payee beginning with the month payment was suspended. When the outstanding checks or refund are received, pay the amount due to the proper payee.

6.4.41 Payments Adjusted Mechanically To Start SMI Premium Deductions

Annuities are mechanically adjusted to deduct SMI premiums. Manual awards cannot initiate recurring SMI premium deductions. MIRTEL initiates, reinstates or changes SMI premium deductions. MIRTEL must be furnished the most current SMI enrollment and/or premium rate information.

- A. Recertification Award - An adjustment to deduct a single month's premium is processed as a recertification award. This includes both cases when the deductions are started timely and when the deductions exceed the mechanical limit (i.e., more than half of the annuity or more than six months plus the current month's premiums) so a one month adjustment is made and the arrearage must be recovered manually.
- B. Reinstatement Awards - When an adjustment is made for multiple months, MIRTEL suspends and then reinstates the annuity, deducting the past due premiums from the accrual. See [RCM 3.7.17](#) for more information.

6.4.42 Payments Adjusted To Stop SMI Premium Deductions

- A. Mechanical Award - MIRTEL adjusts the annuity to stop SMI premium deductions whenever the SMI option in MIRTEL is 3, 4, 6 or 8.
1. State Buy-In Accretion - When a State Buy-In accretion notice is received, MIRTEL adjusts the annuity to remove the deductions, refunds any premiums deducted since the effective date of the buy-in coverage, and prints an RL-119d for the annuitant and G-96d for the claim folder.
 2. Other Cases - When the MIRTEL SMI option is a termination or refusal (3, 4 or 6), MIRTEL adjusts the annuity to stop premium deductions and makes any necessary refund, up to 9 months of premiums. If MIRTEL has a SMI option of 2, no response, it prints out a referral.
- B. Manual Award - Most SMI adjustments are processed mechanically, in special cases, it is possible to suspend the annuity to stop SMI premium deductions. In addition to the G-96 and award action, a G-810 must be prepared to correct MIRTEL. If the SMI option in MIRTEL remains 1 or 5, deductions will be resumed mechanically.

6.4.43 Payments Adjusted To Change The SMI Premium Rate

As part of the monthly processing, MIRTEL information is compared to CHICO. If there is a discrepancy in the SMI premium rate, MIRTEL takes action to adjust the SMI premium deduction and prints out a referral to check for a possible refund or arrearage due. If the rate on MIRTEL is incorrect, a G-810 activity code 17 must be submitted.

6.4.44 Manual Action To Recover A SMI Arrearage

As noted in sections 6.4.41 and 6.4.43, it is sometimes necessary to recover SMI premiums for a prior limited period (arrearage). This may be full month premiums or the difference between the premium amount collected and what should have been collected.

- A. SMI Deductions in Force - When SMI premiums are currently being deducted from the annuity or benefit, action must be taken to insure that deductions continue or resume properly.
1. RR annuity or SS benefit only - If only one benefit or annuity is being paid, take the following actions:
 - suspend the annuity or benefit; and
 - reinstate, deducting the SMI arrearage in the SMI premium box in the accrued deduction portion of the award form; and

- deduct SMI premiums from the suspension month through the voucher month; and
- prepare a G-810 activity code 20 to change the paid thru date in MIRTEL.

2. RR annuity and SS benefit in force and SMI premium deductions can "float" - Take the following actions regardless of where SMI premium deductions are being made:

- suspend the annuity or benefits; and

NOTE: It is generally better to suspend the annuity or benefit that does not have the recurring SMI premium deduction. This will prevent the SMI deduction from "floating", eliminating MIRTEL mechanical adjustments to the monthly payment.

- reinstate, deducting the SMI arrearage in the SMI premium box in the accrued deduction portion of the award form.

DO NOT PREPARE A G-810.

3. RR annuity and SS benefit but SMI premium deductions cannot "float" - If the SMI premium deduction cannot "float" either because the other benefit is too small or in suspense, handle as explained in section A 1.

B. SMI Deductions Not in Force - When SMI premium deductions are not currently being made because of a SMI option other than 1 or 5 on MOLI:

- suspend the annuity or benefit; and

NOTE: It is generally better to suspend the annuity or benefit that does not have the SMI code. This will eliminate MIRTEL activity to "float" the SMIB option code.

- reinstate, deducting the SMI arrearage in the SMI premium box in the accrued deduction portion of the award form.

DO NOT PREPARE A G-810.

6.4.46 Erroneous Report of Death

An erroneous report of death occurs when an annuitant's benefit is terminated for death, or a death termination transaction is pending on the annuitant's record, but the annuitant is not deceased. The erroneous report may be the result of the annuitant's annuity payment being returned by the U.S. Postal Service (USPS) or his or her financial institution (FI), a PAM termination transaction from SSA, or administrative error; e.g. wrong annuitant was terminated.

NOTE: An erroneous report of death does not include a “wrong date of death.” A wrong date of death occurs when the annuitant died, but the reported month, day, and/or year of death is earlier or later than the actual month and/or year of death. See [RCM 6.6.141](#)

IMPORTANT: The RRB receives death reports from SSA and CMS computer matching processes. These reports are investigated by the Death Match Section (DMS) in Program Evaluation and Management Services – Program Evaluation Section-UI/SI/DIB/FLD (PEMS-PES-UI/SI/DIB/FLD). If the following message appears in the remarks section of the APPLE Notice of Death screen:

“SSA/CMS DEATH MATCH TERM, NOTIFY DMS
IF ERRONEOUS REPORT OF DEATH RECEIVED”

the erroneous death report must be reconciled prior to any reinstatement action, contact the PES Supervisor.

A. Death Terminations Entered on APPLE

Death terminations that are entered on the APPLE system are processed nightly. When an error is discovered, promptly determine what corrective actions are necessary. In some cases, the APPLE First Notice of Death (FNOD) and FAST-S/T transactions can be deleted; avoiding the need to reinstate the annuity. In other cases, the annuity will be terminated and must be manually reinstated.

- Error discovered before APPLE and FAST-S/T processing

If the error is discovered on the same day as the initial entry, but before nightly processing has occurred, the FNOD transaction can be deleted. The deletion on APPLE will also delete the pending transaction on FAST-S/T. These actions will prevent the annuity from being terminated and a Death Notification Entry (DNE) from being released to the FI. Refer to [FOM1 – 1581.25.4](#) for instructions on deleting an APPLE FNOD record.

- Error discovered after APPLE processing but before FAST-S/T processing

If the error is discovered after nightly processing has occurred, and the termination action is still pending on FAST-S/T, the pending transaction can be deleted from FAST-S/T (see [RCM 9.7.25](#)). The annuity status on APPLE must be corrected from FNOD to ERRDTH (erroneous death). This action will prevent the annuity from being terminated.

Additionally, the annuity status on APPLE must be corrected from FNOD to ERRDTH (erroneous death). Indicate in the remarks section of the Notice of Death screen that the death report was erroneous, i.e. “Date of death of 01-02-00 is erroneous. Annuitant is alive”. Refer to the APPLE Training Package for instructions on correcting an APPLE FNOD record.

NOTE: If benefits are paid by EFT, a DNE will be released to the FI. The FI's Automated Clearing House (ACH) department must be notified that the DNE was released to them in error. The FI must be instructed not to return any payments and to remove any death alert indicators from their records.

- Error discovered after APPLE and FAST-S/T processing

If the error is discovered after nightly processing has occurred and the FAST-S/T transaction has also processed, the annuity will be terminated and must be manually reinstated. Also, the annuity status on APPLE must be corrected from FNOD to ERRDTH (refer to [FOM1 – 1581.25.4](#) for instructions on correcting an APPLE FNOD record). The remarks section of the Notice of Death screen must indicate that the death report was erroneous, i.e. "Date of death of 01-02-00 is erroneous. Annuitant is alive".

NOTE: If benefits are paid by EFT, a DNE will be released to the FI. The FI's ACH department must be notified that the DNE was released to them in error. The FI must be instructed not to return any payments and to remove any death alert indicators from their records.

Additionally, the RRB records must be corrected. Sections D and E below describe the actions that are required and who is responsible for taking the actions.

B. Death Terminations Because of Returned Payments or PAM Transactions

If the source of the erroneous report of death is a returned payment or PAM transaction activity, there is nothing to prevent the annuity from being terminated, even if the activity is waiting to be processed. The annuity must be reinstated and the RRB records must be corrected. Sections D and E below describe the actions that are required and who is responsible for taking these actions.

NOTE: The RRB will not release a DNE to the FI when the source of the erroneous report of death is a returned payment or PAM transactions. However, it is possible for the FI to have received a DNE from another government agency. If the annuitant's benefits were paid by EFT, it is recommended that the FI be notified that the annuitant is not deceased.

C. Annuitant Receiving SS Benefit Paid by RRB

The RRB does not have the authority to adjudicate social security (SS) benefits certified to the agency for payment without the prior approval of SSA. If the annuitant is receiving a SS benefit paid by the RRB, the terminated SS benefit cannot be reinstated unless approval is first received from SSA. Use Form RR-25 to refer the case to SSA. Provide a detailed explanation as to how the erroneous report of death occurred and summarize the facts used to support reinstating the benefits. The Form RR-25 **must** be signed by the unit manager. Be sure to include any supporting documentation that may have been received from the field office, FI, USPS, nursing home, etc.

EXCEPTION: RRB can reinstate the SS benefit if any of the conditions listed below are met and documented, **and** the RRB did not receive a PAM termination transaction from SSA.

- The erroneous report of death was due to administrative error, i.e. wrong payee terminated. A written explanation from the person who terminated the annuity is required. The error can be documented in the priority e-mail to RBD or SBD.
- The FI or USPS returned a payment in error **and** furnished the RRB with a signed statement attesting the error. The statement can be received by fax.
- A second payment was returned for death, based on the first erroneous report of death, after the benefit was reinstated.
- A face-to-face interview was conducted with the annuitant in question by an official representative of the RRB, e.g. contact representative. Documentation must be a written statement by the interviewer, signed by the supervising manager. The documentation can be faxed to RBD or SBD to the attention of the customer service group.

NOTE: If a PAM termination transaction was received, the annuitant must also contact the local SSA office in person. Additionally, use Form RR-25 to refer the case to SSA. This will help to expedite reinstatement of the SS benefit. Include any documentation that will support reinstating the benefit. SSA will advise when benefits can be reinstated.

D. Actions by the Field Offices

Field offices report erroneous reports of death to either the retirement or survivor customer service group in the Office of Programs-Operations. In retirement cases, a “high priority” e-mail is sent to the Retirement Benefits Division (RBD) and in survivor cases, a “high priority” e-mail is sent to the Survivor Benefits Division (SBD).

The field office also takes the following actions:

- Deletes any pending APPLE and/or FAST-S/T transaction.
- Corrects the annuity status in APPLE to ERRDTH and indicates in the remarks section that the death entry was in error; i.e., “Date of Death of 01-01-00 is erroneous. Annuitant is alive”.
- If benefits are paid by EFT, telephones the FI’s ACH department to inform them of the erroneous death report. The telephone number can be found in the on-line Financial Organization Master File (FOMF) on the RRAPID menu. The field office will advise the FI that a DNE was released in error and that the annuitant is not deceased, and instruct the financial institution to remove any death alert indicators from their records.

- Releases Form RL-380F, State Verification of Medicare Buy-In, if Medicare is involved and premiums are paid through State Buy-In.
- Secures the supporting documentation when the erroneous report of death was due to administrative or a returned payment and the annuitant is receiving a SS benefit paid by the RRB. The documentation must be received by the customer service representative before the SS benefit can be reinstated. Statements received from the FI and USPS should be to be faxed to RBD or SBD to the attention of the customer service group.

NOTE: If the erroneous report of death is received directly at headquarters, it is to be referred to the retirement or survivor customer service group in RBD or SBD, respectively. The customer service representative will take the actions described above, i.e. delete any pending FAST-S/T transaction, correct the annuity status in APPLE, notify the FI of the erroneous DNE report, and when applicable, secure the necessary documentation for reinstating the annuitant's social security benefit. If Medicare is involved and premiums are being paid through State Buy-In, the customer service representative will advise the Medicare Section, using [Form G-217](#), that Form RL-380F must be released.

E. Actions by the Customer Service Representatives

The customer service representatives set the case up for reinstatement of the annuity by the close-of-business the day following the receipt of the e-mail notice of the erroneous report of death. .

The customer service representatives are also responsible for correcting RRB records (see section F below), reinstating Direct Deposit information, if applicable, referring the case to SSA if applicable, and notifying the payee that the annuity was suspended in error. The reinstatement award letter is sufficient for notifying the payee. However, do not refer to the erroneous report of death.

F. Correcting RRB Records

Use Forms G-205, G-217, and PC-G-607 to correct RRB records and Form RL-73 to notify the last RR employer.

1. Correcting Records With [Form G-217](#)

RRAILS Form G-217 is used to notify various RRB units of the erroneous report of death. Copies of Form G-217 should be sent as an E-mail attachment to the various RRB group mailboxes (see [Form G-217, Disposition instructions](#)). Subsections (a) through (c) below indicate which units to notify and why they need to be notified. After releasing copies to the various units, an online copy can be sent directly to the Imaging System. For instructions on how to complete the imaging dialog box see RRBVision presentation titled *Sending RRAILS Documents to Imaging*.

- a. Program Evaluation and Management Services -Program Evaluation Section (PEMS-PES-UI/SI/DIS/FLD) - Release an electronic copy of Form G-217 to the supervisor in PES-UI/SI/DIS/FLD in all erroneous report of death cases. PEMS-PES-UI/SI/DIS/FLD will monitor the case for any subsequent erroneous report of death received after the case has been reinstated.
 - b. P&S-RRA Application and Calculation (P&S-RAC) – Release an electronic copy of Form G-217 to the RAC – Erroneous Report of Death group mailbox in all erroneous report of death cases. P&S-RAC will review the information to determine what action, if any, they will need to take to correct their records.
 - c. Medicare Section (MS) - Release an electronic copy of Form G-217 to the Medicare Group Mailbox when Medicare is involved. MS will correct the Medicare status, update the premium paid through date, and where applicable, notify the field office to release Form RL-380F.
 - d. P&S-Compensation & Employer Services Center (P&S-CESC) – Release an electronic copy of Form G-217 to the CESC – Compensation & Employer Services Center group mailbox in all erroneous report of death cases. P&S-CESC will review the information to determine what action, if any, they need to take to correct their records.
2. Correcting records with Form G-205

Release Form G-205 to the Debt Recovery Division (BFO-DRD). BFO-DRD will need to delete/cancel any pending reclamation action and correct the accounts receivable record.
 3. Correcting CHICO Using the PC-G-607 Program

Use the PC-G-607 program to correct CHICO if an interim widow status has been entered erroneously into the record. When the employee is erroneously terminated, the spouse is put in interim widow (IW) status. Reinstatement of the employee does not change IW status in CHICO. Data completion instructions for the PC-G-607 program are explained in [RCM 9.4](#), Record Changes.

NOTE: If the spouse annuity was converted to a widow's annuity, the widow's record must be deleted from CHICO and PREH before the employee can be reinstated. Process a FAST-S/T transaction, using code 62, to delete the CHICO record. Additionally, telephone P&S-RAC and request them to delete the record from PREH. Any overpayment resulting from the spouse-to-widow conversion must be recovered according to current overpayment recovery procedures.
 4. Notification to Last Railroad Employer

Release Form Letter RL-73 to notify the last railroad employer when the employee is erroneously terminated. The employer will need the information to correct any improper action that was taken based on the erroneous report of death.

G. Correspondence

All correspondence and supporting documentation related to the erroneous death termination are to be imaged.

6.4.51 Marriage Annulled

- A. General - Decrees of annulment vary from state to state. While in a rare case an annulment may be equivalent to a divorce, an annulment is ordinarily a judicial declaration that a marriage was legally non-existent. How an annulment affects reinstatement depends on whether the marriage was void or voidable under State law.

A void marriage is one non-existent from the start (e.g., a bigamous marriage.) An insurance annuity or a divorced spouse's annuity which was terminated due to marriage can be reinstated as of the date of termination if the annulled marriage was void.

A voidable marriage is one defective under State law but considered valid until declared void by a court. An insurance annuity or a divorced spouse's annuity which was terminated due to marriage cannot be reinstated. A new application is required for any subsequent entitlement unless there is continuous entitlement to a widow(er)'s type annuity. For example, a new application is not required for payment of a widow(er)'s annuity if a remarried widow(er) on the rolls has the later marriage annulled. The widow(er)'s OBD is based on the original entitlement date prior to remarriage.

- B. Effect of Alimony - Some State courts have the power to grant permanent alimony in an annulment action. Re-entitlement to benefits as a parent or child may be precluded if an annulment is granted and the court either granted permanent alimony or retained power to grant alimony later.
- C. Development - Obtain a copy of the annulment decree. If it does not state the grounds on which the annulment was based, obtain a copy of the complaint filed in the proceedings.
- D. Submission and Finding - Upon receipt of the decree and, if necessary, the complaint, send the case to the attorney-advisor for a ruling. The attorney-advisor will specify the reinstatement date, if any, unless he finds that a formal submission to the DGC is required.

6.4.52 Void Marriage - No Decree

- A. General Rules - When a marriage is void under State law, the parties are not always required to have the marriage annulled by a court. A former annuitant may request reinstatement of the annuity, contending that the marriage was void because of an impediment and that no decree of annulment will be secured.
- B. Development - Secure a complete statement of facts showing the basis of the contention and evidence of the impediment or condition which made the marriage void.
- C. Submission - Upon receipt of the above statement and evidence, send the case to the attorney-advisor for a ruling. The attorney-advisor will specify the reinstatement date, if any, unless he finds that a formal submission to the DGC is required.

6.4.53 Marriage Ended By Divorce

- A. General Rules - The Railroad Retirement Act does not provide for the reinstatement of an insurance annuity or a divorced spouse's annuity when the marriage which caused termination was dissolved by divorce. The marriage causes a break in entitlement; therefore the former annuitant must file a new application for any subsequent entitlement.
- B. Divorce Decree Effected An Annulment - If the annuitant alleges that the divorce decree effected an annulment, request a copy of the complaint. When the copy of the complaint is received, send the case to the attorney-advisor. The attorney-advisor will specify the reinstatement date, if any, unless he finds that a former submission to the DGC is required.

6.4.54 Marriage Ended By Death

The Railroad Retirement Act does not provide for the reinstatement of an insurance annuity or a divorced spouse's annuity when the marriage which caused termination was ended by death. The marriage causes a break in entitlement; therefore the former annuitant must file a new application for any subsequent entitlement.

6.4.55 When The Adoption Which Caused Termination Was Revoked

- A. General Rules
 - 1. General Cases - A child's (including a disabled child's or full-time student's) insurance annuity can be reinstated as of the date of termination, if the adoption was absolutely void. If the adoption was voidable and was abrogated, revoked or annulled in accordance with

State law, the attorney-advisor will determine whether the child must file a new application for any subsequent entitlement to benefits.

2. Retirement Cases - A child (including a disabled child or full-time student) can be included in the computation of an O/M retirement annuity as of the date of termination, if the adoption was absolutely void. If the adoption was voidable and was abrogated, revoked or annulled in accordance with State law, the attorney-advisor will determine whether new Forms G-319, and/or G-320 are required.
- B. Development - Obtain a copy of the revocation of the adoption. If it does not state the grounds on which the revocation was based, obtain a copy of the complaint filed in the proceedings.
- C. Submission - Upon receipt of the above decree and, if necessary, the complaint, send the case to the attorney-advisor for a ruling. The attorney-advisor will specify the reinstatement date, if any, unless he finds that a formal submission to the DGC is required.

