

7.1.1 Scope of Chapter

This chapter provides guidelines for determining which agency, Social Security Administration (SSA) or Railroad Retirement Board (RRB), has jurisdiction of payment of benefits.

7.1.2 Responsibility for Jurisdiction Determinations

RRB is responsible for determining whether RRB or SSA has jurisdiction of payment of retirement or survivor benefits. The Retirement Benefit Division (RBD) has jurisdiction in retirement or life cases and the Survivor Benefits Division (SBD) has jurisdiction in survivor, or death cases.

Refer to FOM1 225 for instructions on determining Insured Status and Current Connection.

7.1.3 Determining Jurisdiction

7.1.3.1 Ten-year Service Requirement

Prior to January 1, 2002- The RR Act, as amended on October 30, 1951, provided that an employee must have completed at least ten years (120 months) of creditable service under the RR Act in order to be eligible for a retirement annuity. (See RCM 5.4.20 for a discussion on when M/S is creditable as though it were RR Act service.)

If less than 120 service months prior to January 1, 2002 have been established, but the claimed RR service and/or M/S is 120 months or more, develop for prior, subsequent and lag service. If it appears that the development will not be completed within 25 days, send a RR-3 to notify SSA that there will be a delay in making a determination.

Note: For applications filed prior to 11-1-51, annuities could still be awarded based on less than 10 years of service if certain conditions were met. Any current case in which this could be a factor should be forwarded to P&S – RAC.

7.1.3.2 Five-year Service Requirement

Effective January 1, 2002- The Railroad Retirement and Survivors' Improvement Act of 2001 (RRSIA) lowered the minimum service requirement for an employee to be eligible for an annuity from 10 years (120 months) of creditable service to 5 years (60 months) of creditable service, provided the minimum of 60 months was performed after 1995.

7.1.3.3 Denial for Service Requirement

An application for RRA retirement benefits will be denied if the following requirements are met:

- the application is filed prior to January 1, 2002 by a person for whom 120 months of creditable service cannot be established; or
- the application is filed after December 31, 2001 by a person for whom 60 months of creditable service after 1995 cannot be established; and
- the applicant does not claim disability; and
- the applicant is under age 62; and
- the applicant will not attain age 62 within 3 months.

7.1.3.4 Spouse or Survivor Annuitant Has RR Service

In the event an applicant for a spouse or survivor annuity has a claim pending for an employee annuity, the examiner handling the spouse or survivor annuity is to develop both claims.

Likewise, in "attainment" cases of auxiliary beneficiaries, the examiner responsible for the auxiliary claim is to handle any involvement of RR service performed or claimed.

A. Prior to January 1, 2002

Auxiliary Has Less Than 120 Service Months.--If the service shown on the G-90, plus any additional service claimed by the beneficiary, totals less than 120 months prior to January 1, 2002, and the ten-year service requirement cannot be waived, jurisdiction of RR credits is with SSA. Follow the procedure established in RCM 7.2 for handling such service transfers.

Auxiliary Claims at Least 120 Service Months.--If the service shown on the G-90, plus additional service claimed but not verified, totals at least 120 months prior to January 1, 2002, attempt to verify the additional service claimed. If the additional service cannot be verified to establish 120 months take the action prescribed in RCM 7.2 for handling such service transfers. If 120 months are verified and the beneficiary can otherwise qualify for an employee annuity but has not applied, develop a claim. If the beneficiary is under full retirement age (FRA) and does not wish to apply, code the claim for call up when (s) he reaches FRA.

B. Effective January 1, 2002

Auxiliary Has Less Than 60 Service Months After 1995. If the service shown on the G-90, plus any additional service claimed by the beneficiary, totals less than 60 months after 1995, jurisdiction of RR credits is with SSA. Follow the procedure established in RCM 7.2 for handling such service transfers.

Auxiliary Claims 60 Service Months After 1995. If the service shown on the G-90, plus additional service claimed, but not verified, totals at least 60 months after 1995, attempt

to verify the additional service claimed. If the additional service cannot be verified to establish 60 months after 1995, take the action prescribed in RCM 7.2 for handling such service transfers.

7.1.4 Other Jurisdiction Criteria

7.1.4.1 RRB Jurisdiction

The conditions under which RRB assumes jurisdiction are described below.

Employee Died Before 1940 - RRB has jurisdiction if:

- The claim originated with the RRB; or
- The employee is insured under the RR Act.

Employee Died After 1939 But Before 9-6-58 - RRB has jurisdiction if:

- The employee is completely insured under the RR Act; or
- The employee is partially insured under the RR Act and death occurred on or after 1-1-47, provided there was no one entitled, or potentially entitled to a WCIA or CIA; or
- The employee had less than 120 months of creditable service but a survivor is still entitled to an insurance annuity that was awarded before 10-30-51. This includes cases in which an award was made before 10-30-51 and in effect on that date, but payment was withheld to recover an erroneous payment or because of work deductions. Cases involving awards made by SSA before 10-30-51 because erroneous assumption of jurisdiction are likewise under this condition; or
- The case originated with RRB and the employee does not have an insured status under the SS Act; or
- The employee was not insured under either RR Act or the SS Act, but a residual payment can be made under the RR Act.

Employee Died on or after 9-6-58 - RRB has jurisdiction if:

- The employee has an insured status under the RR Act; or
- The employee was not insured under either the RR Act or the SS Act, but a residual payment can be made under the RR Act.

7.1.4.2 SSA Jurisdiction

The conditions under which SSA assumes jurisdiction are described below:

Employee Died Before 1940 –

SSA has jurisdiction in this instance if the claim originated with that agency and there is no insured status under the RR Act.

Employee Died After 1939 and Before 9-6-58 –

SSA has jurisdiction if:

- The employee is not insured under the RR Act, but is insured under the SS Act; or
- The employee is partially insured under the RR Act and death occurred before 1-1-47, provided there was no one entitled, or potentially entitled to a WCIA or CIA; or
- The employee did not have at least 120 service months and any survivor annuity awarded before 10-31-51 has terminated.

NOTE: Transfer to SSA all cases in which there is no insured status under the RR Act before 9-6-58. Such cases are under that agency's jurisdiction for payment of the LSDP and monthly benefits payable before 9-19-58. If, however, there are no monthly benefits payable before 9-1958, SSA will retain the case until such time as it appears that RRB can pay monthly benefits effective 9-1958 or later.

Employee Died on or After 9-6-58 –

SSA has jurisdiction in the case of an employee who was not insured under the RR Act as a pensioner or annuitant if:

- The employee had less than 120 months of creditable service; or
- The employee did not have at least 60 months of creditable service after 1995; or
- The employee did not have a current connection.

NOTE: If employee had less than 120 service months or less than 60 service months after 1995 and no wage quarters and, if using RR compensation by SSA would give the necessary quarters of coverage, transfer RR credits to SSA even though he has no wage quarters. (Refer to RCM 5.6 Appendix B thru D for rules for insured status at SSA).7.1.5 Types of Claims Transferred

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7.1.5.1 Life Cases

Any application for annuity filed with the Board by a person claiming less than 120 months of service or 60 months of service after 1995, including M/S, or for whom 120 months of service or 60 months of service after 1995 creditable toward an annuity cannot be established, is to be transferred to SSA if:

- The applicant is age 62 or over, or
- will attain age 62 within three months after the month in which the application is filed; or
- the applicant claims disability.

7.1.5.2 Death Cases

Transfer claims material when SSA will have jurisdiction and one of the following conditions exists:

- A widow survives the employee; or
- An application is received; or
- An inquiry is received; or
- An RR earnings record request is received from SSA regardless of the time benefits may be payable.

Appendices

Appendix A – Jurisdiction Determinations

Effective Date	Provision
1-1-47	RRA and SSA credits combined for survivor benefits.
1-1-47	Division of jurisdiction over survivor insurance benefits established.
1-1-47	Current connection and quarters of coverage requirements for insured status established.
10-30-51	Ten-year-service requirement for life benefits and for insured status for survivor benefits established.

10-30-51	RRA credits transferred to SSA for employees and their survivors if less than ten-year-service.
10-30-51	Alternative method of determining QC's in life cases established.
9-6-58	Alternative method of determining complete and partial insured status established.

