

## 3201 Provisions of the Act, as amended October 9, 1996

Section 2(c) of the Act provides in part that,

"(A) Generally

With respect to an employee who has ten or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type of normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

(B) Beginning date

An employee's extended benefit period shall begin on the employee's first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee's then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 on the basis of compensation earned after the first of such consecutive 14-day periods has begun."

Note: Prior to the 1996 amendments, extended benefit periods for employees with 10, but less than 15 years of service, consisted of 7 consecutive 14-day registration periods, during which a maximum of 65 days of benefits were payable. Extended benefit periods for employees with 15 or more years of service consisted of 13 consecutive 14-day registration periods, during which a maximum of 130 days of benefits were payable. The 1996 amendments limited payment of extended benefits to a maximum of 65 days during 7 consecutive registration periods for all employees. This change was effective with extended periods beginning after October 8, 1996.

## 3202 Provisions of the Regulations

See Railroad Retirement Board Regulations, Section 336.14.

## 3203 Elements of Extended Benefit Provisions

### 3203.01 Exhaustion of Rights

An employee is deemed to have exhausted his or her current rights to normal benefits for days of unemployment in a benefit year if:

- a. the employee has received unemployment benefits for 130 days of unemployment in the benefit year; or
- b. the employee has received unemployment benefits in the benefit year equal to his or her base year compensation; or
- c. at the end of the benefit year, during which the employee was qualified for benefits, the employee has received less than the maximum normal unemployment benefits for the benefit year and the employee is not qualified for benefits in the next succeeding benefit year. (An employee who, though qualified for benefits, has not established a right to unemployment benefits in a benefit year, may not be regarded as having "received less than the maximum normal unemployment benefits for the benefit year". A qualified employee establishes a right to benefits by filing an application and a compensable claim, or a claim satisfying the waiting period requirement.)

### 3203.02 Years of Service

#### **a. Computing years of service**

For purposes of extended benefit periods, "years of service" are years of service as defined in section 1(f) of the Railroad Retirement Act. This includes "prior" service (railroad service before 1937), as well as service subsequent to 1936; service subsequent to the base year; and any military service which is creditable under the Railroad Retirement Act (see AIM-19). In accordance with section 1(f) of the Railroad Retirement Act, 12 months of service constitute a year of service. Thus, an employee who has 120 months of service is considered to have 10 years of service.

#### **b. Effective date**

Ten years of service is considered to have been acquired by an employee as of the first day to which creditable compensation is attributable in his or her 120th month of service. Benefits for days of unemployment in an extended benefit period are not payable for any day before the date as of which the employee acquired the requisite years of service. Generally, an extended benefit period will not begin before that date.

### 3203.03 Voluntary Leaving

- a. In determining for purposes of an extended benefit period whether a leaving of work was "voluntary" and "without good cause", principles established in connection with determinations under section 4(a-2)(i) of the Railroad Unemployment Insurance Act are to be followed (see AIM-15).
- b. Under some circumstances a voluntary leaving without good cause does not prevent establishment of an extended benefit period. Only a voluntary leaving creating the need for the extended benefit period and reasonably related to the claimant's continued unemployment after the exhaustion of his or her normal benefits affects his or her entitlement to such a period. When an employee has been paid compensation equal to 2.5 times the applicable monthly compensation base for time after a voluntary leaving it may generally be assumed that the voluntary leaving did not create the need for an extended benefit period.
- c. Any voluntary leaving of work which occurred before the base year is to be disregarded.
- d. A voluntary leaving without good cause occurring after a date with respect to which the claimant meets all the conditions precedent to establishment of an extended benefit period does not prevent the establishment of an extended benefit period beginning on that date and does not terminate the period. Under the provisions of section 4(a-2)(i) of the Act, however, no day in the period beginning with the date of the voluntary leaving, and continuing until the claimant has been paid compensation of not less than 2.5 times the applicable monthly compensation base with respect to time after the date of the voluntary leaving, can be a day of unemployment.

### 3203.04 Voluntary Retirement

- a. In determining for purposes of extended benefit periods whether a claimant has voluntarily retired, principles established on that point in connection with determination as to availability for work should be followed (see AIM-8). In accordance with those principles, application for a retirement annuity is not in itself to be considered as conclusive evidence of voluntary retirement. Consideration must be given to any action of the claimant tending to limit his or her access to the labor market.
- b. If a claimant is found to have voluntarily retired, the date of retirement is considered to be the date on which he or she took action showing that he or she was out of the labor market. In many cases this will be the date on which the claimant applied for the annuity or relinquished rights to return to service.

- c. Any voluntary retirement which occurred before the base year upon which the extended benefit period would be based does not prevent establishment of such a period.
- d. Voluntary retirement occurring after a date with respect to which the claimant meets all the conditions precedent to establishment of an extended benefit period does not prevent establishment of an extended benefit period beginning on that date and does not terminate the period. In such a case, the claimant may receive benefits in the extended benefit period for days before the date of retirement, provided that he or she is available for work and meets the other requirements of the Act. Benefits for days on or after the date of retirement will not ordinarily be payable since the claimant ordinarily cannot meet the availability requirement.

### 3203.05 Beginning of Extended Benefit Period

- a. An extended benefit period begins with the first day of unemployment after the day on which the claimant exhausts his or her rights to normal unemployment benefits. Such first day may fall within a registration period established in accordance with section 1(h) of the Act. An extended benefit period cannot begin in a benefit year in which the claimant is a qualified employee and with respect to which he or she has not exhausted his or her rights to normal unemployment benefits.
- b. If at the time of establishment of an extended benefit period it is apparent that beginning the period with a particular day would clearly be to the claimant's disadvantage, no registration is deemed to have been made with respect to such day, and, accordingly, the period cannot begin with such day.
- c. Although an extended benefit period does not have to begin immediately after the exhaustion of rights to normal benefits, its beginning cannot, as a practical matter, be deferred indefinitely. The following rule has been determined to be administratively practical. An extended benefit period may not begin later than the first June 30 after the last day of the benefit year with respect to which normal rights to benefits were exhausted.

Example A: An employee exhausts normal unemployment benefits for BY 22 on January 28, 2023; he is not qualified for BY 23. An extended unemployment benefit period may start at any time from January 29, 2023, up to and including June 30, 2024.

Example B: An employee exhausts normal unemployment benefits for BY 22 on January 28, 2023; she receives some normal sickness benefits in BY 22 and exhausts those benefits on June 30, 2023, by reason of the ending of the general benefit year; an extended sickness benefit period is established for April 1 to July 7, 2024. An extended unemployment benefit period may start at any time from

January 29, 2023 up to and including June 30, 2025, which is the first June 30 after the ending of BY-22 as previously extended.

### **3203.06 Length of Extended Benefit Period**

For an employee with 10 or more years of service, an extended benefit period runs for seven consecutive 14-day periods. Benefits are payable for not more than 65 days of unemployment in such an extended benefit period. Employees with less than 10 years of service are not eligible for extended benefits.

Note: For employees having 10, but less than 15 years of service, extended benefit periods with beginning dates prior to October 9, 1996, ran for seven consecutive 14-day periods. Benefits were payable for not more than 65 days of unemployment in such periods. For employees having 15 or more years of service, extended benefit periods with beginning dates prior to October 9, 1996, ran for 13 consecutive 14-day periods during which a maximum of 130 days of benefits were payable. If an employee acquired 15 years of service during an extended benefit period based on 10 years of service, the extended benefit period continued until the employee had 13 consecutive 14-day periods.

### **3203.07 Ending of Benefit Year**

A benefit year with respect to which an extended benefit period is established for an employee does not end for that employee until the last day of the extended benefit period. When both an extended unemployment benefit period and an extended sickness benefit period are established, the benefit year does not end before the last day of the later of the two periods.

### **3203.08 Effect On Normal Sickness Benefits**

A benefit year which, as a result of establishment of an extended unemployment benefit period, does not end until after the end of the general benefit year, is continued for sickness benefit purposes as well as for unemployment benefit purposes. Such continuation of the benefit year does not affect the limitation on amount of normal sickness benefits payable in the benefit year; the limit remains at 130 days or an amount equal to base year wages. Sickness benefits based on rights to benefits in the next succeeding general benefit year are not payable for any day before the day following the end of the extended unemployment benefit period.

### **3203.09 Sequence of Registration Periods**

Each of the consecutive 14-day periods in an extended benefit period constitutes a registration period. Thus, once the beginning date of an extended benefit period has been established, the registration periods for extended benefits are fixed; the pattern of days of unemployment and any changes in place of

registration do not affect the beginning or ending dates of the registration periods.

### **3203.10 Relationship of Extended Unemployment to Extended Sickness Benefits**

An employee's exhaustion of rights to normal unemployment benefits may occur during an extended period based on exhaustion of rights to normal sickness benefits. In such a case the employee may begin another extended benefit period, this one based on his or her exhaustion of normal unemployment benefit rights. The establishment of this extended benefit period does not terminate the previously established extended sickness benefit period. The two extended benefit periods continue to exist independently, each for the period prescribed in the Act. Conversely, an employee who exhausted his or her sickness benefit rights during an extended unemployment benefit period could then have an extended sickness benefit period.

### **3204 Determining Entitlement to Extended Benefit Period**

#### **3204.01 Authority to Make Determinations**

In most cases extended benefit periods are established by computer action, without examiner determination. In these cases information of record is sufficient to indicate entitlement. When information on the record does not warrant establishing an extended benefit period automatically, determination by an examiner is necessary. The examiners and specialists in the Office of Programs-Operations are authorized to make such determinations. Some of the points to be considered in making determinations are discussed below.

#### **3204.02 Years of Service**

The number of years of service shown in the RRB's records is to be accepted as correct unless the employee has indicated that he or she has sufficient service to qualify for extended benefits, but the record shows insufficient service. If there is such an indication that the claimant may have more service than is shown on EDMA, the additional service should be developed in accordance with instructions in AIM-19.

#### **3204.03 Voluntary Retirement and Voluntary Leaving**

In most cases, no special information will be needed on these points because the field office would have denied claims for normal benefits if the claimant had voluntarily retired or voluntarily left work without good cause. If there is doubt on either point, investigation should be made.

### **3204.04 Establishing Beginning Date**

If the claimant is found to meet the requirements for an extended benefit period, the beginning and ending dates of the period are to be determined. If beginning the extended benefit period with a particular day would result in there being less than five days unemployment in the first 14 days, the extended benefit period should not ordinarily be begun with such day since to do so would clearly be to the claimant's disadvantage. In such a case, no registration for the day would be considered to have been made and consequently it would not be a day of unemployment.

### **3205 Notice to Claimant**

#### **3205.01 Claimant Held Entitled**

Form Letter ID-20-5 serves as notice that a claimant is entitled to an extended unemployment benefit period. Such notice is usually automatically sent by the computer when the claimant exhausts his or her rights to normal unemployment benefits and is entitled to an extended benefit period.

#### **3205.02 Claimant Not Entitled**

Notice of a determination that an extended unemployment benefit period cannot be established is to be sent to the claimant. The notice is to explain why an extended benefit period cannot be established, and is to be mailed in each case in which benefits are denied on the basis of such a determination.

### **3206 Determination on Claims in an Extended Benefit Period**

Claims for days in an extended unemployment benefit period are to be adjudicated in accordance with instructions in the AIM. When a claim ending on one of the 14 days before the end of the extended period is processed, the claimant is to be advised that his or her extended benefit period is about to end. If the extended benefit period ends before the end of the general benefit year, Form Letter ID-32c is to be sent; otherwise Form Letter ID-32d should be sent.

### **3221 Provisions of the Act, as amended October 9, 1996**

Section 2(c) of the Act provides in part that,

"(A) Generally

With respect to an employee who has ten or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of



unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under this paragraph, and extended unemployment benefits or extended sickness benefits (depending on the type or normal benefit rights exhausted) may be paid for not more than 65 days of unemployment or 65 days of sickness within such extended benefit period.

(B) Beginning date

An employee's extended benefit period shall begin on the employee's first day of unemployment or first day of sickness, as the case may be, following the day on which the employee exhausts the employee's then current rights to normal benefits for days of unemployment or days of sickness and shall continue for 7 consecutive 14-day periods, each of which shall constitute a registration period, but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 on the basis of compensation earned after the first of such consecutive 14-day periods has begun.

Note: Prior to the 1996 amendments, extended benefit periods for employees with 10, but less than 15 years of service, consisted of 7 consecutive 14-day registration periods, during which a maximum of 65 days of benefits were payable. Extended benefit periods for employees with 15 or more years of service consisted of 13 consecutive 14-day registration periods, during which a maximum of 130 days of benefits were payable. The 1996 amendments limited payment of extended benefits to a maximum of 65 days during 7 registration periods for all employees. The change was effective with extended periods beginning after October 8, 1996.

(C) Termination when employee reaches age 65

Notwithstanding any other provision of this paragraph, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for days of unemployment."

## **3222 Provisions of the Regulations**

See Railroad Retirement Board Regulations, Section 336.14.



## 3223 Elements of Extended Benefit Provision

### 3223.01 Exhaustion of Rights

An employee is deemed to have exhausted his or her current rights to normal benefits for days of sickness in a benefit year if:

- a. an employee has received sickness benefits for 130 days of sickness in the benefit year; or
- b. an employee has received sickness benefits in the benefit year equal to his or her base year compensation; or
- c. at the end of the benefit year during which the employee was qualified for benefits, the employee has received less than the maximum normal sickness benefits for the benefit year and the employee is not qualified for benefits in the next succeeding benefit year. (An employee who, though qualified for benefits, has not established a right to sickness benefits in a benefit year, may not be regarded as having "received less than the maximum normal sickness benefits for the benefit year". A qualified employee establishes a right to benefits by filing a statement of sickness and a compensable claim, or a claim satisfying the waiting period requirement.)

### 3223.02 Years of Service

#### **a. Computing years of service**

For purposes of extended benefit periods, "years of service" are years of service as defined in section 1(f) of the Railroad Retirement Act. Service includes "prior" service (railroad service before 1937), as well as service subsequent to 1936; service subsequent to the base year; and any military service which is creditable under the Railroad Retirement Act (see AIM-19). In accordance with section 1(f) of the Railroad Retirement Act, 12 months of service constitute a year of service. Thus, an employee who has 120 months of service is considered to have 10 years of service.

#### **b. Effective date**

Ten years of service is considered to have been acquired by an employee as of the first day to which creditable compensation is attributable in his or her 120th month of service. Benefits for days of sickness in an extended benefit period are not payable for any day before the date as of which the employee acquired the requisite years of service. Generally, an extended benefit period will not begin before that date.

### 3223.03 Voluntary Retirement

- a. In determining for purposes of an extended benefit period whether a claimant has voluntarily retired, principles established on that point in connection with determination as to availability for work should be followed (see AIM-8). In accordance with those principles, application for a retirement annuity is not in itself to be considered as conclusive evidence of voluntary retirement. Consideration must be given to any action of the claimant tending to limit his or her access to the labor market.
- b. If a claimant is found to have voluntarily retired, the date of retirement is considered to be the date on which he or she took action showing that he or she was out of the labor market. In many cases this will be the date on which the claimant applied for the annuity or relinquished rights to return to service.
- c. Any voluntary retirement which occurred before the base year upon which the extended benefit period would be based does not prevent establishment of such a period.
- d. Voluntary retirement occurring after a date with respect to which the claimant meets all the conditions precedent to establishment of an extended benefit period does not prevent establishment of an extended benefit period beginning on that date and does not terminate the period.

### 3223.04 Effect of Attaining Age 65

- a. Extended sickness benefits are not payable for the day on which an employee attains age 65 or for any day thereafter.
- b. An extended sickness benefit period terminates for the purpose of paying sickness benefits on the day next preceding the date on which the employee attains age 65. But it may be continued for the purpose of paying unemployment benefits.
- c. An extended sickness benefit period continues for the purpose of paying unemployment benefits until (1) the end of the seventh (or thirteenth) registration period of the extended benefit period or until (2) the employee again becomes entitled to normal sickness benefits. That is, if the employee is qualified for benefits in a later benefit year and applies for sickness benefits in that year and is found entitled to them, the extended sickness benefit period then terminates for unemployment benefit purposes.

To illustrate this point, assume that an employee with 10 years of service exhausts his normal BY-22 sickness benefits on May 14, 2023. He begins an extended sickness benefit period of 7 registration periods on May 15,

2023. On June 10, 2023 he becomes age 65. Consequently, the extended sickness benefit period terminates for the purpose of paying sickness benefits on June 9, 2023. But it may continue for the purpose of paying unemployment benefits, as illustrated below.

Example 1 The employee recovers from his sickness and becomes able to work on July 15, 2023. He claims normal BY-22 unemployment benefits from July 15 through August 20, the end of the extended sickness benefit period. He is a qualified employee for BY-23, so he receives normal BY-23 unemployment benefits beginning August 21, 2023.

Example 2 As in Example 1, the employee claims normal BY-22 unemployment benefits beginning July 15, 2023. However, he exhausts those benefits on August 1, 2023. He therefore begins an extended BY-23 unemployment benefit period on August 2, 2023. That period runs for 7 registration periods.

Example 3 As in Example 1, the employee claims and receives normal unemployment benefits beginning July 15, 2023. However, he becomes sick again on August 1, 2023. Since he is qualified for BY-23, he claims and receives normal BY-23 sickness benefits beginning August 1, 2023. In this instance the extended sickness benefit period which was continued for unemployment benefit purposes beyond age 65 ends for unemployment benefit purposes on July 31, 2023.

Example 4 The employee does not become able to work. He claims and receives normal BY-23 sickness benefits beginning July 1, 2023. Therefore, the extended sickness benefit period was not continued at all for the purpose of paying unemployment benefits.

### **3223.05 Beginning of Extended Benefit Period**

- a. An extended sickness benefit period begins with the first day of sickness after the day on which the claimant exhausts his or her rights to normal sickness benefits. Such first day may fall within a registration period established in accordance with section 1(h) of the Act. An extended sickness benefit period cannot begin in a benefit year in which the claimant is a qualified employee and with respect to which he or she has not exhausted his or her rights to normal sickness benefits.
- b. If at the time of establishment of an extended sickness benefit period it is apparent that beginning the period with a particular day would clearly be to the claimant's disadvantage, it is considered that there is no statement of sickness with respect to such day, and, accordingly, the period cannot begin with such day.

- c. Although an extended benefit period does not have to begin immediately after the exhaustion of rights to normal benefits, its beginning cannot, as a practical matter, be deferred indefinitely. The following rule has been determined to be administratively practical. An extended benefit period may not begin later than the first June 30 after the last day of the benefit year with respect to which normal rights to benefits were exhausted.

Example A: An employee exhausts sickness benefits for BY-22 on January 5, 2023; he is not qualified for BY-23. An extended sickness benefit period may start at any time from January 6, 2023, up to and including June 30, 2024.

Example B: An employee exhausts BY-22 sickness benefits on January 5, 2023; she receives some normal unemployment benefits in BY-22 and exhausts those benefits on June 30, 2023, by reason of the ending of the general benefit year. An extended unemployment benefit period is established for April 1 to July 7, 2024. An extended sickness benefit period may start as late as June 30, 2025, which is the first June 30 after the ending of BY-22 as previously extended.

### **3223.06 Length of Extended Benefit Period**

For an employee with 10 or more years of service, an extended benefit period runs for seven consecutive 14-day periods. Benefits are payable for not more than 65 days of sickness in such an extended benefit period. Employees with less than 10 years of service are not eligible for extended benefits.

Note: For employees having 10, but less than 15 years of service, extended benefit periods with beginning dates prior to October 9, 1996, ran for seven consecutive 14-day periods. Benefits were payable for not more than 65 days of sickness in such periods. For employees having 15 or more years of service, extended benefit periods with beginning dates prior to October 9, 1996, ran for 13 consecutive 14-day periods during which a maximum of 130 days of benefits were payable. If an employee acquired 15 years of service during an extended benefit period based on 10 years of service, the extended benefit period continued until the employee had 13 successive 14-day periods.

### **3223.07 Ending of Benefit Year**

A benefit year with respect to which an extended sickness benefit period is established for an employee does not end for that employee until the last day of the extended benefit period. When both an extended sickness benefit period and an extended unemployment benefit period are established, the benefit year does not end before the last day of the later of the two periods.

### **3223.08 Effect on Normal Unemployment Benefits**

A benefit year which, as a result of establishment of an extended sickness benefit period, does not end until after the end of the general benefit year, is continued for unemployment benefit purposes as well as for sickness benefit purposes. Such continuation of the benefit year does not affect the limitation on amount of normal unemployment benefits payable in the benefit year; the limit remains at 130 days or an amount equal to base year wages. Unemployment benefits based on rights to benefits in the next succeeding general benefit year are not payable for any day before the day following the end of the extended sickness benefit period.

### **3223.09 Sequence of Registration Periods**

Each of the consecutive 14-day periods in an extended sickness benefit period constitutes a registration period. Thus, once the beginning date of an extended benefit period has been established, the registration periods for extended benefits are fixed; the pattern of days of sickness does not affect the beginning or ending dates of the registration periods.

### **3223.10 Relationship of Extended Sickness to Extended Unemployment Benefits**

An employee's exhaustion of rights to normal sickness benefits may occur during an extended benefit period based on exhaustion of rights to normal unemployment benefits. In such a case the employee may begin another extended benefit period, this one based on his or her exhaustion of normal sickness benefit rights. The establishment of this extended benefit period does not terminate the previously established extended unemployment benefit period. The two extended benefit periods continue to exist independently, each for the period prescribed in the Act. Conversely, an employee who exhausted his or her unemployment benefit rights during an extended sickness benefit period could then have an extended unemployment benefit period.

### **3224 Determining Age 65**

An employee attains age 65 on the day before his or her sixty-fifth birthday. Thus, an employee born on January 15, 1955 attains age 65 on January 14, 2020. For purposes of determining an employee's rights to benefits in an extended sickness benefit period, the adjudicating office may rely on evidence of age in the RRB's records and files at the time the determination is made. In the absence of fraud, a determination allowing benefits in an extended sickness benefit period is not to be disturbed although based on evidence as to age later found to be incorrect. But no additional benefits may be paid on the basis of the incorrect evidence. In determining whether an employee has attained age 65, the adjudicating office is to consider the evidence of age in the Employment Data Maintenance system (EDMA) and in the employee's application for benefits.

## **3225 Determining Entitlement to Extended Benefit Period**

### **3225.01 Authority to Make Determinations**

In most cases extended benefit periods are established by computer action, without examiner determination. In these cases information of record is sufficient to indicate entitlement. When information on the record does not warrant establishing an extended benefit period automatically, determination by an examiner is necessary. The examiners and specialists in the Office of Programs-Operations are authorized to make such determinations. Some of the points to be considered in making determinations are discussed below.

### **3225.02 Years of Service**

The number of years of service shown in the RRB's records is to be accepted as correct unless the employee has indicated that he or she has sufficient years of service to qualify for extended benefits, but the record shows insufficient service. If there is such an indication that the claimant may have more service than is shown on EDMA, the additional service should be developed in accordance with instructions in AIM-19.

### **3225.03 Voluntary Retirement**

In the absence of evidence to the contrary it may be determined that the claimant did not voluntarily retire. If the claimant is receiving an annuity under the Railroad Retirement Act there is a possibility that he or she voluntarily retired. Also, if the claimant is over 60 years of age and there is a gap of a month or more between the last day he or she worked and the first day of infirmity, the claimant may have retired before the infirmity began. In these types of cases, an investigation and a determination are necessary.

### **3225.04 Action on Evidence of Age**

The clearance portion of the RUIA claimant record contains the employee's year of birth as shown on EDMA and the year of birth as shown on his or her application for benefits. To determine whether an employee has attained age 65, both of these years must be checked. Action is to be taken in accordance with instructions in the examples below.

Example 1: Both years of birth show that the employee attained age 65 before the calendar year in which the extended sickness benefit period would begin. In this case an extended sickness benefit period should not be established.

Example 2: Both years of birth show that the employee will not attain age 65 until after the calendar year in which the extended sickness benefit period would end. In this case it may be determined that the employee has not attained age 65 and will not attain it during the extended benefit period.

Example 3: Both years of birth agree and show that the employee will attain age 65 during the calendar year in which the extended sickness benefit period would begin or would end. In this case, the full date of birth as shown on the application for benefits is to be accepted as correct.

- a. If the date of birth on the application indicates that the employee attained age 65 before the date the extended period would begin, an extended benefit period should not be established.
- b. If the employee will attain age 65 after the end of the extended period, the extended period may be established.
- c. If the employee will attain age 65 during the extended benefit period, the extended period may be established, but a stop is to be entered on the record.

Example 4: The years of birth do not agree and the earlier shows that the employee will attain age 65 before or during the calendar year in which the extended period would begin or end.

- a. If the employee is receiving an RRA annuity, check the DATAQ record.
  1. If the date of birth is established on the DATAQ record, accept it.
  2. If the date of birth is not established on the DATAQ record, proceed as in b below.
- b. If the employee is not receiving an RRA annuity and
  1. the application year is earlier, accept the date of birth shown on the application. If the date of birth is not shown on the application, proceed as in 2. below.
  2. the application year is later, mail the employee a letter requesting that he or she submit proof of date of birth if he or she has not attained age 65.

Example 5: One year of birth is missing (either the year is missing from EDMA or the year is missing from the application and is not found on an application).

- a. If the employee is receiving an RRA annuity, check the DATAQ record.
  1. If a date of birth is established on DATAQ, accept it.
  2. If a date of birth is not established on DATAQ, proceed as in b. below.
- b. If the employee is not receiving an RRA annuity and



1. the year of birth shown indicates that the employee is less than age 65, mail the claimant a letter requesting a report of his or her date of birth and proof, if available.
2. the year of birth shown indicates that the employee is 65, send the claimant a letter informing him or her that he or she will have to submit proof of date of birth if he or she has not attained age 65.

### **3225.05 Establishing Beginning Date**

If the claimant is found to meet the requirements for an extended benefit period, the beginning and ending dates of the period is to be determined. If beginning the extended benefit period with a particular day would result in there being less than five days of sickness in the first 14 days, the extended benefit period should not ordinarily be begun with such day since to do so would clearly be to the claimant's disadvantage. In such a case, no registration for the day would be considered to have been made and consequently it would not be a day of sickness.

### **3226 Notice to Claimant**

#### **3226.01 Claimant Held Entitled**

Form Letter ID-20-7 serves as notice that a claimant is entitled to an extended sickness benefit period. Such notice is usually automatically sent by the computer when the claimant exhausts his or her rights to normal sickness benefits and is entitled to an extended benefit period.

#### **3226.02 Claimant Not Entitled**

Notice of a determination that an extended sickness benefit period cannot be established is to be sent to the claimant. The notice should explain why an extended benefit period cannot be established, and is to be mailed in each case in which benefits are denied on the basis of such a determination.

### **3227 Determination on Claims in an Extended Benefit Period**

Claims for days in an extended sickness benefit period are to be adjudicated in accordance with instructions in the AIM. When a claim ending on one of the 14 days before the end of the extended period is processed, the claimant is to be advised that his or her extended benefit period is about to end. If the extended benefit period ends before the end of the general benefit year, Form Letter ID-32g is to be sent; otherwise, Form Letter ID-32h should be sent.

