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# EMPLOYEE DISABILITY BENEFITS

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United States of America  
Railroad Retirement Board

Visit our Web site at <http://www.rrb.gov>

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### Chapter 1 - Application Forms

To receive the disability benefits described in this booklet, you must file an application form. This chapter will explain the forms you must file to receive a disability benefit.

To expedite filing for a disability annuity, you or a family member should call or write the nearest Railroad Retirement Board (RRB) field office to schedule an appointment. For the appointment, bring in any medical evidence in your possession and any medical records you can secure from your treating physicians.

#### Disability Annuity

To receive monthly disability annuity payments, Form AA-1d, *Application for Determination of Employee Disability*, must be filed with Form AA 1, *Application for Employee Annuity*, and Form G-251, *Vocational Report*.

If you have filed for a disability annuity, you are automatically considered for a period of disability and early Medicare coverage.

#### Period of Disability and Early Medicare Coverage

If you have already received a monthly railroad retirement annuity payment, you may file Form AA-1d and Form G-251 for period of disability and early Medicare coverage. Normally, you would do this if you:

- \* are disabled and applied for, or are already receiving, monthly annuity payments based on 30 years of railroad service at age 60 or later, or
- \* receive monthly disability payments but you did not previously qualify for a period of disability or early Medicare coverage when your annuity began.

### Chapter 2 - Medical Evidence

When you apply for any type of disability benefit, it is your responsibility to prove to the RRB that you are "*permanently disabled*" (see *Part VI, Item 7, for definition*). You must provide or tell us about any evidence which may show that you are disabled.

## **Part I - General Information**

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### How to Furnish Medical Evidence

You may furnish medical evidence in three ways:

1. We will give you a report form for your personal physician to complete. In this way we can get information about your condition from the medical source that knows you best.
2. We will ask you to sign an authorization to release to the RRB any hospital, clinic, or employer medical records about your condition.
3. We may ask you to be examined at the RRB's expense if more evidence is needed to:
  - † obtain more detailed or specialized medical findings about your condition, or
  - † resolve conflicts or differences in the evidence already in file.

### Acceptable Sources of Medical Evidence

The following are acceptable sources of medical evidence:

- † Licensed physicians
- † Licensed osteopaths
- † Licensed or certified psychologists
- † Licensed optometrists
- † Persons authorized to send copies or summaries of the medical records of hospitals, clinics, sanitariums, medical institutions, or health care facilities.

### Other Sources of Information

Sometimes, information from other sources can be important to a decision about your ability to work, such as:

- † public and private social welfare agencies,

- † observations by non-medical sources (for instance, a vocational consultant),
- † other practitioners (naturopaths, chiropractors, audiologists, etc.).

### Failure to Submit Evidence

It is in your best interest to fully cooperate if medical or other evidence is needed so that the decision on your claim is made as quickly as possible and based on the best information available.

If you fail to submit medical evidence that is needed and requested, a decision will be made on the evidence available.

If you fail or refuse to report without good cause for an examination scheduled and paid for by the RRB, it may be decided that you are not disabled.

### **Chapter 3 - After You Return Your Application**

After the RRB receives your completed application and all the needed evidence, the RRB will decide if you are entitled to disability benefits.

If you cannot receive disability benefits, the RRB will send you a notice explaining:

- † why you cannot receive disability benefits, and
- † what you can do if you disagree with the reason you cannot receive them.

If you can receive disability benefits, you will receive a notice that shows the amount of your monthly payments, if any, and other information about your benefits.

Sometimes the RRB will not be able to make a decision on your application without obtaining additional information. If so, an RRB representative will contact you by telephone or mail. You may be asked to send us the additional forms, proofs, or statements that are needed. You may also be asked to report for a medical examination.

The RRB will normally notify you of the decision on your application in 4 months or less. If you do not hear from us within that time, contact the nearest RRB office.

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## **Part I - General Information**

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### **Chapter 4 - Periodic Review of Disability**

Your case may be periodically reviewed to determine if your condition is still severe enough to prevent you from working. This is necessary to see if your disability annuity, period of disability, or early Medicare coverage should continue.

When your case is reviewed, we may ask you for information and evidence or to report for a medical examination.

### **Chapter 5 - Information and Assistance**

Any time you need information or assistance, you may contact the nearest field office of the RRB. In addition to the personal attention you will receive, special booklets and other printed material are available. To locate the nearest RRB office visit our Web site at <http://www.rrb.gov>, or call our toll-free HelpLine at 1-800-808-0772.

If you need to personally visit one of our field offices, please call for an appointment. You will not be refused service if you do not have an appointment, but our staff can serve you better when an appointment is made. Most offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

### **Chapter 6 - Vocational Rehabilitation Services**

Vocational rehabilitation providers furnish a wide variety of services to help people with disabilities return to work. These services are designed to provide the client with the training or other services that are needed to return to work, to enter a new line of work, or to enter the workforce for the first time.

If you are disabled and want to work you may contact the rehabilitation agency in your state directly at any time and let that agency know of your interest in receiving rehabilitation services to help go to work. The address and telephone number of the state vocational rehabilitation agency can be found in the telephone book.

Your Responsibilities

Rights to benefits under the Railroad Retirement Act also carry responsibilities for reporting events that may affect the payment of benefits. The RRB informs you of events you are obligated to report; and, if you do not comply, benefit overpayments can occur that have to be repaid, sometimes with interest and penalties. Part V of this booklet lists the events that you must promptly report to the RRB.

## **Part II - About Your Disability Annuity**

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### **Chapter 7 - Occupational Disability Annuity**

If you are unable to work in your regular railroad job, you may qualify for an occupational disability annuity.

To receive an occupational disability annuity, you must:

- \* have a current connection with the railroad industry, **and**
- \* have 240 months of creditable railroad service, **or** have 120 months of creditable railroad service and be at least age 60, **and**
- \* be "*permanently disabled*" for work in your "*regular railroad occupation*" (see *Part VI, Items 7 and 8, for definitions*).

### **Chapter 8 - Total and Permanent Disability Annuity**

If you are unable to work in any kind of regular job, you may qualify for a total and permanent disability annuity.

To receive a total and permanent disability annuity, you must stop all work, **and**:

- \* have 120 months of creditable railroad service, **or** have at least 60 months of creditable railroad service after 1995. (If you have less than 120 months of creditable railroad service, your Tier II cannot begin before you attain age 62.)
- \* be "*permanently disabled*" for any kind of "*regular work*" (see *Part VI, Items 7 and 9, for definitions*).

### **Chapter 9 - When Your Disability Annuity Can Begin**

You may select the date you wish your disability annuity payments to begin.

The date you may select is either:

- \* the earliest date permitted by law, **or**
- \* another date that may be more advantageous to you.



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## Part II - About Your Disability Annuity

### General Rule

Generally, the earliest annuity beginning date permitted by law is the **latest** of the following:

- † The first day of the 12<sup>th</sup> month before the month in which the Railroad Retirement Board (RRB) received your annuity application **or**
- † the first day of the month following the disability annuity waiting period.

### Previous Disability Annuity Rule

If you previously received a disability annuity which ended within 5 years of the month your current disability begins, the earliest annuity beginning date permitted by law is the **latest** of the following:

- † The first day of the 12<sup>th</sup> month before the month in which the RRB received your annuity application, **or**
- † the first day of the month you again became disabled.

If the date you select is earlier than the earliest date permitted by law, your annuity will begin on the earliest date permitted by law.

### Disability Annuity Waiting Period

If the beginning date of your annuity is determined under the General Rule as described above, a waiting period must be completed before your annuity can begin. The waiting period ends the last day of the 5th month after the month your disability began.

## **Chapter 10 - How Work Can Affect Your Disability Annuity Payments**

Work and earnings can affect the payment of your annuity and must be reported promptly to the RRB in order to avoid potential overpayments and penalties. The following describes the effect of work on your benefit payments.

### Work in the Railroad Industry

Your annuity cannot be paid for any month that you work in the railroad industry.

## **Part II - About Your Disability Annuity**

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### Work for Your Last Nonrailroad Employer

Your Tier II and supplemental annuity, if any, are subject to deductions for earnings from your last nonrailroad employer. The deduction is \$1 for each \$2 in earnings not to exceed 50% of these components.

### Work for any Employer

**Earnings of More than \$400 Per Month (after deduction of impairment related work expenses) From Any Work.**--If you are under *"full retirement age"* (see Part VI, Item 4, for definition), your annuity cannot be paid for any month you do any work and earn over \$400 after deduction of *"impairment related work expenses"* (see Part VI, Item 12, for definition).

**Earnings.**--This includes wages before payroll deductions, commissions, and other payments for work (such as room and board) and net earnings from self-employment.

**Penalties for Late Reports.**--If you earn over \$400 after deduction of impairment related work expenses for a month and do not report it to us within 2 months, you will be penalized.

- \* The first time that you report late, the penalty is 1 month's annuity.
- \* The second time that you report late, the penalty is 1 month's annuity for each month you earned over \$400 after deduction of impairment related work expenses.

**End-of-the-Year Adjustment.**--If your annuity was adjusted because you reported earnings of over \$400 after deduction of impairment related work expenses, we will send you a form after the end of the calendar year on which to report your earnings. Annuity payments that have been withheld will be paid if you earned less than \$5,000 after deduction of impairment related work expenses.

- \* If you earned \$5,000 or more after deduction of impairment related work expenses, you will not be entitled to an annuity for some months; the number depends on how much you earned.
- \* You will lose one month's annuity for each \$400 that you earned over \$4,800 (the last \$200 or more of earnings over \$4,800 counts as \$400).

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## Part II - About Your Disability Annuity

- † Penalties for late reports can be applied to end-of-year adjustments if they were not already assessed during the year the excess earnings occurred.

**Note:** These disability work restrictions cease upon a disabled employee annuitant's attainment of full retirement age, when the annuitant becomes subject to the work and earnings restrictions applicable to employee annuities based on age and service. This transition is effective no earlier than full retirement age even if the annuitant had 30 years of service.

### Substantial Gainful Activity

Substantial gainful activity is (in general) work which results in earnings of at least \$780 per month. It also refers to work activity involving the performance of significant physical or mental duties, or a combination of both, which are productive in nature. If you work and are receiving an annuity based on total and permanent disability, or if you have a period of disability or early Medicare, you may be subject to a finding of substantial gainful activity.

### Work May Raise a Question About Your Condition

Until you reach full retirement age, your work and earnings will be evaluated to see if you are able to do "*regular work*" (see *Part VI, Item 9, for definition*). Also, any work performed after your disability annuity begins may raise a question about "*medical recovery*" (see *Part VI, Item 5, for definition*) **regardless of the amount of your earnings**. If this happens, you will be asked for additional information about your medical condition and we may request that you be examined.

**In any case, all work and earnings by a disability annuitant must be reported promptly to the RRB in order to avoid potential overpayments and penalties.**

## **Chapter 11 - Felony Conviction Can Affect Your Annuity**

The amount of your annuity may be affected if you are:

- † convicted of a felony which was committed after **October 19, 1980**, or
- † imprisoned or confined for conviction of a felony.

See Part VI, Items 2 and 3, for definitions of "*Confinement (or imprisonment)*" and "*Felony.*"

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## **Part II - About Your Disability Annuity**

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### **Chapter 12 - When Your Disability Annuity Could End**

#### At Full Retirement Age

At full retirement age, your entitlement to a disability annuity payment ends and your entitlement to an age-and-service annuity begins. This means that your entitlement to annuity payments is no longer affected by the restrictions that apply to disability annuitants as described in this booklet. However, your annuity is still subject to the restrictions discussed in booklet RB-1, *Employee Annuity*, for age-and-service annuitants. If you do not have a copy of this booklet, you should request one.

#### Before Full Retirement Age

Entitlement to disability annuity payments ends effective with the earliest of:

- † the last day of the month before the month in which your death occurs, or
- † the last day of the 2<sup>nd</sup> month after the month in which disability ends.

Disability ends if:

- † you "*medically recover*" (see *Part VI, Item 5, for definition*) so that you are able to work, or
- † you return to work and hold a job whether or not there has been any substantial improvement in your condition (see *Part VI, Item 11, Trial Work Period*).

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## Part III - About Your Period Of Disability (“Disability Freeze”)

### Chapter 13 - How a Period of Disability ("Disability Freeze") Can Help You

A period of disability protects your earnings record so that the time you are severely disabled will not count against you or your surviving dependents when the amount of monthly benefits is computed.

Although the period of disability is not a monthly cash benefit in itself, it provides that all or part of the entire Tier I portion of your annuity will be taxed in the same manner as a social security benefit. It also may provide the following:

- † Increasing the amount of your monthly annuity payments.
- † Including your dependents in the amount of your annuity payments.
- † Increasing the amount of the monthly benefits payable to your surviving dependents.
- † Providing early Medicare coverage for you.

### Chapter 14 - Eligibility Requirements for a Period of Disability ("Disability Freeze")

To receive a period of disability, you must meet three requirements:

1. A disability requirement, and
2. an earnings requirement, and
3. a waiting period requirement for early Medicare.

#### Disability Requirement Defined

To meet this requirement, you must either:

- † have a *"permanent medical condition"* (see Part VI, Item 6, for definition) that prevents you from performing **any** *"substantial gainful work"* (see Part VI, Item 10, for definition) **or**

### Part III - About Your Period Of Disability ("Disability Freeze")

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- \* be at least age 55 and unable, due to "*blindness*" (see Part VI, Item 1, for definition), to perform the substantial gainful work you used to do with some regularity over a period of time.

#### Earnings Requirement Defined

To meet this requirement, you must meet one of the following conditions:

- \* *If your disability began at age 31 or later and there was no prior period of disability before age 31, you must meet two provisions:*
  1. You must have earned social security or railroad retirement work credits for each year after the later of 1950 or age 21 up to the year disability began **and**
  2. you must also have earned credit for 20 calendar quarters of social security or railroad retirement work during a 40-quarter period ending in or after the quarter in which disability began.

**Exception:** If you are under age 62 and have less than 120 months of service but at least 60 months of service that were earned after 1995, you must have earned credit for 20 calendar quarters of coverage of social security or railroad work in the 10 years immediately preceding the onset of disability.

**Note:** If you are at least age 55 and meet the definition of "*blindness*" (see Part VI, Item 1, for definition), you do not have to meet this part.

- \* *If your disability began at age 31 or later, but there was a prior period of disability before age 31, you must have earned social security or railroad retirement work credits for at least half of the calendar quarters beginning with the first quarter after age 21 and ending with the quarter in which you again became disabled. The number of calendar quarters for which you earned social security or railroad retirement work credits in this period cannot be less than 6.*
- \* *If your disability began between ages 24 and 31, you must have earned social security or railroad retirement work credits for at least half of the calendar quarters beginning with the first quarter after age 21 and ending with the quarter in which disability began. The number of calendar quarters for which you earned social security work credits in this period cannot be less than 6.*

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## **Part III - About Your Period Of Disability (“Disability Freeze”)**

### Waiting Period Requirement for Early Medicare Defined

To meet this requirement, you must be permanently disabled for at least 5 full calendar months after the date you meet both the disability and earnings requirement before a period of disability may be awarded. Therefore, the waiting period always starts on the first day of the 6<sup>th</sup> month following the month you are rated disabled.

A waiting period is not required if a previous period of disability ended within 5 years of the month the current freeze began.

In addition, if you are applying for a period of disability after the disabling condition has ended, the freeze may be awarded only if the application was filed before the earliest of:

- † 12 months after the month age 65 is attained or
- † 14 months after the month disability has ended.

### **Chapter 15 - When Your Period of Disability ("Disability Freeze") Can Begin**

The period of disability begins on the first day both the earnings and disability requirements are met. A period of disability cannot be awarded if all or part of the waiting period falls in or after the month "*full retirement age*" is attained (see *Part VI, Item 4, for definition*).

The beginning date of a period of disability does not determine when basic railroad retirement disability annuity payments may begin. It does, however, determine when and if any increased payments may begin, and it also may affect the beginning date of early Medicare coverage.

### **Chapter 16 - When Your Period of Disability ("Disability Freeze") Could End**

A period of disability ends with the earliest of:

- † the last day of the 2<sup>nd</sup> month after the month in which medical recovery occurs,

### **Part III - About Your Period Of Disability (“Disability Freeze”)**

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- † the date determined by the RRB if you are doing or have done *"substantial gainful work"* (see *Part VI, Item 10, for definition*) since your period of disability began (see *Part VI, Item 11, Trial Work Period*),
- † the last day of the month before the month full retirement age is attained,
- † the last day of the month in which your death occurs.

The special ending date rules for cases involving substantial gainful work are not covered in this booklet due to their complexity. If you have any questions about them, contact the nearest field office of the RRB.



## **Chapter 17 - Types of Medicare Coverage**

Medicare is a 2-part Federal health insurance program for people age 65 or older and certain disabled people. One part is Hospital insurance (also called Part A). The other part is Medical insurance (also called Part B).

Hospital insurance can help pay for:

- † medically necessary inpatient hospital care,
- † inpatient care in a skilled nursing facility, and
- † care in your home by a home health agency.

Medical insurance can help pay for:

- † medically necessary doctors' services,
- † outpatient hospital services,
- † outpatient physical therapy and speech pathology services, and
- † a number of other medical services and supplies that are not covered by the Hospital insurance part of Medicare.

If you are "*permanently disabled*" for any "*regular work*" (see *Part VI, Items 7 and 9, for definitions*) and receive a monthly retirement or disability annuity, early Medicare coverage may begin after a waiting period (see Chapter 14 - Waiting Period Requirement for Early Medicare Defined).

If you suffer from chronic renal disease, early Medicare coverage may begin after a 3-month waiting period. Contact the Social Security Administration for this coverage.

## **Chapter 18 - Eligibility Requirements for Early Medicare**

### General

To receive Medicare coverage before age 65, an age-and-service or disability annuitant must have a period of disability (see Part III).

## **Part IV - Applying for Early Medicare Coverage**

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### Special Provision for Occupational Disability Annuitants

If you receive an occupational disability annuity and could not meet the disability requirements for a period of disability when your annuity began, you may qualify for early Medicare coverage at a later date if:

- \* your condition becomes more severe and you meet the period of disability requirement,
- \* you did not meet the period of disability earnings requirement when you met the period of disability requirement, but you met the earnings requirement on the date your annuity began.

### Special Provisions for Federal Employment After December 1982

If you meet the disability requirement for a period of disability but cannot meet the earnings requirement because you did not have enough social security or railroad retirement work credits, Federal employment beginning January 1983 may be counted toward meeting the earnings requirement to establish entitlement to Medicare.

## **Chapter 19 - When Your Early Medicare Can Begin**

### If You Have a Period of Disability

Your Medicare coverage will begin the latest of:

- \* the 25<sup>th</sup> month you are entitled to retirement or disability benefits,
- \* the 30<sup>th</sup> month after your disability began.

### If You Meet the Special Provision for Occupational Disability Annuitants

Your Medicare coverage will begin the 30<sup>th</sup> month after you have met the period of disability requirement **and** been entitled to an occupational disability annuity.

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## Part IV - Applying for Early Medicare Coverage

### If You Meet the Special Provision for Federal Employment after December 1982

Your Medicare coverage will begin the latest of:

- † the 25<sup>th</sup> month you are entitled to retirement or disability benefits,
- † the 30<sup>th</sup> month after you have met both the period of disability requirement and the period of disability earnings requirement, using Federal employment.

**Note:** Months you were previously entitled to an annuity or a period of disability may be counted toward the calendar month requirements above, provided the current annuity or period of disability begins within 5 years of the month the previous annuity or period of disability ended.

### **Chapter 20 - When Your Early Medicare Could End**

#### Medical Recovery

If it is determined that your condition has improved and that you are medically able to work (*see Part VI, Item 5, for definition*), your Medicare coverage will end. This is true whether or not you have actually worked. When this happens, your early Medicare coverage ends with the latest of:

- † the last day of the 2<sup>nd</sup> month after the month in which medical recovery occurs,
- † the last day of the month after the month in which you were notified in writing that your disability ended.

#### Work

If you are working, or have worked since your coverage began, your early Medicare coverage may end. This is true even though your medical condition may not have improved. Unless medical recovery occurs first, your early Medicare coverage ends with the earlier of:

- † the last day of the 24<sup>th</sup> month after you have completed a "*trial work period*" (*see Part VI, Item 11, for definition*) and it is determined you performed "*substantial gainful work*" (*see Part VI, Item 10, for definition*),
- † the last day of the month in which your death occurs.

## **Part IV - Applying for Early Medicare Coverage**

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### **Chapter 21 - Enrollment for Early Medicare**

As soon as you are determined to be eligible for Medicare, you will automatically be enrolled for Hospital insurance coverage (Part A). You pay nothing for this coverage. You will also be automatically enrolled for Medical insurance coverage (Part B). You will have to pay a monthly premium for Part B. If you receive an annuity, the premium will usually be deducted from your monthly annuity rate. If you later choose not to receive Part B coverage, you must notify the Railroad Retirement Board.

## Chapter 22 - Events You Must Report

**In any situation, the best rule of thumb is "If in doubt—report." The field office can advise the annuitant as to how a particular event would affect benefits, and in many cases, can also take any necessary action at the field office level.**

This chapter describes the different events that will affect your disability benefits. You should be aware of these different events and notify us immediately if any of them apply to you.

The events you should report can affect:

- † the amount of your monthly payment, or
- † the total amount which can be paid to you during the year, or
- † whether you can continue to be paid at all, or
- † whether your period of disability and/or early Medicare coverage can continue.

Keep this booklet handy and refer to this part occasionally to see if you need to report any event to the Railroad Retirement Board (RRB).

The following events must be **promptly** reported to the RRB:

- † If you perform **any** work, including self-employment, regardless how much you earn.
- † If your condition improves, or your doctor tells you that you are able to work.
- † If you begin to receive worker's compensation payments or any other public benefit based on disability, or if the amount of these payments change.
- † If you are convicted of a felony.

These events must be reported in addition to any other events you must report described in booklet RB-1, *Employee Annuity*.

## Part V - Events That Can Affect Your Disability Benefits

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### Chapter 23 - How to Report an Event

If at any time after you have completed your application you find that one of the conditions previously explained in Chapter 22 applies to you, immediately notify the RRB in writing. The notice should be sent to the RRB field office at the address shown on the receipt for your application. However, if you wish, you may also call or visit that office.

When you report an event, be sure to include the following:

- \* Your railroad retirement claim number, which is shown at the top of your application receipt, **and**
- \* your name (or the employee's name if you are reporting an event for the employee), **and**
- \* a clear explanation of what event you are reporting, **and**
- \* the exact date (month, day, year) that the event occurred, **and**
- \* your address and daytime telephone number.

If you are reporting work, it is important that you **also** furnish:

- \* the kind of work you are doing,
- \* the name and address of your employer,
- \* how much you expect to earn each month,
- \* the period of time you expect to work,
- \* how many hours per week you work, and
- \* any disability-related work expenses.

## Chapter 24 - Special Railroad Retirement Board Terms Defined

The following are definitions of certain terms used throughout the booklet.

1. **Blindness** - To meet the definition of blindness your:
  - \* eyesight must be no better than 20/200 in the better eye with the best correction, **or**
  - \* visual fields in both eyes must be severely restricted.
  
2. **Confinement** (or imprisonment) - To be under a sentence of confinement or imprisonment means confinement to a jail, prison, or other penal institution or correctional facility. This includes any facility that is under the control and jurisdiction of a penal system, or any facility in which a person may be confined. This also includes hospitals, institutions, and halfway houses that are used as a place of confinement. A person under a sentence of confinement to any of these facilities is considered confined even though he or she may go outside the facility to work, attend school, or for some other reason.

**Note:** A prisoner who is released on parole or because the sentence has ended or has been suspended or overturned, is **no longer** considered to be confined or imprisoned.
  
3. **Felony** - A crime is a felony if it is considered to be a felony under applicable law. Most states define certain crimes as felonies. However, some states and foreign countries do not classify crimes as felonies. If a crime has not been classified as a felony, it is still considered to be a felony if it is a crime punishable by death or imprisonment for more than one year.
  
4. **Full Retirement Age** - The age at which you can receive a full Tier I benefit, unreduced for early retirement. The following chart explains your full retirement age.

## Part VI - Glossary

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<u>If your date of birth is</u>	<u>then your Full Retirement Age is</u>
Before 1-2-1938	65
1-2-1938 through 1-1-1939	65 and 2 months
1-2-1939 through 1-1-1940	65 and 4 months
1-2-1940 through 1-1-1941	65 and 6 months
1-2-1941 through 1-1-1942	65 and 8 months
1-2-1942 through 1-1-1943	65 and 10 months
1-2-1943 through 1-1-1955	66
1-2-1955 through 1-1-1956	66 and 2 months
1-2-1956 through 1-1-1957	66 and 4 months
1-2-1957 through 1-1-1958	66 and 6 months
1-2-1958 through 1-1-1959	66 and 8 months
1-2-1959 through 1-1-1960	66 and 10 months
1-2-1960 and later	67

- 5. Medical Recovery** - A person has medically recovered from disability if, based on medical evidence or demonstration by the individual, it is determined that the individual is able to return to regular work, substantial gainful work, or work in the individual's regular railroad occupation or a similar occupation. Also see *Regular Work* and *Substantial Gainful Work*.
- 6. Permanent Medical Condition** - A permanent medical condition is a medically determinable mental or physical condition or impairment which has lasted, or is expected to last, for a continuous period of at least 12 months, or is expected to result in death.
- 7. Permanently Disabled** - To be permanently disabled, you must have a permanent medical condition that prevents you from working. Also see *Permanent Medical Condition*.

Several unrelated conditions that are not considered severely disabling in themselves can be combined and considered together to see if in this way they prevent work.



You are considered unable to work if your condition prevents you from performing basic work activities. These activities are those physical and/or mental abilities and aptitudes required to do most jobs, such as:

- † walking, standing, sitting, lifting, pulling, pushing, reaching, carrying, or handling;
- † seeing, hearing, and speaking;
- † understanding, carrying out, and remembering simple instructions;
- † using judgment;
- † responding appropriately to supervision, co-workers, and usual work situations;
- † dealing with changes in the work setting.

You will not be considered permanently disabled if you fail to follow treatment prescribed by your doctor that may restore your ability to work. However, you will not be penalized if the reason you did not follow prescribed treatment is acceptable to the RRB.

8. **Regular Railroad Occupation** - Your regular railroad occupation is the one in which you worked in more months in the last 5 years before your disability began than in any other occupation during that time.

You may, instead, claim as your regular railroad occupation the one in which you worked in more than half of all the months you worked in the last 15 years before your disability began.

To be disabled for all work in your regular railroad occupation means that your condition prevents you from working in your regular job, although you may be able to do other kinds of work.

9. **Regular Work** - Regular work is the performance of the full range of material and substantial duties of any regular and gainful employment with any employer. Substantial duties are those that involve significant mental or physical activity even if they are only done part time. Gainful employment is work that is done for pay or profit, or is the kind that is usually done for pay or profit even if no profit is realized. Also see *Substantial Gainful Work*.

## Part VI - Glossary

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10. **Substantial Gainful Work** - This is any work generally done for pay or profit that involves performing significant physical or mental duties. Work may be considered substantial even if it is done part time. In evaluating work, consideration is given to job duties, skill, and experience required to do the job, in addition to pay. Although current work may pay less or may be different from previous work, a person may not necessarily be considered disabled. Also see *Regular Work*.
11. **Trial Work Period** - If you work after your disability benefits begin, you may receive a trial work period during which you may test without penalty your ability to work. A trial work period may last 9 months (not necessarily consecutive), in a 60-month period. In some cases, the trial work period can be extended. After the trial work period, we will decide whether you are still disabled.

You cannot qualify for a trial work period if you have medically recovered. Also see *Medical Recovery*.

All of the rules for determining if you qualify for a trial work period are not covered in this booklet due to their complexity. If you have any questions about them, contact the nearest field office of the RRB.

12. **Impairment Related Work Expenses** - These are special expenses you paid for items or services you needed in order to work (for example, attendance care, medical devices, equipment, prosthesis, or similar items or services). These expenses may be deductible from your monthly earnings.

Examples of expenses that would not be covered include: cost of a vehicle whether modified or not, routine physical examinations, allergy treatments, dental examinations, and opticians' services.

If you wish to deduct such expenses from your earnings, please contact the nearest office of the RRB.

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

Under Section 504 of the Rehabilitation Act of 1973 and Railroad Retirement Board (RRB) regulations, no qualified person may be discriminated against on the basis of disability. RRB programs and activities must be accessible to all qualified applicants and beneficiaries, including those who are vision- or hearing-impaired. Disabled persons needing assistance (including auxiliary aids or program information in accessible formats) should contact the nearest RRB office. Complaints of alleged discrimination by the RRB on the basis of disability must be filed within 90 days in writing with the Director of Administration, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. Questions about individual rights under this regulation may be directed to the RRB's Director of Equal Opportunity at the same address shown above.

## **FRAUD AND ABUSE HOT LINE**

Call the toll-free Fraud and Abuse Hot Line if you have reason to believe that someone is receiving railroad retirement or unemployment-sickness benefits to which (s)he is not entitled; that persons responsible for the financial affairs of minors or incompetent beneficiaries are misappropriating benefits; or that a doctor, hospital, or other provider of health care services is performing unnecessary or inappropriate services or is billing Medicare for services not received. You may also use the Hot Line to report any suspected misconduct by a Railroad Retirement Board (RRB) employee. The Hot Line has been installed by the RRB's Inspector General to receive any evidence of fraud or abuse of the RRB's benefit programs.

Call (toll-free) 1-800-772-4258. Or you may send your complaints in writing to the RRB, OIG, Hot Line Officer, 844 North Rush Street, Chicago, Illinois 60611-2092.

Please do not call the Inspector General's Hot Line with questions about eligibility requirements, delayed claims, or similar problems. Such matters should be directed to the nearest RRB field office.