

7 FAM 570

RAILROAD RETIREMENT BOARD

(TL:CON-86; 08-27-2004)
(Office of Origin: CA/OCS/PRI)

The Railroad Retirement Board's (RRB) mission is to administer retirement/survivor and unemployment/sickness insurance benefit programs for railroad workers and their families under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. These programs provide income protection during old age and in the event of disability, death, temporary unemployment, or sickness. The Railroad Retirement Board also administers aspects of the Medicare program and has administrative responsibilities under the Social Security Act and the Internal Revenue Code.

7 FAM 571 WHAT IS THE CONSULAR OFFICER'S AUTHORITY AND RESPONSIBILITY REGARDING RRB ANNUITIES PAID ABROAD?

7 FAM 571.1 Authorities

(TL:CON-72; 04-21-2004)

22 U.S.C. 3904 (3) (Functions of Service)

45 U.S.C. 209 (Chapter 9 Retirement of Railroad Employees)

45 U.S.C. 351-369 (Chapter 11 Railroad Unemployment Insurance)

7 FAM 571.2 What is the Role of the Consular Officer?

(TL:CON-72; 04-21-2004)

Federal law mandates entitlement to Federal benefits. Each Federal benefits-paying agency establishes policies and procedures under which the laws are administered. When policies and procedures are applied outside the United States, your assistance is required.

7 FAM 571.3 What is the Role of CA/OCS/PRI?

(TL:CON-72; 04-21-2004)

- a. The Office of Policy Review and Interagency Liaison (PRI) is the Department's liaison with the Railroad Retirement Board (RRB) and other benefits-paying agencies and consular posts abroad as well as with members of the public and Congress. PRI provides guidance, disseminates information and implements new programs and procedures at the RRB's direction.
- b. In essence, PRI shares the administrative and managerial responsibilities with the RRB and other Federal benefits-paying agencies for the federal benefits programs abroad to ensure efficient and fraud-free payment of benefits as well as the provision of services.
- c. We have also set up ASKPRI@state.gov, an e-mail address within OCS/PRI, where you may send questions and be assured that the appropriate person gets your question and responds as soon as possible.

7 FAM 571.4 Are there Limitations on Consular Officers Regarding RRB Work and Disclosure of Information (Privacy Act)?

(TL:CON-8; 05-06-2004)

- a. Information contained in a name-retrievable system of records concerning a claimant of railroad retirement benefits may not be disclosed except:
 - As expressly authorized by the RRB
 - By written authorization by the individual who is the subject of the record
 - In accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended (5 U.S.C. 552a(b)(1)-(12) See CA/OCS Intranet Privacy Act Feature.
- b. Any unauthorized disclosure is subject to criminal penalties pursuant to 5 U.S.C. 552a (Privacy Act, as amended).

7 FAM 572 DEFINITIONS

(TL:CON-78; 05-06-2004)

Railroad Retirement Board Glossary

- a. **Annuity** - A monthly railroad retirement benefit payment.

- b. **Railroad employer** - An interstate railroad or affiliate engaged in railroad-connected operations. Employer associations, national railroad labor organizations, and subordinate units are also railroad employers.
- c. **Railroad employee** - Any person in the service, for compensation, of one or more of the Nation's railroad employers including an officer of such employer.

7 FAM 573 INQUIRIES ABOUT BENEFITS

(TL:CON-78; 05-06-2004)

CONTACTING THE RRB

- a. Although the RRB has other regional offices, they prefer that all inquiries from abroad be sent to the following address:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
Telephone: 312-751-4500
FAX: 312-751-7136
E-mail: **Chicago@rrb.gov**

- b. Posts in Mexico and Canada should send their inquiries to the field office currently assigned to your post. However, if you are unsure of that address, send your inquiry to the address above and they will provide assistance.

7 FAM 573.1 How does an Individual Apply for RRB Benefits when Living Abroad?

(TL:CON-78; 05-06-2004)

RRB Employee and Spouse Retirement Annuities

RRB Survivor Benefits

- a. Applying for Benefits:

Individuals inquiring about benefits for the first time or beneficiaries seeking information about a case should be advised to write to the:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
FAX: 312-751-7136
E-mail: **chicago@rrb.gov**

Applicants should:

- Clearly, print their full name, Social Security number, and current mailing address. If the inquirer is not the railroad employee, they must include the railroad employee's Social Security number

State the inquiry clearly

- Include all necessary dates in this format: (month/day/year, e.g., May 24, 1941)

b. Medical Examination:

When a medical examination is required, the RRB informs you by letter, RRB Form RL-259 (Embassy Request for Medical Examination). You should:

- Promptly arrange for the examination by a qualified physician; and advise the applicant of the time and place of the appointment
Promptly return the completed examination form to the:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
FAX: 312-751-7136

- Allowable fees for the medical examination are authorized and specified in the requesting letter. The post makes the payment and reflects the expenditure in the regular monthly account, as required by 4 FAH-3 H-454.6.
- If you are unable to make the appointment within 60 days, report all the pertinent facts and identifying data to the RRB.

7 FAM 573.2 Options Available for Receiving Benefit Checks

(TL:CON-72; 04-21-2004)

- a. Railroad beneficiaries residing in foreign countries receive their payments by U. S. Treasury checks issued by the Philadelphia Regional Financial Center. They are forwarded to the Department and dispatched to posts via the first available diplomatic pouch.
- b. Direct Deposit can only be offered if the beneficiary has a checking or savings account at a financial institution in the United States.

7 FAM 573.3 What if a Benefit Check/Bulk Shipment is not Received?

(TL:CON-78; 05-06-2004)

See 7 FAM 523

- a. You need to inform the RRB of the
- Name and current address of the beneficiary
 - Beneficiary's claim number
 - Date of check (e.g. January 2, 2002)

It is important to note that if the address has changed since the previous check was issued, the RRB will input the new address and when the replacement check is issued, the RRB will send it to the corrected address.

- b. What you should do for **bulk shipments**:
- Verify that a payment has been issued with the check list enclosed in the bulk shipment.
 - Allow a minimum of 10 calendar days after the date of payment/shipment to elapse.
 - See Section 7 FAM 523.1.
- c. What you should do if an **individual check** is missing
- Notify the RRB at:

844 N. Rush Street, Room 901
Chicago, IL 60611
FAX: 312-751-7136
E-mail: Chicago@rrb.gov

The RRB will notify Treasury to investigate the status of the missing check.

- See 7 FAM 523.2.
- d. What the claimant should know:
- If the Department of Treasury finds no indication that the check has been negotiated, they will issue a courtesy replacement check. (It will take up to four weeks or more to replace a current month non-negotiated check.)
 - If the Department of Treasury determines that the missing check was actually negotiated, they will send the payee an image of the check and a claims package that includes the form FMS 1133 Claim against the United States for the proceeds of a Government Check
 - If the payee agrees that he or she did in fact sign the check, no

further action is necessary. (This usually takes six weeks to provide.)

- If the payee alleges that he/she did not endorse the check and forgery is alleged, the payee must complete the FMS 1133 Claim against the United States for the proceeds of a Government Check and return it to Treasury at the address provided. Upon receipt of the claim form, Treasury will adjudicate the claim. If forgery is determined, a settlement check is authorized to the payee or a transfer is authorized to the agency. (Forgery investigations usually take about one year and replacement checks are not issued until Treasury completes the investigation.)

Once a replacement check has been requested, under no circumstances should the beneficiary cash the original check. It should be returned to the Treasury. If both checks are cashed, an overpayment will be created and benefits will be withheld from a future check.

7 FAM 573.4 Reporting a Change of Address, Death, Marriage, Divorce, etc.

(TL:CON-72; 04-21-2004)

- a. The beneficiary must report changes of address, death, marriage, divorce and any other event that could have an effect on the payment of benefits to the:

Railroad Retirement Board
844 N. Rush Street – Room 901
Chicago, IL 60611
FAX: 312-751-7136
E-mail: Chicago@rrb.gov

- b. The beneficiary must inform RRB of the
 - Name and current address of the beneficiary
 - Beneficiary's claim number
 - Event, e.g, death, marriage, divorce, etc.
 - Date of the event

7 FAM 574 ANTIFRAUD ENFORCEMENT PROGRAM

(TL:CON-78; 05-06-2004)

RRB Antifraud Enforcement Program

In addition to relying on beneficiaries to report events that may affect their benefits (see 7 FAM 573.4 change of address/status), RRB contacts representative payees for beneficiaries outside the United States every three years to verify their current status. The Enforcement Program was established to:

- Ensure that beneficiaries are still living.
- Determine whether any unreported events have occurred that could result in the suspension or termination of their benefits and remind beneficiaries and representative payees to report such events promptly.
- Obtain an annual accounting from all representative payees.

7 FAM 574.1 What is the Role of the Consular Officer?

(TL:CON-72; 04-21-2004)

Generally, you are not directly involved in the receipt or control of the forms beyond your responsibility for mailing the preaddressed questionnaires to the representative payee. Some representative payees may require assistance (language, age or distance) in completing and signing the questionnaire. In addition, you need to be mindful of the potential for fraud and do whatever you can to ensure that the benefit is going to the people who are entitled to receive it. That may mean verifying that all questionnaires are distributed, all responses are processed, and all non-responses are investigated promptly. If benefits have already been stopped, when a beneficiary seeks assistance, advise your Regional Federal Benefits Officer or the RRB.

7 FAM 574.2 Investigation Questionnaire

(TL:CON-72; 04-21-2004)

These questionnaires, Form G-99a, Representative Payee Report, are usually sent in June to posts abroad. The representative payee is asked to complete a questionnaire every three years. Responses are due within 30 days.

7 FAM 574.2-1 What if the Representative Payee does not Respond?

(TL:CON-72; 04-21-2004)

If a representative payee has not returned the questionnaire within 30 days, the RRB sends a second notice and a second questionnaire. The follow-up notice advises the representative payee that **benefits will be suspended** if RRB does not receive a completed questionnaire within 15 days. You may be asked to conduct an investigation at that time. Should this occur, you would receive RRB Form G-99c, Representative Payee Evaluation Report, to use in conducting interviews with the representative payee.

7 FAM 575 THROUGH 579 UNASSIGNED