

## 1001 Provisions of the Act

### 1001.01 Section 1(k)

of the Act provides, in part, that "... a day of unemployment, with respect to an employee, means a calendar day... with respect to which...he has, in accordance with such regulations as the Board may prescribe, registered at an employment office...".

### 1001.02 Section 12(h)

of the Act provides, in part, that "The Board may enter into agreements or arrangements with employers, and railway-labor organizations which are duly organized in accordance with the provisions of the Railway Labor Act, for securing the performance of services or the use of facilities in connection with the administration of this Act. . ."

### 1001.03 Section 12(i)

of the Act provides, in part, that "The Board may establish, maintain, and operate free employment offices, and may designate as free employment offices facilities maintained by (i) a railway labor organization which is duly authorized and designated to represent employees in accordance with the Railway Labor Act, or (ii) any other labor organization which has been or may be organized in accordance with the provisions of the Railway Labor Act, or (iii) one or more employers, or (iv) an organization of employers, or (v) a group of such employers and labor organizations, or (vi) a State, Territorial, foreign, or the Federal Government. . . . the Board shall prescribe a procedure for registration of unemployed employees at employment offices. Such procedure for registration shall be prescribed with a view to such registration affording substantial evidence of the days of unemployment of the employees who register. . ."

## 1002 Provisions of the Regulations

See section 325 of the Railroad Retirement Board's (RRB) regulations.

## 1003 Definitions

### 1003.01 Registration

To claim unemployment benefits for any day, an employee must:

- a. Register as unemployed by applying for unemployment benefits and employment service as required by the RRB's regulations and described in section 1006 of this article,

- b. File a claim for benefits in accordance with the RRB's regulations (section 1007), and
- c. Provide any other information that the RRB needs to properly adjudicate his or her right to unemployment benefits.

A registration exists with respect to any day for which the employee registers in accordance with the RRB's regulations as described above except:

- a. If a registration has been made for a day of unemployment, and the claim for that day is later withdrawn, the registration made for that day is not considered to have been withdrawn; and
- b. If, at the time of establishment of an extended benefit period, it is apparent that beginning the extended benefit period with a particular day would clearly be to the employee's disadvantage, no registration is deemed to have been made with respect to that day; and
- c. No registration is deemed to have been made for any day that would be the first day of a registration period in a benefit year:
  - 1. In which the employee is not a qualified employee, or
  - 2. In which benefits have already been paid to the employee for 130 days of unemployment (unless the registration is made in an extended benefit period), or
  - 3. In which unemployment benefits have already been paid to the employee in an amount equal to the employee's compensation in the base year (unless the registration is made in an extended benefit period).

### **1003.02 Filing**

Filing is the delivery of an application or a claim form for unemployment benefits to an office of the RRB within the time prescribed by the RRB's regulations. An application must be received at an RRB office within 30 calendar days of the first day that the employee intends to claim as a day of unemployment. A claim must be received no later than 15 calendar days after the last day of the claim form or the date the form was mailed to the employee, whichever is later.

### **1003.03 Claim**

An employee claims a day as a day of unemployment by registering for the day on a claim form provided by an office of the RRB.

### **1003.04 Withdrawal of a claim**

In the absence of fraud, a claimant may withdraw a claim to a day by informing the RRB in writing that he or she no longer wishes to claim such day. Benefits paid to the employee for days which are being withdrawn must be repaid to the RRB. (See Section 1003.01)

### **1003.05 Normal Registration**

A normal registration is made by an employee by filing an application or a claim for unemployment benefits with an office of the RRB within the time prescribed by the RRB's regulations.

### **1003.06 Advanced registration**

An advanced registration is a registration filed prior to days claimed as days of unemployment on the claim form. Advance registration for days is not permitted.

### **1003.07 Delayed registration**

A delayed registration is a registration made on a day after the last day on which the claimant could have made a normal registration.

## **1004 Registered in Accordance With Regulations of the Board**

For the purpose of Section 1(k) of the Act, which defines a day of unemployment, an employee has registered in accordance with the regulations of the RRB, with respect to a day, if:

- a. A registration with respect to such day has been made by the employee (see section 1005);
- b. A Form UI-1 for the benefit year which includes the days to be claimed, completed by the claimant, has been received in the district office serving his or her area or any other office of the RRB (see section 1006);
- c. The information required by the claim form with respect to such day has been received in the district office (see section 1007);
- d. Any other information required by the RRB to properly adjudicate the employee's right to unemployment benefits has been provided; and
- e. The registration is normal or is acceptable as a delayed registration (see section 1008).

Note: Any questions regarding registration for unemployment benefits by claimants residing in a foreign country should be referred to the Bureau of Field Service.

## **1005 Determining Whether Registration Has Been Made**

### **1005.01 Usual basis for determination**

In the absence of evidence to the contrary, consider that an employee has registered for a day if he or she has signed for the day on Form UI-3 or other form provided by the RRB for registration.

### **1005.02 Signature**

An employee has not registered for a day unless he or she has signed for it on the claim form provided by the RRB. If a signature is recognizable as the signature of the claimant, it is acceptable whether made in writing, in printing, or by witnessed mark. If the claimant signs with a mark, two witnesses should also sign the form. If there is a change from written to printed signature, from signature to mark, or vice versa, an investigation will be necessary unless an adequate explanation is furnished.

### **1005.03 Existence of more than one registration**

An employee who has made a registration with respect to a day may, after withdrawing his or her claim based on such registration, make another registration for the day. Thus, there may exist simultaneously more than one registration made by an employee with respect to a day, but not more than one claim to the day.

## **1006 Application for Unemployment Benefits and Employment Service**

### **1006.01 Requirement**

An application is required at the beginning of each period of unemployment in a benefit year unless:

- a. The employee filed an application for an initial period of unemployment in a benefit year and has a subsequent period of unemployment within the same benefit year, or
- b. The employee had filed an application for benefits for a period of unemployment that began in the preceding benefit year and the period of unemployment continued into the next benefit year.

In either circumstance, the initial application will be treated as an application for days in the subsequent period of unemployment or as an application for days in the next benefit year, as the case may be.

### **1006.02 Purpose**

An application for unemployment benefits and employment service must:

- a. Furnish sufficient information to identify the individual who submitted the application;
- b. Assist the RRB in determining whether the applicant is a qualified employee and whether any of the information reported on the application affects eligibility for benefits; and
- c. Assist the RRB in placing the employee in any suitable employment that may be available.

### **1006.03 Time for filing application**

An employee may deliver or mail his or her application to any RRB office, but the application must be received within 30 calendar days of the first day the employee intends to claim as a day of unemployment.

## **1007 Claim Form**

### **1007.01 Requirements**

After an employee has applied for unemployment benefits in accordance with section 1006 of this part, he or she must claim a day as a day of unemployment by registering with respect to such day. Registration will be made on the claim form provided by the RRB to the employee. Upon registration, a claimant will furnish the information required by the claim form. Information is required if it is called for by the form and is needed to adjudicate the particular claim. Until the information required, no day with respect to which such information is needed will be considered as a day of unemployment.

### **1007.02 Claim period**

A claim for unemployment benefits covers a period of 14 consecutive calendar days.

### **1007.03 Time for filing**

A claim for unemployment benefits must be filed at an office of the RRB no later than 15 calendar days after the last day of the claim period or 15 calendar days after the date on which the claim form was mailed to the employee, whichever is

later. To determine whether the time for filing the claim may be extended, consult section 1008 on delayed claims. None of the days in a claim that is not timely filed is considered to be a day of unemployment.

#### **1007.04 Claim for new period of unemployment**

An employee, who has applied for benefits in a benefit year and again becomes unemployed in the same benefit year, need not file a new application but may request a claim for benefits for days in the subsequent period by contacting the RRB. The request must be made no later than 30 calendar days after the first day for which the employee wishes to claim benefits. Upon receipt of a request for a claim, the field office will provide the employee with a claim form beginning no earlier than the 30th day before the date on which the employee requested the claim form, unless the delay may be excused applying the standards in section 1008.

#### **1007.05 Claims delayed due to denial**

If an employee makes an initial application and claim for benefits but does not file ongoing claims because of an initial determination denying his or her application or claim for benefits and if, upon review, the denial is reversed by an authorized reviewing official, the employee has 30 days from the date of the notice of reversal in which to file a claim or claims for benefits for the days he or she would have claimed as days of unemployment but for the initial determination denying benefits. The reviewing official will notify the employee of the 30-day time limit imposed by the RRB's regulations.

#### **1007.06 Claim required for waiting period**

The requirement to file a claim for unemployment benefits includes filing a claim for the non-compensable waiting period required in each benefit year.

### **1008 Delayed Registration**

#### **1008.01 Acceptability**

An application or claim for unemployment benefits will be considered timely filed if the employee can show a reasonable effort to file the form on time but was prevented from doing so by circumstances beyond his or her control. Lack of diligence, forgetfulness or lack of knowledge of the time limit for applying will not be considered a circumstance beyond the employee's control. The employee must file the application or claim within one year of the day(s) to be claimed as a day or days of unemployment, and not later than 30 days after the circumstance or condition which caused the delay was removed. The one-year deadline does not apply where the delay was caused by denial of benefits. (AIM 1007.05)

### **1008.02 Reasonable causal relationship**

There must be a reasonable causal relationship between the failure to register normally and the circumstances or conditions which caused the delayed registration. The circumstances or conditions need not be such as would make it impossible to register; it is sufficient if the claimant would not reasonably be expected to register under such circumstances or conditions.

### **1008.03 Written statement of explanation**

The claimant must submit a written statement to an office of the RRB explaining why he or she did not make a normal registration for the day(s) for which he or she makes a delayed registration. The statement must be signed by the claimant; however, a statement is to be regarded as signed by the claimant if it is attached to, or is in the form of a notation on, a form or other document that the employee signed.

### **1008.04 Investigation**

If the claimant registers for a day on which he or she failed to make a registration because of employment, because of sickness, or because of death or serious illness in the claimant's immediate family, it may be necessary to investigate whether:

- a. the claimant's failure to register on such day is in fact attributable to such circumstance or condition, and
- b. if it is found that the claimant failed to register because of such condition, any day on which the condition existed can be considered as a day of unemployment.

### **1008.05 Lack of diligence**

The following conditions or circumstances are among those considered attributable to lack of diligence on the part of the claimant:

- a. Laziness or inertia;
- b. Forgetfulness;
- c. Carelessness;
- d. Lack of ordinary prudence or foresight.

### **1008.06 Circumstances or conditions beyond an employee's control**

Consider that any of the following circumstances or conditions for failing to make a normal registration affect the claimant directly and are not attributable to any lack of diligence on the claimant's part and that the required reasonable causal relationship exists.

- a. The employee is away from home for an extended period of time working, searching for work, complying with instructions from the RRB to apply for work, or being held over or is lying over after completing a job in anticipation of a possible call for work;
- b. The employee is away from home for an extended period of time due to a death or serious illness in his or her immediate family;
- c. The employee was given misinformation by a railway labor official or an employee of the RRB (see .08);
- d. The employee filed for sickness benefits, but was later determined to be able to work;
- e. The employee registered in accordance with the provisions of a state unemployment compensation law and is thereafter informed by the state agency that he or she is not eligible. (see .09);
- f. The employee attempted to file his or her form on time, but the form was lost or destroyed (see .11);
- g. The employee is directly affected by any other circumstance or condition which caused him or her to fail to make a normal registration. This may be grounds for an acceptable delayed registration if evidence shows that the required reasonable causal relationship exists and that such circumstance or condition directly affects the employee and is not attributable to any lack of diligence.

### **1008.07 Efforts to file timely**

It should be considered that an employee made a reasonable attempt to file for unemployment benefits timely and delayed registration should be accepted if any of the following circumstances exist:

- a. The employee mailed the form within a reasonable time for it to be received at a RRB office timely, but the form is delayed in the mail. (The postmark date is considered to be the date the employee mailed the form unless there is evidence that the form was actually mailed earlier.)



- b. The employee calls or writes to an office of the RRB within the time prescribed for filing the form.
- c. The employee provides the RRB with the incorrect type of claim form or an application.

### **1008.08 Misinformation**

The receipt of misinformation constitutes acceptable grounds for delayed registration when it is shown that:

- a. There is a causal relationship between the misinformation and the claimant's failure to register,
- b. The delayed registration was the direct result of complying with the instructions as he or she understood them, and
- c. The misinformation was given by a railway labor official or an employee of the RRB. (Failure on the part of a labor official or an RRB employee to give proper instructions in answer to an inquiry is tantamount to the giving of misinformation.)

### **1008.09 Registration for state unemployment benefits**

An employee may register in accordance with the provisions of a state unemployment compensation law and later be informed that he or she is not eligible for benefits under state law. The attempt to register for benefits with the state is an acceptable reason for delayed registration. Evidence that the employee registered and was denied is required. The employee may furnish evidence in the form of (1) a registration card showing dates on which he or she registered with the state agency, and (2) a notice of ineligibility sent by the state agency. If the employee cannot furnish such evidence, it may be requested from the state. If the evidence shows that the claimant did register with the state agency, delayed registrations should be taken for all the days the claimant wishes to claim as days of unemployment which are included in the periods for which the claimant registered in accordance with the provisions of the state law and which are prior to the day on which he or she was properly instructed to register under the Railroad Unemployment Insurance Act.

### **1008.10 Lost or destroyed claim form**

If it appears that a claim form for a day(s) is lost or destroyed, the claimant may re-register for each of the days within one year of the last of day for which he or she signed on the form. Re-registrations are acceptable if, after full investigation, it is clear that the employee in fact made a normal or acceptable delayed registration for such days.

## 1009 Form Letters Prescribed

The following form letters are hereby prescribed:

- ID-10
- ID-10a
- ID-10b
- ID-10t
- ID-10u
- ID-10y
- UD-10z

## 1021 Provisions of the Act and the Regulations

### 1021.01 The Railroad Unemployment Insurance Act

- a. Section 1(h) of the Act provides, in part, that 'The term registration period' means ... the period which begins with the first day with respect to which a statement of sickness is filed ... or the first such day after the end of a registration period which will have begun with a day with respect to which a statement of sickness was filed... and ends with the thirteenth day thereafter."
- b. Section 1(k) of the Act provides, in part, that "... 'a day of sickness', with respect to any employee, means a calendar day ... with respect to which ... in accordance with such regulations as the Board may prescribe, a statement of sickness is filed within such reasonable period, not in excess of ten days, as the Board may prescribe ..."
- c. Section 1(l) of the Act provides, in part, that "The term 'statement of sickness' means a statement with respect to days of sickness of an employee ... executed in such manner and form by an individual duly authorized ... to execute such statement, and filed as the Board may prescribe by regulations."
- d. Section 12(i) of the Act provides, in part, that "The Board shall provide a form or forms for statements of sickness and a procedure for the execution and filing thereof. Such forms and procedure shall be designed with a view to having such statements provide substantial evidence of the days of sickness of the employee. Such statements may be executed by any doctor (authorized to practice in the State or foreign jurisdiction in

which he practices his profession) or any officer or supervisory employee of a hospital, clinic, group health association, or other similar organization, who is qualified under such regulations as the Board may prescribe to execute such statements. The Board shall issue regulations for the qualification of such persons to execute such statements. When so executed by any such person, or in the discretion of the Board, by others designated by the Board individually or by groups, they may be accepted as initial proof of days of sickness sufficient to certify for payment a claim for benefits.

## **1021.02 Regulations**

See 20 CFR 335.

## **1022 Explanation of Terms**

### **1022.01 Filing**

Is the delivery of a properly executed form to an office of the RRB.

### **1022.02 Normal filing**

Is the delivery of a properly executed form to an office of the RRB by mailing such form to an office of the RRB within the time specified in the instructions on the form or by sending the form so that it is received within the prescribed time.

### **1022.03 Conditional filing**

Includes the delivery of a properly executed form to an office of the RRB within a reasonable time in the case of an employee:

- a. who made such efforts to file the form within the prescribed time as a reasonable person could be expected to make in the same situation but was prevented from doing so by circumstances beyond his or her control; or
- b. who registered for the day in question as a day of unemployment in accordance with Part 325 of the regulations, but whose claim for such day as a day of unemployment was denied on the grounds that he or she was not able to work on such day.

### **1022.04 Mailing date**

Is the date on which a form or notice is received by the United States Postal Service.

## 1022.05 Day of infirmity

Is a day on which, according to a statement of sickness, an employee is affected by an injury, illness, sickness or disease described in the statement of sickness. There is said to be a statement of sickness with respect to such day. In this title, the term "infirmity" encompasses pregnancy, miscarriage and childbirth as well as injury, illness, sickness and disease.

## 1023 Summary of Requirements

### 1023.01 Claim for Sickness Benefits

For the purpose of section 335.2 of the regulations, which prescribes the manner of claiming sickness benefits, an employee has made a claim for sickness benefits, if:

**a. Statement of sickness filed**

A properly executed statement of sickness with respect to any day, acceptable in accordance with the RRB's regulations, is filed on behalf of the employee at an office of the RRB; and

**b. Application for sickness benefits**

An application for sickness benefits, properly executed on a form prescribed by the RRB, and the information required by the form have been received at the office of the RRB where his or her statement of sickness is on file; and

**c. Claim form**

A properly executed Form SI-3 for a registration period including a day with respect to which a statement of sickness is filed, and the information required by such form, are received at an office of the RRB.

### 1023.02 Form Prescribed for Statement of Sickness

A statement of sickness is to be filed on a form provided by the RRB (Form SI-1b or SI-7) or on a form or official stationery provided by a hospital, clinic, group health association, or other similar organization for transcription of medical records of such organization.

### 1023.03 Filing within the Prescribed Time

No day is to be considered as a day of sickness unless a statement of sickness with respect to such day is filed within the time prescribed for statements of

sickness, and no day is to be considered as a day of sickness unless a claim form with respect to a registration period including such day is filed within the time prescribed for claim forms.

### **1023.04 Persons who may Execute Statements of Sickness**

A statement of sickness may be executed by any person who is qualified under section 335.3 of the regulations of the RRB to execute such statements, or by others designated by the RRB.

#### **a. Qualified doctors**

A person is qualified to execute statements of sickness if he or she is:

1. A doctor trained in medical and surgical diagnosis and licensed to practice professionally in the State or foreign jurisdiction where the statement is executed, or
2. A licensed dentist if the infirmity relates to the teeth or gums, or
3. A licensed podiatrist or chiropodist if the infirmity relates to the feet, or
4. A chiropractor licensed to practice professionally in the State or foreign jurisdiction in which the statement is executed, or
5. A licensed clinical psychologist having a doctoral degree (Ph.D. or Psy.D.) in psychology.

#### **b. Physician assistant - certified (P.A.C.)**

A physician assistant- certified is qualified to execute statements of sickness. Physician assistants-certified diagnose, manage and treat patients across a broad range of common illnesses and injuries while working under the supervision of a practicing, licensed medical doctor.

#### **c. Nurse Practitioners (NP)**

A nurse practitioner is qualified to execute statements of sickness. Nurse Practitioners are registered nurses with advanced education and clinical expertise that qualifies them to diagnose and treat illnesses and injuries.

#### **d. Employee Assistance Professionals (EAP) and Substance Abuse Professionals (SAP)**

A Substance Abuse Professional (SAP) is a person who evaluates employees who have violated a Department of Transportation (DOT) drug

and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

An employee assistance professional (EAP) or a substance abuse professional (SAP) is qualified to execute statements of sickness in cases where an employee is unable to work due to drug and/or alcohol-related infirmities. The EAP or SAP must be certified by one of the following certifying organizations:

- the National Association of Alcohol and Drug Abuse Counselors (NAADAC)
- the Certified Employee Assistance Professionals (CEAP)
- the International Certification Reciprocity Consortium/alcohol and Other Drug Abuse (ICRC) or the
- National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

**e. Certified nurse mid-wives**

A certified nurse midwife is qualified to execute statements of sickness in cases where pregnancy, miscarriage or childbirth makes the employee unable to work or makes working injurious to the employee's health.

**f. Other qualified persons**

A person is qualified to execute statements of sickness if he or she is a superintendent or other supervisory official of a hospital, clinic, group health association, or similar organization where

1. all examinations and treatment are conducted under the supervision of licensed doctors trained in medical and surgical diagnosis, or under the supervision of licensed chiropractors, or under the supervision of others authorized to execute statements of sickness, and
2. medical records are maintained for each patient.

**g. Persons designated by the RRB**

1. The RRB has designated duly authorized and accredited Christian Science practitioners to execute statements of sickness.
2. A person may be designated by the RRB if there are circumstances which warrant such designation. (See AIM-1031.)

## 1024 Statement of Sickness

### 1024.01 Information relating a statement of sickness to a day

It is to be considered that there is a statement of sickness with respect to a day when a form provided by the RRB for making statements of sickness or a form otherwise acceptable in accordance with the RRB's regulations, together with any required supplemental doctor's statement, has been properly executed and information has been furnished:

- a. Describing an infirmity affecting an employee, and
- b. Indicating when the employee became affected, or was found to be affected, by such infirmity, and
- c. Indicating that the employee was continuously affected by an infirmity from the time when he or she became affected or was found to be affected, by the infirmity described in the statement of sickness, up to and including such day.

### 1024.02 Execution

A form provided for making statements of sickness or otherwise acceptable in accordance with the RRB's regulations, is to be regarded as properly executed if:

- a. It is signed by a person who may execute statements of sickness and
- b. There is information indicating that the employee whose infirmity is described in the statement of sickness was examined by a qualified doctor or by a person designated to execute statements of sickness, during the period when the employee was affected by such infirmity.

### 1024.03 Acceptable Form SI-1b

Form SI-1b is acceptable if there is information as follows:

#### a. **Employee's name**

A name or other information sufficient to identify the applicant is entered on the form. If this information is not shown on the form, consider that a statement of sickness has not been filed.

#### b. **Information relating to infirmity**

An entry on the form describes an infirmity and indicates the applicant has been examined by a qualified doctor or other person authorized to execute

statements of sickness. Medical evidence obtained in accordance with AIM-31 is also acceptable.

**c. Day of infirmity**

One or more days on which the employee was affected by such infirmity are indicated. Sufficient indication is given by:

1. an entry on Form SI-1b of the date on which the employee became sick or injured; or
2. an entry on Form SI-1b of a date on which the employee was examined or treated; or
3. an entry on an accompanying Form SI-1a showing the date on which the employee became sick or injured.

**NOTE:** In cases involving pregnancy, miscarriage or childbirth, an entry of the date the patient became unable to work, or an entry of the date of delivery and a date the employee can safely resume work in her occupation is required.

**d. Evidence of execution**

1024.03(d)

A signature has been entered in the space for "Signature of Doctor" and there is evidence that the person who signed is one who may execute statements of sickness. It may be considered that there is such evidence if:

1. the signature is followed by the letters "M.D.", "D.O.", "D.C.", "P.A.C.", "NP", "F.N.P" or "A.R.N.P", "C.S.", "C.S.B.", or "C.S.D." (When the letters "C.S.", "C.S.B." or "C.S.D." appear after the signature on a Form SI-1b, it may be considered, in the absence of evidence to the contrary, that the form was executed by a duly authorized and accredited Christian Science practitioner.); or
2. the signature is followed by the letters "D.D.S." or "D.M.D." if the infirmity is of the teeth and jaws; or
3. the signature is followed by the title "Podiatrist" or "D.P.," if the infirmity is of the foot or ankle and is within the podiatrist's field of treatment; or
4. the signature is followed by the letters "Ph.D." or "Psy.D." indicating that the person who executed the form is a clinical psychologist holding a doctoral degree in psychology, if the infirmity is of a



mental, emotional or behavioral nature within a psychologist's field of treatment, or

5. in the case of infirmity due to drug or alcohol use, the signature is followed by any of the following letters:
  - "E.A.P," or "CEAP" indicating that the person who executed the form is an employee assistance professional or a
  - "S.A.P" Substance Abuse Professional
  - "NCAC I" National Certified Addiction Counselor
  - "NCAC II" National Certified Addiction Counselor
  - "MAC" Master Addiction Counselor
  - "AODA" Alcohol and Other Drug Addiction Counselor
  - "AAODA" Advanced Alcohol and Other Drug Addiction Counselor
  - "CCS" Certified Clinical Supervisor
  - "CPS" Certified Prevention Specialist
  - "CCJP" Certified Criminal Justice Addiction Professional
  - "NCC" National Certified Counselor
  - "CADAC" or "LADAC" Certified Alcohol Drug Abuse Counselors **not**
  - "CPADAC" or LPADAC" P is for provisional not yet certified.
6. the signature is followed by the letters "C.N.M." indicating that the person who executed the form is a certified nurse midwife, and the diagnosis is childbirth, pregnancy, or miscarriage, or
7. the person who signed has supplied his or her official title as a supervisory official, and the name of a hospital, clinic, group health association, or similar organization is also provided; or
8. the person who signed is one who has been designated by the RRB to execute statements of sickness; or
9. the employee is confined to a hospital or the address of the person who signed is shown as that of a hospital as described in section 1023.04c; or

10. the person who signed is listed in the American Medical Directory or was properly identified at the time a previous statement of sickness executed by him or her was examined.

If there is any information that the person who signed the medical report is not authorized to execute statements of sickness, or if comparison of dates on the form indicates that the employee was not examined by a person authorized to execute statements of sickness during the period of infirmity, do not consider that a proper statement of sickness has been filed.

A medical report signed by a doctor of optometry (O.D.) is not an acceptable statement of sickness.

## **1025 Filing Statements of Sickness**

### **1025.01 Prescribed Time for Filing**

A statement of sickness with respect to any day is to be filed not later than the ninth day after such day.

### **1025.02 First Day of Normal Filing Period**

The period within which an acceptable statement of sickness is normally filed begins with:

- a. The ninth day prior to the day when the form was received in any office of the RRB, or
- b. The seventh day prior to the day when the form was mailed to and office of the RRB. (See AIM-1030.)

### **1025.03 Normally Filed**

If the first day of infirmity or any subsequent day of infirmity occurs on or after the first day of the normal filing period, consider that a statement of sickness has been filed normally within the prescribed time.

### **1025.04 Further Consideration**

If the first day of infirmity is prior to the first day of the normal filing period, consideration is to be given to any evidence of conditional filing in accordance with AIM-1029.

## 1026 Application for Sickness Benefits

### 1026.01 Requirement

No benefits are to be paid for any claim based upon a statement of sickness until a properly executed application for sickness benefits containing information required by the form is received.

### 1026.02 Execution

An application for sickness benefits is properly executed if it is signed by the applicant or signed by someone who may properly act on behalf of the applicant in accordance with AIM-23.

### 1026.03 Information Required

The information required by the form has been furnished if there is sufficient information:

- a. To identify the applicant; and
- b. To make any required determination of base year wages; and
- c. To identify the period of sickness to which the application relates.

### 1026.04 Acceptable Form SI-1a

Form SI-1a is acceptable if there is information as follows:

**a. Employee's name**

A name identifying the applicant has been entered on the form, or the form is received with some other form having information sufficient to identify the applicant.

**b. Information required for determination of base year wages**

Sufficient information is given for any required determination of the applicant's base year compensation.

**c. Information relating to infirmity**

Entries on Form SI-1a correspond with entries on Form SI-1b or with other information relating to the period of infirmity for which the Form SI-1a is required. Despite entries on Form SI-1a, consider that the Form SI-1a corresponds with the period of infirmity if Form SI-1a and SI-1b are received attached.

**d. Signature**

An acceptable signature is entered on the form. A signature is acceptable if:

1. It appears to be the signature of the applicant; or
2. It appears to be the mark of the applicant and is witnessed by an RRB representative, or by a person authorized to execute a statement of sickness, or by two other persons; or
3. It is recognizable as the signature of someone who may properly act on behalf of the applicant in accordance with AIM-23.

**1027 Claim Form****1027.01 Forms to be Sent**

A claim form will ordinarily be sent to an individual for the first registration period beginning with a day with respect to which a statement of sickness is filed on his or her behalf. When the individual has filed a claim for any registration period, a claim form will be sent to the individual for the next registration period beginning with a day with respect to which a statement of sickness is filed. These forms will be sent as prescribed in AIM-11, Title II.

**1027.02 Execution**

A claim form is to be regarded as properly executed if it is signed by the claimant or if it is signed by someone who may properly act on behalf of the claimant.

**1027.03 Information Required**

Information is required by a claim form if it is called for by the form and if it is needed to adjudicate the claim. Some of the information called for need not be furnished in connection with a particular claim either because it has been previously furnished or because other information furnished shows that it is not applicable. Until the required information is received by the adjudicating office, no day with respect to which such information is needed is to be considered as a day of sickness.

**1027.04 Acceptable Form SI-3**

A Form SI-3 is acceptable if the information needed to adjudicate the claim has been furnished. The need for information called for by the items on a Form SI-3 is as follows:

**a. Days claimed**

The entries on the claim form must show clearly which days are claimed. If the entries are unclear, the claimant may be contacted by telephone or letter for clarification. If entries are missing or incomplete, the form is to be returned to the claimant for proper completion.

**b. Wages and other payments**

If no entry has been made regarding any wages or other payments received by the claimant, or if an entry has been made and is apparently incorrect, information with respect to these items need not be obtained except as specifically provided under applicable instructions in the AIM or DPOM/FOM.

**c. Signature**

An acceptable signature must appear on the form. A signature is acceptable if:

1. It appears to be the signature of the claimant; or
2. It appears to be the mark of the claimant and is witnessed by an RRB representative, or by a person authorized to execute a statement of sickness, or by two other persons; or
3. It is recognizable as the signature of someone who may properly act on behalf of the claimant.

## **1028 Filing Claim Forms**

### **1028.01 Prescribed Time for Filing**

An employee's claim for sickness benefits is to be filed within 30 days after the last day of the registration period or within 30 days after the day on which the claim form was mailed to the employee, whichever is later.

### **1028.02 Normally Filed**

A claim for sickness benefits with respect to any registration period is normally filed if:

- a. The claim form was received at an office of the RRB within 30 days after the later of (i) the last day of the registration period shown on the claim form or (ii) the day such claim form was mailed to the employee, or

- b. There is evidence that the claim form was mailed to an office of the RRB in accordance with the instructions on the form and was received there.

### **1028.03 Further Consideration**

If a claim form is not normally filed, consideration is to be given to any evidence of conditional filing in accordance with AIM-1029.02.

## **1029 Determination on Conditional Filing of Forms**

### **1029.01 Consideration if Form not Normally Filed**

#### **a. Statement of sickness**

When a Form SI-1b with respect to a particular day was mailed later than the seventh day after such day and was received at an office of the RRB later than the ninth day after such day, consider the possibility that a statement of sickness was conditionally filed within the prescribed time, provided that it is received within two years of the first day for which the employee wishes to claim benefits.

#### **b. Claim Form**

When a claim form is not normally filed, consider the possibility that the claim is conditionally filed within the prescribed time, provided that it is received within two years of the first day for which the employee wishes to claim benefits.

### **1029.02 Employee prevented from Filing by Circumstances Beyond his or her Control**

An employee's statement of sickness or claim form is conditionally filed within the prescribed time, if the employee made a reasonable effort to file within the prescribed time but was prevented from doing so by circumstances beyond his or her control, and if such statement or claim was received at an RRB office within a reasonable time following the removal of the circumstances that prevented the employee from filing the form.

For the purposes of this provision, if a statement of sickness is not received within the prescribed time (10 days) but is received within 30 days of the first day that an employee intends to claim as a day of sickness, the RRB will consider that the employee made a reasonable effort to file the statement within the prescribed time, unless affirmative evidence shows that the delay was not the result of circumstances beyond the employee's control.

**a. Effort**

1. An employee is expected to make an effort to file within the prescribed time, except in situations where the employee's physical or mental condition prevents such an effort. An effort to file a form is to be considered in relation to the employee's situation. Any action which might reasonably be expected to result in the filing of an employee's statement of sickness or claim form within the prescribed time would be considered as a proper effort, provided that the employee, upon finding that such action is ineffective, takes other appropriate action.
  - (a) If information relating to an employee's infirmity is received at an office of the RRB within the time prescribed for filing a statement of sickness or claim form, or is mailed to an office of the RRB within the time specified, it is to be considered that the employee made a proper effort to file a statement of sickness or claim form. Any correspondence indicating that the employee is sick and wants to claim sickness benefits is considered as a communication relating to the employee's infirmity.
  - (b) If an employee is confined in a hospital and sends in an application for sickness benefits during confinement or shortly after being released, it is to be considered that the employee made a proper effort to file a statement of sickness with respect to the days when he or she was in the hospital.
  - (c) If an employee in the circumstances described in "b" above entered the hospital within seven days after the first day which he or she wishes to claim as a day of sickness, consider that the employee made a proper effort to file a statement of sickness with respect to all the days which he or she wishes to claim.
  - (d) An employee's action to obtain Forms SI-1a and SI-1b shows an effort to file. If an employee's statement of sickness is received within a reasonable time after the date he or she took action to obtain the forms, the statement of sickness may be considered filed with respect to the seventh day prior to the date of such action. Forms supplied by a field office will normally be notated by the field office with an entry showing the date the forms were provided to the claimant.

2. A claimant who delivers or mails a claim on the last day which he or she claims or on any subsequent day before the normal filing period for the claim has ended has made a reasonable effort to file the form within the prescribed time.

**b. Circumstances beyond employee's control**

An employee is considered as prevented from filing a statement of sickness or claim form by circumstances beyond his or her control when:

1. The employee is confined to home or to a hospital and the delay in filing is attributable to this confinement. This condition is met where the employee is confined:
  - (a) to a hospital and his or her statement of sickness is filed within a reasonable time after leaving the hospital, unless there is information that the employee did not make a proper effort to file a statement of sickness.
  - (b) to home, is bedridden, or confinement otherwise prevented timely filing a statement of sickness.
2. The employee's statement of sickness is in the possession of his or her doctor or in the possession of a hospital. It is considered that this circumstance exists if:
  - (a) the employee gave or sent the form to a doctor or hospital for execution within the normal time for mailing, and the form was not returned within the normal filing period; or
  - (b) a supervisory official of the hospital states that the delay in filing was caused by the hospital; or
  - (c) the doctor states that the delay in filing was caused by him or her; or
  - (d) the application or claim form, mailed with the statement of sickness, was dated within the normal period for mailing and was mailed from a hospital in which the employee was confined or to which he or she sent the form for execution; or
  - (e) the date the statement of sickness was signed by the doctor or hospital official is within 30 days of the date the application was signed by the employee and the forms are received at an office of the RRB within 10 days of the date of the doctor's signature on Form SI-1B, unless there is evidence that the doctor delayed the forms beyond the 10 days. The employee is considered to have made a proper



effort to file a statement of sickness with respect to the seventh day before the application was signed.

**NOTE:** Anytime a SI-1B is received more than 30 days after the SI-1A, a filing date needs to be entered on the SI-1B screen on Rucs.

3. Information in a doctor's statement shows that the employee could not sign forms. (If the delay in filing the form was due to the employee's inability to sign forms, it should be determined whether the statement is supported by medical evidence.)
4. Forms for applying for sickness benefits are not available at a place where such forms are ordinarily kept for distribution; or a form (either statement of sickness or claim form) which was sent to the employee by an RRB office was not received by the employee. In the absence of evidence to the contrary, an employee's statement may be accepted as correct.
5. Within the normal time for mailing the form, the employee gave it to someone who he or she could reasonably trust to mail it, and that person failed to mail it within the time specified.
6. The employee was given misinformation by someone whom he or she could reasonably expect to furnish correct information.
7. The employee misunderstood the instructions on the form.
8. There is evidence that the employee's infirmity caused physical weakness, mental incapacity or extreme anxiety, such that the employee could not be expected to take effective action toward filing a statement of sickness.

### **1029.03 Registration for unemployment benefits**

An employee's statement of sickness with respect to any day is considered as conditionally filed within the prescribed time if:

- a. The employee registered for the day in accordance with the regulations of the RRB; and
- b. The employee's claim to the day as a day of unemployment was denied on the grounds that the employee was not able to work on such day; and
- c. A properly executed statement of sickness was received within a reasonable time.

For the purpose of this subsection, consider that the statement of sickness was received within a reasonable time, if it was obtained in connection with the

adjudication of the employee's claim for unemployment benefits or was received within the time prescribed for the filing of a sickness claim form or forms sent to the employee when he or she was notified of the denial of his or her claim to the day as a day of unemployment.

#### **1029.04 Obsolete Form Filed**

If an employee files an obsolete statement of sickness form with the prescribed time and after being so informed, files the proper statement of sickness form within a reasonable period of time thereafter, the proper form is to be considered as conditionally filed within the prescribed time. If the obsolete form contains sufficient information to make a determination concerning inability to work, the obsolete form is to be considered an acceptable statement of sickness.

#### **1029.05 Reasonable Time**

Except as provided in AIM-1029.03, a statement of sickness or claim form is considered as received within a reasonable time if it is received at an office of the RRB within ten days after:

- a. The date on which an RRB office mailed a reply to a communication relating to the employee's infirmity; or
- b. The date on which a communication relating to the employee's infirmity, not requiring a reply was mailed to an office of the RRB.
- c. The first day on which circumstances or conditions preventing the employee from filing the form no longer exist.

#### **1029.06 Time Limit on Conditional Filing**

A form is not considered filed within the time prescribed with regard to it unless it is received at an office of the RRB within two years of the day in question. If a form is not received within two years of the first day for which the employee wishes to claim benefits, take action as follows:

##### **a. All days prior to two-year limit**

If all days for which an employee wishes to claim sickness benefits are earlier than two years prior to the date the form is received at an office of the RRB, the form is not be considered filed within respect any day.

##### **b. Some but not all days prior to two-year limit**

If some but not all days for which an employee wishes to claim sickness benefits are earlier than two years prior to the date the form is received at

an office of the RRB, submit a request for opinion to the the Office of Programs - Policy & Systems (OP-P&S).

### **1029.07 Circumstances not beyond employee's control**

The phrase "circumstances beyond his or her control" does not include an employee's forgetfulness, lack of knowledge of the sickness benefit program or the time limit for filing for sickness benefits, or any other lack of diligence by the employee.

### **1030 Determining the Date on Which a Form or Communication Was Mailed**

The postmark date is considered to be the date on which such form or communication was mailed. If there is no postmark on such a document, the postmark date on the envelope in which the document was received is considered to be the mailing date. However, experience sometimes shows that the date of postmark is later than the date of mailing. If mail from the locality where the document was mailed is often postmarked on the day after it is mailed, and if the time shown in the postmark is in the morning, it may be considered that the document was mailed on the day before the date of the postmark. If there is no postmark, the mailing date is considered to be the second business day prior to the date on which the document was received in an office of the RRB.

### **1031 Action When Employee Cannot Get Statement of Sickness Executed**

#### **1031.01 Designation of Person to Execute Statement**

If an employee does not submit an acceptable statement of sickness and he or she cannot get a statement executed because a person who may execute statements of sickness is not available to examine or treat the employee, the adjudicating office is to submit the case through channels for consideration of designating a person to execute a statement of sickness.

#### **1031.02 Special Medical Examination**

Occasionally, there may be information that an employee cannot get a statement of sickness executed although a person who may execute statements of sickness is available to examine or treat the employee. In such case, the adjudicating office may arrange for a medical examination in accordance with AIM-31. When such an examination is made and the employee's claim to benefits is based on medical evidence obtained at the expense of the RRB, consideration is to be given in accordance with section 12(n) of the Act, to deducting a reasonable charge from benefits payable. Prior approval for any

such deduction is to be obtained from the Chief of Sickness and Unemployment Benefits Section.

## Appendices

### Appendix A - Examples of Earliest Initial Filing Date

#### Examples Showing The Earliest Date With Respect To Which A Statement Of Sickness May Be Considered Filed.

Each example is based on June 30 as the last day of employment and a two-day interval between mailing of forms and receipt in the Board office.

#### Example 1

7/08	Employee sends letter to an office of the RRB: "Please send me sickness application form."	Filed with respect to July 1. Written inquiry shows effort to file. SI-1a/b received "within a reasonable time" after they were sent to claimant.
7/10	An office of the RRB sends SI-1a/b.	
7/17	Employee mails completed forms to an office of the RRB.	

#### Example 2

7/12	Employee sends letter to an office of the RRB: "Please send sickness application blank. I can't get one here. Yesterday I tried three different places - all out."	Filed with respect to July 4. Claimant reports no effort made to file prior to July 11.
7/15	An office of the RRB sends SI-1a/b.	
7/23	Employee mails completed forms to an office of the RRB.	

#### Example 3

7/08	Employee obtains SI-1a/b from field office.	Filed with respect to July 1. Action of obtaining forms shows effort to file.
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7/10	Employee mails completed forms to an office of the RRB.	
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Example 4

7/10	Employee calls at field office, says "I just found out about sickness benefits. Where do I apply?" Field office furnishes forms.	Filed with respect to July 3. Action of obtaining forms shows effort to file Claimant's statement indicates delay not due to circumstances beyond the claimant's control.
7/14	Employee brings completed forms to field office.	

Example 5

7/12	Employee mails completed SI-1a to an office of the RRB.	Filed with respect to July 1. Statement of sickness within 30 days of July 1 clear evidence that delay the result of circumstances beyond claimant's control.
7/16	Employee mails SI-1b, completed by doctor on the same date.	

Example 6

7/10	Employee calls at field office and obtains forms.	Filed with respect to July 1. Statement of sickness is received within 30 days of July 1 with no clear evidence that delay was not the result of circumstances beyond claimant's control.
7/11	Employee brings completed forms to field office.	

Example 7

7/12	Employee mails letter to an office of the RRB: "I just found out today about sickness benefits. Send me forms."	Filed with respect to July 18. Effort made to file on July 12. However, statement of sickness was not received within 10 days after forms were furnished. The forms are not considered as having been received within a reasonable time.
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7/14	An office of the RRB sends forms.	
7/25	Employee mails completed forms to an office of the RRB.	

Example 8

7/12	Employee mails letter to an office of the RRB: "I just found out today about sickness benefits. Send me forms.	Filed with respect to July 5. Effort made to file on July 12. Delay attributable to doctor.
7/14	An office of the RRB sends forms.	
7/25	Employee mails completed forms to an office of the RRB and writes: "I took form to the doctor to sign on July 20 but he was sick and couldn't see me until today.	

Example 9

7/10	Form SI-1a signed. No evidence to show when forms were obtained.	Filed with respect to July 1. Statement of sickness is received within 30 days of July 1 with no clear evidence that delay was not the result of circumstances beyond claimant's control.
7/26	Form SI-1b signed by doctor or hospital official.	
7/28	Forms SI-1a/b are received in an office of the RRB.	

Example 10

7/08	Forms SI-1a/b furnished to employee by a district office. District office enters date furnished on forms.	Filed with respect to July 1. Action of obtaining forms shows effort to file.
7/16	Completed forms SI-1a/b received in an office of the RRB.	

## Appendix B - Filing Statements Of Sickness In Advance

THE FOLLOWING RESPONSE PROVIDES THE RATIONALE FOR WHY A STATEMENT OF SICKNESS IS NOT ACCEPTABLE IF IT IS FILED IN ADVANCE OF THE EMPLOYEE BECOMING UNABLE TO WORK.

A question was recently asked whether applications for sickness benefits and statements of sickness signed before the employee becomes unable to work are acceptable. A statement of sickness signed before the employee is unable to work is not acceptable. Nor is it acceptable if the last examination or treatment date precedes by more than one day the date the employee became unable to work. This is true even if the doctor's signature date is after the first reported day of inability to work. An application that is signed early, however, may be accepted if accompanied or followed by an acceptable statement of sickness.

Section 1(k) of the RUIA defines a day of sickness, in part, as a day on which an employee is unable to work due to infirmity and for which the employee has filed a statement of sickness. Section 12(l) provides that a statement of sickness must contain substantial evidence of the days of sickness of the employee. Under AIM 728 and 1024, medical evidence is acceptable only if the doctor examined or treated the employee during the period of illness or injury. These sections of the law and policy require the same documentation of the employee's actual (rather than potential) inability to work. A doctor cannot, however, certify that a condition is disabling if the employee is working. A doctor's estimate that inability will begin when elective surgery is performed some days in the future is speculative. The inability may or may not occur. The surgery could be postponed, canceled, or bring results other than the doctor expects. Therefore, examiners may accept only a statement of sickness showing that the doctor examined or treated the employee during the period when the employee was unable to work due to the infirmity.

Since these cases are rare, examiners may release claims after verifying by telephone with doctors' offices that surgery took place as scheduled or that non-surgical treatment occurred during a period of inability to work. The verification is to be documented on the original statement of sickness

