

## **301 Provisions of the Regulation**

See Part 320 of the Railroad Retirement Board's Regulations.

## **302 Determinations by Adjudicating Office**

The Railroad Retirement Board's regulations provide that each claim for benefits under the Railroad Unemployment Insurance Act will be adjudicated and an initial determination with respect to the claim made by an adjudicating office.

"Adjudicating office" is defined as any subordinate unit of the Railroad Retirement Board that may be authorized to make initial determinations and reconsideration decisions. Offices that have been authorized to make initial determinations and are therefore adjudicating offices include district offices, the Bureau of Field Service (BFS) and the Sickness and Unemployment Benefits Section (SUBS) in Operations. The extent to which these offices may make determinations is stated in various articles of the AIM and is summarized below.

## **303 Authority to Make Determinations**

### **303.01 Office of Programs – Policy and Systems (P&S)**

Policy and Systems (P&S) in the Office of Programs formulates and publishes adjudication policy in the form of adjudication instructions and opinions. Each adjudicating office making determinations on claims under the Railroad Unemployment Insurance Act is to be guided by the adjudication instructions contained in the Adjudication Instruction Manual (AIM) and the opinions of P&S.

Although P&S is authorized to make determinations on all issues, the Director of Policy and Systems will normally make initial determinations only on the following issues:

1. Whether a strike or work stoppage against a railroad employer is a "legal" strike, and
2. Whether a plan submitted by an employer or company qualifies as a nongovernmental plan for employment or sickness.

### **303.02 District Office**

District offices are authorized to make determinations as to:

1. Availability for work,
2. Voluntary leaving of work,
3. Failure to accept or apply for work or report to an employment office,

4. Timely registration for unemployment benefits and timely filing of sickness claims,
5. Receipt of remuneration on claimed days of unemployment or sickness,
6. Work restrictions and regular assignments, and
7. Whether a claimant's unemployment is due to a strike.

The authority to make determinations on timely registration for unemployment benefits, timely filing of sickness claims, receipt of remuneration, and work restrictions is limited to certain types of cases or situations specified in DPOM/FOM-II.

### **303.03 The Bureau of Field Service (BFS)**

BFS is authorized to make determinations on the issues listed in subsection .02 above but will ordinarily exercise such authority only in the course of reviewing cases received from district offices. In addition BFS is authorized to make determinations, in circumstances specified in the AIM or DPOM/FOM-II, as to:

1. Fraud,
2. Erroneous payments,
3. Whether a strike against a non-railroad employer is a "legal" strike, and
4. Determinations under sections 2(f) and 12(o).

### **303.04 Operations – Sickness and Unemployment Benefits Section (SUBS)**

The Sickness and Unemployment Benefits Section (SUBS) is authorized to make determinations on all issues. SUBS will not ordinarily exercise that authority in the types of cases or circumstances in which district offices, BFS or P&S are authorized to make determinations.

### **303.05 Reconsideration Section - Assessment and Training**

The Reconsideration Section in Assessment and Training is authorized to make determinations on all issues, but will only exercise such authority in the course of processing requests for reconsideration of decisions made by district offices, regional offices and SUBS. See AIM-29, Protests and Appeals.

### **303.06 Debt Recovery Division – Bureau of Fiscal Operations**

The Debt Recovery Division in the Bureau of Fiscal Operations is authorized to make determinations on requests for waiver of recovery of debts under the RUIA. See AIM-29, Protests and Appeals.

### **304 District Office Request for Advice**

A district office needing advice on the determination to be made in a particular case should submit the question to BFS. The submission may be made by memorandum, e-mail, or telephone.

### **305 Network Managers Request for Advice**

A network manager needing advice as to the determination to be made in a particular case by a district office should submit the question to P&S through BFS. The submission should ordinarily be on Form UI-51, Brief of Case and Request for Opinion. A copy of Form UI-51 should be kept by BFS. The network manager should complete items 1 through 7. Item 7 should also include a statement of the question submitted for determination or a statement of the district office determination that is submitted for review.

Complete Form UI-51 online using RRAILS. E-mail the completed form as an attachment to the P&S Inquiry mailbox. The request will be assigned to the proper section in P&S for reply.

### **306 SUBS Request for Advice**

Form UI-51, Brief of Case and Request for Opinion, should be used by the Sickness and Unemployment Benefits Section for submitting questions to P&S. The question to which an answer is required should be stated in item 7. Complete the form online using RRAILS and either e-mail the request to the P&S Inquiry mailbox or forward a copy of the form to P&S. Any relevant material should be referenced on the request as being available on the imaging system, or attached to the form.

### **307 Action Upon Receipt of Opinion**

Upon receipt of an opinion of P&S on a Form UI-51 the adjudicating office is to adjudicate the claims in question in accordance with the opinion.

