



FROM THE DESK OF

**JOHN BRAGG**  
LABOR MEMBER



**U.S. Railroad Retirement Board**

For Publication  
December 2023

## RRB Appeals Procedures

Persons claiming retirement, disability, or survivor annuities or unemployment or sickness benefits from the Railroad Retirement Board (RRB) have the right to appeal unfavorable determinations on their claims. The following questions and answers describe the RRB's appeals process for individuals whose claims under the Railroad Retirement Act (RRA) or Railroad Unemployment Insurance Act (RUIA) are denied, or who are dissatisfied with decisions on their claims.

### **1. How do individuals request review of unfavorable claim decisions and what are the time limits?**

The RRB has a three-stage review and appeals process for **all** claims under the RRA and the RUIA.

Individuals dissatisfied with the RRB's initial decision on a claim have 60 days from the mailing date of the decision notice to request review by the agency's reconsideration section. While requests **must** be in writing, they do not have to be submitted via a specific RRB form and should be mailed or faxed to the individual's local RRB field office or the reconsideration section at RRB headquarters at 844 North Rush Street, Chicago, Illinois 60611-1275. Requesting review from the RRB's reconsideration section is **mandatory** before an appeal may be filed with the RRB's Bureau of Hearings and Appeals.

In cases involving RRA annuity overpayments, individuals have the right to request waiver of overpayment recovery by the RRB, in addition to reconsideration of the overpayment decision. If currently entitled to a railroad retirement annuity, they may also elect to have a personal conference as part of that request.

As for RUIA benefit overpayments, claimants may request waiver of overpayment recovery if the benefit overpayment is more than 10 times the maximum daily benefit rate.

While review of an overpayment must be requested within the legal timeframes, a request for a waiver may be made any time. However, for overpayment recovery to be deferred while a waiver request is pending, the waiver request must be in writing **and** filed within 60 days from the date on which the overpayment notice was mailed. A request for waiver received after 60 days will be considered but will **not** defer collection of the overpayment, and any portion of the overpayment recovered prior to the date on which the waiver request is filed will **not** be subject to waiver.

*(more)*

## **2. What are the second and third stages of the appeals process and their time limits?**

If dissatisfied with the reconsideration or waiver decision on a retirement, disability, survivor, unemployment or sickness claim, individuals may appeal to the RRB's Bureau of Hearings and Appeals (H&A), which is independent of the units responsible for initial and reconsideration decisions. Appellants have 60 days from the mailing date of the reconsideration or waiver decision notice to file an appeal. The appeal **must** be filed using RRB *Form HA-1*, which may be obtained from the RRB's website, **RRB.gov**, or an agency field office, and submitted to H&A by mail, fax, or email. If necessary, H&A may further investigate the appeal and obtain pertinent information from RRB field representatives, designated medical examiners, and others. When the appeal involves a question of fact, an appellant has the right to an oral hearing before a hearings officer. Most oral hearings are conducted by video conferencing or telephone. In-person hearings are generally held at the appellant's local RRB field office or another location as designated by the hearings officer.

Appellants who are dissatisfied with H&A's decision may further appeal to the RRB's three-member Board, which heads the agency, within 60 days from the mailing date of H&A's decision. This appeal **must** be filed using RRB *Form HA-1*, which, as stated above, may be obtained from the RRB's website, RRB.gov, or an agency field office, and submitted to H&A. Appellants should note that the three-member Board ordinarily will not accept additional evidence or conduct a hearing regarding the applicable matter.

## **3. What criteria is applied to waiver requests of retirement, disability, or survivor annuity overpayments and unemployment or sickness benefit overpayments?**

An obligation to repay any erroneous annuity or benefit payments may be waived **only** if the following conditions are met: the person was not at fault in causing the overpayment; **and** recovery of the overpayment would render that person unable to meet ordinary and necessary living expenses, or overpayment recovery would be "against equity or good conscience." RRB regulations define against equity or good conscience as meaning that claimants have, by reliance on the payments, or on notice that payments would be made, relinquished a significant and valuable right or changed their position to their substantial detriment.

Additionally, in cases involving unemployment or sickness benefits, the overpayment **must** be more than 10 times the current maximum daily benefit rate (\$87 in the benefit year beginning July 1, 2023).

Persons requesting waiver may be asked to complete a financial statement form provided by the RRB.

## **4. What happens if a person's appeal is not filed within the prescribed time limit?**

Failing to request reconsideration or to file an appeal within the prescribed time limit forfeits further appeal rights unless there is good cause for the delay. Examples of good cause include: serious illness; a death or serious illness in the appellant's immediate family; destruction of

(more)

important or relevant records; failure to be notified of a decision; an unusual or unavoidable circumstance which demonstrated that the appellant could not have known of the need for timely filing or which prevented timely filing; or the claimant thought that his or her representative had requested reconsideration or appeal. If good cause is not established, further appeal is forfeited except for contesting the determination that the reconsideration or appeal request was not filed timely.

**5. Are there appeal options beyond the RRB?**

Yes. Appellants dissatisfied with the three-member Board's final decision may file a petition with the appropriate U.S. Court of Appeals to review the Board's decision. In cases involving retirement, disability or survivor annuities, the petition for review must be filed within one year after the mailing date of the Board's decision. In cases involving claims for unemployment or sickness benefits, the petition for review must be filed within 90 days of the mailing date of the Board's decision.

**6. Can railroad employers contest their employees' unemployment and sickness benefits claims?**

Yes. A railroad employer who is a party to a claim for unemployment or sickness benefits may protest the payment of those benefits. However, such protests do not prevent timely payment of benefits. If the employer's protest is ultimately successful, a railroad employee may be required to repay benefits. The railroad employer also has the right to appeal an unfavorable decision to H&A.

**7. Where can a person obtain the RRB forms required to appeal unfavorable decisions as well as assistance in completing them?**

- Requests for reconsideration of an **initial** decision **must** be in writing, but do **not** have to be submitted via a specific form.
- The appropriate form for waiver of overpayment recovery is ordinarily enclosed with the overpayment notice mailed by the RRB.
- *RRB Form HA-1*, which **must** be used to file an appeal with H&A and the RRB's three-member Board, is available online at **RRB.gov** by clicking on the **Resources** tab and then selecting **Appeals**. It can also be obtained from any RRB field office or the RRB's Bureau of Hearings and Appeals, 844 North Rush Street, Chicago, Illinois 60611-1275.

Individuals with questions about the RRB's appeals procedures or requiring assistance with the appeals process can call an RRB field office toll-free at 1-877-772-5772. Agency field offices also offer in-person service. While persons seeking in-office assistance are encouraged to schedule an appointment with their local field office by calling the agency's toll-free number, individuals without appointments will not be refused service. However, those without an appointment may be asked to schedule an appointment for a later time if there is no immediate availability. Individuals should bring a photo ID when visiting a field office. Field office

(more)

addresses can be found by clicking on the **Field Office Locator** tab at **RRB.gov** or by calling 1-877-772-5772. RRB field offices are generally open Monday through Friday from 9:00 a.m. to 3:00 p.m., except for Federal holidays.

# # #