

## 915.5 General

### 915.5.1 When Required

Proof of age is required of every applicant for any annuity except:

- A spouse annuity based on having an entitled child in her care; or
- A widow's annuity based on having the employee's entitled child in her care.

Although POA is not required in the above excepted cases, it should be secured for future use when the spouse or widow(er) no longer has a qualifying child in care.

Proof of age is required for the employee in the following situations:

In “A” cases POA is required only if the employee's DOB has not been previously verified.

Effective 03-01-2004 POA of deceased employee is required in all “D” cases when a survivor recurring application is filed.

### 915.5.2 Preliminary Evaluation

Every reasonable effort must be made to establish an applicant's correct date of birth on RRB records. In case of conflicting information, an examiner will determine the value of the birth evidence on the basis of its probative value, not just the numerical value. However, even if the probative value is low, SSA's MBR or NUMIDENT can be used as POA without further development if the guidelines in [FOM1 905.5.5](#) are met.

Numerical value serves as an objective guide for determining the relative worth of a document such as a birth certificate as compared with a military record. Numerical value is used for comparison purposes only. Probative value represents an assessment of a document's validity in supporting a claim. A birth certificate has high probative value because it is a commonly recognized legal document generally recorded near the time of birth.

Multiple proofs of age may be submitted and recorded on APPLE. This is encouraged when it appears that only evidence of low probative value can be secured. If the date of birth on any of the documents disagrees with the claimed date of birth explain, in the Remarks section of the APPLE screen, why the document is included as evidence.

To record SSA or NUMIDENT DOB on APPLE:

- When SSA's MBR is used for proof of age, the type of document is “other” and the date of the record is the date of filing shown on the MBR. Indicate in remarks that the MBR was used.

- When SSA's NUMIDENT is used for proof of age, the type of document is "other" and the date of the record is the CYD date on the internal line of the record. Indicate in remarks that the NUMIDENT was used.

Please note that while the date of birth on the MBR and the NUMIDENT can be used for POA, the MBR and the NUMIDENT cannot be used for proof of relationship.

Evidence of low probative value that agrees with the claimed date of birth may not establish the DOB. If the claimed DOB is not in agreement with, or reasonably supported by, other information on record with the RRB, an examiner will determine which evidence is most convincing proof of the individual's birth date.

RRB and SSA must usually establish the same DOB for an individual. Ordinarily, birth evidence of the higher probative value will govern when discrepant dates of birth have to be reconciled.

### **915.5.3 Evidence Only Establishes Applicant's Year of Birth**

When a document establishes only the applicant's year of birth, secure additional evidence to establish the individual's month and, if possible, day of birth. The additional evidence can be one of the proofs listed in [FOM1 915.15](#) or another document such as a driver's license which shows the applicant's month, day and year of birth. The supporting evidence may be more recent than the proof showing only the applicant's year of birth.

Inform the individual that the RRB will establish a date of birth based on information in existing RRB records or information available from SSA.

The claimed month, day and year of birth will be established if there is no discrepant information in RRB or SSA records. If the claimed DOB differs from information previously recorded, handle according to the guidelines in [FOM1 915.20](#).

### **915.5.4 Attainment Concept**

A person attains a given age on the day preceding the anniversary date of his birth. For example, a person born on March 2, 1925 attained age 65 on March 1, 1990; if his DOB had been March 1, 1925, he would have attained age 65 on February 28, 1990.

## **915.10 Evaluating Evidence**

### **915.10.1 Probative Value of POA**

Determining the probative value of a particular piece of birth evidence is a matter of judgment. Evaluate each piece of evidence to determine the probative values. In making the evaluation, consider all of the following factors:

A. Age of the evidence or date the evidence was established;

- B. The purpose for which the evidence was established (i.e., would it have served the person's interest to falsify his age at the time the evidence was established?);
- C. Basis for the record (i.e., was proof of the person's age required?);
- D. Formality of the record (i.e., was the record made under oath, witnessed, or was there a penalty provided for a false statement?).

A probative value judgment should not be based solely on any one factor. For instance, while the age of the evidence is an important factor (the earlier a record was made, the more reliable it tends to be), do not base the probative value decision on this factor alone. Note that, even if the probative value is low, SSA's MBR or NUMIDENT can be used as POA without further development if the guidelines in [FOM1 905.5.5](#) are met.

### 915.10.2 Numerical Value of Evidence

The following tables, which have been developed for electronic data processing purposes, are merely a guide for determining the relative weight of birth evidence. The document with the highest numerical value is not necessarily the one with the highest probative value.

To determine the numerical value, total the values assigned for the type of document and the age of the document. For example, a census record made 25 years after birth would have a value of 30 (15 based on type and 15 based on age).

TYPE OF DOCUMENT	NUMERIC VALUE
Civil Record of Birth Church Record of Birth or Baptism Notification of Registration of Birth	30
Hospital Birth Record or Certificate Physician's or Midwife's Birth Record Bible or Other Family Record	25
Naturalization Record Military Record Immigration Record Passport Draft Registration Record	20
School Record Vaccination Record Census Record	15

Insurance Record Labor Union or Fraternal Record Marriage Record Employer's Record	10
Other records not classified above	5

NUMBER OF YEARS AFTER DOB RECORD WAS MADE	NUMERIC VALUE
Record made within 5 years of DOB	24
Record made 5 through 10 years after DOB	21
Record made 11 through 20 years after DOB	18
Record made 21 through 30 years after DOB	15
Record made 31 through 40 years after DOB	12
Record made 41 through 50 years after DOB	9
Record made 51 through 60 years after DOB	6
Record made 61 through 70 years after DOB	3

### 915.10.3 Acceptability of Birth Evidence

Any document an applicant offers as proof of age may be accepted by the field office and submitted provided it would otherwise be acceptable even though the evidence is not in agreement with the applicant's claim. However, to VERIFY the applicant's claim, the evidence must meet the following requirements:

- A. It must be an original document or a certified copy of an original document. A photocopy may also be acceptable (see [FOM1 905.10.3.D](#) for additional information or refer to [FOM1 915.15.2.A](#) for more information on the use of scanning vs. making photocopies of proofs.). A notarized copy of the proof of age is not acceptable.
- B. It must not contain:
  1. Material alterations in age, DOB or in the name of the person which are sufficient to cause doubt that the entry pertains to the person for whom it was submitted. An alteration in the day of the month will not discredit entries showing the month and year of birth if there is no indication that

either of those entries has been altered. Likewise, an alteration in the month will not discredit the year of birth if the latter entry is unaltered.

2. Material differences in the name claimed and the name shown on the evidence, unless the variation in name is reconciled.

In addition to the requirements above, the original entry of the age or date of birth of an employee shown on the evidence submitted must have been made more than 5 years before the filing date of the application. Evidence submitted to establish the age of a dependent or survivor must have been recorded more than 5 years before the date of submission or the filing date of the application, whichever is first; accept evidence submitted to establish the age of a child under 5 years of age, if recorded at or near the time of such child's birth and it is otherwise acceptable.

## 915.15 Specific Types of POA

### 915.15.1 Civil Record of Birth

- A. Record Made At or Near Time of Birth - A copy of the public record of birth made at or near the time of birth, or a statement of the DOB shown by such record (as certified by the custodian of the records) is usually the best evidence of age.
- B. Certificate of Delayed Registration - A certificate of delayed registration issued by a civil authority, or pursuant to a court order, is acceptable if it shows that the record of the DOB was made MORE than 5 years before the official filing date of the application for annuity, regardless of the source of the record.

If the certificate of delayed registration shows that the record of the DOB was made LESS than 5 years before the official filing date of the application, accept it if:

1. The basic evidence used to establish the delayed record was of earlier origin than 5 years before the application filing date; and
2. Such basic evidence is otherwise acceptable to the RRB.

**NOTE:** In assigning numerical values to delayed birth registrations, use the values that would be assigned to the evidence on which the registration is based. For example, if the registration is based on affidavits, assign a value of "5" for type of document. Consider the date of the oldest acceptable evidence used to obtain a delayed birth certificate as the date of the document. If no acceptable evidence is described on the document, use the date the delayed birth certificate was issued.

- C. Amended Birth Certificate – A birth certificate showing a date of record more than 5 years after the date of birth because the individual was adopted is an amended

birth certificate. Consider the date the amended birth certificate was issued as the date of record.

### 915.15.2 Naturalization Papers or Record

- A. Naturalization Papers - Although naturalization papers may be surrendered, the making of copies is forbidden for anything other than internal imaging purposes. Do not accept a handwritten or typewritten copy, photocopy, notarized copy or other facsimile of naturalization papers as evidence. The individual must provide the RRB with their original or a certified copy of their naturalization papers. RRB staff can make a photocopy or transcript of the original records and return the original or certified copy back to the individual. RRB staff will scan the photocopy or transcript of the original records into imaging.

In the event that the applicant does not wish to have photocopies taken of their papers, a Form G-91 transcript can be made of pertinent excerpts and used to establish DOB or as POA if otherwise acceptable.

- B. Naturalization Record - If the applicant is a naturalized citizen, POA or DOB may be established from a record furnished by the Immigration and Naturalization Service. Address all requests for records made before 4-1-56 to the Immigration and Naturalization Service, 119 D Street NE, Washington, D.C. 20536. Requests for records made after 3-31-56 should be directed to the INS district office servicing the area where the person was naturalized.

In order to help locate the record, the applicant should furnish as much of the following information as possible:

1. Name on certificate (as spelled when naturalized or when declaration was filed);
2. Number of the certificate of declaration if final papers were issued;
3. Address when naturalized;
4. Place of birth;
5. Alleged date of birth;
6. Name and location of the court which issued the certificate (or in which the declaration was filed); and
7. Date of naturalization (date issued).

### 915.15.3 Immigration Record

If a naturalization record is not obtainable, an applicant can establish POA or DOB on the basis of an immigration record. There are two types of immigration records, an arrival record and an alien registration record.

- A. Arrival Record - Only the person's age is shown on this record, not his DOB. If the applicant arrived before 7-1-24, requests for this record should be directed to the Verification Center of the INS at the address of the office having jurisdiction as follows:

Place of Entry	Address
Canadian Border	74 Kingman Street St. Albans, Vermont 05478
Mexican Land Border	Post Office Box 9398 El Paso, Texas 79984
Ports along the eastern seaboard, and the Gulf of Mexico as far west as, and including New Orleans, Louisiana	26 Federal Plaza New York, New York 10007
Ports along the western seaboard, as well as ports on the Gulf of Mexico from New Orleans, Louisiana, southwest to the border	630 Sansome Street San Francisco, California 94111

To help locate the record, the applicant should furnish the exact name given on arrival, date of arrival, name of ship, and the port of embarkation.

If the applicant arrived after 6-30-24, the record is available from the INS district office having jurisdiction over the area in which the alien resides. These records will indicate DOB since visas and birth records or other supporting evidence were required for arrivals after 6-30-24.

- B. Alien Registration Record - Age information from this record is available from the INS district office having jurisdiction over the area in which the alien resides. The information on the original alien registration record is based on the DOB given under oath when the applicant registered under the Alien Registration Act of 1940. However, the age on the alien registration card in the applicant's possession may be based upon a more recent allegation of the applicant if a new card was issued to him at a later date.

### 915.15.4 Passport

- A. U.S. Passport - Do not make or accept as evidence a handwritten or typewritten copy, photocopy, notarized copy or other facsimile of an American passport as evidence. The individual must provide the RRB with their original or a certified copy of the passport. RRB staff can make a photocopy or a transcript of the original passport, only for internal imaging purposes, and return the original or certified copy back to the individual. RRB staff will scan the photocopy or transcript of the original documents or records into imaging. In the event that the applicant does not wish to have photocopies taken of their passport, pertinent excerpts can be transferred into a Form G-91 transcript and used to establish DOB or as POA, if otherwise acceptable.
- B. Japanese Passport - Some passports issued by the Japanese government may show the person's age in years and months but not the DOB. Under the Japanese method of computing age, a person is considered 1 year old at the time of birth and attains the age of 2 years on the following January 1st. Thus, any Japanese document reporting only attained age probably does not reflect the person's true age.

When the only acceptable DOB evidence of record consists of a Japanese passport which shows the attained age, ask the applicant to submit one of the following forms of evidence:

1. Family records which are issued to Japanese subjects and which give the dates of birth of family members; or
2. Village officer's certificates, which are also issued to Japanese subjects and show DOB; or
3. Statements obtained from immigration authorities as to the DOB given by the person at the time application for passport or visa was made.

### 915.15.5 Military Records

Accept as POA a certificate of discharge or a release to inactive duty from a branch of the Armed Forces, a certified copy of such a certificate, or a certification of the M/S from a branch of the Armed Forces showing the applicant's claimed age or DOB as established if the date of release or discharge is more than 5 years prior to the application filing date. Accept a photocopy of such a document as POA.

### 915.15.6 Census Record

If after reasonable effort, the applicant is unable to secure acceptable evidence to establish a date of birth, or the only evidence available is of limited value, a search of the Bureau of the Census records may be undertaken at no expense to the applicant.



To secure a search of the census records, the applicant must complete a Form G-256 authorizing the Bureau of the Census to conduct a search and report the results to the Board. Refer to [FOM1 1720](#) for instructions on preparing and releasing Form G-256.

The Bureau of the Census will search only 2 years' records on one request. Assist the applicant in completing the request for the earliest two census years for which he has the most complete information.

The Bureau of the Census has records taken every ten years, starting 1900, for all 50 states. Information for Puerto Rico begins with 1910. Other U.S Territories' census records begin 1920.

### **915.15.7 School Record**

A school record showing DOB or age at the time of school admission is generally accessible and acceptable as POA.

(Exception: Mississippi School Census Records made before 1923. This evidence may be acceptable, but requires special consideration. The school census was taken between February 1 and the first Monday in June each year. Thus, the recording date varied from year to year and county to county. Since the child's age on the recording date is shown, but the actual recording date is not, examiners must verify the recording date in each case. When data is transcribed from a Mississippi School Census Record for POA, clearly indicate this fact in the remarks section of Form G-91.)

### **915.15.8 Insurance Policies**

- A. Ordinary Life Insurance Policies - These policies generally indicate the exact DOB of the insured in a photocopy of the application attached to the policy. When this type of insurance policy does not state the exact DOB or whether the age of the person was given as of the next or the nearest birthday, consider the age shown to have been attained as of the NEAREST birth date.
- B. Industrial Life Insurance Policies - These policies are issued in small amounts, usually not over \$500.00. Premiums are stated in weekly amounts and are generally collected at the home by an agent of the company. Such a policy generally shows only the age of the insured and does not have the application attached to the policy. In the absence of a showing to the contrary, consider the age shown to be the age at the NEXT birthday as of the time the policy was issued.

### **915.15.9 Labor Union or Fraternal Record**

Accept as POA a statement as to the applicant's DOB on the stationery of a labor organization or fraternal order (or which bears the seal of the lodge) and is signed by the lodge secretary (or officer responsible for the duties of a secretary). The statement

should be in the form shown in the example below or should show the age or DOB of the applicant and the date the record was established.

EXAMPLE:

(Date)\_\_\_\_\_

Dear (Name of Applicant):

The records of Lodge (name and number) show that you joined it on (date) and at that time gave the date of your birth as (date) ..... or ..... your age as (number of years.)

(Signed) John Doe

Secretary

### **915.15.10 Employer Record**

This record, when on official company stationery or on Form AA-2P may be accepted as POA of the employee if his age or DOB was entered on employer records more than 5 years before his application filing date. If the employer record shows that the age or DOB of the employee was verified by documentary evidence, secure that documentary evidence if possible.

Because an employer record of age or DOB, when not verified, has a low probative value, make reasonable effort to secure more convincing POA.

### **915.15.11 Pullman Company Insurance Record**

Consider a photocopy of an application for Pullman Company group insurance an acceptable insurance record (as distinguished from an employer record) to establish an employee's age or DOB if the record was made more than 5 years before the official filing date of the annuity application.

### **915.15.12 Indian Tribal Census Rolls and National Archives Records**

- A. Navajo Indian Tribal Census Rolls - Navajo tribal census records are normally established at birth based on copies of the same hospital notice as those sent to the various public recorders serving the Navajo reservations. These records are maintained at Window Rock, Arizona. Include the following information about the applicant in requests for records: full name (including Indian name and nicknames); alleged DOB; place of birth (if known); parents' names (including Indian names and nicknames); parents' census number; and the individual Navajo census number involved.

Address the request letter to the Navajo Tribe and sent it to the RRB district office in Albuquerque NM. See Appendix A6 in [FOM1 Art 9 Appendices](#).

- B. Seneca Indian Tribal Census Records - From 1882 until about 1940, a yearly census was conducted in the Seneca Indian Nation. Beginning about 1906, these census records were based on New York state birth records. The individual's specific DOB was recorded in the first census taken after his or her birth.

The records are maintained by the clerk of the Seneca Nation. The clerk is changed every 2 years when the headquarters of the Nation is rotated between the Allegheny reservation in Salamanca, NY, and the Cattaraugus reservation in Irving, NY. The records will be in Irving from November 1996 to November 1998; they will then return to Salamanca for 2 years and continue to rotate in November of even-numbered years. Include the following information about the applicant in requests for records: name at birth, alleged DOB and parents' names. There is no charge to members of the Seneca Nation.

Address the request letter to the Clerk of the Seneca Nation and send it to the RRB district office in Buffalo, NY. Both Irving and Salamanca, NY, are in the area serviced by the Buffalo D/O. See Appendix A7 in [FOM1 Art 9 Appendices](#).

- C. National Archives Indian Records - The National Archives in Washington, D.C., has extensive records from the Bureau of Indian Affairs. Two types of records are especially helpful for establishing age for Indian claimants:

\*Indian Census Rolls, 1885-1940 - The rolls are grouped by families, showing the age or DOB of each person and his or her relationship to the head of the family. The records are not complete because a census was not taken for every reservation or group of Indians for each year. Some Indians are not listed because they did not maintain a formal affiliation with a tribe under Federal supervision. Moreover, few records are kept at the National Archives for the following Oklahoma tribes: Cherokee, Chickasaw, Choctaw, Creek and Seminole.

\*Quarterly Reports of Indian Schools, 1910-1939 - These records involve both Federal government-operated and private contract schools, and list students and their ages. However, these records are not complete; they do not list all schools or even all students in a given school.

For a particular tribe, other types of records may be available. Because of the variety of information contained in the National Archives, it is best to consider each case on an individual basis. If enough information about an applicant is known, the personnel at the National Archives can determine what types of records might list him or her.

Requests for information from the National Archives should include: applicant's name (including Indian name and nicknames); tribe, band, reservation or agency if known; alleged DOB; place of birth; parents' names (including Indian names and nicknames); place(s) of residence as a child; siblings' names; name and location of Indian school(s) attended; and the approximate dates of school attendance.

Address the request letter to the National Archives, Washington, DC, and send it to the RRB branch office in Washington, DC. See Appendix A8 in [FOM1 Art 9 Appendices](#).

### **915.15.13 Affidavits**

The sworn statements of two persons having personal knowledge of the age or DOB of an applicant may be acceptable. These statements should contain the following information:

- A. The applicant's age, approximate age, or DOB; and
- B. The circumstances under which the affiant has knowledge of the facts sworn to; and
- C. The extent of the affiant's knowledge upon which the statement is based

### **915.15.14 SSA Data Bases**

For information about using SSA's databases for POA, see [FOM1 905.5.5](#)

## **915.20 Reconciling Discrepant Dates of Birth**

### **915.20.1 General**

If the age evidence in file conflicts with the claimed date of birth, a claims examiner will establish the claimed DOB when:

- A. The evidence of highest probative value agrees with the claimed DOB and is clearly superior to any conflicting evidence in file; or
- B. The evidence of highest probative value is not in agreement with the claimed DOB, but the discrepancy does not affect:
  - 1. The applicant's current or future eligibility for an annuity or for Medicare benefits, or
  - 2. The employee's or spouse's ABD by more than 30 days, or
  - 3. The monthly annuity rate by more than \$1.00.

- C. It is supported by the 1910, 1920 or 1930 Census. A 1910, 1920 or 1930 census record corroborates the claimed DOB when:
1. The claimed DOB and that shown on the census record are the same or differ by only 1 year; or
  2. There is additional proof of age in file that was recorded at least 5 years before the filing date of the current application which supports claimed DOB and the discrepant evidence has less probative value.

### 915.20.2 Interagency Discrepancy

SSA and RRB have agreed that when both agencies are concerned with the DOB for an applicant or annuitant the same DOB should be established by both agencies. During the adjudication process, SSA reports DOBs on various forms. When the DOB in an RRB correspondence and the one of record at SSA disagree, a discrepancy message is printed on the social security earnings record (Form G-90). The claims examiner will begin an investigation which will involve an exchange of evidence with SSA.

- A. When RRB age evidence is clearly higher in probative value, SSA will ordinarily change its record to agree with the DOB established by RRB.
- B. When SSA has age evidence clearly higher in probative value, the examiner will ask you to secure:
1. Evidence of higher probative value than that furnished to SSA; and
  2. An explanation of the discrepant DOBs, including the applicant's reason for having claimed a different DOB if he had done so; and
  3. A signed statement from the person if he wants to amend the age or DOB previously claimed with the RRB; and
  4. A copy of the evidence used by SSA, if not in file.

If the applicant does not submit evidence of higher probative value than that used by SSA, the examiner will determine whether the DOB should be changed or administrative finality applied.

- C. When SSA's and RRB's evidence have almost identical probative values and the DOB discrepancy is within the same month and year; establish the claimed DOB if the birth day is other than the first or second of the month. If the claimed day is on the first or second of the month, secure a third piece of evidence before resolving the matter.

Example: RRB had established a spouse's DOB as 6-14-18, based on her claim. SSA established the DOB as 6-15-18, based on a transcript of an original

document. The probative value is identical. We would use the applicant's claimed DOB to establish her DOB.

### 915.20.3 Administrative Finality

A. Defined - Once a date of birth has been established and it is material to an award (even though only a partial award may have been made) or is the basis for a determination of entitlement to Medicare, the DOB is final for the purpose(s) for which it was established and may be changed only if the claim is reopened because:

1. The determination was caused by fraud or other fault of the applicant; or
2. There is a clear and obvious mistake of fact or a clear and obvious mistake of law; or
3. New and material evidence received after the determination would result in a decision favorable to the applicant.

B. Effects - The effect of a declaration of administrative finality will depend on the favorability of the established date of birth to the annuitant.

1. DOB Favorable - Normally, evidence that established that an applicant is older is considered favorable to him. However, do not consider that the evidence would result in a decision favorable to the applicant if establishing an earlier DOB for an employee born before 9-2-16 changes an employee's closing date and disqualifies him from receiving a supplemental annuity.
2. DOB Not Material - A date of birth determination is not material to the award in some cases.
  - a. A disabled employee begins receiving an occupational disability annuity. His DOB would not be material to the award until he reaches age 65. If at or before age 65 it is determined that SSA has POA of higher probative value or has enrolled the employee for SMIB under a DOB different from the one on our records, our DOB will be changed to agree with the one established by SSA.
  - b. A widow(er) or spouse is receiving an annuity on the basis of having a child in care. Depending upon other adjudicative factors in the case, the DOB would not be material until the widow(er) reaches age 60 or 65 or until the spouse reaches age 62 or 65.

In a case where the DOB is not material to the award, the DOB may be changed on the basis of evidence of higher probative value even though the change would be considered unfavorable to the

annuitant. However, at the point that the DOB on our records is material to the award, the determination is final.

3. DOB Unfavorable - If new evidence, superior to the original birthdate evidence, establishes that the annuitant is younger than was previously believed, administrative finality will be applied to the DOB used in any annuity awarded or Medicare determination made prior to the time the new evidence is received, providing that the original determination was not caused by fraud or other fault of the annuitant.

When administrative finality is applied to a DOB determination, no action will be taken to correct any previous Medicare entitlement determinations or awards (i.e., the PIA used in the calculations, the age reductions and the date of entitlement will not be changed). All future adjustments, whether caused by cost-of-living increases, amendments or changes in a family group, will be based on the original DOB.

A DOB will be established for the annuitant on the basis of superior evidence for all new awards and Medicare entitlement determinations, such as the award of a regular annuity following a determination of entitlement to Medicare, the later award of a supplemental annuity or spouse annuity or the inclusion of a husband or wife in the award under the overall SSA minimum.

#### **915.20.4 Right of Appeal**

If, as a result of a reconciliation of a discrepant DOB with SSA, the person's DOB is changed on RRB records, he or she has the right to appeal that decision. The appeals paragraph must be included in the decision notice.