

150.5 General

- A. General – This chapter covers the various suspension or termination actions required when annuitants break the various rules in our criminal justice system. In Sections 1 through 3, below the RRB must withhold the O/M share, if the O/M benefit with the prisoner's share removed is less than the regular railroad rate, or adjust the Tier 1 benefit to a full non-social security equivalent benefit (NSSEB), as necessary, for the individuals listed. In Section 4, Removal/Deportation, the RRB must terminate the Tier 1 benefit.
1. An individual who is confined in a jail, prison, or other penal institution or correctional facility
 - due to a conviction for a criminal offense **and**
 - confined for more than 30 continuous days; and
 2. Inmates confined to an institution at public expense for more than 30 continuous days that have been charged with a criminal offense **and** found:
 - Guilty but insane, or
 - Not guilty by reason of insanity, or.
 - Incompetent to stand trial, or
 - Any verdicts similar to bullets 1 through 3, above (such as a mental disease, a mental defect, or mental incompetence), or
 - To be a sexually dangerous person or a sexual predator. This provision applies to a person who immediately upon completion of confinement in a correctional institution (confinement in the correctional institution was based on a crime an element of which was sexual activity), the individual is confined by court order to an institution at public expense because he/she was determined to be a sexually dangerous person or a sexual predator or similar finding.
 3. Based on the Social Security Protection Act of 2004, the following two types of individuals will also have their benefits suspended:

- Fugitive felons. These are individuals fleeing to avoid an unsatisfied Federal, state, or international law enforcement warrant.
 - Probation and Parole Violators: These are those individuals violating a condition of probation or parole imposed under Federal or State law.
4. Individuals who are removed from the United States (deported.) These individuals' SSA benefits are terminated under Section 202(n) of the Social Security Act. The effect of Deportation on the Tier 1 is different from that mentioned in the 8 categories, above. The full Tier 1 benefit is withheld from people who are deported. See [RCM 1.1.4.B.2](#) for more information on Removal/Deportation.

Handling auxiliary beneficiaries of removed/deported wage earners: Unlike Section 202x, when a wage earner is ineligible to receive Title II benefits under Section 202n of the SSA, auxiliary benefits are not automatically still payable based on the deported individual's wage record. Payment of auxiliary beneficiaries is conditional as follows: Auxiliary beneficiaries are not payable for any month they are outside the United States if they are not United States citizens. Auxiliary beneficiaries may move outside the United States with the deported wage earner. When that happens, eligibility for Title II benefits depends on citizenship.

This means some auxiliary beneficiaries may be included in the OM formula computation and some auxiliary beneficiaries may not be included in the OM formula computation. Furthermore, this means tier 1 benefits paid to some auxiliary beneficiaries may be taxed as all NSSEB and tier 1 benefits paid to other auxiliary beneficiaries may be taxed as other than all NSSEB. Residence and citizen information are located in [RCM 4.9](#).

Conviction of an offense as stated above and subsequent confinement for more than 30 continuous days, or being determined a 'fugitive felon' or a probation or parole violator, requires the following actions as applicable:

- If the O/M benefit with the prisoner's share removed is less than the regular railroad rate, switch to the regular RR rate, and
- Adjust the Tier 1 tax status, as necessary, to all NSSEB, and
- In Total and Permanent disability and freeze cases, a felony conviction can also affect whether a Total and Permanent disability or a disability freeze is awarded. See [FOM 1 150.20](#).

B. How to Determine Greater than 30 Days

If the O/M with the prisoner's share removed is less than the regular railroad rate, O/M benefits are converted to the regular RR rate and Tier 1 benefits are converted to all NSSEB effective with the month (including any part of the month) the beneficiary has been convicted of a criminal offense or convicted with a verdict mentioned in item 2, above, and is confined in an institution at public expense for more than 30 continuous days.

- If the O/M with the prisoner's share removed are less than the regular railroad rate, suspend the O/M share and convert Tier 1 tax status to all NSSEB effective with the first day of the month in which the official date of the inmate's conviction or the date the inmate starts physically residing in a correctional facility because of his or her conviction. Choose whatever date is later if the dates are different, and then go to the first day of the later month.
- Count '**more than 30 continuous days**' as follows: Date of conviction (or date of confinement if later than the date of conviction) plus 30 consecutive days = 31 or more days. Count the day of conviction as the first day of the period and add 30 consecutive days to this day to equal 31 or more days.

Benefits can be reinstated effective with the first of the month following the month of release.

Note: If a family group is involved and if the OM formula still applies with the prisoner excluded from the calculation, the OM is still payable. OM payments are SSEB payments by definition. If the OM remains payable, those payments remain SSEB. This is consistent with SSA's handling of auxiliary beneficiaries on an incarcerated/fugitive prisoner's wage record. SSA continues to pay auxiliary beneficiaries even though the prisoner's benefits are suspended.

Examples:

EXAMPLE 1: James is arrested and placed in County Jail on 3/21/00. He is not granted bail. He was sent to trial on 4/14/00. The court convicts him on 4/15/00 of a criminal offense. He will remain in County Jail to serve his 6 months sentence.

Under prisoner suspension rules, James is considered **convicted and confined** on 4/15/00. James must serve over 30 continuous days in jail or an institution at public expense before we can determine whether the O/M needs to be converted to the regular railroad calculation with the Tier 1 NSSEB, i.e., 4/15/00 + 30 continuous days = 5/15/00. (His period in jail, prior to his conviction, is ignored for these purposes. This period is also ignored for counting 30 continuous days toward suspension.)

On 5/15/00, if the O/M is involved and James's RR rate is greater than the O/M benefit with his share removed, we will convert James from the O/M calculation to the RR rate and convert his Tier 1 to NSSEB effective 04/01/00.

EXAMPLE 2: Jody is convicted and confined on April 1, 2000 for committing a misdemeanor. She is sentenced to 3 months in jail. Suspend Jody's O/M share, if any, and, if so, determine whether the O/M can continue, if not, recert the regular RR Rate and change Tier 1 to NSSEB for the months of April, and May 2000. She is officially released early for "good behavior" on May 2, 2000. Benefits can be reinstated effective June 01, 2000, if she contacts RRB for reinstatement and provides RRB with "official release" documentation.

EXAMPLE 3: Kate is arrested on 12/12/99. She was denied bail and stayed in jail until she went to trial. Kate was convicted of a crime that carried a sentence of 9 months on 3/28/00. The judge allowed Kate to go home to get her affairs in order. She was released on 3/30/00 to get her affairs in order. Kate reported to the prison on 4/5/00 to start her 9-month prison sentence. Kate remained in prison until 6/01/00 when she was released early because of good behavior.

Kate's 30 days were up on 5/5/00. RRB adjusted Kate's benefits effective 4/1/2000 until 6/1/00. Kate's O/M benefit share, if any, can begin again in 7/1/00 or her Tier 1 can be converted to SSEB at that time, if she brings official proof of her release to her local RRB field office.

EXAMPLE 4: Bill was arrested on 3/15/00. Bill stayed in jail until he went to trial. Bill went to trial and was convicted of a misdemeanor on 3/28/00. Bill left jail on 3/31/00 and was told to return on 4/3/00 to serve his 60-day sentence. Bill returned on 4/3/00 and will remain in jail until 6/3/00.

RRB will remove Bill from the O/M benefit or change his Tier 1 to NSSEB effective 4/00 through 06/00 since he has been in jail for more than 30 continuous days. (The prisoner suspension rules for 4/01/00 apply for this beneficiary, even though his actual conviction occurred in 3/28/00.)

NOTE: The date of confinement is the primary factor to consider when deciding to suspend the O/M benefits or change Tier 1 to NSSEB of an annuitant **who** is convicted and confined due to a criminal offense. When both of these events are found, suspension will apply or Tier 1 will be converted once the beneficiary remains confined more than 30 continuous days effective from the first day of confinement.

C. **How to determine whether an individual is a 'Fugitive Felon' or a Probation and Parole Violators:**

No monthly SSA benefits, including O/M and SSEB tier 1 benefits will be paid to any individual for any month during which:

- he/she is fleeing to avoid an unsatisfied Federal, state or international law enforcement warrant, or
- he /she is violating a condition of probation or parole imposed under Federal or State law.

SSA has begun to identify these fugitive felons from a computer matching program with the National Crime Information Center (NCIC).

Claims examiners will handle the fugitive felon cases in the same manner as the Laf-S7 incarcerated prisoner suspensions. The railroad tier 1 **should not** be offset for the Social Security benefit for fugitive felons. These cases can be easily identified from the SSA Master Beneficiary Record (MBR) BENEFIT data line. The LAF code will be **S9** with the RFST code of **FUGFEL**. The MBR will have a FUGITIVE data line and the display of detailed fugitive information will also be shown directly below the HISTORY field.

JADE does not currently recognize the **S9/ RFST** code of “**FUGFEL**” therefore; it is returning the benefit for deduction purposes even though the benefit is not paid. Examiners will have to manually remove the SS reduction amount.

150.10 Lump-Sum, Residual and Accrued Annuity Payments

Conviction of a criminal offense punishable by imprisonment or institutionalization at public expense for more than 30 continuous days (regardless of the actual sentence imposed) has no affect on these awards unless the applicant is convicted of homicide of the employee.

150.15 Retirement and Survivor Annuities

Effective for the period from May 1, 1983 through January 31, 1995, the Tier 1 or O/M share of the annuity was not payable if the annuitant was convicted and confined for committing a felony or an offense punishable by imprisonment for more than 1 year and did not have an appeal pending after February 1, 1995.

During the period from May 1, 1983 through January 31, 1995, the Tier 1 or the O/M share was payable if a disability annuitant was actively participating in a rehabilitation program. The program must have been specifically approved for that individual by a court and must be expected to result in the annuitant's ability to do substantial gainful work within a reasonable time after release.

Note: Effective February 1995, section 202x of the Social Security Act was revised to remove the rehabilitation exception to the suspension provisions.

Effective February 1, 1995, the RRB determined that the Tier 1 was no longer suspended if the annuitant was convicted and confined for committing a felony or an offense punishable by imprisonment for more than 1 year. If the annuitant is convicted and confined, the annuitant's overall minimum (O/M) share, if payable, must be withheld and the annuitant's Tier 1 social security equivalent benefit (SSEB) status must be changed to non-social security equivalent benefit (NSSEB). If the annuitant is convicted and confined for part of a month, the annuitant's O/M share must be withheld for the whole month and the annuitant's tier 1 SSEB status must be changed to all NSSEB for the whole month.

Effective February 1, 1995, the tier I was reinstated to all convicted felons on the rolls. If the action on the case was not final due to the timely filing of an appeal, the suspension action was reversed and any accruals due were paid out.

Prisoner cases first identified after February 1, 1995 will not have their Tier 1 suspended even if the period of incarceration retroacts prior to February 1, 1995. The O/M share will continue to be withheld, however, and the Tier 1 will be all NSSEB.

Effective February 20, 2004, based on Social Security Public Law 106-170, the current procedure applies.

150.15.5 Handling Tier 1 or Overall Minimum Accruals

The “No Social Security Benefits for Prisoners Act of 2009” was signed into law on 12-15-2009 as Public Law No 111-115. Based on the interpretations provided in Legal Opinion L-2010-07 dated September 7, 2010, ‘Payment and Taxation Impact of the “No Social Security for Prisoners Act of 2009,’ do not withhold accruals in any of the 4 situations involved. The taxation status of the Tier 1 or Overall Minimum accrual between the Social Security Equivalent Benefit (SSEB) and Non Social Security Equivalent Benefit (NSSEB) is based on the rules of [TOM 110.10](#).

Presume the annuitant/wage earner is a prisoner, a fugitive felon, or a probation or parole violator. We will use the term ‘prisoner’ to refer to all categories of affected individuals as defined in [FOM1 150.5.A 1, 2, and 3](#).

If a wage earner is not payable under the Prisoner statute Section 202(x)(1), auxiliary beneficiaries are payable without regard to the annuitant’s/wage earner’s nonpayment status. If an annuitant/ wage earner is not payable under the Removal/Deportation statute Section 202(n), auxiliary beneficiaries may not be payable. See [FOM1 150 A.4.](#), above.

Payment Period and Nonpayment Period

The 4 situations cover accruals accruing through periods in which the individual is in or prior to nonpayment status due to criminal activity with results in suspension of O/M payments or SSEB status of the Tier 1. The term 'payment period' applies to the date the accrual began to accrue and the date the annuity or O/M benefit is corrected. For example, a recomputation is effective January 1, 2010 and you are correcting the rate on June 1, 2011. The payment period is 1/1/2010 through 5/31/11. The nonpayment period is the period the individual is incarcerated or otherwise subject to these rules. For example, John Doe was incarcerated due to criminal activity as defined by statute from 1/1/2009 through 5/31/2009; therefore, in this example, his nonpayment period is 1/1/2009 through 5/31/2009 and is prior to his accrual payment period.

The Four Situations:

Tier 1 Accrual Due For a Payment Period within the Nonpayment Period

Any tier 1 accrual due for a period **within** the nonpayment period is payable as **NSSEB**.

Overall Minimum Formula Accrual Due For a Payment Period within the Nonpayment Period

Any overall minimum (OM) formula accrual due for a payment period **within** the nonpayment period may be payable if the OM still applies with the individual subject to nonpayment **excluded from the OM calculation**. If the OM still applies, the OM accrual is payable as **SSEB**.

Tier 1 Accrual Due For a Payment Period Prior to the Nonpayment Period

Any tier 1 accrual due for a period prior to the nonpayment period should be paid without regard to the individual's nonpayment status. That means the tier 1 accrual is payable as NSSEB, SSEB, or a SSEB/NSSEB split, whichever is applicable.

Overall Minimum Formula Accrual Due For a Payment Period Prior to the Nonpayment Period

Any overall minimum (OM) formula accrual due for a period prior to the nonpayment period **should be paid without regard to the individual's nonpayment status**. That means the individual subject to nonpayment should be **included in the OM calculation**. The OM accrual is payable as **SSEB**.

When these actions are complete, the claims examiner should prepare an Outlook message that references any newly imaged criminal activity case materials and/or any

adjudication action taken. Copies of the Outlook message should be sent to the TCIS-TS Group mailbox and the Criminal Activity Case (CAC) Group mailbox. This should be done for all criminal activity case handlings, whether or not a claim folder is involved.

150.20 Disability Cases

150.20.05 Disability Freeze Cases

If an offense punishable by imprisonment for more than 1 year was committed after October 19, 1980, and if a disability freeze was awarded after that date, OLDDS should indicate "offense considered."

An offense punishable by imprisonment for more than 1 year does not affect the disability determination in an occupational disability case.

Following are the guidelines given to Disability Examiners concerning prisoner convictions in Total and permanent disability cases. They are included for your information only. Further information is provided in the Disability Manual at [DCM 3.8.2.D.4.](#)

When making a disability freeze determination, consideration must be given as to whether the impairment is offense related or confinement related.

150.20.05.a Felony And Offense Related

For offenses punishable by imprisonment for more than 1 year committed after Oct. 19, 1980, an impairment which arose, or was aggravated (but only to the extent of the aggravation), in connection with the commission of the offense is to be permanently disregarded for purposes of eligibility for a disability freeze, early Medicare or applicability of the O/M formula. There need not be a causative connection, but the impairment must be closely related to the commission of the offense, occurring at a time and location near to the offense.

150.20.05.b Confinement Related

If an impairment arose or was aggravated to a disabling extent during the confinement for conviction of an offense punishable by imprisonment for more than 1 year, the impairment, to the extent of the aggravation, must be temporarily disregarded for the months of confinement.

150.20.10 Disability Cases Before May, 1983

As explained in "Retirement and Survivor Annuities" above, tier I or the O/M may be withheld from any annuity effective May 1, 1983. Before that date, the O/M share could be withheld in disability cases if the offense was committed October 19, 1980, or later.

150.20.15 Effective February 1, 1995

The tier I will no longer be suspended if the disability annuitant is convicted and confined for committing an offense punishable by imprisonment for more than 1 year. If the disabled annuitant is convicted and confined, the annuitant's O/M share must be withheld or the annuitant's tier I SSEB status must be changed to NSSEB. If the disabled annuitant is convicted and confined for part of a month, the annuitant's O/M share must be withheld for the whole month or the annuitant's tier I SSEB status must be changed to NSSEB for the whole month.

150.20.20 Exception to Suspension - Disability Cases Only

Prior to February 1995, the tier I or the O/M share is payable if a disability annuitant is actively participating in a rehabilitation program. The program must have been specifically approved for that individual by a court and must be expected to result in the annuitant's ability to do substantial gainful work within a reasonable time after release.

Note: Effective February 1995, section 202x of the Social Security Act has been revised to delete the rehabilitation exception to the suspension provisions. Therefore, it no longer applies.

150.25 Due Process

Due process is required to suspend the O/M shares unless the annuitant or SSA notify the RRB of the incarceration. Due process is required to recover any overpayment. It is not required to adjust the annuitant's tier I tax status.

150.30 Field Office and Headquarters Development

All annuity applications request information about a criminal offense. For those already on the rolls who are convicted of such an offense, the Field Office should contact the correctional authorities to verify the applicant's information. The Prisoner Update Processing System (PUPS) is a tool that staff may use to assist in the development of criminal offense information and the query results must be imaged. (See RCM [19.2.15](#)). Field offices should obtain the following information from the correctional authorities or court in all such prisoner cases:

- If the criminal offense committed was a felony or an offense punishable by imprisonment for more than 30 consecutive days;
- The date of conviction;
- The date and place of confinement;
- If the individual has been paroled; and
- If paroled, a copy of the release papers.

The applicant's statement allows us to act on O/M benefits or Tier 1 tax status without due process. It also furnishes the field office with the information they need to contact the correctional authorities or court.

- Note: It may be possible to access this information from the Department of Corrections web site. For example, the Illinois Department of Corrections web site has an "Inmate Search" function that can be used to secure incarceration data. They suggest having the following information at hand prior to undertaking a search: the full name and date of birth of the inmate, and the year the inmate was received at the Department of Corrections.

The field will forward the information to the Headquarters unit that handles the particular case. That unit will determine:

- Whether the incarceration qualifies as a criminal offense (regardless of the actual sentence imposed) and whether the individual has been incarcerated more than 30 days or being determined a 'fugitive felon' or a probation or parole violator,
- If the O/M applies, whether it needs to be adjusted, or in the case of removed /deported individuals, whether tier 1 must be withheld, and
- When these actions are complete, the unit will send the case to Tax Clerical and Imaging Section – Tax Section (TCIS-TS) to adjust tier 1, as necessary, to all NSSEB. The claims examiner should prepare an Outlook message that references any newly imaged criminal activity case materials and/or any adjudication action taken. Copies of the Outlook message should be sent to the TCIS-TSGroup mailbox and the CAC Group mailbox. This should be done for all criminal activity case handlings, whether or not a claim folder is involved.

The documentation of the conviction and the annuitant's statement should be retained in an AFCS folder and must be imaged.

Note: Tier 1 tax status must be adjusted for any months the convicted individual is confined, a fugitive felon, or a parole violator. For example, if the convicted/confined individual is confined for three months then the Tier 1 status must be adjusted to all NSSEB for three months.

150.35 Annuitant Has Been Released

We cannot reinstate the O/M share or change tier I tax status based only on the annuitant's statement. Perform a PUPS query and image the results. (See RCM [19.2.15](#)). Obtain a copy of the release papers from the correctional authorities or court showing that the annuitant has been paroled and send them to head quarters. The release papers should be imaged so other TCIS-TS can review them

1. Once we have the release papers, we can re-include any previously excluded prisoner from the O/M computation from the 1st day of the month following the month of release, and adjust the annuity rate as needed.
2. Whether the annuity rate is adjusted or not, advise TCIS-TS by email that the prisoner has been released from confinement. If the RR formula is being paid, TCIS-TS may need to adjust the SSEB/NSSEB composition of tier 1. Include the date of release in your email.

NOTE: If the annuitant was placed immediately on probation, there will be no suspension as there was no confinement. There are no release papers when the annuitant is placed on probation.

150.40 Annuitant is Entitled to Social Security

If SSA indicates that a beneficiary has been suspended for a conviction, the O/M share may be suspended without due process. However, headquarters will request that SSA send us copies of all information they have on the conviction.

Based on Legal Opinion 94-51, tier I benefits will not be reduced by an SS benefit which is suspended (not payable) because of prisoner incarceration. Therefore, effective February 1995, the tier I benefits of incarcerated prisoners should not be reduced for SS benefits that were suspended for the same incarceration. If the tier I benefit has been reduced, the benefit reduction will be removed and any accrual paid.

Headquarters will investigate LAF code S7 cases. The suspension may be for a conviction.

Copies of conviction information should be sent to SSA if that agency is paying benefits.

150.45 Prisoner Code Paragraphs

[RCM 10.5.90](#) contains the paragraphs used when the O/M must be withheld for a conviction. There is also a paragraph used if the annuitant has Medicare. The code paragraphs will be revised.

150.50 Definitions

150.50.05 Felony

A crime is a felony if it is an offense which constitutes a felony under applicable law. If the law does not classify any crime as a felony (e.g., law of New Jersey, Uniform Code of Military Justice), an offense punishable by death or imprisonment for a term exceeding 1 year is considered a felony for this procedure.

A felony may have been committed even if the resulting sentence is less than 1 year. The length of the sentence is not an indication of a felony, except as stated in the preceding paragraph.

Also note that a person charged with a felony may plead guilty to, and be convicted of, a lesser charge; in that case if the sentence is less than 1 year, benefits are not suspended. If there is a conviction after a felony charge, you may assume the conviction was a felony, unless information is received to the contrary.

If convicted, a juvenile tried as an adult is subject to suspension. However, this is relatively rare.

150.50.10 Conviction

Tier I will not be affected or the O/M will not be suspended until the individual has actually been convicted of a criminal offense (regardless of the actual sentence imposed), and is confined to a penal institution, correctional facility, or an institution at government expense for more than 30 days. A grand jury indictment or otherwise being charged with a crime does not cause suspension. If an individual is confined but not convicted, and is subsequently convicted, suspension is effective with the month of conviction.

When a person has been convicted and incarcerated, but the conviction is under appeal, the tier I is all NSSEB or the O/M is subject to suspension. When a person has been convicted but the conviction is under appeal and the person has been released pending appeal, the tier I will not be changed to all NSSEB or the O/M will not be suspended until we learn the outcome of the appeal. If a conviction is overturned,

benefits are payable as if the person had never been imprisoned for that conviction. If a pardon is granted, the case will be sent to Policy and Systems - RAC.

150.50.15 Confinement

A penal institution or correctional facility includes any facility which is under the control and jurisdiction of the agency in charge of the penal system, or any facility in which convicted criminals may be incarcerated. This includes, for example, a mental hospital for the criminally insane which is used for incarcerating convicted criminals, regardless of whether that institution is operated by the correctional authority.

A person is considered confined even if temporarily hospitalized outside the facility, or temporarily or intermittently outside the facility to work or attend school, or because he escaped or failed to report to begin confinement. Transfer from prison to a half-way house or a work-release facility is considered confinement if the individual remains under a sentence of confinement.

A prisoner released on parole, or because his sentence ended, been suspended or overturned is not under a sentence of confinement.

Effective February 1995, an individual will not be considered confined in a penal institution during any month throughout which such individual is residing outside the penal institution or correctional facility at no expense (other than the cost of monitoring, i.e., using a home monitoring device) to such institution or the penal system or to any agency to which the penal system has transferred jurisdiction over the individual.

150.55 Problem Cases

150.55.05 Annuitant Convicted but not Confined

If the annuitant is paroled or on probation, the prisoner provisions do not apply. If the annuitant crosses state lines to avoid confinement, or otherwise evades confinement, or if the annuitant violated conditions of his/her parole or probation, we apply the prisoner provisions as if the annuitant were in prison. See also the definition for confinement under "Definitions".

150.55.10 Appeal

If we first hear that the annuitant meeting the categories in Section 150.5, above has been convicted of an offense punishable by imprisonment for more than 30 days (regardless of the actual sentence imposed) but is currently free on appeal, advise the annuitant to inform the RRB of the result of the appeal. Pend the case to trace in 6 months.

150.55.15 Credit for Time Served

When a judge gives a prisoner credit for time already spent in jail prior to a conviction for a criminal offense, that time period is not subject to a change in tier I tax status.

150.55.20 Criminal Charge

A criminal charge does not necessarily mean there will be a conviction. If there is a conviction after a criminal charge, you may assume the conviction was a criminal offense, unless information is received to the contrary.

150.55.25 Juvenile

Juveniles are generally not charged with, tried for or convicted of a criminal offense. While an offense may be similar to a felony, a juvenile's case is generally tried in a juvenile court system and if found guilty, they may be committed to a juvenile facility. The criminal activity provisions do not apply in this situation.

However, if a juvenile is tried for and convicted of a criminal offense as an adult, the prisoner provisions will apply.

150.55.30 Reserved

150.55.35 Parole

Because parole does not entail confinement, the suspension provisions do not apply.

Parole is a type of release, an end of a felony sentence, and clearly the intent under the law is that the prisoner is not confined in jail.

Note: Based on the Social Security Protection Act of 2004, parole violators will have their benefits suspended (see [Section 150.5.C.](#))

150.55.40 Probation

Because probation does not entail confinement, the prisoner provisions do not apply. A convicted individual who is sentenced to probation is not confined. The intent of the court is that the individual serve time on probation, not in jail.

Based on the Social Security Protection Act of 2004, probation violators will have their benefits suspended (see [Section 150.5.C.](#))

