

## 1701 Provisions of the Act

### 1701.01 The Act

Section 4(a-1)(ii) of the Act reads, in part, as follows:

"There shall not be considered as a day of unemployment or as a day of sickness with respect to any employee...(ii) any day in any period with respect to which the Board finds that he is receiving or will have received annuity payments under the Railroad Retirement Act of 1974 or insurance benefits under title II of the Social Security Act, or unemployment, maternity, or sickness benefits under an unemployment, maternity, or sickness compensation law other than this Act, or any other social insurance payments under any law: PROVIDED, that if an employee receives or is held entitled to receive any such payments, other than unemployment, maternity, or sickness payments with respect to any period which include days of unemployment or sickness in a registration period, after benefits under this Act for such registration period will have been paid, the amount by which such benefits under the Act will have been increased by including such days as days of unemployment or as days of sickness shall be recoverable by the Board: PROVIDED further, that, if that part of any such payment or payments, other than unemployment, maternity, or sickness payments, which is proportionable to such days of unemployment or days of sickness is less in amount than the benefits under this Act which, but for this paragraph, would be payable and not recoverable with respect to such days of unemployment or days of sickness, the preceding provisions of this paragraph shall not apply but such benefits under this Act for such days of unemployment or days of sickness shall be diminished or recoverable in the amount of such part of such other payment or payments;"

## 1702 Analysis of the Proviso

### 1702.01 Introduction

Section 4(a-1)(ii) is a disqualification provision which applies when the RRB finds that an employee is receiving, or will have received, a social insurance payment for a specific period under any law other than the RUIA. In some cases, this section prevents days from being considered as days of unemployment or sickness; in other cases, the section provides that the benefits under the RUIA are diminished. In addition, when employees are held entitled to receive social insurance payments after RUIA benefits have been paid, the benefits, though properly paid, may be recoverable under certain circumstances.

## **1702.02 Finding that an employee is receiving, or will have received, social insurance payments**

To apply the disqualification in Section 4(a-1)(ii), it must be found that an employee is receiving or will have received one or more social insurance payments. An employee is receiving social insurance payments or will have received such payments, if he or she is held entitled to receive them in accordance with the applicable provision of law. In any case where an employee is not entitled to receive social insurance payments, or is held to have received them erroneously, it cannot be considered that he or she is receiving or will have received such payments unless recovery of such payments is waived.

## **1702.03 Social insurance payments**

### **a. Payments within the scope of Section 4(a-1)(ii)**

The social insurance payments within the scope of Section 4(a-1)(ii) are:

1. Annuity payments under the Railroad Retirement Act of 1974. (Social Insurance Payment)
2. Insurance benefits under Title II of the Social Security Act. (Social Insurance Payment)
3. Unemployment, maternity, or sickness compensation under any law other than this Act. (Unemployment Insurance Payment)
4. Any other social-insurance payments under any law.

For convenience in this article, the payments specified in items 1, 2, and 4 of paragraph a above are referred to as "social insurance payments"; and the payments specified in item 3 are referred to as "unemployment insurance payments."

Appendix C lists payments which have been held either to be or not to be "social insurance payments."

### **b. Exclusion of payments not made for specific periods**

The disqualifying provision is applicable when payments are made with respect to specific periods. Accordingly, when it is found that a payment is not made "with respect to" any period, the disqualifying condition is not applicable. A payment equal to the commuted value of an annuity, or a worker's compensation payment for partial disability, for disfigurement, and the like, where the intervals and periods serve merely as a measure of the payments which are to be made, is not made with respect to a specific period.

#### **1702.04 Unemployment insurance payments distinguished from other social insurance payments**

The application of Section 4(a-1)(ii) to "unemployment insurance payments," is distinguished from its application to other social insurance payments. The difference is that the provisions for diminishing or recovering benefits do not apply in connection with "unemployment insurance payments."

#### **1702.05 Application in connection with unemployment insurance payments**

A day in any period with respect to which an employee is receiving or will have received unemployment insurance payments under any other law, (including unemployment compensation for federal employees and unemployment compensation for ex-servicemen) cannot be considered as a day of unemployment or sickness, irrespective of the amount of the payment. The recovery of any benefits paid to an employee receiving other unemployment insurance payments depends upon a finding that the payment of RUIA benefits was erroneous. (See Section 1703).

#### **1702.06 Application in connection with other social insurance payments**

When it is found that an employee is receiving or will have received social insurance payments with respect to any period including days which would, except for the provision of Section 4(a-1)(ii), be days of unemployment or sickness, the application of this section requires the following:

- a. A comparison of the amount of RUIA benefits and the amount of social insurance payments. See Subsection 1702.07.
- b. A determination of the amount of benefits payable on the basis of the comparison. See Subsection 1702.08.
- c. Action to recover any benefits paid in excess of the amount found to be payable. See Subsection 1702.09.
- d. A determination of the days to be considered days of unemployment or sickness. See Subsection 1702.10.

#### **1702.07 Comparison of benefits and other social insurance payments**

##### **a. Social insurance payments apportionable**

1. Days to which such payments are apportionable A social insurance payment with respect to any period is apportionable in equal amounts to each of the days in the period. Where social insurance payments are payable on the basis of a thirty-day month, no amount of such a payment is apportionable to the thirty-first day of a thirty-one day month.

Note: (3/30 of the amount is apportionable to February 28, except in a leap year, and 2/30 of the monthly amount is apportionable to February 29 in a leap year.)

2. Amount apportionable To find the amount of a social insurance payment apportionable to days in a registration period, first determine the days payable without regard to Section 4(a-1)(ii). Next, determine the number of days to which the social insurance payment is apportionable. Then determine the amount of social insurance payments apportionable to such days. This amount may be computed from the following formula:

$A - B \times C$  = amount of social insurance apportionable to registration period.

A = the number of days of unemployment or sickness in the registration period to which the social insurance payment is apportionable

B = the number of days in the period for which social insurance payment is payable. (Usually a 30-day month)

C = the amount of social insurance payment (Usually a monthly payment)

For example: Claimant John Doe, with a daily benefit rate of \$33.00 and monthly OASI benefit of \$550.00 beginning May 1, claimed sickness benefits for a registration period, April 29 - May 12. Hence, he had 12 days of sickness in this period to which social insurance was apportionable. Here's how to apply the formula in this case:

A is 12 (number of days of sickness in the registration period to which OASI is apportionable)

B is 30 (days in period for which OASI payable)

C is \$550.00 (monthly OASI payment)

Thus:           12

$$\frac{12}{30} \times \$550.00 = \$220.00$$

## **b. Benefits**

1. Days with respect to which benefits are payable Section 2(a) of the RUIA provides that benefits are payable for each day of unemployment in excess of four and each day of sickness in excess of four in a registration period. There is no indication that any specific days of the registration period are to be covered by unemployment insurance benefits or that any specific days are not to be covered, and the individual must have been unemployed or sick for more than four days in order to be entitled to any benefits. Thus, each and every day is part of the basis for the individual's

right to benefits, and the benefits are, in fact, payable with respect to the entire registration period. The daily benefit rate and the number of days of unemployment or sickness in excess of four serve merely as a measure of the amount of benefits which are to be payable for the registration period.

2. Days to which benefits are apportionable Benefits are payable with respect to all of the days of unemployment or sickness in a registration period. Therefore, the benefits are apportionable to each day in a registration period equally.
3. Benefits apportionable In most cases, the entire amount of RUIA benefits otherwise payable for a registration period will equal the amount considered apportionable. The exceptions occur when there are some days in a period for which RUIA benefits are payable, but social insurance payments are not payable.

To find the RUIA benefits apportionable, first determine the days payable without regard to Section 4(a-1)(ii). Next determine the amount of RUIA benefits apportionable to this number of days. This amount may be computed from the following formula:

D

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E X F = amount of benefits apportionable to days which social insurance is payable.

D = the number of days of unemployment or sickness in the registration period for which the social insurance payments are payable. (This number includes the 31st day of a 31-day month for which a social insurance payment is payable on the basis of a 30-day month. Even though none of the social insurance payment is apportionable to such day, the day is included in the period (the month) for which the social insurance payment is payable.)

E = total number of days of RUIA benefits in registration period.

F = total benefit amount for registration period.

In Mr. John Doe's case above, here's how to apply the formula if he had a total of 14 days of sickness including April 29 and 30:

D is 12 (days of sickness in the registration period and also within the period for which social insurance payments are payable)

E is 14 (total number of days of sickness in registration period)

F is \$330.00 (benefits for registration period - 10 compensable days at \$33.00 a day)

Thus: 12

$$\frac{12}{14} \times \$330.00 = \$282.86$$

Therefore, \$282.86 is the amount of sickness benefits apportionable to days included in the period for which social insurance payments are payable. This is the amount used for the "comparison". The benefits apportionable to the first two days of the registration period remain payable to Mr. Doe.

### **1702.08 Benefits payable for registration period**

The determination with respect to benefits payable shall be as follows:

#### **a. Social insurance apportionable to all days**

Where social insurance payments are apportionable to all days in a registration period benefits are payable only if the benefits apportionable exceed the social insurance payments apportionable. The amount of benefits payable is the difference between the benefits apportionable and the social insurance payments apportionable.

#### **b. Social insurance apportionable to some, but not all days**

Where social insurance payments are apportionable to some, but not all, days in a registration period, benefits are payable under any of the following conditions:

1. The social insurance payments apportionable are less than the benefits apportionable. The amount of benefits payable is equal to the difference between them, plus the benefits apportionable to days to which social insurance payments are not apportionable.

In the illustration the amount of sickness benefits apportionable (\$282.86) exceeded the amount of OASI benefits apportionable (\$220.00) by \$62.86. Mr. Doe would therefore be paid this amount plus the \$47.14 apportionable to April 29 and 30, or \$110.00 for the registration period April 29 – May 12.

2. The social insurance payments apportionable are equal to or greater than the benefits apportionable and benefits have been paid. The amount payable is the amount of benefits apportionable to days to which the social insurance payments are not apportionable.

3. The social insurance payments apportionable are equal to, or greater than, the benefits apportionable; benefits have not been paid for the period and the number of days of unemployment or sickness to which social insurance payments are not apportionable is more than four. The amount of benefits payable is computed on the basis that no day to which social insurance payments are apportionable is a day of unemployment or sickness.

### **c. Benefits previously exhausted**

A claim for sickness benefits previously classified as the exhausting claim and containing fewer than 10 compensable days, may have 10 compensable days in a case where the annuity exceeded the benefits for the first registration period in the benefit year but was less than the benefits for subsequent periods. Additional benefits may be allowed on a claim for unemployment or sickness benefits previously considered to have exhausted benefits at the base year wage limit, since the reduced amount of benefits is used in determining whether benefits have been paid to the extent of base year wages.

### **1702.09 Recovery under Section 4(a-1)(ii)**

Section 4(a-1)(ii) specifically provides for recovery of benefits. Any amount by which benefits paid exceed benefits payable is recoverable; however, amounts of \$1.00 or less should be considered not recoverable.

### **1702.10 Days of unemployment or sickness**

Days which would be days of unemployment or sickness, but for Section 4(a-1)(ii), are considered as follows:

#### **a. Benefits recoverable in part**

When benefits paid for a registration period are recoverable in part the days with respect to which benefits were paid remain days of unemployment or sickness.

#### **b. Benefits wholly recoverable**

When the entire amount of benefits paid for a registration period is recoverable no day in the registration period remains a day of unemployment or sickness, except as described in paragraph d.

#### **c. Benefits not previously paid**

When Section 4(a-1)(ii) is applicable in connection with the initial determination of a claim, no days to which social insurance payments

apportionable equal or exceed benefits apportionable can be considered days of unemployment or sickness except as described in paragraph d.

#### **d. First valid registration period (waiting period)**

The receipt of social insurance payments does not prevent a registration period from being considered as a first valid registration period if the apportionable amount of the social insurance payment is less than the benefits which might otherwise be payable. However, regardless of the amount of social insurance payments, their receipt does not cancel a previously established first valid registration period.

## **1703 Unemployment Insurance Payments**

### **1703.01 Obtaining information**

If the Sickness and Unemployment Benefits Section (SUBS) has information that a claimant has claimed unemployment, maternity or sickness benefits under a State or Federal law or through a State or Federal agency, for days for which he or she has claimed benefits under the Railroad Unemployment Insurance Act, Form Letter ID-17c is to be sent to the appropriate agency.

### **1703.02 Notifying claimant of initial determination**

Notification is to be sent to a claimant regarding an initial determination that days claimed cannot be considered as days of unemployment or sickness the claimant is receiving or has received unemployment insurance payments under another law for the same days.

### **1703.03 Determination of erroneous payments**

If it is found that a claimant has received unemployment or sickness benefits under the RUIA and under another law for the same days, a determination of possible erroneous RUIA payments will be required.

- a. No payment may be considered erroneous unless it is determined that there was an "obvious mistake of fact," "obvious mistake of law," "insufficient evidence" or "fault of claimant." (See AIM-21).
- b. If Section 4(a-1)(ii) is found applicable, payments under the RUIA are erroneous.
- c. If Section 4(a-1)(ii) is not applicable, and if the state agency will attempt recovery of the payments which it made, no erroneous payment with respect to a claimant's receipt of duplicate payments should be set up. The division of program operations should clarify which agency will initiate recovery action.

- d. Benefits for a day are not erroneous on the grounds that the claim for that day was certified for payment subsequent to the date on which the state agency's claim for that day was certified. Generally, either all benefits for a registration period will be determined to be erroneous or none of them will be.

## **1704 Annuities under the Railroad Retirement Act**

### **1704.01 Action upon receipt of notice of annuity awarded**

- a. The RUIA Daily System usually receives notice of annuity awards mechanically through the Retirement Adjudication System Initial (RASI). When an employee files an application for an annuity, the RASI system performs a "pre-clearance" check with the RUIA claims system. If RUIA benefits were not paid for a day within one year of the annuity application filing date, the pre-clearance check determines that no further clearance is required. If RUIA benefits were paid for days within one year of the annuity filing date, no pre-clearance reply is generated. The lack of reply causes the RASI system to clear later with annuity beginning date and rate data that generate a RUIA reply on RASI specifying the amount of benefits recoverable. Amounts recoverable reported through the RASI system are usually transferred to RUIA within 90 days. The clearance process also notifies the Retirement Benefits Division (RBD) of cases flagged with a "930" stop for garnishment.
- b. RBD sends SUBS an e-mail notice of the certification or recertification of an annuity under the Railroad Retirement Act. It will show the claimant's name, social security number, beginning date and amount of the annuity, and any subsequent changes made in the amount or beginning date. SUBS will reply to RBD's e-mail reporting any amount recoverable and any erroneous payment outstanding. RBD will withhold the amount shown on the e-mail and will usually transfer the requested amount to SUBS within 90 days. SUBS will take any necessary actions to the RUIA record.

### **1704.02 Request for information from the annuity file**

If the claimant is receiving an annuity under the Railroad Retirement Act and notice of the annuity has not been received from RBD, the payment of benefits should be withheld until the necessary information is received.

### **1704.03 Spouse's annuities**

If a claimant is receiving a spouse's annuity under the Railroad Retirement Act, obtain the annuity information and update the claimant's record.

## **1704.04 Recovering RUIA Overpayments from Annuities**

Prior to paying annuities, any RUIA claims that were paid within the rate period and/or any outstanding overpayments on record are to be withheld from any accrual due to the claimant.

The RASI system mechanically obtains all current claim information from the RUIA daily system. RASI obtains the RUIA overpayment information from the EDM UI-87 indicator. This indicator is updated nightly from FMIS with either the code "N" or "Y". "N" represents no RUIA debt and "Y" represents an open RUIA debt.

When RASI matches against the code "Y", the case will be referred out as a compute only for manual handling by the RRA examiner. The lead examiner will review the case and look at FMIS and ORCS to determine the amount of the outstanding RUIA debt. If applicable, the case will be forwarded to an examiner for handling and the withholding of any overpayment from the RASI accrual.

## **1705 Insurance Benefits under Title II of the Social Security Act**

### **1705.01 Provisions of Section 4(a-1)(ii)**

Section 4(a-1)(ii) provides for the reduction or recovery of RUIA benefits paid for any day for which a claimant also receives payments under Title II of the Social Security Act. Payments made under Title II of the Social Security Act include old age insurance benefits (OAIB), survivor insurance benefits and disability insurance benefits (DIB).

### **1705.02 Clearance with Social Security Administration**

Below are the steps through which the RRB routinely obtains information about annuity awards to individuals who have railroad earnings.

- a. When an applicant for OAIB or DIB has railroad service, the Social Security Administration asks the Quality Reporting Service Center (QRSC) in Policy and System for a report of railroad compensation.
- b. If the individual had qualifying base year wages for the current or preceding benefit year, QRSC notifies SUBS.
- c. If the employee has applied for UI or SI in the current or preceding benefit year, a "reason 99" stop is put on record, a card Form RR-12, Report to RRB of Award or Disallowance is sent to the Social Security Administration, and Form Letter ID-17n is sent to the employee.
- d. If there is a clearance record but the employee has not applied for UI or SI in the current or preceding benefit year, a "reason 99" stop is put on the

- record which will send an RR-12 and ID-17n, in case the claimant does apply.
- e. If there is no record for the employee, a pseudo clearance record is established containing a "reason 99" stop which will send an RR-12 and ID-17n, if the employee applies.
  - f. Form RR-12 will be completed by the Social Security Administration and returned to SUBS. Entries on the form will show:
    - the monthly amount and effective date of any OAIB or DIB awarded.
    - that the claim was disallowed, or
    - that no claim was filed (In this case, the original request for railroad wages was made by the Social Security Administration for information purposes only and not because of a claim.)

### **1705.03 Special request to Social Security Administration**

If incomplete information about a claimant's OAIB or DIB is received and no RR-12 was sent to the Social Security Administration, Form Letter ID-17j is to be sent to the Social Security Administration. Form Letter ID-17n is to be sent to notify the claimant that benefits may be recoverable. If it is necessary to clarify or reconcile the information, a special letter may be sent to the Social Security Administration.

### **1705.04 Withholding benefits**

Benefits payable will be withheld if the award of an OAIB or DIB is established. If the information indicates that a claimant has only applied for social security benefits, RUIA benefits payable will be paid. Likewise, benefits payable will not be withheld pending receipt of a reply to Form ID-17j unless the information indicates the claimant has been awarded an OAIB or DIB. If an OAIB has been suspended because of employment and the claimant reports no work during a month, assume the claimant will receive OAIB for the month provided the Social Security Administration receives notice that he or she did not work. Benefits for days in the month shall be reduced or withheld accordingly.

### **1705.05 Determination**

If a claimant's OAIB or DIB monthly annuity amount for days claimed as days of unemployment or sickness is shown on a Form RR-12 or Form Letter ID-17j completed by the Social Security Administration or on an award letter, the information is considered complete and correct and claims for unemployment or sickness benefits should be processed. If a claimant has submitted an original Social Security Administration award letter, make a photocopy of the award letter and return the original to the claimant.

### **1705.06 Recovery from social security accruals**

If an OAIB or DIB was recently awarded or will soon be awarded covering a period for which RUIA benefits have been paid, prompt action is necessary so that recovery can be made before the claimant spends the proceeds of his or her first check.

- a. Determine the amount recoverable under Section 4(a-1)(ii).
- b. Telephone or send an E-mail message notifying the district office of the amount due (unless the amount is so small that special action is not justified) and request that the office contact the claimant as soon as possible. Send notice of the determination to the claimant.

### **1705.07 Withdrawal of SSA application**

If the Social Security Administration approves withdrawal of an application, the claimant is not considered to be "entitled" to receive benefits under the Social Security Act within the meaning of Section 4(a-1)(ii) and the RRB will not be entitled to recover benefits paid to the claimant during the period covered by the withdrawn application. (L-63-229)

### **1705.08 Effect of employment on Social Security Administration award**

If a claimant has been awarded social security benefits but is presently employed, social security benefits may be reduced. The Social Security Administration will determine if, based upon the claimant's age, monthly amount earned and yearly earnings to date, the amount of the benefits will be affected.

## **1706 Workmen's Compensation**

### **1706.01 Verification**

When an employee is injured at work and a person or company may be liable for damages, verify the following:

- a. If the employer which the employee was working for when injured is covered by a workmen's compensation law which provides payment from a state or federal agency, send a Form Letter ID-17e and Form SI-5 to the appropriate agency. Form Letter ID-17h should be sent to the employee.
- b. Form Letter ID-17e and Form SI-5 is to be sent to the employer if the employer is covered by a workmen's compensation law which provides for payment of workmen's compensation by the employer. Form Letter ID-17e is sent to the official designated to receive Form Letters ID-30b and copies are to be sent to any persons who would receive copies of Form Letters ID-30b. Form Letter ID-17h is to be sent to the employee.

- c. Otherwise, Form Letter ID-30b and Form Letter SI-5 are sent to the employer as provided in AIM-30-II.

## **1706.02 Payment or withholding of benefits pending receipt of information**

### **a. Withholding of benefits pending reply to ID-17h**

When Form Letter ID-17h is sent, benefits payable is to be withheld until a reply is received or information permitting calculation of the amount payable is received.

### **b. Action upon reply to ID-17h**

If the claimant wants to receive benefits while awaiting a reply, benefits may be approved for payment without reduction until information about workmen's compensation payments is received. Any necessary adjustments will be made when information about workmen's compensation payments is received.

### **c. Action when Form Letter ID-30b has been sent**

1. Reply received before benefits paid If before benefits are paid, a reply to Form Letter ID-30b states the claimant is receiving, or is entitled to receive, workmen's compensation payments for total disability, accept the statement as correct and process the claims as provided elsewhere in this article.
2. Reply received after benefits paid If after benefits have been paid, the reply to Form Letter ID-30b states that the claimant has been paid workmen's compensation (regardless whether the payment was for total disability), verify that the payment is workmen's compensation and take action according to whether the workmen's compensation was for total disability. If it is found that the payment was in fact not workmen's compensation, undertake recovery under section 12(o) of the Act as provided in AIM-30-II.

## **1706.03 Unemployment benefits and workmen's compensation**

If a claimant entitled to workmen's compensation for total disability claims unemployment benefits and is able to work under the RUIA, take action as described in .02 above. NOTE: Send a special letter instead of Form Letter ID-17h.

## 1707 Other Social Insurance Payments

### 1707.01 Payments within the scope of section 4(a-1)(ii)

Where the claimant is receiving or will receive any payment which is within the scope of Section 4(a)(ii) of the Act, other than those discussed in preceding sections, take action as described in Section 1704. Make appropriate changes in the prescribed letter of inquiry or notice.

### 1707.02 Payments not within the scope of Section 4(a-1)(ii)

In any case where a claimant is receiving or will receive a payment not within the scope of Section 4(a-1)(ii) benefits will be paid, provided the other requirements of the law are met.

### 1707.03 Payments with respect to which the applicability of Section 4(a-1)(ii) has not been determined

Upon receipt of information that a claimant is receiving or will receive, payments similar to those within the scope of Section 4(a-1)(ii) but for which the applicability of Section 4(a-1)(ii) has not been determined, a brief of the case is to be sent to Policy and Systems and payment of benefits is to be withheld until an opinion is received.

## 1708 Form UI-60a

### 1708.01 Use of Form UI-60a

This form is used to manually determine the amount of benefits recoverable or payable in accordance with Section 4(a-1)(ii).

### 1708.02 Preparation of Form UI-60a

This subsection covers preparation of Form UI-60a in detail.

- a. Enter the claimant's name and social security number, complete items 1-6 as appropriate.
- b. The following items should be completed as appropriate.
  1. Period Beginning Date Show the beginning date of each registration period which includes any day(s) included in a period for which the annuity payment is payable.
  2. D.B.R. (Daily Benefit Rate) Show the claimant's daily benefit rate for that year. If the daily benefit rate has been re-determined, show the last redetermination.

3. Days From Beginning Date For each registration period, show the number of days of unemployment or sickness for which other payments are payable.
  4. Apportionable Benefits If all days of unemployment or sickness in the registration period are included in any period(s) for which the other payments are payable, show the amount of RUIA benefits determined to be payable for each registration period were Section 4(a-1)(ii) not applicable. If any day(s) in a registration period are not included in a period for which the other payments are payable, show the amount of benefits apportionable to the days of unemployment or sickness included in a period for which other payments are payable. The amount of benefits apportionable are determined as provided in Section 1702.07.
  5. Apportionable Other Payments Show the amount of the other payments apportionable to days of unemployment or sickness in each registration period as determined in accordance with Section 1702.07.
  6. Benefits Payable Show the amount of benefits which, after applying Section 4(a-1)(ii), is payable for all days of unemployment or sickness in the registration period as determined in Section 1702.08.
  7. Benefits Paid Show the amount of benefits, if any, paid for days of unemployment or sickness in the registration period.
  8. Recoverable Enter the remainder, if any, left when the amount of benefits payable is subtracted from the amount of benefits paid.
  9. Recoverable under Section 4(a-1)(ii) Under "Unemployment," show the total amount of unemployment benefits recoverable under Section 4(a-1)(ii). Under "Sickness," show the total amount of sickness benefits recoverable under Section 4(a-1)(ii). If amounts are shown in both columns show the sum under "Total."
- Note: If this amount includes an amount recoverable because the claimant also received OASI benefits, mark the amounts on the UI-60a with an asterisk and notate the form "includes OASI."
10. Erroneous Payments Under the appropriate heading, show the amount of any erroneous payment which is recoverable. If there is an amount recoverable under Section 12(o), and the liable party did not have notice of the RRB's right to reimbursement, such amount should be shown in the "Sickness" column. If there is no payment recoverable, except under Section 4(a-1)(ii), enter the word "none."

11. Gross Amount Recoverable Show the sum of the amounts shown under the same heading.
12. Previously Requested If an amount was previously reported as recoverable from the claimant's annuity, show the amount on previous Form UI-60a which has not been canceled.
13. Additional Amount to be recovered In this item, under the appropriate heading, enter the difference obtained by subtracting the amount, if any, shown in the previously requested from the amount shown in the gross amount recoverable. This difference may be "none" or minus quantity.
14. Number of Claims Recovered Enter the number of claims recovered for each type of benefits.
15. Prepared by The examiner is to initial and date the form and create a computer record of the amount recoverable.

### **1708.03 More than one other payment**

If the claimant is receiving more than one payment under Section 4(a-1)(ii), apportionment of each payment should be shown on Form UI-60a. If one of the payments is an annuity under the Railroad Retirement Act, recovery of the total amount recoverable under Section 4(a-1)(ii) may be effected by deduction from the annuity.

### **1708.04 Entries for concurrent payments**

If the claimant is entitled to receive benefits in a diminished amount, entries should be made on Form UI-60a for each claim as received, except that entries are not to be made in the columns headed "Benefits Paid," and "Recoverable." If Form UI-60a has been prepared for previous claims, entries for subsequent claims may be made on the same Form UI-60a. Draw a line to separate the entries made upon initial preparation from those for subsequent claims.

## **1709 Concurrent payments**

### **1709.01 Annuitants**

If the claimant is awarded an annuity under the Railroad Retirement Act, benefits payable under Section 4(a-1)(ii) for claims received after making the report of the amount recoverable will ordinarily be paid regardless of whether the transfer of funds has been received. However, benefits should not be paid in a case where an erroneous payment is recoverable until recovery is completed.

## **1709.02 Recipients of other social insurance payments**

If the claimant is entitled to social insurance payments, other than an annuity under the Railroad Retirement Act, any amount recoverable under Section 4(a-1)(ii) because of such payments should be recovered before any additional benefits are paid. In any such case, recovery from the claimant may be undertaken.

## **1709.03 Recipient of sum or damages**

If the claimant is entitled to diminished benefits under Section 4(a-1)(ii) and has received damages against which benefits are to be offset under Section 12(o), the amount to be offset is the amount of the benefits as diminished under Section 4(a-1)(ii).

## **1709.04 Payments less than \$3.00 per claim**

If benefits diminished under Section 4(a-1)(ii) amount to less than \$3.00 per claim (disregarding periods including the 31st of a month,) payment may, with the consent of the claimant, be deferred until all the benefits which the claimant can get in the benefit year may be paid in a single payment. When this is done the case is to be pended so that appropriate action will be taken timely.

## **1710 Notices of Determination**

### **1710.01 Annuitant**

Notification of the claimant's entitlement to claim RUIA benefits while awaiting an annuity is to be sent when a claimant informs the RRB that he or she is applying for or receiving an annuity under the Railroad Retirement Act. If the claimant's annuity equals or exceeds RUIA benefits, Form Letter ID-17a is to be sent.

NOTE: Benefits which might be payable only for periods including the 31st day of a month may be disregarded for the purposes of this subsection.

### **1710.02 Claimant entitled to workmen's compensation for total disability**

A letter is to be sent to notify the claimant of the determination on the first claim for which benefits are diminished, or for which no benefits are payable, because of entitlement to receive workmen's compensation for total disability.

### **1710.03 Claimant entitled to retirement payments other than annuity under the Railroad Retirement Act**

If the claimant is entitled to benefits under Title II of the Social Security Act or any other retirement payment with respect to which Section 4(a-1)(ii) is applicable, an appropriate letter is to be sent.

## 1711 Form Letters in Effect

The form letters listed below are prescribed:

ID-17a ID-17j  
 ID-17e ID-17k  
 ID-17g ID-17n  
 ID-17h  
 ID-17i

## 1712 Forms Prescribed

Forms RR-12 and UI-60a.

## Appendices

### Appendix B - SSA Program Service Centers and Reviewing Offices

<b>For OASI Claims with SSA Numbers</b>	<b>Address of Program Service Center</b>
001 - 134	Social Security Administration Northeastern Program Service Center One Jamaica Center Plaza Jamaica, New York 11432-3830
135 - 222 232 - 236 577 - 584 596 - 599	Social Security Administration Mid-Atlantic Program Service Center 300 Spring Garden Street Philadelphia, Pennsylvania 19123
223 - 231 237 - 267 400 - 428 587 - 595	Social Security Administration Southeastern Program Service Center 2001 12th Avenue, North Birmingham, Alabama 35285
268 - 302 316 - 399 700 series	Social Security Administration Great Lakes Program Service Center 600 West Madison Street Chicago, Illinois 60606
303 - 315 429 - 500 505 - 515 525 and 585	Social Security Administration Mid-America Program Service Center 601 East 12th Street Kansas City, Missouri 64106

501 - 504 516 - 524 526 - 576 and 586 600 - 626	Social Security Administration Western Program Service Center P.O. Box 2000 Richmond, California 94802
DIB claims	Disability Review Section Great Lakes Program Service Center Social Security Administration 600 West Madison Street, 6th Floor Chicago, Illinois 60606
Foreign claims - A foreign address is any address outside the U.S. <u>except</u> Puerto Rico, the Virgin Islands, Guam, and American Samoa.	International Program Policy Staff Office of International Policy Social Security Administration 6401 Security Boulevard Baltimore, Maryland 21235

## Appendix C - Social Insurance Within Scope of (4a-1)(ii)

### **I. Social Insurance Payments Within The Scope of Section 4(a-1)(ii)**

1. Railroad Retirement Act: employee, disability, survivor, and spouse annuities.
2. Social Security Act, Title II: old age, disability, wife's, husband's, child's, widow's, widower's, mother's, and parent's insurance benefits. (See Appendix AIM 17-B for SSA office addresses)

Note: Does not include (a) any annuity or insurance benefit payment made to the claimant on behalf of, or for the use of, another person, or (b) the commuted value of an annuity paid in a lump sum.

3. Retirement and survivor payments under other Federal laws.
  - a. Retirement payments for service in the Armed Forces of the United States, including the Coast Guard, based on service or disability, or both, and survivor benefits paid under the same law. (See Appendix 17-E for Uniformed Service office addresses)
  - b. Retirement and survivor payments to Federal civil service employees.
4. Retirement or survivor payments under a public law. For example: to state, county, city and village employees, including policemen, firemen, teachers and transit workers.

5. Pension payments under the Old-Age Security Act of Canada [and retirement pension payments under the Canadian Pension Plan].
6. Worker's compensation for total disability payable under Federal (Federal employees, longshoremen and harbor workers), State, and Canadian law.
7. State Employee Retirement Benefits paid as a statutory retirement annuity for specific periods. Some plans allow for a beneficiary protection plan which is also subject to section 4(a-1)(ii).
8. Black Lung Benefits under Title IV of the Federal Coal Mine Health and Safety Act of 1969.
9. Incapacitation pay, which is a medical benefit armed service members and national guard reservists can earn if they are injured, incur a disease or have an illness aggravated while performing military duties. The injury must be found to have occurred in the line of duty.

## **II. Payments Not Within The Scope of Section 4(a-1)(ii)**

1. Subsistence allowances paid by the Bureau of Indian Affairs, and monthly family allowances paid to dependents of enlisted men in the Armed Services, including the Coast Guard.
2. State old-age assistance payments, public assistance, Supplemental Security Income (SSI), and relief payments and payments to the needy blind.
3. Worker's compensation for partial disability.
4. The following payments made by the Veterans Administration:
  - a. Disability compensation and pension payments to a veteran; and
  - b. Death compensation, dependency and indemnity compensation, and pension payments to dependents of a deceased veteran.
5. Payments under Medicare.
6. Supplemental annuities under the Railroad Retirement Act.
7. Pension payments made by an employer under a privately maintained pension plan.
8. When a deduction is being made from military retirement pay for a former spouse, the divorce court will make the distinction between 'equitable distribution of a marital estate' (or 'division of property'), and an 'award of alimony'. If the court determines that the portion of a claimant's military pension is to be paid to a former spouse as part of a 'division of property', that

portion does not fall within the scope of section 4(a-1)(ii). However, if the portion directed is to be paid as alimony, the entire amount of the military retirement pay falls within the scope of section 4(a-1)(ii).

9. A court-ordered deduction made from a former spouse's benefits under the RRA is considered a partition payment or payment of property awarded to the spouse during a proceeding for divorce or legal separation and is not considered social insurance payable to the claimant.

## Appendix D - State Waiting Periods for Workman's Compensation

### Table Of Waiting Periods for Workmen's Compensation

State	Waiting Period
Alabama	The waiting period is 7 days and until employer has knowledge or notice of injury; none if disability continues for 28 days.
Alaska	3 days in addition to day of injury, excepting medical services and supplies; none if disability continues for more than 28 days.
Arizona	7 days; none if disability continues more than 2 weeks.
Arkansas	7 days; none if disability continues for 2 weeks.
California	7 days; in temporary disability cases payment; may be made from first day employee leaves work if disability lasts more than 49 days, in permanent disability cases, a disability payment shall be made for one week in advance on the 8th day after the injury becomes permanent, or the date of last payment for temporary disability, whichever date first occurs.
Colorado	7 days; none if disability continues for more than 3 weeks.
Connecticut	3 days; none if disability continues 7 days.
Delaware	3 days; none if incapacity extends for a period of 7 days or more, results in hospitalization, or is caused by amputation of a member.
Florida	7 days; none if disability continues for more than 21 days. (Effective with respect to injuries which occur after June 30, 1959.)

Georgia	7 days. None if disability continues for 28 consecutive days.
Hawaii	2 days in temporary total disability cases. None if disability continue for more than 7 days.
Idaho	eff. 1/1/72 5 days in total disability cases, unless disability exceeds 2 weeks.
Illinois	6 working days in temporary disability cases. None if disability continues for more than 21 days.
Indiana	7 days for temporary disability, none if disability exceeds 28 days.
Iowa	1 week compensation increased by 1/3 during 4th, 5th and 6th weeks of disability.
Kansas	1 week. <u>Except</u> that if temporary total disability exists for 3 consecutive weeks payments will be made during such temporary total disability.
Kentucky	7 days; none if disability continues more than 2 weeks.
Louisiana	1 week; none if disability continues for 6 weeks or more.
Maine	Compensation to begin on 8th day of incapacity, unless incapacity continues for more than 14 days, with compensation, then allowed from day incapacity began.
Maryland	3 calendar days, none if incapacity extends for a period of more than 28 days.
Massachusetts	5 days; none if incapacity extends for a period of 6 days or more.
Michigan	1 week; none if disability continues 2 weeks or death results from injury.
Minnesota	In some cases of temporary disability, either total or partial, compensation is computed beginning with the 4th day, unless the disability continues for 10 days or more in which case compensation is computed from the time of disability. Payment of compensation must be made by the employer within 30 days of the time he learns of the injury.

Mississippi	5 days; if disability continues 14 days or more, then compensation from date of disability.
Missouri	3 days; none if disability continues longer than 4 weeks.
Montana	In cases of alien nonresident dependents or no dependents, one week but full compensation if disability continues 1 week; in case of resident dependents, one week but full compensation if disability continues 1 week, plus separate benefits for medical and hospital services from date of injury.
Nebraska	1 week; none if disability continues for 6 weeks.
Nevada	5 days; then compensation from date of injury.
New Hampshire	1 week; then compensation from date of injury.
New Jersey	7 days, none if disability exceeds 7 days.
New Mexico	7 days in temporary disability cases, none if disability exceeds 4 weeks.
New York	1 week; none if disability continues for more than 14 days.
North Carolina	No compensation for the first 7 calendar days unless injury results in disability of more than 28 days.
North Dakota	5 days; none if disability continues for more than 5 days.
Ohio	1 week, and no compensation shall be allowed for the first week of total disability whenever it may occur unless the employee is disabled more than 3 weeks.
Oklahoma	5 days. None if disability continues 5 or more days.
Oregon	3 calendar days, unless disability continues for 14 days or workman is an inpatient in a hospital.
Pennsylvania	7 days. None if disability continues more than 6 weeks.
Rhode Island	3 days; none if disability continues for more than 2 weeks.
South Carolina	7 days; none if disability is more than 28 days.
South Dakota	7 days; none if disability is more than 28 days.

Tennessee	1 week; none if disability continues for 14 days.
Texas	1 week; none if disability of more than 4 weeks.
Utah	3 days. But compensation is payable for these days if temporary total disability lasts more than 21 days.
Vermont	1 week; none in total disability cases continuing 7 days beyond first week.
Virginia	7 calendar days, compensation shall be allowed from first day if incapacity continues for more than 6 weeks.
Washington	3 days, succeeding date of injury unless disability continues for 14 days.
West Virginia	3 days but if the period of disability lasts longer than 14 days, an award shall be allowed for the 3 days.
Wisconsin	3 days exclusive of Sunday (Sunday not excluded if employee works on Sunday); none if disability continues for more than 10 days.
Wyoming	3 days in temporary total disability cases; none if disability continued for more than 8 days.
Dist. of Columbia	(Federal Employees Compensation Act) 3 days in temporary disability cases, unless disability exceeds 21 days or is followed by permanent disability (Sec. 752) an employee with annual or sick leave to his credit may use the leave until it is exhausted in which case compensation for disability shall begin on the 4th day of disability after the annual or sick leave has ceased (Sec. 758).

