

1430.5 General

When the Railroad Retirement Board (RRB) is paying both a railroad retirement annuity and a social security benefit, the payee must be the same. The retirement or survivor unit in the Retirement and Survivor Benefit Division (RSBD) will attempt to resolve any payee discrepancies because the check will be combined. These discrepancies are discovered when the Social Security Administration (SSA) first certifies a benefit to the RRB for payment.

In addition to resolving representative payee discrepancies, RRB-SSA representative payee coordination in the selection process can enlarge the number of prospective representative payee's RRB has to choose from. For example, SSA's field offices utilize social service agencies as representative payees in cases where a relative cannot be located. By contacting SSA's local field office, the RRB field office can establish contacts with area agencies which may be suitable representative payees.

NOTE: When the RRB is paying a social security (SS) benefit to a beneficiary without a railroad retirement annuity (a pure SS case), SSA is solely responsible for determining the need for a representative payee, appointing a representative payee and removing a representative payee. If an RRB field office becomes aware of the possible need for a representative payee in a SS only case or receives notification that a rep payee is no longer needed, do not initiate representative payee development and do not remove or change a current payee. Notify the appropriate retirement or survivor unit within the Retirement and Survivor Benefits Division (RSBD) of the potential need for a representative payee or possible removal needed. Provide RSBD with any information available for the rep payee development, such as the potential representative payee's contact information and/or the point of contact information for any medical evidence, for forwarding to SSA. RSBD will notify the servicing SSA Program Services Center of the need for action via RRB Form RR-3, *RRB Report of Events Affecting SSA Payments*.

1430.10 Social Security Administration Has Representative Payee - Railroad Retirement Board Does Not Have Representative Payee

1430.10.1 RSBD Actions

RSBD will initially accept the Social Security Administration's (SSA) representative payee determination in cases in which the RRB is paying benefits directly to an annuitant. Both SS and RRA benefits will be paid in a combined payment to SSA's payee.

RSBD will provide the field office with the name and address of SSA's payee and request the field office to initiate representative payee development action. Payments will continue to SSA's payee unless you develop information indicating misuse of funds by that payee or other information indicating that SSA's payee is unfit to serve in that capacity.

1430.10.2 Field Actions

RSBD will provide the field office the name and address of the representative payee selected by SSA and request that you contact the payee to initiate development action.

If the payee is acceptable according to the standards in [FOM1 1420.5](#), set up a representative payee file, issue the proper informational booklet to the payee, explain the responsibilities of the payee under the Railroad Retirement Act and secure Form AA-5 and the proper certification form as indicated in [FOM1 1420.20.3](#).

If you determine that the payee is unacceptable, also determine if the annuitant is receiving the proceeds of his or her payment. Follow instructions in [FOM1 1415.15](#). Send an email to the retirement or survivor unit indicating the reasons SSA's payee is unacceptable and if the annuity should be suspended. If there is an acceptable payee in your area, include that person's name and address in the memorandum. RSBD will submit change of payee recommendations to SSA for approval.

1430.15 RRB Has Representative Payee - SSA Does Not Have Representative Payee

1430.15.1 Retirement and Survivor Benefits Divisions' Actions

If the railroad annuity is in pay status with a representative payee and the Social Security Administration (SSA) certifies social security benefit payments directly to the beneficiary, the retirement or survivor unit in RSBD will pay the social security benefit to the RRB representative payee and send payee selection information to SSA. SSA will generally accept the RRB payee. If SSA insists on paying the beneficiary directly, RSBD will request that you investigate the beneficiary's competence.

1430.15.2 Field Actions

Investigate the beneficiary's competence as set forth in [FOM1 1415.10](#).

- A. Beneficiary competent - Take action to discharge the payee and close your representative payee file. Notify the appropriate claims examining unit in RSBD of your decision.
- B. Beneficiary incompetent - Include your findings in an email to the appropriate claims adjudication unit in RSBD. RSBD will forward this information to SSA. RSBD will pay both railroad and social security benefits to the RRB representative payee unless your investigation reveals that a new payee is needed.

1430.20 Railroad Retirement Board and Social Security Administration Have Different Representative Payees

1430.20.1 Retirement and Survivor Benefits Divisions' Actions

If the railroad annuity is in pay status with a representative payee, and the Social Security Administration (SSA) certifies a social security benefit payment to a different representative payee, RSBD will hold up the certification of the social security benefit pending a field office investigation. The railroad annuity will continue to be paid to the representative payee selected by the RRB. RSBD will request you to reconcile the discrepancy and accept SSA's payee, if possible.

1430.20.2 Field Actions

Investigate to determine which payee should be selected to receive the annuitant's combined railroad/social security payments. Use the payee selection criteria set forth in [FOM1 1420.5](#). When the representative payee is selected, a Form Letter RL-107, "Advance Notice of Representative Payee Selection," must be released to the annuitant.

- A. Social Security Administration's representative payee is accepted - Issue the proper informational Form RB-5 to the new representative payee; explain the representative payee's responsibilities under the Railroad Retirement Act and secure Form AA-5 and the proper certification form as indicated in [FOM1 1420.20.3](#). Fifteen days after the release of the Form Letter RL-107, prepare a FAST-COA transaction to change the payee. Notify RSBD of the representative payee selection by e-mail.

RSBD will then pay the combined railroad/social security benefit to the same payee.

- B. SSA's representative payee is not acceptable - Include your findings in an email to the appropriate claims adjudication units in RSBD, and state the reasons you believe SSA's payee is unacceptable. RSBD will send this information to SSA for its decision.

Note: For further instructions on handling representative payee cases involving direct deposit, see [FOM1 1420.20.3](#).