

SUBCHAPTER A—GENERAL ADMINISTRATION

PART 200—GENERAL ADMINISTRATION

- Sec.
- 200.1 Designation of central and field organization.
- 200.2 The general course and method by which the Board's functions are channeled and determined.
- 200.3 Obtaining forms from the Railroad Retirement Board.
- 200.4 Availability of information to public.
- 200.5 Protection of privacy of records maintained on individuals.
- 200.6 Open meetings.
- 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.
- 200.8 Disclosure of information obtained in the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act.
- 200.9 Selection of members of Actuarial Advisory Committee.
- 200.10 Representatives of applicant or beneficiaries.

AUTHORITY: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; §200.4 also issued under 5 U.S.C. 552; §200.5 also issued under 5 U.S.C. 552a; §200.6 also issued under 5 U.S.C. 552b; and §200.7 also issued under 31 U.S.C. 3717.

§ 200.1 Designation of central and field organization.

(a) *Introduction.* (1) The Railroad Retirement Board (hereinafter referenced as the "Board") is an independent agency in the executive branch of the Federal Government and is administered by three members appointed by the President, with the advice and consent of the Senate. By law, one member is appointed upon recommendations made by railroad labor organizations, one upon recommendations of railroad employers, and the third member, the Chairman, is in effect independent of employees and employers and represents the public interest. The terms of office are five years and are arranged so as to expire in different calendar years.

(2) The primary function of the Board is the determination and payment of benefits under the retirement-survivor and unemployment-sickness programs. To this end, the Board must maintain lifetime earnings records for covered

employees, a network of field offices to assist railroad personnel and their dependents in filing claims for benefits, and examiners to adjudicate the claims.

(3) The Board administers the Railroad Retirement Act and the Railroad Unemployment Insurance Act. The Railroad Retirement Tax Act, which imposes employment taxes to fund the railroad retirement system, is administered by the Internal Revenue Service of the U.S. Department of Treasury. The Board also participates in the administration of the Federal Medicare health insurance program.

(4) The headquarters of the Board is in Chicago, Illinois, at 844 Rush Street. The Board maintains numerous district offices across the country in localities easily accessible to large numbers of railroad workers, in addition to five regional offices located in Atlanta, Georgia; Hackensack, New Jersey; Cleveland, Ohio; Kansas City, Missouri; and, San Francisco, California.

(b) *Internal organization.* (1) In addition to the three Board Members, there is an Executive Director who reports directly to the Board Members and who is responsible for the overall administrative direction and coordination of the work of the entire Board organization.

(2) Responsibility for Board operations is concentrated in seven Associate Executive Directors, who report directly to the Executive Director and who serve on an Executive Committee advising the Executive Director on matters of agency-wide impact. The Associate Executive Director for Legal and Administrative Services is responsible for legal, appeals, personnel, legislative, information management, and internal services. The Associate Executive Director for Program Analysis is responsible for research, actuarial, and compensation operations. The Associate Executive Director for Retirement Claims is responsible for all claims operations under the Railroad Retirement Act. The Associate Executive Director for Unemployment and Sickness Insurance is responsible for

§ 200.2

all claims operations under the Railroad Unemployment Insurance Act, as well as certain employee protection laws, and the Associate Executive Director for Field Service is responsible for all district and regional office operations. There is also an Associate Executive Director for Fiscal Operations and an Associate Executive Director for Data Processing.

(3) Further, the following offices provide administrative and other services in support of Board Operations: Office of Equal Employment Opportunity, Washington Legislative/Liaison Office, Office of Planning, Office of Public Affairs and Bureau of Quality Assurance.

(c) *Office of Inspector General.* The Railroad Retirement Solvency Act of 1983 established the Office of Inspector General within the Board to be governed by the Inspector General Act of 1978. As structured, the Inspector General reports directly to the Chairman. The Office of Inspector General is responsible for policy direction and conduct of audit, inspection, and investigation activities relating to program and operations of the Board; and maintaining liaison with other law enforcement agencies, the Department of Justice, and United States Attorneys on all matters relating to the detection and prevention of fraud and abuse. The Inspector General reports semi-annually to the Congress through the Chairman concerning fraud, abuses, other serious problems, and deficiencies of agency programs and operations; recommends corrective action; and, reports on progress made in implementing these actions.

[52 FR 11010, Apr. 6, 1987]

§ 200.2 The general course and method by which the Board's functions are channeled and determined.

(a) *Retirement and death benefits.* (1) Retirement and death benefits must be applied for by filing application therefor. (For details as to application, see parts 210 and 237 of this chapter). The Bureau of Retirement Claims considers the application and the evidence and information submitted with it. Wage and service records maintained by the Board are checked and if necessary, further evidence is obtained from the employee, the employer, fellow em-

20 CFR Ch. II (4-1-01 Edition)

ployees, public records and any other person or source available. The Bureau makes initial decisions on the following matters:

- (i) Applications for benefits;
- (ii) Requests for the withdrawal of an application;
- (iii) Requests for a change in an annuity beginning date;
- (iv) The termination of an annuity;
- (v) The modification of the amount of an annuity or lump sum;
- (vi) Requests for the reinstatement of an annuity which had been terminated or modified;
- (vii) The existence of an erroneous payment;
- (viii) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity.
- (ix) Whether representative payments shall serve the interests of an individual by reason of his incapacity to manage his annuity payments; and
- (x) Who shall be appointed or continued as representative payee on behalf of an annuitant.

(2) A claimant dissatisfied with the Bureau's decision may, upon filing notice within one year from the date the decision is mailed to the claimant, appeal to the Bureau of Hearings and Appeals. *Provided, however,* That (i) an individual under age 16 shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal that he is, in fact, under age 16; (ii) an individual who has been adjudged legally incompetent shall not have the right to appeal a finding of incapacity to manage his annuity payments, but shall have the right to contest on appeal the fact of his having been adjudged legally incompetent; and (iii) an individual shall not have the right to appeal a denial of his application to serve as representative payee on behalf of an annuitant. There he may have an oral hearing before a hearings officer of which a stenographic record is made, submit additional evidence, be represented, and present written and oral argument. If dissatisfied with the decision of the hearings officer, the claimant may appeal to the Board itself. This appeal must be made on a prescribed form within four months of the date a copy