

Justification
Evidence of Marital Relationship - Living with Requirements
RRB Forms G-124, G-124a, G-237, G-238 and G-238a

1. Circumstances of the collection - To support an application for a spouse or widow(er)'s annuity under Sections 2(c) or 2(d) of the Railroad Retirement Act (RRA), an applicant for such an annuity must submit proof of a valid marriage to a railroad employee. In some cases, the existence of a marital relationship is not formalized by a civil or religious ceremony. In other cases, questions may arise about the legal termination of a prior marriage of the employee, spouse, or widow(er). When this occurs, the Railroad Retirement Board (RRB) must secure additional information to resolve questionable marital relationships. The circumstances whereby an applicant is required to submit documentary evidence of marriage are prescribed in 20 CFR 219.30.

2. Purposes of collection/consequences of not collecting the information - In the absence of documentary evidence to support the existence of a valid marriage between a spouse or widow(er) annuity applicant and a railroad employee, the RRB needs to obtain information to determine if a valid marriage existed. The following five forms are used for this purpose.

Form G-124, Statement of Marital Relationship and Form G-124a, Certification of Marriage Information are used by the RRB when the marital relationship was not formalized by a civil or religious ceremony. Form G-124 collects information about the marriage from each living party of the marriage and Form G-124a collects corroborative statements from individuals who have knowledge of the relationship.

Form G-124 obtains information required to establish the existence of a valid common-law marriage, which is needed to support an annuity application filed by the spouse or widow(er) of a railroad worker. The form is completed by the wife and husband; or the widow or widower of the alleged common-law marriage.

Form G-124a is used to obtain corroborative statements from blood relatives who have knowledge of an applicant's marital relationship. In a retirement case, Form G-124a is completed by a blood relative of the husband and wife. In a survivor case, Form G-124a is completed by two blood relatives of the deceased employee. When the G-124a cannot be secured from a blood relative, it may be secured from another knowledgeable person if the applicant furnishes a written explanation as to why no blood relatives can complete the form. Form G-124a is also used to obtain information from any person making an adverse claim in regard to the alleged common-law marriage.

Form G-124 either completed with assistance provided by RRB field office personnel, or it is mailed from the field office to the marriage party. When Form G-124 is completed at a field office, each person who completed the form is also given form G-124a with instructions to secure its completion from one or more blood relatives. When Form G-124 is mailed, Form RL-26F, a cover letter with detailed instructions on how to complete and return both the G-124 and G-124a is also enclosed. The completed forms are then returned to the field office in the pre-addressed return envelope included for that purpose

The RRB proposes no changes to Form G-124 or G-124a.

Form G-237, Statement Regarding Marital Status, which is used by the RRB when review of the annuity application shows some uncertainty about the termination of a previous marriage, obtains information required to establish the validity of a marriage or to determine the marital status of an employee, spouse, or widow(er) who has been unable to submit documentary proof of termination of a previous marriage.

Form G-237 is either completed with assistance provided by field office personnel, or is mailed to the applicant. The instructions for completing the G-237 are printed directly on the form. When mailed, the field office also encloses transmittal letter, Form RL-57A-F and Form G-242, which requests specific proofs that are needed to support a claim. The completed form is then mailed to the field office in the pre-addressed return envelope included for that purpose.

The RRB proposes no changes to Form G-237.

Form G-238, Statement of Residence, is used by the RRB to obtain information needed to determine whether a presumption should be made in favor of the validity of the last of several conflicting marriages. The form provides the particular state in which the marriage participant resided so the RRB examiner can refer to the applicable state laws under which the marriage was entered into and/or dissolved. Form G-238 is completed when review of Form G-237 reveals someone who has knowledge of where the applicant or former spouse lived after dissolution of the marriage. Form G-238 is either completed with assistance provided by field office personnel, or is mailed from the field office to the person or persons involved. When mailed, the field office also encloses transmittal letter, Form RL-57A-F and Form G-242, which requests specific proofs that are needed to support the claim. One G-238 is completed by the applicant and the other is G-238 is completed by a disinterested party, preferably a friend or relative of the other marriage partner. The completed form is then mailed to the field office in a pre-addressed return envelope included for that purpose.

The RRB proposes no changes to Form G-238.

Form G-238a, Statement Regarding Divorce or Annulment, is used by the RRB to request a search of official records for a copy of a divorce or annulment decree which is needed to support an application for a spouse annuity. The form is released by a field office only in cases where initial development cannot resolve the issue of a questionable divorce or annulment. The form is mailed to the annuity applicant, along with a transmittal letter, RL-57-A-F. The applicant completes Part 1 of the form and then arranges for completion of Part 2 by the custodian of records. The custodian of records returns the completed G-238a to the applicant who mails the form to the field office in a pre-addressed return envelope included for that purpose.

The RRB proposes no changes to Form G-238a.

The employee identifying information requested in the top portion of Forms G-124, G-124a, G-237, G-238, G-238a, and transmittal letters RL-26-F and RL-57-A-F is entered by the field office before releasing the form. All of the completed forms returned to the field offices are forwarded to RRB headquarters for processing.

3. Planned use of improved information technology or technical/legal impediments to

further burden reduction - None planned at this time. Not cost-effective because of low volume.

4. Efforts to identify duplication - This information collection does not duplicate any other information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - Not applicable since the information is requested only once for each case involving a questionable marital relationship.
7. Special circumstances - None
8. Public comments/consultation outside the agency -In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on page 48247 of the August 18, 2008 Federal Register. No comments or requests for further information were received.
9. Payments or gifts to respondents - N.A.
10. Confidentiality - Privacy Act System of Records, RRB-22, Railroad Retirement, Survivor and Pensioner Benefit System.
11. Sensitive questions - N.A.
12. Estimate of respondent burden

The RRB burden estimate for this collection remains unchanged as follows:

Form #	Annual Responses	Time(Min)	Burden(Hrs)
G-124 (in person)	125	15	31
G-124 (by mail)	75	20	25
G-124a	300	10	50
G-237 (in person)	75	15	19
G-237 (by mail)	75	20	25
G-238 (in person)	150	3	8
G-238 (by mail)	150	5	13
G-238a	150	10	25
Total	1,100		196

- * Forms G-124, G-237, G-238, and G-238a can be completed either in person with field office assistance or by mail.

13. Estimated annual cost to respondents or recordkeepers - N.A.

14. Estimated cost of the Federal government - N.A.
15. Explanation for change in burden - N.A.
16. Time schedule for date collection and publication - The results of this collection will not be published.
17. Request not to display OMB expiration date - The G-124, G-124a, G-237, G-238, and G-238a are seldom revised. Given the costs associated with redrafting, reprinting and distributing forms in order to keep the appropriate OMB expiration date in place, the RRB requests the authority to not display the expiration date on the forms.
18. Exceptions to certification statement - None