

Justification

Railroad Unemployment Insurance Act Applications

RRB Form(s) SI-1a, SI-1b, SI-3, SI-7, SI-8, ID-7H, ID-11A and ID-11B

1. Circumstances of information collection - Under Section 2 of the Railroad Unemployment Insurance Act (RUIA), sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. In addition, sickness benefits are payable to qualified female employees if they are unable to work, or if working would be injurious, because of pregnancy, miscarriage or childbirth. Under Section 1(k) of the RUIA, a statement of sickness with respect to days of sickness of an employee is to be filed with the Railroad Retirement Board (RRB) within a 10-day period from the first day claimed as a day of sickness. The RRB's authority for requesting supplemental medical information is Section 12(i) and 12(n) of the RUIA.

The procedures for claiming sickness benefits and for the RRB to obtain supplemental medical information needed to determine a claimant's eligibility for such benefits are prescribed in 20 CFR Part 335.

***Terms of Clearance:**

Pursuant to OMB M-07-16, OMB approved this information collection for 18 months to allow (RRB) to gather information concerning the use and need of individual SSN's and asked RRB to provide a written explanation to a series of questions. The questions and RRB's response(s) follow.

1. **Authority for collecting the SSN** – In meeting its primary mission for the payment of benefits under the Railroad Retirement Act (RRA) and the Railroad Unemployment Insurance Act (RUIA) the Railroad Retirement Board (RRB) collects personal identifying data elements, including name, social security number (SSN), and date of birth under the authority of Section 7(b)(6) of the RRA and Section 12(l) of the RUIA. Entitlement to and qualification of for such benefits are based on wage and compensation records, among other factors, which must be collected, maintained, stored and processed from employers and other Federal entities such as the Social Security Administration and the Internal Revenue Service.

As such, RRB must design systems that collect, maintain, store and utilize this data, which can only be identified by the applicant's SSN. Risks concerning re-disclosure and misuse of information associated with this information collection are mitigated accordingly.

2. **Explanation for the use of the SSN on the form** – The SSN is used for identity verification purposes. Employer wage records are maintained by SSN.
3. **Alternative method(s) (other than the use of the SSN) for verifying the identity of an individual for the purposes of carrying out the information collection requirement** – None

4. **The cost and systems redesign that would be required to remove the use of the SSN and implement the alternate method(s) of verifying information. The analysis should estimate costs to the program each year over 5 years.** - Since the RRB has not developed alternative methods for verifying an applicant's identity without the SSN at the present time, we have not developed a cost-benefit analysis for systems redesign.

However, the RRB is an active participating member (in-person and via teleconference) of an interagency committee of high volume PII users (SSN Best Practice Collaborative) who continue to identify, explore, and share alternative methods for the elimination/reduction of SSN use.

2. Purpose of collecting the information - The forms currently used by the RRB to obtain the information needed to determine eligibility for and the amount of sickness benefits due a claimant follow:

Forms SI-1a, Application for Sickness Benefits and SI-1b, Statement of Sickness are submitted to the RRB when a railroad employee wishes to claim sickness benefits. Form SI-1a acts as an application and the first claim. To satisfy a one-week waiting period requirement, no benefits are payable to an employee for his or her first 7 days of sickness in the first claim period of continuing sickness unless they have already satisfied the waiting period requirement in the benefit year. However, if the employee has at least 5 days of sickness in the 14-day registration period, he or she should file a Form SI-1a and have an SI-1b completed by his or her doctor. Even though no benefits would be payable, the filing of the SI-1a, along with the medical evidence provided on the SI-1b serves, in most cases, as the employee's first claim in the benefit year. Future benefits may then be claimed and received by the employee in subsequent registration periods for any sick days more than four in each registration period during the remaining benefit year.

Form SI-1a, which is completed by the employee or by someone else for the employee's signature, requests identifying information, data about the employee's last employer, accident and insurance information, other benefits received for days of sickness, and direct deposit information. Form SI-1b is completed by the railroad employee's doctor to support the employee's claim of inability to work because of illness or injury. As a convenience, on the reverse side of Form SI-1b is Form SI-10, **Statement of Authority to Act for Employee (OMB No. 3220-0034)**, which enables a spouse or other person to complete RRB sickness benefit forms on behalf of an injured employee who is incapable of signing forms. Only a small percentage of applicants will need to have Form SI-10 completed.

The RRB proposes no changes to Form SI-1a and revision to Item 9 of Form SI-1b to replace "Tax Identification Number" with "National Provider Identifier".

Forms SI-1a and SI-1b/SI-10 are enclosed in Booklet UB-11, Sickness Benefits for Railroad Employees, which contains the Paperwork Reduction Act/Privacy Act

notifications and instructions for filing sickness benefit applications and claims. A pre-addressed envelope to the Office of Programs at RRB headquarters is enclosed within the booklet. Upon OMB's approval of the revision to the SI-1B, the UB-11 will be revised to include the new version.

Form SI-3, Claim for Sickness Benefits, which is used to claim additional sickness benefits, is sent by the RRB to claimants who have previously filed for sickness benefits on Forms SI-1a/1b. The form notifies the claimant of the registration period covered by the claim (normally 14 days) and instructs the claimant to furnish information regarding days of sickness, days worked, and other benefits. In addition, space is provided for the claimant to report receipt of various payments that affect benefit eligibility. The form is used by claimants for sickness benefits due to pregnancy just as in any other sickness benefit cases.

When the claimant returns a completed Form SI-3, the RRB sends another Form SI-3 for the next 14-day period, and so on, until (1) the probable ending date of inability to work is reached, (2) the claimant reports that (s)he has returned to work, or (3) sickness benefits are exhausted, whichever occurs first.

In circumstances where the probable ending date of inability to work is reached first, the claimant is advised that no further sickness benefits will be paid unless additional medical evidence is submitted.

The RRB proposes no changes to Form SI-3.

Form ID-11A, Requesting Reason for Late Filing for Sickness Benefit, is a computer-generated form letter which the RRB sends to claimants when Forms SI-1a and SI-1b are not received within 30 days from the first day that sickness benefits are claimed. If the claimant tried to file the application on time but was unable to do so, the form requests the claimant to provide the explanatory information by completing items 1-9 on the form. Prior to releasing the form, the RRB preprints the earliest date for which the claimant could start receiving sickness benefits because of the late filing. 20CFR 355.4 provides conditions for which the RRB considers a form "timely filed." The RRB may consider circumstances "beyond a claimant's control" as "timely filed" even if it was not received by the RRB during the prescribed time limits.

The RRB proposes no changes to Form ID-11A.

Form ID-11B, Notice of Insufficient Medical and Late Filing, is sent to a claimant whose sickness application does not contain sufficient medical information to make a filing determination and is received after the 10-day time limit as prescribed under the RUIA.

A sickness claims examiner will release this letter when initially adjudicating the sickness applications that does not contain sufficient medical evidence or an acceptable statement of late filing. If the claimant tried to file the application on time

but was unable to do so, the reverse side of the form requests the claimant to provide an explanation by completing items 1-9. 20 CFR 355.4 provides conditions for which the RRB considers a form "timely filed." The RRB may consider circumstances "beyond a claimant's control" as "timely filed" even if it was not received by the RRB during the prescribed time limits.

The RRB proposes no changes to Form ID-11B.

Form SI-7, Supplemental Doctor's Statement, is completed by a doctor to obtain medical evidence needed to supplement the medical information submitted by the employee's doctor on Form SI-1b. Supplemental medical evidence is needed when the medical evidence of record is insufficient to continue benefit payments. Instructions are printed on the form for the claimant and the claimant's doctor.

The claimant's name, address, social security number and the estimated ending date of sickness benefits are entered by the RRB on the front side. Codes relative to the claimant's medical and benefit information of record are also entered at the bottom on the reverse side (for RRB use only). Form SI-7 is also used by the RRB in situations where more detailed medical evidence is required to make a determination concerning a claimant's eligibility to work and his or her continued eligibility for sickness benefits. Form ID-7L, Notice to Claimant, is used to transmit Form SI-7 to the claimant in these cases.

The RRB proposes to revise Item 7 of Form SI-7 to replace "Tax Identification Number" with National Provider Number."

Form SI-8, Verification of Medical Information, is mailed to doctors of sickness benefit claimants to verify medical statements and information provided to the RRB by railroad employees. These doctors are selected on the basis of a random sample check of Forms SI-1b and SI-7 received by the Office of Programs.

A photocopy of a medical report received by the RRB from the claimant's doctor is attached to the SI-8. The SI-8 requests the doctor to examine the medical report to verify that:

- the person cited in the report is a current patient;
- the doctor's office actually completed the report; and
- the report was accurate when made.

If, upon review of the medical report by the doctor, the report meets these three criteria, the doctor is instructed to discard both Form SI-8 and the report itself. However, if the report does not meet one or more of these three criteria, the doctor is requested to provide an explanation or comments, along with appropriate report corrections in the bottom portion of the form. The completed SI-8 is then returned to the RRB in the return envelope provided.

Form SI-8 is also mailed on a routine basis to doctors who do not provide National Provider Identifiers on completed medical statements.

The RRB proposes to replace “Tax Identification Number” at the bottom of Page 1 with “National Provider Number” on Form SI-8.

Form ID-7H, Non-Entitlement to Sickness Benefits and Information on Unemployment Benefits, is a computer-generated form letter in which the claimant is advised that, according to their Application for Sickness Benefits, they do not have a sufficient number of days of sickness to establish a valid claim. And if unable to work for a longer period of time, they could request a reconsideration of our determination. This request must include a statement from the claimant’s doctor indicating the date that the claimant was able to return to work, or is expected to be able to work. Form ID-7H also advises the claimant that if the employee is unemployed, able to work and available for work, they may be eligible for unemployment benefits and where to seek an application.

The RRB proposes no changes to Form ID-7H.

Form UB-11, Sickness Benefits for Railroad Employees, is an informational booklet which contains the Paperwork Reduction Act and Privacy Act notification for Forms SI-1a, SI-1b, SI-3 and ID-7h and instructions for the filing of sickness benefits and claims for this collection.

To our knowledge no other agency uses forms similar to the SI-1a, SI-1b, SI-3, SI-7, SI-8, ID-7H, ID-11a or ID-11b.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction – Not practicable for Forms SI-1a, SI-1b, SI-7 and SI-8 as they are part of larger process that will not be automated; Not practicable for Form ID-11a, ID-11b or ID-7h because RRB initiates form and it has pre-filled data. The RRB has plans to make Form SI-3 available for Internet processing sometime in FY 2010. The RRB will submit a new request to OMB well in advance of implementation.
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 to Forms SI-1a, SI-1b, ID-11A or ID-11B, since the RUIA requires a claimant to apply for benefits once during each spell of sickness. Consequently, less frequent collection of the information by these forms would be contrary to law. Under RRB regulations, a Form SI-3 must be filed for each 14-day registration period in which sick days are claimed. Failure to file a claim form would result in a loss of sickness benefits to the employee for that particular registration period. Also, not applicable to Forms SI-8 and ID-7H since the information

obtained by these forms is solicited only once. Less frequent use of Form SI-7 would result in erroneous benefit payments for days on which the claimant is able to work.

7. Special circumstances - None
8. Consultations 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 54643 of the September 22, 2009, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to Respondents - None
10. Confidentiality - Privacy Act System of Records, RRB-21, Railroad Unemployment and Sickness Insurance Benefit System - RRB.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The burden currently in the inventory and the adjusted annual burden for the information collection follow:

Current Burden

Form	Annual Responses	Time(Min)	Burden (Hrs)
SI-1a/1b (ee) (#)	22,200	10.0	3,700
SI-1a/1b* (doctor)	22,200	8.0	2,960
SI-3 (#)	169,000	5.0	14,083
SI-7*	33,600	8.0	4,480
SI-8*	50	5.0	4
ID-7H (#)	50	5.0	4
ID-11A (#)	800	4.0	53
ID-11B (#)	1,000	4.0	67
Total	248,900		25,351

Adjusted

Form	Annual Responses	Time(Min)	Burden (Hrs)
SI-1a (ee)#	22,200	10.0	3,700
SI-1a/1b* (doctor)	22,200	8.0	2,960
SI-3 (#)	145,000	5.0	12,083
SI-7*	22,600	8.0	3,013
SI-8*	50	5.0	4
ID-7H (#)	50	5.0	4

ID-11A (#)	800	3.0	53
ID-11B (#)	1,000	3.0	67
Total	213,900		21,884

= IC- Individuals or Households

*= IC - Business or other for profit

	<u>Responses</u>	<u>Hours</u>
Total Change	<u>-35,000</u>	<u>-3,467</u>
Adjustment	-35,000	-3,467

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to the Federal Government - N.A.
15. Explanation for change in burden – Enhanced RRB program tracking capabilities allows the RRB to reduce the estimate of Form SI-3's and SI-7's filed to reflect actual usage. We have shown the decline of 35,000 responses and 3,467 hours of burden as an adjustment.
16. Time schedule data collection and publication - The results of this collection will not be published.
17. Request not to display OMB expiration date - Given the costs associated with reprogramming, redrafting, reprinting, and distributing the forms in this collection in order to keep the appropriate expiration date in place, the RRB requests the authority to not display the OMB expiration date on the forms associated with this collection.
18. Exceptions to Certification Statement - None