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# CHILD'S DISABILITY BENEFITS

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United States of America  
Railroad Retirement Board

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## Chapter 1 - Application Forms

To receive the disability benefits described in this booklet, you must file an application form. This chapter will explain the forms you must file to receive a disability benefit.

### Children of Deceased Employees

To receive monthly survivor disability annuity payments, Form AA-19a, *Application for Determination of Child Disability*, must be filed with Form AA-19, *Application for Child's Annuity*, or Form AA-18, *Application for Mother's/Father's and Child's Annuity*.

If you have filed for a disability annuity, you are automatically considered for early Medicare coverage.

### Children of Living Employee Annuitants

As the child of a living employee annuitant, you are not eligible to receive annuity payments in your own right. However, you may be included in the employee's annuity payments under a special guaranty provision, or you may qualify a spouse for an annuity. Form AA-19a, *Application for Determination of Child's Disability*, must be filed to qualify an employee or spouse for these benefits.

If your disability increases the amount of the employee's annuity payments or if your disability qualifies a spouse for an annuity, you are automatically considered for early Medicare coverage. Otherwise, you must file Form AA-19a, *Application for Determination of Child's Disability*, to receive early Medicare coverage.

## Chapter 2 - Medical Evidence

When you apply for any type of disability benefit, it is your responsibility to prove to the Railroad Retirement Board (RRB) that you are "permanently *disabled*" (see Part VI, *Item 6*, for definition). You must provide or tell us about any evidence which may show that you are disabled.

## **Part I - General Information**

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### How to Furnish Medical Evidence

You may furnish medical evidence in three ways:

1. We will give you a report form for your personal physician to complete. In this way we can get information about your condition from the medical source who knows you best.
2. We will ask you to sign an authorization to release to the RRB any hospital, clinic, or employer medical records about your condition.
3. We may ask you to be examined at the RRB's expense if more evidence is needed to:
  - obtain more detailed or specialized medical findings about your condition, or
  - resolve conflicts or differences in the evidence already in file.

### Acceptable Sources of Medical Evidence

The following are acceptable sources of medical evidence:

- Licensed physicians
- Licensed osteopaths
- Licensed or certified psychologists
- Licensed optometrists
- Persons authorized to send copies or summaries of the medical records of hospitals, clinics, sanatoriums, medical institutions or health care facilities.

### Other Sources of Information

Sometimes, information from other sources can be important to a decision about your disability, such as:

- school records,
  - public and private social welfare agencies,
  - observation by non-medical sources (for instance a vocational consultant),
  - other practitioners (naturopaths, chiropractors, audiologists, etc.).
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Failure to Submit Evidence

It is in your best interest to fully cooperate if medical or other evidence is needed so that the decision on your claim will be based on the best information available.

If you fail to submit medical evidence that is needed and requested, a decision will be made on the evidence available.

If you fail or refuse to report without good cause for an examination scheduled and paid for by the RRB, it may be decided that you are not disabled.

**Chapter 3 - After You Return Your Application**

After the RRB receives your completed application and all the needed evidence, the RRB will decide if you are entitled to disability benefits.

If you cannot receive disability benefits, the RRB will send you a notice explaining:

- why you cannot receive disability benefits, and
- what you can do if you disagree with the reason you cannot receive them.

If you can receive disability benefits, you will receive a notice which shows the amount of your monthly payments, if any, and other information about your benefits.

Sometimes the RRB will not be able to make a decision on your application without obtaining additional information. If so, an RRB representative will contact you by telephone or mail. You may be asked to send us the additional forms, proofs, or statements that are needed. You may also be asked to report for a medical examination.

Unless you receive a request for additional information, the RRB will notify you of the decision on your application in five to six months. If you do not hear from us within that time, contact the nearest RRB office so we can find out what is causing the delay.

## **Part I - General Information**

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### **Chapter 4 - Periodic Review of Disability**

Your case may be periodically reviewed to determine if your condition is still severe enough to prevent you from working. This is necessary to see if your disability annuity or early Medicare coverage should continue.

When your case is reviewed, we may ask you for information and evidence or to report for a medical examination.

### **Chapter 5 - Information and Assistance**

Any time you need information or assistance, you may contact the nearest field office of the RRB. In addition to the personal attention you will receive, special booklets and other printed material are available. To locate the nearest RRB office visit our Web site at <http://www.rrb.gov>, or call our toll-free HelpLine at 1-800-808-0772.

If you need to personally visit one of our field offices, please call for an appointment. You will not be refused service if you do not have an appointment, but our staff can serve you better when an appointment is made. Most offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.



## Chapter 6 - Eligibility Requirements for a Disability Annuity

The special requirements you must meet in order to receive a disability annuity are described in this chapter.

In addition to meeting the general annuity requirements for a surviving child described in booklet RB-17, *Survivor Annuities*, you must:

- be at least age 18, and
- be permanently disabled for all regular work before age 22.

NOTE: If you previously received a disability annuity, you must be "permanently disabled" within 84 months (7 years) of your last entitlement to an RRB disability annuity (see Part VI, *Item 6*, for definition).

Sometimes a child may file Form AA-19a, Application for Determination of Child's *Disability*, between ages 16 and 18 to qualify a widow or widower for full mother's or father's annuity payments.

## Chapter 7 - When Your Disability Annuity Can Begin

You may select the date you wish your disability annuity payments to begin.

The date you may select is either:

- the earliest date permitted by law, or
- another date that may be more advantageous to you.

Generally, the earliest date permitted by law is the **latest** of the following:

The first day of the month in which the employee died.

The first day of the sixth month before the month your application was filed. (Applications filed before September 1, 1983, had 12 months retroactively.)

- The first day of the month you are permanently disabled.
- The first day of the month you attain age 18.

If the date you select is earlier than the earliest date permitted by law, your annuity will begin on the earliest date permitted by law.

## **Part II - About Your Survivor Disability Annuity**

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### **Chapter 8 - How Work Can Affect Your Disability Annuity Payments**

If you perform work after your disability annuity begins, full monthly payments will continue until it is determined that your disability has ended and you are no longer entitled to a disability annuity. Your annuity is not payable for any month in which you work for a railroad employer, and you must return your annuity payment for that month to the RRB.

Your work and earnings will be evaluated to see if you are able to do "*regular work*" (see *Part VI, Item 8, for definition*). Also, any work performed after your disability annuity begins may raise a question about "*medical recovery*" (see *Part VI, Item 4, for definition*) **regardless** of the amount of your earnings. If this happens, you will be asked for additional information about your medical condition and we may request you to be examined.

### **Chapter 9 - Felony Conviction Can Affect Your Annuity**

The amount of your annuity may be affected if you are:

- convicted of a felony which was committed after October 19, 1980, or
- imprisoned or confined for conviction of a felony.

See Part VI, Items 1 and 2, for definitions of "*Confinement*" and "*Felony*."

### **Chapter 10 -When Your Disability Annuity Could End**

Entitlement to a disability annuity payment ends effective with the **earliest** of the last day of the:

- month before the month in which your death occurs,
  - second month after the month in which your disability ends,
  - month before you marry.
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## Part II - About Your Survivor Disability Annuity

Disability ends if you:

- "medically recover" (see *Part VI, Item 4, for definition*) so that you are **able** to work, or
- return to work and hold a job whether or not there has been any substantial improvement in your condition. (See *Part VI, Item 10, Trial Work Period.*)

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## **Chapter 11 - Types of Medicare Coverage**

Medicare is a two-part Federal health insurance program for people age 65 or older and certain disabled people. One part is Hospital insurance (also called Part A). The other part is Medical insurance (also called Part B).

Hospital insurance can help pay for:

- medically necessary inpatient hospital care,
- inpatient care in a skilled nursing facility, and
- care in your home by a home health agency.

Medical insurance can help pay for:

- medically necessary doctors' services,
- outpatient hospital services,
- outpatient physical therapy and speech pathology services, and
- a number of other medical services and supplies that are not covered by the Hospital insurance part of Medicare.

If you are permanently disabled for any regular work before age 22, Medicare coverage may begin on the first day of the 25<sup>th</sup> calendar month you meet all of the eligibility requirements described in Chapter 12.

If you suffer from chronic renal disease, Medicare coverage may begin after a three-month waiting period. Contact the Social Security Administration for this coverage.

## Part III - Applying for Medicare Before Age 65

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### Chapter 12 - Eligibility Requirements for Medicare

To be eligible for Medicare coverage before age 65, you must be:

- at least age 18, or
- "*permanently disabled*" for all "*substantial gainful work*" (see Part VI, Items 6 and 9, for definitions)" before age 22.

NOTE: If you were previously entitled to Medicare, you must be permanently disabled before the end of the 84<sup>th</sup> month (7 years) of your last entitlement to an RRB disability annuity.

In addition, you must meet one of the following requirements:

- Receive disabled child annuity payments.
- Be **eligible** to be included in the employee's annuity payments.
- A spouse's annuity is payable because you are disabled and in the spouse's care.

### Chapter 13 - When Your Medicare Could End

#### Medical Recovery

If it is determined that your condition has improved and that you are medically able to work, your Medicare coverage will end. This is true whether or not you have actually worked. When this happens, your Medicare coverage ends with the **latest** of the last day of the:

- second month after the month in which your "*medical recovery*" (see Part VI, Item 4, for definition) occurs,
- month after the month in which you were notified in writing that your disability ended,
- month in which your death occurs.

#### Work

If you are working, or have worked since your coverage began, your Medicare coverage may end. This is true even though your medical condition may not have improved. Unless medical recovery occurs first, your Medicare coverage ends with the **earlier** of the last day of the:

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### **Part III - Applying for Medicare Before Age 65**

- 24<sup>th</sup> month after you have completed a "trial work period" (see Part VI, *Item 10*, for definition) and it is determined you performed "substantial gainful work" (see Part VI, *Item 9*, for definition),
- month in which your death occurs.

#### **Chapter 14 - Enrollment for Medicare**

As soon as you are determined to be eligible for Medicare, and have met the eligibility requirements, you will automatically be enrolled for Hospital insurance coverage (Part A). You pay nothing for this coverage. You will also be automatically enrolled for Medical insurance coverage (Part B). You will have to pay a monthly premium for Part B. If you receive a benefit payment, the premium will usually be deducted from your monthly payment. If you choose not to receive Part B coverage, you must notify the Railroad Retirement Board.

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## Part IV - Events That Can Affect Your Disability Benefits

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### Chapter 15 - Events You Must Report

This chapter describes the different events that will affect your disability benefits. You should be aware of these different events and notify us immediately if any of them applies to you.

The events you should report can affect:

- the amount of your monthly payment, or
- whether you can continue to be paid at all, or
- whether your early Medicare coverage can continue.

Keep this booklet handy and refer to this part occasionally to see if you need to report any event to the Railroad Retirement Board (RRB).

The following events must be **promptly** reported to the RRB:

- If you perform **any** work, including self-employment, regardless how much you earn.
- If your condition **improves**, or your doctor tells you that you are **able** to work.
- If you are **convicted** of a felony.

These events must be reported in addition to any other events you must report described in booklets RB-17, *Survivor Annuities*, or RB-30, *Spouse Annuity*.

### Chapter 16 - How to Report an Event

If at any time after you have completed your application you find that one of the conditions explained in Chapter 15 applies to you, immediately notify the RRB in writing. The notice should be sent to the RRB field office at the address shown on the receipt for your application. However, if you wish, you may also call or visit that office.

When you report an event, be sure to include the following:

- your railroad retirement claim number, which is shown at the top of your application receipt, and
  - your name (or the child's name if you are reporting an event for a child), and
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#### **Part IV - Events That Can Affect Your Disability Benefits**

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- the railroad employee's name, and
- a clear explanation of what event you are reporting, and
- the exact date (month, day, year) that the event occurred.

If you are reporting work, it is important that you also furnish:

- the kind of work you are doing,
  - the name and address of your employer,
  - how much you expect to earn each month,
  - the period of time you expect to work, and
  - how many hours per week you work.
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## Chapter 17 - Taxation of Railroad Retirement Annuities

Railroad retirement, survivor, and disability annuities are subject to United States (U.S.) Federal income tax. Detailed information concerning the taxation of annuities is available in Booklet TB-85, *Information About the Taxation of Railroad Retirement Annuities*. You can get a copy of Booklet TB-85 from any RRB office.

Under Section 14 of the Railroad Retirement Act, railroad retirement, survivor, and disability annuities are not taxable for state income tax purposes.

If you want to have taxes withheld from your annuity or want further information regarding tax withholding, you should get Booklet TB-25, *Tax Withholding and Railroad Retirement Payments*. If you are a U.S. citizen residing outside of the U.S. or a nonresident alien, you should complete Form RRB-1001, *Nonresident Questionnaire*, to claim a tax treaty exemption that may result in reducing tax withholding or no tax withholding.

For assistance with your tax inquiries, or to request RRB forms and publications, contact:

- your nearest RRB field office (if you reside inside the U.S.) or
- a U.S. consulate/embassy (if you reside outside the U.S.).

If you have questions about how to figure your taxable payments or what amounts to show on your income tax return, contact your own tax preparer or the Internal Revenue Service.

## Chapter 18 - Special Railroad Retirement Board Terms Defined

The following are definitions of certain terms used throughout the booklet.

1. **Confinement** - To be imprisoned or under a sentence of confinement means confinement to a jail, prison, or other penal institution or correctional facility. This includes any facility which is under the control and jurisdiction of a penal system, or any facility in which a person may be confined. This also includes hospitals, institutions, and half-way houses which are used as a place of confinement. A person under a sentence of confinement to any of these facilities is considered confined even though he or she may go outside the facility to work, attend school, or for some other reason.

**Note:** A prisoner who is released on parole or because the sentence has ended or has been suspended or overturned, is no longer considered to be confined or imprisoned.

2. **Felony** - A crime is a felony if it is considered to be a felony under applicable law. Most states define certain crimes as felonies. However, some states and foreign countries do not classify crimes as felonies. If a crime has not been classified as a felony, it is still considered to be a felony if it is a crime punishable by death or imprisonment for more than one year.
3. **Imprisonment** - See *Confinement*.
4. **Medical Recovery** - A person has medically recovered from disability if, based on medical evidence or demonstration by the individual, it is determined that the individual is able to return to regular or substantial gainful work. Also see *Regular Work* and *Substantial Gainful Work*.
5. **Permanent Medical Condition** - A permanent medical condition is a medically determinable mental or physical condition or impairment which has lasted, or is expected to last, for a continuous period of at least 12 months, or is expected to result in death.
6. **Permanently Disabled** - To be permanently disabled, you must have a permanent medical condition that prevents you from working. Also see *Permanent Medical Condition*.

Several unrelated conditions that are not considered severely disabling in themselves can be combined and considered together to see if in this way they prevent work.



## Part VI - Glossary

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You are considered unable to work if your condition prevents you from performing basic work activities. These activities are those physical and/or mental abilities and aptitudes required to do most jobs, such as:

- walking, standing, sitting, lifting, pulling, pushing, reaching, carrying, or handling;
- seeing, hearing and speaking;
- understanding, carrying out, and remembering simple instructions; using judgment;
- responding appropriately to supervision, co-workers, and usual work situations;
- dealing with changes in the work setting.

You will not be considered permanently disabled if you fail to follow treatment prescribed by your doctor that may restore your ability to work. However, you will not be penalized if the reason you did not follow prescribed treatment is acceptable to the RRB.

7. **Regular Work** - Regular work is the performance of the full range of material and substantial duties of any regular and gainful employment with any employer. Substantial duties are those which involve significant mental or physical activity even if they are only done part time. Gainful employment is work that is done for pay or profit, or is the kind that is usually done for pay or profit even if no profit is realized. Also see *Substantial Gainful Work*.
8. **Substantial Gainful Work** - This is any work generally done for pay or profit that involves performing significant physical or mental duties. Work may be considered substantial even if it is done part time. In evaluating work, consideration is given to job duties, skill, and experience required to do the job in addition to pay. Although current work may pay less or may be different from previous work, a person may not necessarily be considered disabled. Also see *Regular Work*.

9. **Trial Work Period** - If you work after your disability benefits begin, you may receive a trial work period during which you may test without penalty your ability to work. A trial work period may last nine months (not necessarily consecutive). In some cases, the trial period can be extended. After the trial work period we will decide whether you are still disabled.

You cannot qualify for a trial work period if you have medically recovered. Also see *Medical Recovery*.

All of the rules for determining if you qualify for a trial work period are not covered in this booklet due to their complexity. If you have any questions about them, contact the nearest field office of the RRB.

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

Under Section 504 of the Rehabilitation Act of 1973 and Railroad Retirement Board (RRB) regulations, no qualified person may be discriminated against on the basis of disability. RRB programs and activities must be accessible to all qualified applicants and beneficiaries, including those who are vision or hearing-impaired. Disabled persons needing assistance (including auxiliary aids or program information in accessible formats) should contact the nearest RRB office. Complaints of alleged discrimination by the RRB on the basis of disability must be filed within 90 days in writing with the Director of Administration, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. Questions about individual rights under this regulation may be directed to the RRB's Director of Equal Opportunity at the same address shown above.

## **FRAUD AND ABUSE HOT LINE**

Call the toll-free Fraud and Abuse Hot Line if you have reason to believe that someone is receiving railroad retirement or unemployment-sickness benefits to which (s)he is not entitled; that persons responsible for the financial affairs of minors or incompetent beneficiaries are misappropriating benefits; or that a doctor, hospital, or other provider of health care services is performing unnecessary or inappropriate services or is billing Medicare for services not received. You may also use the Hot Line to report any suspected misconduct by a Railroad Retirement Board (RRB) employee. The Hot Line has been installed by the RRB's Inspector General to receive any evidence of fraud or abuse of the RRB's benefit programs.

Call (toll-free) 1-800-772-4258. Or you may send your complaints in writing to the RRB, OIG, Hot Line Officer, 844 North Rush Street, Chicago, Illinois 60611-2092.

Please do not call the Inspector General's Hot Line with questions about eligibility requirements, delayed claims, or similar problems. Such matters should be directed to the nearest RRB field office.