

Justification
Application for RRB Survivor Insurance Annuities

RRB Forms AA-17, AA-17b, AA-17cert
AA-18, AA-19, AA-19a, and AA-20

1. Circumstances of information collection - Under Section 2(d) of the Railroad Retirement Act (RRA), annuities are payable to surviving widow(er)s, children, and certain other dependents. Lump-sum benefits are payable after the death of a railroad employee only if there are no qualified survivors of the employee immediately eligible for annuities. With the exception of a lump-sum residual death benefit, eligibility for survivor benefits depends on whether or not the employee was "insured" under the RRA at the time of death.

To be insured under the RRA, an employee must have at least 10 years of railroad service, or 5 years of railroad service after 1995, and a "current connection" with the railroad industry at the time of retirement or death. To meet the current connection requirement, an employee must generally have worked for a railroad in at least 12 of the months in the 2-1/2 years before retirement. (If the employee died before retirement, railroad service in at least 12 of the months in the 2-1/2 years before death will meet the current connection requirement for the purpose of paying survivor benefits.)

If a deceased employee was not insured, jurisdiction of any survivor benefits payable is transferred to the Social Security Administration (SSA), and survivor benefits are paid by that agency instead of the RRB. Regardless of which agency has jurisdiction, the deceased employee's railroad retirement and social security credits will both be used for the purpose of benefit computations.

Types of Survivor Benefits

Annuities are payable to widow(er)s and unmarried children. In certain cases, benefits are also payable to dependent parents, remarried widow(er)s, grandchildren, and surviving divorced spouses.

Widow(er)s' annuities are payable at:

- age 60. Age reductions are applied if the annuity begins before the widow(er) attains retirement age;
- ages 50-59. The widow(er) must be permanently and totally disabled and unable to work in any regular employment. The disability must have begun within 7 years after the employee's death or within 7 years after the termination of an annuity based on caring for a child of the deceased employee. A 5-month waiting period is required after the onset of disability before a disability annuity can begin; and,
- any age if the widow(er) is caring for a child of the deceased employee who is under age 18 or a disabled child of any age who became disabled before age 22.

Survivor annuities may also be payable to the following:

- a parent at age 60 who was dependent on the employee for at least half of the parent's support. If the employee was also survived by a widow(er) or child who can qualify for an annuity, the parent's annuity is limited to the amount that social security would pay (Tier I only);
- a remarried widow(er) or a surviving divorced spouse. Benefits are limited to the amount social security would pay (Tier I only).

If a widow(er) has remarried since the death of the employee, he or she must have remarried after age 60 (age 50-59 if disabled and was entitled to a disability annuity prior to the remarriage). If the remarriage occurred before age 60, the remarriage must have ended. The widow(er) must also have attained age 60; or be between the ages 50-59 and be totally disabled; or be under age 60 and have in his or her care and custody, a child of the employee who is under age 16 or over age 16 and disabled; and

- a surviving divorced spouse may qualify if married to the employee for at least 10 years, is unmarried (or remarried under the conditions described above) and has attained age 60 or is age 50-59 and is totally disabled. A surviving divorced spouse can qualify at any age if he or she is caring for a child of the employee who is under age 16 or is over age 16 and disabled. In this type of case, the 10-year marriage requirement does not apply.

The portion of a survivor annuity equivalent to a social security benefit may continue to be paid to a widow(er), remarried widow(er), or surviving divorced spouse who remarries after age 60, or to a disabled widow(er), remarried disabled widow(er) or disabled surviving spouse who remarries after age 50. Benefits may also continue for a young widow(er) if he or she is caring for a child of the employee who is under age 16 or disabled, provided that the remarriage is to a person receiving railroad retirement or social security benefits.

Other survivor annuities are payable to:

- a child under age 18;
- a child age 18-19 in full-time attendance at an elementary or secondary school, payable until the earlier of the date the student graduates from high school or the end of the school term 2 months after the student attains age 19;
- a disabled child over age 18 if the child became totally and permanently disabled before age 22;
- a dependent grandchild meeting any of the requirements described above for a child, if both the grandchild's natural parents are deceased or disabled; and
- a step-child or adopted child of the employee meeting any of the requirements described above for a child, if the employee was contributing at least one-half of the money and goods needed for that child's support at the time the employee died or, when applicable, at the beginning date of the employee's period of disability.

The requirements for the benefits are prescribed in 20 CFR 216, 217, 218 and 219.

***Terms of Clearance:**

Pursuant to OMB M-07-16, OMB approved this information collection for 24 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(I) 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. Purposes of collecting/consequences of not collecting the information** - Details concerning the forms currently used by the RRB to obtain information for determining entitlement to and amount of the various survivor annuities and the RRB's proposed revisions to these forms follow.

Form AA-17, Application for Widow(er)'s Annuity, is used when the applicant is a widow(er) or a surviving divorced spouse filing on the basis of age or disability. Applicants filing on the basis of disability also complete Form AA-17b as a supplement to the AA-17. Applicants filing

on the basis of a child of the employee in care should use Form AA-18 rather than Form AA-17.

- **The RRB proposes no changes to Form AA-17**

Form AA-17b, Application for Determination of Widow(er)s Disability, is used as a supplement to Forms AA-17 or AA-18 when a widow(er) or surviving divorced spouse is filing for an annuity or Medicare benefits on the basis of disability. A disability annuity may be payable if the widow(er) or surviving spouse is unable to work in any regular employment because of permanent disability. The application asks for information about the applicant's medical condition, medical care, education, training, and work activity. Field office personnel use the information from Items 16-27 to initiate requests for medical evidence used in disability determinations. The evidence is secured by Forms G-250, G-250a and RL-11b (OMB 3220-0038). If the AA-17 or AA-17b indicates that the applicant has filed for benefits at SSA, we ask SSA for any medical evidence they have developed before initiating our own request.

The RRB proposes no changes to Form AA-17b.

Form AA-18, Application For Mother's/Father's and Child's Annuity, is used when the applicant is a widow(er) or surviving divorced spouse, and the applicant is caring for a child, under age 18, of the employee or for a child who became disabled before age 22. The form serves as an application for both the applicant's and child(ren)'s benefits.

The RRB proposes no changes to Form AA-18.

Form AA-19, Application for Child's Annuity, is used when monthly benefits may be payable to a minor child under age 18, a disabled child over age 18 (if the child became permanently disabled before age 22) or a child age 18-19 who is in full-time attendance at an elementary or secondary school.

Form AA-19 is completed

- on behalf of a minor or disabled child when there is no widow(er) applying for benefits or the widow(er) applying is not related to the child and is not the guardian. One application is completed for all children belonging to the same guardian. An application on behalf of a disabled child is accompanied by Form AA-19a.
- by a child who is age 18-19 and in full-time attendance at an elementary or secondary school at the time of the employee's death. Field office personnel use RRb Form G-315, Student Questionnaire, (OMB 3220-0123) to inquire about the student's school attendance, work, and marriage status.

The RRB proposes no changes to Form AA-19.

Form AA-19a, Application for Determination of Child's Disability, which is completed by, or on behalf of, a child over age 18 who became permanently disabled before age 22, is used as a supplement to the survivor application Forms AA-18 and AA-19, as well as the retirement application Form AA-3 and the retirement Special Guarantee Form G-319 (since the existence

of an eligible disabled child may increase the annuity of an employee applicant or provide eligibility for a spouse to establish the eligibility of a widow(er) on the basis of having responsibility for the care of a disabled child over age 18 (16 in some cases). Form AA-19a asks for information about the child's medical condition, medical care, education training and work activity. Medical evidence is secured as explained in the AA-17b section above.

The RRB proposes no changes to Form AA-19a.

Form AA-20, Application for Parent's Annuity, is used when the applicant is applying for a parent's annuity.

The RRB proposes no changes to Form AA-20. Specifically, revised page 12 to add "Act" to title after "Paperwork Reduction" and updated the burden statement to reflect an organizational change.

Since April 2001, the RRB has used the Application Express (APPLE) System to automate the survivor annuity application information gathering process (first approved for use by OMB 3/27/2001). As part of the process, the RRB uses **Form AA-17cert, Application Summary and Certification**.

Form AA-17cert was developed as a result of a cooperative effort between staff from the RRB's Office of Inspector General, Office of General Counsel, Office of Programs and Bureau of Information Systems and its use was endorsed by the RRB's Board Members.

Form AA-17cert largely replaces manual forms AA-17, AA-18, AA-19, and AA-20. Details regarding the automated capturing of AA-17, AA-18, AA-19, and AA-20 information follow.

The information requested mirrors the information requested on manual RRB Forms AA-17, AA-18, AA-19, and AA-20. However, instead of manually completing Forms AA-17, AA-18, AA-19, and AA-20, the applicant is interviewed by an RRB field-office representative who enters the information on-line via the APPLE system. The APPLE system automatically pre-fills identifying information resident in RRB automated systems. Depending on the response to a question, the system automatically generates the next appropriate question, eliminating the confusion associated with skip patterns ("go to items"), significantly reducing the estimated completion time for the process. In addition to the burden reduction, the direct entry of the application data into the APPLE system expedites the payment process, thereby enhancing RRB customer service goals. Upon completion of the on-line application process the APPLE system generates Form AA-17cert.

Form AA-17cert is divided into three parts:

I. Part 1 summarizes information about the employee.

Part 2 summarizes information about the applicant.

Part 3 provides for the certification and signature of the applicant. It includes statements that:

- the information given with regard to the application is true;
- the applicant received and reviewed a summary of the information they provided;
- the applicant received the correct booklets;
- the applicant is obligated to advise the RRB of any errors in the summary they received;
- and the applicant knows making a false or fraudulent statement is committing a crime punishable under Federal Law.

A footer on each page includes the form number, the page number, and a unique identifier. The unique identifier consists of the employee's social security number, the **application type code** and the time and date of generation. After the application is released, Form AA-17rec, which serves as a receipt, advises the applicant that the processing of their application has begun is provided to the applicant. Form AAS-17rec also provides a general description of the application process and the telephone number of the appropriate RRB field office to call if there are changes that need to be reported.

The RRB proposes no changes to Form AA-17cert.

NOTE: The Paperwork Reduction and Privacy Act notices associated with the AA-17cert are included in RRB booklet RB-17, Survivor Annuities.

An in-person interview at an RRB field office is the preferred option offered to persons applying for benefits. The other options are, an in-person interview at an itinerant point, a telephone interview or self-administration.

The application package the applicant receives includes an RL-1s transmittal letter, booklet RB-3, Furnishing Evidence to Support Your Claim, and whichever of the following informational booklets are appropriate:

- RB-17, Survivor Annuities
- RB-17b, Widow(er)'s Disability Benefits
- RB-19a, Child's Disability Benefits

The RL-1s transmittal letter tells the applicant what forms and booklets should be enclosed and what proofs are needed to support the claim. Booklet RB-3, explains the types of documents which can serve as evidence and gives suggestions for obtaining such documents. The informational booklets explain what the applicant needs to know in order to complete the application properly, and what the RRB does after receiving the annuity application.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction – The RRB has used the APPLE (*Application Express*) system to automate the survivor benefit application process since OMB approved on 3/27/2001. Implementation of the APPLE system has significantly expedited the payment of survivor claims while reducing respondent burden. Note: RRB Forms AA-17b and AA-19a, are not scheduled for automation due to the need for a face-to-face interview with the applicant and 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 collected only once from each respondent.
7. Special circumstances - N.A.
8. Public comments/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 18408 and 18409 of the April 22, 2009, Federal Register. No comments/requests for additional information were received.
9. Payments or gifts to respondents - None
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 current and revised estimated annual burden for this collection is as follows:

Current Burden

Form #	Annual Responses	Time (Min)	Burden (Hrs)
AA-17 (without assistance)	150	47	113
AA-17b (total)	400		270
(with assistance)	380	40	253
(without assistance)	20	50	17
AA-17cert	3,265	20	1,088
AA-18 (without assistance)	12	47	9
AA-19 (without assistance)	9	47	7
AA-19a (total)	300		230
(with assistance)	285	45	214
(without assistance)	15	65	16
AA-20 (without assistance)	1	47	1
Total	4,137		1,718

Proposed Burden

Form #	Annual Responses	Time (Min)	Burden (Hrs)
AA-17 (without assistance)	100	47	78
AA-17b (total)	300		204
(with assistance)	280	40	187
(without assistance)	20	50	17
AA-17cert	3,000	20	1,000
AA-18 (without assistance)	12	47	9
AA-19 (without assistance)	9	47	7
AA-19a (total)	300		230
(with assistance)	285	45	214
(without assistance)	15	65	16
AA-20 (without assistance)	1	47	1
Total	3,722		1,529

	Responses	Hours
Total burden Change	<u>-415</u>	<u>-189</u>
Adjustment	-415	-189

13. Estimate of annual cost to respondents or record keepers - N.A.
14. Estimated cost to Federal Government - N.A.
15. Explanation for change in burden – The RRB has recalculated the estimated annual responses for Forms AA-17, AA-17b, AA-17cert based on recent usage. We have shown the decrease in responses and the corresponding decrease in burden hours as an adjustment.
16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request not to display OMB expiration date - The forms associated with this collection are seldom revised. Given the costs associated with redrafting, reprinting and distributing the forms in order to keep the appropriate OMB expiration date in place, the RRB requests authorization to **not** display the expiration date on the forms.
18. Exceptions to Certification Statement - None