

## **Nondiscrimination on the Basis of Disability**

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

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# **Your Duties as Representative Payee**

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## ***Representative's Payee Record***

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**Railroad Retirement Board  
Chicago, Illinois 60611**

## Events which Must Be Reported to the RRB

A representative payee is responsible for knowing what events will affect the beneficiary's continuing right to monthly benefits. The payee is also responsible for promptly reporting the occurrence of such events to the RRB. The events are as follows:

- The beneficiary marries, remarries, or divorces.
- Your address changes.
- The beneficiary's address changes.
- The beneficiary is convicted of a felony.
- The beneficiary performs any work, including self-employment.
- The beneficiary begins to receive a public service pension, or there is a change in the amount of the pension.
- An application for social security benefits is filed on any person's earnings record.
- The beneficiary is outside the United States for more than 30 consecutive days.
- The beneficiary dies.
- A student beneficiary graduates from high school or ceases full-time attendance.

You have accepted the responsibility of receiving and using Railroad Retirement Act annuity payments or health insurance benefits for another person.

Payments will be made to you for the beneficiary because it has been decided that this will best serve the interest of the beneficiary. When payments are made in this way through a representative payee, it is generally because they are for a child, or an adult who is incapable of using the benefits in his own interest.

This booklet discusses your responsibility in handling the other person's railroad retirement check. The nearest Railroad Retirement Board office will be glad to answer any questions you have. Most Railroad Retirement Board offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

*Note: If you live outside the United States, you will want to keep in touch with your nearest U.S. Foreign Service post or other office which distributes the check you receive.*

### 1. What are my duties as a representative payee?

Your job is to use the railroad retirement benefits you receive for the beneficiary in his best interest. To do this you must keep yourself informed of what the beneficiary needs. This is particularly important when the beneficiary does not live in your home. You must also report (for the beneficiary) certain events which can affect the payment of his railroad retirement benefits, and, upon request, you must be able to account for what you did with the benefits paid to you on behalf of the beneficiary.

## 2. What should I do with the Railroad retirement benefits?

Since railroad retirement benefits are intended to replace part of the income on which most families are dependent and which is lost because of the disability, retirement, or death of the worker, the benefits will ordinarily be used to provide for the beneficiary's basic needs. First consideration must always be given to using the benefits for the person's day-to-day maintenance. This includes paying the expenses of food, shelter, clothing, and meeting personal needs, such as pocket money if the person is able to use it. Beyond this, benefits may be used to take care of special needs the person may have, such as school expenses, rehabilitation or medical expenses, and other purposes that are in the beneficiary's best interest.

Railroad retirement benefits which are **not required** for the beneficiary's current support and needs, **because you use** your own or other money to support him, **must either be saved** or otherwise invested. However, the money may **sometimes** be used for the support of a legally-dependent spouse, **child**, or parent. (See question 6).

*If you decide to use your own or other money instead of the railroad retirement benefits for the current support of the beneficiary and save or invest the benefits for him, you cannot ordinarily use the conserved benefits to repay others or yourself later.*

## 3. What should I do if the beneficiary is receiving health care under the Medicare health insurance program?

When a person having health insurance protection receives medical treatment or care, you should:

- Read "Your Medicare Handbook," Form RB-23.
- Have the person's health insurance card available.
- Keep records of the services received and of the **expenses** incurred or paid.

- See that the proper claims are made for Medicare benefits.

You can get health insurance information at Railroad Retirement Board (RRB) offices.

## 4. How must I account for the railroad retirement benefits?

Your relationship to the beneficiary has become like that of a trustee now that you have been chosen as a representative payee. One of your key fiduciary responsibilities in this relationship is to maintain appropriate records and documentation pertaining to your use of benefit payments on the beneficiary's behalf. At the RRB's request, you will be expected to provide the necessary information to account for your use of the funds. Periodically, you will be asked to complete a representative payee report which will include the following questions:

- How were the railroad retirement benefits available during the year used for the support of the beneficiary (room, board, clothing, medical and dental care, personal needs, etc.)?
- How much of the railroad retirement benefits did you save for the beneficiary?
- How did you invest the savings? (See question 8 of this pamphlet.)
- Where did the annuitant live during the year?
- What was the annuitant's amount of income from other sources during the year?

In order to complete the questionnaire correctly, it is a good idea to keep current records of railroad retirement payments you receive and of what you do for the beneficiary with the proceeds of the payments. This booklet contains a representative payee's record designed to help you keep accurate records. Additional records may be obtained from any RRB field office. You should retain these records for four years.

**5. How should I use the railroad retirement benefits of a person who is in a nursing home or other institution?**

Priority should be given to using benefits for "current maintenance needs" of a beneficiary who is a patient in a Federal, State, or private institution because of his physical or mental incapacity. "Current maintenance" includes the usual charges the institution makes for providing care and maintenance.

You should communicate with an official of the institution or the designated State officer and arrange, if required, to pay part of the benefits to meet the charges for the beneficiary's care and support. You may not be required to use the benefits to pay maintenance charges when:

- The beneficiary's total assets are small, or
- The beneficiary's legally dependent spouse or children need to use part of the benefits for their own support, and maintenance charges are waived because of the needs of the beneficiary's family.

You are not required to use the railroad retirement benefits to pay maintenance charges when:

- The beneficiary is in a veteran's hospital, or
- The beneficiary has insurance or other assets that are being used to meet the charges.

When arranging to pay a certain amount regularly for the beneficiary's care and maintenance, you should make sure you will still have enough money left to pay for some of the things the beneficiary needs that are not customarily provided by the institution. You can find out about these things by talking or writing to the hospital superintendent, the doctor in charge, or the social worker. The following are most often needed by patients in public hospitals and may be paid from railroad retirement benefits **to help them** keep up their morale, self-respect, and confidence.

- Personal clothing which is clean, well fitting, and in good style.
- Supplies and articles necessary for personal grooming and care.
- Other things not supplied by the hospital such as books, and magazines.
- Eyeglasses, false teeth, hearing aids, medical and dental care.
- Transportation for trial visits to relatives or to places where the patient can be helped to recover. A little each month may be saved to pay the expenses of these visits.
- Transportation of a close relative, or the representative payee to visit the patient in the hospital. Use of benefits for transportation will be allowed when costs are reasonable and necessary and the visits are in the beneficiary's best interests.
- Supplies and equipment to help the patient learn a trade or hobby; such as materials for metal or leather work, needlework, or furniture making.

**6. When may railroad retirement benefits be used to support the beneficiary's legally dependent spouse, legally dependent child, or legally dependent parent?**

If the current maintenance needs of a beneficiary are being met, you may use part of the railroad retirement benefit payments you are receiving for him to support his legally dependent spouse, child, or parent. If you are not sure of an expenditure, consult your railroad retirement office before using the railroad retirement benefits to support the beneficiary's legally dependent spouse, legally dependent child, or legally dependent parent.

**7. May I pay old bills of the person for whom I am receiving railroad retirement benefits?**

Under the Railroad Retirement Act benefits you are receiving on behalf of another person generally may not be taken away from you by someone who is trying to collect old bills. This provision makes sure that the beneficiary will have his benefits available to pay his day-to-day expenses. Therefore, the benefits you are receiving on behalf of another person should not ordinarily be used to pay bills owed by that person before the first month for which railroad retirement benefits were payable to a representative payee. Railroad retirement benefits may, however, be used to make payments on the beneficiary's house and to pay his taxes and insurance premiums. If you feel that the beneficiary's daily needs are being fully met and payment of an old bill would be in his best interest, discuss the situation with representatives at the nearest RRB office before paying the bill.

**8. How should I invest the railroad retirement benefits I am receiving on behalf of another person?**

You should invest the amount of the railroad retirement benefits that will not be needed by the beneficiary in the near future as a trustee would invest money from an estate. Preferred investments are U.S. savings Bonds, but you may also, for example, deposit money in an insured account in a bank, trust company, or savings and loan association where it can draw interest. You should not keep money in your home where it may be lost or stolen. Neither should you mingle it with your own or other funds. U.S. Savings Bonds bought for a minor beneficiary should be registered as follows:

“(Name of Beneficiary—His Social Security Number) a minor beneficiary for whom (Your Name) has been designated representative payee by the Railroad Retirement Board.”

U.S. Savings Bonds bought for an incapacitated adult beneficiary should be registered as follows:

“(Name of Beneficiary—His Social Security Number) an incapacitated adult beneficiary for whom (Your Name) has been designated representative payee by the Railroad Retirement Board.”

Because the money you receive as a representative payee belongs to another person, bank accounts and other accounts should be registered in a way that shows the money in trust for the true owner. For example:

“(Name of Beneficiary) by (Your Name), representative payee,” and “Name of Beneficiary) by (Your Name), trustee.”

**9. What should I do with the railroad retirement benefits I have saved if I cease to be the representative payee for the beneficiary or if the beneficiary dies?**

If you are no longer going to serve as representative payee, you will generally be required by the RRB to turn over all the railroad retirement benefits you have saved to a new representative payee. However, you may instead be required to turn over all the railroad retirement benefits you have saved to the beneficiary himself. If the beneficiary dies, any of his benefits which you have saved or invested belong to his estate, and must be turned over to the legal representative of the estate for distribution in accordance with State law or must otherwise be handled in accordance with State law. You should be able to get information about State law on this matter from your probate court or attorney.

**10. What must I report about changes in the care and guardianship of the beneficiary?**

Payments to a representative payee are made on the basis of his current responsibility for the beneficiary or his relationship to the beneficiary. The following events which may affect the basis of the initial selection of a representative payee must be reported to the Railroad Retirement Board:

- The annuitant is restored to competency by a State court.
- You are discharged as the legal guardian.
- A legal guardian is appointed or guardianship changes.
- You are no longer responsible for the beneficiary's care and welfare.
- The beneficiary leaves your custody.

#### 11. Where can I get additional information?

If you are uncertain that a proposed use of benefit is proper, write, phone, or visit the nearest Railroad Retirement Board office. Most Railroad Retirement Board offices are open to the public from 9:00 A.M. to 3:30 P.M., Monday through Friday.

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## Representative Payee's Record for the Period

**From:**

**Through:**

### Purpose of This Account Record

You have accepted the responsibility of receiving and using railroad retirement benefits for another person. Periodically the Railroad Retirement Board (RRB) will ask you to report:

- The amount of railroad retirement benefits you receive on behalf of the beneficiary; and
- How you use the money in the interest of the beneficiary.

(Note: You also will be asked the amount of the beneficiary's income other than railroad retirement benefits, but you will not be asked how you spent these other funds.)

You should keep a record showing the beneficiary's total income, how much in railroad retirement benefits you receive on his behalf, and how these benefits are used. You already may have a method of keeping track of it; if not, this booklet may help you. If you keep records in the manner shown in this account book, you will be able to complete your report promptly when you are asked to do so.

The RRB will let you know when your report is needed and how to make it. (Note: Since this account book is for your convenience, do not send it in with your payee report.)

If you find that this booklet is useful, you can get additional copies from the nearest RRB office. In addition, the people there will be glad to answer any questions you have about your responsibilities as a representative payee.

# 1. Information about Beneficiary

If the beneficiary does not live with you during any part of the report period, complete the following:

Name and address of each person or institution where beneficiary lived when not with you	Dates not with you
1	From _____ To _____
2	From _____ To _____
3	From _____ To _____
4	From _____ To _____
5	From _____ To _____
6	From _____ To _____
7	From _____ To _____
8	From _____ To _____

Name and address of each person or institution where beneficiary lived when not with you      Dates not with you

# 2. Total Income Received During Accounting Period

Month and Year	Amount of Railroad Retirement Benefits	Other Income	
		Name of Agency or Other Source	Amount Received
<b>Totals</b>			







## 5. Summary of Railroad Retirement Funds Received and Spent During the accounting Period

- A.** Railroad retirement funds on hand at beginning of period. (Include cash, checking and savings accounts, bonds, etc.) \$ \_\_\_\_\_
- B.** Add total railroad retirement benefits received during period. +\$ \_\_\_\_\_
- C.** Total railroad retirement funds available. \$ \_\_\_\_\_
- D.** Subtract total amount used during the accounting period. -\$ \_\_\_\_\_
- E.** Balance remaining at end of period. \$ \_\_\_\_\_

(This amount will be shown as the total amount of railroad retirement benefits you have on hand at the beginning of the next accounting period.)

Show below how the balance from "E" is held, saved, or invested:

Manner in which held, saved, or invested	Amount	How title or ownership is shown
Checking account: Bank name: Address:		
Insured savings account: Bank name: Address:		
U.S. Savings Bonds (Face value)		
Other—Specify		

## NOTES

You may wish to use this space to add figures or write down reminders. If the beneficiary does not live with you during some months, you may wish to jot down information which shows how you know about his needs during those months (such as names of persons giving you this information, dates you visit the beneficiary, or dates you get in touch with the hospital or person caring for him).

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