

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 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). In these instances, the Railroad Retirement Board (RRB) must secure additional information to resolve questionable marital relationships. The circumstances requiring an applicant 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, the RRB needs to determine if a valid marriage existed between a spouse or widow(er) annuity applicant and a railroad employee. The following five forms are used for this purpose.

Forms G-124, Individual Statement of Marital Relationship and 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 needed information from the railroad worker's common-law "wife" or "husband" or "spouse" or "widow(er)," to establish the existence of a valid common-law marriage in support of their annuity application

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 blood relatives 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 relative 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 is either completed with assistance from RRB personnel during an in-office interview or is mailed to the applicant. When it is completed in an office, each person is also given a Form G-124a and requested to have one or more blood relatives complete the form. 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 RRB 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, is used by the RRB when review of the annuity application shows some uncertainty about the termination of a previous

marriage. It obtains information required to establish the validity of the 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 from RRB personnel during an in-office interview, or is mailed to the applicant. The instructions for completing the G-237 are printed directly on the form. When mailed, transmittal letter, Form RL-57A-F, Requesting Applicant to Furnish Evidence, and Form G-242, Notice of Information Needed in Claim Under the RRA, which requests specific proofs that are needed to support a claim, are also enclosed. The completed Form G-237 is then returned to the RRB 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 from RRB personnel during an in-office interview, or is mailed to the person(s) involved. When mailed, transmittal letter, Form RL-57A-F, Requesting Applicant to Furnish Evidence, and Form G-242, Notice of Information Needed in Claim Under the RRA, which requests specific proofs that are needed to support the claim, are also enclosed. One G-238 is completed by the applicant and the other 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 RRB 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 an RRB 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 transmittal letter, Form RL-57-A-F, Requesting Applicant to Furnish Evidence. The applicant completes Part 1 of the G-238a and then arranges for completion of Part 2 by the custodian of records. The custodian of records mails the completed G-238a to the applicant who returns the form to the RRB 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 RRB office before releasing the form. All of the completed forms returned to the RRB offices are forwarded to RRB headquarters for processing.

Note: OMB has rescinded the previous terms of clearance dated March 8, 2012.

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 3041 of the January 15, 2013 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. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at <http://www.rrb.gov/pdf/PIA/PIA-BPO.pdf>
11. Sensitive questions - N.A.
12. Estimate of respondent burden

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

Current Burden

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
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 with assistance from RRB personnel during an in-office interview 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