

## Justification

**RUIA Investigations and Continuing Entitlement**

RRB Forms UI-9, UI-23, UI-44, UI-48, ID-4F, ID-4U, ID-4X, ID-4Y,  
ID-5I, ID-5R (SUP), ID-49R, ID-20-1, ID-20-2, ID-20-4

1. Circumstances of information collection - The collection, RUIA Investigations and Continuing Entitlement, consists of two components - Fraud and Entitlement.

The first component, Investigation of a Claim, determines if a claimant has improperly or fraudulently claimed benefits by working or receiving state benefits during a period when they also have received unemployment or sickness benefits from the Railroad Retirement Board (RRB).

Section I(k) of the RUIA, stipulates the requirement that unemployment and sickness benefits are not payable for any day remuneration is payable or accrues to the claimant. Also, section 4(a-1)(ii) of the Railroad Unemployment Insurance Act (RUIA) provides that unemployment or sickness benefits are not payable for any day the claimant receives the same benefits under any law other than the RUIA.

Under RRB regulation 20 CFR 322.4(a), a claimant's certification on a claim form provided by the RRB, that he or she did not work on any day claimed and did not receive income such as vacation pay or pay for time lost for any day claimed, will constitute sufficient evidence that this requirement has been met unless there is conflicting evidence. The claim forms provided by the RRB for such purposes are Forms UI-3, Claim for Unemployment Benefits, and SI-3, Claim for Sickness Benefits, OMB numbers 3220-0022 and 3220-0039, respectively.

Further, 20 CFR 322.4(b), provides that when there is a question as to whether this basic requirement has been met, an investigation will be made to obtain information sufficient for a finding.

Information indicating that an investigation should be initiated may be received on or with applications or claims; from wages and/or benefit payments shown on State wage records; from compensation shown on railroad employers' records; during interviews; from tips or complaints from interested outsiders; or from employers.

The second component, Statements of Claimed Railroad Service and Earnings, deals with entitlement to unemployment and sickness benefits. To qualify for unemployment or sickness benefits payable under Section 2 of the RUIA, a railroad employee must have certain qualifying earnings in the applicable base year. In addition, to qualify for extended or accelerated benefits under section 2 of the RUIA, a railroad employee who has exhausted his or her rights to normal benefits must have at least 10 years of railroad service. Accelerated benefits are unemployment or sickness benefits that are payable to a railroad employee before the regular July 1 beginning date of a benefit year if that employee has 10 or more years of service and is not qualified for benefits in the current benefit year.

A benefit year that is started early for one type of benefit (unemployment or sickness) also starts early for benefits of the other type. Also, an employee may receive sickness benefits

in a benefit year extended for unemployment benefits and vice versa. It is possible to have benefit periods extended for both unemployment and sickness with respect to the same benefit year.

During the RUIA claims review process, if the RRB records show insufficient service and/or compensation to qualify the employee for benefits, and the employee's military service was included as part of their claimed creditable service for benefits under the RUIA, upon verification the military service may be credited as months of railroad service upon verification.

If there is no military service and the RRB determines that unemployment or sickness benefits cannot be awarded, the RRB allows the claimant the opportunity to provide additional information if they believe that the RRB service and compensation records are incorrect.

The provisions relating to unemployment and sickness benefits are prescribed in 20 CFR 325, 335 and 336. The procedures pertaining to the crediting of military service for extended or accelerated benefits are prescribed in 20 CFR 210.5, 210.6, 211.7 and 212.

2. Purposes of collecting/consequences of not collecting the information - In processing an unemployment or sickness claim, the RRB may determine that benefits cannot be awarded because RRB records show insufficient service or compensation to qualify the employee for unemployment or sickness benefits. A "qualified employee" is one who earns creditable compensation in the base year (\$3,325.00 in 2011, \$3,412.50 in 2012), counting no more than a certain amount in any month (\$1,330 in 2011, \$1,365 in 2012). The base year is the calendar year preceding the benefit year that begins on July 1 each year. In addition, a new employee must have some employment in at least five months of the first year worked in the railroad industry in order to draw benefits in the following benefit year. Further, to obtain extended or accelerated benefits, the employee must have at least 10 years of service.

The following fourteen forms are used by the RRB to obtain information needed to determine if a claimant has sufficient compensation or service to qualify for unemployment or sickness benefits.

**Form UI-9, Statement of Employment and Wages**, is used to investigate an applicant's qualification for benefits under the RUIA when RRB records show insufficient or no qualifying compensation in the base year. (For the benefit year beginning July 1, 2013, the base year would be calendar year 2012.) Form UI-9 is also used to establish the correct amount of compensation to be credited an applicant when the applicant states that RRB compensation records do not agree with his or her records. The form enables the RRB to obtain a record of the applicant's claimed compensation, railroad service, and certain other information essential to a compensation investigation.

The RRB uses both a computer-generated and manual version of Form UI-9. The railroad service and compensation information requested by both versions of the form is identical. Form UI-9 is transmitted to the claimant by means of various form letters in the ID-4 or ID-32 series (ID-4, ID-4F, ID-4U, ID-4X, ID-4Y, ID-4-S-1, ID-4-S-2, or ID-32n) depending on the particular wage and/or service information that is needed to determine the claimant's entitlement to benefits. Form UI-9 and the appropriate transmittal letter are mailed directly

to the applicant who returns the completed forms to the RRB by mail. Completion of Form UI-9 is self-explanatory.

**The RRB proposes no changes to Form UI-9.**

**Form UI-23, Statement of Service for Railroad Unemployment Insurance Benefits**, is used to investigate the railroad service of a claimant who may be qualified for extended benefits based on the current benefit year, or accelerated benefits based on an early beginning of the next benefit year. To obtain these benefits, the claimant must have at least 10 years of railroad service.

If the RRB's records do not show the required service, but a claimant believes that he or she has the service, the additional service is submitted by the claimant on Form UI-23. The information is then used to secure verification of service from the claimant's employer(s) by means of Form UI-41, Supplemental Report of Service or Compensation (OMB No. 3220-0070).

The form is mailed directly to the claimant who returns it to the RRB by mail upon completion. In certain cases that involve determinations for the payment of extended unemployment or sickness benefits, Form Letter ID-32n, Establishing Extended Sickness Benefits and Data on Individual's Service, is used to transmit Form UI-23 to the claimant. Completion of Form UI-23 is self-explanatory.

**The RRB proposes deleting Form UI-23 from the information collection due to less than 10 annual responses.**

**Form UI-44, Claim for Credit for Military Service**, is used by the RRB to establish that an employee's claimed military service is sufficient creditable compensation and/or service to qualify the employee for normal, extended, or accelerated benefits. Form UI-44 is released by the RRB to the claimant who has reported on Form ID-4F, ID-4U, ID-4X ID-4Y, ID-20-1, ID-20-2, ID-20-4, or UI-23 that military service was included as part of his or her claimed creditable service for benefits under the RUIA. Form UI-44 is released only when the claimant's railroad service is insufficient to qualify the claimant for the benefits being applied for.

Form ID-19, Establishing Military Service Credits, is used as a transmittal letter for Form UI-44 and contains instructions for returning the completed form to the RRB.

**The RRB proposes no changes to Form UI-44.**

Of the seven computer-generated form letters in the ID-4 series that are used by the RRB to transmit Form UI-9 to claimants, Forms ID-4F, ID-4U, and ID-4X and ID-4Y are also public use forms. In addition to transmitting Form UI-9, these form letters contain a condensed version of Form UI-23. The main difference between the condensed version and the regular UI-23 version is that the regular version has room for entering information for three wage years and three employers while the condensed version has room for entering information in the lower portion of the form for only one wage year and only one employer. Any additional employer information is provided by the claimant on the blank side of the form.

Before releasing any of the ID-4 form letters to the claimant, the RRB enters information that is subject to change, such as references to particular calendar years and dollar earnings amounts. If a claimant who receives form letter ID-4F, ID-4U, ID-4X or ID-4Y believes that the railroad earnings amount cited in the form is wrong and that he or she is in fact qualified for benefits based on earnings, the claimant completes and returns the enclosed Form UI-9. If the claimant believes that he or she is qualified for benefits based on railroad service, the claimant provides the information requested in the bottom portion of the particular ID-4 received and returns the form to the RRB.

The four ID-4 series form letters and explanations as to their use by the RRB follow.

**Form ID-4F, Advising of Ineligibility for Unemployment Benefits**, is used to advise a claimant for unemployment benefits that they are not qualified to receive such benefits based on their railroad earnings in a given calendar year. However, the ID-4F further explains that they may be qualified for benefits based on an extension of the general benefit year, if certain railroad service requirements are met.

**The RRB proposes deleting Form ID-4F from the information collection due to less than 10 annual responses.**

**Form ID-4U, Advising of Service/Earnings Requirements for Unemployment Benefits**, is used to advise a claimant that they are not qualified to receive unemployment benefits based on their railroad earnings in a given calendar year. However, the ID-4U further explains that they may be qualified to receive accelerated benefits if certain earnings and railroad service requirements are met.

**The RRB proposes no changes to Form ID-4U.**

**Form ID-4X, Advising of Service/Earnings Requirements for Sickness Benefits**, is used to advise a claimant that they are not qualified to receive sickness benefits because of their railroad earnings in a given calendar year. However, the ID-4X further explains that they may be qualified to receive accelerated benefits if certain railroad service and age requirements are met.

**The RRB proposes no changes to Form ID-4X.**

**Form ID-4Y, Advising of Ineligibility for Sickness Benefits**, is used to advise a claimant for sickness benefits that they are not qualified to receive such benefits because of their railroad earnings in a given calendar year. However, the ID-4Y further explains that they may be qualify for sickness benefits based on an extension of the general benefit year, if certain service and age requirements are met.

**The RRB proposes deleting Form ID-4Y from the information collection due to less than 10 annual responses.**

In addition to the ID-4 series of form letters, the RRB also uses three form letters in the ID-20 series for communicating with unemployment and sickness claimants. The ID-4 series letters are used to communicate with claimants who have not yet been determined to be qualified for benefits by the RRB. In contrast, the ID-20 series concerns railroad employees who have actually been receiving unemployment or sickness benefits, but have

either exhausted benefits or are about to exhaust benefits in a given benefit year. The three ID-20 public use form letters are similar to the four ID-4 series public use form letters, in that an employee is asked to provide employment information in the bottom portion of the form if the employee believes that the RRB records concerning his or her railroad service months are incorrect.

As with the ID-4 series, before releasing any of the ID-20 series form letters, the RRB enters the variable information, such as references to calendar years, beginning and ending dates of extended benefit periods, dollar earnings amounts and cumulative railroad service months.

Unlike the ID-4 series, the ID-20 series form letters do not transmit a Form UI-9 to obtain an employee's wage information. The form letters are formatted for direct entry of service month information in the bottom portion of each letter. Also, the employee may, if necessary, use the blank side of the form letter to enter additional service month information. The completed ID-20 series form letter is then returned to the RRB with the employee's next claim.

The three ID-20 series form letters and explanations as to their use by the RRB follow.

**Form ID-20-1, Advising that Normal Unemployment Benefits Are About to be Exhausted**, is sent to railroad employees who have been claiming and receiving unemployment benefits. The form letter serves as a notice to the claimant that they are about to exhaust normal benefits and, based on RRB records, are not entitled to extended benefits because they have not accrued 120 months of railroad service.

**The RRB proposes deleting Form ID-20-1 from the information collection due to less than 10 annual responses.**

**Form ID-20-2, Advising that Normal Sickness Benefits Are About to be Exhausted**, is sent to railroad employees who have been claiming and receiving sickness benefits. The form letter serves as a notice to the claimant that they are about to exhaust normal benefits, and based on RRB records, are not entitled to extended benefits because they have not accrued 120 months of railroad service.

**The RRB proposes deleting Form ID-20-2 from the information collection due to less than 10 annual responses.**

**Form ID-20-4, Advising that Normal Sickness Benefits Are About to be Exhausted/ Non-Entitlement**, is sent to railroad employees who have been receiving sickness benefits. The form is identical to Form ID-20-2, except that, in addition to service months, the form also makes reference to an employee's age as being 65 or over based on information contained in RRB records. Under the RUIA, employees who are age 65 or over are not entitled to extended benefits. If the employee believes that the RRB information pertaining to their service months and/or age is wrong, the employee, in addition to completing the bottom portion of the form, also is requested to send a copy of his or her birth certificate or other proof of age to the RRB.

**The RRB proposes deleting Form ID-20-4 from the information collection due to less than 10 annual responses.**

The RRB currently uses four forms to obtain information needed to resolve whether a claimed day or days of unemployment or sickness were improperly or fraudulently claimed: The ID-5i, ID-5R (SUP), ID-49R, and UI-48. Explanations as to their use by the RRB follow.

**Form ID-5i, Request for Employment Information**, is used by the RRB to request employment and earnings information from a non-railroad employer for the period for which benefits were claimed. The form is released by an RRB field office when it receives information concerning a claimant's non-railroad employment. This information may be obtained from a completed application for benefits, a claimant interview, from wages shown on State wage records, or other sources. The form is either manually prepared for release or computer generated in cases identified by computer matching programs involving State wage records.

Completion of the form is self-explanatory. The first page of Form ID-5i serves as a transmittal letter and also contains instructions to the non-railroad employer for furnishing the requested information. The second page contains a calendar on which the employer enters the dates worked by an employee during a particular employment period and the earnings received on each date. Before the form is released, the RRB field office enters the claimant's name and social security number on the first page of the form, and the claimant identifying information and employment period for which information is needed on the second page. A return envelope is provided for returning the completed Form ID-5i to the RRB field office.

**The RRB proposes no changes to Form ID-5i.**

**Form ID-5R (SUP), Report of Employees Paid RUIA Benefits for Every Day in Month Reported as Month of Creditable Service**, is used to request information from a railroad employer about compensation credited to an employee during a period when the employee claimed either unemployment or sickness benefits.

Each year, the RRB's computerized records of employee service and compensation are updated from railroad employers' annual reports of creditable compensation and compared with the employee data in the RRB's computerized "RUIA Benefit Payment" file. Form ID-5R (SUP) is computer generated when the comparison shows that an employee was paid unemployment or sickness benefits for every day in one or more months that the railroad employer had reported as creditable compensation.

The computer-generated form contains the name of the employees, other pertinent identifying information and the claimed months in question for each employee. The computer-generated transmittal letter, **Form ID-5R, Request for Employment Information-Railroad Wage Audit**, is released directly to the employer with the ID-5R (SUP) and provides completion instructions and the Paperwork Reduction Act notice.

The employer returns the completed ID-5R (SUP) to RRB headquarters in the envelope provided for that purpose.

**The RRB proposes no changes to Form ID-5R (SUP).**

**Form ID-49R, Railroad Payroll Check**, is sent to the railroad employer for payroll information and is used to verify the accuracy of information provided by a claimant on Form UI-3, Claim for Unemployment Benefits, OMB No. 3220-0022. The form is released by an RRB field office when the office receives information from an outside source that a certain claimant may have engaged in work for a railroad employer on the same day(s) for which he or she claimed unemployment benefits.

Completion of Form ID-49R is self-explanatory. The first page of the form serves as a transmittal letter with instructions to the railroad employer for furnishing the information requested by the field office. In addition, the first page contains two Yes/No questions relating to whether the claimant has received pay for time lost and whether the claimant is on a guaranteed pay plan. The second page of the form contains a calendar on which the employer is requested to enter, in the appropriate date box, a work status code for the claimant for each day during a particular employment period. For train and engine service employees, the employer is requested to enter, in the appropriate date box, the miles or hours for which the employee was paid on that date. The claimant's name and social security number on the first page of the form and the claimant identifying information and the employment period for which payroll information is needed are entered by the field office before the form is released. The employer then returns the completed form to the field office in the return envelope provided for this purpose.

If an employer's response indicates that the claimant received remuneration for the same day that unemployment benefits were received, the field office initiates appropriate action to recover the amounts due from the claimant.

**The RRB proposes deleting Form ID-49R from the information collection due to less than 10 annual responses.**

**Form UI-48, Statement Regarding Benefits Claimed for Days Worked** is used by the RRB to help determine if the benefits were improperly or fraudulently claimed. The information requested on Form UI-48 is obtained by means of an oral interview between the claimant and an RRB field office representative.

Completion of the form is self-explanatory. The RRB representative who interviews the claimant, enters his or her own name, the claimant's name and social security number and where the interview is taking place on the first page of the form. On the second page, the RRB representative inserts the claimant's name in the certification statement. The RRB representative then acts as witness.

**The RRB proposes no changes to Form UI-48.**

To our knowledge no other agency uses forms similar to Forms ID-5i, ID-5R (SUP), ID-49R, and UI-48.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - It is not cost-effective for the RRB to utilize technology in the future for most of the forms due to the low volume. The only form with moderate volume, Form ID-5i, is not a candidate as it is **initiated by the RRB** with pre-filled data. Form ID-5R (SUP) has been relegated a low priority in the RRB's Electronic Employer Reporting Initiative and is not scheduled for automation during the renewal cycle.

4. Efforts to identify duplication - This information collection does not duplicate any other information collection.
5. Small business respondents - Respondents of some forms in the collection can be small businesses. However, the nature and amount of the information requested is such that minimizing the burden for small businesses is not relevant.
6. Consequences of less frequent collection - N.A.
7. Special circumstances - None
8. Public comments/consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding this information collection. The notice to the public was published on page 38412 of the June 26, 2013, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - N.A.
10. Confidentiality - Privacy Act System of Records RRB-6, Unemployment Insurance Record File - RRB, and RRB-21, Railroad Unemployment and Sickness Insurance Benefit System - RRB. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for the 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 current and proposed burden for the collection (ICR) is as follows:

Current Burden			
Form Number	Annual Responses	Time (Minutes)	Burden(Hours)
*UI-9	100	5	8
*UI-23	5	5	1
*UI-44	5	5	1
*ID-4F	25	5	2
*ID-4U	30	5	3
*ID-4X	25	5	2
*ID-4Y	5	5	1
*ID-20-1	90	5	8
*ID-20-2	100	5	8
*ID-20-4	5	5	1
**ID-5I***	8,800 (Private sector) 300 (state, local, etc)	15	2,200 75
**ID-5R(SUP)	1,200	10	200

**ID-49R	5	15	1
****UI-48	5	12	1
<b>Total</b>	<b>10,700</b>		<b>2,512</b>

- \* IC-1 - RUIA Continuing Entitlement
- \*\* IC-2 - RUIA Investigations (private sector respondent)
- \*\*\* IC-3 - RUIA Investigations (State, local, tribal governments)
- \*\*\*\* IC-4 - Statement Regarding Benefit Claims for Days Worked

**Proposed Burden**

Form Number	Annual Responses	Time (Minutes)	Burden(Hours)
*UI-9	69	5	6
*UI-44	10	5	1
*ID-4U	35	5	3
*ID-4X	25	5	2
**ID-5I***	1,000 (Private sector) 50 (state, local, etc.)	15	250 12
**ID-5R (SUP)	400	10	67
****UI-48	14	12	3
<b>Total</b>	<b>1,603</b>		<b>344</b>

- \* IC-1 - RUIA Continuing Entitlement
- \*\* IC-2 - RUIA Investigations (private sector respondent)
- \*\*\* IC-3 - RUIA Investigations (State, local, tribal governments)
- \*\*\*\* IC-4 - Statement Regarding Benefit Claims for Days Worked

	<u>Responses</u>	<u>Hours</u>
Total Change	-9,097	-2,168
Adjustment	-9,097	-2,168

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for change in burden - The total annual responses and burden hours for the investigative forms have decreased substantially. This is primarily due to (1) the fact that unemployment within the rail industry has significantly decreased, as claimants have returned to their regular railroad employers and (2) we propose to remove seven forms from the information collection that account for 235 responses and 22 burden hours. We have shown the decrease of 9,097 responses and 2,163 related 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 low-usage and seldom revised. Given the costs associated with computer programming, redrafting, reprinting, and redistributing the forms in order to keep the appropriate expiration

date in place, the RRB requests the authority to not display the expiration date on the forms.

18. Exceptions to Certification Statement - None