

Justification

Application for Spouse Annuity Under the Railroad Retirement Act
RRB Forms AA-3cert and AA-3sum

1. Circumstances of information collection - Section 2(c) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the RRA. The age requirements for a spouse annuity depend on the employee's age, date of retirement, and years of railroad service. The following requirements apply if the employee's annuity began after 1974:

- If a retired employee is age 62 with 10-29 years of service, the employee's spouse is also eligible for an annuity at age 62. Early retirement reductions are applied to the spouse annuity if the spouse retires prior to full retirement age.
- If a retired employee is age 60 and credited with 30 years of service, the employee's spouse is also eligible for an annuity at age 60. Early retirement annuity reductions are applied to the spouse annuity if the employee retires before age 62, unless the employee attained age 60 and completed 30 years service prior to July 1, 1984. The reduction is substantially less if the employee met the 60/30 requirement between July 1, 1984, and December 31, 1985.

Also, if a 30-year employee retires at age 62, an age reduction is not applied to the spouse annuity even if the spouse retires at age 60 rather than age 62.

- A spouse of an employee qualified for an age and service annuity is eligible for a spouse annuity at any age if caring for the employee's child and the child is under age 18 or became disabled before age 22.

The employee must have been married to the spouse for at least one year, unless the spouse is the natural parent of their child, or the spouse was receiving a railroad survivor annuity before marrying the employee.

A spouse annuity cannot be paid until the spouse stops working for the last railroad employer before retirement, and gives up any rights to return to such employment.

An annuity may also be payable to the divorced spouse of a retired employee if the marriage lasted for at least 10 years, both have attained age 62, and the divorced spouse is not married at the time she or he applies for benefits. The amount of the divorced spouse's annuity is, in effect, equal to what social security would pay in the same situation and therefore less than the amount of the spouse annuity otherwise payable.

The requirements for obtaining the annuities are prescribed in 20 CFR 216, 218, 219, 234 and 295.

2. Purposes of collecting/consequences of not collecting the information - The RRB currently utilizes the following electronic forms to obtain information needed to help determine entitlement to, and the amount of, a spouse or divorced spouse retirement annuity:

APPLE System

The RRB uses an on-line Application Express (APPLE) system to automate the spouse/divorced spouse annuity application process (AA-3) and obtain information about the applicant's marital history, work history, benefits from other governmental agencies and Medicare entitlement.

During an interview either at an RRB field office (preferred), an itinerant point, or by telephone, an RRB representative interviews an applicant and enters the information into the APPLE system.

The RRB uses the on-line AA-3 application process to collect essentially the same information as the rarely used manual AA-3 (which was removed from the clearance due to less than 10 responses a year); however, it consists of a script or a series of questions. Depending on the responses to the questions, the APPLE system automatically generates the next appropriate question. The APPLE system automatically pre-fills identifying information in real time from RRB database records onto the on-line screens. Depending on the circumstances, the system also incorporates information currently collected on RRB Form AA-7, *Spouse/Divorce Spouse Application for Medicare* (OMB 3220-0082), and Form G-208, *Public Service Pension Questionnaire* (OMB 3220-0136).

The applicant receives an application package that includes an RL-1 transmittal letter and booklets RB-3, *Furnishing Evidence to Support Your Claim*, RB-9, *Events That Affect Employee and Spouse Annuities*, and RB-30, *Spouse/Divorced Spouse Annuity*. Form G-77a, *How Work Affects Your Railroad Retirement Benefits*, is included whenever the applicant is under full retirement age. The RL-1 transmittal letter tells the applicant what forms and booklets should be enclosed in the package and what proofs are needed to support the claim and provides the name, location and phone number of the applicant's nearest RRB field office. Booklet RB-3 explains the type of documents which can serve as evidence and gives suggestions for obtaining such documents. Booklet RB-9 describes events that could cause changes in entitlement or the amount of an annuity and must be reported after the annuity is awarded. Booklet RB-30 provides important information that the applicant needs to complete an application properly, explains what the RRB does after receiving the annuity application, and contains the Paperwork Reduction Act and Privacy Act Notices associated with the AA-3 application process.

Form AA-3cert, Application Summary and Certification, is generated by the APPLE system upon completion of the on-line AA-3 application process, for the applicant to review the information provided or verified, and sign with a traditional pen-and-ink "wet" signature. If the application interview is taken over the telephone, the Form AA-3cert is mailed to the applicant for review and signature. The RRB does not release the application for processing by the payment systems until the signed AA-3cert is returned by the applicant.

Form AA-3cert is divided into three parts:

- 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 in relation to the application are true; that the applicant received and reviewed a summary of the information they provided; that

the applicant received and reviewed the correct booklets; that the applicant is obligated to advise the RRB of any errors in the summary they received; and that they know if they make a false or fraudulent statement or withhold information in order to receive benefits they are 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 applicant's social security number, the application type code, and the time and date of generation.

NOTE: The RRB submitted two versions of the Form AA-3cert in ROCIS. One version contains all possible questions. The other version is an example of a completed application, which includes only statements relevant to that application. **The annuitant and any personally identifiable information contained in these two versions are fictitious.**

The RRB proposes no changes to Form AA-3cert.

After the on-line spouse application is released, Form AA-3rec, *Receipt for Claim*, is generated and provided to the applicant. The receipt advises that the processing of the application has begun and provides a general description of the application process; a reminder of events that could affect the annuity and must be reported to the RRB; and RRB telephone numbers to report any events or changes.

Form AA-3sum, Application Summary, is generated by the APPLE system, upon completion of the on-line AA-3 application process, for the applicant to review the information provided or verified when using the alternative signature method known as Attestation. Attestation refers to an action taken by an RRB representative to confirm and annotate in the RRB's records (1) the applicant's intent to file an application, (2) the applicant's affirmation under penalty of perjury that the information provided is correct, and (3) the applicant's agreement to sign the application by proxy. If the application interview is taken over the telephone, the Form AA-3sum is mailed to the applicant for review.

Form AA-3sum is divided into three parts:

- Part 1 summarizes information about the employee.
- Part 2 summarizes information about the applicant.
- Part 3, which corresponds to the information provided on Form AA-3rec, provides a general description of the application process; a reminder of the events that could affect the annuity and must be reported to the RRB; and the RRB telephone numbers to report any events or changes.

A footer on each page includes the form number, the page number, and a unique identifier. The unique identifier consists of the applicant's social security number, the application type code, and the time and date of generation.

NOTE: The RRB submitted two versions of the Form AA-3sum in ROCIS. One version contains all possible questions. The second version serves as an example of a completed questionnaire which includes only the relevant responses. **The annuitant and any personally identifiable information contained in these two versions are fictitious.**

The RRB proposes no changes to Form AA-3sum.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - The RRB use the APPLE (Application Express) on-line system (approved by OMB on 3/27/2001) to automate the spouse/divorced spouse annuity process. A Field Service representative interviews the applicant and enters the information into the APPLE System and uses Forms AA-3sum and AA-3cert to verify and certify applicant's information. The APPPLE System process led to the limited use of the manual AA-3 that is no longer an OMB form due to less than 10 responses a year and helped to reduce the burden on applicants.

The plan to create an Internet version (Form AA-3 (Internet)) was put on hold due to staff resource limitations, funding, additional security concerns that needs to be addressed, and evaluating the impact of the RRB IT Moderation project.

4. Efforts to identify duplication - To our knowledge, no other agency uses similar forms and this information collection does not duplicate any other RRB information collection.
5. Small business respondents - N.A.
6. Consequences of less frequent collection - N.A.
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 this information collection. The notice to the public was published on page 8620 on February 15, 2022, Federal Register. No comments or 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. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at <https://www.rrb.gov/sites/default/files/2017-06/PIA-BPO.pdf>.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and proposed estimated annual burden for the collection is as follows:

Current Burden

Form Number	Annual Responses	Time (Minutes)1/	Burden (Hours)
Form AA-3cert (Ink Signature)	6,400	30	3,200
Form AA-3sum (Attestation)	4,600	29	2,223
Total	9,700		4,791

Proposed Burden

Form Number	Annual Responses	Time (Minutes) ^{1/}	Burden (Hours)
Form AA-3cert (Ink Signature)	6,180	30	3,090
Form AA-3sum (Attestation)	3,520	29	1,701
Total	9,700		4,791

^{1/}The RRB has been collecting the information since OMB approved the information collection. Based on a sampling done when each version of the form was created, the office calculated the estimated time, which includes time for getting the needed data and reviewing the completed form.

	<u>Responses</u>	<u>Hours</u>
Total burden change	<u>-1,300</u>	<u>-632</u>
Adjustment	<u>-1,300</u>	<u>-632</u>

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 estimated total number of responses for this collection has decreased due to the decrease in the annual number of retirements, as well as, more accurate ways of determining annual AA-3 responses.
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 RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity. We provided OMB with a consolidated project timeline.

Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms in order to keep the appropriate OMB expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms.**
18. Exceptions to Certification Statement - None