

## **UNDERSTANDING YOUR RAILROAD BENEFITS AND BEING PREPARED FOR ANY SITUATION**

**2019**

When illness or injury strikes a railroad employee confronted with, most often, a first-time experience, will almost always call their Local Chairman with questions on benefits, who to call and what to do. While it is imperative that they call the Railroad Retirement Board and the Health Care Provider and explain their individual circumstances, we have prepared below, courtesy of the **Steel & Moss, LLP**, a very good basic understanding of both the insurance and RRB benefits into one reference. This no/fee information and assistance service was established in 2006 primarily to assist Local and General Chairmen. Since then hundreds of railroad employees and families have benefitted from having combined information, counsel and assistance on both the insurance benefits under the union contract and railroad retirement benefits under “The Act.” Please visit our website at: [www.steel-moss.com](http://www.steel-moss.com) or “Call Paul” (423) 802-7351 with any questions. We encourage local union officers to strive to attend the annual RRB Informational Conferences sponsored by the Office of the RRB Labor Member to become familiar with the numerous eligibility variables involved.

### **EXTENDED INSURANCE COVERAGE IN MOST ANY SITUATION:**

If suspended, dismissed or in the case of death, the employee’s insurance coverage terminates the last day of the fourth month in which you last had compensated service. If you are off work due to illness or injury, your coverage remains in effect for the remainder of the year the disability began (qualifying year) and two additional years. Your dependents have the remainder of the qualifying year plus one year and the same period for dental and vision for you and dependents. If you receive vacation pay in the year following the qualifying year, fax the earnings report to UHC and you and your dependents qualify for an additional year of coverage. In most situations you must submit a Proof of Disability Form in order for this extended coverage to continue. **TIP:** When your dependents coverage has terminated and if you have reached age 60 with 30 years, the dependents can be placed on GA-46000, while you remain on GA-23000 for one more year. In cases where a suspended/dismissed employee with an objectively identified disability submits a Proof of Disability Form, prior to the expiration of the four-month period, status could become disabled and coverage extended. “Extension of Current Benefits” is a provision for continuation of coverage for a limited time for those whose insurance has terminated (due to dismissal) but a dependent has a total and permanent condition or third trimester of pregnancy.

### **RAILROAD RETIREMENT SICKNESS BENEFITS AND THE PROOF OF DISABILITY FORM**

When off work due to illness or injury the first two concerns are generally cash flow and insurance eligibility. You should first contact the Railroad Retirement Board (877-772-5772) and get an application for sick benefits or file on line at [www.rrb.gov](http://www.rrb.gov). Then obtain a Proof of Disability Form. Visit your doctor and have both signed and your benefits from RRB will begin and your insurance will be locked in for the period established by the doctor. Call us if he needs to see a job description or P.O.D. Form. If the doctor circles “yes” on the form that you are permanently disabled from your occupation, your insurance will continue with no further action. If he puts a limited date of disability period then you will have to submit a follow up Form in order for coverage to continue. He needs to understand the Form states “permanently disabled from your occupation”, not permanently disabled that he is reluctant to sign

### **IMPORTANT ELIGIBILITY THRESHOLDS IN RAILROAD SERVICE**

Five years and you are vested in railroad retirement Tier 1 (60 creditable months).

Ten years and you qualify for both Tier 1 and Tier 2 (120 creditable months).

Twenty years and you qualify for occupational disability at any age (240 creditable months).

Thirty years qualifies you and spouse for retirement annuity and GA-46000 insurance until employee reaches age 65 (360 creditable months) **Tier 1 Benefit** is a component of a railroad retirement annuity, which approximates a social security benefit, based on railroad and social security earnings. **Tier 2 Benefit** is a component of a railroad retirement annuity, which is paid in addition to the Tier 1 benefit. It

is based solely on railroad work. **TIP:** Any compensation from your union local of twenty-five or more dollars a month can count as a creditable month.

### **60/30 RETIREMENT**

Congratulations! If you are age 60 with 360 months of creditable service you have qualified and also your spouse at age 60 for one of the nation's best retirement plans along with GA-46000 insurance coverage including prescription coverage until the employee reaches age 65 and eligible for Medicare. Compare Social Security eligibility of age 62 with a 25-30% age reduction and railroad retirement at age 60 full pension (one month after the month you become 60), insurance to age 65 and spouse eligible for both Tier 1 and Tier 2 and realize what 60/30 has qualified you for! Call RRB at: (877) 772-5772 for retirement application and United Health Care at (800) 842-5252 to enroll in GA-46000 and perhaps GA-23111 Plan E for your supplement. However, if you are off work medical and decide to just retire you can remain on GA-23000 for the period provided for those disabled then go to GA-46000. **TIP:** If your age 60 spouse chooses to continue working after you retire, inquire with RRB about the spouse's eligibility to a portion of the annuity while still working. When the retiree reaches age 65 and goes on Medicare and the spouse has not, call UHC at: (800) 842-5252 for information on Plans A, B, or C for spouse. For the Medicare Supplement, Plan F at age 65, call UHC at: (800) 809-0453. Remember, upon your retirement, spouse can receive full annuity at any age with minor or disabled child in care.

### **RETIREMENT WITH LESS THAN 30 YEARS OF RAILROAD SERVICE**

Regular retiring at age 62 with less than 30 years generally results in a 25% age reduction in your annuity and no extended insurance. For unreduced annuity, your full retirement age is probably 66 but you should call RRB for your individual consultation. **TIP:** If your physical/mental circumstances at age 62 qualify you for occupational disability there would be no age reduction and your insurance would continue as outlined above getting you possibly to or very close to Medicare/Age 65 with continuing insurance coverage. **You are eligible for occupational disability at age 60 with 10 years RR service.**

### **DISABILITY AT AGE 58-59 WITH 30 YEARS SERVICE**

We very often see the situation of a career railroader, around the age of 58, with over 30 years of railroad service but unable to continue working those last couple of years to age 60 and regular retirement. This situation is not what he/she wants but this employee has reached a very important qualifying point where he can retire with basically the same benefits he would have had at 60/30. Because he has 30 years his spouse will be qualified for an annuity at age 60 and because he will reach age 60 before his GA-23000 insurance terminates, he will convert to GA-46000 coverage that will carry him to age 65 and Medicare. The same could apply to a 57 year old with 30 years if he has qualified for a vacation for the year after his qualifying year. **TIP:** This person must have a Proof of Disability Form submitted to ensure continuation of insurance coverage and GA-23000 coverage must be in effect.

### **OCCUPATIONAL DISABILITY**

Occupational disability means the employee is permanently disabled from his/her regular railroad occupation. You can qualify at any age with 240 creditable months (**20 years**) or age 60 with 120 creditable months (**10 years**). Even if you have been dismissed but have the above required creditable months and a disabling condition you could qualify (if you have not worked too long for a non/railroad employer and lost your current connection). There is a very long list of physical and psychological impairments connected to performance of your occupation that have resulted in a railroad occupational disability. There is a five month waiting period before becoming eligible for an annuity on the first day of the sixth month after the last month the employee was able to work (onset date) but employees need not wait until the end of the five month period to file an application. **TIP:** if unable to work in your occupation, (1) Contact RRB at (877) 772-5772 and ask for an application for Sickness Benefits (2) Obtain a Proof of Disability Form, have it signed by your doctor and submit it to your health care

provider, (3) Probably in about 30 days after filing the sick benefits application, contact RRB and request an application for occupational disability. Your insurance remains in effect as outlined above and if your conditions warrant a “**disability freeze**” you could possibly qualify for early Railroad Medicare 29 months from the onset date of your disability. You will be considered a disability annuitant until Full Retirement Age (66). Disability annuity is not payable for any month with earnings over \$920 (for year 2018) and you must notify the RRB as to what type work you want to do before starting. After age 66, full retirement age, you no longer have this earnings limit.

**DISABILITY FREEZE- All social security disability annuitants get early Medicare Insurance included. Railroad Occupational disability annuitants do not. So, Congress inserted a provision into occupational disability providing for early Railroad Medicare Insurance for railroad occupational disability annuitants to qualify if the person meets the Social Security requirements that stipulate the person is “unable to perform any substantial gainful employment”, not just your railroad occupation, and designated it a “disability freeze” on occupational disability and you are awarded early Railroad Medicare Insurance 29 months from your disability onset date.**

### **TOTAL & PERMANENT DISABILITY**

If you are unable to work and forced to apply for disability and do not qualify for occupational disability, you must have a physical and/or mental disability (alcohol dependency included) that prevents any regular and substantial work. We see more and more of this situation and we are happy to help you in this process which may entail an initial denial, then the reconsideration process and even a Hearing in order to objectively establish that you are unable to work in any capacity. **TIP:** A request for reconsideration should include additional medical evidence not previously considered that probably is accumulated after the application was filed.

### **SPOUSE ANNUITY – REQUIREMENTS**

Employee must retire - must be married one year but marriage does not have to take place before employee retires (marriage of 9 months to qualify for widow’s annuity) – spouse of 60/30 retired employee can receive full annuity at age 60 **or any age with minor or disabled child in custody** – spouse receives 50% of Tier 1 and 45% of Tier 2 – spouse can elect to take 100% of his/her own social security if greater than 50% of employees Tier 1 and still be eligible for employees Tier 2. Spouse of employee with less than 30 years who retired at age 62 or older receives reduced annuity at age 62 or unreduced annuity at full retirement age (66), or any age with child in care under age 18 or disabled before age 22 – if the employee retired on disability, the spouse becomes eligible for benefits when the employee reaches regular retirement age (60/30 or 62 under 30) and the spouse has reached the age requirement or have the employees minor or disabled child in care.

### **WIDOWS**

Widow’s annuity generally equals to Tier 1 and Tier 2 amounts the employee would have received when the widow annuity is awarded, minus any applicable age reductions, but several circumstances could affect the amount of the award. A railroad widow should, (1) Contact the RRB at (877) 772-5772 to notify of employees death and apply for any survivor benefits, (2) Contact Met-Life at (800) 310- 7770 for railroad employees (and retirees) life insurance, (3) current GA-23000 (active employee) insurance will expire in four months **but if the employee was retired and on GA-46000 insurance, it will continue until the employee would have reached age 65.** Call United Health Care at (800) 842-5252 for information on insurance options, (4) Norfolk Southern BLE-T short-term disability coverage has a \$50,000.00 Life insurance rider, call Railroad Marketing (888) 646-9951. (RR widow annuities nearly double Social Security). **TIP:** Unless there are dependent children, a widow cannot qualify for an annuity until age 60 unless disabled and between ages 50-59. Consider term life insurance for this period.

### **DISABILITY APPLICATION DENIED**

We rarely, if ever, see a denial of an application for Occupational Disability but we see denials for T&P disability and for a disability freeze regularly. You have 60 days to request reconsideration of the denial. You will need additional medical evidence not previously considered in the original application.

**DON'T MISS OUT ON THE FULL BENEFITS YOU HAVE EARNED:**

1. Fax your vacation earnings statement (received in the year after the qualifying year) to the insurance provider to get one extra year of insurance eligibility for self and dependents and submit your P.O.D. Form to your insurance provider to keep insurance coverage in effect.
2. Contact United Behavioral Health for psychological conditions of any employee and dependents. Records are kept confidential.
3. If you have less than 30 years and considering retiring at age 62, compare the benefits difference in retiring on occupational disability (if medical/mental conditions warrant) vs. regular retirement with no insurance and the permanent age reduction.
4. If awarded occupational disability, before your insurance eligibility expires and RRB has not made a determination on "disability freeze", submit any possible additional medical evidence and try for a disability freeze and early Medicare. Those who will reach age 60 before the GA-23000 insurance expires and will qualify for GA-46000 retiree insurance do not want / need a disability freeze.
5. If suspended/dismissed your insurance expires in 4 months but if you also have a legitimate, objectively diagnosed disability, submit a P.O.D. Form before the 4 months expires and retain insurance.
6. **If injured on the job, seek medical attention first and realize you are under a unique and complicated fault-based injury law (F.E.L.A.). By rule, you must report the injury before leaving company premises unless unable (including medication effects). If you use wording on the injury report, then after multiple questions, have the slightest change in your words by you or a witness that can be fabricated as conflicting statements, it could result in formal charges questioning your conduct, credibility and truthfulness. You need quick and confidential consultation and advice as soon as possible. Call any of the Steel & Moss numbers listed below or email: [WWW.STEEL-MOSS.COM](http://WWW.STEEL-MOSS.COM).**
7. If you think you are being harassed, intimidated or the subject of retaliation for filing an injury report or safety concern or being involved as a witness to an incident or injury, the remedy might possibly be the Federal Rail Safety Act, "Whistleblower Law" of which Steel & Moss are proven as the best.
8. If illness or off duty injury strikes and you need benefits and disability assistance and the best information including possibility of retiring on disability, "Call Paul" Wingo at (423) 802-7351.
9. Retiring with dependent children in custody can make your spouse eligible for a retirement annuity at any age. This could include adopted Grandchildren.
10. Be ever mindful of RRB Current Connection requirements and possibility of losing Survivor Benefits if off suspended or dismissed and working in non/railroad employment for an extended period.
11. When returning to work after sickness or injury tell your doctor, Physical Therapist or especially an Orthopedic Surgeon that you can have nothing less than a 100%, zero restrictions release without conditions or you can find yourself still held off by the railroad but your off-sick benefits have been denied.

**Railroad Retirement Board: (877) 772-5772**

**Railroad Employees and Retirees Life Insurance Claims: (800) 310-7770**

**NS Engineers short-term disability, call RAILROAD MARKETING for claims: (877) 646-9951**

**CSX Engineers disability, call CORNERSTONE at: (847) 387-3555 for claims**

**SMART UNION disability claims at ANTHEM: (800) 232-0113**

**FAX NUMBER TO SEND THE PROOF OF DISABILITY FORM DIRECT: (248) 733-6080**

**BMWE and other Mechanical Dept. Crafts Supplemental Disability Claims at AETNA 800-205-7651**

**STEEL & MOSS, LLP OFFICE: (800) 776-0098 OR (404) 264-1292**

**Larry James: (304) 482-9661 or "Call Paul": (423) 802-7351**

**STEEL & MOSS, LLP LAW FIRM  
ATLANTA, GEORGIA  
COMMITTED TO THE INJURED RAILROAD WORKER**