

the grandchild or stepgrandchild attained age 18.

(b) The grandchild or stepgrandchild is living with the employee in the United States and receives at least one-half of his or her support from the employee for the year before the month in which—

(1) The employee could become entitled to an age and service or disability annuity under the Social Security Act (treating his or her railroad compensation as wages under that Act); or

(2) The employee dies; or

(3) The employee becomes entitled to a period of disability that lasts until he or she could become entitled to a social security benefit as described above or until he or she dies.

(c) In the case of a grandchild or stepgrandchild born within the one-year period referred to in paragraph (b) of this section, at the close of such period the child must have been living with and receiving at least one-half of his or her support from the employee for substantially all of the period that began on the date the grandchild or stepgrandchild was born. "Substantially all" is defined in §222.53.

§222.57 When an equitably adopted child is dependent.

An employee's equitably adopted child, as defined in §222.34, is considered dependent upon the employee if the employee was either living with or contributing to the support of the child at the time of his or her death. If the equitable adoption is found to have occurred after the employee could have become entitled to an old age or disability benefit under the Social Security Act (treating his or her railroad compensation as wages under that Act), the child is not considered dependent on the employee during the employee's lifetime. If the equitable adoption took place before such time, the child is dependent on the employee if the employee was living with or contributing to the support of the child at one of the times shown in §222.51.

§222.58 When a child is living with an employee.

A child is living with the employee if the child normally lives in the same household with the employee and the

employee has parental control and authority over the child's activities. The child is considered to be "living with" the employee while they are living apart if they expect to live together again after a temporary separation. A temporary separation may include the employee's absence because of working away from home or hospitalization. However, the employee must have parental control and authority over the child during the period of temporary separation. A child who is in active military service or in prison is not "living with" the employee, since the employee does not have parental control over the child.

PART 225—PRIMARY INSURANCE AMOUNT DETERMINATIONS

Subpart A—General

Sec.

225.1 Introduction.

225.2 Definitions.

225.3 PIA computation formulas.

225.4 Limitation on amount of earnings used to compute a PIA.

Subpart B—PIA's Used in Computing Employee, Spouse and Divorced Spouse Annuities

225.10 General.

225.11 Tier I PIA.

225.12 Combined Earnings Dual Benefit PIA.

225.13 Social Security Earnings Dual Benefit PIA.

225.14 Railroad Earnings Dual Benefit PIA.

225.15 Overall Minimum PIA.

Subpart C—PIA's Used in Computing Survivor Annuities and the Amount of the Residual Lump-Sum Payable

225.20 General.

225.21 Survivor Tier I PIA.

225.22 Employee RIB PIA used in survivor annuities.

225.23 Combined Earnings PIA used in survivor annuities.

225.24 SS Earnings PIA used in survivor annuities.

225.25 RR Earnings PIA used in survivor annuities.

225.26 Residual Lump-Sum PIA.

Subpart D—Delayed Retirement Credits

225.30 General.

225.31 PIA's to which DRC's are added.

225.32 DRC's and the Special Minimum PIA.

225.33 Months for which DRC's are due.

§ 225.1

- 225.34 How the amount of the DRC is figured.
- 225.35 When a PIA used in computing a retirement annuity can be increased for DRC's.
- 225.36 Effect of DRC's on survivor annuities.

Subpart E—Cost-of-Living Increases

- 225.40 General.
- 225.41 How a cost-of-living increase is determined and applied.
- 225.42 Notice of the percentage amount of a cost-of-living increase.
- 225.43 PIA's subject to cost-of-living increases.
- 225.44 When a cost-of-living increase is payable.

Subpart F—Recomputing PIA's

- 225.50 General.
- 225.51 PIA's that are subject to recomputation.
- 225.52 Reasons for recomputing a PIA.
- 225.53 Recomputation to consider additional earnings.
- 225.54 Recomputation when an employee is eligible for periodic pension payments based on other than railroad or social security earnings.
- 225.55 Recomputation to use a new or different PIA formula.
- 225.56 Automatic recomputation.
- 225.57 Requesting a recomputation.
- 225.58 Waiver of recomputation.

Subpart G—Adjusting PIA's

- 225.60 Adjustment at age 62 when employee is entitled to an annuity based on 30 years of railroad service.

AUTHORITY: 45 U.S.C. 231f(b)(5).

SOURCE: 54 FR 12903, Mar. 29, 1989, unless otherwise noted.

Subpart A—General

§ 225.1 Introduction.

This part discusses Primary Insurance Amount, which is referred to as PIA throughout this part, and which is an important element in the calculation of any retirement or survivor annuity. There are a number of PIA computations based on different periods, amounts, and types of earnings. However, the formulas for computing any PIA are prescribed in section 215 of the Social Security Act and are described in detail in the regulations of the Social Security Administration (20 CFR part 404, subpart C). This part discusses PIA computation formulas and relates

20 CFR Ch. II (4-1-05 Edition)

them to the PIA's which the Board uses. Descriptions of the majority of PIA's used in computing retirement or survivor annuities under the Railroad Retirement Act are contained in this part. Explanations are included of when delayed retirement credits and cost-of-living increases can be added to the PIA's used by the Board. This part also explains when and how a PIA is recomputed or adjusted. Since these regulations are intended to address annuities currently being awarded, certain PIA's, not used in the computation of annuities awarded after August 13, 1981, are not included in these regulations. Parts 226, 228 and 229 of this chapter explain how PIA's are used in actual annuity computations.

§ 225.2 Definitions.

As used in this part:

Average Indexed Monthly Earnings means the result of dividing the total of the indexed earnings through the indexing year and the nonindexed earnings after the indexing year in the benefit computation years by the number of months in the benefit computation years. The indexing year for the Average Indexed Monthly Earnings PIA is the second year before the employee's eligibility year. Indexing of an employee's yearly earnings serves to put the earnings in proportion to the earnings level of all workers for the corresponding years, and to express the earnings in terms of a more recent dollar value. Indexed earnings are determined under section 215(b)(1) of the Social Security Act. The Average Indexed Monthly Earnings formula PIA is based on the Average Indexed Monthly Earnings amount.

Average Monthly Earnings means the average determined by dividing the actual earnings used in computing the PIA by the total months in the benefit computation years. The Average Monthly Earnings is determined under section 215(b)(4) of the Social Security Act. The Average Monthly Earnings formula PIA is based on the Average Monthly Earnings amount.

Base Years means the years after 1950 (or 1936, if applicable) and up to the year in which the employee dies or is