

## Railroad Retirement Board

## § 320.5

(h) Insofar as applicable and not inconsistent with the preceding provisions of this section, the provisions of §§ 250.7 to 250.16 of this chapter shall be followed in any proceeding under this section.

[Board Order 58-142, 23 FR 9089, Nov. 22, 1958]

### **PART 320—INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS**

Sec.

- 320.1 Introduction.
- 320.2 Definitions.
- 320.5 Initial determinations.
- 320.6 Adjudicating office.
- 320.8 Notice of initial determination.
- 320.9 Notice of erroneous benefit payment.
- 320.10 Reconsideration of initial determination.
- 320.11 Request for waiver of recovery.
- 320.12 Appeal to the Bureau of Hearings and Appeals.
- 320.18 Hearings officer.
- 320.19 Election to participate.
- 320.20 Powers of hearings officer.
- 320.22 Notice of hearing.
- 320.25 Hearing of appeal.
- 320.28 Record of evidence considered.
- 320.30 Decision or report of hearings officer.
- 320.32 Effect of decision of hearings officer.
- 320.35 Review of decision of hearings officer on motion of Board.
- 320.38 Appeal to Board from decision of hearings officer.
- 320.39 Execution and filing of appeal to Board from decision of hearings officer.
- 320.40 Procedure before the Board on appeal from a decision of a hearings officer.
- 320.41 Procedure before Board after submission of report by hearings officer.
- 320.42 Decision of Board.
- 320.45 Judicial review.
- 320.48 Representatives of parties.
- 320.49 Determination of date of filing.

AUTHORITY: 45 U.S.C. 355 and 362(1).

SOURCE: Board Order 58-142, 23 FR 9090, Nov. 22, 1958, unless otherwise noted.

#### **§ 320.1 Introduction.**

This part explains which units of the Board are authorized to make initial determinations with respect to entitlement to benefits under the Railroad Unemployment Insurance Act and waiver of recovery of overpayments under that Act. This part explains how notice of such determinations is to be

communicated to the claimant and to his or her base-year employer(s) and how these determinations may be appealed.

[56 FR 65679, Dec. 18, 1991]

#### **§ 320.2 Definitions.**

As used in this part—

*Base-year employer* means the railroad employer(s) for whom a claimant worked and earned compensation creditable under the Railroad Unemployment Insurance Act during the base year. The base year is the calendar year immediately preceding the benefit year for which a claim is being filed. A benefit year is generally the period July 1 through the following June 30.

*Party* means the claimant, the base-year employer(s), or any person so designated under this part.

[56 FR 65679, Dec. 18, 1991]

#### **§ 320.5 Initial determinations.**

An initial determination shall be made with respect to each claim for unemployment or sickness benefits by the appropriate adjudicating office as provided by § 320.6 of this part. Prior to making an initial determination the Board shall provide the claimant's base-year employer(s) and most recent employer if different with notice that a claim has been filed and that the employer(s) has an opportunity to submit information which may be pertinent to the adjudication of the claim. The adjudicating office shall make its determination on the basis of the claimant's application and claim and any relevant information or evidence including any information received from the base-year employer(s). A determination allowing payment of an initial claim shall not establish a presumption that benefits for subsequent claims in the same period of unemployment or sickness are also payable. The Director of Policy and Systems shall issue instructions with respect to the adjudication of claims and initial determination on such claims. If it is found that only part of the benefits claimed may initially be paid, a partial payment shall be made prior to a final decision on the whole claim.

[56 FR 65679, Dec. 18, 1991, as amended at 77156, Dec. 17, 2002]