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children of retired employees under the Railroad Retirement Act; or

(2) Crediting the military service under the Social Security Act would entitle employee to vested dual benefit payments.

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**Subpart A—General**

**§216.1 Introduction.**

This part explains when an individual is eligible for a monthly annuity under the Railroad Retirement Act. An individual eligible for an annuity as described in this part may become entitled to an annuity only in such amount as set forth in parts 225 through 229 of this chapter

(a) *Regular annuity.* A regular monthly annuity is provided for:

- (1) An employee who retires because of age or disability;
- (2) An employee's spouse or divorced spouse; or
- (3) The widow, widower, child, parent, remarried widow or widower, or surviving divorced spouse of an employee.

(b) *Supplemental annuity.* An employee who retires because of age or disability may also be entitled to a supplemental annuity.

**§216.2 Definitions.**

Except as otherwise expressly noted, as used in this part—

*Age* means an individual's age on the day preceding the anniversary date of his or her birth.

*Annuity* means a payment due an entitled individual for a calendar month and made to him or her on the first day of the following month.

*Apply* means to sign a form or statement that the Railroad Retirement Board accepts as an application for benefits under the rules set out in part 217 of this chapter.

*Attainment of age* means that an individual attains a given age on the first moment of the day preceding the anniversary date of his or her birth corresponding to such numerical age.

*Board* means the Railroad Retirement Board.

*Claimant* means an individual who files an annuity application or for whom an annuity application is filed.

*Eligible* means that an individual meets all the requirements for payment of an annuity but has not yet applied for one.

*Employee* means an individual who is or has been in the service of an employer as here defined.

*Employer* means a company, individual, or other entity determined to be a covered employer under the Railroad Retirement Act as provided by part 202 of this chapter.

*Entitled* means that an individual has applied for and has established his or her rights to benefits.

*Railroad Retirement Act* means the Railroad Retirement Act of 1974, as amended.

*Re-entitled annuity* means an annuity to which an individual becomes entitled after an earlier-awarded annuity has been terminated. A re-entitled annuity is usually awarded on the basis of different factors of eligibility from the initial annuity, and may be awarded without the filing of another application.

*Retirement age* means, with respect to an employee who attains age 62 before January 1, 2000 (age 60 in the case of a widow(er), remarried widow(er) or surviving divorced spouse) age 65. For an employee who attains age 62 (or age 60 in the case of a widow(er), remarried widow(er), or surviving divorced spouse) after December 31, 1999, retirement age means the age provided for in section 216(1) of the Social Security Act.

*Social Security Act* means the Social Security Act as amended.

*Tier I benefit* means the benefit component calculated using Social Security Act formulas and based upon earnings covered under both the Railroad Retirement Act and the Social Security Act.

*Tier II benefit* means the benefit component calculated under a formula found in the Railroad Retirement Act and based only upon earnings and service in the railroad industry.

*Year of service* means 12 calendar months, consecutive or otherwise, of service creditable to an employee as described in part 210 of this chapter.

**§216.3 Other regulations related to this part.**

This part is related to a number of other parts. Part 217 of this chapter describes how to apply for an annuity. Part 218 indicates when annuities begin and when they terminate. Part 219 sets out what evidence is necessary to prove