

## § 220.2

for a claimant to become entitled to a period of disability, to early Medicare coverage based on disability, to benefits under the social security overall minimum, or to a disability annuity as a surviving divorced spouse or remarried widow(er), the claimant must be found disabled as that term is defined in the Social Security Act.

### § 220.2 The basis for the Board's disability decision.

(a) The Board makes disability decisions for claims of disability under the Railroad Retirement Act. These decisions are based either on the rules contained in the Board's regulations in this part or the rules contained in the regulations of the Social Security Administration, whichever is controlling.

(b) A disability decision is made only if the claimant meets other basic eligibility requirements for the specific disability benefit for which he or she is applying. For example, a claimant for an occupational disability annuity must first meet the eligibility requirements for that annuity, as explained in part 216 of this chapter, in order for the Board to make a disability decision.

### § 220.3 Determinations by other organizations and agencies.

Determinations of the Social Security Administration or any other governmental or non-governmental agency about whether or not a claimant is disabled under the laws, regulations or standards administered by that agency shall be considered by the Board but are not binding on the Board.

## Subpart B—General Definitions of Terms Used in This Part

### § 220.5 Definitions as used in this part.

*Act* means the Railroad Retirement Act of 1974.

*Application* refers only to a form described in part 217 of this chapter.

*Board* means the Railroad Retirement Board.

*Claimant* means the person for whom an application for an annuity, period of disability or Medicare coverage is filed.

*Eligible* means that a person would meet all the requirements for payment of an annuity but has not yet applied.

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*Employee* is defined in part 203 of this title.

*Entitled* means that a person has applied and has proven his or her right to have the annuity, period of disability, or Medicare coverage begin.

*Medical source* refers to both a treating source and a source of record.

*Review physician* means a medical doctor either employed by or under contract to the Board who upon request reviews medical evidence and provides medical advice.

*Social security overall minimum* refers to the provision of the Railroad Retirement Act which guarantees that the total monthly annuities payable to an employee and his or her family will not be less than the total monthly amount which would be payable under the Social Security Act if the employee's railroad service were credited as employment under the Social Security Act.

*Source of record* means a hospital, clinic or other source that has provided a claimant with medical treatment or evaluation, as well as a physician or psychologist who has treated or evaluated a claimant but does not have an ongoing relationship with him or her.

*Treating source* means the claimant's own physician or psychologist who has provided the claimant with medical treatment or evaluation and who has an ongoing treatment relationship with him or her.

## Subpart C—Disability Under the Railroad Retirement Act for Work in an Employee's Regular Railroad Occupation

### § 220.10 Disability for work in an employee's regular railroad occupation.

(a) In order to receive an occupational disability annuity an eligible employee must be found by the Board to be disabled for work in his or her regular railroad occupation because of a permanent physical or mental impairment. In this subpart the Board describes in general terms how it evaluates a claim for an occupational disability annuity. In accordance with section 2(a)(2) of the Railroad Retirement Act this subpart was developed with the cooperation of employers and