

Railroad Retirement Board

§ 220.1

Subpart J—Residual Functional Capacity

- 220.120 The claimant's residual functional capacity.
- 220.121 Responsibility for assessing and determining residual functional capacity.

Subpart K—Vocational Considerations

- 220.125 When vocational background is considered.
- 220.126 Relationship of ability to do work and residual functional capacity.
- 220.127 When the only work experience is arduous unskilled physical labor.
- 220.128 Age as a vocational factor.
- 220.129 Education as a vocational factor.
- 220.130 Work experience as a vocational factor.
- 220.131 Work which exists in the national economy.
- 220.132 Physical exertion requirements.
- 220.133 Skill requirements.
- 220.134 Medical-vocational guidelines in appendix 2 of this part.
- 220.135 Exertional and nonexertional limitations.

Subpart L—Substantial Gainful Activity

- 220.140 General.
- 220.141 Substantial gainful activity, defined.
- 220.142 General information about work activity.
- 220.143 Evaluation guides for an employed claimant.
- 220.144 Evaluation guides for a self-employed claimant.
- 220.145 Impairment-related work expenses.

Subpart M—Disability Annuity Earnings Restrictions

- 220.160 How work for a railroad employer affects a disability annuity.
- 220.161 How work affects an employee disability annuity.
- 220.162 Earnings report.
- 220.163 Employee penalty deductions.
- 220.164 Employee end-of-year adjustment.

Subpart N—Trial Work Period and Reentitlement Period for Annuitants Disabled for Any Regular Employment

- 220.170 The trial work period.
- 220.171 The reentitlement period.

Subpart O—Continuing or Stopping Disability Due to Substantial Gainful Activity or Medical Improvement

- 220.175 Responsibility to notify the Board of events which affect disability.
- 220.176 When disability continues or ends.
- 220.177 Terms and definitions.

220.178 Determining medical improvement and its relationship to the annuitant's ability to do work.

220.179 Exceptions to medical improvement.

220.180 Determining continuation or cessation of disability.

220.181 The month in which the Board will find that the annuitant is no longer disabled.

220.182 Before a disability annuity is stopped.

220.183 Notice that the annuitant is not disabled.

220.184 If the annuitant becomes disabled by another impairment(s).

220.185 The Board may conduct a review to find out whether the annuitant continues to be disabled.

220.186 When and how often the Board will conduct a continuing disability review.

220.187 If the annuitant's medical recovery was expected and the annuitant returned to work.

APPENDIX 1 TO PART 220—LISTING OF IMPAIRMENTS

APPENDIX 2 TO PART 220—MEDICAL-VOCATIONAL GUIDELINES

APPENDIX 3 TO PART 220—RAILROAD RETIREMENT BOARD OCCUPATIONAL DISABILITY STANDARDS

AUTHORITY: 45 U.S.C. 231a; 45 U.S.C. 231f.

SOURCE: 56 FR 12980, Mar. 28, 1991, unless otherwise noted.

Subpart A—General

§ 220.1 Introduction of part.

(a) This part explains how disability determinations are made by the Railroad Retirement Board. In some determinations of disability entitlement, as described below, the Board makes the decision of disability under the Railroad Retirement Act based on the regulations set out in this part. However, in certain other determinations of disability entitlement (as also described below) the Board has the authority to decide whether the claimant is disabled as that term is defined in the Social Security Act and the regulations of the Social Security Administration.

(b) In order for a claimant to become entitled to a railroad retirement annuity based on disability for his or her regular railroad occupation, or to become entitled to a railroad retirement annuity based on disability for any regular employment as an employee, widow(er), or child, he or she must be disabled as those terms are defined in the Railroad Retirement Act. In order

§ 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.

20 CFR Ch. II (4-1-07 Edition)

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