

**Railroad Retirement Board**

**§ 234.58**

(1) Combine the railroad employee's creditable earnings, including military service, under the Social Security Act and Railroad Retirement Act for each of the years 1951 through 1974;

(2) Determine the amount of the employee's creditable earnings in excess of the amounts for each year shown in the chart in paragraph (b) of this section;

(3) Multiply the results of paragraph (a)(2) of this section by the percentage shown in the chart in paragraph (b) of this section; and

(4) Add the results of paragraph (a)(3) of this section. The total is the amount of the lump-sum refund payment.

(b) *Chart for calculation of lump-sum refund payment.*

| Year          | Amount  | Percentage |
|---------------|---------|------------|
| 1951-53 ..... | \$3,600 | 1.5        |
| 1954-56 ..... | 4,200   | 2.0        |
| 1957-58 ..... | 4,200   | 2.25       |
| 1959 .....    | 4,800   | 2.5        |
| 1960-61 ..... | 4,800   | 3.0        |
| 1962 .....    | 4,800   | 3.125      |
| 1963-65 ..... | 5,400   | 3.625      |
| 1966 .....    | 6,600   | 4.2        |
| 1967 .....    | 6,600   | 4.4        |
| 1968 .....    | 7,800   | 3.3        |
| 1969-70 ..... | 7,800   | 4.2        |
| 1971 .....    | 7,800   | 4.6        |
| 1972 .....    | 9,000   | 4.6        |
| 1973 .....    | 10,800  | 4.85       |
| 1974 .....    | 13,200  | 4.95       |

**Subpart F—Tier II Separation Allowance Lump-Sum Payment**

SOURCE: 56 FR 1573, Jan. 16, 1991, unless otherwise noted.

**§ 234.55 General.**

Under the Railroad Retirement Act certain railroad employees who have received separation or severance payments may be entitled to a lump-sum payment if tier II railroad retirement taxes were deducted from these payments. This part sets forth the conditions for entitlement to the lump-sum payment and explains how the payment is computed.

**§ 234.56 Persons to whom a separation allowance lump-sum payment is payable.**

(a) An employee who has completed 10 years of service at the time of his or her retirement or death and who has received on or after January 1, 1985, a

separation allowance or severance payment (see §210.11 of this chapter) which would have been used to increase his or her tier II benefit, except for the fact that he or she was neither in an employment relation to one or more employers as defined in part 204 of this chapter nor an employee representative (see part 205 of this chapter), shall be entitled to a lump sum in the amount provided for in §234.58.

(b) If an employee, otherwise eligible for the lump sum provided for in this section, dies before he or she becomes entitled to a regular annuity or before he or she receives payment of the lump sum, the lump sum is payable to the employee's widow or widower who will not have died before receiving payment. If the employee is not survived by a widow or widower who will not have died before receiving payment, the lump sum is payable to the employee's survivors in the same order of priority as shown for the residual lump-sum (RLS) in §234.44.

**§ 234.57 Effect of payment on other benefits.**

The tier II separation allowance lump-sum payment has no effect on the payment of other benefits.

**§ 234.58 Computation of the separation allowance lump-sum payment.**

The separation allowance lump-sum payment is calculated as follows:

(a) Determine the amount of the compensation due to the receipt of separation or severance pay that could not be considered in the computation of tier II;

(b) Multiply this amount by the rate or rates of tax imposed by section 3201(b) of the Internal Revenue Code of 1954 or 1986 on the compensation (tier II tax); and

(c) The product is the amount of the separation allowance lump-sum payment.

*Example:* In January of 1988 an employee with 10 years of railroad service relinquished his seniority rights in order to receive a separation allowance of \$20,000, thereby severing his employment relation. This was the only creditable railroad compensation earned by the employee in 1988. Both the employer and employee would have paid their share of railroad retirement taxes on this amount. With respect to the employee tier II tax, the tax