

Justification
RUIA Investigations and Continuing Entitlement
RRB Forms UI-9, UI-44, UI-48, ID-4U, ID-4X, ID-5I, ID-5R (SUP)

1. Circumstances of information collection - The RUIA Investigations and Continuing Entitlement, collection consists of two components - Fraud and Entitlement.

The first component, Investigation of a Claim, determines if a claimant has improperly or fraudulently claimed benefits by working or receiving state benefits during a period when they also have received unemployment or sickness benefits from the Railroad Retirement Board (RRB).

Section I(k) of the RUIA, stipulates the requirement that unemployment and sickness benefits are not payable for any day remuneration is payable or accrues to the claimant. Also, Section 4(a-1)(ii) of the Railroad Unemployment Insurance Act (RUIA) provides that unemployment or sickness benefits are not payable for any day the claimant receives the same benefits under any law other than the RUIA.

Under RRB regulation 20 CFR 322.4(a), a claimant's certification on a claim form provided by the RRB, that he or she did not work on any day claimed and did not receive income such as vacation pay or pay for time lost for any day claimed, will constitute sufficient evidence that this requirement has been met unless there is conflicting evidence. The claim forms provided by the RRB for such purposes are Forms UI-3, Claim for Unemployment Benefits, and SI-3, Claim for Sickness Benefits, OMB numbers 3220-0022 and 3220-0039, respectively.

Further, 20 CFR 322.4(b), provides that when there is a question as to whether this basic requirement has been met, an investigation will be made to obtain information sufficient for a finding.

Information indicating that an investigation should be initiated may be received on or with applications or claims; from wages and/or benefit payments shown on State wage records; from compensation shown on railroad employers' records; during interviews; from tips or complaints from interested outsiders; or from employers.

The second component, Statements of Claimed Railroad Service and Earnings, deals with entitlement to unemployment and sickness benefits. To qualify for unemployment or sickness benefits payable under Section 2 of the RUIA, a railroad employee must have certain qualifying earnings in the applicable base year. In addition, to qualify for extended or accelerated benefits under Section 2 of the RUIA, a railroad employee who has exhausted his or her rights to normal benefits must have at least 10 years of railroad service. Accelerated benefits are unemployment or sickness benefits that are payable to a railroad employee before the regular July 1 beginning date of a benefit year if that employee has 10 or more years of service and is not qualified for benefits in the current benefit year.

A benefit year that is started early for one type of benefit (unemployment or sickness) also starts early for benefits of the other type. Also, an employee may receive sickness benefits in a benefit year extended for unemployment benefits and vice versa. It is possible to have benefit periods extended for both unemployment and sickness with respect to the same benefit year.

During the RUIA claims review process, if the RRB records show insufficient service and/or compensation to qualify the employee for benefits, and the employee's military service was included as part of their claimed creditable service for benefits under the RUIA, upon verification the military service may be credited as months of railroad service upon verification.

If there is no military service and the RRB determines that unemployment or sickness benefits cannot be awarded, the RRB allows the claimant the opportunity to provide additional information if they believe that the RRB service and compensation records are incorrect.

The provisions relating to unemployment and sickness benefits are prescribed in 20 CFR 325, 335, and 336. The procedures pertaining to the crediting of military service for extended or accelerated benefits are prescribed in 20 CFR 210.5, 210.6, 211.7 and 212.

2. Purposes of collecting/consequences of not collecting the information - In processing an unemployment or sickness claim, the RRB may determine that benefits cannot be awarded because RRB records show insufficient service or compensation to qualify the employee for unemployment or sickness benefits. A "qualified employee" is one who earns creditable compensation in the base year (\$3,900 in 2018), counting no more than a certain amount in any month (\$1,560.00 in 2018). The base year is the calendar year preceding the benefit year that begins on July 1 each year. In addition, a new employee must have some employment in at least five months of the first year worked in the railroad industry in order to draw benefits in the following benefit year. Further, to obtain extended or accelerated benefits, the employee must have at least 10 years of service.

The following 7 forms are used by the RRB to obtain information needed to determine if a claimant has sufficient compensation or service to qualify for unemployment or sickness benefits.

Form UI-9, Statement of Employment and Wages, is used to investigate an applicant's qualification for benefits under the RUIA when RRB records show insufficient or no qualifying compensation in the base year. (For the benefit year beginning July 1, 2019, the base year would be calendar year 2018.) Form UI-9 is also used to establish the correct amount of compensation to be credited an applicant when the applicant states that RRB compensation records do not agree with his or her records. The form enables the RRB to obtain a record of the applicant's claimed compensation, railroad service, and certain other information essential to a compensation investigation.

The RRB uses both a computer-generated and manual version of Form UI-9. The railroad service and compensation information requested by both versions of the form is identical. Form UI-9 is transmitted to the claimant by means of various form letters in the ID-4 series or ID-32 series (ID-4, ID-4F, ID-4U, ID-4X, ID-4Y, ID-4-S-1, ID-4-S-2, or ID-32n) depending on the particular wage and/or service information that is needed to determine the claimant's entitlement to benefits. Form UI-9 and the appropriate transmittal letter are mailed directly to the applicant who returns the completed forms to the RRB by mail. Completion of Form UI-9 is self-explanatory.

The RRB proposes the following changes to Form UI-9:

- change PRA/PA notice to update the officer title and

- update RRB zip code.

Form UI-44, Claim for Credit for Military Service, is used by the RRB to establish that an employee's claimed military service is sufficient creditable compensation and/or service to qualify the employee for normal, extended, or accelerated benefits. Form UI-44 is released by the RRB to the claimant who has reported on Form ID-4F, ID-4U, ID-4X, ID-4Y, ID-20-1, ID-20-2, ID-20-4, or UI-23 that military service was included as part of his or her claimed creditable service for benefits under the RUIA. Form UI-44 is released only when the claimant's railroad service is insufficient to qualify the claimant for the benefits being applied for.

The RRB proposes the following changes to Form UI-44:

- change PRA/PA notice to update the officer title
- update RRB zip code.

Form ID-19, Establishing Military Service Credits, is used as a transmittal letter for Form UI-44 and contains instructions for returning the completed form to the RRB.

Of the seven computer-generated form letters in the ID-4 series that are used by the RRB to transmit Form UI-9 to claimants, Forms ID-4U and ID-4X are also public use forms. In addition to transmitting Form UI-9, these form letters, along with non-OMB form letters ID-4F and ID-4Y, contain a condensed version of Form UI-23, Statement of Service for Railroad Unemployment Insurance Benefits. The main difference between the condensed version and the regular UI-23 version is that the regular version has room for entering information for three wage years and three employers while the condensed version has room for entering information in the lower portion of the particular ID-4 series form for only one wage year and only one employer. Any additional employer information is provided by the claimant on the blank side of the form.

Before releasing any of the ID-4 form letters to the claimant, the RRB enters information that is subject to change, such as references to particular calendar years and dollar earnings amounts. If a claimant who receives form letter ID-4F, ID-4U, or ID-4X believes that the railroad earnings amount cited in the form is wrong and that he or she is in fact qualified for benefits based on earnings, the claimant completes and returns the enclosed Form UI-9. If the claimant believes that he or she is qualified for benefits based on railroad service, the claimant provides the information requested in the bottom portion of the particular ID-4 received and returns the form to the RRB.

The two ID-4 series form letters and explanations as to their use by the RRB follow.

Form ID-4U, Advising of Service/Earnings Requirements for Unemployment Benefits, is used to advise a claimant that they are not qualified to receive unemployment benefits based on their railroad earnings in a given calendar year. However, the ID-4U further explains that they may be qualified to receive accelerated benefits if certain earnings and railroad service requirements are met.

The RRB proposes the following changes to Form ID-4U:

- change PRA/PA notice to update the officer title and
- update RRB zip code.

Form ID-4X, Advising of Service/Earnings Requirements for Sickness Benefits, is used to advise a claimant that they are not qualified to receive sickness benefits because of their railroad earnings in a given calendar year. However, the ID-4X further explains that they may be qualified to receive accelerated benefits if certain railroad service and age requirements are met.

The RRB proposes the following changes to Form ID-4X:

- change PRA/PA notice to update the officer title and
- update RRB zip code.

The RRB currently uses three forms to obtain information needed to resolve whether a claimed day or days of unemployment or sickness were improperly or fraudulently claimed:- The ID-5i, ID-5R (SUP), and UI-48. Explanations as to their use by the RRB follow.

Form ID-5i, Request for Employment Information, is used by the RRB to request employment and earnings information from a nonrailroad employer for the period for which benefits were claimed. The form is released by an RRB office when it receives information concerning a claimant's nonrailroad employment. This information may be obtained from a completed application for benefits, a claimant interview, from wages shown on State wage records, or other sources. The form is either manually prepared for release or computer generated in cases identified by computer matching programs involving State wage records.

Completion of the form is self-explanatory. The first page of Form ID-5i serves as a transmittal letter and also contains instructions to the nonrailroad employer for furnishing the requested information. The second page contains a calendar on which the employer enters the dates worked by an employee during a particular employment period and the earnings received on each date. Before the form is released, the RRB office enters the claimant's name and social security number on the first page of the form, and the claimant identifying information and employment period for which information is needed on the second page. A return envelope is provided for returning the completed Form ID-5i to that RRB office.

The RRB proposes the following changes to Form ID-5i:

- change PRA/PA notice to update the officer title and
- update RRB zip code.

Form ID-5R (SUP), Report of Employees Paid RUIA Benefits for Every Day in Month Reported as Month of Creditable Service, is used to request information from a railroad employer about compensation credited to an employee during a period when the employee claimed either unemployment or sickness benefits.

Each year, the RRB's computerized records of employee service and compensation are updated from railroad employers' annual reports of creditable compensation and compared

with the employee data in the RRB's computerized "RUIA Benefit Payment" file. Form ID-5R (SUP) is computer generated when the comparison shows that an employee was paid unemployment or sickness benefits for every day in one or more months that the railroad employer had reported as creditable compensation.

The computer-generated form contains the name of the employees, other pertinent identifying information and the claimed months in question for each employee. The computer-generated transmittal letter, **Form ID-5R, Request for Employment Information-Railroad Wage Audit**, is released directly to the employer with the ID-5R (SUP) and provides completion instructions and the Paperwork Reduction Act notice.

The employer returns the completed ID-5R (SUP) to RRB headquarters in the envelope provided for that purpose.

The RRB proposes no changes to Form ID-5R (SUP).

Form UI-48, Statement Regarding Benefits Claimed for Days Worked is used by the RRB to help determine if the benefits were improperly or fraudulently claimed. The information requested on Form UI-48 is obtained by means of an oral interview between the claimant and an RRB office representative.

Completion of the form is self-explanatory. The RRB representative who interviews the claimant, enters his or her own name, the claimant's name and social security number and where the interview is taking place on the first page of the form. On the second page, the RRB representative inserts the claimant's name in the certification statement. The RRB representative then acts as witness.

The RRB proposes the following changes to Form UI-48:

- change PRA/PA notice to update the officer title and
 - update RRB zip code.
3. Planned use of improved information technology or technical/legal impediments to further burden reduction - Not cost effective for the RRB to utilize technology due to low volume. The only form with moderate volume, Form ID-5i, is not a candidate as it is initiated by the RRB with pre-filled data. We will reevaluate the remainder of the forms in this collection after the completion of the RRB IT Modernization project
 4. Efforts to identify duplication – To our knowledge, this information collection does not duplicate any other information collection or another agency uses forms similar to Forms UI-9, UI-44, UI-48, ID-4U, ID-4X, ID-5I, ID-5R (SUP).
 5. Small business respondents - Respondents of some forms in the collection can be small businesses. However, the nature and amount of the information requested is such that minimizing the burden for small businesses is not relevant.
 6. Consequences of less frequent collection - N.A.
 7. Special circumstances - None

8. Public comments/consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding this information collection. The notice to the public was published on page 16688 of the March 24, 2020, Federal Register. No comments or requests for additional information were received.
9. Payments or gifts to respondents - N.A.
10. Confidentiality - Privacy Act System of Records RRB-6, Unemployment Insurance Record File - RRB, and RRB-21, Railroad Unemployment and Sickness Insurance Benefit System - RRB. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for the information collection was completed and can be found at <https://www.rrb.gov/sites/default/files/2017-06/PIA-BPO.pdf>.
11. Sensitive questions - N.A.
12. Estimate of respondent burden - The current and proposed estimated burden for this collection follows.

Current Burden			
Form Number	Annual Responses	Time (Minutes) ^{1/}	Burden (Hours)
*UI-9	69	10	11
*UI-44	10	5	1
*ID-4U	35	5	3
*ID-4X	25	5	2
**ID-5i	1,000 (Private sector)	15	250
***ID-5i	50 (state/local/etc.)		12
**ID-5R (SUP)	400	10	67
****UI-48	14	12	3
Total	1,603		349

^{1/}The RRB has been collecting the information on these forms since OMB approved the information collection. Based on a sampling done when the form was originally created, the office calculated the estimated time, which includes time for getting the needed data and reviewing the completed form.

- * IC-1 - RUIA Continuing Entitlement
- ** IC-2 - RUIA Investigations (private sector respondent)
- *** IC-3 - RUIA Investigations (State, local, tribal governments)
- **** IC-4 - Statement Regarding Benefit Claims for Days Worked

13. Estimated annual cost to respondents or record keepers - N.A.
14. Estimate of cost to Federal Government - N.A.
15. Explanation for change in burden - N.A.

16. Time schedule for data collection and publication - The results of this collection will not be published.
17. Request not to display OMB expiration date - The RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity. In addition, we received a new Chief Information Officer (CIO) on September 2, 2019 who is reviewing our estimated project timeline milestone dates. We provided OMB with a consolidated project timeline.

Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms in order to keep the appropriate OMB expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms.**

18. Exceptions to Certification Statement - None