

FILING APPEALS UNDER THE RAILROAD RETIREMENT ACT AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT

YOUR RIGHT TO BE REPRESENTED

You have the right to be represented by a qualified person of your choice in dealing with the Railroad Retirement Board (RRB). If you prefer a legal representative but have difficulty finding one or cannot afford one, you should ask your local bar association or legal aid society about obtaining the services of an attorney. You and your representative will receive notices of all decisions on your claim.

APPEAL OF A RECONSIDERATION DECISION

If you want to appeal a reconsideration decision, you must do so **within 60 days** of the date the reconsideration decision was mailed to you. The appeal must be filed on RRB Form HA-1, *Claimant Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act*, which is available at any office of the RRB. The filing date of an appeal is the date it is received in any office of the RRB. You will lose your right to appeal if you do not file the form within the 60-day period. A hearings officer may waive the timeliness requirement if it is found that you have good cause for not filing the form timely.

After your appeal Form HA-1 is received, a hearings officer will be assigned to your appeal. The hearings officer, who works in the RRB's Bureau of Hearings and Appeals, acts independently and had no part in the first decision or the reconsideration decision of your case.

You will be given the opportunity to submit additional evidence after your appeal is received. The hearings officer may also develop additional evidence and will determine if a hearing is necessary. Where the hearings officer finds that

the issues raised by your appeal can be resolved without a hearing, no hearing will be held but you or your representative will be given the opportunity to comment on the evidence that will be evaluated by the hearings officer and you may submit a written argument.

If a hearing is held, you and your representative, if you have one, will be notified in advance of the date, time, and place of the hearing. The hearings officer will ask you questions and may question any witnesses you bring to the hearing. You will have the opportunity to explain your case to the hearings officer.

The hearings officer will send you a copy of the written decision on your appeal as soon as the evaluation is completed.

APPEAL OF A HEARINGS OFFICER'S DECISION

If you want to appeal a hearings officer's decision, you must appeal to the three-member Board (the Board), which heads the RRB. The appeal must be filed on Form HA-1 **within 60 days** of the date the hearings officer's decision was mailed to you or you will lose your right to appeal. The Board may, however, waive the timeliness requirement if they find you had good cause for not filing the form timely. The decision of the Board will generally be made based upon the evidence in the record used by the hearings officer. You do not have the right to submit additional evidence to the Board. Additions to the record may be allowed by the Board in accordance with the RRB's regulations. No oral testimony is obtained at this step in the appeals process.

A written decision will be sent to you after the Board's decision on your case is made.

FEDERAL COURT REVIEW

There are different time limits under the Railroad Retirement Act and the Railroad Unemployment Insurance Act to appeal a decision of the Board to federal courts. If the Board upholds the denial of your claim a further appeal may be taken to federal court:

- Under the Railroad Retirement Act, **within one year** after the date of the Board's decision.
- Under the Railroad Unemployment Insurance Act, **within ninety days** after the date of the Board's decision.

The appeal may be done by filing a petition for review in the U.S. Court of Appeals for the circuit in which you reside, or the U.S. Court of Appeals for the Seventh Circuit or the U.S. Court of Appeals for the District of Columbia.

ATTORNEYS' FEES

The RRB does not set attorneys' fees.

- Under the Railroad Retirement Act, an attempt by an attorney to collect a fee that is a gross overpayment for the services rendered may result in the RRB's refusal to permit the attorney to represent claimants in future cases.
- Under the Railroad Unemployment Insurance Act, after the amount of the fee to be charged has been agreed upon by you and your attorney, the fee agreement must be submitted to the RRB for approval.

The RRB will not deduct the amount of attorneys' fees from the accrued benefit due a claimant.

NON-DISCRIMINATION ON THE BASIS OF DISABILITY

All programs of the RRB, including the appeals process, are governed by the provisions of Section 504 of the Rehabilitation Act of 1973, as set forth in Part 365 of the agency's regulations.

The hearings officer, in the conduct of a hearing and the making of the decision in an appeal under either Act, shall ensure effective communication with all appellants, including those who are vision- and/or hearing-impaired or those who have other disabilities. Auxiliary aids will be used where necessary. Appellants requiring special assistance should contact the hearings officer to request such assistance.

Any complaints alleging violations of this provision should be directed to:

Director of Administration
Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611-1275

Complaints must be in writing and filed **within 90 days** of the alleged act of discrimination. Questions regarding individual rights under this provision may be directed to the Director of Equal Opportunity at the above address.
