

**June 15, 2000**  
**L-2000-22**

**TO** : Michael T. Pawlak  
Chief of Sickness and Unemployment Benefits  
Through: Robert J. Duda  
Director of Operations

**FROM** : Steven A. Bartholow  
General Counsel

**SUBJECT** : Disclosure of Medical Records under the RUIA

This is in response to your request for an opinion as to whether medical evidence developed for benefit purposes under the Railroad Unemployment Insurance Act (RUIA) may be disclosed to a railroad employer. As explained below, medical records may be disclosed to an employer in connection with any proceeding relating to benefits payments under the RUIA.

As you know, Public Law 100-647, the Railroad Unemployment and Retirement Improvement Act of 1988, amended the RUIA to introduce experience rating in connection with computation of an employer's contribution rate. The introduction of experience rating in the 1988 amendments also extended to railroad employers the right to protest payment of claimed sickness or unemployment benefits to the railroads' employees. The 1988 amendments included changes in the disclosure provisions in the RUIA. In 1988, the following paragraph, effective January 1, 1990, was added to section 12(d) of the RUIA (45 U.S.C. § 362(d)) permitting the disclosure to employers of records obtained in the administration of the RUIA:

(iv) the Board shall disclose to any base-year employer of a claimant for benefits any information, including information as to the claimant's identity, that is necessary or appropriate to notify such employer of the claim for benefits or to full and fair participation by such employer in an appeal, hearing, or other proceeding relative to the claim pursuant to section 5 of this Act.

Michael T. Pawlak

In addition, section 12(n) of the RUIA (45 U.S.C. § 362(n)), which prior to 1988 prohibited disclosure of medical records “except in a court proceeding relating to any claim for benefits by the employee under this Act,” was revised effective January 1, 1990 by striking out the word “court.” The term “court” was removed from the disclosure exception to allow employers an opportunity for full and fair participation in administrative proceedings relative to claims for sickness or unemployment benefits.