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UNITED STATES OF AMERICA
RAILROAD RETIREMENT BOARD
TRANSCRIPT OF BOARD ORDERS

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October 21, 2008

I CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT TRANSCRIPT

OF BOARD ORDER(S) NUMBERED 08-63

ISSUED BY THE BOARD ON October 20, 2008

Beatrice Szoraki

SECRETARY TO THE BOARD

B.O. 08-63

IMPLEMENTATION PLAN FOR LONG ISLAND EMPLOYEES

On October 10, 2008, the three Board Members met with Sen. Schumer, Cong. Bishop and staff from other members of the New York Congressional Delegation. The Board Members agreed to consider several recommendations concerning occupational disability claims. The Board has adopted and will implement five recommendations. These five recommendations relate solely to the Long Island Rail Road and its employees who file for an occupational disability annuity or who are currently receiving an occupational disability annuity.

To increase oversight of new occupational disability applications, the Railroad Retirement Board (RRB) will establish a sub-unit within the initial section of the disability division. This sub-unit will consist of two GS-11 disability examiners who will be responsible for adjudicating all new Long Island occupational disability applications. Centralizing this function will allow the examiners to more easily detect any unusual patterns that may occur and will facilitate data gathering that will be essential after the recommendations are implemented.

The Director of Programs will conduct a cost analysis to cover the implementation of these recommendations. Moreover, she will be directed to submit to the Board a monthly status report on the implementation of these recommendations.

A description of the implementation plan for each recommendation follows.

Recommendation 1: The RRB will develop and implement a program to conduct independent medical review of present and future occupational disability applications. The independent medical evaluators must be RRB-approved physicians, not specifically labor or management affiliates, who are familiar with railroad injuries.

The RRB currently has a nationwide contract with QTC that provides consultative examinations (CE) when requested by the RRB. The QTC physicians are all either Board-eligible or Board-certified and are well-versed in the necessary protocols required in the occupational disability program. These physicians have no affiliation with either rail labor or rail industry.

CEs will be ordered in present and future Long Island occupational disability cases when it is clear that the applicant is not totally and permanently disabled, does not suffer from a terminal illness or does not suffer from cancer. The usual procedures will be followed when ordering a CE in these Long Island cases.

Recommendation 2: The RRB will develop and implement a program to re-evaluate dubious disability claims. This program should create a mechanism that will allow for more regular and frequent re-evaluations of disability annuitants.

The RRB currently has a program in place to review cases awarded an occupational disability that is codified in the RRB's regulations. The post section of the disability division, which consists of the more experienced disability claims examiners, currently conducts a continuing disability review (CDR) on employees receiving an occupational disability annuity who are totally and permanently disabled for all work. The post section will expand its review of occupational disability cases for Long Island retirees and begin reviewing those Long Island cases where the employee is occupationally disabled and not totally and permanently disabled. The disability staff will follow procedures already in place when conducting these reviews.

Recommendation 3: The RRB will outline how it will institute greater oversight controls over the Long Island regional RRB office and its employees.

The Board will direct the Director of Programs to assign the district manager of the Newark office, who is the Network Manager over the Westbury office, to conduct on-site quarterly office reviews. Additionally, the Network Manager will also conduct scheduled biweekly telephone meetings with the Westbury district manager and her staff to ensure that office is operating efficiently.

Recommendation 4: The RRB will institute programmatic changes that will trigger internal investigations into high numbers of particular ailment claims.

The Board will direct the Director of Programs to assign this task to the Director of Assessment and Training, who will coordinate her efforts with the disability division and any other unit she deems necessary. Her task will be, on an ongoing basis, to collect data and analyze information that identifies the diagnoses of each pending and future Long Island case to ascertain if there are any unusual patterns. The Director of Assessment and Training will also be charged with analyzing relevant data collected from the increased number of CDRs that will be conducted for those Long Island employees who have already been awarded an occupational disability, as described in our plan for Recommendation 2. The focus of these analyses will be on those cases where the main diagnosis is degenerative arthritis but will also look for unusual patterns involving other diagnoses as well.

Recommendation 5: The RRB will institute more stringent review of management employees accessing the occupational disability program.

The Board will direct the Director of Programs to assign this task to the Director of Assessment and Training, who will coordinate her efforts with the disability division and any other unit she deems necessary. Her task will be, on a continuing basis, to identify those Long Island employees receiving an occupational disability annuity who retired from the Long Island as non-bargaining managers, collect data and analyze this information to ascertain if there are any unusual patterns in this area. This ongoing effort will also apply to those individuals with pending applications as well as those who file in the future.