

## § 221.2

Security Administration or the Railroad Retirement Board will pay benefits to a railroad employee, and his or her eligible family members, both before and after the employee's death. The agency that has jurisdiction over the payment of benefits also has jurisdiction of the applicant's medicare coverage (see part 270 of this chapter). The Board is responsible for making this decision.

### § 221.2 Railroad Retirement Board jurisdiction.

(a) *Life cases.* The Board has jurisdiction to pay monthly benefits to each living employee who has completed at least ten years (120 months) of creditable service under the Railroad Retirement Act, and to his or her eligible spouse. Creditable service is described in part 220 of this chapter.

(b) *Death cases.* The Board has jurisdiction to pay monthly benefits or lump-sum death benefits to eligible survivors of a deceased employee, when the deceased employee has at least ten years (120 months) of service that is creditable under the Railroad Retirement Act and a current connection as described in part 216 of this chapter. Lump-sum death benefits are described in part 234 of this chapter. The Board also has jurisdiction to pay any residual benefits that may become payable at the death of an employee. Residual benefits are described in part 234 of this chapter. The Board retains jurisdiction to pay any residual that may be payable even after jurisdiction has been transferred to the Social Security Administration as described in § 221.3.

### § 221.3 Social Security Administration jurisdiction.

The Board transfers jurisdiction (railroad service and compensation credits earned by the employee which the Social Security Administration considers in determining benefits payable) to the Social Security Administration when—

(a) *Life and death cases.* A living or deceased employee has less than 120 months of service that is creditable under the Railroad Retirement Act; or

(b) *Death cases.* A deceased employee has at least 120 months of service that is creditable under the Railroad Retirement

## 20 CFR Ch. II (4–1–10 Edition)

Act (see part 220 of this chapter) but does not have a current connection with the railroad industry as described in part 216 of this chapter.

### § 221.4 When a jurisdiction decision may be reversed.

The Board may reverse a jurisdiction decision whenever evidence is received by the Board indicating that the original decision was incorrect.

## PART 222—FAMILY RELATIONSHIPS

### Subpart A—General

Sec.

222.1 Introduction.

222.2 Definitions.

222.3 Other regulations related to this part.

222.4 Homicide of employee.

### Subpart B—Relationship as Wife, Husband, or Widow(er)

222.10 When determinations of relationship as wife, husband, widow or widower of employee are made.

222.11 Determination of marriage relationship.

222.12 Ceremonial marriage relationship.

222.13 Common-law marriage relationship.

222.14 Deemed marriage relationship.

222.15 When spouse is living with employee.

222.16 When spouse is living in the same household with employee.

222.17 “Child in care” when child of the employee is living with the claimant.

222.18 “Child in care” when child of the employee is not living with the claimant.

### Subpart C—Relationship as Divorced Spouse, Surviving Divorced Spouse, or Remarried Widow(er)

222.20 When determination of relationship as divorced spouse, surviving divorced spouse, or remarried widow(er) is made.

222.21 When marriage is terminated by final divorce.

222.22 Relationship as divorced spouse.

222.23 Relationship as surviving divorced spouse.

222.24 Relationship as remarried widow(er).

### Subpart D—Relationship as Child

222.30 When determinations of relationship as child are made.

222.31 Relationship as child for annuity and lump-sum payment purposes.

222.32 Relationship as a natural child.

222.33 Relationship resulting from legal adoption.