

§ 408.1004

(i.e., a reduction, suspension, or termination) which results from a mass change as defined in § 408.1001.

[69 FR 25955, May 10, 2004; 69 FR 45586, July 30, 2004]

§ 408.1004 Which administrative actions are not initial determinations?

Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review process provided by this subpart and they are not subject to judicial review. These actions include, but are not limited to, an action about—

- (a) Denial of a request to be made your representative payee;
- (b) Denial of your request to use the expedited appeals process;
- (c) Denial of your request to reopen a determination or a decision;
- (d) Disqualifying or suspending a person from acting as your representative in a proceeding before us;
- (e) Denial of your request to extend the time period for requesting review of a determination or a decision;
- (f) Denial of your request to readjudicate your claim and apply an Acquiescence Ruling;
- (g) Declining under § 408.351(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 408.351(f) are not met;
- (h) Findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure. (See § 408.943).
- (i) The determination to reduce, suspend, or terminate your federally administered State recognition payments due to a State-initiated mass change, as defined in § 408.1001, in the levels of such payments, except as provided in § 408.1003(h).

§ 408.1005 Will we mail you a notice of the initial determination?

(a) We will mail a written notice of the initial determination to you at your last known address. Generally, we will not send a notice if your benefits are stopped because of your death, or if the initial determination is a redetermination that your eligibility for bene-

20 CFR Ch. III (4–1–10 Edition)

fits and the amount of your benefits have not changed.

(b) The notice that we send will tell you—

- (1) What our initial determination is;
 - (2) The reasons for our determination; and
 - (3) What rights you have to a reconsideration of the determination.
- (c) If our initial determination is that we must suspend, reduce your SVB payments or terminate your SVB entitlement, the notice will also tell you that you have a right to a reconsideration before the determination takes effect (see § 408.820).

§ 408.1006 What is the effect of an initial determination?

An initial determination is binding unless you request a reconsideration within the stated time period, or we revise the initial determination.

RECONSIDERATION

§ 408.1007 What is reconsideration?

Reconsideration is the first step in the administrative review process that we provide if you are dissatisfied with the initial determination. If you are dissatisfied with our reconsideration determination, you may request a hearing before an administrative law judge.

§ 408.1009 How do you request reconsideration?

(a) *When you must file your request.* We will reconsider an initial determination if you file a written request within 60 days after the date you receive notice of the initial determination (or within the extended time period if we extend the time as provided in paragraph (c) of this section).

(b) *Where to file your request.* You can file your request for reconsideration at:

- (1) Any of our offices;
- (2) The Veterans Affairs Regional Office in the Philippines;
- (3) An office of the Railroad Retirement Board if you have 10 or more years of service in the railroad industry; or
- (4) A competent authority or agency of a country with which the United States has a totalization agreement (see § 404.1927 of this chapter).