§ 220.36 Period of disability.

(a) General. In order to receive an annuity based upon a disability, an employee must be found disabled under the Railroad Retirement Act. If an employee is found disabled under the Railroad Retirement Act, the Board will determine whether he is disabled under the Social Security Act to qualify for a period of disability as defined in that Act.

(b) Period of disability—(1) Definition and effect. A period of disability is a continuous period of time during which an employee is disabled as that term is defined in §404.1505 of this title. A period of disability established by the Board—

(i) Preserves the disabled employee’s earnings record as it is when the period begins;
(ii) Protects the insured status required for entitlement to social security overall minimum;
(iii) May cause an increase in the rate of an employee, spouse, or survivor annuity; or
(iv) May permit a disabled employee to receive Medicare benefits in addition to an annuity under the Railroad Retirement Act.

(2) Effect on benefits. The establishment of a period of disability for the employee will never cause a denial or