



DOCUMENTS > SCHIPANI TO RRRB PENSION REQ 0531 2023

United States of America
Railroad Retirement Board
Office of General Counsel
844 North Rush Street
Chicago, Illinois 60611-1275
Toll Free: 1-877-772-5772
www.rrb.gov

May 31, 2023

Philip J. Schipani
1605 Main Street, Suite 1110
Sarasota, Florida 34236

Re: Marriage of O'Connor
C. 2023-1205

Dear Mr. Schipani,

This is in response to your letter dated May 30, 2023, requesting a *Statement of Railroad Employee's Actual or Estimated Railroad Retirement Benefits* in connection with a dissolution of marriage action. I have provided Board Form G-25, which provides a statement of this railroad employee's actual or estimated benefits under the Railroad Retirement Act.

The Board Form G-25 is an appropriate certification that may be considered as a public document for purpose of admissibility as evidence of present or potential benefits under the RRA for use in divorce, dissolution, annulment, or legal separation. *See 20 CFR Section 295.6(d).*

If you plan to file a Qualified Domestic Relations Order (QDRO) or Divorce Decree, it must direct the "Railroad Retirement Board" to pay as stipulated in the guide. For more information regarding the partition of railroad retirement annuities see the *Attorney's Guide to the Partition of Railroad Retirement Annuities* at: <https://rrbprod.rrb.gov/Resources/LegalInformation/PartitionofRRA>

Should the involved parties have any other questions regarding railroad retirement benefits, they can reach out to the nearest field office, or they may also call the Agency's toll-free number: 1-877-772-5772.

Sincerely,
/s/ The Office of General Counsel

Enclosure: Board Form G-25

cc: John O'Connor (w/enclosure)

**Statement of Railroad Employee's
Actual or Estimated
Railroad Retirement Benefits
(20 CFR Part 295)**

John O'Connor

Railroad Employee SS No.:
XXX-XX-1316

SECTION A Purpose of Statement

This is a statement of actual or potential benefits under the Railroad Retirement Act with respect to the employee named above. It is furnished pursuant to 20 CFR Part 295 for use in connection with a state court action for divorce, legal separation, or annulment involving this employee. Entries in the sections below provide relevant information about the employee's actual or estimated benefits under the Act. Please see the next page for additional information about division of railroad retirement benefits.

SECTION B Statement of Current Railroad Retirement Benefit Entitlement

- The benefit amounts reported in Section C below represent:
- A report of the amount that the Railroad Retirement Board is currently paying to the employee on the first day of each month.
 - An estimate of the employee's current monthly benefit based upon railroad employment through 2021, assuming the employee were now retired and entitled to payment of benefits.
 - No benefit estimate is available because the employee has not completed either 10 years of railroad service, or at least 5 years of railroad service after 1995, as of DNA.

SECTION C Monthly Railroad Retirement Benefit Amounts

Tier I railroad retirement benefit component	\$702.00
Divisible railroad retirement benefit components (Tier II, supplemental annuity, dual benefits)	\$808.31
Total monthly railroad retirement benefits	\$1510.31

Caution: The Tier I benefit component is not subject to division, and the Railroad Retirement Board will not recognize any property division made with respect to it.

Note: If the employee is receiving an annuity that includes an additional amount due to the Overall Minimum Guaranty, the amount will decrease once the Overall Minimum is no longer payable.

SECTION D Railroad Retirement Divorced Spouse Benefit Estimate

Assuming current entitlement under the Railroad Retirement Act, the divorced spouse benefit for the spouse of this railroad employee would be an estimated \$351.00 per month, minus any social security benefits and other applicable offsets and deductions for the same month. Please see the next page for additional information about this benefit.

SECTION E Certification

Pursuant to 20 CFR Part 295.6(d), I hereby certify that the information reported herein is taken from the official records of the Railroad Retirement Board under the Railroad Retirement Act.

Signature: Melinda Harris Title: Paralegal Specialist

Telephone No.: 1-877-772-5772 Date: 05/31/2023

General Information

1. Railroad Retirement Board

The Railroad Retirement Board (RRB) is an independent Federal agency and is responsible for administering the Railroad Retirement Act. The RRB is immune from state court legal process except as provided by Act of Congress. The RRB cannot be made a party in a state court action for divorce, legal separation, or annulment and will not participate in any such proceeding. The RRB may, however, provide information about the rights of the parties to benefits under the Railroad Retirement Act. The RRB is required to honor a state court order that allocates the railroad employee's divisible railroad retirement benefits, provided that the order is valid under state law and complies with 20 CFR Part 295.

2. Statement of Railroad Retirement Benefits

The RRB can report the amount of benefits being paid under the Railroad Retirement Act to a retired railroad employee. If the employee is not retired but has completed either 10 years of railroad service, or at least 5 years of railroad service after 1995, the RRB can estimate the amount of benefits payable if the employee were of retirement age at the time of the request. The RRB does not project future benefit amounts and will not compute the amount payable as of any specific date or make any other special computations. Reminder: The Tier I portion of an employee's actual or estimated benefits is not subject to division by court order.


3. Railroad Retirement Divorced Spouse Benefits

The divorced spouse of a railroad employee may become entitled to a benefit under the Railroad Retirement Act if the parties were married at least 10 years and if the divorced spouse meets the other conditions of entitlement under Federal law. A divorced spouse benefit is paid from the railroad retirement trust funds and does not reduce the amount of the employee's benefits. Payment of this benefit is controlled by Federal law and cannot be altered by state court order. The RRB will disregard any mention of this benefit in a court order. An estimate of this benefit is provided as information only. No estimate is available if the railroad employee has not completed either 10 years of railroad service, or at least 5 years of railroad service after 1995.

4. Funding of Railroad Retirement Benefits

Railroad employees and employers pay employment taxes under the Railroad Retirement Tax Act (26 U.S.C. 3201 et seq.) to fund the payment of railroad retirement benefits. The taxes paid are not contributions in the pension plan sense and do not produce a valuation, as may be true with respect to contributions to a pension plan. The Internal Revenue Service collects railroad retirement taxes, which like other Federal taxes may be refunded only to the extent collected in error. The amount of railroad retirement taxes paid by an employee is not a marital asset and is not property subject to division.

5. Qualified Domestic Relations Orders

 The Railroad Retirement Act is not a pension plan for railroad employees, and the RRB, as the administrator of that Act, is not subject to the Retirement Equity Act of 1984. The RRB will therefore disregard any provision of a QDRO that is inconsistent with the Railroad Retirement Act and the RRB's regulations. The RRB will give effect to a QDRO only to the extent that it provides for a valid division of the employee's benefits. A QDRO that is designed to divide pension plan payments under a railroad company pension plan should be directed to the railroad company itself and not to the RRB. The RRB does not administer railroad company pension plans.