



National Association of Retired Veteran Railway Employees, Inc.



- SINCE 1937 -

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Published ten times a year

Cost – Membership in a Unit or Membership-at-Large

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NARVRE NEWSLETTER

MARCH, 2022

VOL. 36 NO. 03

FROM THE NATIONAL LEGISLATIVE DIRECTOR —

The Surface Transportation Board (STB) is currently holding hearings on restoring Amtrak service to the Gulf Coast where the Sunset Limited used to run. Passenger rail service has been suspended since Hurricane Katrina hit the region in 2005. Since then, tracks were replaced, but serious discussions to restore Amtrak service primarily began with the passage of the FAST ACT of 2015, which directed the US Dept of Transportation to form a working group assigned to the Southern Rail Commission (SRC) to study and estimate needed investment costs from the government, freight railroads and reasonable commitments from local communities on the Gulf Coast. NARVRE's membership was actively involved in passing that legislation and we also helped with efforts

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FROM THE NATIONAL PRESIDENT —

To: All Units and Officers: I hope some of you who will be attending the convention in May at Oakland, CA will present Resolutions, Financial issues or Bylaw changes. We can only do this at the Biennial Convention every two years. Here are the Bylaws provisions per the Constitution.

Article 5 Conventions - Section 3 Resolutions

1. Are typed or printed in duplicate.
2. Contain the signature of the author.
3. Include the date adopted and the Local Unit number.
4. Are submitted to the National Headquarters at least seventy-five days prior to the date of the convention; and
5. May be reworded, combined and/or written in an easily understood form before being presented to the delegates.

NOTE: A MARCH 15 DEADLINE WILL BE EXTENDED TO ALL UNITS. UNITS ARE RESPONSIBLE FOR TAKING SUCH ACTION BEFOREHAND.

The Railroad Retirement Act Of 1974 Two-Tier Formulas

The 1974 Act provided a first tier formula yielding amounts equivalent to social security benefits, taking into account both railroad retirement and non-railroad social security credits. A second tier formula, based on railroad service exclusively, provides benefits comparable to those paid over and above social security benefits by other industrial pension systems. The total annuity yielded by the tier formulas continued traditional levels of railroad retirement benefits and reflected the three cost-of-living increases aggregating 51.8 percent, which had been provided between 1970 and 1972 on a temporary basis.

The 1974 Act also phased out vested dual benefits, introduced cost-of-living increases and for the first time allowed retirement at age 60 with 30 years of service. An employee could not receive a supplemental annuity until age 65 nor could a spouse receive a spouse annuity until the employee reached the age of 65.

— Tom Dwyer,
National President



Empire Builder Charges Out of Chicago to Seattle

The Empire Builder, Amtrak's iconic long-distance train, traces its roots to the Great Northern Railway, which inaugurated service on June 10, 1929. The 21st century version of the train now operates with state-of-the-art diesel-electric power: Amtrak's 4,200-hp ALC-42, built by Siemens Mobility in Sacramento and powered with a Cummins QSK95 Tier 4-compliant prime-mover built in Seymour, Ind. (Railway Age Magazine)

From the National Vice President —

March is the month to begin to make final plans to attend the NARVRE Biennial Convention as scheduled for May 15, 16, and 17 at the Waterfront Hotel in Oakland, CA. After the Convention we hope that the dangers of the Coronavirus-Omicron-Variants will be behind us and that the Railroad Retirement Board Labor Member will resume their schedules of informational meetings for prospective Railroad Retirees and as done in previous years allow NARVRE to participate on those respective meetings to promote the NARVRE organization as many retirees do not even know the existence of NARVRE.

Our goal is to continue to Promote, Protect and Preserve the Railroad Retirement Pension Annuity from congressional infringement that threatens to weaken our pension annuity.

Brother Gary Faley, our Legislative Director keeps us advised about any actions that must be taken to contact our congressional leaders for any adversities affecting our RRB Pension Annuity.

We encourage all Area Directors and officers of all units to continue to promote NARVRE by using informational posters in railroad-bulletin-boards and railroad work stations about our Local Unit monthly meetings. Our Area Directors work is to stay in touch with all officers of all units to educate and promote the effort to Protect, Promote

and preserve our Railroad Retirement Pension Annuity. While at this time our pension is not being attacked by Congress, we have to be vigilant as committees and national budgets are introduced, because this is where the congress sneaks in to infiltrate legislative language to decimate pension benefits using the code word “reform” to begin to eliminate senior benefits that regularly and frequently apply to making changes to Senior benefits more notably to our Social Security which is the Tier 1 of Railroad Retirement along with our Railroad Medicare and other Healthcare benefits.

This is the time to acknowledge and commend Area 1 Director George Boatwright for his work to travel to attend Unit meetings. There have not been many meeting during this time of precaution because of the Virus Pandemic. But, as a reminder for the future, President Tom Dwyer has said we have a fiduciary duty to evaluate attendance to meetings to see if it’s economically beneficial to attend. This is in terms of travel

expense. We have to be frugal when our membership is in decline and we ask Area Directors to use judgment, as we have done throughout the years.

At the Convention our National President Thomas Dwyer is retiring from NARVRE leaving a vacancy open for new elections. National Vice President Tony Padilla will also be vacating the Vice President’s Position and look for other alternatives. I have been serving as officer of the NARVRE Team organization for over a decade and have been fortunate to serve with President Tom Dwyer and as such also thank every Delegate to continue to support our Team. Fortunately our Secretary Treasurer Philip Steward and Legislative Director Gary Faley will also stay in place to carry on our NARVRE organization. Our quest is to increase our membership to continue to serve our membership.

— **Anthony (Tony) Padilla**
NARVRE National Vice President



(National Legislative Director from page 1)

to finally pass an infrastructure and surface transportation reauthorization last November ‘21. That bill represents the largest funding investment in 50 years with \$22 billion for passenger rail, and another \$44 billion in federal grants for Amtrak and rail projects on new routes. The CSX and NS railroads have continually fought against most decisions or resolutions from the study group and the SRC, which is the federal entity representing Alabama, Louisiana and Mississippi, and in charge of the Gulf Coast trains. CSX/NS have filed reports claiming it would cost \$2.3 billion in investments in order to restore passenger rail service on the Gulf Coast. The SRC, also testifying in the STB hearing, stated that the railroad’s figure was grossly inflated and the USDOT determined that reasonable compensation was approximately \$120 million. The carriers have since lowered their projection down to \$400, but that’s still a remarkable difference for the STB to consider. Regional news reports in the area state that “two freight railroads have been waging a bad-faith effort to kill the incredibly popular, fully funded, multi-state effort to restore long-awaited passenger rail service along the Gulf Coast, in part because the precedent could stall the infrastructure law’s historic investment in the country’s passenger rail network which would give millions more Americans access to regular

rail service” (SteveDavis, T4America). CSX and the NS have also inflated their estimates of costs to rebuild the infrastructure and have filed false information on why adding just two passenger trains per day would “unreasonably impair” their freight operations. It must be pointed out that the trackage on the combined lines was repaired and replaced long ago with funds provided after the damage from Katrina). The truth has been exposed in the first phase of STB hearings, with more to come in the evidentiary phase scheduled for March 8-9, 2022.

In 1970, Congress created Amtrak to relieve freight railroads of their obligation to provide intercity passenger rail service and

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Thank you!

We would like to thank all who made donations, both large and small. Your contributions are important to advancing the organizational goals of NARVRE.

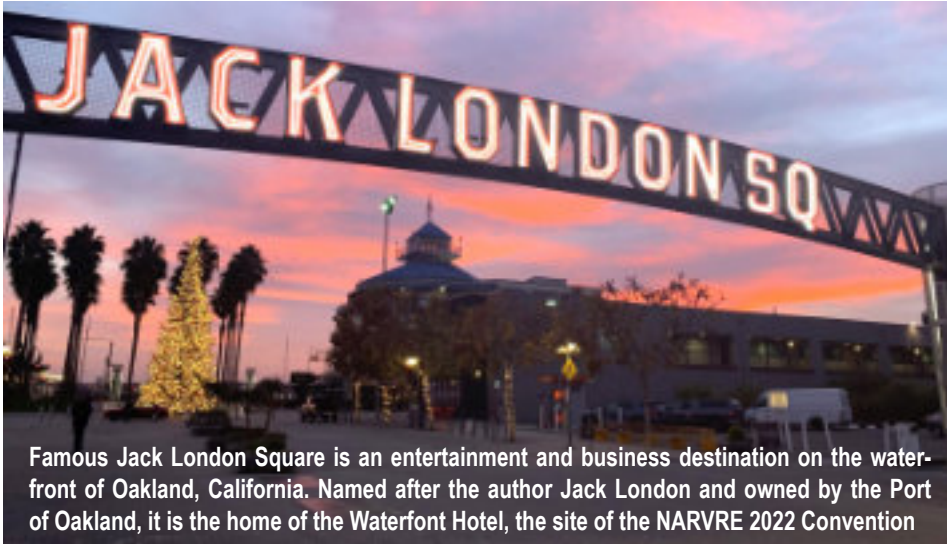
Shelly Kauffman • Sergio Perez • John Crawford • Unit 67 Clinton IA • George Appleby • Celia Benavidez • Jusine Henley • Lyle Dehn • Cecilia Johnson • Peter Stronge • Roger Edington • Barbara Sundquist • Victor Sundquist • David Corless • Unit 48 Sun City AZ closing

Memorials

Delrose Willard • John David Carlson • Myra Hagen • Morris Floyd • Loren Sloan • James Stephenson • Penny Neiswonger • Howard Heileman 98 years old • Gary W. Branch • Jerry Luter • Violet Fane • Lawrence Kirby



The two Gentlemen shown from left to right: Paul Carr (Medicare Insurance Specialist) and Unit 147 President, Jeff Haughawout in Bellevue, Ohio. Mr. Carr thoroughly explained Medicare; followed by a question and answer period.



Famous Jack London Square is an entertainment and business destination on the waterfront of Oakland, California. Named after the author Jack London and owned by the Port of Oakland, it is the home of the Waterfront Hotel, the site of the NARVRE 2022 Convention

NARVRE Conventioneers! The 2022 Biennial Convention is just two months away and we encourage all of you to make your Waterfront Hotel reservations as soon as possible. If conventioneers hope to secure a room on Saturday, (May 14th) at the 'convention rate', we have set aside a significant number of rooms. With the pandemic fading, the Bay Area is becoming a popular destination and we don't want the hotel to sell out! There is another good reason to quickly secure your NARVRE registration. A new convention agenda will leave all of us free after Tuesday morning to enjoy a number of adventures, excursions, and activities. A list from which to make your choice will be sent to each conventioneer in early April. If you have a problem with securing a hotel reservation or need more information call Brian at 510-710-2101. See you in Oakland in May!

From the National Secretary–Treasurer —

After the careful consideration of our Convention Committee, a major decision has been made that will affect the 2022 National Convention. With the pandemic appearing to abate across the country, the committee is offering a truncated version of the 2022 National Convention. The convention will begin Sunday, May 15 & 16. May 17 will offer optional activities

for those who are wishing to participate.

February 28, 2022 is the last day before your 2022 dues become delinquent. Unfortunately, this will be the last newsletter some members will receive until their dues are paid to become current. Annual Unit Audit Forms and the Unit Officer Election forms are due February 28, 2022. The forms are available on our website, as well as an

editable audit form developed by Ron Hylla, Secretary Treasurer Unit 107 St Cloud, MN. The Unit Officer Forms are critical to updating the NARVRE National Directory booklet. Additionally Unit officers, 990N filings are due May 15, 2022. Any unit wishing for our accountant to provide this service, simply send a \$8.00 check to the National Office.

— **James (Phil) Steward,**
National Secretary/Treasurer



(National Legislative Director from page 2)

passed the Rail Passenger Service Act mandating that the STB shall “require a railroad to make immediately available tracks...”. The law under title 49, Section 24308 clearly states that Amtrak has the right of access to freight tracks, and the STB shall order facilities and services be provided to Amtrak and prescribe the terms and compensation for the railroads. In 1973, Congress expanded Amtrak’s right to access with “preference over freight transportation in using a rail line, junction or crossing unless the Board orders otherwise”. In 1980, Congress determined that the freights were

over-charging capital investments from Amtrak and ordered the STB to remedy the situation. Providing proper access to Amtrak trains was part of the agreement the railroads struck with the government in the 1970’s. The host railroads benefit each and every year from that “Grand Bargain” as they receive some \$2 billion every year from the US taxpayers to relieve the railroads of their obligations to passenger rail service in exchange for access to their tracks. The actions of the CSX and NS are the reason that Amtrak petitioned the STB to arbitrate this matter almost a year ago, in March of 2021. STB hearings are covered on STB, U Tube Channel.

The Gulf Coast issue is not the only area of

concern, as the actions of CSX and NS could threaten the expansion of passenger rail service across the nation. If the STB ruled against the restoration of service on the Gulf Coast, new challenges may hamper future proposals for new passenger rail projects in new regions of the country. The Bipartisan Infrastructure Act which became law last November was designed to lead passenger rail into the future, with extraordinary levels of investment funding to open up new connections to new corridors beginning in the near future. It’s apparent that two major railroads are worried about new possibilities to come.

—**Gary Faley,**
National Legislative Director



The Medicare Appeals Process

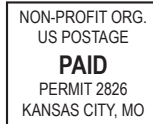
If you are dissatisfied with the outcome of Medicare’s decision on whether or not to pay a claim (or if you feel Medicare didn’t pay enough), you can file a first level appeal with the Medicare contractor that processed the claim. If you have Railroad Medicare, your Part B claims are processed by Palmetto GBA. Your Part A claims (hospital stay, Skilled Nursing Facility/SNF or other facility charge) and claims for durable medical

equipment and supplies are processed by your local Medicare Administrative Contractors. Your Medicare Summary Notice (MSN) will include the name and address of the Medicare contractor that processed your claim.

The first level of appeal is called a “re-determination.” You have 120 days from the date you receive notification of the initial determination to file a redetermination request. The receipt date is presumed to be

5 days after the notice date, unless there’s evidence the determination, decision, or notice wasn’t received within that time. You can submit additional documentation at this level of appeal to support your request. There is no “amount in controversy,” meaning, the claim value is not relevant to your ability to file an appeal. Some levels of appeals have minimum amounts in controversy, as shown

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ADDRESS SERVICE REQUESTED

(Pametto - Medicare Appeals from page 3)

in the next few paragraphs.

Second level – If you are unhappy with the redetermination decision, you can file a second-level appeal with a Qualified Independent Contractor, or QIC. Their address is shown in the redetermination decision letter you receive that explains why your claim was denied or why the decision for your appeal remained the same (such as when you felt a claim should have been paid more but the payment remained the same). You also will have the address for the QIC in your MSN. You have 180 days from the date you receive your redetermination letter to file a QIC appeal request. The receipt date is presumed to be 5 days after the notice date, unless there's evidence the determination, decision, or notice wasn't received within that time. There is no minimum amount in controversy when filing a QIC appeal. If you need to, you can submit additional documentation at this level of appeal to support your request.

Third level – The third level of appeal is with an Administrative Law Judge, or ALJ. You have 60 days from the date of the QIC decision to file this appeal, and there is a minimum of \$180 in controversy for the year 2022. The receipt date is presumed to be 5 days after the notice date, unless there's evidence the determination, decision, or notice wasn't received within that time. You can't submit new documentation at this level of appeal unless you can show good cause for why you did not submit the information at the first two levels of appeals.

Fourth level – The fourth level of appeal

is at the Departmental Appeals Board (DAB), also known as the "Appeals Council." There is no minimum amount in controversy, and you have 60 days from the date of the ALJ's decision to file this appeal. The receipt date is presumed to be 5 days after the notice date, unless there's evidence the determination, decision, or notice wasn't received within that time.

Fifth level of appeal – Lastly, if you are unsatisfied with all levels of appeals thus far, you can file your request at this last level of appeal at the U.S. District Court. You must do so within 60 days from the date of the Appeals Council decision. The receipt date is presumed to be 5 days after the notice date, unless there's evidence the determination, decision, or notice wasn't received within that time. The minimum amount in controversy is \$1,760 for 2022.

What to include in an Appeal request:

All appeal requests require the same basic information:

- The Beneficiary name;
 - Medicare number;
 - The specific service(s) and/or item(s) for which the redetermination is being requested;
 - The specific date(s) of the service; and
 - The name of the person requesting the appeal (the beneficiary or their authorized representative)
- Why you disagree with the decision on the claim
- Any documentation to support your request

You must submit your request in writing. You can't email an appeal request.

Your Medicare Summary Notice (MSN)

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News deadline 10th of each month

includes instructions for filing an appeal in writing. Circle the service(s) or claim(s) you disagree with on the MSN and follow all of the listed steps. If you send a letter, include all of the basic information listed above.

Here is how long each level of appeal can take:

- 1st level Redetermination = 60 days
- 2nd level QIC appeal = 60 days
- 3rd level ALJ appeal = 90 to 180 days (however, the ALJs are in a backlog status and some appeals have taken longer)
- 4th level Appeals Council appeal = 90 days
- 5th level U.S. District Court = No statutory time limit

If you are unsure of where to send an appeal or if you have questions about the Appeals process, you can call our Beneficiary Contact Center at 800-833-4455, or for the hearing impaired, call TTY/TDD at 877-566-3572. Customer Service Representatives are available Monday through Friday, from 8:30 a.m. until 7 p.m. ET.

We invite you to use our free internet portal, MyRRMed, to access claim status, historical Medicare summary notices, and review any individuals you have authorized to have access to your private medical information. You can visit MyRRMed at www.PalmettoGBA.com/MyRRMed.

— *Jennifer Johnson, Palmetto, GBA*