

# National Association of Retired & Veteran Railway Employees, Inc.



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NARVRE NEWSLETTER

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## FROM THE NATIONAL PRESIDENT —

As I write this post the United States Government has shut down. I have had calls on whether or not our monthly annuity deposit will be made on time. The answer is yes! Both social security and railroad retirement are funded by the budget process adopted by Congress every fiscal year so it will not interrupt your benefits. Many Railroad Retirement Board offices are understaffed so be patient when calling

“...Yes, our monthly annuity deposit will be made on time.”

them. I do not know what their policy is on the filing of new claims to those applying for their annuities.

Finally, the Railroad Retirement Board has in place the three members of the Board and confirmed by the Senate. They are Erhard R. Chor-

le, Chairman; Thomas Jayne, Management and Jonathan Bragg, Labor member. I have never met

Mr. Bragg but he is a member of the Brotherhood of Signalmen (BRS) and has held several positions within the BRS. I am looking forward to meeting him in the future.

I would like to encourage all retirees to call and update their beneficiary with Met Life and the \$2,000 Death Benefit. It will save you a lot of hassles when the time comes to inquire about benefits. Remember this is a negotiated labor contract and does not affect those who were management. The purpose of the call now is to make sure that Met Life has your name and beneficiary on record. You will be surprised of how many have someone else as their beneficiary and who is ever listed will get the benefit. Data privacy laws prohibit Met Life from informing you who was paid the death benefit. Met Life 1-800-310-7770.

— Tom Dwyer, National President

## FROM THE NATIONAL LEGISLATIVE DIRECTOR —

We are in the 21st day of a shut-down impacting specific areas of the government. Speculation on what we might expect relative to legislative issues that may affect our lifestyles or budgets is the talk of the media, no matter the source, be it radio, TV, or print. I see it one way, my neighbor views it another. Rather than continue with that banter, I will try to attend to questions that come in from members on different subjects, usually asking for updates on issues that have their concern. I will again remind our readers that most members do not receive informational updates via email, and remind myself that this Newsletter, for those members, is their primary source of information relating to the issues we cover. And that is a continual challenge.

Past statements from GOP leaders,

such as Majority Leader McConnell in the Senate, promising “we’ll get serious about entitlement changes” (Bloomberg News Oct’18). That statement, echoed by other Republican leaders, equates to a mission to cut seniors’ earned benefits, such as Medicare, which is at the forefront of senior’s concerns. We do not have similar present day concerns in the U.S. House, due to the election turning that majority over to the Democrats, but we cannot dismiss the power of Sen. McConnell and his pointed threats that could bring harm to American senior citizens. We stand ready to push back.

H.R. 6147, the pending transportation bill that controls Amtrak long distance train service and the future of the rail passenger system. We were successful in our supporting efforts to pass a sound bipartisan bill in the Senate with proper funding and a recommitment to stand behind the national passenger train network. The work of the Senate also secured

Amtrak’s assurances that the major issue of the Southwest Chief will continue running on its established route. NARVRE continues to be involved, but is satisfied that the Senate bill, now a pending part of the overall transportation Appropriation bill in the House, contains key and compelling language from the direct questioning of Amtrak’s Vice-President in a Senate hearing late last year. At that hearing, this VP from Amtrak was forced to agree with a bipartisan group of Senators to cease their previous plans to replace Southwest Chief train service with a new bus system to transport rail customers. Senator’s Moran (R-KS), Udall (D-NM) and Gardner (R-CO), and others, also received Amtrak’s agreement that the long distance train service would continue through fiscal year 2019, and their understanding that the FY19 Appropriation bill mandates designated funding for the purpose of a nationwide train service network.

## From the National Vice President —

As the NARVRE officers reported in our January Newsletter, the outlook for growth is pivotal for a healthy future and survival of NARVRE. So, it is crucially necessary that all members try to recruit new members. Although February is our dead line to identify delinquent members, we need to follow up with those that are not up to date paying their membership dues. Our Treasurer reported that at the end of December we had a NARVRE membership of 15,368. President Tom Dwyer reported some of the reasons for that drop which is not for a lack of effort to recruit, but the loss of membership is due to abandonments of railroad facilities that once flourished with railroad workers are no longer there, not to dismiss the number of losses due to old age and death which also results in Unit closures. With that in mind, I will re-iterate, as I have done in the past, that our entire membership (each member) proceed to work to recruiting at least one new member, as President Tom Dwyer suggested resulting in an incredible growth if it were the case, not forgetting to include spouses.

The Amtrak Reservation Center in Riverside California could not be saved because, Richard Anderson, the President of Amtrak, did not give adequate notice; neither to the Union or the Employees. Therefore, work at the reservation's facility will be eliminated. Amtrak President Richard Anderson who earlier proposed to get rid of all the long-distance Amtrak routes, failed to do so because NARVRE helped gain support for the Amtrak Service from the appropriate Committee Chairman that funds Amtrak. He is now eliminating and destroying the Amtrak Service fractionally. His Union busting tactic worked and he now is outsourcing the work to non-railroad workers in Florida who will not be paying into the RRB Trust fund thereby diminishing the Trust Fund.

I am very proud of all those members who continue to support to sponsor voluntary contributions to the treasury above the normal

membership dues. I especially want to thank you for the sponsorship of the memorials to honor our members and Leaders of the different Units. Every contribution is appreciated, no matter what the amount is.

The House gained a majority and now it will be more difficult to target our Railroad Retirement, Social

Security (Tier I of RR) and Railroad Medicare and the General Healthcare coverage of existing conditions since the National Political Campaign ran on saving these programs, but we cannot trust any politician in office, and we will be vigilant.

— **Anthony (Tony) Padilla**

**NARVRE National Vice President**



Unit 123 Fargo ND Christmas celebration at Sons of Norway Lodge in Fargo Dec 8 2019. Meetings are held second Thursday each month.



Left to Right: Unit 123 Fargo ND Officers: Marv Boser, S/T, Marc Halvorson LR, John Certerski Pres, Bruce Hager Area 6 Director.



On January 14, 2019 NARVRE Unit 043 celebrated it's 7 year anniversary with cake and coffee at the Conneaut Eagles Club #408 Conneaut, Ohio.

Pictured from left to right NARVRE Officers, Sec/Treas. Ralph Mongenel, President, Jon Brady, Communications Officer David M Harlacher, First Vice President George Dixon.



## (National Legislative Director from page 1)

Before the close of his questioning, Sen. Udall also advised that the Senate bipartisan intention is for Amtrak and long distance train service to go well beyond 2019, which is the message NARVRE members and other advocates delivered to our Representatives in Congress. As information, this bill, HR 6147, is currently held hostage along with 5 other Appropriations bills, due to the government running the clock on their 2nd continuing resolution (CR) which expired Dec. 21st, i.e., the shut-down commenced. While this issue is so far considered a victory, Amtrak's President Richard Anderson's recent actions continue to disappoint, when he announced the closing of the Riverside, CA call center, which has adversely and unfairly affected over 500 employees. Leaders of the Transportation Communications Union (TCU), requested support for Amtrak employees that were blindsided by this decision to outsource their work, and

be performed in a non-union facility. TCU has petitioned Amtrak to negotiate this situation and treat their dedicated employees in a fair manner, rather than forcing them to take unacceptable transfers to Philadelphia, PA, which financially threatens their families. The employees found the support of District Congressman Mark Takano (D-41, CA) who has involved himself in TV coverage and supporting events describing the unfair situation Amtrak has placed upon their employees at this call center. This is, of course, a rail labor problem, and these Amtrak employees are in the best of hands with TCU. NARVRE has not taken an active role, nor have we urged members to get involved. We have simply wanted to make the membership aware of this blemished and cruel side of Amtrak's new leadership. The involvement of any member is, of course, an individual decision. As information, we have not been formally asked to do anything as an organization. As stated, the employees are in the midst of trying to negotiate a better outcome for those

affected. Our involvement has been and will continue to be consistent in our battles against unfair issues affecting Amtrak, and also support the work of all rail employees that pay into our railroad retirement system.

In the year ahead, NARVRE will continue to fight against any proposals to allow for increases in the weight and lengths of trucks on our highways. We have not seen nor have we been advised of any new proposals on this issue, but we have heard from different sources of interest due to the political voices from the Koch Bros, etc, that wish to promote specific language on the issue. NARVRE is fully aware that this issue is not in the best interest of the railroad industry. NARVRE has always involved our members in these past fights on behalf of our railroads, and have been successful in building ample support to defeat these ill-advised proposals over the years. Also, we will again support the safety issue of the 2-man crew legislation, when the Safe Freight Act (S.2360) or a comparable bill is introduced in the 116th Congress. On the House side, H.R. 2360 will be re-introduced via Rep. D. Young, (R-Alaska).

— Gary Faley,

*National Legislative Director*

## From the National Secretary-Treasurer —

**W**e anticipate 2019 to be a volatile year and we will need all hands on deck when the time comes. We strongly recommend each unit to establish its own Facebook page for new member outreach as well as a faster way to distribute information to your membership. There are a number of units successfully taking advantage of this platform and we anticipate more to take part.

February 28, 2019 is the last day for members to pay the current year dues, after that date those who are delinquent will no longer receive their newsletter beginning March 2019. As stated in past issues, NARVRE can no longer afford to

send newsletters to those who have not contributed.

Three years ago my predecessor, Joyce Burton solicited the services of our corporate accountant to file the 990N return for any unit that wanted to take advantage of this assistance for a discounted fee of \$8.00. That service is available again this year if your unit chooses to use it by sending check to National Office for \$8.00. The 990N is due to the IRS by May 15, 2019.

Audit report forms are due February 28, 2019 and should be forwarded to the National Office. Unit officers please notify us via email or telephone if any of your members who are not receiving their newsletter.

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

## 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.

Darlene Thomas • Frances Howland • Kenneth Klomp • Terry Stefani • David Cook • Jerry Thomas • Herbert Sandhop • Byron Schuetz • Jay Smith • David Crocker • John Benner • John Whyte • James Kostibos • Roy Harju • Kenneth Kroeger • Winston Garth • Victor Sundquist • Judith Shaw • James Bross • Jeremy Ferguson • Bernard Fuechtmann • Barbara Sherwood • William Dunlop • L.M. Schwab • Andrew Merrick • Jose Cardenas • Rita Farrow • Joseph Bolduc • M. De Rosch • David Corless • Wayne Haskamp

## Memorials

Bill Haberman • Joe Baublits • Roger Button • Donald Kelley • Nicki Ridout • Eddie S. Higginbotham • Kenneth V Szabla • Ronald Clark Liggett • Frank Avery • Cecil Davison • James Holland • Regina Lahr • Kitty Westmoreland

NARVRE Ohio Biennial State Meeting will be held May 20, 2019 at the Holiday Inn in Strongsville, OH. Speakers will be our National President, Tom Dwyer; National Vice President, Tony Padilla; National Secretary/Treasurer, Philip Steward and National Legislative Director, Gary Faley. We will also have speakers from United Health, Medicare, Railroad Retirement plus Walter Barrows, retired Labor Member of the US Railroad Retirement Board and others. A luncheon will be served compliments of the Moody Law Firm. A block of rooms has been reserved for anyone wishing to stay overnight. For more information or for a reservation contact Ruth Teper, Ohio State President at 216-749-2786 or [rbt@cox.net](mailto:rbt@cox.net).

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**From Palmetto, GBA**

## Removal of Medicare Therapy 'Caps'

For years Medicare had annual financial limitation amounts on outpatient therapy services (physical therapy – PT, speech-language pathology – SLP, and occupational therapy-- OT). These limitations were referred to as therapy 'caps'. Once a patient had services that reached the 'cap', providers would have to attest their services were medically necessary and request that their services be extended by using a special code (modifier KX) on Medicare claims. Claims in excess of the 'cap' billed without modifier KX were denied as patient responsibility.

Now the services are no longer 'capped' each year, although providers still need to use the KX modifier on Medicare claims for medically necessary therapy services when they exceed a certain threshold. The threshold exists to make sure that therapy services are being paid for appropriately. Therapists or therapy providers are now held liable when

a claim denies as the threshold has been met but they did not use the KX modifier to justify payment.

#### What this means for you

You will not be responsible for therapy services that are denied solely because they exceed the threshold and were not billed with a KX modifier.

If the provider determines that therapy services are not medically reasonable and necessary, he or she must supply you with an Advance Beneficiary Notice of Noncoverage, or 'ABN'. An ABN lets you make an informed decision of whether you choose to receive the services. An example of this type of service would be if you reached your therapy goals but wanted to continue with the therapy sessions. It doesn't matter if you have not met the threshold or not. When a service is no longer medically reasonable and necessary, Medicare will not pay. If you choose to receive the services, you will be responsible for the charge.

Another scenario is if you want a

service that is never covered (acupuncture, Tai Chi, etc.). The provider is not required to give you an ABN but can do so as a courtesy. ABNs are not considered necessary for services that Medicare never covers. You will be responsible for the charge with or without an ABN.

#### Have questions?

If you have questions about Railroad Medicare's coverage of your therapy services, please call our Beneficiary Contact Center at 800-833-4455, Monday through Friday, from 8:30 a.m. to 7 p.m. ET. We encourage you to sign up for email updates. To do so, click 'Listservs' on the top banner on our website at [www.PalmettoGBA.com/RR/Me](http://www.PalmettoGBA.com/RR/Me).

We also encourage you to visit our My RR Medicare Facebook page at [www.Facebook.com/MyRRMedicare](http://www.Facebook.com/MyRRMedicare) and to use our beneficiary portal, MyRRMed, which is located at [www.PalmettoGBA.com/MyRRMed](http://www.PalmettoGBA.com/MyRRMed).

— Jennifer Johnson