



UNITED STATES GOVERNMENT

# MEMORANDUM


FORM G-115f (1-02)

RAILROAD RETIREMENT BOARD

July 13, 2009

L-2009-12

**TO** : Ronald Russo  
Director of Policy and Systems  
Office of Programs

**FROM** : Steven A. Bartholomew  
General Counsel 

**SUBJECT** : NUMIDENT Database as Proof of Age for Applicants Not Yet  
Age 60  
E- Government

This is in reply to your memorandum of June 29, 2009, requesting my opinion as to whether the amended policy adopted by the Social Security Administration (SSA) for using the NUMIDENT electronic database for all applicants without further development for proof of age may be used by the Railroad Retirement Board.

The NUMIDENT file is a master electronic file that provides personal identifying information for each individual who has been issued a social security number. The information is recorded from the social security number application, and consists of the individual's full name, social security number and date of birth. Generally, the place of birth and parents' full names are also included.

As discussed in Legal Opinion L-2009-03, effective May 2008, the SSA established a "tolerance" policy for acceptable evidence of age for certain benefit applicants, *i.e.*, SSA would no longer request an applicant who is a natural or naturalized U.S. citizen to furnish proof of age when applying for a Retirement Insurance Benefit; or when applying at age 60 or over for a Disability Insurance Benefit, a widow's or widower's benefit, or an auxiliary or survivor benefit. An applicant who meets these conditions must also allege a date of birth not materially discrepant from that shown on the NUMIDENT record.

As part of the authorized exchange of information between the SSA and the Board, employees of the Board have access to the electronic NUMIDENT file. You previously proposed to use the date of birth electronically stored in the NUMIDENT file to establish proof of an applicant's age under the RRA in the same conditions as those established by the SSA. In L-2009-3 I advised that, with appropriate guidelines addressing such problems as discrepant date of birth information appearing in RRB files concerning that claimant, in my opinion there was no legal objection to your proposal to use the date of birth electronically stored in the NUMIDENT file to establish proof of an applicant's age under the RRA.

In your recent memorandum you state that in September 2008 SSA amended their policy, eliminating the requirement that the applicant be at least age 60 for the NUMIDENT database to be used without further development for proof of age. All of the other restrictions noted in L-2009-3 continue to apply. You now propose to adopt SSA's policy of using the NUMIDENT DOB without further proof of age for railroad retirement applicants who are U.S. citizens, regardless of their age.

I have no legal objection to the adoption of this change in policy.

RSimmons:rls:cmw

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