



October 2, 2008

**VIA TELEFAX AND REGULAR MAIL**

Honorable Timothy Bishop  
House of Representatives  
225 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Bishop:

Recent media reports regarding the occupational disability pensions granted to retired MTA Long Island Rail Road (LIRR) employees by the U.S Railroad Retirement Board (RRB) have raised serious questions about how these pensions are awarded. The RRB has stated that nationwide, it approves nearly 98% of all occupational disability pension applications. This clearly indicates the disability pension review process is broken and needs meaningful reform.

These disability pensions are granted by the federal government without any significant participation or opportunity for meaningful input from the railroads, including the LIRR and MTA Metro North Railroad (MNR).

We are extremely mindful of the hard and difficult work that our employees perform each day, often under challenging conditions. However, we also want to safeguard taxpayer money that is funding the disability system. But we will need Congressional help to do so. The LIRR experience with the RRB is symptomatic of an outdated disability system and standards that desperately need fixing. Appropriate reforms to the Railroad Retirement Act and, in particular, the RRB's disability review process, standards and regulations, need to be made. Specifically, we would be looking for the following reforms:

- The Board's occupational disability determinations should be reviewed by experienced and independent occupational disability medical professionals who are familiar with the true functional and physical demands of modern railroad jobs. In no instance should the RRB be able to rely exclusively upon the opinion offered by the applicant's medical providers. The RRB must be given a mandate to apply meaningful standards to determine whether an applicant is occupationally disabled and must have the tools to weed out frivolous claims.
- The Board should share with the railroad carrier an applicant's self-reported job description before the Board makes a disability determination based on the functional demands of any individual applicant and must require carriers to respond

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if there is any discrepancy between the carrier's description of the job and the applicant's description.

- A rehabilitation program with mandatory subsequent independent medical reviews should be required.
- A more stringent review for disability claims by administrative employees who do not engage in the physical labor that is required of operational workers should be considered.
- Age and service retirees should be precluded from eligibility for the occupational disability benefit, or the eligibility criteria for such applications should be substantially tightened.

While we believe Congressional action is needed, we also are adopting a number of internal reforms at the LIRR to minimize any opportunity for waste, fraud and abuse. These measures include additional ethics training for our employees, a new compliance unit on RRB issues within the LIRR, and a reminder to all employees of their obligation to report any wrongdoing at the railroad to the MTA Inspector General.

I am sure you will agree that federal disability pensions should be reserved only for those who truly deserve one. I am looking forward to discussing this matter with you in the very near future.

Sincerely,



Helena E. Williams  
President

cc: Elliot G. Sander, Executive Director and CEO  
District Office