

Social Security

Program Operations Manual System (POMS)

TN 27 (05-99)

RS 00605.386 Exclusion of Certain Totalization Benefits from WEP

A. Introduction

P.L. 103-296 provides that the WEP will not apply in computing U.S. totalization benefits and/or in computing regular U.S. benefits where the NH receives a foreign totalization benefit based on U.S. work, and no other non-covered pension.

B. Policy - General

- WEP will not apply where the number holder is:
 - entitled to a U.S. totalization benefit based on coverage in both the U.S. and a totalization country coverage, or
 - entitled to a regular U.S. benefit, as well as a foreign benefit which is based on a totalization agreement with the U.S., and not receiving any other pension based on non-covered work.
- These policies apply to all benefits payable for 1/95 or later. Benefits for months before 1/95 may be subject to WEP.
- A recomputation of the WEP PIA can be done when the claimant submits either an award notice or a letter from the foreign country paying the benefit showing that the benefit is based on the totalization agreement between that country and the U.S.

C. Procedure

Follow the procedure below when processing the "Request for WEP Exclusion".

1. District Office

When a NH contacts Social Security with proof that a U.S. totalization benefit or regular U.S. benefit should be excluded from WEP, forward a copy of proof to the PSC/ODIO.

2. PSC

Review the claim, verify the reduction for WEP and take the following actions:

a. Initial Claims

For new claims (including advance filed claims) compute the 1/95 PIA without applying the modified formula. WEP may be applied to any other PIA effective before 1/95.

b. Adjudicated Claims

If the beneficiary is eligible for a recomputation based on RS 00605.386B.1., recompute the PIA effective 1/95 and remove the WEP reduction. Change the PIFC accordingly.

Develop for any possible other pension as appropriate.

D. References

- WEP Computation, RS 00605.369
- Applying the WEP in totalization claims, GN 01701.300 - GN 01701.320

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0300605386>

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