

# Social Security

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## Program Operations Manual System (POMS)

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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

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To Link to this section - Use this URL:

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

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