



FEB 14 2013

## BLBA CIRCULAR NO. 13-01

**SUBJECT: Documentation Requirements – Establishing Relationship**

This Circular is intended to clarify the requirements for obtaining relationship documentation, as described in BLBA PM 2-900.13, promulgated via BLBA Transmittal #09-08, September 2009:

*13. Documentation Required.*

*All documents purporting to prove relationship or dependency must be legible. Original and certified copies should be photocopied and returned to the claimant as soon as possible. The claims examiner must note on the back of any photocopy that it is a true copy of an original or certified copy, and must sign and date the copy. If a photocopy is submitted, the district director must determine that the copy is accurate and has not been altered. The district director may request a certified copy before accepting the document as genuine, and may inquire further concerning the genuineness of any document.*

*When developing proof of relationship or dependency, always obtain documents which officially memorialize an event, such as a marriage or birth certificate. Sworn statements should be used only after all efforts to obtain a memorializing document have failed. In cases where augmented benefits are awarded at the ALJ or BRB level, and no documentation of dependency exists except for the sworn testimony in the hearing transcript, the district director shall nevertheless obtain the appropriate documentation for the record.*

District Directors may exercise discretion, as noted in the 4<sup>th</sup> sentence of paragraph 13, above. But this discretion must carefully be exercised and utilized primarily when non-certified documents had previously been submitted and accepted as proof.

When obtaining relationship documentation in newly-filed claims DCMWC must obtain certified copies; DCMWC policy parallels Social Security's policy for requiring original or certified documents. In short, the claimant must submit an original record or a custodial certified photocopy or extract of the original record. The record custodian must affix a signature, stamp, or seal to the photocopy or extract attesting to the accuracy of the document. Telefaxed copies are not considered acceptable proof.

Acceptable Proof of Marriage/Divorce/Birth. Any document submitted by the claimant as proof of an entitlement factor must be:

- Original Marriage/Divorce/Birth Certificate
- Certified Copy of a Public Record of Marriage/Divorce/Birth
- Certified Copy or Statement of a Religious Record of Marriage
- Foreign Records (A Foreign document based on Church or Civil Records issued pursuant to the Foreign law)

Exceptions to above:

- Survivor Conversions (Part B & Section 1556 claims). If the surviving spouse/divorced spouse/child was an augmentee in a previously awarded claim and the previously accepted relationship evidence is in the awarded claim file, the DD may accept and place a copy of the

documentation (marriage/divorce/birth certificate) in the surviving spouse/divorced spouse/child conversion claim file.

- Survivor Claim (previous claim filed after 12/31/1981 and denied). If the previously accepted relationship evidence is contained in a previously denied claim file, the DD may accept and place a copy of the documentation (marriage/divorce/birth certificate) in the survivor claim file.

If the claimant is having difficulty meeting the above requirements, claims personnel are encouraged to assist claimants by advising them that acceptable certified documentation is available for a nominal fee from the County Courthouse where the marriage/divorce/birth occurred, and by providing addresses, phone numbers and website information for these county offices or by having a notary authenticate the documents. Claims personnel may initiate contacts with keepers of certified documentation at the request of claimants who appear to be otherwise unable to assist themselves in this endeavor.

Finally, a note regarding the 3<sup>rd</sup> sentence of paragraph 13, above: it is acceptable for the claims examiner, after photocopying the original document, to sign and date the front page of the photocopy – in the margin, outside of the certificate's image – *if* there is room. The critical aspects of this signature/certification process are providing an unaltered image of the original document and ensuring that the CE's signature and date are unmistakably associated with the original document.



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Distribution: List No. 3 (All Supervisors, Claims Examiners,  
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