



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 12, 2021

Senator Ron Wyden
Chair, Senate Committee on Finance
Rm. SD-219
Dirksen Senate Office Bldg.
Washington, DC 20510-6200

Senator Crapo
Ranking Member, Senate Committee on Finance
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Via email: Statementsfortherecord@finance.senate.gov

RE: April 29, 2021 Hearing on “Social Security During COVID: How the Pandemic Hampered Access to Benefits and Strategies for Improving Service Delivery”

Dear Chairman Wyden and Ranking Member Crapo:

This statement is submitted by the cochairs of the Social Security Task Force of the Consortium for Citizens with Disabilities, the nation’s largest coalition of national disability organizations. We thank you for holding this hearing on the important topic of service delivery at the Social Security Administration (SSA). Our comments focus on issues related to SSA’s Operations component because the Deputy Commissioner of Operations was the agency’s witness for this hearing.

SSA faced difficulties in customer service before COVID-19; the pandemic worsened some challenges and introduced new ones. Many of these issues, new and old, were highlighted by the hearing and we were grateful for the substantial interest from members of both parties in ensuring that SSA processes are straight forward and easy to navigate and that beneficiaries can access the benefits to which they are entitled. To inform Congressional work, we wish to highlight problems that we as a coalition have also focused on or of which we have been made aware. Some ways of improving or fixing the agency’s problems require changes to the law or increased administrative funding; others could be done by SSA itself, but would benefit from Congressional oversight.

We are grateful for SSA’s communications with the public and with advocates throughout the pandemic. SSA is providing better services now than it was a year ago when we were only six weeks into stay-at-home orders. There even are some aspects of SSA’s workloads that are being performed more efficiently than they were before the pandemic. But many challenges remain, especially for the lowest income and most disadvantaged beneficiaries.

- 1) Pandemic Disaster Relief and Supplemental Security Income (SSI) Beneficiaries

As Senator Menendez highlighted, many people with disabilities who rely on SSI are encountering challenges when dealing with pandemic relief, either related to unemployment insurance compensation or economic stimulus. Last year, we highlighted some of these issues in our statement for the record in response to the Finance Committee’s hearing on Unemployment Insurance During COVID-19.¹ As Deputy Commissioner Kim said, we know that SSA has been working to determine if the disaster protections of 20 CFR § 416.1150 apply in this context—other agencies have applied disaster relief regulations since last year and this seems to be a reasonable interpretation to us.² It was clearly not Congress’ intent to deprive people of benefits by providing relief.

We have received reports of children with disabilities receiving SSI benefits having their benefits cut because of their parents’ receipt of unemployment benefits; SSI beneficiaries who do work having their benefits suspended or terminated because of unemployment compensation; and of SSI beneficiaries being inappropriately terminated for being over the asset or resource limit, despite a clear statute prohibiting the stimulus payments from being considered assets for the first 12 months. We know that these problems will continue in response to the recent additional stimulus checks. We believe that this confusion is actively harming beneficiaries. It is extremely frightening for beneficiaries to receive termination or suspension notices, incorrect or not, especially since eligibility for SSI benefits often conveys eligibility for health care. We would urge Congress to both increase asset limits (which have not been updated since 1984) and to work with SSA to ensure that no one is terminated inappropriately. No one on SSI should be have their benefits terminated due to pandemic relief assistance.

2) Redesign on the SSI Application

As mentioned by Mr. Causeya, the SSI application is only available online to an incredibly narrow group of applicants: people age 18-64 who are not blind, never married, and never made a claim for any SSA-administered benefit. With the field offices closed and the paper SSI application form only available buried on the SSA website, thousands of potential applicants have been unable to apply.³ The phone lines are often too busy, leading to extended delays. A widely available online SSI application would help ensure that those who are eligible for SSI can apply, especially if accompanied by other reforms to ensure that the SSI application is understandable for those with disabilities who need to use it. During the working groups that SSA mentioned, we know that the many issues with the current application have been brought to SSA’s attention. We would be glad to work with Congress and SSA to ensure that the application is available online and in a more understandable form.

3) Assistance for Assisters

Many people unable to navigate SSA’s current systems have turned to legal services organizations, other community navigators such as the program run by Mr. Causeya, the media,

1 http://c-c-d.org/fichiers/FINAL_CCD-Statement-for-the-Record-re-UI-Disregards-_6-23-20.pdf

2 We will note that the Department of Labor is applying the Disaster Unemployment Assistance (DUA) regulations: <https://wisconsinexaminer.com/wp-content/uploads/2020/07/Wisconsin-Department-of-Workforce-Development-SSDI-Inquiry.pdf>.

3 <https://www.aarp.org/retirement/social-security/info-2021/closed-offices-impact-ssi-applicants.html>

or their members of Congress for assistance. Others simply are not receiving the benefits for which they qualify. We know that [applications and awards for disability benefits have declined significantly](#) during the pandemic: this is detrimental to people who are going without financial supports and the Medicare or Medicaid that can accompany them. It also means that SSA must prepare now for a coming increase in people seeking the agency's services. These same individuals will also seek help from legal services organizations and other community navigators who assist with applications, increasing a burden on already stressed assistance system.

SSA's policies are complicated. People benefit from skilled assistance interacting with SSA—and when the public has more information so claimants can provide necessary documentation and complete forms accurately, the agency benefits too.

Ensuring that appointment of representative forms (SSA-1696) are processed quickly and accurately is critical: SSA should track this workload more closely and make efforts to improve it. Paying approved representative fees promptly is important too: it allows beneficiaries to receive any portion of withheld past-due benefits that exceeds the authorized fee and encourages skilled representatives to continue practicing in this area. Congress should also increase funding for legal services, SOAR, Protection and Advocacy for Beneficiaries of Social Security, and Work Incentives Planning and Assistance programs. These programs provide valuable services and help SSA work more efficiency. A specific navigator program for people with disabilities applying for SSI over the next several years would also help reverse the dramatic drops in application and award rates, provide access to needed benefits to COVID-19 long haulers, and reduce the burden on the agency and newly opened field offices.

4) Issues Stemming from Field Office Closures

In Fiscal Year 2019, SSA had more than [174,000 visits each day](#) to its network of over 1200 field offices. Some of those visits were successfully replaced during the pandemic with phone calls, faxes, online services, and mailed communications; indeed, some people with disabilities prefer to use such services when they are available and accessible. But many people lack technology, mailing addresses, or phone minutes. Some need services that SSA does not provide online, like new (or, in some states, replacement) Social Security cards; online SSI applications for most claimants; or reporting the death of a loved one and applying for survivors' benefits. And others are unable to verify their identities using SSA's system based on credit-bureau data, and thus cannot set up the mySSA accounts needed to receive many of the agency's electronic services. A disproportionate number of low-income people rely on Social Security and SSI benefits and are less likely to have access to regular internet access, a problem compounded in rural areas.

We also note there is considerable variation across and within field offices as to how SSA's policies are applied and services are provided. Some field office staff are quick to return phone calls and others are not. Some offices scan mailed or faxed documents into the WorkTrack system quickly and assign them to workers; in other offices, field office staff are unable to review documents that have been submitted and ask for them to be re-sent multiple times. Looking in from the outside at such a massive agency with so many complex workloads, it is

hard to know precisely how SSA should improve efficiency and consistency. Collecting and publishing management information, tracking how field offices compare to each other on different metrics and adopting best practices from high-performing offices, providing adequate training and resources, and ensuring that productivity measures do not reward inaccurate work or incentivize employees to ignore challenging cases are all parts of the solution.

We have received reports of numerous issues resulting from the closure of field offices and will discuss a few in detail.

A. Issues Related to Identity Verification Documents

One area where there is a lot of variation is getting in-person appointments versus needing to mail in documents. This issue was highlighted by many different Senators during the hearing. One of our organizations was recently contacted by the relative of an elderly person who was born in the former Yugoslavia. She was incredibly nervous about mailing in her marriage certificate because if it were lost, she would never be able to replace it when the issuing government no longer existed. Yet she was told that her only option to obtain widow's benefits was to mail it: numerous field office employees said she could not have an in-person appointment. We helped her relative connect with the District Manager and Area Director and the situation was quickly resolved. SSA has issued [guidance](#) about when in-person appointments are available, but it is quite vague and even when the agency offers an appointment it might be weeks or months away. Although SSA finally stated in late December that people should not mail their lawful presence documents (green cards) to field offices, we are aware of people who have still been asked to do so. SSA has also created a "policy flexibility" whereby people who would normally have to submit their drivers' licenses can send other forms of identification instead, and drivers' license information can be verified via data sharing. We support these changes, because people generally cannot be without drivers' licenses for over a month when they need the licenses for identification and to drive legally. However, this plan will not work for everyone, especially those who may not possess multiple forms of identification. SSA needs to create a plan to ensure that people can make in-person appointments to provide these forms of identification, or to use data sharing to verify information without hands-on examination of documents, and Congress should ensure that happens as promptly as possible.

B. The Intermediary Role of the Field Office

Field offices are also the intermediaries between the public and other SSA offices like payment centers, the Office of Central Operations, and Workload Support Units. Beneficiaries may not understand that their case is being handled by one of these offices and when they call the field office or 800 number the person who answers the phone may not have access to, or know how to, review all the information that these offices are reviewing. This causes a lot of confusion and inefficiency that SSA should consider how to improve.

An example of problems between field offices and program service centers is handling reports from beneficiaries who work. We know that SSA's work incentives are important to the agency and to Congress, but during the pandemic disability beneficiaries who returned to work are having difficulties reporting that work activity and having their benefits adjusted properly,

causing both overpayments and underpayments. Those whose benefits were suspended in the past for work activity and then lost their jobs or saw earnings decrease are having difficulty obtaining the expedited reinstatements they should be receiving. Communications breakdowns within field offices and between field offices and program service centers/payment centers often mean that people are waiting months even for provisional benefits to start. In many cases, the agency has not decided on whether benefits can be reinstated by the time the six months of provisional benefits end. SSA's neglect of this important work incentive is unacceptable. People with disabilities who rely on SSI and other Social Security disability benefits should be encouraged to work to the best of their ability, not punished for doing so.

C. COVID Overpayments Caused by SSA

SSA has tried to simplify its process for waiving overpayments caused by the agency's suspension of certain workloads during the pandemic. Although we appreciate the agency's efforts, we made several [recommendations](#) that have not been implemented. Furthermore, some field office employees seem much more aware than others of this temporary final rule.

Another area where we are beginning to see allegations of overpayments is when SSI recipients received stimulus payments. By law, these payments are considered tax refunds and exempted from SSI resource limits for 12 months. However, some SSI recipients are receiving notices stating that they were over resources during that time period, and this is due to the agency's failure to apply these policies. SSI recipients who are able to obtain legal services or other assistance can likely successfully contest these alleged overpayments, but we are concerned that some low-income, low-asset, people with disabilities and senior citizens will have their benefits reduced from their already low level (a maximum of \$794 per month, well below the poverty line) in order to recover overpayments that never should have been assessed.

D. DDS Difficulties and Delays

Every state has an agency funded by SSA (generally referred to as Disability Determination Services or DDS, though some states use different names) that decides if disability claimants meet medical requirements. Some state agencies adjusted much faster than others to the switch to remote work during the pandemic, and some states are still much more communicative with claimants and representatives than others.

There are major differences between different states in how DDS backlogs have changed. For example, according to [SSA's data](#), Alabama, New Hampshire, New Mexico, and Wyoming saw their initial level backlogs more than double from April 2019 to December 2020. Other states, such as Alaska, Hawaii, Rhode Island, and Vermont, reduced their initial level backlogs during the same time period.

Some cases take more time than others. We do not believe that DDSs should be pushed to decide cases before evidence is received or the appointment of representative form is processed. It is taking longer to gather medical evidence during the pandemic and some delays are therefore to be expected. But it seems from the representatives that we have talked to that some cases are sitting for months after all evidence has been submitted and DDS staff in many of those cases are

not responsive to attempts to contact them. We encourage Congress and SSA to closely monitor this situation.

E. Paper and Non-Disability Appeals

Some of the most challenging cases for SSA to consider are about the amount of benefits someone should receive or if they meet SSA's non-medical requirements. Such cases often involve evidence provided by SSA, financial documents like pay stubs and worker's compensation settlements, and other documents like birth and death certificates. They can touch on issues of tax law, immigration law, trusts and estates, family law, and more. Further complicating matters is the fact that these cases are often not electronic. They are paper files that get mailed to different Social Security offices when the beneficiary moves or appeals. Many of these paper files were stuck in field offices or hearing offices for months during the pandemic. Although SSA has recently begun tracking them, we know that there are some that the agency acknowledges have been misplaced, have systems issues that preclude processing them, or must be redeveloped. And we believe that there could be paper files in SSA offices that the agency is not tracking, if they are on someone's desk or in a file cabinet or another place that nobody has looked recently.

These are important cases, whether they involve hundreds of thousands of dollars—as did a recent survivors' benefits case, stalled for years, of which we recently became aware—or a change in SSI benefits of only a few dollars a month. SSA should institute better methods for tracking these cases and converting them to electronic cases so they can be more easily transferred across offices and more accessible to beneficiaries and appointed representatives

Conclusion

Thank you for your efforts on behalf of disability claimants and beneficiaries and the millions of others who interact with SSA. We stand ready to work with you, other members of Congress, and SSA to improve services to the public.

Sincerely,

Stacy Cloyd, National Organization of Social Security Claimants' Representatives
Tracey Gronniger, Justice in Aging
Bethany Lilly, The Arc of the United States
Jeanne Morin, National Association of Disability Representatives