

## SSA Responses to the Consortium for Citizens with Disabilities

### Email Addresses for PSCs

**CCD:** SSA's response to our request that the agency establish email addresses for representatives to send documents to the Program Service Centers (PSCs), as SSA did with the Representative Call Center was "Representatives should continue to fax material to the PSCs using the existing channels they have relied on for service in the past."

The problem is that SSA has not published any fax numbers for the PSCs (it does list a single fax number for fee payment issues only, and only for Title II claimants under age 54). The system of submitting documentation to field offices who would then send them on to PSCs was barely serviceable before the pandemic and has completely broken down now that there is limited staff going to the field offices. Publicizing fax numbers and/or email addresses for representatives to submit documentation directly to PSCs would speed effectuation and reduce an unnecessary burden on field office staff.

**SSA Response:** The [Social Security Office Locator](#) webpage now displays the fax lines and phone numbers for each of our Field Offices (FOs). While our employees continue to work remotely during the pandemic, they are able to receive faxes electronically and take all appropriate action on cases. The FO will route the material to the Payment Center (PC) if the FO is unable to work the case. We want to keep these existing communications channels intact during the pandemic to ensure we handle the flow of work into our FOs and PCs efficiently. If there is an extended processing delay, please contact the [local field office via their general inquiry line](#).

### Non-Disability Hearings

**CCD:** SSA's response to our concern that the agency is not conducting any non-disability hearings, including those where the Social Security Act requires determinations within 90 days, was that it was not possible to process paper cases while staff are working remotely and that the law provides exceptions when delays "occur through no fault of the Commissioner." SSA cannot be considered without fault when it has had nearly three months to develop procedures to handle paper cases and has failed to do so. We urge you to offer telephone hearings to people whose benefits are reduced, suspended, or terminated pending their hearings, and those who have not yet received benefits on non-disability claims such as retirement and survivors' benefits. If SSA cannot meet its statutory requirements under Section 1631(c)(2) of the Social Security Act, the agency should provide due process by paying any benefits that have been terminated or denied after 90 days until such time as a hearing and decision can be offered.

**SSA Response:** At this time, we still do not have a viable process to move paper cases between staff members since all are working from home, nor to share the record with claimants and/or representatives. We are actively pursuing alternatives to place cases in an electronic format that we hope to implement in the near future.

### **Hearings Notices**

**CCD:** SSA's response to our concerns about confusing and inaccurate language on hearing notices was "Changes would be required in both notices and forms to meet their concerns, and would be problematic for us, related to the regulatory authority we have to require telephone hearings conducted in extraordinary circumstances. Due to the rapid changes in our business processes, changes to these notices are not feasible." We understand that OMB has expedited procedures for pandemic-related notice changes and would like to know whether and when you discussed updating notices with OMB. Had SSA sought to change the notices in March, it is likely that they could have been reflective of SSA's policies by June. With hearings conducted only by phone through at least August, there is no reason for SSA not to attempt to develop and promulgate accurate notices.

**SSA Response:** Our notices are consistent with the regulations; however, we understand your concerns and are working to develop additional notices addressing COVID considerations, and will provide updates in the near future.

### **Faxing and the Appeals Council**

**CCD:** Finally, we remain deeply concerned that the Appeals Council, which should have been one of the easier components to transition to remote work given its smaller caseload and minimal in-person contact with the public, has spent nearly three months unable to perform critical workloads. The Appeals Council still cannot review or process any documents that were submitted by mail or fax; unlike all hearing offices, National Hearing Centers, and National Case Assistance Centers it has not implemented electronic or desktop faxing. The Appeals Council has not established a method of sending electronic claims files by encrypted email, even though OHO, which uses the same ERE system, has been doing so since early May. The Appeals Council has also been unable to provide Certified Administrative Records for several thousand pending federal district court cases. These failures are depriving claimants of due process.

**SSA Response:** The Appeals Council has implemented desktop faxing. We are now also processing hardcopy mail and faxes received earlier during the pandemic. There is a delay in response time due to a minimal presence in the office. We have also developed an electronic procedure for preparing and submitting Certified Administrative Records and are working to reduce the number of pending federal district court requests. We continue to make Electronic Records Express (ERE) access available for representatives; representatives with such access are able to review electronic claims files. We continue to encourage representatives to use the suite of electronic services and our limited in-office staff will address, albeit on a delayed basis, requests from those representatives without ERE access.