

Evolving Policies and Procedures at SSA During the COVID-19 Pandemic

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Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

About Community Legal Aid Society, Inc. (Delaware)

Community Legal Aid Society, Inc. (CLASI) is a statewide, nonprofit law firm whose mission is to combat injustice through creative and persistent advocacy on behalf of vulnerable and underserved Delawareans. CLASI is also Delaware's designated Protection and Advocacy agency for individuals with disabilities.



About Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

Key Lessons

- Situation continues to evolve
- SSA local offices remain closed to the public indefinitely BUT
 - Work continues remotely
 - Work that had been suspended resumed in August
 - In person appointments possible in critical cases/dire need situations
- SSA has implemented “streamlined” waiver process for overpayments accrued March 1 – Sept 30, 2020

Treasury Offset Suspension Ending

- Treasury Offset Program (TOP)
 - SSA benefit payments exempted from offset for federal student loan debt and other non-tax debts
 - March 26 – September 30, 2020
 - TOP Technical Bulletin 2020-7

SSA Local Offices

Status of SSA Local Offices

- Closed to public since March 17, 2020
- Providing services by phone, fax, mail
- In August, resumed workloads that had been suspended

SSA Local Offices Locator

- [Social Security Office Locator](https://secure.ssa.gov/ICON/main.jsp), by zip code
(<https://secure.ssa.gov/ICON/main.jsp>)

SSA Local Offices Locator Website

The screenshot shows a web browser window with the URL `secure.ssa.gov/ICON/ic001.action#officeResults`. The page title is "Social Security Office Locator".

Alert: We are OPEN to receive your calls. On Tuesday, March 17, 2020, we suspended face-to-face service to the public in our field offices and hearings offices nationwide until further notice. However, we are still able to provide critical services via phone, fax and online.

Find the Office for this ZIP Code.
ZIP:
[Zip Code Look Up](#)

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National 800 Number
Toll-Free: 1-800-772-1213

Social Security Office Information

Address: STE 400/U S BANK BG
130 W SUPERIOR ST
DULUTH, MN 55802

Office: 1-855-863-3560

TTY: 1-800-325-0778

Fax: 1-833-902-2690

[Office Closings and Emergencies](#)

Hide Additional Office Information
Your local field office representative is available to take your call Monday thru Friday from 9AM-4PM.

[Disclaimer](#)

In-Person Appointments

From [SSA coronavirus website](#):

"In-person service is by appointment only and for limited, dire need situations. . . . However, we are still able to provide critical services. If you have a critical situation that we cannot help you with by phone, online, fax, or mail, we may be able to schedule an in-office appointment for you."

Critical Cases/Dire Need

- Critical Cases
 - [HALLEX I-2-1-40](#)
 - Paragraph 5: Dire Need
- Critical Cases
 - [POMS DI 23020.005](#)
- Critical Case Criteria and Exclusions
 - [POMS RS 02801.001](#)

Providing SSA with Original Documents

- Green Card: "you are required to have a valid Green Card in your possession at all times." [U.S. CIS website](#)
- SSA Purchase of Evidence
 - [POMS GN 00301.210](#)

Critical/Dire Need: Enumeration

From [SSA coronavirus website](#):

"If these automated processes are not available to you, we will schedule an in-office appointment for a new card request for those with a critical need. Appointment availability is based on available staff and office operating status. Please call your local office to see if an in-office appointment is necessary and possible."

Dire need in enumeration

- Verification from employer not required

Non-Disability Hearings

- Had been suspended ("paper" workloads)
- As of Sept. 21:
 - Over 700 Requests for ALJ Hearing in local offices
 - Over 8,000 Requests for ALJ Hearing in hearing offices
- New process for scanning file and transmitting to hearing office
- Hearing offices expediting scheduling for
 - SSI non-medical appeals
 - Critical cases

eFolder Access at Initial and Reconsideration Levels

- Appointed Representatives can now access electronic folder for disability cases at initial and reconsideration levels
 - Includes Continuing Disability Reviews
- Documents in Disability Related Development (Section E) and Medical Evidence (Section F)
- Local office still needs to process SSA-1696 before access

"Streamlined" Waiver Process

Overpayment Options

1. Appeal the overpayment
 2. Request a waiver
 3. Request a lower repayment amount
 4. Do nothing
- **National Center on Law and Elder Rights: SSI Overpayments** [chapter summary](#), [Power Point slides](#), and [webinar recording](#)

Overpayment Waiver (1 of 2)

- Separate from merits of overpayment
 - Not making a statement on correctness of overpayment
- Asking that debt be forgiven
- File at any time (no deadline)
- Recoupment stops while pending
- **Revised overpayment waiver form ([Form SSA-632](#))**

Overpayment Waiver (2 of 2)

Requirements:

- Without Fault **AND**
- Defeat Purpose of the Act (financial hardship); **OR**
Against Equity and Good Conscience

"Streamlined" Waiver (1 of 2)

- New interim final rule ([85 Federal Register 52909](#), Aug. 27, 2020)
- Overpayment accrued between March 1 and September 30, 2020
- Resulting from SSA deferring workloads
- Notices will be sent by December 31, 2020

Deadline for comments: **October 26, 2020**

"Streamlined" Waiver (2 of 2)

- Agency inaction caused overpayment
- No indication of fraud or similar fault, misuse by rep payee
- Verbal request over phone to [local office](#)
- Presumption: **“Without Fault”** + **“Against Equity and Good Conscience”**
- Can be requested any time; SSA must send written decision

Reminders

There are other options still available for these overpayments:

- Appeal – Request for Reconsideration
- Administrative waiver for overpayments less than \$1,000
- \$10/month repayment rate for those receiving Medicare Part D Low-Income Subsidy (LIS)

POMS GN 02210.030 (C): **Exception**

Questions?

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CLASI

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Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.