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Spokesperson, General Committee
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October 6, 2008

Michael J. Astrue
Commissioner
Social Security Administration
6401 Security Boulevard
Suite 900
Altmeyer Building
Baltimore, Maryland 21235

Dear Commissioner Astrue,

This urgent letter is transmitted to you by hand delivery, by e-mail, and by regular mail on this date. AFGE respectfully requests that, in the interests of protecting the public we serve, and in order to improve the relationship that the Agency has with its employees and with their exclusive AFGE representatives, you make it a high priority to read, consider, and respond to this request as soon as possible.

We ask that you immediately cease any further implementation of the iClaims and Ready Retirement initiatives that AFGE was briefed on by telephone on Monday, September 15, 2008. We further request that a face-to-face meeting be arranged between SSA and AFGE to fully explore these subjects, so that serious problems can be addressed and resolved as quickly as possible.

During the briefing, the General Committee's designees raised several grave concerns about existing and proposed Internet claims policies and procedures, and posed a number of important questions. Unfortunately, DCO Associate Deputy Michelle King and representatives of DCHR-OLMER (Daisy Pastrana, Jay Clary, and Ralph Patinella) were unable to answer any of them. AFGE participants were advised that SSA would look into the issues, and that responses would be provided to the General Committee. Now, three weeks later, we still have no answers.

It was particularly disturbing to our designees that your representatives on the conference call claimed that they had not previously heard about these concerns, and were eager to end the call before all subjects could be addressed. We know that these initiatives are high priorities for SSA, and are being aggressively marketed both internally and externally. The Social Security Advisory Board has complained about the culture in our Agency that discourages dissent, and prevents frank discussion and debate about

important public service matters. AFGE suspects that your subordinates may be keeping information from you that you need to know, out of fear that messengers bearing unwelcome news are too often “shot” by their SSA supervisors.

Our representatives in the briefing spoke from personal experience, and also shared information provided by others in the AFGE bargaining unit, both through one-on-one contact and through surveys. The following represent some of the critical issues and questions that were raised, and only some of the others that could not be discussed due to time constraints:

Is the iClaims retirement application that will be used in the pilot available for AFGE to review, and will it be provided to the Union?

Has the iClaims application been tested or piloted to ensure that all appropriate and necessary information is obtained, and that there will be no adverse effect on decisional or payment accuracy?

A number of the questions in the current applications, and in prototypes shared with us earlier this year, are poorly written and could easily generate an incorrect answer and lost entitlement, including to disability and child benefits. Others require follow-up questions that do not appear in the application path in order to pay benefits properly. What studies have been done to validate the questions, and to measure the decisional and payment amount impact of changes that have been made to the questions? Will data and reports be provided to the Union?

Will SSA studies that established that proof of age and citizenship tolerances can be applied without adverse effect, and that were requested by AFGE months ago, finally be provided?

Have comprehensive, statistically reliable, quality reviews been conducted of ISBA claims to determine whether there have been problems with decisional or payment accuracy? If so, will SSA provide the data and reports to AFGE?

Since a single applicant was found by the Albuquerque ICTU to have filed 5 ISBA retirement claims using 5 different identities, shortly after ISBA was first implemented, to what extent has SSA determined that improper applicants are filing claims over the Internet? Will the Agency provide data and reports to the Union about fraud?

Many employees report that applicants other than the proper applicants, including spouses and children of the applicants, are filing claims via the Internet without the applicants’ knowledge. Our interviewers who make re-contacts discover that the proper applicants did not know that claims had been filed for them, and that incorrect, material information is sometimes contained in these applications. What does SSA intend to do in order to prevent this from occurring?

Employees find that applicants often choose disadvantageous months of election, because they misunderstand how work and earnings affect eligibility, especially during the first year in which benefits can be paid (particularly with self-employment, corporate officers, and foreign work), or they think that there is an advantage to start with their birthday month rather than some other month, or for other reasons. What studies have been done by the Agency to justify having claims adjudicated without review of month of election, and will you provide AFGE with data and reports?

Applicants for unreduced benefits are often unaware that they can choose to file for spouse benefits (including independently entitled divorced spouse benefits), preserving retirement benefits for age 70 to take advantage of delayed retirement credits. Widows and widowers, whether filing for reduced or unreduced benefits, have complex decisions to make about what type of benefit to file for first. What guidance can they receive online about these choices when filing without the assistance of an SSA representative, and what studies have been done to determine how often the wrong types of benefits are being applied for? Will SSA provide data and reports to AFGE?

A recent change “streamlines” the marriage documentation policy to limit the information that is collected, with information about some marriages not recorded at all, yet interviewers are expected to discuss the complete marital history with the claimant. Why the inconsistency, especially since automated adjudication would not provide for complete marital history to ever be revealed, potentially resulting in entitlement to spouse benefits on the basis of a void or invalid marriage? What studies support this change, and will data and studies be provided to the Union? Why are employees being held accountable for asking questions that are no longer in the application path? Doesn't this discrepancy reveal a qualitative difference when applications are filed without SSA employee assistance?

Another recent change eliminated the fugitive felon and parole/probation violator questions, with the first notice of the non-payment provisions being provided to the applicant in the award notice, after checks have started. What level of incorrect payments does SSA expect as a result of these changes? Especially since the administrative discontinuance of waiver development doubled to \$1000 effective September 27, 2008, what dollar amount of resulting overpayments does SSA expect will go uncollected? What is the basis for this conclusion?

With over \$500,000,000,000 in unposted earnings in the Suspense File, many scrambled earnings records, missing military wages (especially for active reservists) and many missing and duplicate postings, what is the impact on decisional accuracy, on the percentage of cases paid incorrectly, and on dollar accuracy, when claims are filed without an SSA employee with Mainframe access assisting the applicant? Will data and reports be provided to AFGE?

The Social Security Act requires that rights and responsibilities be communicated to benefit applicants through personal contact by an SSA employee, according to an opinion provided by the SSA General Counsel in 1996. The Act has not changed, so does the

Agency intend to violate the law by adjudicating claims with no such contact having been made?

Attestation too often does not occur at all, and it would appear that the absence of either a wet signature or a valid electronic signature would cause serious problems when SSA tries to establish that an individual provided material information, received reporting instructions, or even filed an application. Overpayment collection would seem to be very problematic. Have any beneficiaries successfully challenged Agency claims that an application or supplement was signed through attestation, in any administrative or legal proceeding?

I look forward to receiving an expeditious response to this very important letter.

Sincerely

/s/

Witold Skwierczynski

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