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**OFFICE OF  
THE INSPECTOR GENERAL**

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**SOCIAL SECURITY ADMINISTRATION**

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**FOLLOW-UP: CONCURRENT TITLE II  
AND XVI BENEFICIARIES  
RECEIVING REPRESENTATIVE  
PAYEE AND DIRECT PAYMENTS**

**August 2009**

**A-09-09-19019**

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**AUDIT REPORT**

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## Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

## Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.
- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.

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- Independence to determine what reviews to perform.
- Access to all information necessary for the reviews.
- Authority to publish findings and recommendations based on the reviews.

## Vision

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# SOCIAL SECURITY

## MEMORANDUM

Date: August 20, 2009

Refer To:

To: The Commissioner

From: Inspector General

Subject: Follow-up: Concurrent Title II and XVI Beneficiaries Receiving Representative Payee and Direct Payments (A-09-09-19019)

## OBJECTIVE

Our objective was to determine whether the Social Security Administration (SSA) had improved its controls to prevent the direct payment of concurrent Title II<sup>1</sup> and XVI<sup>2</sup> benefits to individuals who had been appointed a representative payee.

## BACKGROUND

SSA pays benefits under Titles II and XVI of the *Social Security Act*. The Title II program provides benefits to retired and disabled workers, including their dependents and survivors.<sup>3</sup> The Title XVI program provides payments to financially needy individuals who are aged, blind, or disabled.<sup>4</sup>

Some individuals cannot manage or direct the management of their finances because of their youth or mental or physical impairments. Congress granted SSA the authority to appoint representative payees to receive and manage these beneficiaries' payments.<sup>5</sup> A representative payee may be an individual or an organization. SSA selects representative payees for Title II and XVI beneficiaries when representative

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<sup>1</sup> The Old-Age, Survivors and Disability Insurance Program.

<sup>2</sup> The Supplemental Security Income Program.

<sup>3</sup> The *Social Security Act*, §§ 201-234, 42 U.S.C. §§ 401-434.

<sup>4</sup> The *Social Security Act*, §§ 1601-1637, 42 U.S.C. §§ 1381-1383f.

<sup>5</sup> We use the term "beneficiary" generically in this report to refer to both Title II beneficiaries and Title XVI recipients.

payments would serve the beneficiaries' interests. Representative payees are responsible for using benefits in the beneficiary's best interests.<sup>6</sup>

Individuals who apply for Title XVI payments must apply for other program benefits, including Title II benefits.<sup>7</sup> For Title II benefits, individuals must apply under their own Social Security number (SSN) and/or under another's SSN to receive child or spousal benefits.<sup>8</sup> SSA policy states that one representative payee is appointed for all benefits to which the beneficiary is entitled.<sup>9</sup>

Our 2006 audit<sup>10</sup> found that SSA needed to improve its controls to prevent the direct payment of concurrent benefits to individuals who had been appointed a representative payee. Specifically, we identified 11,399 concurrently entitled beneficiaries who received an estimated \$166 million in direct payments while representative payees also received \$175 million in payments on behalf of these beneficiaries. Our prior report included several recommendations for corrective action.

In response to our prior recommendations, SSA completed a match between the Master Beneficiary (MBR) and Supplemental Security Records (SSR)<sup>11</sup> in June 2006 to identify concurrently entitled beneficiaries being paid directly and through a representative payee. Additionally, SSA modified the Representative Payee System (RPS) to prevent the selection of different payees for concurrently entitled beneficiaries.

There are approximately 588,000 individuals with representative payees who are concurrently eligible for Title II and XVI benefits. In October 2008, we conducted a match of SSA's records and identified 9,276 concurrently entitled beneficiaries who were likely receiving their benefits directly and through a representative payee.

## RESULTS OF REVIEW

SSA's corrective actions had improved its controls to prevent the direct payment of concurrent benefits to individuals who had been appointed a representative payee. Specifically, we found that SSA's match of the MBR and SSR had reduced the number of individuals who had been receiving their benefits through conflicting payment methods. In addition, SSA modified RPS to prevent the selection of different payees

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<sup>6</sup> The *Social Security Act*, §§ 205(j) and 1631(a)(2), 42 U.S.C. §§ 405(j) and 1383(a)(2); *see also*, 20 C.F.R. Parts 404, Subpart U, and 416, Subpart F.

<sup>7</sup> SSA, Program Operations Manual System (POMS), SI 00510.001.B.4.

<sup>8</sup> SSA, POMS, SI 00510.005.B.1.

<sup>9</sup> SSA, POMS, GN 00502.183.B.4.

<sup>10</sup> SSA OIG, *Concurrent Title II and Title XVI Beneficiaries Receiving Representative Payee and Direct Payments* (A-09-05-15144), April 2006.

<sup>11</sup> The MBR is an electronic file of all Title II beneficiaries. The SSR is an electronic file of all Title XVI recipients.

for concurrently entitled beneficiaries. However, we found that SSA staff could bypass RPS and establish direct payments for concurrently entitled beneficiaries who had representative payees, and did not always resolve conflicting representative payment information for concurrently entitled beneficiaries.

Based on our review of a random sample of 200 concurrently entitled beneficiaries who were receiving their benefits directly and through representative payees, we estimate that about 7,931 beneficiaries received approximately \$43.6 million in direct payments, and their representative payees received about \$59.4 million on their behalf. Further, if SSA does not determine whether the 7,931 concurrently entitled beneficiaries should be paid directly or through a representative payee, we estimate that approximately \$56 million in additional benefit payments will be paid over the next 12 months. This includes approximately \$24.7 million that will be paid directly to beneficiaries (see Appendix C).

### **Concurrent Payments Made to Beneficiaries and Representative Payees**

SSA policy<sup>12</sup> states that all adult beneficiaries are presumed competent to manage or direct someone else to manage their benefits unless there is evidence to the contrary. If doubts arise regarding beneficiaries' ability to manage or direct the management of their funds, SSA will determine their capability. In addition, legally incompetent beneficiaries should be appointed a representative payee, as should children under age 18.<sup>13</sup> When concurrently entitled beneficiaries are determined incapable, one representative payee should be appointed for both benefits.

Of the 200 concurrently entitled beneficiaries in our sample, we found that 171<sup>14</sup> (85 percent) were receiving 1 benefit directly and 1 through a representative payee. The total amount paid to, and on behalf of, these beneficiaries was approximately \$2.2 million. Projecting our results to the population of 9,276 beneficiaries, we estimate SSA paid benefits totaling about \$103 million to approximately 7,931 beneficiaries (see Appendix C). The following chart includes the payments made to the beneficiaries and their representative payees.

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<sup>12</sup> SSA, POMS, GN 00502.010.

<sup>13</sup> SSA, POMS, GN 00502.005.A and GN 00502.070.A.

<sup>14</sup> For 30 of our 200 sample cases, the MBR and SSR contained some conflicting representative payee information. However, our review found that the information was corrected by SSA in a timely manner or did not result in a conflicting payment method.

### Payments Made to Concurrently Entitled Beneficiaries

Benefit Payments	Paid to Beneficiary	Paid to Representative Payee	Total Paid
Amount Paid	\$941,004	\$1,280,979	\$2,221,983
Average Payment	\$5,503	\$7,491	\$12,994
Estimate for Population	\$43,643,779	\$59,411,813	\$103,055,592

### Effectiveness of SSA's MBR and SSR Match to Correct Payment Discrepancies

In response to our prior audit, SSA conducted a match between the MBR and SSR in June 2006. The match identified 17,622 concurrently entitled beneficiaries being paid directly and through a representative payee. In addition, SSA provided its employees instructions to resolve the discrepancies and determine whether the beneficiaries were capable of managing their benefits.

Based on our sample analysis from the population of 9,276 concurrently entitled beneficiaries, we concluded that SSA's match was generally effective in identifying and resolving these cases. Specifically, we found that only 18 (11 percent) of the 171 payment discrepancies were not identified or corrected by SSA's June 2006 match. However, 153 (89 percent) of the 171 payment discrepancies occurred after SSA's match operation. The following chart shows the number of beneficiaries with payment discrepancies who were not identified or corrected by SSA's match and the number of new occurrences since SSA's match.

### Payment Discrepancies Before and After SSA Match

Description	Number of Beneficiaries	Percent of Beneficiaries
Payment Discrepancy Not Identified or Corrected by SSA's Matching Operation	18	11
Payment Discrepancy Occurred After SSA's Matching Operation	153	89
Total	171	100

For example, in one case, SSA appointed a representative payee to receive a beneficiary's Title XVI payments. In June 2000, the beneficiary became eligible for Title II benefits. However, SSA did not appoint a representative payee to receive the Title II benefits. Consequently, from June 2000 to December 2008, the beneficiary received \$23,983 in direct payments, and the representative payee received \$36,544 on the beneficiary's behalf.

## **Representative Payee Information Not Entered in RPS**

RPS was developed as a result of legislation<sup>15</sup> requiring that SSA more thoroughly investigate individuals applying to be representative payees and establish a centralized database of information about representative payees. RPS contains data about representative payee applicants, beneficiaries in each representative payee's care, and the relationship between the representative payees and the beneficiaries they serve. It provides SSA employees with immediate access to vital information about representative payees, which assists them in making representative payee decisions. In addition, SSA employees are required to document all entitlements to which a beneficiary is eligible in RPS.<sup>16</sup> Finally, SSA policy states that one representative payee is appointed for all benefits to which a beneficiary is entitled.<sup>17</sup>

In response to our prior report, SSA modified RPS to prevent the direct payment of concurrent benefits to individuals with representative payees. However, if SSA staff does not enter necessary representative payee information in RPS, it will not prevent the direct payment from occurring. Our review found that 88 of the 171 beneficiaries with payment discrepancies had no representative payee information in RPS for either the Title II or XVI entitlements. In those instances, the representative payee information was only recorded in SSA's payment records (that is, MBR or SSR). As a result, RPS could not prevent the payment discrepancy from occurring.

For example, in March 2002, SSA appointed a representative payee to receive a beneficiary's Title II benefits. Information about the representative payee was recorded on the MBR and in RPS. The beneficiary subsequently became entitled to Title XVI payments in March 2008. At that time, SSA staff did not review the beneficiary's MBR or RPS and therefore was not aware SSA had previously determined the beneficiary was incapable of managing his benefits. Furthermore, since the beneficiary's Title XVI entitlement was not entered into RPS, it did not prevent the direct payment of benefits to the beneficiary. Consequently, from March to December 2008, the beneficiary received \$3,813 in direct payments, and the representative payee received \$4,618 on the beneficiary's behalf.

## **Conflicting Representative Payee Information in SSA's Records Was Not Resolved**

We found that SSA had partially processed representative payee selections for 57 of the 171 beneficiaries with payment discrepancies in our sample. In these cases, SSA had determined the 57 beneficiaries needed a representative payee; however, the selections were not finalized because of conflicting information in SSA's systems. For

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<sup>15</sup> *Omnibus Budget Reconciliation Act of 1990*, Public Law 101-508 § 5105; see also the *Social Security Act* §§ 205(j)(2) and 1631(a)(2)(B), 42 U.S.C. §§ 405(j)(2) and 1383(a)(2)(B).

<sup>16</sup> SSA, POMS, GN 00502.110 B.2.

<sup>17</sup> SSA, POMS, GN 00502.183.B.4.

example, a selection could not be finalized because the type of payee (for example, mother, son, individual, organization) on the MBR or SSR did not agree with the type of payee information in RPS. RPS maintains data on pending cases, and SSA staff is required to review RPS at least monthly to identify and resolve these cases. However, we found that the 57 partially processed representative payee selections in our sample had been pending for an average of 14 months.

For example, a beneficiary entitled to Title II benefits since January 1988 became entitled to Title XVI payments in October 1988. In September 2006, SSA appointed a representative payee to receive Title II benefits on the beneficiary's behalf. At the same time, SSA approved the representative payee for the Title XVI payments; however, RPS did not complete the payee appointment. As a result, the beneficiary continued to receive Title XVI benefits directly. Consequently, the beneficiary received direct payments of \$2,466 while the representative payee received \$6,702 from October 2006 through December 2008.

### **Impact of Concurrent Benefits Paid to Representative Payees and Beneficiaries**

SSA is responsible for determining whether beneficiaries are capable of managing their own funds or directing someone else to manage their funds. Making payments to representative payees for beneficiaries who are capable deprives the individuals of financial independence to determine how their benefits are spent. Conversely, if SSA pays incapable beneficiaries directly, their basic needs (food, clothing and shelter) may not be met.

Furthermore, when SSA is unaware of the conflicting payment methods, not all benefit payments, conserved funds, and other financial resources may be included in the annual *Representative Payee Report*. Representative payees are required to provide SSA this *Report* to account for how they spent and conserved benefits.<sup>18</sup> SSA requires a single *Representative Payee Report* to account for all benefits paid to concurrently entitled beneficiaries.<sup>19</sup> SSA uses the *Report* to determine whether beneficiaries exceeded the resource limit<sup>20</sup> under the Title XVI program.

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<sup>18</sup> SSA, POMS, GN 00605.001 A. and B.1.

<sup>19</sup> SSA, POMS, GN 00605.001 A.

<sup>20</sup> Generally, Title XVI recipients cannot have over \$2,000 in resources; a married beneficiary is limited to \$3,000. Recipients who exceed the resource limit are not eligible for Title XVI. POMS, SI 01110.003, A.

## **CONCLUSION AND RECOMMENDATIONS**

SSA's corrective actions have resulted in improvement in its controls to prevent concurrent Title II and XVI beneficiaries from receiving representative payee and direct payments. However, since SSA has not conducted additional matching operations, 153 (89 percent) of the 171 beneficiaries with payment discrepancies started receiving their benefits directly and through a representative payee after June 2006.

We recommend that SSA:

1. Conduct periodic matches and/or develop systems alerts to identify and correct instances in which concurrent payments are made directly to beneficiaries and representative payees.
2. Remind SSA staff to use RPS when processing representative payee actions and to review the MBR/SSR to verify whether beneficiaries are concurrently entitled when making representative payee determinations.

## **AGENCY COMMENTS**

SSA agreed with our recommendations. The Agency's comments are included in Appendix D.



Patrick P. O'Carroll, Jr.

# *Appendices*

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APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – Sampling Methodology and Results

APPENDIX D – Agency Comments

APPENDIX E – OIG Contacts and Staff Acknowledgments

## Acronyms

C.F.R.	Code of Federal Regulations
MBR	Master Beneficiary Record
OIG	Office of the Inspector General
POMS	Program Operations Manual System
RPS	Representative Payee System
SSA	Social Security Administration
SSN	Social Security Number
SSR	Supplemental Security Record
Title II	The Old-Age, Survivors and Disability Insurance Program
Title XVI	The Supplemental Security Income Program
U.S.C.	United States Code

### Scope and Methodology

We obtained an extract from the Master Beneficiary (MBR) and Supplemental Security Records (SSR) of concurrently entitled beneficiaries who were likely receiving both representative payee and direct payments. We identified 9,276 concurrent beneficiaries who potentially had conflicting payment methods as of October 1, 2008. From this population, we randomly selected a sample of 200 beneficiaries for review.

To accomplish our objective, we

- reviewed applicable Federal laws and regulations, as well as the Social Security Administration's (SSA) Program Operations Manual System;
- interviewed SSA staff from the Office of Income Security Programs; and
- selected a random sample of 200 concurrent beneficiaries and obtained queries from SSA's MBR, SSR, and Retirement Survivors and Disability Insurance Payment History, Treasury Check Information System, as well as the Representative Payee System.

We determined the computer-processed data from the MBR and SSR systems were sufficiently reliable for our intended use. We conducted tests to determine the completeness and accuracy of the data. These tests allowed us to assess the reliability of the data and achieve our audit objectives.

We evaluated the adequacy of SSA's controls to prevent the direct payment of concurrent benefits to individuals who had been appointed a representative payee. Specifically, we determined whether the interface between the MBR and SSR identified situations in which benefit payments were paid both directly and to representative payees for concurrently entitled beneficiaries. The amounts reported represent the total benefit payments made to and on behalf of the concurrent beneficiaries from May 2006 through December 2008.

We performed our audit work in Richmond, California, between December 2008 and March 2009. The entity audited was SSA's Office of Income Security Programs under the Deputy Commissioner for Retirement and Disability Policy. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Sampling Methodology and Results

On October 1, 2008, we obtained a data extract from the Social Security Administration's (SSA) Master Beneficiary and Supplemental Security Records of concurrent beneficiaries with potential conflicting payment methods. The concurrent beneficiaries were in current pay status and were likely receiving both representative payee and direct payments.

We randomly selected 200 concurrently entitled beneficiaries for review. For each sample item, we determined whether the conflicting payment methods existed and computed the amounts paid to, and on behalf of, the beneficiaries from May 2006 through December 2008.

Of the 200 concurrently entitled beneficiaries in our sample, we found that 171 beneficiaries received \$941,004 in direct payments while representative payees received \$1,280,979 on behalf of the beneficiaries.<sup>1</sup>

Projecting these results to our population of 9,276 concurrently entitled beneficiaries, we estimate SSA paid about 7,931 beneficiaries approximately \$43.6 million in direct payments while their representative payees received about \$59.4 million. Further, if SSA does not resolve whether the 7,931 concurrent beneficiaries should be paid directly or through a representative payee, we estimate that additional benefit payments totaling approximately \$56 million will be paid over the next 12 months. This includes approximately \$24.7 million that will be paid directly to beneficiaries. These estimates are based on the monthly benefit paid to the 146 beneficiaries who were still receiving payments in December 2008. The following tables provide the details of our sample results and statistical projections.

**Table 1 – Population and Sample Size**

Description	Number of Beneficiaries
Population Size	9,276
Sample Size	200

<sup>1</sup> For 30 of our 200 sample cases, the MBR and SSR contained some conflicting representative payee information. However, our review found that the information was corrected by SSA in a timely manner or did not result in a conflicting payment method.

**Table 2 – Conflicting Payment Methods**

<b>Description</b>	<b>Number of Beneficiaries</b>	<b>Direct Payments</b>	<b>Representative Payee</b>
Sample Results	171	\$941,004	\$1,280,979
Point Estimate	7,931	\$43,643,779	\$59,411,813
Lower Limit	7,496	\$38,451,616	\$50,549,546
Upper Limit	8,291	\$48,835,943	\$68,274,080

Note: All statistical projections are at the 90-percent confidence level.

**Table 3 – 12-Month Estimate for Conflicting Payment Methods**

<b>Description</b>	<b>Direct Payments</b>	<b>Representative Payee Payments</b>	<b>Totals</b>
Sample Results	\$532,541	\$675,696	\$1,208,237
Point Estimate	\$24,699,259	\$31,338,792	\$56,038,051
Lower Limit	\$21,867,820	\$27,878,796	
Upper Limit	\$27,530,698	\$34,798,787	

Note: All statistical projections are at the 90-percent confidence level.

## Agency Comments



## SOCIAL SECURITY

### MEMORANDUM

**Date:** July 30, 2009

**Refer To:** S1J-3

**To:** Patrick P. O'Carroll, Jr.  
Inspector General

**From:** James A. Winn /s/ Jo Tittel for  
Chief of Staff

**Subject** : Office of the Inspector General (OIG) Draft Report, "Follow-up: Concurrent Title II and XVI Beneficiaries Receiving Representative Payee and Direct Payments" (A-09-09-19019)--  
INFORMATION

Thank you for the opportunity to review and comment on the draft report. We appreciate the comprehensive work the OIG auditing team did on this report. Our response to the report findings and recommendations is attached.

Please let me know if we can be of further assistance. Please direct staff inquiries to Candace Skurnik, Director, Audit Management and Liaison Staff, at (410) 965-4636.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL DRAFT REPORT,  
“FOLLOW-UP: CONCURRENT TITLE II AND XVI BENEFICIARIES RECEIVING  
REPRESENTATIVE PAYEE AND DIRECT PAYMENTS” (A-09-09-19019)**

Recommendation 1

Conduct periodic matches and/or develop systems alerts to identify and correct instances in which concurrent payments are made directly to beneficiaries and representative payees (rep payees).

Comment

We agree. We will perform periodic matches to identify the problem cases and take the necessary corrective actions.

Recommendation 2

Remind staff to use the Representative Payee System when processing rep payee actions and to review the Master Beneficiary Record/Supplemental Security Record to verify whether beneficiaries are concurrently entitled when making rep payee determinations.

Comment

We agree. We will issue a reminder to staff of the appropriate procedures to follow when processing rep payee actions and making rep payee determinations.

## **OIG Contacts and Staff Acknowledgments**

### ***OIG Contacts***

James J. Klein, Director, San Francisco Audit Division

Joseph I. Robleto, Audit Manager

### ***Acknowledgments***

In addition to those named above:

Timothy E. Meinholz, Senior Auditor

For additional copies of this report, please visit our web site at [www.socialsecurity.gov/oig](http://www.socialsecurity.gov/oig) or contact the Office of the Inspector General's Public Affairs Staff Assistant at (410) 965-4518. Refer to Common Identification Number A-09-09-19019.

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Social Security Advisory Board

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OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

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