
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**BENEFICIARIES IN SUSPENDED PAYMENT
STATUS PENDING THE SELECTION OF
A REPRESENTATIVE PAYEE**

February 2012

A-09-10-11065

AUDIT REPORT



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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- Access to all information necessary for the reviews.
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SOCIAL SECURITY

MEMORANDUM

Date: February 13, 2012

Refer To:

To: The Commissioner

From: Inspector General

Subject: Beneficiaries in Suspended Payment Status Pending the Selection of a Representative Payee (A-09-10-11065)

OBJECTIVE

Our objective was to determine whether the Social Security Administration (SSA) had adequate controls to ensure it took appropriate actions for beneficiaries whose payments had been withheld pending the selection of a representative payee.

BACKGROUND

Some individuals cannot manage or direct the management of their finances because of their youth or mental and/or physical impairments. SSA appoints representative payees to receive and manage these beneficiaries' benefit payments.¹ Generally, benefits should not be suspended when a beneficiary requires a representative payee and none is immediately available. Instead, SSA must initiate a search for a suitable representative payee and make interim direct payment to the beneficiary.² However, benefits must be suspended in those situations where direct payment is prohibited. SSA must suspend benefits to legally incompetent adults or beneficiaries under age 15. In addition, SSA may suspend benefits if a representative payee dies, no longer wants to be a representative payee, is no longer qualified to be a representative payee, or is a fugitive felon.

¹ The *Social Security Act* §§ 205(j)(1)(A) and 1631(a)(2)(A)(ii), 42 U.S.C. §§ 405(j)(1)(A) and 1383(a)(2)(A)(ii).

² SSA, POMS, GN 00504.110 (effective March 4, 2010).

Benefits can be suspended for a maximum of 1 month while SSA searches for a suitable representative payee if direct payment to the incapable beneficiary would cause substantial harm.³ The 1-month restriction does not apply to legally incompetent adults or beneficiaries under age 15. For these cases, SSA policy states the selection of a representative payee should be resolved as quickly as possible.⁴

To ensure a representative payee is appointed, alerts are generated to the field office for beneficiaries who have been in suspense for 1 month. When the alert is generated, field offices make direct payment to the beneficiary unless there is a reason that prevents direct payment.⁵ Alerts are generated to field offices each month until benefits are reinstated or the payment status changes.

In a 2006 audit,⁶ we found that SSA needed to improve its controls to ensure benefit payments were (1) suspended only in situations allowed by Agency policies and (2) reinstated in a timely manner. Specifically, we estimated that \$4.6 million in benefit payments was improperly suspended to about 1,700 beneficiaries; \$5.2 million in benefit payments to about 1,580 beneficiaries was not reinstated after 1 month; and \$5.7 million in benefits was not reinstated in a timely manner to about 2,220 child beneficiaries under age 15. SSA subsequently issued administrative messages to remind field offices of its policies and procedures for processing suspensions of benefits for representative payees and child beneficiaries. SSA also developed a Website to assist field offices in controlling and developing their representative payee suspense cases.⁷

For our current audit, we identified 14,134 beneficiaries whose benefit payments had been suspended as of December 2009 pending the selection of a representative payee. From this population, we reviewed a random sample of 200 beneficiaries.

³ Substantial harm means that direct receipt of funds by the beneficiary would cause physical or mental injury to the beneficiary. However, based on a U.S. District Court ruling (*Briggs v. Sullivan*, 954 F.2d 534, 9th Cir. 1992), no delay is permitted for certain California residents. SSA, POMS, GN 00504.105 (effective August 30, 2006).

⁴ SSA, POMS, GN 00504.105 (effective August 30, 2006).

⁵ SSA, POMS, GN 00504.110 (effective September 15, 2011).

⁶ SSA, OIG, *Beneficiaries in Suspended Payment Status Pending the Selection of a Representative Payee* (A-09-05-25020), May 18, 2006.

⁷ SSA, AM-06100, *Representative Payee Suspension Reminders*, April 20, 2006; AM-08168, *New York Representative Payee S8/S08 Website*, November 26, 2008; and AM-10162, *Resolving Suspended Title 2 Child Benefits - S8 Codes and Student Benefits*, November 4, 2010.

RESULTS OF REVIEW

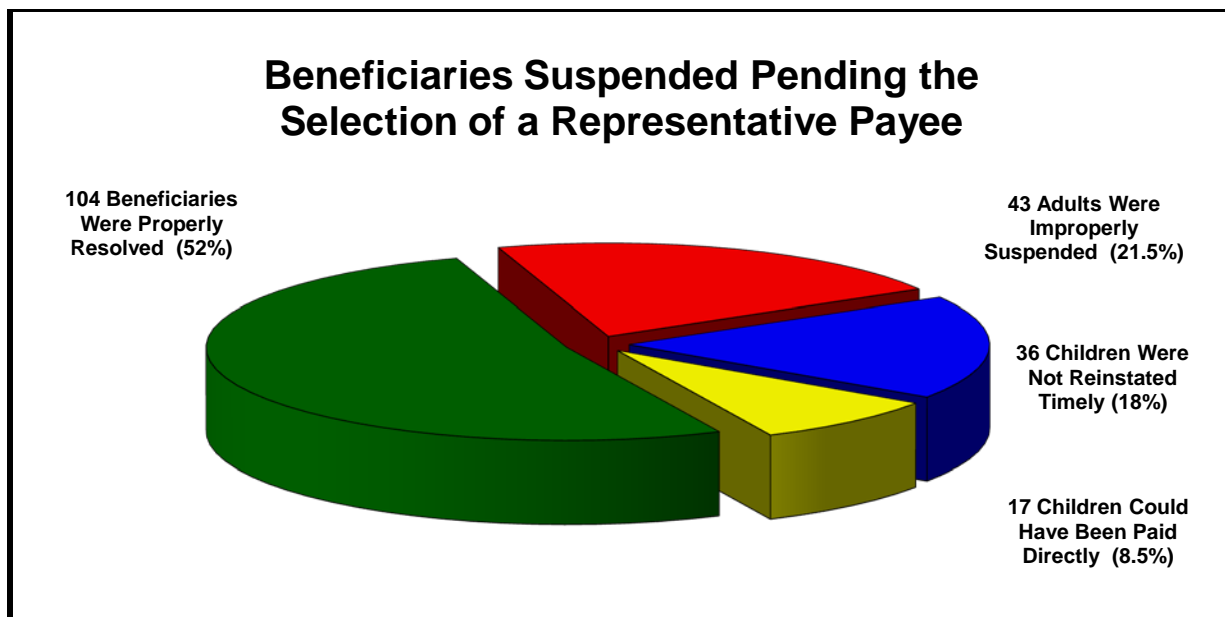
Since our 2006 audit, we estimate the number of beneficiaries improperly suspended pending the selection of a representative payee has increased 23 percent from 5,500 to 6,784. In addition, the amount of suspended benefits increased 96 percent from \$15.6 million to \$30.6 million. Although SSA had improved its controls and procedures, additional actions are necessary to ensure (1) adult beneficiaries are not improperly suspended pending the selection of a representative payee, (2) field offices are properly evaluating child beneficiaries' (ages 15 through 17) capability to manage benefits, and (3) representative payees are selected as quickly as possible for child beneficiaries under age 15. Based on a random sample of 200 beneficiaries, we estimate that

- \$18.1 million in benefits was improperly suspended and should have been paid directly to 3,039 adult beneficiaries;
- \$4.3 million in benefits was suspended that could have been paid directly to 1,201 child beneficiaries ages 15 through 17; and
- \$8.1 million in benefits was not paid timely to 2,544 child beneficiaries under age 15 (see Appendix C).

We are 90 percent confident the number of adult beneficiaries who were improperly suspended ranged from 2,381 to 3,787, and the amount of suspended benefits ranged from \$9.3 to \$26.9 million. We are also 90 percent confident the number of child beneficiaries ages 15 through 17 who could have been paid directly ranged from 779 to 1,759, and the amount of benefits withheld ranged from \$1.9 to \$6.7 million. In addition, we are 90 percent confident the number of child beneficiaries under age 15 who were not paid timely ranged from 1,935 to 3,255, and the amount of benefits not paid timely ranged from \$5.2 to \$11.1 million.

This occurred, in part, because SSA generally relied on beneficiaries to contact the Agency if they did not receive their benefits. In addition, SSA did not always determine whether (1) beneficiaries were capable of managing their benefits and (2) paying beneficiaries directly would cause them substantial harm. Finally, SSA's Website that controls representative payee suspensions did not include all beneficiaries in suspense pending the selection of a representative payee.

Based on a random sample of 200 beneficiaries, we found that 96 (48 percent) were not paid directly or timely reinstated. This consisted of 43 adult beneficiaries who were improperly suspended, 17 child beneficiaries ages 15 through 17, and 36 children under age 15 whose benefit suspensions were not resolved timely.



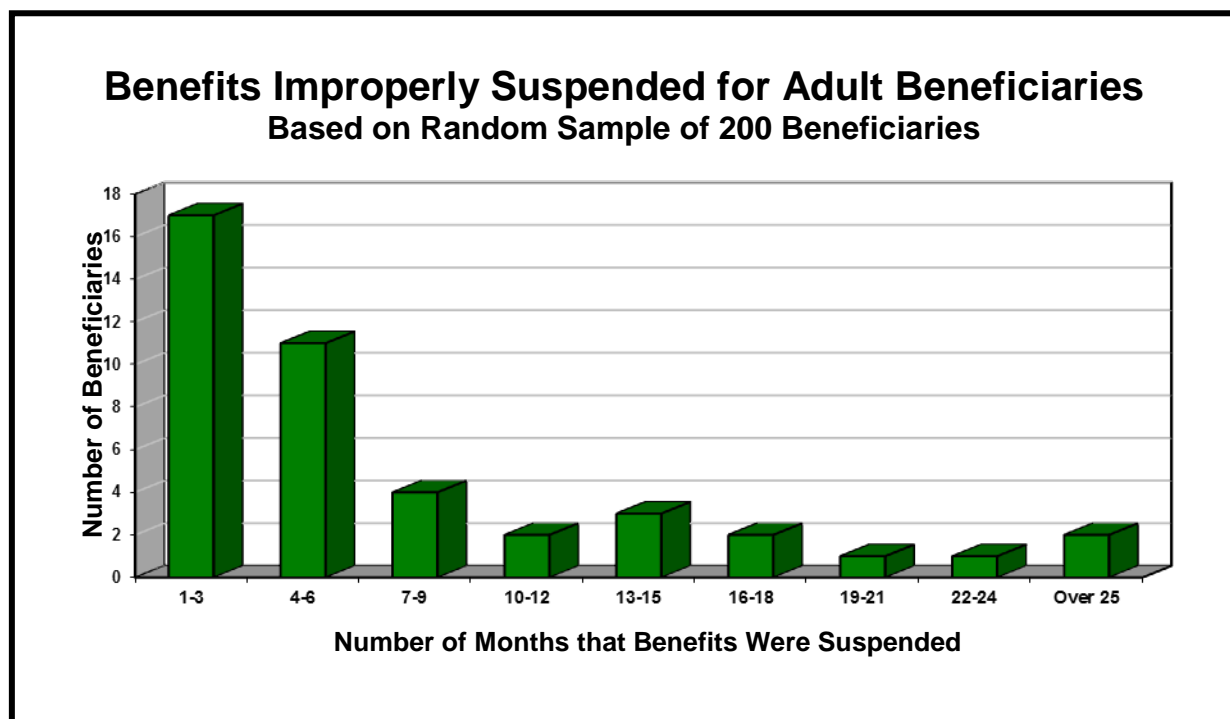
The following table summarizes the actions SSA took for the beneficiaries in suspense pending the selection of a representative payee.

Change in Payee	Number of Beneficiaries			Total
	Over Age 18	Ages 15-17	Under Age 15	
Payee to No Payee	5	3	0	8
Same Payee	5	4	14	23
Payee to New Payee	25	7	14	46
No Payee to Payee	4	0	2	6
Unresolved	4	3	6	13
Total	43	17	36	96

PAYMENTS TO ADULT BENEFICIARIES WERE IMPROPERLY SUSPENDED

Of the 200 beneficiaries in our sample, 96 were adults age 18 or older. We found that SSA improperly suspended benefits for 43 beneficiaries while they were waiting for a representative payee. According to SSA policy, these beneficiaries should have received interim direct payments while SSA searched for a new representative payee. On average, their benefits were suspended for 274 days.⁸ As a result, these beneficiaries did not receive \$256,729 in benefits when they were payable. As depicted in the chart below, SSA withheld benefits for two of these beneficiaries for over 2 years.

⁸ The mean was 274 days. The median was 101 days.



Benefits can be suspended for a maximum of 1 month while SSA searches for a suitable representative payee if direct payment to the incapable beneficiary would cause substantial harm.⁹ However, the 1-month restriction does not apply to legally incompetent adults or beneficiaries under age 15. According to SSA's records, there was no evidence these beneficiaries were legally incompetent. Furthermore, SSA had not determined that paying these beneficiaries directly would cause them substantial harm.

SSA subsequently disbursed payments to 39 of the 43 beneficiaries. However, at the time of our review, SSA had not paid the remaining four beneficiaries for their past-due benefits totaling \$104,840. As of August 2011, these beneficiaries were still in suspended pay status pending the selection of a representative payee. When SSA suspends payments for more than 1 month, the beneficiary's needs may not be met. In addition, the longer benefits remain in suspense, it is more likely SSA will be unable to locate the beneficiary when it selects a representative payee.

⁹ See Footnote 3.

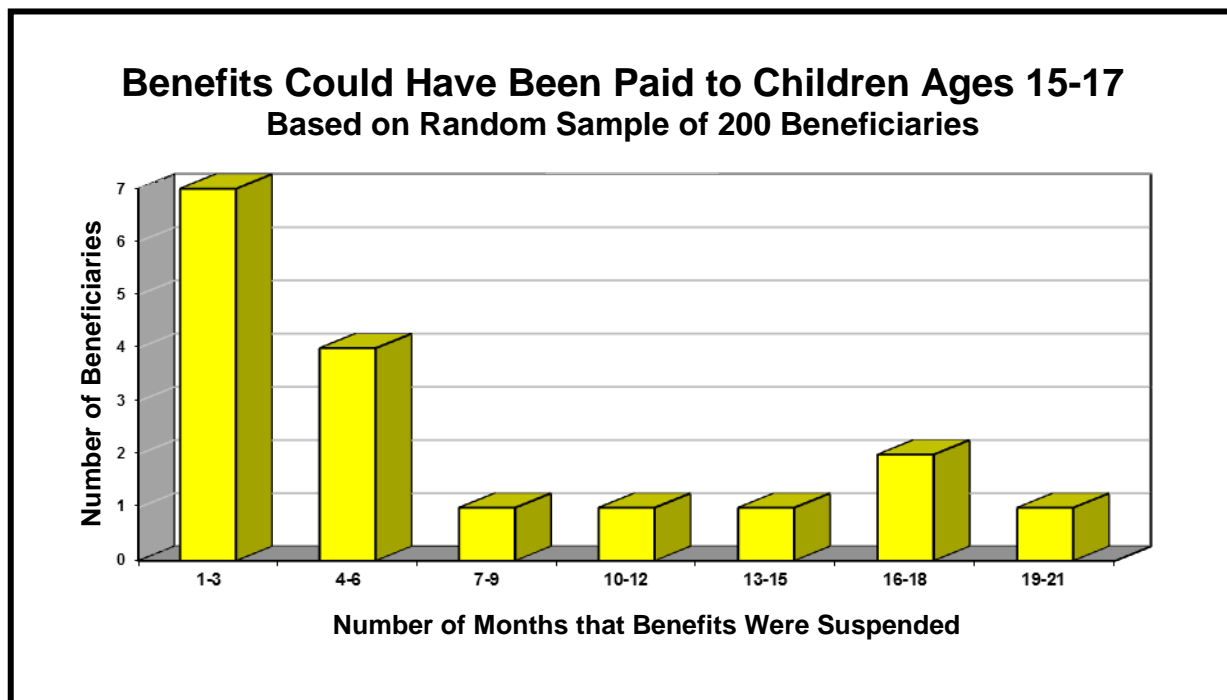
Of the 43 beneficiaries in suspense, 19 had friends or relatives as representative payees. For example, in April 2009, SSA suspended a beneficiary because his representative payee died. When this occurred, SSA did not make interim direct payment to the beneficiary. In addition, SSA did not identify a new representative payee for the beneficiary. In December 2010, the beneficiary requested, and SSA determined he could receive, benefits directly. Since SSA neither paid benefits directly to the beneficiary nor selected a new representative payee after benefits were suspended, the beneficiary did not have use of \$15,490 in benefits for 20 months.

PAYMENTS TO CHILD BENEFICIARIES COULD BE IMPROVED

Our review disclosed that SSA could improve its controls over payments to child beneficiaries in suspended pay status. Specifically, we found that SSA suspended benefits that could have been paid directly to child beneficiaries ages 15 through 17. In addition, SSA withheld benefits from child beneficiaries under age 15 that were not reinstated timely.

Benefits Could Have Been Paid Directly to Children Ages 15 Through 17

Of the 200 beneficiaries in our sample, 29 were children ages 15 through 17. We found that SSA suspended benefits for 17 of these beneficiaries while it searched for a representative payee. As a result, SSA withheld \$60,909 in benefits for an average of 205 days.¹⁰ These beneficiaries could have received direct payment until a representative payee was selected. As depicted in the chart below, SSA withheld these benefits for up to 19 months.



¹⁰ The mean was 205 days. The median was 118 days.

SSA policy states that child beneficiaries ages 15 through 17 may be considered capable of managing their benefits. This may occur for beneficiaries who

- are entitled to disability benefits based on their own earnings;
- are on active duty in the armed forces;
- are living alone and supporting themselves;
- are parents who filed for their own or their child's benefits and have experience in handling finances;
- have demonstrated the ability to handle finances, and no qualified representative payee is available; or
- are within 7 months of attaining age 18.¹¹

We found that SSA could have directly paid 17 child beneficiaries ages 15 through 17. Nevertheless, we found no evidence that SSA determined whether these children were capable of managing their benefits. SSA subsequently disbursed payments to 14 of the 17 beneficiaries. However, at the time of our review, SSA had not paid the remaining beneficiaries their past-due benefits totaling \$8,943. As of August 2011, all three beneficiaries were over age 18 and should have been paid directly.

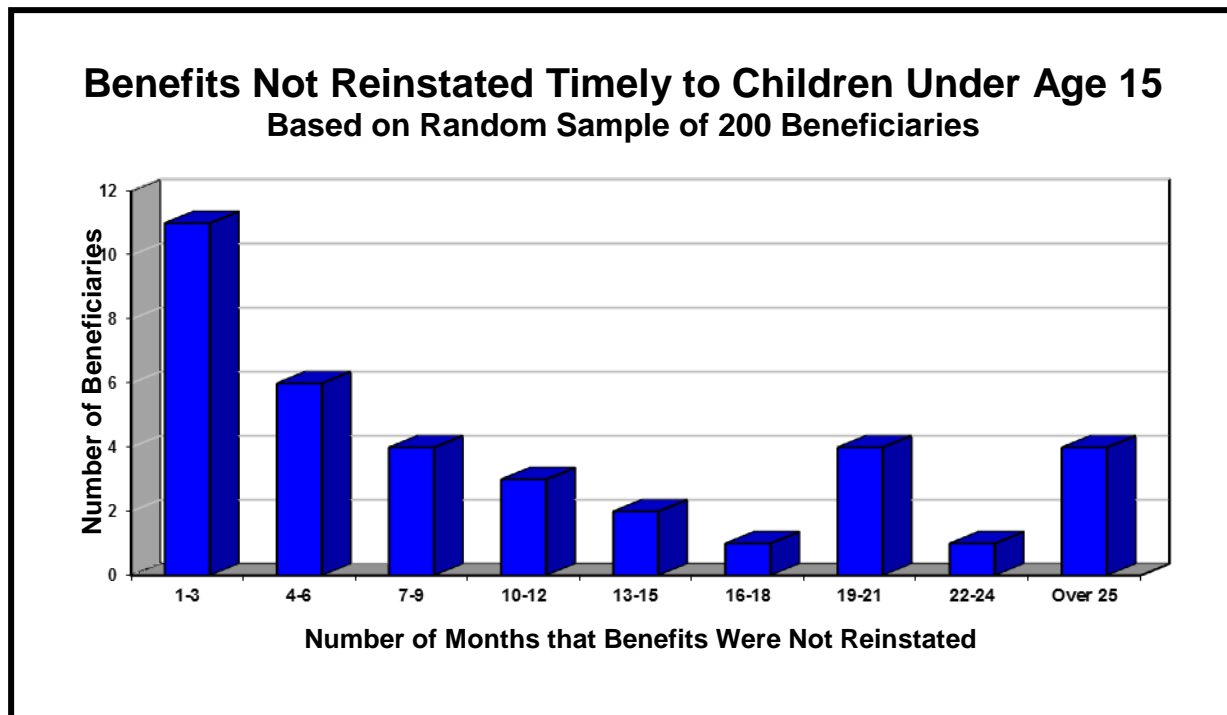
For example, in July 2009, SSA suspended a child beneficiary because her father, who had been serving as her representative payee, had died. The child's mother requested to be her representative payee, but SSA did not select her because of a discrepancy involving her Social Security number. We found no evidence that SSA determined whether the beneficiary was capable of managing her benefits. In June 2010, the beneficiary attained age 18 and was no longer entitled to benefits. However, SSA did not pay the beneficiary directly or select a new representative payee after benefits were suspended. As a result, the beneficiary did not have use of \$8,162 in benefits for 16 months. In November 2010, SSA directly paid the beneficiary her past-due benefits.

Benefits Were Not Reinstated Timely to Children Under Age 15

Of the 200 beneficiaries in our sample, 75 were children under age 15. We found that SSA suspended their benefits pending the selection of a representative payee. However, for 36 beneficiaries, SSA did not reinstate benefits in a timely manner. Benefit payments to these children were suspended for an average of 310 days.¹² As a result, these beneficiaries did not receive \$114,948 in benefits when they were payable. As depicted in the chart below, SSA withheld benefits for four of these beneficiaries for over 2 years.

¹¹ 20 C.F.R. §§ 404.2010 and 416.610; SSA, POMS, GN 00502.070 A.1 and B.2 (effective July 12, 2005).

¹² The mean was 310 days. The median was 222 days.



SSA must suspend benefits to child beneficiaries under age 15 when there are no representative payees available. Benefits can be suspended for a maximum of 1 month while SSA is searching for a suitable representative payee if direct payment to an incapable beneficiary would cause substantial harm.¹³ However, the 1-month restriction does not apply to beneficiaries under age 15. For these cases, SSA policy states the selection of a representative payee should be resolved as quickly as possible.¹⁴

SSA subsequently disbursed payments to 30 of the 36 beneficiaries. However, at the time of our review, SSA had not paid the remaining six beneficiaries their past-due benefits totaling \$34,469. Thirty of these children had parents as representative payees. For example, in November 2009, SSA notified a father who served as representative payee that SSA would select another representative payee for his son's benefits. The father stated that his son's mother would be a better payee because she also paid the father's bills. Since SSA did not timely replace the representative payee, the beneficiary did not have use of \$1,892 in benefits for 5 months. In April 2010, SSA paid the son's benefits to his mother as the representative payee.

¹³ See Footnote 3.

¹⁴ SSA, POMS, GN 00504.105 (effective August 30, 2006).

CONTROL AND DEVELOPMENT OF PAYEE SUSPENSE CASES

In November 2008, SSA developed a Website to control representative payee suspensions. The Website helps field offices control and resolve their representative payee suspense cases. SSA identifies these cases from its payment records each month and provides the information to its field offices via the Website-tracking program. The tracking program also provides summary management information to help monitor the workload.

From the population of 14,134 beneficiaries whose benefit payments had been suspended pending the selection of a representative payee as of December 2009, 459 remained in suspended pay status as of July 2011. To determine whether these beneficiaries were properly included in the Website-tracking program, we randomly selected a sample of 30 beneficiaries. Based on our review, we found eight beneficiaries (26.7 percent) were not on the Website-tracking program. Of these, three reside in the United States and five resided in a foreign country. The eight beneficiaries had withheld benefits totaling \$159,189 for an average of 3.7 years.

We referred the eight beneficiaries to SSA and learned the Website-tracking program did not include beneficiaries residing in foreign countries. SSA's Office of International Operations subsequently requested the Website-tracking program include representative payee suspensions for beneficiaries residing in foreign countries. SSA was still examining why the three beneficiaries residing in the United States were not on the Website.

CONCLUSION AND RECOMMENDATIONS

Although SSA had improved its controls and procedures, additional actions are necessary to ensure (1) adult beneficiaries are not improperly suspended pending the selection of a representative payee, (2) field offices are properly evaluating child beneficiaries' (ages 15 through 17) capability to manage benefits, and (3) representative payees are selected as quickly as possible for child beneficiaries under age 15. We estimate that \$18.1 million in benefits was improperly suspended and should have been paid directly to 3,039 adult beneficiaries. We also estimate that \$4.3 million in benefits may have been improperly suspended because they could have been paid directly to 1,201 child beneficiaries ages 15 through 17. In addition, we estimate that \$8.1 million in benefits was not paid timely to 2,544 children under age 15. Therefore, we recommend that SSA:

1. Remind employees to pay legally competent adult beneficiaries directly on an interim basis while it searches for a representative payee.
2. Remind employees to evaluate whether child beneficiaries ages 15 through 17 are capable of managing their benefits.

3. Select representative payees as quickly as possible for child beneficiaries under age 15.
4. Determine and resolve why the representative payee Website-tracking program did not include all beneficiaries in suspense pending the selection of a representative payee.

AGENCY COMMENTS

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

A handwritten signature in black ink, appearing to read "Patrick P. O'Carroll, Jr.", with a stylized flourish at the end.

Patrick P. O'Carroll, Jr.

Appendices

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
SSA	Social Security Administration
SSR	Supplemental Security Record
U.S.C.	United States Code

Scope and Methodology

Based on a data extract from the Social Security Administration's (SSA) Master Beneficiary (MBR) and Supplemental Security Records (SSR), we identified a population of 14,134 beneficiaries who were in suspended payment status pending the selection of a representative payee as of December 2009. From this population, we selected a random sample of 200 beneficiaries to determine whether SSA had adequate controls to ensure it took appropriate actions for beneficiaries whose payments had been withheld pending the selection of a representative payee.

To accomplish our objective, we

- reviewed the applicable sections of the *Social Security Act* and Code of Federal Regulations as well as SSA's Program Operations Manual System and other policy memorandums;
- interviewed SSA employees from the Offices of Policy and Operations, including the representative payee coordinators from each regional office;
- reviewed queries from SSA's MBR, SSR, Payment History Update System, and Online Retrieval System; and
- reviewed queries from the Department of the Treasury, Financial Management Service, and Treasury Check Information System.

We determined the computer-processed data 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 objective.

We performed audit work in Richmond, California, and Baltimore, Maryland, between February and August 2011. The entity audited was the Office of Operations under the Deputy Commissioner for Operations.

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

From the Social Security Administration's (SSA) Master Beneficiary and Supplemental Security Records, we obtained a data extract of 14,134 beneficiaries who were in suspended payment status pending the selection of a representative payee as of December 2009. We selected a random sample of 200 beneficiaries to determine whether SSA had adequate controls to ensure it took appropriate actions for beneficiaries whose payments the Agency had withheld pending the selection of a representative payee.

Payments to Adult Beneficiaries Were Improperly Suspended

Of the 200 beneficiaries in our sample, 96 were adults age 18 or older. We found that SSA improperly suspended benefits for 43 of these beneficiaries. As a result, SSA withheld \$256,729 in benefits for an average of 274 days. These beneficiaries should have received direct payment until a representative payee was selected. Projecting these results to our population of 14,134 beneficiaries, we estimate that SSA had improperly suspended about \$18.1 million in benefits to 3,039 beneficiaries.

Benefits Could Have Been Paid Directly to Children Ages 15 Through 17

Of the 200 beneficiaries in our sample, 29 were children ages 15 through 17. We found that SSA could have directly paid 17 of these beneficiaries pending the selection of a representative payee. As a result, SSA withheld \$60,909 in benefits for an average of 205 days. Projecting these results to our population of 14,134 beneficiaries, we estimate that SSA could have directly paid about \$4.3 million in benefits to 1,201 beneficiaries.

Benefits Were Not Reinstated Timely to Children Under Age 15

Of the 200 beneficiaries in our sample, 75 were children under age 15. We found that SSA suspended their benefits pending the selection of a representative payee. However, for 36 of these beneficiaries, SSA did not reinstate benefits in a timely manner.¹ As a result, SSA withheld \$114,948 in benefits for an average of 310 days. Projecting these results to our population of 14,134 beneficiaries, we estimate that SSA had not paid timely about \$8.1 million in benefits to 2,544 beneficiaries.

¹ For our review, we used a standard of 30 days to determine whether SSA processed a representative payee suspension timely.

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	14,134
Sample Size	200

Table 2 – Payments to Adult Beneficiaries Were Improperly Suspended

Description	Number of Beneficiaries	Amount of Benefits Withheld
Sample Results	43	\$256,729
Point Estimate	3,039	\$18,143,038
Projection - Lower Limit	2,381	\$9,341,294
Projection - Upper Limit	3,787	\$26,944,783

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

Table 3 – Benefits Could Have Been Paid Directly to Children Ages 15 Through 17

Description	Number of Beneficiaries	Amount of Benefits Withheld
Sample Results	17	\$60,909
Point Estimate	1,201	\$4,304,439
Projection - Lower Limit	779	\$1,942,836
Projection - Upper Limit	1,759	\$6,666,042

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

Table 4 – Benefits Were Not Reinstated Timely to Children Under Age 15

Description	Number of Beneficiaries	Amount of Benefits Withheld
Sample Results	36	\$114,948
Point Estimate	2,544	\$8,123,375
Projection - Lower Limit	1,935	\$5,190,294
Projection - Upper Limit	3,255	\$11,056,456

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

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: January 31, 2012 **Refer To:** SIJ-3

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

From: Dean S. Landis /s/
Deputy Chief of Staff

Subject: Office of the Inspector General Draft Report, "Follow-up: Beneficiaries in Suspended Payment Status Pending the Selection of a Representative Payee" (A-09-10-11065)—INFORMATION

Thank you for the opportunity to review the draft report. Please see our attached comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to Teresa Rojas, at (410) 966-7284.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL DRAFT REPORT,
“FOLLOW-UP: BENEFICIARIES IN SUSPENDED PAYMENT STATUS PENDING
THE SELECTION OF A REPRESENTATIVE PAYEE” (A-09-10-11065)**

Recommendation 1

Remind employees to pay legally competent adult beneficiaries directly on an interim basis while it searches for a representative payee.

Response

We agree. On September 20, 2011, we published revised instructions reminding employees to make direct payment to beneficiaries unless there is a practical or policy reason preventing direct payment.

Recommendation 2

Remind employees to evaluate whether child beneficiaries ages 15 through 17 are capable of managing their benefits.

Response

We agree.

Recommendation 3

Select representative payees as quickly as possible for child beneficiaries under age 15.

Response

We agree.

Recommendation 4

Determine and resolve why the representative payee Website-tracking program did not include all beneficiaries in suspense pending the selection of a representative payee.

Response

We agree. We will make modifications to our website-tracking program to include beneficiaries in suspense pending the selection of a representative payee and include foreign address records. These modifications are contingent upon available resources.

OIG Contacts and Staff Acknowledgments

OIG Contacts

James J. Klein, Director, San Francisco Audit Division

Jack H. Trudel, Audit Manager

Acknowledgments

In addition to those named above:

Tim Meinholz, Senior Auditor

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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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