

Report Summary

Social Security Administration Office of the Inspector General

October 2009



Objective

To address a request from the Subcommittee on Social Security to provide information on how the proposed *Martinez* class action settlement agreement would affect the Agency's fugitive felon policy.

Background

Martinez challenged the Social Security Administration's (SSA) fugitive felon policy of basing payment suspensions solely on the existence of an outstanding felony arrest warrant rather than developing information to ensure that the individual was "fleeing." As a result of the *Martinez* case, a tentative settlement was reached in which SSA policy will suspend Title II and deny Title XVI benefits only if the individual's outstanding felony warrant was issued for one of three offenses: escape, flight to avoid prosecution, confinement, etc., and flight-escape.

To view the full report, visit <http://www.ssa.gov/oig/ADO/BEPDF/A-01-09-29177.pdf>

Congressional Response Report: The Social Security Administration's Fugitive Felon Program and the Martinez Settlement Agreement (A-01-09-29177)

Our Findings

We estimate that about 60.7 percent of individuals with outstanding warrants will be paid Title II and XVI benefits if the *Martinez* settlement agreement is approved. The remaining 39.3 percent will continue to have their benefits stopped. The 39.3 percent consists of

- about 0.7 percent of fugitive felons who have outstanding warrants with one of the three offense codes cited in the *Martinez* settlement agreement; and
- about 38.6 percent who are probation or parole violators—since the *Martinez* agreement has no impact on this group.

The settlement agreement, however, does not restrict SSA or the Office of the Inspector General's (OIG) data-sharing activities with law enforcement. Therefore, the OIG will continue to obtain data from law enforcement agencies on fugitive felons wanted for all Offense Codes and match that data with SSA's records. Additionally, the OIG will share information in SSA's records regarding the fugitive's location (that is, address information) with law enforcement so that they can potentially arrest the fugitive.