

Comment from the Legal Aid Society of Columbus and Southeastern Ohio Legal Services, in response to Request for Information for *Identifying and Reducing Burdens in Administrative Processes*

April 17, 2023

Social Security:

The majority of our interactions with the Social Security Administration come from our clients facing one of three main legal issues: cessation of benefits due to a finding that the recipient is no longer disabled, cessation of SSI due to alleged resources, and overpayments. We have found the Social Security Administration generally responsive with respect to issues related to disability determinations.

Unfortunately, we have often found it painfully difficult to get adequate information from Social Security regarding the causes of overpayments and how the amounts of the overpayment have been calculated. It is also challenging to obtain an accounting of overpayment offsets and how much is remaining on an overpayment balance.

We have found that our interactions with the local field offices have varied greatly from office to office. Some of the offices we interact with are relatively helpful and others are very slow to respond to any requests for information about our clients' cases. For example, in a recent case we helped with, our attorney left four voice messages with the field office over the course of a month and never received a return call. They then called the office's District Manager and did not hear from that person for several more weeks. Eventually, someone from the office did call our attorney and answered some questions. When we tried to follow up with that same person, we were never able to receive a return call.

We regularly hear from our clients that they have trouble reaching a live person to talk with when they call the Social Security agency. We have also experienced this issue. Our clients also regularly report they experience long wait times, both on the phone and for in-person appointments to get help from Social Security representatives.

More troubling, our clients have also reported that they receive differing information when they talk with different Social Security representatives. We have had clients who say they are told that they do not need to turn in or report information by one case worker only to have another case worker tell them the exact opposite at some point in the future. This exact scenario has occurred enough times that we do not believe the issue is simply that our clients misunderstood what the first person told them.

Along these same lines, it appears that Social Security representatives do not have access to all the information they need to help our clients. Or if they do, then many representatives either deny having access to that information or are unaware they have access. We have been told on multiple occasions by one representative that they cannot access the information to answer our client's questions only to be told by a different representative that they can.

A recent client needed to file an application for SSI in one of our more rural counties. While the local Social Security office is open to walk-ins, the office generally requires an appointment for an SSI application. One of our Attorneys contacted the local office to schedule said appointment. The Social Security Representative told the attorney that the client did not need an appointment, and that the attorney and client could call in to do the application the following week. The attorney made arrangements with the client, and her father, to come into the office from out of town to complete the application from the attorney's office on a phone conference with the Social Security office. The client and her father have disabilities that make it necessary for them to be with the attorney in-person for said phone calls. When the attorney and client contacted the local office to do the application, a new representative told them that they had to schedule an appointment. Despite protest due to the initial instructions, they had to reschedule, and the client had to make an additional round trip of more than two hours a week later for the appointment.

Additionally, we have found that the Social Security offices make things unnecessarily difficult when they are unwilling to exercise common sense. As an example, we are currently helping out with a client who was found to be disabled by Social Security in 1999 at the age of 16 and had been receiving SSI ever since. In 2015, the client's father applied for Social Security benefits and was approved. A case worker told our client he should apply for Social Security Disability based upon his father's account. When he did, the Social Security Administration said it could not approve his application because it had no proof he was disabled prior to the age of 22. The office had apparently lost his physical file and the client's doctors had all retired and their records were gone. The office could see that he had been receiving SSI as a disabled child since he was 16, which clearly means they had already determined he was disabled before the age of 22. However, the office and the reconsideration decision both said he had not shown he was disabled as a child and we are now awaiting an ALJ hearing. This lack of common sense is frustratingly common.

Our experience has also been that the Social Security workers often do not have a good grasp of the rules around resources in SSI as well as how overpayments should be handled. We have often seen alleged overpayments or resource termination cases that are caused by case workers not exempting resources or income that should be exempted from the calculations.

One of the biggest access-to-information issues with Social Security is related to the processing of payments. While we may have some success in reaching field offices to get information about our client's cases, we have had little success in getting information on when clients can expect payments to be resumed or back payments to be paid.

SNAP, TANF, and Medicaid:

In Ohio, it is the Ohio Department of Job and Family Services and local county departments that are responsible for administering SNAP and Ohio's TANF program. The Ohio Department of Medicaid is responsible for administering Medicaid in Ohio, and it relies upon the county departments of Job and Family Services to handle all eligibility issues. In Franklin County, our clients' experience applying for and renewing these benefits has not been good.

Ohio has encouraged individuals to apply for SNAP, OWF, and Medicaid via an online application. However, our clients and community agencies have reported numerous problems with this online system. It is not mobile friendly and is hard to navigate on a phone. Additionally, the amount of text on pages of the applications is incredibly burdensome, as it asks for a lot of additional information that the paper application does not request. Moreover, after the application is completed, we have received reports from numerous sources that the applications seem to simply get lost and never acted upon.

In Franklin County, it is very difficult for individuals to interact with the local office. The offices are still closed to the public and have been since early 2020. The phone line to call in is so overburdened that most people call in and wait on hold for several hours and still are often unable to talk with a case worker. This makes reporting changes or updating information incredibly difficult for our clients.

It is also very difficult for individuals to interact with the local offices in some of the rural counties we cover. While the offices are mostly open to walk-ins, oftentimes staff direct individuals to use a phone bank within the lobby to speak to a representative through the call-in system. Many of our clients find using the phone line inconvenient and frustrating, as they are better able to communicate, share, and understand information in a face-to-face conversation. The overburdened phone system greatly impacts SNAP applications as applicants in our largest county call in for their SNAP initial interview during the scheduled time but end up waiting on hold, again for hours, and then their call is disconnected. This results in many people having their applications for SNAP denied simply because they could not complete the interview due to the county's phone system.

With respect to unintended consequences of burden reduction efforts, we believe the implementation of the Ohio Benefits eligibility system ("OB") has had several unintended consequences for the administration of SNAP, TANF, and Medicaid. OB was supposed to make the application process and eligibility determinations for these benefits easier and result in better, more understandable notices for recipients. However, the extent of automation in the system has led to the issuance of notices of action on benefits lacking the level of detail and information a recipient needs to understand what is happening in their case. For example, because the system is unable to list which specific document someone may not have turned in as part of the eligibility process, recipients simply receive a notice saying that documents were not turned in and have no idea what is missing. Prior to OB, this level of specificity was possible.

We have also seen numerous cases where OB has simply terminated people's benefits through some automated process running in the background. While we are usually able to resolve these issues when they are brought to our attention, not everyone is able to reach us for our help, and the disruptions in benefits can be taxing for recipients.