

Ways and Means Committee
Social Security Subcommittee
“Strengthening Social Security Customer Service” Hearing
May 17, 2022
Alison Weir
Greater Hartford Legal Aid
Hartford, CT 06105

Dear Chairman Larson and Acting Ranking Member Hern and members of the committee:

My name is Alison Weir and I am an attorney and policy advocate with Greater Hartford Legal Aid in Hartford, Connecticut. GHLA is a not-for-profit law firm whose attorneys provide clients living in poverty with free representation for civil legal issues. Handling more than 4,000 legal matters annually, we engage in individual representation, community legal education, class litigation, administrative and legislative advocacy. We also leverage additional resources through collaboration with pro bono attorneys, social service providers and others within the low-income community. This strategic approach uses the law and legal remedies to fix client problems and systemically address causes, including structural racism and economic inequality. Major areas of focus are access to health care and government benefits; family violence and sexual assault; educational opportunity and equity; at-risk seniors; eviction defense and habitable, affordable housing; and criminal records pardons.

As part of our work, we represent people who are appealing adverse Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability determinations. Most of our clients have been denied after attempting to apply for disability benefits on their own. Disability applicants need robust customer services. They are disabled, which means they often have more difficulty, physically, mentally and emotionally, navigating an already complex bureaucratic systems. According to the *National Beneficiary Survey: Disability Statistics, 2015*, (2015 Disability Survey) the most recent survey publicly available, the average beneficiary is 50.6 years old, seventy percent have a high school education or less, and nearly half (forty-seven percent) have incomes less than the federal poverty level.¹ These are not people with substantial reserves of funds and stamina. They cannot work due to their disability, so they rely on the benefits they receive from SSI or SSDI. They also rely heavily on customer service at the local Social Security Field Office to access these benefits.

The current system of customer services at the Social Security Administration (SSA or “Administration”) does not make it easy for this particularly challenged class of applicants. The phone system at the Hartford Field Office routinely hangs up after 15 minutes on hold. When it does not disconnect, there is usually a two-hour wait time to get to a real person. As attorneys with speaker phones, answering systems, and secretaries, we have the luxury of tying up a phone line for two hours waiting for someone to answer while we work on other business, but most of our clients don’t have that ability.

When you get to that real person on the other end of the phone, the level of customer service depends entirely on who answers the phone and how many other calls they are juggling. The office is badly understaffed, and that is reflected in the level of customer service. If the request takes any amount of time, you might be put back on hold (and the call disconnected), or receive an incomplete answer. Some of our clients have difficulty communicating on the phone or explaining the documentation they have as evidence of their disability without showing it to the SSA worker. These challenges can require a very patient and well-trained caseworker, but the level of customer service we have seen in the Hartford Office in particular, is spotty. Some case workers are actively hostile to the applicants or demand information that is simply not required for the application (such as past rent receipts going back 6 years), suggesting that training and supervision are insufficient. More staffing and more training and supervision to provide a uniform level of customer service would help significantly.

The distance imposed by telephone communication can intensify the communication challenges of some of our clients, which might be made smoother by face-to-face communication. During the pandemic, of course, field offices were closed, and problems with the phones were exacerbated. Additionally, there were basic failures in facilitating remote communication. For example, in the Appeals Council, the fax machine ran out of paper and was not restocked for months, and the electronic files were not stored, so all information applicants and advocates thought they faxed was never received. The problem was not discovered until someone was in the office and saw that the machine was out of paper. Interpreter services over the phone have also suffered from a lack of resources. Our advocates have had hearings where the Spanish interpreters were unable to translate for a Puerto Rican client, and hearings where the interpreter hung up mid-sentence during the course of a hearing. In one hearing, the interpretation service was so uneven there were a total of three different interpreters during the course of the hearing. More resources dedicated to translation and accessibility services are essential to improve the experience and provide a basic level of access and fairness.

The website has been substantially improved during the course of the pandemic, and can answer the service needs of many social security retirement beneficiaries, whose applications can be completed in “10 to 30 minutes” according to the website.ⁱⁱ Our SSDI clients have more difficult applications, requiring “one to two hours” according to the website,ⁱⁱⁱ but also have the additional

burden of applying while disabled. Because they have limited resources, they are also less likely to have easy access to the internet and a computer. They often need special accommodations because of their disability, and require attentive customer service. Websites, even much improved ones, cannot fully replace the personal interaction of a well-trained caseworker. SSI is even more complicated, because it is need-based, so the website advises SSI beneficiaries to call to schedule an appointment, leaving them to the frustration of the phone system discussed above.

The local field office is open now, but the website makes it abundantly clear that walk-ins are discouraged, advising that people must wait outside because space in the office is limited, and come alone unless they need help. Finally, it warns “People without an appointment should expect long lines, especially during the busiest times in our offices: Mondays, the morning after a federal holiday, and the first week of the month. We may offer you an appointment on a future date or call you back to provide the service you are requesting.”^{iv} In order to make an appointment, however, you have to get through on the telephone. More staffing to facilitate walk-in appointments would help to alleviate this barrier to access.

Our clients do not have representation when they first apply for benefits, so they are reliant on the customer service workers they encounter at the field offices. They are disabled, so most need some sort of accommodation. They are poor, so they do not have excess resources to obtain outside help. The application process is complex. In short, they need help. Customer service is critical to ensure that the system works as intended—to provide those most in need of financial assistance due to disability are able to receive some help.

Customer service is important not only when the applicant first applies for benefits, but for every step of the process. Because most applications are denied on the initial review, for most applicants, the process involves several rounds of application, hearing, and appeals. At each step, there is the possibility that the process will break down. An SSA Inspector General (IG) investigation of mail handling across the administration’s network of field offices found that field offices were overwhelmed by mail duties and unable to keep up with the workload. The IG team also found that the administration lacks comprehensive policies and procedures to track and return important original documents—including drivers licenses, birth certificates, passports, and naturalization documents—that the administration requires as proof of eligibility for benefits.^v Although shocking, these conclusions are not surprising to our advocates as we see similar issues in our local field office. Applications may be lost somewhere in a field office for months if not longer. We had one client whose application was mailed into the office, and it was lost for two years before it reemerged as processed. Our advocates advise clients not to send original important documents, like naturalization papers, because we cannot assure them that the documents will not be lost in the bowels of the field office. If the administration is going to insist applicants provide original documents, it must have a procedure and sufficient staffing to ensure that the documents are returned in a timely manner. Current technological advancements in

imaging, document scanning, and document transmission, however, make this requirement for original documents obsolete. Electronic submission of forms could be used to ensure that SSA has access to the information it needs. Handling paper adds to processing time. Greater use of electronic records could streamline processing of applications and avoid cases of lost applications.

Even if our clients are approved for disability benefits, we have learned that what should be an automatic and swift processing for payment of those benefits is not. We have clients who have been approved for benefits but have not received any money for more than one year. One GHLA client received notice that he was found eligible for benefits, but when he called to ask when he would receive his benefits, he was told by the field office that he should not expect to hear anything for months. Yet, in point of fact, the field office would have been notified of the decision as soon if not sooner than he learned of the decision and should have begun processing the benefits immediately. Our clients often benefit from a well-placed call by attorneys to the head of the field office, but applicants should not have to have an attorney call the head of the field office to receive the benefits to which they are entitled under law.

It bears repeating that our clients are poor, with little or no income, and disabled. Our clients rely on these benefits—it is often the only money they have to pay their rent, buy their food, and pay for utilities and basic needs. Having to wait any length of time after approval puts their housing and overall stability at risk. In addition, it imposes a severe strain on their physical, mental, emotional, and/or financial health, which are already compromised, or they would not qualify for these benefits.

Social security law is complicated, and the process getting to approval is long even without breakdowns in the process. Because of our limited funds and the high demand for assistance, GHLA attorneys are only involved after an applicant's application and request for reconsideration have been denied. In Connecticut, the initial application approval rate is 41.9%.^{vi} This is slightly better than the national average, but it still means that most people will have to continue through a reconsideration of the first denial (which is reversed about 16% of the time here). Once that is denied, they have to request a hearing before an administrative law judge. This is where GHLA attorneys can step in, but the process getting to this point can take the better part of a year. There are not enough ALJs, so the backlog of cases extends for months. Increasing the number of ALJs could improve the hearing wait time and processing time. Even then, ALJs have an approval rate in Hartford of about 50%, so many of our clients must appeal their cases to the Appeals Council, which has only a 1% reversal rate and a 11% remand rate. If denied by the Appeals Council, GHLA attorneys will pursue appeals in Federal Court.

In 2021 (an unusual year of course), GHLA succeeded in winning \$431,855 in retroactive SSI payments and \$35,018 in ongoing monthly benefits (\$421,416 for the year) for our clients. Over all, we have a good rate of success in federal court, winning 39 of the 48 cases filed since 2015 (two were withdrawn), which demonstrates that the bulk of the cases we represent are legitimately disabled individuals. But these legitimately disabled individuals have had to wait years from the initial application to final resolution. During that time, their financial situation has become more precarious and their health has often declined. Sufficient, well-trained customer service could reduce overall wait times, and provide better assistance to applicants with their initial application, more expeditious application processing, fewer lost applications and documents, and fewer delays between approval and award of benefits.

At risk of repeating myself, let me stress again that our clients rely on these benefits, which are only just enough to prevent total disaster. SSI has not kept pace with inflation, and for our clients on SSDI who were working low-wage jobs before their disability, the benefits they receive may not be enough to keep above the poverty level. Any action the committee could take to ensure that they have access to well-trained and sufficient assistance in the field office, to ensure that benefits keep pace with inflation, and to provide speedier access to disability benefits, such as is outlined in the Social Security 2100 would be much appreciated.

Social security disability law is complicated, and applicants benefit from legal assistance as they negotiate the maze of initial hearings, reconsideration, and appeals that are often necessary to establish eligibility. But better customer service up front would make the process better for all involved. Sufficient funding to enable walk-in appointments, a system for processing mail or accepting electronic documents, improvements to the phone system, greater automation for payments, and sufficient interpreter services could go a long way to ensuring that the social security disability system assists the disabled people it was intended to help.

ⁱ National Beneficiary Survey: Disability Statistics, 2015, table 2,

<https://www.ssa.gov/policy/docs/statcomps/nbs/2015/nbs-statistics-2015.pdf>

ⁱⁱ Official Website of the Social Security Administration, Apply for Retirement Benefits, OMB No. 090-0618, accessed May 11, 2022 <https://secure.ssa.gov/iClaim/Ent001View.action>

ⁱⁱⁱ Official Website of the Social Security Administration, Apply for Disability Benefits, OMB No. 090-0618, accessed May 11, 2022 <https://secure.ssa.gov/iClaim/Ent002View.action>

^{iv} Official Website of the Social Security Administration, Office Locator, accessed May 11, 2022, <https://secure.ssa.gov/ICON/main.jsp#officeResults>

^v Office of the Inspector General, Social Security Administration, “The Social Security Administration’s Processing of Mail and Enumeration Services During the COVID-19 Pandemic: Interim Report,” July 29, 2021, accessed May 12, 2022, <https://oig-files.ssa.gov/audits/full/A-08-21-51036InterimReport.pdf>

^{vi} Citizens Disability, Connecticut and Social Security Disability Benefits, accessed May 11, 2022 <https://www.citizensdisability.com/state-by-state-information/connecticut-and-social-security-disability-benefits/>