



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES

ESTABLISHED 1979

February 7, 2024

Commissioner Martin O'Malley
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Dear Commissioner O'Malley,

Thank you for speaking with us and other disability advocacy organizations today. We appreciate your willingness to engage in solutions collaboratively.

As I mentioned, it is time again to shine a light on the failures of SSA to proactively support the victims of the Judge Daugherty and Eric Conn fraud scheme. We ask for two solutions—waivers of currently charged overpayments for all victims (using your statutory authority to waive overpayments where collection violates equity and good conscience), and a meeting with interested parties to map out next steps.

Beginning in 2015, through no fault of their own, more than 3,000 Social Security disability recipients in Eastern Kentucky and West Virginia were forced to undergo redetermination proceedings due to the Daugherty and Conn fraud scheme. Three years later, the Sixth Circuit Court of Appeals found that SSA failed to satisfy the statutory requirement to “immediately” redetermine these cases, acknowledging the years of painful uncertainty these victims had already endured. After many more years, only about 750 of these claims have been resolved favorably. The rest are still in various stages of the redetermination process (or the claimant has given up), with most having been assessed massive overpayments that date back as far as 2006. Some of the overpayments are well into six figures, and none of them involve fault on the part of the claimants. All of these overpayments arise from events more than four years in the past—a standard we propose generally for overpayment waivers.

Most of these victims live in the poorest parts of Appalachia with extremely limited means, and no hope of ever being able to repay SSA. This catastrophe has left hundreds of disabled victims of a fraud scheme utterly destitute. Recovery of these overpayments—all of them—is against equity and good conscience. You have broad discretion to provide immediate waivers as relief.

This is our first request: **waive the overpayments for the victims of the Daugherty and Conn fraud scheme.**

This matter also involves several other concerns that may require regulations, policy changes, and individual case-by-case assessments. As is suggested by the ongoing litigation efforts of Ned Pillersdorf and an army of volunteers, there is more to be done.

Your approach thus far as Commissioner has given us hope for these victims. We want to work through the problems together, and as quickly as possible. It is time to choose justice.

This is our second request: **meet with NOSSCR, Ned Pillersdorf (the local attorney for many of the victims), NOSSCR members who have led the volunteer effort, and one or both of Andy and Steve Beshear** (the Governor and former Governor of Kentucky, both of whom have taken a keen interest in helping these victims). We propose an in-person meeting in Kentucky, where state leadership could be engaged.

As always, thank you for considering NOSSCR's proposed solutions. We look forward to working with you to strengthen SSA and further its vital mission.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Camp', with a stylized flourish at the end.

David Camp