



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
ESTABLISHED 1979

February 10, 2023

Faye Lipsky, Director
Office of Regulations and Reports Clearance
Social Security Administration
6401 Security Boulevard
3rd Floor (East) Altmeyer Building
Baltimore, Maryland 21235-6401

Submitted via Regulations.gov

RE: Request for Information on the Foundations for Evidence-Based Policymaking Act of 2018 Learning Agenda (Docket No. SSA-2022-0065)

Dear Director Lipsky:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court.

We appreciate the opportunity to provide input relevant to updating and revising the priority questions in SSA's [Learning Agenda](#). NOSSCR generally supports the 10 priority questions set forth in the FY 2022-2026 Learning Agenda. Specifically, NOSSCR is very pleased to see that the agency is prioritizing removing physical signature requirements and maintaining a public policy of technology neutrality in accepting electronic signatures, consistent with applicable law and to the extent practicable. This was not only required by President Biden's December 13, 2021 [Executive Order 14058](#) on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government but also allows claimants and their appointed representatives to use SSA's services with modern efficiency while avoiding delays, enhancing security, protecting personally identifiable information (PII), and avoiding the inequity of variable access to mail service and inaccessibility barriers to the disabled.

NOSSCR also supports the agency's prioritization of assessing customer communications and focusing on how individuals applying for disability benefits prefer to receive agency communications by electronic (e.g. email, text, my Social Security Message Center) vs. non-electronic (e.g. U.S. mail) means. We encourage the agency to update and revise policy question 4 by expanding its scope to also assess how claimants and their appointed representatives prefer to receive communications and notices from SSA during the adjudication process. This would include requests for forms completion and reminders to return forms or attend a consultative examination, which are already listed in the Learning Agenda, as well as decisional notices, notices of hearing, notices of award, etc. and assess how these

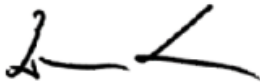
communications could be sent electronically to representatives via online portals, such as Appointed Representative Services (ARS). Utilizing the U.S. mail to send these important notifications only in paper format is inefficient given the inherent delays and unreliability of the postal service, as well as the deficiencies in SSA's ability to timely process outgoing mail. See SSA OIG Audit Report, [The Social Security Administration's Mail Processing During the COVID-19 Pandemic](#) (A-08-21-51115) (May 13, 2022).

Given the massive backlog of cases pending at DDS, NOSSCR highly suggests that SSA immediately revise the agency's priorities to address this significant issue. The lengthy delays in adjudication of these claims are unacceptable and the agency's response has been minimal and ineffective. [NOSSCR's comments](#) on the last Request for Information (RFI) notice published on April 20, 2021 suggested that SSA study the effects of the reinstatement of reconsideration in the former "prototype" states, including the percentage of claimants who were awarded benefits at that level and the additional waiting time experienced by those who were awarded benefits at the Administrative Law Judge (ALJ) or subsequent stages. NOSSCR maintains that the agency should examine the effects of reinstating reconsideration, specifically if and how this caused or contributed to the increased backlog of cases currently pending reconsideration at DDS. NOSSCR also urges SSA to eliminate the reconsideration stage nationwide and assess the effects on customer service, program integrity, administrative efficiency, and program uniformity, as these agency goals seem at odds with the varying processing times and disability adjudication rates at the state agencies.

NOSSCR also urges SSA to prioritize the creation and implementation of an online SSI application and improve representation by streamlining and modernizing representative portals and expanding access to SSA's Health IT (HIT) program to appointed representatives, which would save time, reduce costs to claimants and representatives, and ensure decisions are made on a complete record.

Thank you for your consideration of these comments.

Sincerely,

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

David Camp
President