



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
ESTABLISHED 1979

Social Security Administration

OLCA

Attn: Director, Office of Regulations and Reports Clearance

3100 West High Rise, 6401 Security Blvd.

Baltimore, MD 21235

Via regulations.gov, Docket ID Number SSA-2022-0024

June 24, 2022

Dear Acting Director Lipsky,

Thank you for the opportunity to comment on the information collection for the Disability Perception Survey (DPS) as described in 87 Fed. Reg. 18453 (March 30, 2022).

These comments are from the National Organization of Social Security Claimants' Representatives (NOSSCR), whose thousands of members represent Social Security disability claimants before the Social Security Administration (SSA) and in federal courts.

NOSSCR opposes SSA administering the DPS at all. We do not believe there is any need for, or practical utility of, the information collected: certainly not that exceeds the burden on respondents. We are concerned that many questions asked as part of the DPS could discourage respondents from applying for Social Security benefits, would confuse them about the SSDI program, and might lead to them discouraging others from applying. This creates a burden far higher than SSA's estimate.

The DPS violates the "demonstration principles" of the Consortium for Constituents with Disabilities (CCD) Social Security Task Force, of which NOSSCR is a member. These principles, which can be found at https://c-c-d.org/fichiers/CCD_SS-Disability_Demonstration_Principles-Final-1-14.pdf, say "Social Security Trust Fund and LAE dollars should not be used to complete demonstration projects with non-beneficiaries." Surveying people who may never apply for or receive Social Security benefits, who may or may not be insured for such benefits, and who could be discouraged from applying for benefits or discourage others from applying is not a good use of scarce trust fund dollars.

In addition to our general concerns about the DPS, we have several specific concerns.

The utility of the information provided is limited by the fact that the information about SSI does not mention SSI for people aged 65 and over, which might lead people to believe that SSI is not available to older individuals. This could give respondents negative and inaccurate perceptions of the SSI program and Social Security programs as a whole. It is a missed opportunity to educate people about age-based SSI at a time when SSI applications from older individuals have dropped particularly steeply, SSA is engaged in outreach to low-income Title II individuals about

SSI, and the agency has recently created a fact sheet about SSI to accompany the Social Security Statement. Clearly SSA wishes people to know about SSI, but the DPS does not adequately or accurately present information about it. Similarly, the DPS presents SSI and SSDI as separate and opposing programs without ever mentioning that Title II recipients might be concurrently eligible for SSI, and that millions of Americans receive benefits from both programs. This could misinform respondents and lead to people not applying for all the benefits for which they are eligible.

Many of the questions in the DPS appear likely to create confusion or animosity about the SSI and SSDI programs. Offering “the stigma attached to receiving benefits” as a reason someone might not apply for SSDI presents as fact that there is such a stigma: this may discourage both people who already felt such a stigma existed and those who were unaware of any such stigma from applying for benefits. In Question P6, asking whether respondents consider SSDI to be a welfare program unnecessarily, inaccurately, and unfairly will create exactly that perception for many respondents.

Similarly, presenting the choice that one might only apply for SSDI “if I could not find another job or otherwise make ends meet” suggests the idea that SSDI is only for people who are financially desperate or unable to work at all (rather than unable to perform Substantial Gainful Activity) which is not accurate. Question K3 asks about work at “substantial” levels but does not define or quantify this term. Question F8b creates the impression that people who receive early retirement, unemployment, a pension, or other sources of income are not eligible to apply for or receive SSDI, although this is incorrect.

It seems unnecessarily burdensome to ask respondents factual questions about SSDI as in Part 2 without providing answers. It is also burdensome and unclear for questions 10-11 to ask if someone should apply for SSDI if their Covid symptoms have lasted for six months. There are some people whose symptoms have lasted less than a year who would be likely to be awarded benefits: for example, if their Covid infection caused a listing-level impairment like kidney failure necessitating dialysis or certain amputations, or if their condition was expected to be fatal. Other people might have Covid in addition to other impairments and would satisfy the durational requirement for disability before six months of long Covid symptoms had occurred. These questions could discourage respondents from applying for benefits promptly or even keep them from applying altogether; it could also lead them to share inaccurate information with others.

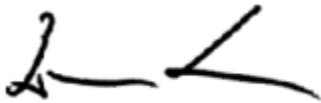
Similarly, the scenarios in part 3 are not clear, could discourage people from applying for SSDI, and do not yield useful information. Whether a random member of the public believes that someone in a vaguely described scenario should apply for or receive SSDI is not relevant to SSA’s standard for disability, and several of the questions appear designed to create animosity against certain types of claimants and beneficiaries, such as people who have been laid off or had their work hours reduced, people who speak Spanish, and people with limited educations. If SSA’s goal is to provide public opinion in opposition to considering education as a vocational

factor, or in support of recent regulatory changes about inability to communicate in English, the DPS would succeed—but these should not be SSA’s goals.

With SSI and SSDI applications and awards declining for over a decade (far beyond the forecasts of the agency’s own actuaries and trustees) and further plummeting during the pandemic, the last things SSA should be doing are providing incomplete and inflammatory information to the public, discouraging people from claiming benefits, and spending money on a survey that does not appear likely to yield useful information for future public outreach.

We strongly encourage SSA to avoid using this “push poll” and instead focus its limited resources on better serving disability claimants and beneficiaries. Thank you again for this opportunity to comment. NOSSCR staff and board members would be happy to share additional information if it would be helpful.

Sincerely,

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

David Camp
President