

July 1, 2024

Senate Committee on Finance
Attn. Editorial and Document Section
Rm. SD-219
Dirksen Senate Office Bldg.
Washington, DC 20510-6200

Work and Social Security Disability Benefits: Addressing Challenges and Creating Opportunities: June 18, 2024 Hearing

Dear Chairman Wyden, Ranking Member Crapo, and distinguished members of the Senate Committee on Finance,

Thank you for holding a hearing and allowing comments on the importance of work and Social Security disability. The National Organization of Social Security Claimants' Representatives (NOSSCR) (1300 I St. N.W., Suite 825, Washington, D.C. 20005) is a specialized bar association of several thousand attorneys and advocates who represent Social Security disability claimants nationwide throughout the adjudicative process. NOSSCR's mission is to advocate for improvements in Social Security disability programs and to ensure that individuals with disabilities applying for Social Security Disability and SSI benefits have access to highly qualified representation and receive fair decisions.

Current State of Ticket to Work

The Ticket to Work and Work Incentives Improvement Act of 1999¹ was signed into law with strong political support—a vote of 418-2 in the House and 95-1 in the Senate.² Unfortunately, the program has been woefully underutilized since its inception, leading to understandable disappointment among many elected and agency officials. That is not to say that the program is a failure. As Social Security's analysis details,³ the program works as intended; however, its success is limited by a series of correctable roadblocks. Proper system management and oversight, participant incentivization, and program awareness could drastically change the

¹ [P.L. 106-170](#)

² [H.R. 1180 — 106th Congress \(1999-2000\) All Actions](#)

³ [Social Security Bulletin, Vol. 83, No. 1, 2023, Effects of the Ticket to Work Program: Return on Investment and Overall Assessment of Outcomes Versus Design, Paul O'Leary and Emily Roessel.](#)

landscape—all while improving trust fund solvency,⁴ reducing earnings-related overpayments, and bettering the lives of SSDI and SSI beneficiaries who simply want to work within their capabilities or exit SSA’s disability programs without financial or insurance trauma.

Current Ticket to Work low participation results from education campaigns that are not targeted to the beneficiaries with the highest odds of success in returning to work, and from education provided at times disconnected from the beneficiary’s actual stage in the claims management process.

When it comes to work, disability beneficiaries live in fear of two things simultaneously: 1) a surprise Continuing Disability Review (CDR) at a time when minimal work activity will make them appear to be no longer disabled, threatening their financial security and health insurance, and 2) that by working they will immediately lose benefits and potentially incur a costly overpayment (lacking access to guidance regarding work incentives protections). If properly executed, Ticket to Work alleviates both concerns.

Current CDR notices are shrouded in mystery. While SSA offers guidelines for when they might conduct the CDR (ranging from 6 months to 7 years), there is no clear indication to the beneficiary that a CDR is imminent—until they receive a notice that it is already underway.⁵ This has a chilling effect on work activity, worsened because beneficiaries are unaware of the thousands of professionals (work incentives planning and assistance (WIPA), state vocational rehabilitation, and Employment Network entities) who can guide them through SSA’s complicated return-to-work protections without cost. Education is not targeted to these claimants, who opt to avoid the risks of work to protect their eligibility status—prolonging their years on SSDI, SSI, and Medicare beyond what healthy “claim management” would produce.

Current policy protects beneficiaries from CDRs who are actively participating in the Ticket to Work program,⁶ and we propose that SSA take this one step further: remove the mystery, tell beneficiaries where they are in the process (e.g., that they are in the group of medical-improvement-expected upcoming/postponed CDRs) and offer the beneficiary the services of an Employment Network (the aspect of Ticket to Work poised for expansion) at exactly the right time. We believe this will produce dramatically better outcomes for Ticket to Work rates of participation, thereby leading to additional exits from the disability rolls.

⁴ We proposed expansion of SSA’s calculation of “benefits forgone for work” (BFW) to include resulting savings to the Medicare trust fund, in addition to saved payments from the DI trust fund and from SSI. https://www.ssa.gov/disabilityresearch/documents/daf/V03.%20DAF19_Tips%20for%20conducting%20analysis.pdf

⁵ POMS DI 28001.020.

⁶ SSA Red Book, 2023, p. 25.

Possible Future

Increased Ticket to Work participation could remedy the shockingly low figures for beneficiaries exiting the rolls to work (3.2% according to a study covering 2006-2016).⁷ In 2015, Mathematica estimated that “18 percent of new SSDI beneficiaries are able to engage in substantial gainful activity (SGA) ... within two years after entering the program [W]ith just modest assistance, more than 120,000 could have returned to work but did not.”⁸ Using SSA’s “benefits forgone for work” (BFW) figures, that’s a potential savings of more than \$4 billion per year to the trust fund (not considering savings to Medicare). That estimate is conservative, as medicine has advanced since 2015, as have the methods used by vocational rehabilitation counselors and coaches, both of which should yield even higher savings.

Ticket to Work participants avoid CDRs, get job placement and coaching services along with professional guidance about SSA’s work incentives and overpayment avoidance rules. Employment Network contractors manage paperwork for the beneficiary and support a transition from SSDI/SSI to substantial work activity for up to 7 years—with Medicare extended for more than 7 years after a Trial Work Period.⁹ Claimants often can and want to return to work, and Ticket to Work is useful program that could become a vital part of health claim management and further SSA’s mission to get payments to the correct beneficiaries.

A CDR avoided by a beneficiary is also a CDR not conducted by a DDS. This represents crucial time and financial savings at a moment when processing times are frustratingly long.

Path Forward

I. Emphasize Training

Enabling SSA to elevate personnel with knowledge of these vocational rehabilitation programs, and to train additional staff to be well-versed in the available options, would significantly increase beneficiary participation.

Each Social Security field office is intended to have a Work Incentive Liaison with specialized training in work rules and procedures, yet our data shows that many offices do not have or cannot identify this person. Moreover, many Area Work Incentives Coordinator positions, those who are meant to provide regional oversight,

⁷ <https://www.ssa.gov/policy/docs/ssb/v83n1/v83n1p1.html>

⁸ <https://www.mathematica.org/publications/assessing-the-costs-and-benefits-of-returntowork-programs>

⁹ <https://choosework.ssa.gov/about/faqs/#:~:text=If%20you%20currently%20receive%20medical,of%20your%20Trial%20Work%20Period>

remain unfilled by the agency. Amplifying and incentivizing these positions will help these vocational rehabilitation programs succeed.

II. Drop Barriers for Those with Expertise

Currently, the only people in the United States who are unable to report wages for another individual are staff from SSA-funded Work Incentives Planning and Assistance programs (WIPA) and staff from Employment Networks (EN). This is nonsensical as these organizations are the very sources who are in the best position to help verify and report this information. Accurate and timely reporting of wages and work incentives is crucial to the success of vocational rehabilitation programs. SSA should immediately eliminate all barriers to reporting for those with the knowledge to do so.

Moreover, SSA should create simplified, automated systems for reporting wages and work incentives without requiring multiple points of contact. Much like uploading a check to a bank via mobile deposit, a participant in vocational rehabilitation should be able to easily submit their wages and work incentives documentation without unnecessary administrative barriers.

SSA should also utilize these trained professionals for completion of forms like the SSA-4290 and 3033. Nationwide, work incentives planners already hold the needed data and have the capacity to share it with the agency. If the agency allows completion of these forms by those already holding the needed data, the agency will improve the accuracy of the collected data and alleviate the workload burden on internal staff who must currently attempt to navigate this complex process. This, in turn, will free up agency staff to continue the important work of reducing the backlog and continuing to improve the overpayment landscape.

III. Prioritize Timely Communication

Instead of waiting for the costly CDR process to initiate, the agency should be sending targeted communication to those who are on the cusp of these reviews, alerting them to the availability of vocational rehabilitation services, and introducing them to private companies who will then be in touch with additional materials and guidance. This reduces the burden on the agency and allows the private market to absorb costs, while furthering the agency's mission.

Information blasts and education campaigns can help increase public awareness and participation in these programs. Straightforward plain-language explanations regarding what is at stake and what can be done can drastically increase program participation. Estimates have shown that a significant portion of the beneficiary population is ripe for participation in TTW programs; and yet, to date, program

participation remains stymied below 3%.¹⁰ It is time for this to change, and we believe that proper communication with the public is a crucial step forward.

Conclusion

We are pleased to see the Senate's commitment to addressing the challenges and creating opportunities for those disability beneficiaries who are ripe for work. We believe that with a few minor changes, the existing programs could return major dividends. NOSSCR remains committed to sensible improvements within Social Security that enhance agency programs while protecting and serving eligible beneficiaries and we look forward to ongoing dialogue with your Committee and the agency to accomplish these goals.

Sincerely,

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

David Camp
Chief Executive Officer
NOSSCR

¹⁰ The Social Security Administration's Programs and Projects that Assist Beneficiaries in Returning to Work. A-04-18-50600, November 2018, pgs. 9-10. <https://www.oversight.gov/sites/default/files/oig-reports/A-04-18-50600.pdf>