

July 1, 2024

Social Security Administration
OLCA, Attn: Reports Clearance Director
6401 Security Blvd.
Baltimore, MD 21235

Re: Docket ID Number [SSA-2024-0016]

Dear Reports Clearance Officer Sipple,

The National Organization of Social Security Claimants' Representatives (NOSSCR) 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.

Thank you for allowing us the opportunity to submit comments on the development of participation in a vocational rehabilitation or similar program. These post-entitlement programs offer a valuable lifeline to Americans who want to explore engagement with the workforce but need assistance and protection while doing so due to their ongoing disabilities.

Background

The Ticket to Work and Work Incentives Improvement Act of 1999¹ was signed into law with immense 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 disappointment among many elected and agency officials—many of whom are no longer aware of the program's potential.³ That is not to say that the program is a failure. As Social Security's own analysis⁴ details, the

¹ [P.L. 106-170](#)

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

³ [GAO] Government Accountability Office. 2011. Social Security Disability: Ticket to Work Participation Has Increased, but Additional Oversight Needed. GAO-11-324. Washington, DC: GAO. <https://www.gao.gov/assets/gao-11-324.pdf>.

⁴ 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. <https://www.ssa.gov/policy/docs/ssb/v83n1/v83n1p1.pdf>

program does work as intended; however, its success is being limited by a series of correctable roadblocks.

Proper system management and oversight, participant incentivization, and program awareness could drastically change the landscape—all while improving trust fund solvency⁵ (moving the “depletion event” further out and supporting SSA education about the need for operations funding), reducing earnings-related overpayments, while 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.

Communication

Use of form SSA-4290 should be widespread and routine, and, to the extent possible, automated. The agency should continue gathering and utilizing this data, specifically prior to initiating CDRs.

However, to accurately capture the intended data, we encourage the agency to simplify the language that they use surrounding vocational rehabilitation. When utilizing forms like SSA-4290, ask plain-language questions that illicit the needed information in a commonsense way. Not all beneficiaries understand the program terms even if they are actively engaging in one of the referenced programs.

Instead of terms-of-art like IWP, IPE, and IEP, we encourage questions like “Are you still in school? Do you get extra help at school? Did you get help finding a job? Did you get extra help when you started work? Does anyone help you at work now?” The terms used should be clearly defined and expanded upon, laying the foundation to capture all required vocational information to properly measure beneficiary participation and return-to-work success.

Training

We encourage the agency to elevate personnel with knowledge of these vocational rehabilitation programs, and train additional staff to be well-versed in the available options. When communicating with beneficiaries about the need for form SSA-4290,

⁵ 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

staff should continue to encourage participation in vocational rehabilitation programs, making participants' options clear and providing resources for engagement.

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

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.

Avoid Overpayments

As the Government Accountability Office determined in 2021, "Ticket to Work helped some participants, but overpayments increased program costs."⁶ The agency has been making great strides in improving the country's overpayment crisis, and continued overpayment-improvement will simultaneously improve the TTW

⁶ [GAO] Government Accountability Office. 2021. Social Security Disability: Ticket to Work Helped Some Participants, but Overpayments Increased Program Costs. GAO-22-140431. Washington, DC: GAO. <https://www.gao.gov/assets/gao-22-104031.pdf>.

program. In 2021, the GAO estimated “that Ticket to Work participants were more than twice as likely to receive overpayments 5 years after starting the program than nonparticipants.”⁷ This is a concerning number to be sure; however, proper utilization of reporting tools, like data matching and online and mobile reporting, can reduce this number, allowing those who are able to return to some work activity the freedom to do so without fear of incurring severe penalties years later.

Furthermore, when overpayments are created, the agency should allow those with knowledge of their vocational rehabilitation and work incentives programs to assist beneficiaries with their overpayments. Proper documentation and application of work incentive rules could reduce or eliminate overpayments for many beneficiaries who are attempting to participate in the workforce. WIPA planners are not currently eligible to assist beneficiaries with overpayments, despite having unique knowledge of the complex work incentives rules. Allowing WIPA planners to help with work-related overpayments is an efficient use of SSA funding and reduces the burden of processing overpayments on SSA employees.

Education

As the vocational rehabilitation programs stand today, most beneficiaries are afraid to take any action. They are scared that working will terminate their benefits and incur overpayments. They are scared that Employment Networks and Work Incentives Planning and Assistance programs are going to cost them money. Many eligible beneficiaries do not even know that these programs—or related protections like those offered in Section 301—exist. These fearful assumptions are correctable.

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%.⁸ It is time for this to change, and we believe that proper communication with the public is a crucial step forward.

Conclusion

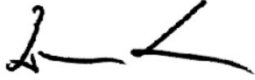
We are pleased to see the agency’s commitment to bettering vocational rehabilitation programs. NOSSCR remains committed to working with the agency

⁷ [GAO] Government Accountability Office. 2021. Social Security Disability: Ticket to Work Helped Some Participants, but Overpayments Increased Program Costs. GAO-22-140431. Washington, DC: GAO. <https://www.gao.gov/assets/gao-22-104031.pdf>.

⁸ 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>

to provide support and data to enhance agency programs while protecting and serving eligible beneficiaries.

Sincerely,

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

David Camp
Chief Executive Officer