



SOCIAL SECURITY

The Commissioner

August 19, 2024

The Honorable Mitch McConnell
U.S. Senate
Washington, DC 20510

Dear Senator McConnell:

I have made a few critical decisions regarding the handling of overpayments that may affect some of your constituents who were former clients of attorney Eric Conn, who was convicted of fraud in the representation of claimants for Social Security and Supplemental Security Income disability benefits.

Due to the unique concerns posed by the Conn fraud cases, I have decided to stop collecting overpayments resulting from Mr. Conn's fraud scheme. This means that if a former client of Mr. Conn has a redetermination hearing decision that resulted in an outstanding overpayment, SSA will stop collecting that overpayment and we will refund money that has already been collected. Also, I have decided not to require redetermination hearings in cases involving deceased beneficiaries.

In the coming months, SSA will stop collection activity on these cases and send notices to affected former Conn clients. The notices will provide specific details about vacated overpayments and refunds due to individuals impacted by the Conn fraud scheme.

Notably, this decision does not change the terms of the *Johnson* settlement agreement that involves some of Mr. Conn's former clients. That agreement provided relief to two categories of Mr. Conn's clients, as follows:

- **Individuals who received an unfavorable redetermination decision under the agency's original process (which some courts found legally deficient) and who failed to timely appeal** - Under the *Johnson* settlement, these individuals could request a new hearing using the agency's new process, outlined in Social Security Rulings [22-1p](#) and [22-2p](#). These individuals could also request prospective benefit reinstatement until they receive a new decision. In exchange, individuals who requested this relief agreed that if they were ultimately found not disabled, benefits paid under the settlement were an overpayment that must be repaid. My decision to stop collecting overpayments still applies to these individuals for the original overpayments stemming from the Conn fraud scheme, assessed following their first

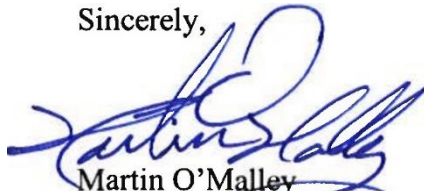
redetermination decision.

- **Individuals who had not yet received a redetermination hearing** - Under the *Johnson* settlement, we agreed to review these individuals' cases using a modified redetermination process that will determine if the individual is presently disabled. My decision to stop collecting overpayments does not affect these individuals, because under the modified redetermination process, overpayments will not be assessed even if a decision is unfavorable.

I hope these actions will help your constituents who were unwittingly caught up in Mr. Conn's fraud scheme.

If you have any further questions, please do not hesitate to contact me, or your staff may contact Tom Klouda, our Deputy Commissioner for Legislation and Congressional Affairs, at (202) 358- 6030.

Sincerely,



Martin O'Malley
Commissioner