

Audit Report

Payments to Individuals Incarcerated
in Texas Department of Criminal
Justice Facilities

A-06-15-50017 / August 2016

OIG

Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: August 9, 2016 **Refer To:**

To: The Commissioner

From: Acting Inspector General

Subject: Payments to Individuals Incarcerated in Texas Department of Criminal Justice Facilities (A-06-15-50017)

The attached final report presents the results of the Office of Audit's review. The objectives were to identify individuals who improperly received payments while incarcerated in Texas Department of Criminal Justice facilities and determine why these individuals' payments were not timely suspended/terminated.

Please provide within 60 days a corrective action plan that addresses each recommendation. If you wish to discuss the final report, please call me or have your staff contact Rona Lawson, Assistant Inspector General for Audit, 410-965-9700.



Gale Stallworth Stone
Gale Stallworth Stone

Attachment

Payments to Individuals Incarcerated in Texas Department of Criminal Justice Facilities

A-06-15-50017



August 2016

Office of Audit Report Summary

Objective

To identify individuals who improperly received payments while incarcerated in Texas Department of Criminal Justice (TDCJ) facilities and determine why these individuals' payments were not timely suspended/terminated.

Background

The Social Security Administration (SSA) receives reports of incarceration from various sources. For example, Federal, State, and local correctional institutions electronically send inmate reports to either SSA's Office of Central Operations or a field office. SSA matches prisoner information received through the Prisoner Update Processing System (PUPS) against its records. Once verified, SSA determines whether the prisoner is receiving Supplemental Security Income and/or Old-Age, Survivors and Disability Insurance payments.

Working collaboratively with SSA staff in the Dallas Region, we obtained a Texas Department of Criminal Justice data file that identified the personally identifiable information of approximately 134,000 Social Security numberholders incarcerated in Texas correctional facilities as of August 31, 2014. We matched the data against SSA payment records to identify inmates who improperly received SSA payments while incarcerated.

Findings

We identified 170 inmates who received improper payments while they resided in prison. Controls designed to prevent payments to prisoners were not effective in these instances.

In most cases, PUPS did not contain the inmates' most recent confinement information or contained what appeared to be contradictory information that may have provided the false appearance that beneficiaries were no longer in prison.

We note this is a small number of errors compared to the 9,288 instances in Fiscal Year 2014 where Texas prison facilities provided SSA with timely confinement information that resulted in suspension of SSA payments.

Upon notification of these cases, Dallas Region Operations personnel promptly confirmed these inmates' confinement status, suspended or terminated payments, and identified approximately \$3.7 million in overpayments. Prompt suspension of these payments prevented approximately \$1.4 million in additional overpayments over a 12-month period.

Recommendations

We recommend that SSA determine the feasibility of:

1. Periodically performing similar data matches with other States to identify additional prisoners improperly receiving payments.
2. Extending the length of time it retains non-claimants' prison information.

SSA agreed with Recommendation 1 and disagreed with Recommendation 2. We continue to believe the Agency should give this issue further consideration.

TABLE OF CONTENTS

Objective	1
Background	1
Results of Review	2
No Confinement Information Recorded in PUPS.....	3
PUPS Record Existed – Confinement Not Reported.....	4
Accurate Confinement Dates Recorded in PUPS	5
SSA Action Prevented Additional Overpayments	6
Conclusions.....	7
Recommendations.....	7
Agency Comments and OIG Response.....	7
Appendix A – Scope and Methodology	A-1
Appendix B – Agency Comments	B-1

ABBREVIATIONS

OASDI	Old-Age, Survivors and Disability Insurance
POMS	Program Operations Manual System
PUPS	Prisoner Update Processing System
SSA	Social Security Administration
SSI	Supplemental Security Income
SSN	Social Security Number
TDCJ	Texas Department of Criminal Justice

OBJECTIVE

Our objectives were to identify individuals who improperly received payments while incarcerated in Texas Department of Criminal Justice (TDCJ) facilities and determine why these individuals' payments were not timely suspended/terminated.

BACKGROUND

The Old-Age, Survivors and Disability Insurance (OASDI) program provides payments to wage earners and their families in the event the wage earner retires, becomes disabled, or dies. The Supplemental Security Income (SSI) program provides payments to financially needy individuals who are aged, blind, or disabled. Federal law prohibits payments to incarcerated individuals under the following circumstances.

- OASDI beneficiaries are ineligible for payments when they are confined for longer than 30 days in a public institution pursuant to conviction for a criminal offense.¹
- SSI recipients are ineligible for payments for any month in which they are inmates of a public institution for a full calendar month.²

SSA receives reports of incarceration from various sources. Federal, State, and local correctional institutions electronically send inmate reports either to SSA's Office of Central Operations or a field office. In addition, field offices may receive inmate reports from a beneficiary, recipient,³ representative payee, or legal guardian.

SSA developed automated systems to receive, process, control, and monitor inmate information and suspend payments through the Prisoner Update Processing System (PUPS). PUPS maintains reported inmate information; generates and controls prisoner alerts; suspends OASDI and SSI payments, when possible; calculates incentive payments to prisons; and records benefit and recipient reinstatements.

SSA matches prisoner information received through PUPS against its records. Once verified, SSA determines whether the prisoner is receiving SSI and/or OASDI payments. For prisoners who have never filed for SSA payments, SSA systems create a "skeleton" PUPS record showing the numberholder's confinement information. SSA retains this information for 2 years.⁴ For prisoners who have previously filed for SSA payments, SSA systems create a permanent PUPS record that includes confinement information, and alerts the applicable program service center to

¹ Social Security Act § 202(x)(1), 42 U.S.C. § 402(x)(1).

² Social Security Act § 1611(e)(1), 42 U.S.C. § 1382(e)(1).

³ Throughout the report, we refer to both OASDI beneficiaries and SSI recipients as beneficiaries.

⁴ SSA, POMS, GN 02607.410 A.2 (June 19, 2015).

suspend benefit payments. If the inmate receives SSI payments, SSA systems send the alert to the servicing field office to suspend payments.

SSA enters into agreements with correctional facilities to obtain prisoner information.⁵ The Agency issues correctional facilities incentive payments when timely reports result in suspension of inmates' SSA payment(s). SSA reduces or eliminates incentive payments received more than 30 days after an inmate is confined. Further, the Agency reduces incentive payments when a prior incentive payment had been issued (the inmate had been previously incarcerated). In Fiscal Year 2014, timely receipt of PUPS confinement information from Texas prison facilities resulted in the suspension or termination of SSA payments to 9,288 prisoners. As a result, SSA issued approximately \$3.6 million in incentive payments to these facilities.

In a joint project with SSA staff in the Dallas Region, we obtained a TDCJ data file that identified the personally identifiable information of approximately 134,000 Social Security numberholders incarcerated in Texas correctional facilities as of August 31, 2014. From February through May 2015, we matched the data against SSA payment records to identify inmates who may have improperly received SSA payments while incarcerated. For more information on our scope and methodology, see Appendix A.

RESULTS OF REVIEW

We identified 170 inmates who received improper payments while they were in prison. Controls designed to prevent payments to prisoners were not effective in these instances.

- In 39 cases, PUPS contained no indication that the beneficiaries had *ever* been incarcerated.
- In 98 cases, PUPS showed the beneficiaries had been incarcerated one or more times; however, current confinement dates TDCJ provided were not in PUPS.
- In 33 cases, PUPS contained accurate beneficiary confinement information. In 19 cases, the confinement information was not timely reported or included contradictory information that may have provided the false appearance that beneficiaries had been released from prison. Most of the 14 remaining cases involved OASDI beneficiaries who spent extended periods of time in prison before they were tried and convicted for the related crime(s). Thus, these beneficiaries initially remained eligible for benefits while in prison before their convictions. SSA employees documented initial contact with prison facilities to confirm the beneficiaries' confinement status; however, SSA did not suspend the benefits after the inmates' convictions.

We note this is a small number of errors compared to the 9,288 instances in Fiscal Year 2014 where SSA's receipt of timely confinement information from Texas prison facilities resulted in the suspension of SSA payments.

⁵ Social Security Act §§ 202(x)(3)(B) and 1611(e)(1)(I), 42 U.S.C. §§ 402(x)(3)(B) and 1382(e)(1)(I).

Upon notification of these cases, Dallas Region staff promptly confirmed these inmates' confinement status, suspended or terminated payments, and identified \$3,734,560 in overpayments on these records. SSA staff also submitted 53 fraud referrals to the Office of Investigations. Prompt suspension of these payments prevented approximately \$1.4 million in additional overpayments over a 12-month period.

No Confinement Information Recorded in PUPS

SSA records contained no indication that 39 beneficiaries had *ever* been incarcerated. As a result, SSA issued improper payments to beneficiaries in prison.

- In September 2008, a retired beneficiary began serving a 30-year prison sentence upon conviction for aggravated assault. From September 2008 until Dallas Region personnel suspended these payments in October 2015, SSA issued \$79,234 in benefits the prisoner was not entitled to receive.
- In April 1984, a man convicted of four counts of capital murder was sentenced to death. When he attained full retirement age in November 2013, his spouse filed a retirement claim on his behalf. SSA approved the claim and began issuing \$938 in monthly benefit payments. In June 2015, the State executed the man and sent a death notification to SSA. From November 2013 until SSA terminated the benefits in June 2015, SSA issued \$18,170 in benefits the prisoner was not entitled to receive. The U.S. Attorney's Office declined to prosecute this case.
- In February 1983, a man convicted of aggravated kidnapping was sentenced to life in prison. In February 2014, a claimant providing a Hawaiian residential address filed an electronic retirement claim on the inmate's behalf. SSA's initial benefit payment included \$745 in monthly benefits and \$4,310 in retroactive benefits. From March 2014 until SSA suspended these payments in August 2015, SSA issued \$18,579 in benefits the prisoner was not entitled to receive. The Office of Investigations is reviewing this claim.

In most cases, the beneficiaries were already receiving SSA payments when they went to prison, and these payments continued during their confinements. However, in three instances (including the second and third bullets above) SSA approved benefit claims submitted on behalf of individuals who were already in prison. We observed in each of these three cases that claims were submitted more than 2 years after the prisoners' incarceration. Because SSA retains non-beneficiary prison information for only 2 years, the prison information would have no longer appeared in SSA's records when these claims were processed and approved. We did not determine whether prison facilities reported the other 36 confinements and could not otherwise explain why confinement information did not appear on SSA records.

PUPS Record Existed – Confinement Not Reported

SSA records contained incomplete confinement information for 98 beneficiaries. In each case, beneficiaries' PUPS records listed one or more prison confinements; however, none of the PUPS records listed confinement dates matching the August 2014 confinement data provided by TDCJ.

In 13 cases, the data TDCJ provided contained the inmates' incorrect SSN. We used the Enumeration Verification System to identify the inmates' correct SSNs, and SSA subsequently confirmed that the inmates improperly received payments while they were incarcerated. We did not determine whether prison facilities reported these confinements; however, use of incorrect SSNs in these cases could explain why current incarceration information did not appear in PUPS.

In 24 cases, it appeared law enforcement officials transferred beneficiaries from one prison facility to another after the beneficiaries were convicted and sentenced. In these instances, the transferring facility reported the beneficiaries' release; however, the gaining facility did not report the beneficiaries' confinement, which gave the false appearance the individuals were no longer in prison.

- In November 2012, a disabled beneficiary was incarcerated for violating a protective order. PUPS contained a record of this confinement. On at least five occasions between January and July 2013, SSA employees contacted the prison facility and noted the prisoner remained in custody but had not yet had a trial. Because OASDI benefit suspension provisions do not take effect until after a conviction, the man remained eligible for disability payments while in prison awaiting trial. While in custody, the prisoner attempted to hire a hit man to murder his wife and another man. In October 2013, the beneficiary was convicted of two counts of solicitation of capital murder and began serving concurrent 35- and 22-year prison sentences. After sentencing, law enforcement officials transferred the man from the county jail to a State prison. The county jail reported the prisoner's release date to SSA. However, PUPS had no record of the prisoner's subsequent confinement in State prison. From October 2013 until SSA suspended the payments in August 2015, SSA issued \$24,244 in benefits the prisoner was not entitled to receive.
- In March 2013, a disabled beneficiary was sentenced to concurrent 30- and 10-year prison terms upon conviction for aggravated assault and indecency. At the time of our review, PUPS showed the man was confined in a county jail the day after the offenses occurred in August 2012. However, because the beneficiary had not yet been convicted of the charges, he remained eligible to receive disability benefits while in prison awaiting trial. After his conviction and sentencing in April 2013, law enforcement officials transferred the man from the county jail to State prison. The county jail reported the prisoner's release date to SSA. However, PUPS had no record of the prisoner's subsequent confinement in State prison. From April 2013 until SSA terminated the benefits in August 2015, SSA issued \$31,076 in disability benefits the prisoner was not entitled to receive.

In the remaining cases, PUPS contained confinement and release dates that appeared related to the individuals' initial arrests for crimes committed. However, these individuals appear to have been released from custody sometime before conviction and sentencing. PUPS reflected those release dates but did not contain post-conviction and sentencing confinement dates.

- In February 2013, an SSI recipient began serving a 12-year prison sentence after a burglary conviction. According to TDCJ, the crime occurred in February 2012. At the time of our review, PUPS showed the recipient was confined on April 9, 2012 and released on April 18, 2012—consistent with an initial arrest and subsequent release on bond. However, PUPS contained no information regarding her post-conviction incarceration in February 2013. From March 2013 until SSA suspended the payments in March 2015, SSA issued \$17,218 in SSI payments the prisoner was not entitled to receive.
- In October 2013, a disabled beneficiary began serving a 12-year prison sentence after being convicted of driving while intoxicated for at least the third time. According to TDCJ, the crime occurred on January 22, 2011. At the time of our review, PUPS showed the beneficiary was confined on January 23, 2011 and released on February 4, 2011—consistent with an initial arrest and subsequent release on bond. However, PUPS contained no information regarding his post-conviction confinement in October 2013. From October 2013 until SSA suspended the payments in August 2015, SSA issued \$24,684 in disability benefits the prisoner was not entitled to receive.

We did not determine whether prison facilities reported current confinement information to SSA and, with the exception of the incorrect SSN cases, could not otherwise explain why current confinement information did not appear on SSA records. The lack of complete confinement information provided the false appearance that these beneficiaries were not in prison. As a result, the beneficiaries received payments to which they were not entitled.

Accurate Confinement Dates Recorded in PUPS

SSA issued improper payments to 33 prisoners who had accurate confinement and conviction dates recorded in PUPS.

- In six cases, untimely receipt of PUPS confinement data contributed to the overpayments. For example, in February 2013, a retired beneficiary was confined after being convicted of indecency. However, the February 2013 confinement was not reported in PUPS until *after* the prisoner was released from custody in January 2015. SSA reviewed the case and established a \$9,434 overpayment on the beneficiary's record.
- In 13 cases, beneficiaries had multiple confinements listed in PUPS. In each case, the entry immediately preceding the current confinement contained a prison release date matching the confinement date on the subsequent record. It appeared these cases involved prisoners transferred from one prison facility to another. The matching confinement and release dates may have made SSA employees believe the beneficiaries were no longer in prison.
- In 10 cases, SSA personnel documented initial contact with prison facilities to verify confinement status but, for unknown reasons, did not suspend the prisoner's payments.
- In four cases, we found no documentation to indicate SSA responded to timely receipt of beneficiary confinement information.

Various factors contributed to the issuance of improper payments to beneficiaries confined in Texas prison facilities. However, we note this was a small number of payment errors compared to the 9,288 benefit suspensions SSA processed in 2014 based on the timely receipt of confinement information from Texas prison facilities.

SSA Action Prevented Additional Overpayments

By promptly suspending or terminating these payments, Dallas Region Operations staff prevented approximately \$1.4 million in additional overpayments.⁶ According to sentencing data TDCJ provided, more than half the prisoners receiving improper payments at the time of our review were serving sentences expected to extend beyond Calendar Year 2016. TDCJ data indicated the State did not expect to release 19 prisoners until Calendar Year 2035 or later.

Table 1: TDCJ Projected Prison Release Dates for 170 Beneficiaries Improperly Receiving Payments While in Prison

TDCJ Projected Release Dates	Number of Inmates
Unknown	5
Through 2016	71
2017-2019	43
2020-2034	32
2035- 2071	15
Life Sentence	4
Total	170

Absent Dallas Region action, many of these prisoners would likely have continued receiving improper payments for many years. To illustrate, according to TDCJ, one prisoner receiving improper payments was serving concurrent 10-year sentences and was not expected to be released from prison until 2023. In November 2015, SSA suspended the prisoner's \$1,263 monthly payment and established a \$30,017 overpayment on his payment record. SSA's corrective action likely prevented more than \$120,000 in additional improper payments in this case alone.⁷

⁶ We computed the \$1,377,341 estimate based on the monthly improper payments SSA issued to the 170 prisoners at the time of our review times the lesser of 12 months or the remaining incarceration period for each prisoner.

⁷ \$1,263 in monthly payments times 96 months (2016-2023 remaining prison sentence) equals \$121,248.

CONCLUSIONS

We identified 170 inmates who received approximately \$3.7 million in improper payments while residing in prison. In most cases, PUPS did not contain the inmates' most recent confinement information or contained what appeared to be contradictory information that may have provided the false appearance that inmates were no longer in prison. We estimate that prompt action by Dallas Region Operations staff to suspend or terminate these payments prevented an additional \$1.4 million in improper payments over a 12-month period.

We note this is a small number of errors compared to the 9,288 instances in FY 2014 where Texas prison facilities provided SSA with timely confinement information that resulted in suspension of SSA payments. Further, upon notification of these cases, Dallas Region personnel promptly confirmed these inmates' confinement status; suspended or terminated payments; and established overpayments, as appropriate.

RECOMMENDATIONS

We recommend that SSA determine the feasibility of:

1. Periodically performing similar data matches with other States with large prisoner populations to identify additional prisoners improperly receiving payments.
2. Extending the length of time it retains non-claimants' prison information.

AGENCY COMMENTS AND OIG RESPONSE

SSA agreed with Recommendation 1 but disagreed with Recommendation 2. Agency officials stated that extending the length of time that SSA retains non-claimant prison information would compromise the performance of existing systems and require a substantial information technology investment to build additional capacity. The Agency's comments are included in Appendix B.

Agency officials did not explain how extending the retention of non-claimant prison information would compromise the performance of existing systems. Similarly, SSA officials did not quantify the information technology investment required to build additional storage capacity.

We continue to believe the Agency should give this issue further consideration. While the additional costs associated with retaining non-claimant prisoner information beyond the current 2-year period are unclear, we provided examples where the non-availability of this information allowed individuals serving extended prison sentences to file for, and improperly receive, SSA payments. Further, the potential effect of discarding non-claimant prison information after 2 years extends beyond SSA, as it is required⁸ to share its prisoner information with other

⁸ Social Security Act §§ 202(x)(3)(B)(iv) and 1611(e)(1)(I)(iii), 42 U.S.C. §§ 402(x)(3)(B)(iv) and 1382(e)(1)(I)(iii).

Federal benefit paying agencies that have statutory provisions to prohibit payments to prisoners, as well as with State agencies that administer federally funded benefit programs.



Rona Lawson
Assistant Inspector General for Audit

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

To accomplish our objectives, we:

- Reviewed prior Office of the Inspector General and Government Accountability Office reports related to Social Security Administration (SSA) payments to inmates.
- Reviewed Federal regulations and SSA policies related to payments to inmates.
- Reviewed SSA's procedures and internal controls on reporting incarcerated individuals, verifying prisoner identities, determining whether SSA issued payments to inmates, and suspending payments to inmates.
- Interviewed SSA program officials.
- Received a file from the Texas Department of Criminal Justice (TDCJ) of approximately 134,000 Social Security numberholders confined to Texas correctional facilities as of August 31, 2014.
- Matched the Social Security numbers (SSN) in the TDCJ inmate file against SSA's Supplemental Security and Master Beneficiary Records.¹
- Matched the TDCJ inmate file against SSA's Numident file by both SSN and first and last name and identified 8,930 non-matching records. We processed the 8,930 SSNs against SSA's Enumeration Verification System to identify possible alternative SSNs. We subsequently identified instances where SSA issued payments under alternative SSNs.
- Confirmed each matched individual's date of birth through SSA records and prison status through contact with TDCJ through review of available public records. Obtained from TDCJ information specific to each prisoner's current sentence length, current and prior offenses, and the names of correctional facilities that housed each prisoner.

¹ Identified all numberholders receiving Supplemental Security Income payments as of February 2, 2015 and Old-Age, Survivors and Disability Insurance benefits as of May 20, 2015.

- Provided our results to SSA officials in the Dallas Region. The Dallas Region staff subsequently
 - verified each individual's identity and confinement status;
 - suspended Supplemental Security Income payments and established overpayments, as appropriate;
 - coordinated with program service center personnel to suspend Old-Age, Survivors and Disability Insurance benefits and establish overpayments, as appropriate; and
 - referred cases involving suspected fraud to the Office of Investigations.
- Verified inmates' payments had been suspended and summarized the amount of Supplemental Security Income and Old-Age, Survivors and Disability Insurance overpayments paid to incarcerated individuals.
- Analyzed Prisoner Update Processing System records for inmates in our audit population.

We conducted our audit from August 2015 to June 2016 in Dallas, Texas. We determined the data used for this audit were sufficiently reliable to meet our audit objectives. The entities audited were the Offices of the Deputy Commissioners for Operations and Systems. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix B – AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: July 27, 2016

Refer To: S1J-3

To: *Gale S. Stone*
Acting Inspector General

From: Frank Cristaudo/s/
Counselor to the Commissioner

Subject: Office of the Inspector General Draft Report, “Payments to Individuals Incarcerated in Texas Department of Criminal Justice Facilities” (A-06-15-50017)--INFORMATION

Thank you for the opportunity to review the draft report. Please see our attached comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to Gary S. Hatcher at (410) 965-0680.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL DRAFT REPORT,
“PAYMENTS TO INDIVIDUALS INCARCERATED IN TEXAS DEPARTMENT OF
CRIMINAL JUSTICE FACILITIES” (A-06-15-50017)**

General Comments

We take seriously our responsibility to effectively, efficiently, and accurately administer our programs. One of our primary responsibilities is to protect the trust fund and tax dollars by curbing improper payments. We appreciate your efforts in reviewing our prisoner suspension computer matching to assist us in identifying a method to stop improper payments to incarcerated beneficiaries and recipients.

Your report identified two prisoner processing anomalies: (1) incorrect Texas Department of Criminal Justice (TDCJ) reporting when transferring an inmate to another correctional facility; and (2) incomplete prisoner suspension or reinstatement actions by our technicians. We are taking action to contact the TDCJ to discuss their incorrect reporting of transferred inmates and request they remove the data entry that is causing the reporting problem. In addition, we will issue an Administrative Message to remind our technicians of the importance of verifying all prisoner data entries before suspending or reinstating monthly benefits to beneficiaries or recipients.

Recommendation 1

Determine the feasibility of periodically performing similar data matches with other States with large prisoner populations to identify prisoners improperly receiving payments.

Response

We agree. We will convene an inter-component workgroup to determine the feasibility of requesting States with large prisoner populations to provide us with periodic inmate census files. In addition, the workgroup will determine our capability to effectively process large inmate census files in our current prisoner computer suspension operation and whether it is cost-conscious to do so. By the end of December 2016, we anticipate the workgroup completing its assessment.

Recommendation 2

Determine the feasibility of extending the length of time it retains non-claimant's prison information.

Response

We disagree. Extending the length of time that we retain non-claimant prison information would compromise the performance of our existing systems. To adequately, accommodate a longer retention period would require a substantial information technology investment to build additional capacity.

We believe the inter-component workgroup's resolutions mentioned in recommendation 1 will also provide a viable resolution to allow us to keep our existing non-claimant record retention period. As mentioned in our general comments, we plan to issue reminders to our technicians on the importance of verifying prisoner data before suspending or reinstating benefits.

MISSION

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