
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**SUPPLEMENTAL SECURITY INCOME
RECIPIENTS ELIGIBLE FOR, OR
RECEIVING, RUSSIAN PENSIONS**

December 2012

A-01-12-21238

AUDIT REPORT



Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

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- **Prevent and detect fraud, waste, and abuse in agency programs and operations.**
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Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: December 10, 2012

Refer To:

To: The Commissioner

From: Inspector General

Subject: Supplemental Security Income Recipients Eligible for, or Receiving, Russian Pensions
(A-01-12-21238)

OBJECTIVE

Our objective was to identify Supplemental Security Income (SSI) recipients who may have been overpaid because they were eligible for, or were receiving, Russian pensions.

BACKGROUND

The SSI program is a national Federal cash assistance program administered by the Social Security Administration (SSA) that provides a minimum level of income to financially needy individuals who are aged, blind, or disabled.¹ Since the SSI program is intended to be a program of last resort, individuals must first apply for all other benefits for which they are potentially eligible after receiving notice from SSA.² Generally, individuals are not eligible for SSI if they fail to take all the appropriate steps to apply for all other benefits for which they may be eligible—including pensions.³

When SSA personnel take an initial application or perform a redetermination, they ask individuals if they are receiving a pension or worked under a pension plan in a foreign country. Redeterminations are periodic reviews of the non-medical factors of SSI eligibility. According to SSA's *Performance and Accountability Report*, the Agency processed 2.47 million SSI redeterminations in Fiscal Year (FY) 2010 and 2.46 million redeterminations in FY 2011.

¹ Social Security Act § 1601 et seq., 42 U.S.C. § 1381 et seq.

² Social Security Act § 1611(e)(2), 42 U.S.C. § 1382(e)(2) provides that “No person shall be an eligible individual or eligible spouse for purposes of this title if, after notice to such person by the Commissioner of Social Security that it is likely that such person is eligible for any payments of the type enumerated in section 1612(a)(2)(B), such person fails within 30 days to take all appropriate steps to apply for and (if eligible) obtain any such payments.”

³ 20 C.F.R. §§ 416.210(a) and (b).

SSA maintains place of birth information in its records and verifies this information with the claimant during an initial claim. Place of birth information is also available to SSA employees during redeterminations. In addition, SSA notes in its records the recipient's preferred language, which could also indicate the recipient worked in a foreign country at one time and could be eligible for a pension.

Foreign pension-paying entities that pay income to persons living in the United States do not usually make the income information readily available to the Internal Revenue Service. Thus, SSA cannot detect these pensions through electronic systems interfaces and therefore individuals must self-report them. However, there is no incentive for SSI recipients to report the pension income since it could reduce their monthly SSI payment or make them ineligible for SSI.

An SSA employee researched the Russian pension system and found that many SSI recipients who came from Russia were eligible for Russian pensions. He created a guide his field office (FO) used to determine eligibility for Russian pensions (see Appendix B). Russian pensions may be payable to individuals with as little as 5 years of work in Russia, even though the individuals reside in the United States. In April 2011, the FO employee referred this matter to the Office of the Inspector General.

This FO agreed to work 20 cases in which it appeared the recipient might be eligible for a Russian pension and had a pending redetermination on the record. Of these 20 cases, 9 (45 percent) were receiving, or were eligible to receive, Russian pensions. As of July 2012, overpayments totaling \$28,595 had been posted in six of the nine cases.

To conduct our review, we identified 25,642 SSI recipients nationwide who may have been eligible for Russian pensions. From this population, we randomly selected 200 cases for detailed analysis. (See Appendix C for our scope, methodology, and sample results.)

RESULTS OF REVIEW

Based on the results of our review, we estimate at the 90-percent confidence level that 8,718 SSI recipients were eligible for, or were receiving, undisclosed Russian pensions.⁴ In addition, we estimate SSA overpaid 2,051 recipients about \$45 million because of undisclosed Russian pensions and will continue improperly paying about \$5 million in SSI payments over the next 12 months if this income is not properly posted to SSA's records.⁵ These errors occurred because recipients did not report their

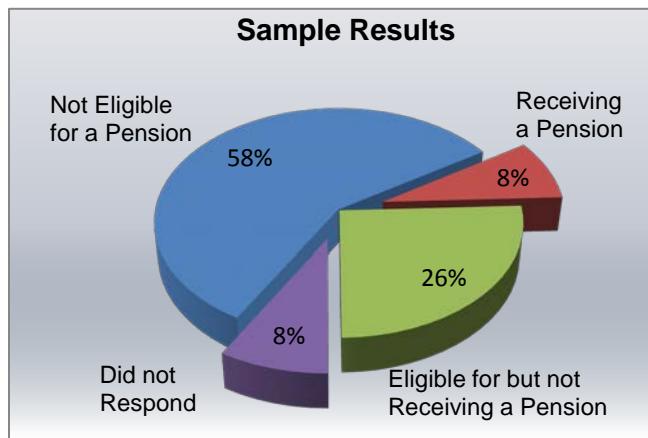
⁴ We are 90-percent confident that the number of recipients eligible for, or receiving, Russian pensions lies within the lower limit of 7,300 recipients and the upper limit of 10,228 recipients.

⁵ We are 90-percent confident that the number of recipients overpaid lies within the lower limit of 1,306 recipients and the upper limit of 3,046 recipients. The amount of overpayments lies within the lower limit of \$18.3 million and the upper limit of \$70.8 million. The amount paid over the next 12 months lies within the lower limit of \$2.7 million and upper limit of \$7.6 million. See Tables C-4 and C-5 in Appendix C.

Russian pension income to SSA. However, SSA staff could have identified the possibility of a pension by probing cases where people had moved to the United States from Russia. Many of the SSI recipients in our sample only spoke Russian, and we were unable to communicate with them in English. Their place of birth and language preference indicated that they may have worked in Russia and been eligible for a pension.

Specifically, of the 200 recipients in our sample,

- 17 (8 percent) were receiving a Russian pension and were overpaid approximately \$347,503;⁶
- 51 (26 percent) appeared to be eligible for, but were not receiving, a Russian pension;
- 115 (58 percent) were not eligible for a Russian pension;⁷ and
- 17 (8 percent) had not yet responded to our request for information. As of August 2012, SSA had sent notices to four of these recipients.



RECIPIENTS RECEIVING RUSSIAN PENSIONS

Of the 200 cases in our sample, 17 admitted to receiving a Russian pension. The average monthly pension was \$213, ranging from a low of \$4 to a high of \$452. Of these 17 recipients, 16 recipients' SSI payments should be reduced by a total of \$3,337 per month, and \$40,044 over the next 12 months. In addition, these recipients were overpaid a total of \$347,503,⁸ with an average overpayment of \$20,441 over an average of more than 8 years. As of August 2012, SSA had initiated corrective action for 10 cases and assessed \$40,092 in overpayments for 8 of these cases.

For example, a New York man began receiving SSI payments in December 1994. At that time, he did not disclose he was receiving a Russian pension. Additionally, SSA conducted several redeterminations throughout the years during which the recipient did not disclose his pension. The recipient responded to our letter stating he had been

⁶ One of the 17 recipients was not overpaid because the pension amount was very low.

⁷ Of these 115 recipients, 111 did not work in Russia. They were included in our population because of limitations in the data available to us. The four remaining recipients were deceased.

⁸ As a result of SSA's rules of administrative finality, the Agency may be unable to recover \$278,134 of the \$347,503 in overpayments. Under SSA's application of its administrative finality rules for SSI, the time period SSA can assess an overpayment to a recipient is (a) 1 year for any reason, (b) 2 years for good cause, and (c) any time when fraud or similar fault is found (POMS, section SI 04070.010, effective September 9, 2011).

receiving a Russian pension of \$387 per month since April 1987. Generally, SSA should have reduced his payments by \$367 per month for 211 months, causing a \$77,344 overpayment. SSA will save \$4,404 over the next 12 months by correcting this record.

In another example, a New York woman began receiving SSI payments in January 1997 and did not disclose she was receiving a Russian pension. In response to our letter, she stated she started receiving a Russian pension in 1995, before her SSI payments started. While she did not state what her pension amount was in 1995, she stated that, in November 2009, the pension was significantly increased to \$185 because of a change in the law. SSA suspended her SSI payments in October 2009 because she was in Russia for longer than 30 days, and she would have had to provide documentation of the departure and return.

Additionally, SSA performed redeterminations in December 2010 and November 2011, and she did not report her pension at any of these opportunities. Generally, SSA should have reduced her payments by \$165 per month for 32 months—going back to November 2009 when her pension was significantly increased—causing a \$5,142 overpayment. SSA will save \$1,980 over the next 12 months by correcting this record.

RECIPIENTS WHO APPEARED TO BE ELIGIBLE FOR RUSSIAN PENSIONS

Of the 200 cases in our sample, 51 appeared to meet the criteria to be eligible for a Russian pension, though they stated they were not receiving a pension. We provided these recipients with the contact information to file for these pensions. Of these 51 recipients,

- 12 were applying for a Russian pension, and
- 39 stated they will not take the action needed to apply for a Russian pension.

Applying for a Pension

Twelve recipients stated they were taking action to apply for a Russian pension. Some need to apply for, or renew, their Russian passport before applying for the pension. Therefore, in some cases, the process may take several months for a decision. Many of these recipients worked in Russia for over 30 years and will finally receive benefits for which they worked. We have requested SSA follow up on these cases to determine the status of these applications.

For example, a California woman worked in Russia for 38 years and thought she was eligible for a Russian pension. She stated that she needed to confirm her Russian citizenship, obtain a Russian passport, and file for the pension. This process could take over 9 months. In cases where the individual already has a Russian passport, the application process may take only 3 months.

Will Not Apply for Pension

Thirty-nine recipients stated they would not take the action needed to apply for the pension even though they appeared to be eligible. Table 1 summarizes their reasons.

| Table 1: Reasons Recipients Will Not Apply for a Russian Pension | | |
|---|------------------------|----------------|
| Reason | Number of Cases | Percent |
| Age/Health Issues | 10 | 25% |
| Unwilling to Obtain Required Documents | 9 | 23% |
| Do Not Believe They Are Eligible | 8 | 21% |
| Did Not Give Reason | 7 | 18% |
| Fear/Refugee Status | 5 | 13% |
| TOTAL | 39 | 100% |

For example, we received a letter from a California man who contacted us on his mother's behalf. He stated that his mother had been receiving a Russian pension before she came to the United States, but she was not able to transfer the pension to the United States. His mother will not file for the pension because (1) her physical and mental health have deteriorated, (2) she does not have a current Russian passport, and (3) she is a loyal U.S. citizen and does not want to deal with Russian officials.

In another example, a New York woman called in response to our letter. She stated that she had been receiving a Russian pension, but it stopped in January 2012 because she did not file the paperwork to renew it. When we explained that it was an SSI requirement that she receive this pension, she stated that she did not want the pension anymore.

In another example, a Massachusetts woman stated she worked in Russia for 39 years but was not receiving a pension. She stated that she was not eligible for a pension because she needed a valid passport, and her passport expired in 2005.

Based on SSA FO staff experience, some of these recipients may have already been receiving a Russian pension. This particular SSA FO had seen many cases in which, when asked, recipients stated they were not receiving a Russian pension. When it appeared the recipient was eligible for a pension, the SSA claims representative issued a notice to the recipient stating that his/her SSI payments would be suspended if he/she did not file for the pension. These recipients did not respond, but after SSI payments were suspended, they submitted documentation proving they were receiving a Russian pension.

We referred the cases in which recipients will not file for the Russian pensions for which they appeared to be eligible to SSA for further action. As of August 2012, SSA had sent notices to 16 of these recipients.

CONCLUSION AND RECOMMENDATIONS

As SSI is a program of last resort, recipients must apply for all other benefits for which they are potentially eligible. We estimate that 8,718 recipients are eligible for, or receiving, undisclosed Russian pensions. Additionally, we estimate SSA overpaid about 2,051 recipients about \$45 million because of undisclosed Russian pensions.

We recommend that SSA:

1. Follow up on the cases in our sample in which the recipients are receiving or eligible for Russian pensions and take appropriate corrective action.
2. Remind employees to inquire about the possibility of foreign pensions during initial claims and redeterminations.
3. Evaluate the guide developed by the SSA employee and determine whether it should be made available to SSA staff nation-wide.

AGENCY COMMENTS

Although SSA agreed with the recommendations, the Agency expressed legal concern about instituting any policy that targets recipients with a specific foreign-born status in its fraud prevention efforts. See Appendix D.

OIG RESPONSE

OIG is not suggesting that SSA institute a policy that targets recipients with a specific foreign-born status. Further, determination of sources of income and resources is consistent with SSA's treatment of other current or prospective SSI recipients, in that they are all subject to restrictions on income and resources to qualify for SSI benefits, and related determinations/verification of income and resource information provided.

Our recommendations for instituting policies to protect the integrity of government funds should be uniformly applied for all prospective claims and redeterminations. Our audit focused on SSI recipients born in Russia because SSA alerted OIG to a high incidence of individuals who were ineligible for SSI because they were receiving or eligible for Russian pensions. An SSA FO fraud referral informed us that based on research in that FO "most SSI recipients who came from Russia were either entitled or eligible for Russian pensions." The FO initially reviewed a small sample of cases and found 45 percent were ineligible for SSI. To assess the magnitude of the problem, we initiated this review. Because of the confirmation of SSI ineligibility associated with Russian pensions, our second recommendation focuses on assessing potential ineligibility for ***all*** SSI recipients who may have foreign pensions. Also, as noted in the background section of this report, foreign pension-paying entities that pay income to persons living in the United States do not usually make the income information readily available to the Internal Revenue Service. Thus, SSA cannot detect these pensions through electronic

systems interfaces and therefore individuals must self-report them. However, there is no incentive for SSI recipients to report the pension income since it could reduce their monthly SSI payment or make them ineligible for SSI. Therefore, SSA instituting policy and procedures to identify income and resources from foreign pensions will serve to protect the integrity of government resources by minimizing the vulnerability to fraud, waste and abuse. Analysis of foreign pensions would constitute one element of making a determination of income and resources from all sources, as SSA does for all applicants and recipients of SSI benefits, all of whom are subject to income and resource restrictions to qualify for benefits.



Patrick P. O'Carroll, Jr.

Appendices

[APPENDIX A](#) – Acronyms

[APPENDIX B](#) – Russian Pension Decision Tree

[APPENDIX C](#) – Scope, Methodology, and Sample Results

[APPENDIX D](#) – Agency Comments

[APPENDIX E](#) – OIG Contacts and Staff Acknowledgments

Appendix A

Acronyms

| | |
|--------|----------------------------------|
| C.F.R. | Code of Federal Regulations |
| FO | Field Office |
| FY | Fiscal Year |
| POMS | Program Operations Manual System |
| SSA | Social Security Administration |
| SSI | Supplemental Security Income |
| U.S.C. | United States Code |

Appendix B

Russian Pension Decision Tree

A Social Security Administration (SSA) employee researched the Russian pension requirements and created the following chart to assist other employees in determining whether a Supplemental Security Income (SSI) claimant was eligible for a Russian pension. It assumes the claimant came from Russia (not from other republics of the former Soviet Union), was not receiving a Russian pension, and worked in Russia for at least 5 years.

| STEP | CONDITION | YES | NO |
|------|---|--|---|
| 1 | Claimant came to the United States before December 20, 1990. (Hint: look when the first NUMI was established). ¹ | Claimant came under pension system of the former Soviet Union and is not eligible for Russian pension. Go to step 5. | Go to step 2. |
| 2 | When the claimant moved from Russia to the United States, he/she was over age 55 (if female) or over age 60 (if male). | Claimant was receiving pension in Russia and can continue receiving it in the United States even if claimant does not have Russian citizenship. Claimant must reinstate pension (new application is not required). Go to step 5. | Go to step 3. |
| 3 | Currently, the claimant is under age 55 (if female) or under age 60 (if male). | Claimant is under retirement age and is not eligible. If claimant is within 6 months of reaching age 55 (for females) or age 60 (for males), set the pension tickle (to follow up on case later). Go to step 5. | Go to step 4. |
| 4 | Claimant came to the United States after February 6, 1992 (effective date of a new law concerning Russian citizenship). | Claimant will never lose Russian citizenship and is eligible for Russian pension. Claimant must apply for pension. Go to step 5. | Claimant is potentially eligible if he/she reinstates Russian citizenship, which can be done. Claimant must still apply for pension and provide proofs. Go to step 5. |
| 5 | STOP | | |

¹ The NUMI (Numident) is SSA's record system which contains Social Security number data, such as date of birth and place of birth.

Scope, Methodology, and Sample Results

To achieve our objective, we:

- Reviewed applicable sections of the *Social Security Act* and the Social Security Administration's (SSA) regulations, rules, policies, and procedures.
- Obtained a file of 25,642 Supplemental Security Income (SSI) recipients who may be eligible for, or receiving, Russian pensions. This population consisted of SSI recipients
 - (1) with a place of birth of Russia or the Union of Soviet Socialist Republics on SSA's records,
 - (2) old enough to be eligible for a Russian pension in 1990,
 - (3) who did not already have a pension posted to the SSI record,
 - (4) who obtained their first Social Security number card at age 23 or older (so they could have worked 5 years in Russia), and
 - (5) who entered the United States in 1991 or later.

We tested the data obtained for our audit and determined them to be sufficiently reliable to meet our objective.

- Selected a random sample of 200 cases for detailed review. For each case, we:
 - ✓ Sent the recipient a letter to determine whether they were receiving or eligible for a Russian pension. We requested that recipients who were eligible for Russian pensions start the application process. For those receiving Russian pensions, we requested the amount.
 - ✓ Calculated the amount of benefits overpaid to recipients because of undisclosed Russian pensions.
 - ✓ Referred cases in which the recipient was receiving a Russian pension or unwilling to cooperate to the Agency for corrective action.
- Projected the number of recipients who were overpaid because of undisclosed Russian pensions, along with the amount of overpayments. In addition, we projected the number of recipients who appeared to be eligible for a Russian pension.

We conducted our audit between March and July 2012 in Boston, Massachusetts. The entities audited were SSA's field offices under the Office of the Deputy Commissioner for Operations. 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.

SAMPLE RESULTS

| Table C-1: Population and Sample Size | |
|--|--------|
| Population size | 25,642 |
| Sample size | 200 |

| Table C-2: Recipients Eligible for, or Receiving, Russian Pensions | |
|---|--------|
| Attribute Projections | |
| Sample cases | 68 |
| Point estimate | 8,718 |
| Projection lower limit | 7,300 |
| Projection upper limit | 10,228 |

Note: All projections were calculated at the 90-percent confidence level.

| Table C-3: Recipients Overpaid Because of Russian Pensions | |
|---|-------|
| Attribute Projections | |
| Sample cases | 16 |
| Point estimate | 2,051 |
| Projection lower limit | 1,306 |
| Projection upper limit | 3,046 |

Note: All projections were calculated at the 90-percent confidence level.

| Table C-4: Amount of Overpayments | |
|--|--------------|
| Dollar Projections | |
| Sample results | \$347,503 |
| Point estimate | \$44,553,360 |
| Projection lower limit | \$18,315,209 |
| Projection upper limit | \$70,791,510 |

Note: All projections were calculated at the 90-percent confidence level.

| Table C-5: Amount of Overpayments over 12 Months | |
|--|-------------|
| Dollar Projections | |
| Sample results | \$40,044 |
| Point estimate | \$5,134,041 |
| Projection lower limit | \$2,684,903 |
| Projection upper limit | \$7,583,179 |

Note: All projections were calculated at the 90-percent confidence level.

| Table C-6: Sample Cases by State | | | | |
|----------------------------------|-------------------------------------|--|----------------------------------|-------------|
| State | Number of Cases Receiving a Pension | Number of Cases Eligible for a Pension | Number of Cases with No Response | Total Cases |
| California | 1 | 9 | 4 | 14 |
| Colorado | | 1 | | 1 |
| Connecticut | | 1 | | 1 |
| Delaware | 1 | | | 1 |
| Florida | | 1 | 1 | 2 |
| Idaho | | 1 | | 1 |
| Illinois | | 4 | | 4 |
| Indiana | | 1 | | 1 |
| Kentucky | 1 | | | 1 |
| Massachusetts | 1 | 4 | | 5 |
| Maryland | | 3 | | 3 |
| Michigan | | | 1 | 1 |
| Minnesota | 1 | 2 | | 3 |
| Missouri | | 1 | | 1 |
| Montana | | | 1 | 1 |
| New Jersey | 1 | 3 | 1 | 5 |
| New York | 10 | 16 | 8 | 34 |
| Oregon | | 1 | | 1 |
| Pennsylvania | | 2 | | 2 |
| Texas | | 1 | | 1 |
| Washington | 1 | | | 1 |
| Wisconsin | | | 1 | 1 |
| Total Cases Not Eligible | | | | 115 |
| Total | 17 | 51 | 17 | 200 |

Appendix D

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: October 19, 2012

Refer To: S1J-3

To: Patrick P. O'Carroll, Jr.
Inspector General

From: Dean S. Landis /s/
Deputy Chief of Staff

Subject: Office of the Inspector General Draft Report, "Supplemental Security Income Recipients Eligible for or Receiving Russian Pensions" (A-01-12-21238) —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 Amy Thompson at (410) 966-0569.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL DRAFT REPORT,
“SUPPLEMENTAL SECURITY INCOME RECIPIENTS ELIGIBLE FOR OR
RECEIVING RUSSIAN PENSIONS” (A-01-12-21238)**

General Comment

Although, we will take corrective action on cases involving foreign pensions consistent with our program rules and policies, we have serious legal concerns about instituting any policy that targets recipients with a specific foreign-born status in our fraud prevention efforts. The Constitution of the United States of America provides for governmental decision-making and actions that are neutral with respect to both race and national origin. We do not develop or implement our program integrity activities by generally profiling recipients born outside the United States or by nationality.

Recommendation 1

Follow up on the cases in our sample in which the recipients are receiving or eligible for Russian pensions and take appropriate corrective action.

Response

We agree to follow up on these cases; however, we do not agree with your overpayment estimates, because you based your estimates on unverified self-reported information.

Recommendation 2

Remind employees to inquire about the possibility of foreign pensions during initial claims and redeterminations.

Response

We agree.

Recommendation 3

Evaluate the guide developed by the SSA employee and determine whether it should be made available to SSA staff nation-wide.

Response

We agree.

Appendix E

OIG Contacts and Staff Acknowledgments

OIG Contacts

Judith Oliveira, Director, Boston Audit Division

David Mazzola, Audit Manager

Acknowledgments

In addition to those named above:

Katie Greenwood, Senior Auditor

Kevin Joyce, IT Specialist

N. Brennan Kraje, Statistician

Alla Resman, IT Specialist

For additional copies of this report, please visit our Website at <http://oig.ssa.gov/> or contact the Office of the Inspector General's Public Affairs Staff at (410) 965-4518. Refer to Common Identification Number A-01-12-21238.

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