
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**ORGANIZATIONAL
REPRESENTATIVE
PAYEES REPORTING
BENEFICIARIES' DEATHS**

April 2008 A-01-06-15068

AUDIT REPORT



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SOCIAL SECURITY

MEMORANDUM

Date: April 23, 2008 **Refer To:**

To: The Commissioner

From: Inspector General

Subject: Organizational Representative Payees Reporting Beneficiaries' Deaths
(A-01-06-15068)

OBJECTIVE

Our objective was to determine whether organizational representative payees promptly notified the Social Security Administration (SSA) when beneficiaries in their care died.

BACKGROUND

SSA pays retirement, disability or survivor benefits to eligible individuals under Title II of the Social Security Act.¹ For individuals who are not able to manage or direct the management of their finances because of their age or mental and/or physical impairments, Congress granted SSA the authority to appoint representative payees to receive and manage the benefit payments on the beneficiary's behalf.² A representative payee may be an individual or an organization. As of December 2005, approximately 5.1 million Title II beneficiaries had representative payees.³

Organizational representative payees are responsible for notifying SSA of any events that occur that may affect a beneficiary's entitlement to benefits—including the death of a beneficiary.⁴ Any benefit payments issued to the organizations after the beneficiaries' deaths are considered overpayments. Further, section 201 of the Foster

¹ The Social Security Act § 201 *et seq.*, 42 U.S.C. § 401 *et seq.*

² The Social Security Act § 205(j)(1)(A), 42 U.S.C. § 405(j)(1)(A).

³ SSA, *Annual Statistical Supplement, 2006*, issued June 2007.

⁴ 20 C.F.R. § 404.2035.

Care Independence Act of 1999 gave SSA the authority to hold representative payees liable for the repayment of the overpayments.⁵ Therefore, SSA will pursue recovery from the organizational payees.

The Social Security Protection Act of 2004 requires that SSA expand its monitoring activities of certain representative payees, including organizational payees representing 50 or more beneficiaries (also referred to as volume payees) and all payees authorized to collect a fee for service (FFS).⁶ SSA's payee monitoring program calls for reviews of all volume payees, FFS payees and State mental institutions at least once every 3 years. In addition, the Agency also selects a random sample of payees not scheduled for a triennial site review in that year. SSA also conducts targeted reviews as needed (regardless of the number of beneficiaries served by the payee) in response to events that may raise concerns about a payee's performance or suitability. Payee reviews include meetings with representatives from the organizations, assessments of the payees' recordkeeping, and interviews with the beneficiaries. (For additional information on SSA's representative payee monitoring activities, see Appendix B.)

To accomplish our objective, we identified 139 organizational representative payees—from 1 of 20 Social Security number segments—that received 3 or more benefit payments after the deaths of 149 beneficiaries.⁷ We selected all 139 organizations for detailed analysis. (For more information on our scope, methodology and estimation results, see Appendix C.)

RESULTS OF REVIEW

We found that organizational representative payees did not always timely notify SSA when beneficiaries in their care died and, as a result, benefits continued to be issued after deaths. In addition, organizational payees did not always return all of the benefits that were paid after the deaths of beneficiaries. Based on our review, we estimate the Agency paid about 2,780 organizational payees approximately \$10 million in benefits after the deaths of about 2,980 beneficiaries. Of this amount, we estimate the Agency discontinued efforts to recover about \$901,040 that was paid to approximately 480 organizations. Furthermore, we found that the Agency did not always address outstanding overpayments when organizational payee reviews were conducted.

⁵ Pub. L. No. 106-169 § 201(a), amending the Social Security Act § 204(a)(2), 42 U.S.C. § 404(a)(2).

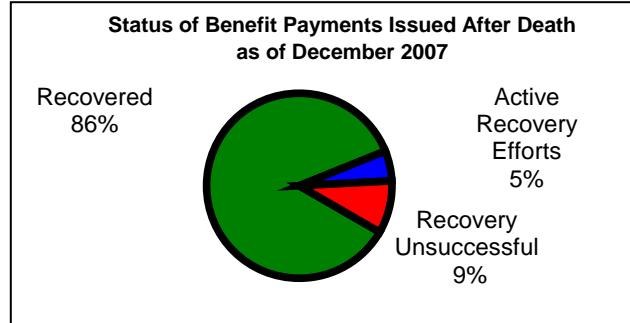
⁶ Pub. L. No. 108-203 § 102(b), amending the Social Security Act § 205(j)(6), 42 U.S.C. § 405(j)(6). The Social Security Protection Act of 2004 also requires that SSA expand its monitoring activities of individual payees representing 15 or more beneficiaries.

⁷ The last 2 digits of the Social Security number are randomly assigned and can contain digits "00" to "99." Social Security numbers can be categorized into 20 segments, each containing 5 sequential groups of these digits. For this audit, we selected Social Security numbers ending with the digits "20" to "24."

PAYMENTS ISSUED AFTER DEATH

We found that the 139 organizational representative payees—from the 1 Social Security number segment we reviewed—received \$499,253 after the deaths of 149 beneficiaries. As of December 2007, SSA

- successfully recovered \$426,773 (86 percent) from the organizations;
- was actively pursuing recovery of \$26,982 (5 percent); and
- was unsuccessful in recovering \$45,498 (9 percent) that was incorrectly paid to the organizations.



The 149 deceased beneficiaries in our review continued to be paid between 3 and 22 months after their deaths, with an average of 5 months. The table below summarizes the 149 beneficiaries by the number of monthly payments issued after death.

Number of Months Paid After Death	Number of Beneficiaries	Percent
3 to 6 months	120	80%
7 to 10 months	21	14%
11 to 14 months	4	3%
15 to 18 months	3	2%
19 to 22 months	1	1%
Total	149	100%

Funds Recovered or Active Recovery Efforts

SSA successfully recovered \$426,773 from the organizations. In addition, the Agency was actively pursuing recovery of \$26,982 through repayment agreements and by issuing billing notices to the organizations. Of this amount, SSA resumed recovery of \$12,734 due to our audit. For example, one organization was issued seven benefit checks from May 2003 to November 2003 totaling \$4,640 after the death of a beneficiary. The organization initially agreed to repay the overpayment but only returned \$1,630 to SSA. Based on our audit, SSA resumed recovery of the \$3,010 overpayment balance not refunded by the organization.

Recovery Efforts Unsuccessful

SSA did not recover \$45,498 that was paid to organizational payees after the deaths of beneficiaries. The Agency wrote off \$446 that was paid to 2 organizations, but was unsuccessful in recovering the remaining \$45,052 that was incorrectly paid to 24 of the organizations in our review.⁸

For example, one organization was issued three benefit checks totaling \$2,256 after a beneficiary died in November 2003 but only returned \$630 to SSA. The Agency sent several notices to the organization requesting remittance of the additional \$1,626 that was issued after death. However, no further payments were remitted to SSA as of December 2007.

In addition, we found that 22 of the 24 organizations continued to serve as representative payees for other beneficiaries as of December 2007. According to SSA, a representative payee that does not return all payments issued after death may not be a suitable payee and should not be appointed unless there is no other suitable applicant and the debt has been satisfied.⁹ These facilities may not have adequate controls over the funds they receive, or they may not be sufficiently involved with the beneficiaries in their care to ensure their needs are met.

REPRESENTATIVE PAYEE MONITORING

Of the 139 organizations in our review, we identified 76 that did not timely report the deaths of multiple beneficiaries in their care and/or did not return funds that were incorrectly paid after death—despite SSA's attempts to recover the benefits.¹⁰ We researched available data on SSA's systems and contacted Agency personnel to determine whether reviews of these 76 organizations were conducted under SSA's representative payee monitoring program. Of the 76 organizations, we found that

⁸ This included four FFS payees that were bonded and did not refund \$3,986. "A non-governmental FFS organization must be bonded in order to be authorized by SSA to collect a fee. Bonding constitutes a bond or insurance contract which protects the Representative Payee and SSA from financial loss caused by the action or inaction of the organization, or corporate officer/owner(s), or an employee of the organization." (SSA, POMS, GN 00506.105.)

⁹ SSA, POMS, GN 00502.132. SSA also issued a message to staff in February 2003 reminding them that representative payees with outstanding overpayments resulting from benefit payments issued after death may not be suitable payees (SSA, POMS, AM-03035).

¹⁰ We considered organizations that reported at least two deaths untimely as reporting multiple deaths late. For some organizations, this included deceased beneficiaries identified outside of the one segment of the population we reviewed.

- reviews were conducted for 43 organizations;¹¹
- reviews were scheduled in the future for 8 organizations; and
- no reviews were conducted or scheduled for the remaining 25 organizations.

Monitoring Reviews Conducted or Scheduled

In total, 43 of the 76 organizations were reviewed by SSA.¹² Of these 43 organizations, 12 had outstanding overpayments (resulting from benefit payments issued after death) at the time their reviews were conducted. However, SSA's policy does not require that outstanding overpayments owed by organizational payees be addressed when monitoring reviews are conducted.¹³ As a result, SSA personnel did not address the outstanding overpayments for these 12 organizations during its reviews.¹⁴

For example, one organization had an outstanding overpayment totaling \$1,412 due to the death of a beneficiary in 2002. SSA conducted a review of this organization in July 2007 but did not address the outstanding overpayment. As of December 2007, the funds were not returned to SSA, and this organization continued to serve as payee for 40 beneficiaries.

SSA planned to conduct reviews in the future for eight organizations. However, the dates of these future reviews ranged from May 2008 to March 2010. For example, the review of one organization was not scheduled until August 2008 even though the organization had reported multiple deaths late and had an outstanding overpayment totaling \$1,448 due to the death of a beneficiary in 2003. As of December 2007, the funds were not returned to SSA.

Organizations Not Covered Under SSA's Monitoring Program

No reviews were conducted or scheduled for 25 organizations. For 22 of these organizations, we found that the organizations represented fewer than 50 beneficiaries—and therefore did not fall under SSA's monitoring program.¹⁵ However, SSA also conducts targeted reviews as needed (regardless of the number of beneficiaries served by the payee) in response to events that may raise questions

¹¹ Of the 43 reviews conducted, 40 were conducted after the beneficiaries in our review died.

¹² The 43 organizational payees reviewed by SSA included 32 volume payees, 6 FFS payees and 5 State mental institutions.

¹³ SSA, POMS, GN 00605.

¹⁴ We found that—when the reviews were conducted for 10 of the 12 organizations—SSA's Representative Payee System indicated that they did not return all payments that were issued after the beneficiaries died.

¹⁵ For the remaining 3 organizations, (a) 2 closed and no longer continued to serve as payees for SSA and (b) 1 represented less than 50 beneficiaries at the time organizations were selected for review by the Agency and therefore did not fall under SSA's monitoring program. However, it had 54 beneficiaries in its care as of December 2007.

about a payee's performance or suitability.¹⁶ According to SSA, representative payees with outstanding overpayments resulting from payments issued after death may not be suitable payees.¹⁷ We found that no targeted reviews were conducted or scheduled for these 22 organizations.¹⁸ The table below summarizes the number of beneficiaries that were served by these 22 organizations as of December 2007.¹⁹

Number of Beneficiaries Served	Number of Organizations	Percent
1 to 9 beneficiaries	3	14%
10 to 19 beneficiaries	4	18%
20 to 29 beneficiaries	8	36%
30 to 39 beneficiaries	3	14%
40 to 49 beneficiaries	4	18%
Total	22	100%

CONCLUSION AND RECOMMENDATIONS

Organizational representative payees did not always timely notify SSA when beneficiaries in their care died, and as a result, benefits continued to be issued for an average of 5 months after death. In addition, we found that organizational payees did not always return all of the benefits that were paid after death, even though the funds were no longer needed to care for the beneficiaries. We estimate that, as of December 2007, SSA was actively pursuing recovery of approximately \$539,640 that was paid to about 200 organizational payees after the beneficiaries died. However, we estimate the Agency discontinued recovery efforts for an additional \$901,040 that was paid to about 480 organizations. Furthermore, we found that SSA did not always address outstanding overpayments when organizational payee reviews were conducted. Therefore, we recommend SSA:

¹⁶ The 22 organizations included 9 that failed to return \$9,369 to SSA. These nine organizations were included in the one segment of the population we reviewed. We did not calculate amounts paid after death for beneficiaries identified outside of the one segment we reviewed.

¹⁷ SSA, POMS, AM-03035. Although SSA recognized representative payees with outstanding overpayments resulting from payments issued after death may not be suitable payees, the Agency did not consider outstanding overpayments as trigger events for targeted reviews. (SSA personnel met internally in February 2008 to review the Agency's policy regarding representative payees to determine whether additional instructions were needed.)

¹⁸ In a July 2007 study of representative payees—which included organizations serving fewer than 50 beneficiaries—the National Academy of Sciences recommended that SSA conduct targeted reviews of those representative payees most likely to misuse benefits. Based on the report, SSA established a work group to analyze the recommendations and develop an Agency plan. In addition, the Office of the Inspector General is conducting analyses to determine whether certain characteristics of payees result in an increased risk of misuse.

¹⁹ These 22 organizational payees served a total of 542 beneficiaries. Each organization served an average of 25 beneficiaries.

1. Continue to pursue recovery of any outstanding overpayments to organizational representative payees that resulted from benefits issued to the organizations after beneficiaries' deaths.
2. Require that outstanding overpayments owed by organizational payees are addressed when monitoring reviews are conducted.
3. Conduct reviews for the 8 volume payees—and the 22 other organizations which represented less than 50 beneficiaries—to ensure the payees are performing their duties satisfactorily.

AGENCY COMMENTS

SSA agreed with the recommendations. (See Appendix D.)



Patrick P. O'Carroll, Jr.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Representative Payee Monitoring

APPENDIX C – Scope, Methodology and Estimation Results

APPENDIX D – Agency Comments

APPENDIX E – OIG Contacts and Staff Acknowledgments

Appendix A

Acronyms

C.F.R.	Code of Federal Regulations
FFS	Fee for Service
POMS	Program Operations Manual System
Pub. L. No.	Public Law Number
SSA	Social Security Administration
U.S.C.	United States Code

Representative Payee Monitoring

For individuals who are not able to manage or direct the management of their finances because of their age or mental and/or physical impairments, Congress granted the Social Security Administration (SSA) the authority to appoint representative payees to receive and manage the benefit payments on the beneficiary's behalf.¹ A payee may be an individual or an organization.

Once representative payees are appointed, SSA monitors their performance to ensure the payees are performing their duties satisfactorily. In assessing the performance of a payee, SSA looks for indications that a payee is not performing its duties adequately.

Often when SSA discovers that a payee is performing poorly, SSA can help the payee correct the poor performance by reacquainting the payee with the duties and responsibilities of a payee, including the need to keep adequate records. Other times, the poor performance requires the removal of a representative payee.²

Most representative payees are monitored through SSA's annual accounting process. This process requires that representative payees submit accounting forms annually. These forms allow SSA to monitor how the payee spent and/or saved benefits on a beneficiary's behalf—and also to identify situations where the representative payee is no longer suitable.

In addition to monitoring payee performance through the annual accounting process, the Social Security Protection Act of 2004 required SSA to expand its monitoring activities to include periodic onsite reviews of certain representative payees.³ Specifically, the legislation required SSA to expand its monitoring activities of all payees authorized to collect a fee for service (FFS), organizational payees representing 50 or more beneficiaries (or volume payees), and individual payees representing 15 or more beneficiaries.

¹ The Social Security Act § 205(j)(1)(A), 42 U.S.C. § 405(j)(1)(A).

² SSA, *Annual Report on the Results of Periodic Representative Payee Site Reviews and Other Reviews*, Fiscal Year 2006.

³ Pub. L. No. 108-203 § 102(b), amending the Social Security Act § 205(j)(6), 42 U.S.C. § 405(j)(6).

REPRESENTATIVE PAYEE REVIEWS

SSA's representative payee monitoring program includes the following reviews.

- **Triennial Site Reviews.** At least once every 3 years, SSA monitors the performance of volume and FFS payees through a face-to-face meeting with the payee and an examination of beneficiary records. The review also includes an assessment of the payee's recordkeeping and includes interviews with beneficiaries.
- **Random Reviews.** Each year, SSA selects a sample of 15 percent of volume and FFS payees that are not scheduled for a triennial site review in that year. These reviews are an SSA initiative. SSA examines selected beneficiary records to determine the payee's compliance with representative payment policies and procedures. The review also includes beneficiary interviews.
- **Targeted Reviews.** SSA conducts targeted reviews as needed in response to an event that may raise a question about the payee's performance or suitability. Examples of events that may trigger a targeted review include allegations of misuse or improper use of benefits from a beneficiary or third party, failure to pay a vendor, reports of employee theft, adverse media coverage, and investigation of the payee by another governmental agency.
- **State Onsite Reviews.** SSA conducts triennial reviews of State mental institutions under its Onsite Review Program. These reviews evaluate the fiduciary performance of State mental institutions serving as representative payees for SSA beneficiaries.
- **Educational Visits.** SSA conducts educational visits with new FFS payees 6 months after they are authorized to collect a fee. The objective of the educational visit is to ensure that new payees fully understand their responsibilities. Educational visits are also made for other types of payees. For example, an educational visit may be made to a volume payee if SSA learns the payee had changes in key personnel.

ADDITIONAL MONITORING ACTIVITIES

To assist in the monitoring of organizational representative payees, SSA:

- Created a training kit for organizational representative payees.
- Provided SSA field personnel with updated instructions to assist in conducting more thorough reviews.
- Revised the annual accounting forms used for FFS and organizational payees to detect those incorrectly charging a FFS.
- Contracted with accounting firms to assist in some reviews of payees that serve a large number of beneficiaries, have complex record systems, or are suspected of misuse.
- Produced training videos for representative payees on best recordkeeping practices and for SSA staff on reviewing payee records.

Scope, Methodology and Estimation Results

To accomplish our objective, we:

- Reviewed applicable sections of the Social Security Act, and Social Security Administration (SSA) regulations, policies and procedures.
- Obtained a file of Title II beneficiaries from 1 of 20 Social Security number segments whose benefits were sent to organizational representative payees and who died between January 2000 and May 2006.¹
- Identified 139 organizational representative payees that received 3 or more benefit payments after the deaths of 149 beneficiaries. For all 139 cases, we analyzed information available on the Agency's systems and requested the assistance of SSA's Office of Operations to determine whether
 - ✓ organizational representative payees promptly notified SSA when beneficiaries in their care died;
 - ✓ benefit payments issued after the beneficiaries' deaths were properly recorded and recovered; and
 - ✓ the Agency conducted reviews of organizational representative payees that reported multiple deaths late and/or failed to return all payments issued after death.

We performed our audit between February and December 2007 in Boston, Massachusetts. We tested the data obtained for our audit and determined them to be sufficiently reliable to meet our objective. The principal entities audited were SSA's field offices and program service centers under 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 that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹ The last 2 digits of the Social Security number are randomly assigned and can contain digits "00" to "99." Social Security numbers can be categorized into 20 segments, each containing 5 sequential groups of these digits. For this audit, we selected Social Security numbers ending with the digits "20" to "24."

ESTIMATION RESULTS

Table 1 - Beneficiaries	Results in 1 Segment	Estimate to 20 Segments
Number of beneficiaries whose deaths were not reported timely to SSA by their organizational representative payees	149	2,980

Table 2 – Amounts Paid After Beneficiaries’ Deaths	Results in 1 Segment	Estimate to 20 Segments
SSA discontinued recovery efforts ²	\$45,052	\$901,040
SSA was actively pursuing recovery	\$26,982	\$539,640
SSA wrote off	\$446	\$8,920
Sub-Total: Benefits Not Returned to SSA	\$72,480	\$1,449,600
SSA successfully recovered	\$426,773	\$8,535,460
Total: All Benefits Paid After Beneficiaries’ Deaths	\$499,253	\$9,985,060

Results as of December 2007.

Table 3 – Organizations	Results in 1 Segment	Estimate to 20 Segments
Number of organizations that did not timely report beneficiaries’ deaths to SSA	139	2,780
Number of organizations for which SSA was actively pursuing recovery	10	200
Number of organizations for which SSA discontinued recovery efforts ²	24	480

Results as of December 2007.

² We concluded that SSA discontinued recovery efforts if the Agency did not take any action on an overpayment in the last 90 days.

Appendix D

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: April 04, 2008

Refer To: S1J-3

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

From: David V. Foster /s/
Chief of Staff

Subject: Office of the Inspector General (OIG) Draft Report, "Organizational Representative Payees Reporting Beneficiaries' Deaths" (A-01-06-15068)—INFORMATION

We appreciate OIG's efforts in conducting this review. Our comments on the recommendations are attached.

Please let me know if we can be of further assistance. Staff inquiries may be directed to Ms. Candace Skurnik, Director, Audit Management and Liaison Staff, at (410) 965-4636.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT,
“ORGANIZATIONAL REPRESENTATIVE PAYEES REPORTING BENEFICIARIES’
DEATHS” (A-01-06-15068)**

Thank you for the opportunity to review and provide comments on this draft report.

Recommendation 1

Continue to pursue recovery of any outstanding overpayments to organizational representative payees that resulted from benefits issued to the organizations after beneficiaries' deaths.

Comment

We agree. We will continue to follow-up with the organizational payees to recover debts owed to us.

Recommendation 2

Require that outstanding overpayments owed by organizational payees are addressed when monitoring reviews are conducted.

Comment

We agree. We believe the current policy instructions, contained in Program Operations Manual System GN 00605.421 and GN 00605.420C.14e, provide sufficient guidance for reviewers regarding the identification and review of overpayments made to payees due to the death of a beneficiary. We will determine the best way to ensure that employees identify overpayments at the time of site reviews, and we will either clarify our current instructions or issue additional guidance to our field offices and site reviewers.

Recommendation 3

Conduct reviews for the 8 volume payees—and the 22 other organizations which represented less than 50 beneficiaries—to ensure the payees are performing their duties satisfactorily.

Comment

We agree. This workload has already been sent to the respective regions for handling.

Appendix E

OIG Contacts and Staff Acknowledgments

OIG Contacts

Judith Oliveira, Director, Boston Audit Division, (617) 565-1765

Jeffrey Brown, Audit Manager, (617) 565-1814

Acknowledgments

In addition to those named above:

Kevin Joyce, IT Specialist

Melinda Tabicas, Senior Auditor

Toni Paquette, Program Analyst

For additional copies of this report, please visit our web site at
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