
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**BENEFIT PAYMENTS MANAGED BY
REPRESENTATIVE PAYEES OF CHILDREN IN THE
FLORIDA STATE FOSTER CARE PROGRAM**

March 2012 A-13-11-11173

EVALUATION REPORT



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- Promote economy, effectiveness, and efficiency within the agency.**
- Prevent and detect fraud, waste, and abuse in agency programs and operations.**
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.**
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.**

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SOCIAL SECURITY

MEMORANDUM

Date: March 19, 2012 Refer To:

To: Michael W. Grochowski
Regional Commissioner
Atlanta

From: Inspector General

Subject: Benefit Payments Managed by Representative Payees of Children in the Florida State Foster Care Program (A-13-11-11173)

OBJECTIVE

Our objective was to determine whether children in the Florida State foster care program had appropriate representative payees.

BACKGROUND

Some individuals are not able to manage or direct the management of their finances because of their youth or mental and/or physical impairment. For such beneficiaries, Congress provided that payment could be made through a representative payee who receives and manages the payments on the beneficiary's behalf.¹ A representative payee may be an individual or an organization. The Social Security Administration (SSA) selects representative payees for Old-Age, Survivors and Disability Insurance (OASDI)² and Supplemental Security Income (SSI)³ beneficiaries⁴ when representative payments would serve the individual's interests.

¹ The *Social Security Act* §§ 205(j) and 1631(a)(2)(A)(ii); 42 U.S.C. §§ 405(j) and 1383(a)(2)(A)(ii).

² The OASDI program provides benefits to qualified retirement eligible and disabled workers and their dependents as well as to survivors of insured workers (*Social Security Act* § 202 *et seq.*, 42 U.S.C. § 402 *et seq.*).

³ The SSI program provides payments to individuals who have limited income and resources; and who are age 65 or older, blind, or disabled (*Social Security Act* § 1601 *et seq.*, 42 U.S.C. § 1381 *et seq.*).

⁴ We use the term "beneficiaries" generically in this report to refer to both OASDI beneficiaries and SSI recipients.

According to SSA, cases involving foster care are among the most sensitive. It is essential that SSA protect the rights of children who may not be able to rely on their parents to do so. Therefore, it is important that SSA follow its policy, including a complete investigation of the individual or organization applying to be a representative payee and using the payee preference list appropriately to ensure children in foster care have the appropriate representative payee.⁵ According to SSA policy, “Foster care agencies have traditionally been among SSA’s most dependable payees; however, their appointment as rep [representative] payee is not automatic When a child is removed from parental custody and the court places the child in custody of a foster care agency, the agency has legal custody of the child”⁶ Sometimes the foster care agency is also the child’s legal guardian. SSA states that a child’s court-appointed legal guardian has a higher standing on the payee preference list than an agency that has a custodial relationship.⁷

The State foster care agency may not always know whether the child is receiving SSA benefits. Therefore, States can use SSA’s State Verification Exchange System (SVES) to determine whether the child is receiving benefits.⁸ If the child is receiving benefits, the State foster care agency can apply to SSA to become the child’s representative payee. However, SSA determines who is best suited to be the child’s representative payee.

Florida’s foster care system is State-administrated; however, community-based agencies provide the case management services. A Florida Department of Children and Families (DCF) official stated the 1996 Florida Legislature mandated that the Florida DCF—the State’s foster care agency—privatize foster care and related services through contracts with established community-based care (CBC) agencies.⁹ As of September 2011, DCF had 20 service contracts with 19 community-based lead agencies.¹⁰ Lead agencies, also referred to as providers, are responsible for “. . . the provision of support and services for eligible children and families.” Agency staff informed us that DCF did not have access to SVES before March 2011.

In April 2011, we performed a computerized comparison of DCF foster care data with SSA’s beneficiary records. This comparison identified 3,204 children served by representative payees in DCF’s foster care program who were receiving SSA payments. See Table 1 for details.

⁵ SSA, POMS, GN 00502.159 A. (effective June 25, 2007).

⁶ SSA, POMS, GN 00502.159 A and B.2 (effective June 25, 2007).

⁷ SSA, POMS, GN 00502.159 B.1. (effective June 25, 2007).

⁸ SSA’s SVES provides authorized State government agencies with a standardized method to verify Social Security numbers and OASDI and SSI benefit information.

⁹ Codified at Fla. Stat. ch. 409.1671 (2011).

¹⁰ One lead agency, Community Based Care of Central FL., has two contracts with DCF to provide foster care-related services.

Table 1: Representative Payees for Children in Florida Foster Care Program

Representative Payee	Receiving OASDI Payments	Receiving SSI Payments	Receiving OASDI and SSI Payments	Total Children
DCF/CBC Agencies	511	1,061	96	1,668
Foster Care Parents	664	498	46	1,208
Not the Foster Care Agency or Foster Care Parent	198	125	5	328
Total	1,373	1,684	147	3,204

We identified 328 children served by representative payees who were not the foster care agency, CBC agency, or foster care parents. We believe these children's benefits were at a higher risk of misuse because they did not have a suitable payee, since these payees may not have had contact with the children. The payees included such individuals as the children's mothers, fathers, and relatives or others who received and managed about \$1.9 million in benefit payments, annually.

We randomly selected 50 of the 328 children for review to determine whether suitable representative payees served them. Of the 50, we did not review 11 of these children because

- 6 children's payees were changed to a parent, grandparent, or relative as a result of custody changes;
- 3 children became their own payees because they reached age 18;
- 1 child's payee was changed to a CBC agency; and
- 1 child had a CBC agency apply to serve as payee, but SSA determined the mother was a more suitable payee.

For the remaining 39 children, we requested SSA perform suitability assessments to determine whether they had suitable representative payees. Since these children had payees who were not the foster care agency, CBC agencies, or the custodial foster care parent, we were concerned these children may not have suitable payees to manage their benefit payments. Therefore, we requested SSA review the representative payees we identified. See Appendix B for our scope and methodology and Appendix C for our sampling methodology.

RESULTS OF REVIEW

The Agency reported 19 (49 percent) of the 39 children had suitable representative payees. For the remaining 20 children, SSA determined (a) 12 were being served by unsuitable payees, 9 of whom misused children's benefit payments; (b) 1 child's

benefits were suspended pending completion of the Agency's misuse assessment; and (c) 7 had suitable payees, but SSA changed the payees in accordance with Agency policy.

Based on the results of SSA's assessments, we estimate unsuitable payees served 79¹¹ children in the Florida State foster care program. Of these, 59¹² children had an estimated \$300,074¹³ in benefits misused.¹⁴

Unsuitable Payees and Selection of Payees Higher on the Agency's Preference List

For 20 children, as of September 2011, SSA assessments of their representative payees determined

- 12 children were served by unsuitable payees, 9 of those payees misused about \$46,000 in children's benefit payments;
- 1 child's benefits were suspended pending completion of the Agency's assessment to determine whether the payee misused benefits; and
- 7 children had suitable payees, but others ranked higher on SSA's payee preference list.¹⁵

SSA determined 12 children had unsuitable payees. Of the 12 children, SSA determined 9 had payees who misused about \$46,000 in benefits belonging to the children they served. For example, DCF removed a child from her mother's care and placed the child with a sister in August 2010. The mother did not inform SSA the child was no longer in her care, and she continued collecting benefits on the child's behalf. Our request prompted SSA to review the appropriateness of the payee. SSA tried to contact the mother several times to determine how the child's benefits—totaling \$4,884 from August 2010 through June 2011—were used. The Agency reported it was not able to contact the mother. SSA determined the mother had misused the child's benefits and changed the payee to the child's sister, who was her guardian at that time. See Table 2 for more details about the nine payees SSA determined misused children's Social Security payments.

¹¹ For the unsuitable payees serving in Florida, we are 90 percent confident the number of unsuitable payees ranged from 50 to 115. See Appendix C for more information.

¹² For the unsuitable payees serving in Florida, we are 90 percent confident the number of unsuitable payees who misuse benefits ranged from 34 to 93. See Appendix C for more information.

¹³ For the unsuitable payees serving in Florida, we are 90 percent confident the amount of benefit misuse ranged from \$125,694 to \$474,454. See Appendix C for more information.

¹⁴ See Appendix C for more information.

¹⁵ See Appendix D for more information.

Table 2: Representative Payees Misused Benefits

Child Beneficiaries	Benefit Misuse Period	Misuse Amount
1	May 2010 – May 2011	\$11,284
2	October 2010 – June 2011	\$8,487
3	July 2010 – June 2011	\$6,846
4	September 2010 – May 2011	\$6,066
5	August 2010 – June 2011	\$4,884
6	January 2011 – July 2011	\$4,508
7	January 2011 – June 2011	\$1,152
8	March 2010 – July 2011	\$1,904
9	November 2010 – April 2011	\$612
Total		\$45,743

For the remaining three children, SSA determined the representative payee was unsuitable; however, it found no misuse. SSA verified that one child was no longer in the payee's custody and changed the payee to one of the CBC agencies. SSA did not pay benefits to the child during the period in question; therefore, no misuse occurred. Another child left her payee's care and had no contact with the payee. The payee did not contact SSA regarding the removal of the child from their care. SSA determined there was no benefit misuse—the child had full access to her benefits by use of a debit card. Because of her age, as of September 2011, SSA placed the beneficiary in direct payment status. Lastly, a child was removed from the payee's custody, but the payee did not report the removal to SSA. SSA interviewed the payee and child regarding the use of the benefit payments. The child stated the payee kept in touch and provided her with gift cards. SSA determined the payee did not misuse the benefits. However, SSA determined the payee was unsuitable and suspended the child's benefits until it found a suitable payee. As of December 16, 2011, the benefits were still suspended.

Generally, when SSA determined unsuitable representative payees served children, it selected new payees to manage the Social Security payments. For the nine children with benefits misused by representative payees, SSA changed the payees for eight. For the remaining child, SSA terminated benefits; therefore, a new payee was not needed.

The Agency also reported it was reviewing one child's payee for the possible misuse of \$5,392. SSA appointed one of the CBC agencies as a new payee to serve the child while SSA determined whether the payee misused benefits.

Lastly, SSA determined suitable payees served seven beneficiaries, but SSA replaced the payees with others who ranked higher on its payee preference list. In choosing the best payee, SSA policy identifies payee selection preferences.¹⁶ Of the seven cases,

¹⁶ Id.

SSA selected one of the CBC agencies as the new payee for four children. For the remaining three children, SSA selected the foster parents as the new payees for two and the child's father for one. For example, DCF removed one child from his sister's custody; however, the sister did not contact SSA regarding the change in the child's living arrangements. According to the sister, she kept in contact with the child and provided for his needs. She also had conserved funds for the child that she returned to SSA. SSA determined since the child was under DCF custody, one of the CBC agencies was a more suitable payee. SSA suspended the child's benefits until the appropriate CBC agency applied to be the payee. As of December 2011, the child's record was still suspended.

We estimate unsuitable payees served 79 children in the Florida State foster care program. Of these, 59 children had an estimated \$300,000 in benefits misused. If SSA does not identify and replace the payees who misused Social Security payments, we estimate an additional \$330,000¹⁷ may be misused during the next 12 months.

Suitable Representative Payees

Of the 39 children SSA reviewed to determine whether they had suitable payees, it determined 19 had suitable representative payees managing their benefit payments. For 17 of these children, SSA reported the representative payees were legal guardians or had custody of the children. SSA cited these relationships as reasons why the payees were suitable. For the two remaining children, SSA determined the representative payees maintained a relationship with the children even though the children were not in the payee's care.

We reviewed information and documentation SSA provided to support its assessments of the payees serving the 19 children. SSA provided Form SSA-5002, *Report of Contact*; Form SSA-795, *Statement from Claimants or Other Persons*; and/or Representative Payee System notes as support for its suitability assessments. We found this information to be sufficient and reliable.

For example, information provided by the Agency indicated DCF removed a child from her mother's custody in July 2010 and placed the child with an aunt until March 2011. The mother subsequently regained custody of the child. Between July 2010 and March 2011, the child was with the mother 3 days a week and the aunt 4 days. The mother did not report any change of custody to SSA. The mother claims that even though she did not have custody of the child, she was still providing for the child while the child was living with her aunt. The aunt confirmed the mother's statements, and SSA determined the mother should remain the payee.

On December 5, 2011, we discussed payee suitability assessments with staff from the Office of the Atlanta Regional Commissioner. During the discussion, staff reported that in March 2011, the State of Florida and SSA finalized a data exchange agreement to

¹⁷ For children with future benefit misuse in Florida, we are 90 percent confident the future amount of benefit misuse ranged from \$136,602 to \$523,859. See Appendix C for more information.

use SVES for the State's foster care program. The data exchange agreement is limited to verification of children's Social Security numbers. However, the agreement excludes verifying whether children are receiving SSA benefits.

CONCLUSION AND RECOMMENDATIONS

Our comparison of data from the DCF with SSA's records identified 328 children whose benefit payments were managed by representative payees who were not the foster care agency, CBC agencies, or the foster care parent. A DCF official stated Florida foster care does not use SVES to determine whether a child is receiving SSA benefits. As a result, we believe DCF may not always be aware that a child in its foster care program is receiving Social Security benefits. SSA's SVES allows States to determine whether a child is receiving benefits. With this information, the Florida foster care agency can determine whether it should apply to be a child's representative payee.

SSA conducted representative payee suitability assessments for 39 of the 328 children we identified. The Agency determined nine payees misused about \$46,000 of the children's benefits, and possible misuse occurred regarding the benefits of one child. Lastly, seven children had suitable payees, but SSA changed the payees in accordance with Agency policy.

We estimate 79 children in the Florida State foster care program were served by unsuitable representative payees. Of these, 59 children had an estimated \$300,000 in benefits misused. If the Agency does not identify and replace the unsuitable payees who misused Social Security payments, we estimate an additional \$330,000 may be misused during the next 12 months.

We recommend SSA:

1. Modify the existing SVES data exchange agreement to include verifying that a child is receiving SSA benefits.
2. Conduct suitability assessments for the representative payees associated with the remaining 71 children in pay status as of December 12, 2011 with payees who are not DCF, community-based care agencies, or the foster care parents.

AGENCY COMMENTS

SSA agreed with our recommendations. See Appendix E for the Agency's comments.



Patrick P. O'Carroll, Jr.

Appendices

[APPENDIX A](#) – Acronyms

[APPENDIX B](#) – Scope and Methodology

[APPENDIX C](#) – Sampling Methodology

[APPENDIX D](#) – Payee Selection Preferences

[APPENDIX E](#) – Agency Comments

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

Appendix A

Acronyms

CBC	Community-Based Care
DCF	Department of Children and Families
OASDI	Old-Age, Survivors and Disability Insurance
OIG	Office of the Inspector General
POMS	Programs Operations Manual System
SSA	Social Security Administration
SSI	Supplemental Security Income
SVES	State Verification Exchange System
U.S.C.	United States Code

Scope and Methodology

To accomplish our objective, we:

- Reviewed applicable Federal laws and sections of the Social Security Administration's (SSA) regulations, policies, and procedures.
- Identified and reviewed prior relevant audits.
- Interviewed SSA officials and State of Florida Department of Children and Families (DCF) officials.
- Obtained from DCF an electronic data extract of children in its foster care system as of February 19, 2011.
- Used SSA's Enumeration Verification System to validate the Social Security numbers for the DCF's February 19, 2011 foster care data we received.
- Performed a computerized comparison, in April 2011, of foster care data provided by the State of Florida's DCF with SSA's Master Beneficiary and Supplemental Security Records. The State data were as of February 2011. Based on this comparison, we identified 3,204 records of children in DCF's foster care programs receiving SSA payments managed by representative payees.
- Identified 328 children where the representative payee was someone other than the foster care agency, community-based care agency, or child's foster care parent.
- Selected 50 of the 328 children and requested SSA determine whether the children had the appropriate representative payees. See Appendix C for our sampling methodology and estimates.
- Requested information from SSA regarding the suitability assessments it completed and basis for those determinations.
- Reviewed such documents as Form SSA-5002, *Report of Contact*; Form SSA-795, *Statement from Claimants or Other Persons*; and notes from the Representative Payee System that supported the Agency's decision on the suitability assessments of the representative payees.

After the start of our review, DCF officials indicated SSA's North Florida Area Director's Office initiated an anti-fraud project intended to ensure benefits of children in DCF custody had the appropriate representative payee. According to SSA staff, the project is limited to children in DCF custody located in 51 of the 67 counties in the State of Florida. To assist the Agency in its efforts, we shared with the North Florida Area Director's Office the data DCF provided for our review.

We performed our review at SSA's Headquarters in Baltimore, Maryland, from May to December 2011. We tested the data obtained for our review and determined them to be sufficiently reliable to meet our objective. The entities reviewed were field offices in the Atlanta Region. We conducted our review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

Sampling Methodology

We obtained from the Florida Department of Children and Families (DCF) a list of children under its care as of February 9, 2011. In April 2011, we conducted a computerized comparison of DCF foster care data with SSA's Master Beneficiary and Supplemental Security Records. Based on this comparison, we identified 3,204 children with representative payees in DCF's foster care programs who were receiving SSA payments. Of these children, we determined 328 had representative payees who were not the foster care agency, community-based care agency, or foster care parent. We randomly selected 50 children for the Agency to assess the suitability of their payees.

Of the 50 children in our sample,¹ SSA determined 12 payees to be unsuitable. The following tables provide details of our sample results, statistical projections, and estimates.

Table C-1: Number of Children with Unsuitable Payees

Number of Children with Unsuitable Payees	12
Point Estimate	79
Projection Lower Limit	50
Projection Upper Limit	115

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

Of the 12 unsuitable payees, SSA confirmed 9 payees misused benefits totaling \$45,743. Projecting these results to our population of 328 children, we estimate 59 children had \$300,074 in benefits misused by their payees.

Table C-2: Number of Children with Benefit Misuse

Number of Cases with Benefit Misuse	9
Point Estimate	59
Projection Lower Limit	34
Projection Upper Limit	93

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

¹ After our selection of the 50 children, we did not review 11 of these children because new payees were appointed after our selection. We determined (a) six children's payees were changed to a parent, grandparent, or relative as the result of custody changes; (b) three children became their own payees because they reached age 18; (c) one child's payee was changed to a CBC agency; and (d) one child had a CBC agency apply to serve as payee, but SSA determined the mother was a more suitable payee.

Table C-3: Amount of Benefit Misuse

Amount of Benefit Misuse	\$45,743
Point Estimate	\$300,074
Projection Lower Limit	\$125,694
Projection Upper Limit	\$474,454

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

SSA confirmed nine representative payees had misused benefit payments. If the Agency does not identify and replace these unsuitable payees, additional Social Security payments may be misused. Projecting these results to our population of 328 children, we estimate these payees may misuse an additional \$330,230 of benefits for the next 12 months.

Table C-4: Additional Benefits Misused (for a 12-Month Period) if SSA did not take any Action to Correct Beneficiaries with Misuse

Amount of Future Benefit Misuse (12-month period)	\$50,340 ²
Point Estimate	\$330,230
Projection Lower Limit	\$136,602
Projection Upper Limit	\$523,859

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

² To calculate the amount of future benefits misused for a 12-month period, we multiplied the last monthly benefit payment that was misused by 12 months for the nine beneficiaries whose benefits were misused.

Payee Selection Preferences

The Social Security Administration's (SSA) policy directs its staff to choose the applicant best suited to serve as representative payee.¹ In determining the best payee choice, SSA staff is instructed to ". . . consider all factors, including the applicant's relationship to the beneficiary, the applicant's interest in the beneficiary's well being and whether or not the applicant has custody of the beneficiary." In addition, policy indicates representative payee preference lists are provided as guides to help in the selection of a payee. As stated in policy, the lists below are generally shown in the preferred order of selection for minor children and adults.

Payee Preference Lists for Minor Children

Agency policy states, "When the beneficiary is a minor child, select the best payee available from this list of preferred applicants:

1. A natural or adoptive parent with custody;
2. A legal guardian;
3. A natural or adoptive parent without custody, but who shows strong concern;
4. A relative or stepparent with custody;
5. A close friend with custody and provides for the child's needs;
6. A relative or close friend without custody, but who shows strong concern;
7. An authorized social agency or custodial institution; or
8. Anyone not listed above who shows strong concern for the child, is qualified, and able to act as payee, and who is willing to do so."

Payee Preference List for Adults

SSA policy states, "When you determine that the beneficiary needs a representative payee, select the best payee available from this list of preferred applicants:

1. A spouse, parent or other relative with custody or who shows strong concern;
2. A legal guardian/conservator with custody or who shows strong concern;
3. A friend with custody;
4. A public or nonprofit agency or institution;

¹ SSA, POMS, GN 00502.105 (effective July 24, 2011 – August 2, 2011; updated August 2, 2011 – no material changes).

5. A Federal or State institution;
6. A statutory guardian;
7. A voluntary conservator;
8. A private, for-profit institution with custody and is licensed under State law;
9. A friend without custody, but who shows strong concern for the beneficiary's well-being, including persons with power of attorney;
10. Anyone not listed above who is qualified and able to act as payee, and who is willing to do so;
11. An organization that charges a fee for its service."

Agency Comments

March 02, 2012

REPLY-ATLANTA: Signed Draft Report (A-13-11-11173)

To: Inspector General

From: Regional Commissioner
Atlanta

Subject: Benefit Payments Managed by Representative Payees of Children in the Florida State Foster Care Program (A-13-11-11173)– Atlanta Region's Comments

Thank you for the opportunity to review the draft report. Below you will find our comments in response to the specific recommendations.

The objective of the audit was to determine whether children in the Florida State foster care program had appropriate representative payees.

Based on the results of SSA's assessments; OIG estimated unsuitable payees served 79 children in the Florida State foster care program. Of these, 59 children had an estimated \$300,074 in benefits misused.

Recommendation 1

Modify the existing SVES data exchange agreement to include verifying that a child is receiving SSA benefits.

SSA Comment

We agree with the intent of the recommendation. We shared this recommendation with the state of Florida to modify the existing SVES data exchange agreement to include verification of SSA/SSI benefits. We received the request for modification on February 14, 2012. To determine if we can exchange the data requested in the modification, we sent the request to the Office of Privacy and Disclosure for review.

Recommendation 2

Conduct suitability assessments for the representative payees associated with the remaining 71 children in pay status as of December 12, 2011 with payees who are not DCF, community-based care agencies, or the foster care parents.

Corrective Action Plan

We agree. We will conduct representative payee suitability assessments based on the contradictory information provided by DCF for the remaining 71 children.

If you have any questions, please contact Tiffany Schaefer of the RSI Programs Team. She can be reached at (404) 562-1322.

Amy Roberts for
Michael W. Gochowski

Appendix F

OIG Contacts and Staff Acknowledgments

OIG Contacts

Shirley E. Todd, Director, Evaluation Division

Randy Townsley, Audit Manager

Acknowledgments

In addition to those named above:

Upeksha van der Merwe, Auditor

Brennan Kraje, Statistician

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-13-11-11173.

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