

Parole and Probation Violators and the Clark Court Order

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Office of Audit Report Summary

Objective

To assess the Social Security Administration's (SSA) implementation of the *Clark* court order.

Background

On April 13, 2012, a U.S. District Court judge in New York issued a nation-wide class action court order in *Clark v. Astrue (Clark)*. The court order prevented SSA from suspending or denying Old-Age, Survivors and Disability Insurance benefits and Supplemental Security Income payments based solely on the existence of parole or probation violation arrest warrants.

To conduct our review, we identified a population of 86,251 individuals listed in SSA's Civil Action Tracking System as potential *Clark* class members. We selected a random sample of 275 for further analysis.

Findings

Based on our sample, we estimate SSA provided approximately \$584.3 million in relief to *Clark* class members. Despite the complexities of these cases, SSA provided appropriate relief to about 76,528 (89 percent) of the *Clark* class members. However, projecting our sample results to the population, we estimate

- 5,646 (6 percent) beneficiaries did not receive approximately \$21.6 million in relief they were due, and
- 4,077 (5 percent) beneficiaries received approximately \$6.3 million more relief than they were due.

Overall, about 9,723 class members did not receive the accurate amount of relief due them.

In reviewing our sample cases that were incorrectly paid, we did not identify any trends or common characteristics. Hence, we were not able to identify any cases for corrective action beyond the 31 identified during our review of the 275 sample cases. As such, the only way we found to identify additional beneficiaries who were over/underpaid would be to re-review each case. Because of the costs involved in such a review compared to the dollars identified as over/underpaid, we are not recommending SSA take such action unless they can identify a more cost-effective method.

Recommendation

We recommend SSA review and take appropriate corrective action on the 31 cases we sent it in July 2015. SSA agreed with the recommendation.