

Audit Report

Recovering Supplemental Security
Income Overpayments from Jointly
Liable Recipients

A-07-17-50201 / May 2017

OIG

Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: May 1, 2017 **Refer To:**

To: The Commissioner

From: Acting Inspector General

Subject: Recovering Supplemental Security Income Overpayments from Jointly Liable Recipients
(A-07-17-50201)

The attached final report presents the results of the Office of Audit's review. Our objective was to determine whether the Social Security Administration had maximized overpayment recovery efforts by attempting to recover Supplemental Security Income overpayments from jointly liable recipients.

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

Recovering Supplemental Security Income Overpayments from Jointly Liable Recipients

A-07-17-50201



May 2017

Office of Audit Report Summary

Objective

To determine whether the Social Security Administration (SSA) had maximized overpayment recovery efforts by attempting to recover Supplemental Security Income (SSI) overpayments from jointly liable recipients.

Background

An overpayment occurs when funds an individual receives for any period exceed the allowable amount. SSA initially attempts to recover an overpayment from the SSI recipient. However, SSA can also attempt to recover the overpayment from the jointly liable representative payee and/or spouse.

A representative payee is jointly liable for an individual's overpayment when the payee used the overpaid funds for the SSI recipient's support and maintenance, and the payee knew, or reasonably should have known, the facts that caused the overpayment.

An overpaid recipient's spouse is jointly liable for an overpayment when he/she was receiving SSI payments as a member of an eligible couple when the overpayment occurred.

From 1 segment of the Supplemental Security Record, we identified 2,915 SSI overpayments that had outstanding balances between \$235 and \$65,841 as of May 2016.

Findings

We reviewed a random sample of 100 SSI overpayments to determine whether SSA had attempted to recover the overpayments from the SSI payments of the recipients' jointly liable spouse and/or representative payee as of September 2016. Policy did not allow SSA to recover 39 of the 100 overpayments from the jointly liable recipients' SSI payments. For the remaining 61 overpayments:

- 43 met the requirements for SSA to terminate recovery actions against the overpaid recipient and attempt recovery from jointly liable recipients. We project more than 25,000 overpayments had an outstanding balance of approximately \$81 million where SSA should have terminated recovery actions against the overpaid recipients and attempted recovery from jointly liable recipients.
- 18 met the requirements for recovery from jointly liable recipients, but SSA had not recovered them. We project approximately 11,000 overpayments had an outstanding balance of more than \$24 million that SSA should have attempted to recover from jointly liable recipients.

Recommendations

We recommend SSA:

1. Take necessary actions to recover the 61 overpayments we identified that met the requirements for recovery from jointly liable recipients.
2. Determine whether it can create a process to identify SSI overpayments that meet the requirements for recovery from jointly liable recipients similar to the process in place for OASDI overpayments.

SSA generally agreed with our recommendations.

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ABBREVIATIONS

C.F.R.	Code of Federal Regulations
OASDI	Old-Age, Survivors and Disability Insurance
OIG	Office of the Inspector General
POMS	Program Operations Manual System
SSA	Social Security Administration
SSI	Supplemental Security Income
SSR	Supplemental Security Record
U.S.C.	United States Code

OBJECTIVE

Our objective was to determine whether the Social Security Administration (SSA) had maximized overpayment recovery efforts by attempting to recover Supplemental Security Income (SSI) overpayments from jointly liable recipients.

BACKGROUND

SSA administers the SSI program under Title XVI of the *Social Security Act*.¹ The SSI program provides a minimum level of income to financially needy individuals who are aged, blind, or disabled.² An overpayment occurs when funds an individual receives for any period exceed the allowable amount.³ SSA initially attempts to recover an overpayment from the SSI recipient.⁴ However, SSA can also attempt to recover the overpayment from the jointly liable representative payee and/or spouse.

A representative payee is jointly liable for an individual's overpayment when the payee used the overpaid funds for the SSI recipient's support and maintenance, and the payee knew, or reasonably should have known, the facts that caused the overpayment.⁵ If the liable representative payee is receiving SSI payments, SSA should recover the recipient's overpayment from the representative payees' SSI payments. If the representative payee is receiving Old-Age, Survivors and Disability Insurance (OASDI) benefits, SSA should use cross-program recovery to recover the overpayment from the payee's benefits.⁶

¹ *Social Security Act*; 42 U.S.C. §§ 1381-1383f (2015).

² *Social Security Act*; 42 U.S.C. § 1381a (2015).

³ SSA, POMS, GN 02201.001 A (July 20, 2010).

⁴ SSA, POMS, SI 02201.005 G.1 (July 16, 2015).

⁵ SSA, POMS, SI 02201.020 B.4 (November 23, 2010).

⁶ SSA, POMS, SI 02201.023 C.1 & C.2 (May 25, 2012). SSA uses cross-program recovery to recover SSI overpayments from OASDI benefits. *Social Security Act*; 42 U.S.C. § 1320b—17 (2015); 20 C.F.R. § 416.572 (2016); SSA, POMS, SI 02220.020 A.1 (April 1, 2014).

An overpaid recipient's spouse is jointly liable for an overpayment when he/she was receiving SSI payments as a member of an eligible couple when the overpayment occurred.⁷ If the overpaid recipient's spouse is receiving SSI payments, SSA should recover the overpayments from the spouse's SSI payments.⁸ If the overpaid recipient's spouse is receiving OASDI benefits, SSA should use cross-program recovery to recover the overpayment from the spouse's benefits.⁹

From 1 segment of the Supplemental Security Record (SSR), we identified 2,915 SSI overpayments that had outstanding balances between \$235 and \$65,841 as of May 2016.¹⁰ These overpayments

- had an initial overpayment notice that was sent to the SSI recipient during Calendar Years 2006 through 2015,
- were on the current record of an individual who had an SSI payment status of non-payment or terminated status for any reason other than the recipient's death,¹¹ and
- had an eligible spouse, an individual representative payee, or an eligible spouse who was also serving as the representative payee on the record where the overpayment originated and were eligible for payments as of June 2016.¹²

⁷ SSA, POMS, SI 02201.022 A.1 (November 18, 2014). An eligible couple is two individuals who (1) are each eligible for SSI, (2) are married to each other, and (3) live in the same household. SSA, POMS, SI 00501.154 A.1 (May 8, 2015).

⁸ *Social Security Act*; 42 U.S.C. § 1383 (b)(1)(A) (2015); 20 C.F.R. § 416.570 (a) (2016); SSA, POMS, SI 02220.015 A.1.a (August 24, 2005).

⁹ *Social Security Act*; 42 U.S.C. § 1320b—17 (2015); 20 C.F.R. § 416.572 (2016); SSA, POMS, SI 02220.020 A.1 (April 1, 2014).

¹⁰ To set our threshold, we used the average cost to recover a Disability Insurance overpayment—\$234—as reported in SSA's Cost Analysis System for July 2016. See note 3 in Appendix B for a full discussion of why we used the average cost to recover a DI overpayment.

¹¹ We excluded overpayments to SSI recipients whose records SSA terminated for death to avoid duplication with a prior audit. SSA, OIG, *Manually Posted SSI Overpayments to Surviving Spouse* (A-13-14-14058), April 2016.

¹² We obtained the data for this audit in two extracts. We obtained data for the outstanding overpayments as of May 2016. We obtained data for the eligible spouses and representative payees' payment status as of June 2016. See Appendix A for the scope and methodology of our review.

RESULTS OF REVIEW

We reviewed a random sample of 100 SSI overpayments to determine whether SSA had attempted to recover those overpayments from jointly liable SSI recipients as of September 2016.¹³ We determined that SSA could not recover 39 of the 100 overpayments from jointly liable recipients.¹⁴ Specifically, policy did not allow recovery actions from the 39 jointly liable recipients' SSI payments for the following reasons:

- 23 overpayments were not delinquent for at least 2 years;¹⁵
- 3 overpayments occurred before the eligible spouses or representative payee could be held liable;¹⁶
- 12 overpayments were subject to recovery from the overpaid recipients because they were eligible for either SSI payments or OASDI benefits as of September 2016;¹⁷ and
- 1 overpayment was not subject to recovery from the jointly liable recipient's SSI payments because the jointly liable recipient was not entitled to SSI payments as of September 2016.

For the remaining 61 overpayments:

- 43 met the requirements for SSA to terminate recovery actions against the overpaid recipient and attempt recovery from jointly liable recipients. We project more than 25,000 overpayments had an outstanding balance of approximately \$81 million where SSA should have terminated recovery actions against the overpaid recipients and attempted recovery from jointly liable recipients.
- 18 met the requirements for recovery from jointly liable recipients, but SSA had not recovered them. We project approximately 11,000 overpayments had an outstanding balance of more than \$24 million that SSA should have attempted to recover from jointly liable recipients.

¹³ All representative payees and spouses in our sample were at least age 18 when the overpayments occurred.

¹⁴ See Appendix B for the sampling methodology and results.

¹⁵ When SSA is ready to terminate recovery actions against overpaid recipients, it should determine whether there is a jointly liable recipient and pursue recovery from the jointly liable recipient. SSA, POMS, SI 02220.050 B.2 (February 27, 2014). SSA terminates debt recovery actions when one or more of the following conditions exists: (1) debtor cannot or will not repay, (2) debtor cannot be located after diligent search, (3) recovery is too expensive, or (4) the debt is at least 2 years delinquent. SSA, POMS, GN 02215.235 C.2 (July 2, 2015). Since three of the four conditions require judgments for terminating recovery actions, we focused our review on how long each debt was delinquent.

¹⁶ SSA, POMS SI 02201.022 A.1 (November 18, 2014) and SI 02201.020 B.4 (November 23, 2010).

¹⁷ When a former SSI recipient becomes eligible for OASDI benefits, SSA uses cross-program recovery to recover the overpayment from the OASDI benefits. *Social Security Act*; 42 U.S.C. § 1320b—17 (2015); 20 C.F.R. § 416.572 (2016); SSA, POMS, SI 02220.020 A.1 (April 1, 2014).

Overpayments Where SSA Should Have Terminated Recovery Actions

Of the 100 overpayments we reviewed, 43 met the requirements for SSA to terminate recovery actions against the overpaid recipient and attempt recovery from jointly liable recipients. However, SSA had not done so. According to policy, SSA should have terminated recovery actions against these overpaid recipients because the overpayments had been delinquent for at least 2 years.¹⁸ After terminating recovery actions, SSA should have pursued recovery from jointly liable recipients.¹⁹

For example, SSA assessed a \$4,044 overpayment against a former SSI recipient because the recipient was incarcerated for 6 months in 2010. When the recipient was incarcerated, he was 22-years-old and his mother, who was serving as his payee, was 44-years-old. Since a representative payee is responsible for a recipient's day-to-day needs for food and shelter,²⁰ she should have known of the incarceration that caused the overpayment. According to policy, the representative payee was responsible for reporting to SSA that the overpaid recipient had entered a penal institution.²¹ However, SSA was informed of the recipient's incarceration by the Commonwealth of Virginia—not the payee. Further, the recipient did not make a voluntary payment, establish a payment arrangement, or file for a reconsideration or waiver. Therefore, the overpayment became delinquent in August 2010.²² According to policy, SSA should have terminated recovery actions against the recipient in August 2012 and pursued recovery of the overpayment from the representative payee.²³ However, SSA had not done so.

The 43 overpayments had a total outstanding balance of approximately \$139,000. Based on our sample, we project more than 25,000 overpayments had an outstanding balance of approximately \$81 million where SSA should have terminated recovery actions against the overpaid recipients and attempted recovery from the jointly liable recipients.

¹⁸ SSA, POMS, GN 02215.235 C.2.d (July 2, 2015).

¹⁹ SSA, POMS, SI 02220.050 B.2 (February 27, 2014).

²⁰ SSA, *A Guide for Representative Payees*, p. 5, July 2015.

²¹ SSA, POMS, SI 02301.005 B.2 (September 30, 2016).

²² SSA, POMS, GN 02215.235 B.3.a (July 2, 2015).

²³ SSA, POMS, GN 02215.235 C.2.d (July 2, 2015) and SI 02220.050 B.2 (February 27, 2014).

Overpayments Met Requirements for Recovery from Jointly Liable Recipients

Of the 100 overpayments we reviewed, 18 met the requirements for recovery from jointly liable recipients. However, SSA did not initiate recovery.

- For 13 overpayments, SSA determined it could not recover from the overpaid recipients but did not attempt recovery from jointly liable recipients.²⁴
- For five overpayments, the recipients were deceased.²⁵ As such, SSA should have attempted recovery of the overpayments from jointly liable recipients.²⁶

The 18 overpayments had a total outstanding balance of more than \$41,000. Based on our sample, we project approximately 11,000 overpayments had an outstanding balance of more than \$24 million that SSA should attempt to recover from jointly liable recipients.

Identifying Jointly Liable Recipients

For OASDI overpayments, SSA's Office of Systems annually identifies overpayments that SSA can recover from contingently liable beneficiaries. SSA's program service centers receive a list of these overpayments for appropriate actions. However, SSA informed us that it did not have a similar process for identifying SSI overpayments that were potentially recoverable from jointly liable recipients. To ensure it is maximizing the recovery of SSI overpayments, SSA should establish a process to identify SSI overpayments that meet the requirements for recovery from jointly liable recipients.

CONCLUSIONS

From our sample of 100 SSI overpayments, we identified 61 that met SSA's requirements for collection from jointly liable recipients. Further, SSA needs a process to identify overpayments potentially recoverable from jointly liable recipients so it can maximize recovery of SSI overpayments. By creating such a process, we project SSA could attempt to recover nearly 36,000 overpayments, totaling approximately \$105 million, from jointly liable recipients.

²⁴ SSA, POMS, SI 02220.050 B.2 (February 27, 2014).

²⁵ While our methodology specifically excluded overpayments to recipients whose SSR records SSA terminated based on the recipient's death, we included these recipients' overpayments in our population because SSA terminated the recipients for reasons other than death.

²⁶ SSA, POMS, SI 02220.045 A.1 (April 18, 2016).

RECOMMENDATIONS

We recommend SSA:

1. Take necessary actions to recover the 61 overpayments we identified that met the requirements for recovery from jointly liable recipients.
2. Determine whether it can create a process to identify SSI overpayments that meet the requirements for recovery from jointly liable recipients similar to the process in place for OASDI overpayments.

AGENCY COMMENTS

SSA generally agreed with our recommendations. SSA disagreed with Recommendation 2, stating it would “. . . determine the feasibility in developing and/or designing a formal process to identify SSI overpayments recoverable from jointly liable recipients—considering similar controls as those provided by the OASDI process.” SSA’s planned feasibility determination satisfies the intent of our recommendation; therefore, we consider SSA will take appropriate actions on Recommendation 2. See Appendix C for the full text of SSA’s comments.



for

Rona Lawson
Assistant Inspector General for Audit

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

To accomplish our objective, we:

- Reviewed applicable Federal laws, regulations, and sections of the Program Operations Manual System related to recovering Supplemental Security Income (SSI) overpayments from jointly liable recipients.
- Reviewed prior Office of the Inspector General reports.
- From 1 segment of the Supplemental Security Record, obtained a data file of 3,568 SSI overpayments that had an outstanding balance as of May 17, 2016 and were sent an initial overpayment notice during Calendar Years 2006 through 2015.¹ To create our sampling frame, we identified 2,915 SSI overpayments that had outstanding balances ranging from \$235 to \$65,841.² These overpayments
 - had an initial overpayment notice that was sent to the overpaid recipient during Calendar Years 2006 through 2015;
 - were on the current record of an individual who had an SSI payment status of non-payment or terminated status for any reason other than the recipient's death;³ and
 - had an eligible spouse, an individual representative payee, or an eligible spouse who was also serving as the representative payee on the record where the overpayment originated and were eligible for payments as of June 13, 2016.⁴
- Selected a random sample of 100 overpayments from our sampling frame.⁵
- Determined whether SSA should attempt to recover the overpayment from a jointly liable recipient as of September 2016, when we performed our review. To do so, we reviewed the Supplemental Security Record; Master Beneficiary Record; Recovery of Overpayment, Accounting and Reporting system, and Debt Management System remarks.

¹ The Supplemental Security Record is divided into 20 segments.

² See Appendix B for a detailed discussion on how we established the sampling frame.

³ We excluded overpayments to SSI recipients whose records SSA terminated for death to avoid duplication with a prior audit. SSA, OIG, *Manually Posted SSI Overpayments to Surviving Spouses* (A-13-14-14058), April 2016.

⁴ We obtained the data for this audit in two separate extracts. We obtained data for the outstanding overpayments as of May 2016. We obtained data for the eligible spouse and representative payees' payment status as of June 2016.

⁵ See Appendix B for our sampling methodology.

The entity audited was the Office of Operations. Our work was conducted at the Office of Audit in Kansas City, Missouri, from October through December 2016. We determined the data used for this audit were sufficiently reliable to meet our objective. 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.

Appendix B – SAMPLING METHODOLOGY AND RESULTS

Sampling

We obtained a data file from Segment 20 of the Supplemental Security Record (SSR)¹ with 3,568 Supplemental Security Income (SSI) overpayments. These overpayments had outstanding balances ranging from \$1 to \$65,841 as of May 17, 2016.² To create our sampling frame, we identified the average cost to recover a Disability Insurance overpayment and included only overpayments that had an outstanding balance greater than the average cost to recover.³ As a result, we sampled from the 2,915 SSI overpayments with outstanding balances ranging from \$235 to \$65,841.⁴

From our sampling frame, we selected a random sample of 100 SSI overpayments (see Table B–1).⁵

Table B–1: Sampling Frame and Sample Size

Sampling Frame Size (identified in 1 segment of the SSR)	2,915
Sample Size	100
Total Population (Sampling Frame Size times 20 segments)	58,300

¹ The SSR is divided into 20 segments. Therefore, we projected to the population by multiplying the findings from our review by 20.

² See Appendix A for a discussion of the characteristics of these overpayments.

³ For our report *Cost Benefit Analysis of Processing Low-dollar Overpayments* (A-07-14-14065), July 2015, we recommended that the Social Security Administration (SSA) re-evaluate its process for recovering overpayments where the value of the overpayment is less than what SSA spends to recover the overpayment to ensure it expends resources on activities that result in the greatest return on investment. Further, we found SSA does not identify the total cost related to recovering an SSI overpayment. Therefore, to identify the sampling frame for this review, we used the average cost to recover a Disability Insurance overpayment, \$234, as reported in SSA's Cost Analysis System for July 2016, because the total cost of recovering an SSI overpayment is unknown and it is the highest average cost to recover an SSA overpayment.

⁴ We also identified one overpayment to a recipient who had two separate individuals on the record—one spouse and one representative payee. We reviewed this one overpayment separately and found that neither the spouse nor the representative payee was jointly liable for the overpayment.

⁵ We determined all representative payees and spouses in our sample were at least age 18 when the overpayments occurred.

Sample Errors and Projections

Overpayments Where SSA Should Have Terminated Recovery Actions

Of the 100 overpayments we reviewed, 43 met the requirements for SSA to terminate recovery actions against the overpaid recipients and attempt recovery from jointly liable recipients as of September 2016, when we conducted our review. However, SSA had not done so. Based on our sampling results, we projected there were 25,060 overpayments where SSA should have terminated recovery actions against the overpaid recipients and attempted recovery from the jointly liable recipients (see Table B-2).

Table B-2: Quantity of Overpayments Where SSA Should Have Terminated Recovery Actions

Description	Number of Overpayments
Sample Results (for 1 segment)	43
Projected Quantity (for 1 segment)	1,253
Projection – Lower Limit	1,013
Projection – Upper Limit	1,503
Population Estimate (Projected Quantity x 20 segments)	25,060

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

The 43 overpayments had a total outstanding balance of \$138,511 as of September 2016. Therefore, we projected there was \$80,752,000 in outstanding overpayments where SSA should have terminated recovery actions against the overpaid recipients and attempted recovery from jointly liable recipients (see Table B-3).

Table B-3: Amount of Overpayments Where SSA Should Have Terminated Recovery Actions

Description	Amount of Overpayments
Sample Results (for 1 segment)	\$138,511
Point Estimate (for 1 segment)	\$4,037,600
Projection – Lower Limit	\$2,303,130
Projection – Upper Limit	\$5,772,071
Population Estimate (Point Estimate x 20 segments)	\$80,752,000

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

Overpayments Met Requirements for Recovery from Jointly Liable Recipients

Of the 100 overpayments we reviewed, 18 met the requirements for recovery from jointly liable recipients. However, SSA had not initiated recovery as of September 2016, when we conducted our review. Based on our sampling results, we projected there were 10,500 overpayments that SSA should attempt to recover from jointly liable recipients (see Table B-4).

Table B-4: Quantity of Overpayments That Met All the Requirements for Recovery from Jointly Liable Recipients

Description	Number of Overpayments
Sample Results (for 1 segment)	18
Projected Quantity (for 1 segment)	525
Projection – Lower Limit	352
Projection – Upper Limit	740
Population Estimate (Projected Quantity x 20 segments)	10,500

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

The 18 overpayments had a total outstanding balance of \$41,483 as of September 2016. Therefore, we projected there was \$24,184,400 that SSA should attempt to recover from jointly liable recipients (see Table B-5).

Table B-5: Amount of Overpayments That Met All the Requirements for Recovery from Jointly Liable Recipients

Description	Amount of Overpayments
Sample Results (for 1 segment)	\$41,483
Point Estimate (for 1 segment)	\$1,209,220
Projection – Lower Limit	\$437,101
Projection – Upper Limit	\$1,981,338
Population Estimate (Point Estimate x 20 segments)	\$24,184,400

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

Appendix C – AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: April 20, 2017 Refer To: S1J-3

To: Gale S. Stone
Acting Inspector General

From: Stephanie Hall /s/
Acting Deputy Chief of Staff

Subject: Office of the Inspector General Draft Report, "Recovering Supplemental Security Income Overpayments from Jointly Liable Recipients" (A-07-17-50201)--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,
"RECOVERING SUPPLEMENTAL SECURITY INCOME OVERPAYMENTS FROM
JOINTLY LIABLE RECIPIENTS" (A-07-17-50201)**

Thank you for the opportunity to comment on the draft report. We take our responsibility to recover overpayments seriously, and have a strategy in place to improve and enhance our debt recovery efforts. As good stewards of taxpayer funds, and to preserve the public's trust in our programs, we remain focused on preventing improper payments. Since fiscal year (FY) 2004, we have recovered \$37.63 billion in Old-Age and Survivors Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefit overpayments. Most recently, in FY 2016, we took action to collect \$3.29 billion OASDI and SSI benefit overpayments.

Recommendation 1

Take necessary actions to recover the 61 overpayments we identified that met the requirements for recovery from jointly liable recipients.

Response

We agree. We have taken corrective action on the 61 overpayments.

Recommendation 2

Determine whether it can create a process to identify SSI overpayments that meet the requirements for recovery from jointly liable recipients similar to the process in place for OASDI overpayments.

Response

We disagree. However, we will determine the feasibility in developing and/or designing a formal process to identify SSI overpayments recoverable from jointly liable recipients – considering similar controls as those provided by the OASDI process.

MISSION

By conducting independent and objective audits, evaluations, and investigations, the Office of the Inspector General (OIG) inspires public confidence in the integrity and security of the Social Security Administration's (SSA) programs and operations and protects 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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