



SOCIAL SECURITY

Office of the Inspector General

MEMORANDUM

Date: May 7, 2001

Refer To:

To: Manuel J. Vaz
Regional Commissioner
Boston

From: Inspector General

Subject: Financial-Related Audit of Hale Barnard Services – A Fee-for-Service Representative Payee for the Social Security Administration (A-01-00-10060)

Attached is a copy of our final report. Our objectives were to determine whether Hale Barnard Services: (1) had effective safeguards over the receipt and disbursement of Social Security benefits, and (2) ensured that Social Security benefits were used and accounted for in accordance with the Social Security Administration's policies and procedures.

Please comment within 60 days from the date of this memorandum on corrective action taken or planned on each recommendation. If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Jane Vazis
for James G. Huse, Jr.

Attachment

cc: Fritz Streckewald
JoEllen Felice
Helen Hepner

**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**FINANCIAL-RELATED AUDIT OF
HALE BARNARD SERVICES – A
FEE-FOR-SERVICE REPRESENTATIVE
PAYEE FOR THE
SOCIAL SECURITY ADMINISTRATION**

May 2001

A-01-00-10060

AUDIT REPORT



Mission

We improve SSA programs and operations and protect them against fraud, waste, and abuse by conducting independent and objective audits, evaluations, and investigations. We provide timely, useful, and reliable information and advice to Administration officials, the Congress, and the public.

Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.**
- 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.**

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.**
- Access to all information necessary for the reviews.**
- Authority to publish findings and recommendations based on the reviews.**

Vision

By conducting independent and objective audits, investigations, and evaluations, we are agents of positive change striving for continuous improvement in the Social Security Administration's programs, operations, and management and in our own office.

Executive Summary

OBJECTIVE

Our objectives were to determine whether Hale Barnard Services (HBS): (1) had effective safeguards over the receipt and disbursement of Social Security benefits, and (2) ensured that Social Security benefits were used and accounted for in accordance with the Social Security Administration's (SSA) policies and procedures.

BACKGROUND

Some individuals cannot 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 (Rep Payee) to receive and manage these beneficiaries and recipients' benefit payments. A Rep Payee may be an individual or an organization. SSA selects Rep Payees for Old-Age, Survivors and Disability Insurance (OASDI) beneficiaries or Supplemental Security Income (SSI) recipients when representative payments would serve the individual's interests.

Rep Payees are responsible for using benefits to serve the best interests of the beneficiary or recipient. Their duties include:

- Using benefits to meet the beneficiary or recipient's current and foreseeable needs;
- Conserving and investing benefits not needed to meet the individual's current needs;
- Maintaining accounting records of how the benefits are received and used;
- Reporting events to SSA that may affect the individual's entitlement or benefit payment amount;
- Reporting any changes in circumstances that would affect their performance as a Rep Payee; and
- Completing *Representative Payee Reports* (RPR) for all beneficiaries and recipients annually.

RESULTS OF REVIEW

Based on our review, we determined that HBS generally: (1) had effective safeguards over the receipt and disbursement of Social Security benefits, and (2) ensured that Social Security benefits were used and accounted for in accordance with SSA's policies and procedures. However, we could not determine whether HBS properly reported to SSA how benefits were used because SSA could not locate most of the RPRs we

requested. (See Other Matters section of this report.) Specifically, we determined that for all 63 beneficiaries: (1) HBS accurately recorded benefits paid to them by SSA; (2) all expenses appeared to be proper; and (3) for sampled expenses, HBS maintained source documents that allowed us to determine that the expenses were reasonable and authentic. We believe the one area in which HBS needs to improve procedures is to notify SSA when SSI recipients exceed \$2,000 in conserved funds—the resource limit under the SSI program.

HBS received \$397,733 in SSA funds for 63 individuals from September 1999 through August 2000. In 55 of the 63 cases, we found no problems with HBS' accounting and/or use of those funds. However, in 8 of the 63 cases, we found that HBS did not adhere to SSA's policies. In 7 of these cases, HBS continued to receive \$22,774 in SSI payments for recipients who had exceeded the resource limit. In 1 other case, HBS incorrectly charged a recipient \$84 in payee fees.

CONCLUSIONS AND RECOMMENDATIONS

Generally, HBS met its responsibilities as Rep Payee for individuals receiving OASDI and SSI payments. However, HBS was not fully aware of its reporting responsibilities and thus received SSI payments for individuals who were ineligible for payments because they exceeded SSI resource limits.

We recommend that SSA:

- Ensure that HBS returns funds paid for recipients who were ineligible due to excess resources.
- Reemphasize procedures with HBS for notifying SSA when events occur that affect the eligibility or the amount of monthly benefits for individuals in its care.

AGENCY COMMENTS

In response to our draft report, SSA agreed with our recommendations. (See Appendix A for SSA's comments.)

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Acronyms

ECA	Earnings Credit Allowance
FO	Field Office
HBS	Hale Barnard Services
OASDI	Old-Age, Survivors and Disability Insurance
OIG	Office of the Inspector General
Rep Payee	Representative Payee
RPS	Representative Payee System
RPR	Representative Payee Report
SSA	Social Security Administration
SSI	Supplemental Security Income
SSR	Supplemental Security Record

Introduction

OBJECTIVE

Our objectives were to determine whether Hale Barnard Services (HBS): (1) had effective safeguards over the receipt and disbursement of Social Security benefits, and (2) ensured that Social Security benefits were used and accounted for in accordance with the Social Security Administration's (SSA) policies and procedures.

BACKGROUND

Some individuals cannot 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 (Rep Payee) to receive and manage these beneficiaries and recipients' benefit payments. A Rep Payee may be an individual or an organization. SSA selects Rep Payees for Old-Age, Survivors and Disability Insurance (OASDI) beneficiaries or Supplemental Security Income (SSI) recipients when representative payments would serve the individual's interest.

Rep Payees are responsible for using benefits to serve the best interests of the beneficiary or recipient. Their duties include:

Using benefits to meet the beneficiary or recipient's current and foreseeable needs;

- Conserving and investing benefits not needed to meet the individual's current needs;
- Maintaining accounting records of how the benefits are received and used;
- Reporting events to SSA that may affect the individual's entitlement or benefit payment amount;
- Reporting any changes in circumstances that would affect their performance as a Rep Payee; and
- Completing *Representative Payee Reports* (RPR) for all beneficiaries and recipients annually.

Under the SSI program, a recipient is limited to \$2,000 in resources¹ to remain eligible for benefits. If this resource limit is exceeded, benefit payments to that recipient are suspended. Such benefits will resume if the recipient's resources later fall below the limit. Since the Rep Payee is responsible for notifying SSA of any event that affects the

¹ SSA's Program Operations Manual System, section SI 01130.600.B.1, indicates that the unspent portion of retroactive benefits is excluded from resources for the 6 calendar months following the month in which the individual receives the benefits.

right of the recipient to receive benefits, the Rep Payee must notify SSA if a recipient's resources exceed the limit in any given month.

SSA funds not needed for current maintenance may be deposited in an interest-bearing or dividend-bearing account in a bank, trust company, credit union, or Savings and Loan Association which is insured under either Federal or State law. Any interest earned on this account belongs to the individual and not to the Rep Payee. SSA specifically recommends that Rep Payees hold conserved funds of \$150 or more in an interest-yielding account, or other investment, with minimum risk.

The Social Security Act permits some organizational Rep Payees to collect a fee for the services they perform.² These organizations are called "fee-for-service"³ Rep Payees. The fee is compensation for providing Rep Payee services. Effective December 1998, the fee was the lesser of 10 percent of the monthly benefits or \$27, and, beginning December 1999, the fee was the lesser of 10 percent of the monthly benefits or \$28.

About 6.5 million individuals have Rep Payees—approximately 4.2 million are OASDI beneficiaries, 1.7 million are SSI recipients, and 500,000 are entitled to both OASDI and SSI.⁴ The chart below reflects the types of Rep Payees and the number of individuals they serve.

Type of Rep Payee	Number of Rep Payees	Number of Individuals Served
Individual Payees: Parents, Spouses, Adult Children, Relatives, and Others	4,155,000	5,750,000
Organizational Payees: State Institutions, Local Governments and Others	44,150	690,000
Organizational Payees: Fee-for-Service	850	60,000
Total	4,200,000	6,500,000

HBS is a non-profit, non-sectarian organization headed by a volunteer Board of Directors. HBS runs a licensed residential care house, provides programs and services to elders of diverse cultures who live independently in the community, and runs a disability program for individuals of all ages. In May 1995, HBS created its disability

² See sections 205(j)(4) and 1631(a)(2)(D) of the Social Security Act.

³ To collect a fee, an organization must be a nongovernmental agency that is community-based, a non-profit social service agency, bonded or licensed, and serving at least five beneficiaries or recipients. The organization cannot generally be a creditor of the beneficiary or recipient. See SSA's Program Operations Manual System, section GN 00506.100.

⁴ Numbers do not add due to rounding.

program in association with SSA's rules governing agencies functioning as Rep Payees. Through its disability program, HBS serves individuals of all ages, backgrounds and disabilities who are eligible for benefits from SSA.

SCOPE AND METHODOLOGY

Our audit covered the period of September 1, 1999 through August 31, 2000. To accomplish our objectives, we:

- Reviewed the Social Security Act, SSA regulations, rules, policies and procedures pertaining to Rep Payees.
- Contacted SSA Regional Office and Field Office (FO) staff to obtain background information about HBS' performance as a Rep Payee.
- Reviewed prior audits of HBS by its public accounting firm.
- Obtained from SSA's Representative Payee System (RPS) a listing of individuals who were in HBS' care and received SSA funds as of September 25, 2000 or who left HBS' care after August 31, 1999.
- Obtained from HBS a listing of individuals who were in its care and received SSA funds as of September 25, 2000 or who left its care after August 31, 1999.
- Compared and reconciled the RPS listing to HBS' listings to identify the population of SSA individuals who were in HBS' care from September 1999 through August 2000.
- Reviewed and tested HBS' internal controls over the receipt and disbursement of OASDI and SSI payments.
- For each beneficiary and recipient, we performed the following tests.
 - Compared and reconciled benefit amounts paid according to HBS' records to benefit amounts paid according to SSA's payment records.
 - Reviewed HBS' accounting records to determine whether benefits were properly spent or conserved on the individual's behalf. We also determined whether SSA was due a refund of benefits that were not properly used.
 - Traced a sample of expenses to source documents and examined the underlying documentation for reasonableness and authenticity.
- Interviewed a sample of HBS beneficiaries to determine whether their basic needs were being met.
- Performed third-party confirmations of the Rep Payee's bank account balances.

- Reviewed a sample of RPRs.

We performed our audit of HBS in Boston, Massachusetts between October 2000 and February 2001. We conducted our audit in accordance with generally accepted government auditing standards.

Results of Review

Based on our review, we determined that HBS generally: (1) had effective safeguards over the receipt and disbursement of Social Security benefits, and (2) ensured that Social Security benefits were used and accounted for in accordance with SSA's policies and procedures. However, we could not determine whether HBS properly reported to SSA how benefits were used because SSA could not locate most of the RPRs we requested. (See Other Matters section of this report.) Specifically, we determined that for all 63 beneficiaries: (1) HBS accurately recorded benefits paid to them by SSA; (2) all expenses appeared to be proper; and (3) for sampled expenses, HBS maintained source documents that allowed us to determine that the expenses were reasonable and authentic. We believe the one area in which HBS needs to improve procedures is to notify SSA when SSI recipients exceed \$2,000 in conserved funds—the resource limit under the SSI program.

As shown in the table below, \$397,733 were paid to HBS for 63 beneficiaries and recipients from September 1999 through August 2000. In 55 of the 63 cases, we found no problems with HBS' accounting and/or use of SSA funds. However, in 8 of the 63 cases, we found that HBS did not adhere to SSA's policies. In 7 of these cases, HBS continued to receive \$22,774 in SSI payments for recipients who had exceeded the resource limit. In 1 other case, HBS incorrectly charged a recipient \$84 in payee fees.

	Number of Cases	Benefits Received		Total SSA Funds
		SSI	OASDI	
SSI Only	33	\$180,605	--	\$180,605
OASDI Only	16	--	\$122,658	122,658
Concurrent	14	39,714	54,756	94,470
Total	63	\$220,319	\$177,414	\$397,733

	Cases Reviewed	Cases Overpaid	Reason for Overpayment		Benefit Payments Due SSA
			Resource Limit Exceeded	Fee Exceeded Maximum Allowable	
SSI Only	33	6	6	0	\$22,064
OASDI Only	16	1	N/A	1	84
Concurrent	14	1	1	0	710
Total	63	8	7	1	\$22,858

RESOURCE LIMIT EXCEEDED

In 7 of the 63 cases reviewed, HBS continued to receive SSI payments for recipients who had exceeded the \$2,000 resource limit. In 3 of the 7 cases, individuals received retroactive payments from SSA. When SSA makes a retroactive payment to a recipient, the recipient has a 6-month period during which the retroactive funds are excluded from assessing whether the recipient has excess resources. In each of these 3 cases, the recipients' resources continued to exceed the \$2,000 resource limit after the 6-month exclusion period ended. In 4 of the 7 cases, conserved funds accumulated over time and eventually exceeded the \$2,000 resource limit. Due to having excess resources, these 7 recipients were overpaid \$22,774 in SSI benefits. We discussed these 7 cases with SSA's FO staff and they are taking corrective action to recover the overpayments.

In one of the 7 cases discussed above, in October 1999, the recipient received a retroactive SSI benefit payment totaling \$4,774 for the period February through October 1999. This recipient's conserved fund balance at the end of the 6-month exclusion period (April 2000) was \$3,759. As a result, this individual was not entitled to SSI benefits in May 2000 and continued to be ineligible for benefits until his resources dropped below \$2,000. This individual incorrectly received \$1,085 in SSI payments for the months of May and June 2000. HBS was unaware of its responsibility to notify the FO when a recipient's countable resources exceeded \$2,000 at the end of a month. HBS staff believed that reporting the conserved fund balance on the RPR was their only responsibility for informing SSA of conserved fund balances in excess of \$2,000. In this regard, HBS staff showed us "*A Guide For Representative Payees*" (SSA Publication Number 05-10076). HBS staff pointed out that while this guide states that the Rep Payee should be aware that savings and other resources are limited to \$2,000 under the SSI program, the guide does not specify additional reporting responsibilities beyond the RPR.

In another case, a recipient had \$7,193 in conserved funds at the end August 1999, the beginning of our audit period. As a result, this individual exceeded the \$2,000 resource limit and was not eligible for a SSI payment in September 1999. The individual exceeded the resource limit in all 12 months of our audit period and was overpaid \$6,461 in SSI payments for September 1999 through August 2000. HBS staff showed us that they had reported to SSA the recipient's conserved fund balance of \$5,522 on a RPR in 1999 and a conserved fund balance of \$8,464 on a RPR in 2000. We found that the conserved fund balance of \$8,464 was recorded on the Rep Payee line of this recipient's Supplemental Security Record (SSR). However, when we asked FO staff about this, they stated that RPRs are sent to the Wilkes Barre Data Operation Center not to the FO. FO staff informed us that they do not receive alerts when RPRs are submitted showing beneficiary funds exceeding the SSI resource limits. Further, FO staff informed us they had not seen the conserved fund amount on the SSR and had not taken action to collect the overpayment from HBS.

PAYEE FEE CHARGED IN ERROR

In 1 of the 63 cases reviewed, HBS charged a beneficiary a payee fee for 3 months during which it was not authorized to do so under SSA's guidelines. In this case, the individual was imprisoned and SSA stopped payments to the beneficiary. For 3 months after SSA stopped payments, HBS charged this individual fees of \$28 per month (\$84 total). Since HBS did not receive payments for the beneficiary during these 3 months, the Rep Payee should not have collected a fee.⁵ HBS agreed that fees were charged in error and that the \$84 was due back to the beneficiary.

CONSERVED FUNDS HELD IN A NON-INTEREST BEARING ACCOUNT

The bank account that HBS used for Rep Payee accounting is a non-interest bearing account. Rather than pay interest, the bank (based on HBS' ending monthly balance) calculates an Earnings Credit Allowance (ECA). The ECA is used to reduce any fees the bank would have charged HBS for maintenance of this account. However, if the ECA allowance exceeds the fees charged by the bank the net ECA is not deposited in HBS' account as interest. For example, in one month the ECA was \$315 and the charges for services were only \$76, however, because this is a non-interest bearing account, the difference (\$239) was not deposited in HBS' Rep Payee bank account as interest. HBS' keeping conserved funds in such an account contradicts SSA's recommendation that conserved funds be maintained in an interest bearing account. However, HBS staff informed us that in 1995 when the Rep Payee account was established—and again in 1997—it assessed options of available accounts and determined that its current checking account fee/interest structure was the best account available. Further, HBS staff stated that if SSA requests that they survey banks regarding checking accounts available today, they will re-assess their account options.

CONSERVED FUNDS WERE PROPERLY TRANSFERRED

During our audit period, HBS ceased being a Rep Payee for 12 of the 63 individuals they served as Rep Payee. We determined that HBS properly transferred the remaining conserved funds when it stopped acting as Rep Payee for these 12 individuals. Specifically, we found that:

- In 7 cases, HBS returned conserved funds totaling \$8,204 to SSA.
- In 3 cases, the individuals had no conserved funds when HBS stopped acting as the individuals' Rep Payee.

⁵ SSA's Program Operations Manual System, section GN 00506.210, provides, in part, that a fee may not be collected if no payment is received in the month.

- In 1 case, with SSA's approval, HBS sent conserved funds totaling \$158 to the individual's new Rep Payee.
- In 1 case, HBS sent conserved funds totaling \$223 to a relative of a deceased OASDI beneficiary.

Conclusions and Recommendations

Generally, HBS met its responsibilities as Rep Payee for individuals receiving OASDI and SSI payments. However, HBS was not fully aware of its reporting responsibilities and thus received SSI payments for individuals who were ineligible for payments because they exceeded SSI resource limits.

We recommend that SSA:

1. Ensure that HBS returns funds paid for recipients who were ineligible due to excess resources.
2. Reemphasize procedures with HBS for notifying SSA when events occur that affect the eligibility or the amount of monthly benefits for individuals in its care.

AGENCY COMMENTS

In response to our draft report, SSA agreed with our recommendations and stated that corrective actions had already been taken. Specifically, SSA staff began recovery of the overpayments identified, and held a meeting with HBS representatives where they reviewed HBS' reporting responsibilities as a Rep Payee.

Other Matters

To determine whether HBS properly reported to SSA how benefits were used, we requested from SSA the most recently completed RPRs for 30 of HBS' beneficiaries. While HBS staff stated that they submitted RPRs to SSA for all their beneficiaries, SSA was unable to provide 17 of the 30 RPRs requested. Because SSA did not provide all the RPRs requested, we could not independently confirm that HBS met its reporting responsibilities. For the 17 RPRs not provided by SSA, we do not know whether the RPRs were actually submitted to SSA by HBS, or if HBS provided them to SSA and SSA could not locate them.

Appendices

Appendix A

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Refer to: S2D1G3/CL-22

Date: April 13, 2001

To: Inspector General

From: Regional Commissioner
Boston

Subject: Financial-Related Audit of Hale Barnard Services - A Fee-for-Service Representative Payee for the Social Security Administration
(A-01-00-10060)

Thank you for the opportunity to review the draft report of your audit of Hale Barnard Services. We concur with your recommendations and have taken action on both items.

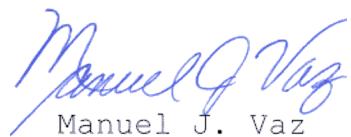
Ensure that HBS returns funds paid for recipients who were ineligible due to excess resources.

During the audit seven individuals were found to be overpaid due to excess resources. Representatives from our Boston District Office met with representatives from Hale Barnard Services. They obtained full refunds from two individuals. They obtained partial refunds from four of the remaining beneficiaries. This reduced their resources to within the allowable limit. The remainders of the overpayments are being withheld from the beneficiaries' ongoing payments. In the final case, the person's resources had already been spent down to below the allowable limit by the time of the audit. The overpayment is being collected from his monthly check.

Reemphasize procedures with HBS for notifying SSA when events occur that affect the eligibility or the amount of monthly benefits for individuals in its care.

The Boston District Manager and Assistant District Manager met with representatives from Hale Barnard Services. During that meeting they reviewed Hale Barnard Services' reporting responsibilities as a representative payee. They emphasized the need to notify the Social Security Administration whenever a Supplemental Security Income beneficiary's resources exceeded the allowable amount. Hale Barnard Services representatives now understand the reporting responsibilities and the need to return any checks issued to an individual whose resources exceed the allowable limit. In addition, Hale Barnard Services is planning to implement an internal system alert whenever a person's resources approach the maximum allowable amount.

If you have any questions, please contact Barbara Barbaty of my Program Policy and Systems Team at 617-565-2882.



Manuel J. Vaz

OIG Contacts and Staff Acknowledgments

OIG Contact

Rona Rustigian, Acting Director, Disability Program Audit Division,
(617) 565-1819

Acknowledgments

In addition to the person named above:

David Mazzola, Auditor-in-Charge

Katie Hallock, Auditor

Joseph LoVecchio, Auditor

For additional copies of this report, please contact the Office of the Inspector General's Public Affairs Specialist at (410) 966-5998. Refer to Common Identification Number A-01-00-10060.

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President, Federal Managers Association	1
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Total	97

Overview of the Office of the Inspector General

Office of Audit

The Office of Audit (OA) conducts comprehensive financial and performance audits of the Social Security Administration's (SSA) programs and makes recommendations to ensure that program objectives are achieved effectively and efficiently. Financial audits, required by the Chief Financial Officers Act of 1990, assess whether SSA's financial statements fairly present the Agency's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs. OA also conducts short-term management and program evaluations focused on issues of concern to SSA, Congress, and the general public. Evaluations often focus on identifying and recommending ways to prevent and minimize program fraud and inefficiency.

Office of Executive Operations

OEO supports the OIG by providing information resource management; systems security; and the coordination of budget, procurement, telecommunications, facilities and equipment, and human resources. In addition, this office is the focal point for the OIG's strategic planning function and the development and implementation of performance measures required by the *Government Performance and Results Act*. OEO is also responsible for performing internal reviews to ensure that OIG offices nationwide hold themselves to the same rigorous standards that we expect from SSA, as well as conducting investigations of OIG employees, when necessary. Finally, OEO administers OIG's public affairs, media, and interagency activities, coordinates responses to Congressional requests for information, and also communicates OIG's planned and current activities and their results to the Commissioner and Congress.

Office of Investigations

The Office of Investigations (OI) conducts and coordinates investigative activity related to fraud, waste, abuse, and mismanagement of SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, physicians, interpreters, representative payees, third parties, and by SSA employees in the performance of their duties. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

Counsel to the Inspector General

The Counsel to the Inspector General provides legal advice and counsel to the Inspector General on various matters, including: 1) statutes, regulations, legislation, and policy directives governing the administration of SSA's programs; 2) investigative procedures and techniques; and 3) legal implications and conclusions to be drawn from audit and investigative material produced by the OIG. The Counsel's office also administers the civil monetary penalty program.