
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**FOLLOW-UP ON THE SOCIAL
SECURITY ADMINISTRATION'S
PRISONER INCENTIVE
PAYMENT PROGRAM**

August 2009 A-01-09-19029

AUDIT REPORT



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SOCIAL SECURITY

MEMORANDUM

Date: August 20, 2009

Refer To:

To: The Commissioner

From: Inspector General

Subject: Follow-up on the Social Security Administration's Prisoner Incentive Payment Program
(A-01-09-19029)

OBJECTIVE

Our objective was to assess the accuracy of incentive payments to prisons.

BACKGROUND

The *Social Security Act*¹ (Act) allows the Social Security Administration (SSA) to make incentive payments to State and local correctional institutions that provide inmate data to SSA. The incentive payment provisions in the Act were established to encourage the reporting of inmate data that would allow SSA to suspend Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits to prisoners in a timely manner.²

Incentive payments are authorized in the following amounts:

- \$400 for information received within 30 days after the individual's date of confinement due to conviction for an OASDI beneficiary or confinement for an SSI recipient;
- \$200 for information received after 30 days but within 90 days after the individual's date of confinement due to conviction for an OASDI beneficiary or confinement for an SSI recipient; or

¹ The *Social Security Act*, §§ 202(x)(3)(B)(i) and 1611(e)(1)(l)(i); 42 U.S.C. §§ 402(x)(3)(B)(i) and 1382(e)(1)(l)(i).

² The *Social Security Act*, §§ 202(x)(1)(A)(i) and 1611(e)(1)(A); 42 U.S.C. §§ 402(x)(1)(A)(i) and 1382(e)(1)(A) prohibit the payment of benefits to individuals receiving (1) OASDI benefits who have been convicted and incarcerated for a period of more than 30 days in a jail, prison or other penal or correctional facility and (2) SSI payments who have been confined in a public institution throughout any month.

- \$0 for information received on or after the 91st day following the individual's date of confinement due to conviction for an OASDI beneficiary or confinement for an SSI recipient (see Appendix B for additional background information).

SSA programmed its incentive payment system to issue \$400 for inmate information received by the end of the month following the month of incarceration and \$200 for information received by the end of the 3rd month after the month of confinement. In addition, the system has a built-in delay of 1 calendar month before the payment is issued. If, during the next month, it is determined that benefits should not be suspended because of incarceration, the incentive payment will not be released.³ SSA's policies and procedures state that if an incentive payment was released, but benefits should not have been suspended because of incarceration, the payment cannot be recovered.⁴

If SSA inadvertently pays a facility because of an SSA error (for example, SSA keyed incorrect incarceration data into the computer system), SSA will not litigate to recoup the erroneous payment. The Agency will ask the correctional institution to return the payment.⁵ If the correctional institution agrees to refund the incentive payment, SSA will take action to recoup the payment.⁶ If SSA pays an incentive payment to the wrong facility, it will issue the incentive payment to the correct institution at the earliest possible opportunity.⁷

In our prior audit,⁸ we reviewed incentive payments made between March 1997 and August 2003; and we estimated that about 86,000 incentive payments were issued incorrectly, resulting in approximately \$19.0 million in OASDI and SSI funds that should not have been paid. Therefore, we recommended that SSA

1. pay incentive payments in accordance with the Act provisions, and
2. provide refresher training to employees to reduce the number of erroneous incentive payments due to clerical errors.⁹

³ SSA, Modernized Systems Operations Manual, PRISON 003.001 F.

⁴ SSA, Program Operations Manual System (POMS), section SI 02310.089 E.

⁵ SSA, POMS, section SI 02310.091 B.1.

⁶ SSA, POMS, section SI 02310.091 C.

⁷ SSA, POMS, section SI 02310.091 B.1.

⁸ *The Social Security Administration's Prisoner Incentive Payment Program* (A-01-04-24067), July 30, 2004.

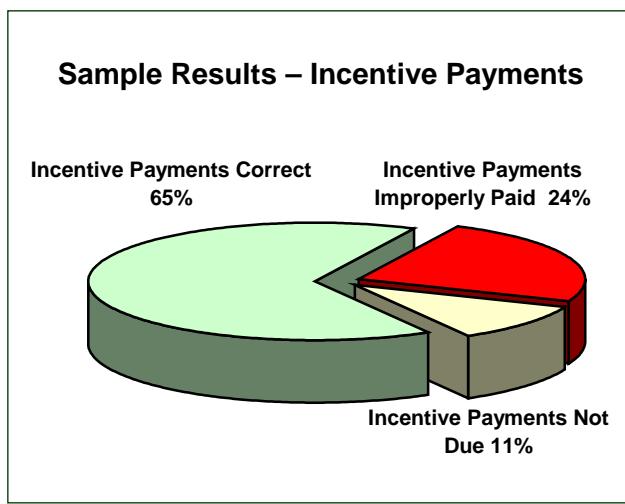
⁹ SSA issued an Administrative Message (AM-05-038) on March 16, 2005 to remind employees involved in processing prisoner alerts of common clerical errors that result in the issuance of erroneous incentive payments.

SSA generally agreed with our recommendations. Specifically, SSA agreed there was a discrepancy between the incentive payment provisions included in the Act and how the Agency was paying incentive payments, and agreed to provide staff training.

To perform our follow-up review, we identified 346,970 incentive payments made from September 2003 through May 2008. We randomly selected 275 cases from this population for detailed analysis. (See Appendix C for our sampling methodology.)

RESULTS OF REVIEW

SSA's procedures do not ensure that incentive payments to institutions that provide inmate information are being made in accordance with the provisions in the Act. Based on our review of 275 sample cases, we estimate about 119,862 incentive payments were issued incorrectly, resulting in approximately \$30.3 million in OASDI and SSI program funds that should not have been paid. Specifically, our review of 275 sample cases found that



- 180 incentive payments (65 percent) were paid properly;
- 66 incentive payments totaling \$13,200 (24 percent) were improperly paid to prison facilities because the information was not received within the timeframe established by law but was received within the timeframe implemented by SSA; and
- 29 incentive payments (11 percent) totaling \$10,800 should not have been paid.

Incentive Payments Not Made in Accordance with the *Social Security Act*

The laws that amended the Act¹⁰ to establish incentive payments included timeframes for the issuance and amount of payments. However, when implementing the incentive payment process, SSA established payment criteria that were inconsistent with those laws. As a result, \$13,200 was overpaid in our incentive payment sample cases.

¹⁰ The *Ticket to Work and Work Incentives Improvement Act of 1999*, Pub. L. No. 106-170 § 402 and the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Pub. L. No. 104-193 § 203.

The following is an example of an incentive payment incorrectly paid because SSA did not follow the requirements in the Act.

- SSA received a report from an institution on June 18, 2007 showing a date of confinement of May 4, 2007 (45 days from confinement to receipt of information).
- SSA issued an incentive payment on August 1, 2007 for \$400, as the prisoner information was received before the end of the month following the month of confinement.
- The institution was overpaid \$200, as only \$200, not \$400, should have been paid for information received 45 days after confinement.

The following table shows detailed information on the incorrect payments made for our sample cases that exceeded the 30-day and 90-day limits established in the Act.

Timeframe of Receipt of Inmate Information and Amount of Incentive Payment	Number of Cases	Amount of Each Incorrect Incentive Payment	Total Amount of Incorrect Incentive Payments	Portion of Incorrect Incentive Payments
\$400 paid for information received 1 to 5 days after the 30-day time limit ¹¹	30	\$200	\$6,000	45%
\$400 paid for information received 6 to 10 days after the 30-day time limit	16	\$200	\$3,200	24%
\$400 paid for information received 11 to 15 days after the 30-day time limit	10	\$200	\$2,000	15%
\$400 paid for information received 16 to 20 days after the 30-day time limit	5	\$200	\$1,000	8%
\$400 paid for information received 21 to 25 days after the 30-day time limit	1	\$200	\$200	2%
\$400 paid for information received 26 to 60 days after the 30-day time limit	2	\$200	\$400	3%
\$200 paid for information received after the 90-day time limit	2	\$200	\$400	3%
Total	66		\$13,200	100%

¹¹ Under the *Social Security Act*, SSA should have paid \$200 for information received after 30 days but within 90 days. However, SSA paid \$400 for this information—instead of \$200. Therefore, SSA overpaid the prison facility when it paid \$400 for information that was received 1 to 5 days after the 30-day time limit.

Incentive Payments Issued Erroneously

In 29 sample cases, SSA should not have made incentive payments totaling \$10,800.

- In 23 cases, the recipient was released from prison before the date benefits would have been suspended, and no incentive payment should have been made. This resulted in overpayments totaling \$8,800.
- In five cases, the person identified by SSA's computer matching program was not the correct person, and SSA personnel did not verify the identity before issuing the payment. This resulted in overpayments totaling \$1,600.
- In one case, the prisoner was not convicted and therefore no payment was due to the prison. This resulted in an overpayment totaling \$400.

The following are two examples of incentive payments that should not have been paid.

(1) An incentive payment was paid for the wrong beneficiary.

- SSA received a report from an institution on September 22, 2003 showing a date of confinement of August 1, 2003.
- SSA suspended the reported prisoner's benefits without determining whether the correct beneficiary had been identified.
- SSA later found this individual was never in the institution that sent the inmate information.

(2) An incentive payment was paid although incarceration was too short to suspend SSI payments.

- SSA received a report from an institution on August 11, 2003 showing a date of confinement of July 11, 2003.
- SSA suspended the prisoner's benefits.
- The beneficiary was not incarcerated for 1 full calendar month. Therefore, benefits should not have been suspended.
- The SSA technician did not post a release date to show the beneficiary was released before 1 full calendar month expired.
- Posting of a release date would have suppressed the incentive payment.

SSA's Efforts to Reduce Incorrect Incentive Payments

SSA informed us that, in June 2004, the Agency developed a technical amendment that, if enacted, would align the Act with how SSA programmed its systems to pay prisoner incentive payments. The agency never submitted the proposal to Congress. According to SSA, the specific proposal was to change the language in sections 202(x)(3)(B)(i)(II) and 1611(e)(1)(I)(i)(II) of the Act to conform existing statute with agency policy.

- \$400 if the institution furnishes the information to SSA by the end of the month following the month of confinement that the individual is confined in the institution;
- \$200 if the institution furnishes the information more than 1 month after the month of confinement through the end of the month following 2 months after the confinement; and
- \$0 if reported anytime thereafter.

In March 2009, SSA informed us that it implemented a new Web-based process to receive prisoner information more timely. This new process is intended to help eliminate the lag time associated with mailing prisoner reports.

CONCLUSION AND RECOMMENDATIONS

SSA did not adhere to incentive payment provisions included in the Act when making payments to facilities that reported inmate information. Therefore, SSA incorrectly paid them. By making correct incentive payments in the future, SSA can ensure funds are not inappropriately expended from either the Social Security Trust Fund or the General Fund.

To prevent improper payments, we recommend that SSA implement a system to pay incentive payments according to the Act to facilities reporting inmate information.

AGENCY COMMENTS

SSA generally agreed with our recommendation. Specifically, SSA agreed that there is a discrepancy between the incentive payment provisions included in the Social Security Act and how the Agency is paying incentive payments. SSA developed a technical amendment to bring the language in the Social Security Act in line with its incentive payment policy. SSA plans to include the amendment in a package of draft legislation it will consider for the next legislative cycle. SSA's comments are included in Appendix D.



Patrick P. O'Carroll, Jr.

Appendices

[APPENDIX A](#) – Acronyms

[APPENDIX B](#) – Background

[APPENDIX C](#) – Scope, Methodology and Sample Results

[APPENDIX D](#) – Agency Comments

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

Appendix A

Acronyms

Act	<i>Social Security Act</i>
OASDI	Old-Age, Survivors and Disability Insurance
POMS	Program Operations Manual System
Pub. L. No.	Public Law Number
SSA	Social Security Administration
SSI	Supplemental Security Income
U.S.C.	United States Code

Background

Title II

Section 402 of the *Ticket to Work and Work Incentives Improvement Act of 1999*¹ amended section 202(x)(3) of the *Social Security Act* to provide for incentive payments from Title II program funds to State and local correctional institutions and certain mental health institutions that report inmate information to the Social Security Administration (SSA). The Law authorized payment to an institution for information about an inmate if the inmate was receiving a Title II benefit for the month that preceded the first month in which the inmate was in the institution and became ineligible for such benefit.

Effective April 1, 2000, this law authorized SSA to pay the Title II incentive payment in the following amounts:

- \$400 for information received within 30 days after the individual's date of confinement for conviction;
- \$200 for information received after 30 days but within 90 days after the individual's date of confinement for conviction; or
- \$0 for information received on or after the 91st day following the individual's date of confinement for conviction.

Title XVI

Section 203 of the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*² amended section 1611(e)(1) of the *Social Security Act* to provide for incentive payments from Title XVI program funds to State and local correctional institutions and certain mental health institutions that report inmate information to SSA. The Law authorized payment to an institution for information about an inmate if the inmate was receiving a Title XVI payment for the month that preceded the first month throughout which the inmate was in the institution and became ineligible for such benefit.

¹ Pub. L. No. 106-170, enacted December 17, 1999.

² Pub. L. No. 104-193, enacted August 22, 1996.

Effective March 1, 1997, this law authorizes SSA to pay the Title XVI incentive payment in the following amounts:

- \$400 for information received within 30 days after the individual's date of confinement;
- \$200 for information received after 30 days, but within 90 days, after the individual's date of confinement; or
- \$0 for information received on or after the 91st day following the individual's date of confinement.

Scope, Methodology and Sample Results

To accomplish our objective, we:

- Reviewed applicable sections of the *Social Security Act* and other relevant legislation, as well as the Social Security Administration's (SSA) regulations, rules, policies, and procedures.
- Reviewed prior Office of the Inspector General reports.
- Obtained a file from SSA's Prisoner Update Processing System of 346,970 incentive payments totaling \$129.4 million made from September 2003 through May 2008.
- From this population, we selected a random sample of 275 cases. For each sample case, we:
 - ✓ Reviewed the Master Beneficiary and/or Supplemental Security Record and SSA's prisoner system information related to the incentive payment.
 - ✓ Analyzed information to determine whether the incentive payments were appropriate according to the provisions in the *Social Security Act*. For cases in which we could not determine whether incentive payments should have been made, we asked SSA to determine whether the payments were correct.

We performed our audit between February and May 2009 in Boston, Massachusetts. We tested the data obtained for our audit and determined them to be sufficiently reliable to meet our objective. The entity audited was the Office of Income Security Programs under the Deputy Commissioner for Retirement and Disability Policy. 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 the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Table C-1: Sample Results and Projections

Population size	346,970
Sample size	275
Attribute Projections	
Number of incentive payments paid incorrectly	95
Point estimate of incorrect payments in the population	119,862
Projection lower limit	103,365
Projection upper limit	137,229
Dollar Projections	
Amount of incentive payments paid incorrectly	\$24,000
Point estimate of amount of incentive payments paid incorrectly in the population	\$30,281,018
Projection lower limit	\$25,757,493
Projection upper limit	\$34,804,543

All projections are at the 90 percent confidence level.

Table C-2: Overpaid Incentive Payments by Year

Calendar Year	Number of Cases in Sample	Number of Improperly Paid Cases	Amount of Improper Incentive Payments
2003 (Sept. – Dec.)	18	5	\$1,400
2004	54	20	\$5,600
2005	52	17	\$4,200
2006	63	24	\$5,800
2007	70	24	\$5,800
2008 (through May)	18	5	\$1,200
Total	275	95	\$24,000

Appendix D

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: August 11, 2009 Refer To: S1J-3

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

From: Margaret J. Tittel /s/
Acting Chief of Staff

Subject: Office of the Inspector General (OIG) Draft Report, "Follow-up: The Social Security Administration's Prisoner Incentive Payment Program" (A-01-09-19029)--INFORMATION

Thank you for the opportunity to review and comment on the draft report. We appreciate OIG's efforts in conducting this review. Attached is our response to the report findings and recommendation.

Please let me know if we can be of further assistance. Please direct staff inquiries to Ms. Candace Skurnik, Director, Audit Management and Liaison Staff, at extension 54636.

Attachment:
SSA Response

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, "FOLLOW-UP ON THE SOCIAL SECURITY ADMINISTRATION'S PRISONER INCENTIVE PAYMENT PROGRAM" (A-01-09-19029)

Please find below our response to the recommendation and some technical comments to enhance the accuracy of the report.

Recommendation

Implement a system to pay incentive payments according to the Act to facilities reporting inmate information.

Comment

We agree there is a discrepancy between the incentive payment provisions in the statute and the procedures we follow to issue incentive payments. Sections 202(x)(3)(B)(i)(I) and 1611(e)(1)(I)(i)(I) of the Social Security Act (“the Act”) require correctional and mental health institutions to report their inmate information to us on a monthly basis. For information that results in a suspension of an inmate's benefit payments, sections 202(x)(3)(B)(i)(II) and 1611(e)(1)(I)(i)(II) of the Act state we will pay the institution \$400 if the institution furnishes the information to us within 30 days after the date the individual is confined in the institution, and \$200 if the institution furnishes the information after 30 days, but within 90 days of the date of confinement.

For an institution to obtain the maximum incentive payment of \$400, the institution would have to report their inmate data to us at least twice a month instead of monthly. To avoid this potential hardship on institutions and to encourage full participation in the incentive payment program, we accept reports made in the month following the month of confinement as meeting the 30-day requirement. This interpretation facilitated successful recruitment of correctional institutions to the program and keeps them participating.

The prisoner reporting operation is one of the most efficient and effective computer-matching operations to prevent benefit overpayments and fraud, waste, and abuse of both trust fund and general fund resources. We have agreements with 99 percent of the State and local institutions that house prisoners. Those institutions that do not participate generally hold inmates less than one full calendar month or consider the program a resource burden. Since 1997, we have suspended benefit payments to 719,000 inmates. For this fiscal year, we estimate saving approximately \$1.2 billion in overpayments due to prisoner benefit suspensions. The administrative time allowance we currently provide to correctional institutions ensures that they report inmate information to us monthly as prescribed by law. Their continued participation in our prisoner reporting operation is critical to suspending benefits as quickly as possible, protecting both the trust funds and the general fund.

In June 2004, we developed a technical amendment to bring the language in the Social Security Act in line with our incentive payment policy. However, we did not include this proposal in an

agency bill to Congress. We do plan to include the proposal in a package of draft legislation that we will consider for the next legislative cycle. We believe it is the most appropriate approach to solve the discrepancy between the Act and our policy. The technical amendment would change the law to allow correctional institutions to report inmate information to us by the end of the month following the month of confinement.

We considered requiring institutions to report confinements within the specified time required by the Act in order to receive the \$400 payment. However, we believe that this reporting change would create a significant administrative burden on institutions. Given other competing priorities and finite systems resources for both the correctional institutions and us, we believe a technical amendment remains the most effective solution.

[In addition to the information listed above, SSA also provided technical comments which have been addressed, where appropriate, in this report.]

Appendix E

OIG Contacts and Staff Acknowledgments

OIG Contacts

Judith Oliveira, Director, Boston Audit Division

David Mazzola, Audit Manager

Acknowledgments

In addition to those named above:

Kevin Joyce, IT Specialist

Katie Toli, Auditor

Brennan Kraje, Statistician

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