

Audit Report

Beneficiaries Serving as
Representative Payees Who Have a
Representative Payee

OIG

Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: August 10, 2016 **Refer To:**

To: The Commissioner

From: Acting Inspector General

Subject: Beneficiaries Serving as Representative Payees Who Have a Representative Payee (A-09-16-50109)

The attached final report presents the results of the Office of Audit's review. The objective was to determine whether the Social Security Administration had adequate controls to prevent the selection of representative payees who were incapable of managing their own benefits.

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

Beneficiaries Serving as Representative Payees Who Have a Representative Payee

A-09-16-50109



August 2016

Office of Audit Report Summary

Objective

To determine whether the Social Security Administration (SSA) had adequate controls to prevent the selection of representative payees who were incapable of managing their own benefits.

Background

SSA selects representative payees when it would serve the beneficiaries' interests. Beneficiaries whom SSA has determined are incapable of managing their own benefits may not serve as a representative payee for other beneficiaries.

SSA's Representative Payee System (RPS) contains information about pending, selected, non-selected, and terminated representative payees. SSA employees must verify a representative payee applicant's Social Security number (SSN), record it on the Master Beneficiary (MBR) and Supplemental Security Records (SSR), and use it to establish an individual in RPS.

For our review, we identified from the MBR and SSR (1) 680 beneficiaries who had representative payees managing their benefits while serving as representative payees for others and (2) 1,230 beneficiaries whose representative payees' SSNs were the same as the beneficiaries. From each of these populations, we selected a random sample of 50 beneficiaries for review.

Findings

SSA needs to improve its controls to prevent the selection of representative payees who are incapable of managing their own benefits. We also found SSA needs to ensure it records representative payees' correct SSNs on the MBR/SSR/RPS, and, when required, retain representative payee applications. Based on our random samples, we estimate that SSA paid

- \$6.3 million to 381 incapable beneficiaries who were serving as representative payees and
- \$53.6 million to representative payees who did not have a verified SSN, RPS record, or application supporting their selection as representative payees for 812 beneficiaries.

Recommendations

We recommend that SSA:

1. Take appropriate action for the one incapable beneficiary serving as representative payee identified by our audit.
2. Take appropriate action to verify and correct the representative payees' SSNs, establish an RPS record, obtain a paper application, or correct the type of payee for 50 beneficiaries identified by our audit.
3. Evaluate the results of its corrective action for the sampled beneficiaries and take appropriate action to address the remaining populations of beneficiaries identified by our audit.
4. Determine whether it should develop additional systems controls to prevent incapable beneficiaries from serving as representative payees and to ensure it accurately records representative payees' SSNs on the MBR/SSR/RPS.

SSA agreed with our recommendations.

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ABBREVIATIONS

C.F.R.	Code of Federal Regulations
MBR	Master Beneficiary Record
MSOM	Modernized Systems Operations Manual
OIG	Office of the Inspector General
POMS	Program Operations Manual System
RPS	Representative Payee System
SSA	Social Security Administration
SSI	Supplemental Security Income
SSN	Social Security Number
SSR	Supplemental Security Record
U.S.C.	United States Code

OBJECTIVE

Our objective was to determine whether the Social Security Administration (SSA) had adequate controls to prevent the selection of representative payees who were incapable of managing their own benefits.

BACKGROUND

Under Title II of the *Social Security Act*,¹ SSA administers the Old-Age, Survivors and Disability Insurance program to provide monthly benefits to retired and disabled workers, including their dependents and survivors. SSA also administers the Supplemental Security Income (SSI) program under Title XVI of the *Social Security Act*² to provide payments to financially needy individuals who are aged, blind, and/or disabled.

Some individuals cannot manage or direct the management of their benefits because of their youth or mental or physical impairments. Congress granted SSA the authority to appoint representative payees to receive and manage these beneficiaries'³ payments. A representative payee may be an individual or an organization. SSA selects representative payees when it would serve the beneficiaries' interests.⁴ Beneficiaries whom SSA has determined are incapable of managing their own benefits may not serve as a representative payee for other beneficiaries.⁵

SSA's Representative Payee System (RPS) is an integrated system of representative payee information about pending, selected, non-selected, and terminated representative payees. SSA employees use information in RPS to make representative payee determinations, and take and process representative payee applications.⁶ RPS generates an alert when a beneficiary who has a representative payee applies to be a representative payee for another beneficiary. Finally, SSA employees must verify a representative payee applicant's Social Security number (SSN), record it on the Master Beneficiary (MBR) and Supplemental Security Records (SSR), and use it to establish an individual in RPS.⁷

¹ *Social Security Act* § 201 *et seq.*, 42 U.S.C. § 401 *et seq.*

² *Social Security Act* §§ 1602 and 1611, 42 U.S.C. §§ 1381a and 1382.

³ The term "beneficiary" in this report refers to both Old-Age, Survivors and Disability Insurance beneficiaries and Supplemental Security Income recipients.

⁴ *Social Security Act* §§ 205 (j)(1)(A) and 1631(2)(A)(ii); 20 C.F.R. §404.2001 Subpart U and §416.601 Subpart F; SSA, *A Guide for Representative Payees*, (Publication No. 05-10076), July 2015; SSA, POMS, GN 00603.001 (November 15, 2004); SSA, POMS, GN 00602.001 (March 5, 2002); SSA, POMS, GN 00605.001 (May 15, 2013).

⁵ SSA, POMS, GN 00502.113.C (July 15, 2014).

⁶ SSA, POMS, GN 00502.107 (October 4, 2010), GN 00502.120 (November 21, 2005).

⁷ *Social Security Act* §§ 205 (j)(2)(A) and 1631(2)(B)(i), SSA, POMS, GN 00502.117 (April 14, 2014).

For our review, we identified from the MBR and SSR (1) 680 beneficiaries who had representative payees managing their benefits while serving as representative payees for others and (2) 1,230 beneficiaries whose representative payees' SSNs were the same as the beneficiaries. From each of these populations, we selected a random sample of 50 beneficiaries for review (see Appendix B).

RESULTS OF REVIEW

SSA needs to improve its controls to prevent the selection of representative payees who are incapable of managing their own benefits. We also found SSA needs to ensure it records representative payees' correct SSNs on the MBR/SSR/RPS, and when required, retain representative payee applications. Based on our random samples, we estimate that SSA paid

- \$6.3 million to 381 incapable beneficiaries who were serving as representative payees and
- \$53.6 million to representative payees who did not have a verified SSN, RPS record, or application supporting their selection as representative payees for 812 beneficiaries (see Appendix B).

These errors occurred because employees incorrectly selected incapable beneficiaries as representative payees and recorded incorrect SSNs on the MBR/SSR. In addition, SSA's systems did not always produce alerts when needed. We found that, although RPS generated an alert when incapable beneficiaries applied to be a representative payee, it did not prevent SSA employees from improperly selecting them. We also found that RPS did not generate alerts when SSA needed to terminate representative payees when it determined they were no longer capable of managing their own benefits. Finally, SSA's Title II and XVI systems did not always produce alerts when the MBR and SSR indicated beneficiaries with representative payees were also serving as a representative payee for other beneficiaries.

Incapable Beneficiaries Serving as Representative Payees

A representative payee must be capable of managing the beneficiaries' funds and fulfilling the responsibilities and duties for the beneficiaries in their care.⁸ In addition, SSA policy prohibits beneficiaries who have a representative payee from serving as a representative payee for other beneficiaries.⁹

During the representative payee application, SSA employees must review the applicant's electronic records, including the RPS, Numident,¹⁰ MBR, and SSR to assist in determining

⁸ SSA, POMS, GN 00502.114 (February 27, 2014).

⁹ SSA, POMS, GN 00502.113.C (July 15, 2014).

¹⁰ The Numident is an electronic file that contains personally identifiable information for each individual issued an SSN, such as the date of birth, place of birth, parents' information, and date of death if deceased.

whether the applicant is suitable to serve as a representative payee.¹¹ If a representative payee applicant has a representative payee for his/her own benefits, SSA employees may not select the applicant.¹² RPS generates an alert when an incapable beneficiary applies to be a representative payee. Specifically, the alert states, “Applicant Is a Beneficiary with a Rep Payee – Can Not Select.”

Of the 50 beneficiaries in our sample, SSA determined that 28 had representative payees who were incapable of managing their own benefits because of a physical or mental impairment. However, SSA continued making payments to these representative payees. The payments to these representative payees totaled \$464,771 and occurred for an average of 2.2 years (790 days).¹³ This consisted of the following.

- The initial selection of 23 beneficiaries’ representative payees was proper when selected, but SSA subsequently determined the representative payees were incapable of managing their own benefits. When SSA determined these beneficiaries were incapable of managing their benefits, it did not remove them as a representative payee for the beneficiaries in their care. We also found that RPS did not generate alerts for these 23 beneficiaries. Although RPS generates an alert when incapable beneficiaries initially apply to be a representative payee, it does not generate alerts when SSA needs to terminate representative payees after determining they are incapable of managing their own benefits.
- Five beneficiaries had representative payees that SSA should not have selected. SSA improperly selected these beneficiaries as representative payees even though it had evidence that they were incapable of managing their own benefits. SSA had previously determined that one beneficiary was incapable when it selected her as a representative payee, and four were pending a capability determination when SSA selected them as representative payees. Although RPS generated an alert for these beneficiaries, it did not prevent SSA employees from improperly selecting them as representative payees.

Finally, SSA’s Title II and XVI systems did not detect the improper representative payee selections for the 28 beneficiaries because it did not produce an alert when the MBR and SSR indicated beneficiaries with representative payees were serving as a representative payee. Of the 28 incapable beneficiaries in our sample who were serving as representative payees, 27 had been corrected. As of June 2016, SSA was still making payments to the remaining one.

For example, SSA selected a representative payee for a beneficiary in December 2013. In addition, the beneficiary had been serving as a representative payee for her disabled daughter since April 1997. However, SSA did not take corrective actions to terminate the beneficiary as her daughter’s representative payee when it determined she was incapable of managing her own

¹¹ SSA, POMS, GN 00502.113 (July 15, 2014).

¹² SSA, POMS, GN 00502.113.C (July 15, 2014).

¹³ The mean was 790 days. The median was 730 days.

benefits. As a result, SSA paid the incapable beneficiary \$48,933 between December 2013 and April 2016 as a representative payee for her daughter.

Incorrect SSNs for Representative Payees

SSA is required to verify the SSNs of all representative payee applicants.¹⁴ SSA uses the representative payee's SSN to (1) verify the applicant's identity, (2) determine whether the applicant is receiving Social Security benefits or Supplemental Security Income, (3) determine whether the applicant has been convicted of a felony, and (4) determine whether the applicant previously served as a representative payee and has a history of poor representative payee performance or misuse. SSA also uses the SSN to identify representative payees' unreported deaths. Finally, SSA employees must record a representative payee applicant's SSN on the MBR/SSR and use it to establish an individual in RPS.¹⁵

Although SSA is required to verify representative payee applicants' SSNs, it allows certain individuals who do not have an SSN to serve as representative payees. This includes undocumented aliens who are parents for their minor children and applicants who reside outside the United States. In these instances, SSA employees must verify their identity with acceptable evidence, such as a Government-issued identification.¹⁶ In these situations, SSA employees cannot process the application in RPS. Instead, SSA employees must take a paper application¹⁷ and record the representative payee's name and address on the MBR/SSR. According to SSA, since these representative payees do not have SSNs, their names and addresses are their primary identifiers.¹⁸ However, without an SSN, SSA's assessment of an applicant's suitability is limited since it cannot easily obtain information about potential criminal history or reported deaths.

Of the 50 beneficiaries in our sample, SSA employees incorrectly recorded the SSNs of 47 (94 percent) as the representative payee's SSN on the MBR/SSR. This consisted of the following.

- Thirty-three beneficiaries whom we could not identify their representative payee's SSN, active RPS record, or paper application. Consequently, there was insufficient evidence supporting their identity or of SSA's decision to select these individuals as representative payees. SSA paid these representative payees approximately \$2.2 million from January 2005 through December 2015.

¹⁴ Social Security Act §§ 205 (j)(2)(B)(i)(II) and 1631(a)(2)(B)(ii)(II), 42 U.S.C. §§ 405(j)(2)(B)(i)(II) and 1383(a)(2)(B)(ii)(II), SSA, POMS, GN 00502.117 (April 14, 2014).

¹⁵ SSA, POMS, GN 00502.117 (April 14, 2014), GN 00502.120 (November 21, 2005).

¹⁶ SSA, POMS, GN 00502.110.A (April 14, 2014), GN 00502.117 (April 14, 2014), GN 00502.190 (November 22, 2013).

¹⁷ Request to be Selected as Payee, Form SSA-11-BK (01-2014).

¹⁸ SSA, POMS, GN 00502.110 (April 14, 2014), GN 00502.117 (April 14, 2014), GN 00502.190 (November 22, 2013).

- Six beneficiaries for whom we identified the representative payee's SSN and active RPS record. However, the incorrect SSN on the MBR/SSR increases the risk that SSA will not detect unreported incarcerations or deaths of these representative payees.
- Eight beneficiaries whose representative payees were undocumented aliens or foreign nationals and therefore did not have an SSN. None of the eight had an RPS record, but they had paper applications supporting SSA's selection of the representative payees.

The remaining three (6 percent) beneficiaries received direct payments; however, SSA employees incorrectly recorded on the MBR/SSR that they had a representative payee. When beneficiaries receive direct payments, the type of payee on the MBR/SSR should be "self." However, for the three beneficiaries, SSA employees incorrectly recorded the type of payee as "father" or "spouse."

Of the 50 beneficiaries in our sample, 37 were receiving Title II benefits, 5 were receiving Title XVI payments, and 8 were receiving concurrent Title II and XVI benefits. We found that SSA's Title II system did not produce an alert when the MBR indicated beneficiaries and representative payees had the same SSN. The Title XVI system produced an alert when this occurred however, it did not ensure employees corrected the SSN.

CONCLUSIONS

SSA needs to improve its controls to prevent the selection of representative payees who are incapable of managing their own benefits. We also found SSA needs to ensure it records the correct SSN of representative payees on the MBR/SSR/RPS, and, when required, retain representative payee applications. We estimate that SSA paid \$6.3 million to 381 incapable beneficiaries who were serving as representative payees and \$53.6 million to representative payees who did not have a verified SSN, RPS record, or application supporting their selection as representative payees for 812 beneficiaries (see Appendix B).

These errors occurred because SSA employees incorrectly selected incapable beneficiaries as representative payees and recorded incorrect SSNs on the MBR/SSR. In addition, SSA's systems did not always produce alerts when needed. We found that, although RPS generated an alert when incapable beneficiaries applied to be a representative payee, it did not prevent SSA employees from improperly selecting them. We also found that RPS did not generate alerts when SSA needed to terminate representative payees when it determined they were no longer capable of managing their own benefits. Finally, SSA's Title II and XVI systems did not always produce alerts when the MBR and SSR indicated beneficiaries with representative payees were serving as a representative payee.

RECOMMENDATIONS

We recommend that SSA:

1. Take appropriate action for the one incapable beneficiary serving as representative payee identified by our audit.

2. Take appropriate action to verify and correct the representative payees' SSNs, establish an RPS record, obtain a paper application, or correct the type of payee for 50 beneficiaries identified by our audit.
3. Evaluate the results of its corrective action for the sampled beneficiaries and take appropriate action to address the remaining populations of beneficiaries identified by our audit.
4. Determine whether it should develop additional systems controls to prevent incapable beneficiaries from serving as representative payees and ensure it accurately records representative payees' SSNs on the MBR/SSR/RPS.

AGENCY COMMENTS

SSA agreed with our recommendations. The Agency's comments are included in Appendix C.



Rona Lawson
Assistant Inspector General for Audit

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

From the Social Security Administration’s (SSA) Master Beneficiary (MBR) and Supplemental Security Records (SSR), we obtained a population of 680 beneficiaries¹ who had a representative payee managing their benefits but also served as a representative payee for 811 beneficiaries. In addition, we obtained a population of 1,230 beneficiaries whose representative payees’ Social Security numbers (SSN) were the same as the beneficiary’s SSN. From each of the populations, we selected a random sample of 50 beneficiaries to determine whether SSA had adequate controls to prevent the selection of representative payees who were incapable of managing their own benefits.

To accomplish our objective, we

- reviewed the applicable sections of the *Social Security Act*, United States Code, Code of Federal Regulations, and SSA’s Program Operations Manual System;
- interviewed SSA employees from the Offices of Operations and Systems;
- reviewed a random sample of 50 beneficiaries who had a representative payee managing their benefits but also served as a representative payee for other beneficiaries;
- reviewed a random sample of 50 beneficiaries whose SSNs were the same as their representative payees’ SSNs;
- reviewed queries from SSA’s MBR, SSR, Representative Payee System (RPS), Payment History Update System, Numident, Online Retrieval System, Claims Folder Records Management System, Paperless System, and LexisNexis;
- determined the amount of payments made to the 28 incapable beneficiaries who served as a representative payee; and
- determined the amount of payments made to the 33 representative payees who did not have an SSN, RPS record, or representative payee application.

We determined whether the computer-processed data from the MBR and SSR were sufficiently reliable for our intended use. We tested the data to determine their completeness and accuracy. These tests allowed us to assess the reliability of the data and achieve our audit objective.

We conducted audit work in Richmond, California, and Baltimore, Maryland, between November 2015 and March 2016. The entities audited were the Offices of the Deputy Commissioners for Operations and Systems.

¹ The term “beneficiary” in this report refers to both Old-Age, Survivors and Disability Insurance beneficiaries and Supplemental Security Income recipients.

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 objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Appendix B – SAMPLING METHODOLOGY AND RESULTS

From the Social Security Administration’s (SSA) Master Beneficiary (MBR) and Supplemental Security Records (SSR), we obtained a population of 680 beneficiaries¹ who had a representative payee managing their benefits but who also served as a representative payee for 811 beneficiaries. In addition, we obtained a population of 1,230 beneficiaries whose Social Security number (SSN) was the same as the representative payee’s SSN. From each of the populations, we selected a random sample of 50 beneficiaries to determine whether SSA had adequate controls to prevent the selection of representative payees who were incapable of managing their own benefits.

Incapable Beneficiaries Serving as a Representative Payee

Of the 50 beneficiaries in our sample, SSA determined 28 (56 percent) had representative payees who were incapable of managing their own benefits because of a physical or mental impairment. As a result, SSA paid these incapable beneficiaries \$464,771 between January 2012 and December 2015. Projecting these results to our population of 680 beneficiaries, we estimate that SSA paid \$6.3 million to 381 incapable beneficiaries who were serving as representative payees.

The following tables provide the details of our sample results and statistical projections.

Table B–1: Population and Sample Size

Description	Beneficiaries
Population Size	680
Sample Size	50

Table B–2: Payments to Incapable Beneficiaries Serving as Representative Payees

Description	Beneficiaries	Payments
Sample Results	28	\$464,771
Point Estimate	381	\$6,320,887
Projection – Lower Limit	299	\$4,475,869
Projection – Upper Limit	459	\$8,165,905

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

¹ The term “beneficiary” in this report refers to both Old-Age, Survivors and Disability Insurance beneficiaries and Supplemental Security Income recipients.

Incorrect SSNs for Representative Payees

Of the 50 beneficiaries in our sample, SSA employees incorrectly recorded the SSNs of 47 (94 percent) beneficiaries as the representative payee's SSN on the MBR or SSR. This included 33 beneficiaries for whom we could not identify their representative payee's SSN, Representative Payee System (RPS) record, or paper application. Consequently, there was insufficient evidence supporting their identity or SSA's decision to select these individuals as representative payees. SSA paid these representative payees \$2,178,305 from January 2005 through December 2015. Projecting these results to our population of 1,230 beneficiaries, we estimate that SSA paid \$53.6 million to representative payees who did not have a verified SSN, RPS record, or application supporting their selection as representative payees for 812 beneficiaries.

The following tables provided the details of our sample results and statistical projections.

Table B–3: Population and Sample Size

Description	Beneficiaries
Population Size	1,230
Sample Size	50

Table B–3: Payments to Representative Payees with Incorrect Social Security Numbers

Description	Beneficiaries	Payments
Sample Results	33	\$2,178,305
Point Estimate	812	\$53,586,303
Projection – Lower Limit	661	\$39,269,446
Projection – Upper Limit	945	\$67,903,160

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

Appendix C – AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: August 4, 2016 Refer To: S1J-3

To: Gale S. Stone
Acting Inspector General

From: Frank Cristaudo/s/
Counselor to the Commissioner

Subject: Office of the Inspector General Draft Report, “Beneficiaries Serving as Representative Payees Who Have a Representative Payee” (A-09-16-50109)--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,
"BENEFICIARIES SERVING AS REPRESENTATIVE PAYEES WHO HAVE A
REPRESENTATIVE PAYEE" (A-09-16-50109)**

General Comments

We take our stewardship responsibility very seriously and strive to pay the appropriate representative payee the eligible beneficiaries' benefit amount. We have approximately 6.2 million representative payees managing annual benefits for approximately 8 million beneficiaries. This review found 680 beneficiaries who had a representative payee managing their benefit but who also served as a representative payee, and 1,230 beneficiaries whose Social Security number (SSN) was the same as the representative payee's SSN.

We have existing policies and procedures that our employees are instructed to follow when evaluating a representative payee applicant. On May 5, 2016, we released an Administrative Message (AM-16026 SEN) to our staff reminding them of the policies and procedures for making capability determinations, including the required documentation in the electronic Representative Payee System (eRPS). We are currently evaluating the cases from this review and will analyze the results to determine if we need to provide additional training. In addition, we will determine if we need to implement future system enhancements. We are in the early stages of discussing the feasibility of comparing information between eRPS and the payment systems. Any agreed upon systems changes resulting from these discussions will require approval and prioritization through our Information Technology Investment Process.

Recommendation 1

Take appropriate action for the one incapable beneficiary serving as representative payee identified by our audit.

Response

We agree. We have taken the necessary actions to select a new representative payee. The new representative payee will start receiving the recipient's Supplemental Security Income payment in September 2016.

Recommendation 2

Take appropriate action to verify and correct the representative payees' SSNs, establish an RPS record, obtain a paper application, or correct the type of payee for 50 beneficiaries identified by our audit.

Response

We agree. By no later than December 30, 2016, we anticipate completing the appropriate actions.

Recommendation 3

Evaluate the results of its review for the sampled beneficiaries and take appropriate action to address the remaining populations of beneficiaries identified by our audit.

Response

We agree. We will determine our actions and expected completion date to address the remaining population once we have evaluated the results of the actions from recommendations 1 and 2.

Recommendation 4

Determine whether it should develop additional systems controls to prevent incapable beneficiaries from serving as representative payees and ensure it accurately records representative payees' SSNs on the MBR/SSR/RPS.

Response

We agree. Once we have completed our case evaluation from recommendations 1 and 2, we will determine the need for additional systems controls and enhancements.

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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