



U.S. Department of Justice

United States Attorney
Eastern District of New York

KAM:KMA
1994V02997

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June 1, 2001

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841 Broadway, Suite 605
New York, New York 10003

Re: Ford, et al. v. Apfel,
Civil Action No. CV-94-2736 (CPS) (SMG)

Gentlemen:

Enclosed please find a copy of AM-01080, an internal operating instruction pertaining to this case,, which the Social Security Administration issued on May 22, 2001.

Very truly yours,

ALAN VINEGRAD
United States Attorney

By: Kathleen A. Mahoney
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Enclosure

FILE NO: AM-01080 DATE: May 22, 2001

TO All SSARC -- FYI
 All SSARCS/SSARCSPGS -- FYI
 All SSAFOS/TSCS -- FYI
 SSAOPBLS -- FYI
 SSAOHACO -- FYI
 All SSAPSCS/PSCDRS -- FYI
 SSAOPSOS -- FYI
 OCO -- FYI
 All SSAADS -- FYI
 All SSAOQAPA -- FYI
 All SSAOHAROS -- FYI
 All OHAHOS -- FYI
 SSAOD -- FYI
 SSADCO -- FYI
 COS -- FYI
 Chief Counsels, -- FYI
 (SSARO - Deliver)

FROM SSA, OPB, Litigation Staff

SUBJECT: FORD v. APFEL - INITIAL SSI FINANCIAL ELIGIBILITY
 NOTICES--INFORMATION

The purpose of this message is to advise you of an important court case that affects SSI notices nationwide. The name of the case is FORD v. APFEL (FORD), CV-94-2736 (E.D. N.Y.).

The decision in the FORD case ordered SSA to modify the automated SSI financial eligibility notices to provide information to better understand the reasons for an award, modification, termination or denial of SSI benefits. Specifically, the court ordered that SSA provide the necessary detail for a person to understand the following subjects upon which the Agency based its action:

- Information and explanation about the individual's living arrangement category;
- Information about resources;
- Benefit computations in worksheet form, including the federal benefit and state supplementation rates;
- The notice recipient's rights to review the claim; and
- The legal authority for the agency's action including either the appropriate legal citations or information as to how the appropriate legal citations can be obtained from the Social Security Administration.

How We Will Implement The Court's Decision

SSA will follow its existing notice clearance process to ensure that the revised notices are readable and useful to the intended audience and comply with Agency policy and statutory and Executive order requirements for clear and readable notices written in plain language. This process will be carried out in phases to allow SSA to conduct focus group testing with SSI recipients to assess the overall understanding of the proposed changes. Although it is expected that the implementation of the court's order will take several years, changes to automated notices will be made at the completion of each phase.

SSA has already redesigned its website and added notice language to the automated referral paragraph informing claimants how to access SSI information such as legal citations. As additional phases are completed, we will let you know.

Reminder

Good cause for late filing may apply when a SSI recipient indicates that SSA actions were confusing or misleading. If a SSI claimant states that he/she did not file a timely appeal of an initial financial eligibility determination due to lack of understanding of the information contained in the SSI notice, develop for "good cause" under established procedures (see GN 03101.020, SI 02301.310, SI 04020.020).

Any questions regarding the content of this message or about the FORD court case should be directed as follows:

SSA Offices, other than OHA contact:

FORD Coordinator in your Regional Office
Regional Coordinators should contact Marg Handel,
Office

of Program Benefits, Litigation Staff at
(410) 965-4639.

OHA HO staff should refer program and technical
questions

to OHA RO support staff.

OHA RO staff may contact the Office of the Chief
Administrative Law Judge, Division of Field Practices
and Procedures at (703) 605-8530.

OHA Headquarters Staff may contact Special Counsel
Staff at

(703) 605-8250.