

Identification Number EM-02001

Effective Date:
01/02/2002

Intended Audience: All RCs/ARCs/ADs/FOs/TSCs/TSC
Coord/PSCs/DDSs/
FDDS/OGC/DCO/OPSOS/OAS/DCS/O
SR/OSDD/DCFAM/DCLCA/
DCDISP/OD/OPB/OHACO/OHAROs/O
HAHOs

Originating Office: SSA, ODISP, OPS, OPIM
Title: Providing Copies of the Law,
Regulations, and POMS to the Public
Type: EM - Emergency Messages

Program: Title XVI (SSI)

Link To Reference:

A. INTRODUCTION

Beginning in January 2002, SSI notices will tell claimants, beneficiaries, and their representatives that they can get copies of the sections of the law, regulations, and policy statements (e.g., POMS) that were used to make decisions on their SSI eligibility. This emergency message explains the procedure for providing these copies.

This procedure will be used when an individual asks for copies of specific sections of the law, regulations, and POMS. This procedure does not apply if the individual requests a complete copy of the law, regulations, or POMS. For those requests, refer to GN 03360.040 for guidance.

B. BACKGROUND

In September 1999, a U.S. District Court in New York held that SSI notices do not provide adequate explanations of SSI financial eligibility determinations. In accordance with the court's decision in Ford, et al. v. Apfel, SSA is developing numerous enhancements to automated SSI notices. One of the enhancements is the statement on SSI notices that claimants and beneficiaries can get copies of the law, regulations, and POMS pertinent to determinations about their SSI eligibility and benefit amount from their local field office.

Claimants, beneficiaries, and their representatives have always been able to get copies of the law, regulations, and POMS. But, because of the revised language in SSI notices, FOs may see an increase in the frequency of these requests.

C. POLICY

SSA will provide free copies of the sections of the Social Security Act, the regulations, and the POMS that pertain to the issues that the individual is questioning. The copies may be requested by the individual or the individual's representative. Do not provide copies of POMS sections that SSA has identified as " sensitive

materials." See GN 03360.040C.5. for instructions for handling a request for sensitive materials.

D. PROCEDURE- GENERAL

When an individual or the individual's representative requests a copy of the legal basis for an SSA decision:

- Determine which issues the individual is questioning (e.g., resource denial, reduction in benefits due to change in living arrangements, suspension for excess income, etc.);

Explain SSA's determination to the individual if he or she requests an explanation.

- Determine if the individual wants a POMS section, the regulations, the law, or a combination;

Locate and print the sections requested following the procedure in E. below;

- Mail the copied sections to the individual with a cover letter as described in G. below (or provide the copied sections immediately, if feasible);

- Inform the individual that a request for copies is not a request for an appeal. Explain what he or she must do in order to file an appeal.

NOTE: Individuals with access to the Internet may prefer to obtain this information on their own. Inform them that they can find this information on the SSA Online site.

E. PROCEDURE—LINKING TO THE LAW, REGULATIONS, OR POMS

Follow these steps to get copies of the Social Security Act, the regulations, or POMS

Go to SSA Online. <http://mwww.ba.ssa.gov/>

- On the left side of the screen, under "Benefits Information," Click on "Supplemental Security Income."

- On the "Supplemental Security Income" screen, scroll down to " SSI Law and Regulations" and choose one of the following 4 options.

- Click on "Law" to open the table of contents for Title XVI of the Act. From here you can select specific sections of the Act to print.

- Click on "Regulations" to open the table of contents for the regulations. From here you can select specific sections of the regulations to print.

- Click on "Law and Regulations Finder" to view a summary of laws and regulations organized by topic. From here you can select specific sections of the regulations to print.

· Click on "Program Operations" to open the table of contents for the POMS. From here you can select specific sections of the POMS to print.

NOTE: You also can print copies of POMS sections from PolicyNet.

F. PROCEDURE – IF YOU HAVE QUESTIONS

Direct all questions about this emergency message to your RO support staff. Regional staff may refer questions to their Central Office contacts.

Retention Date: 6/30/02

G. EXHIBIT - LANGUAGE FOR COVER LETTER

An automated version of this letter is available on DOCS. TSCs may use the pre-printed SSA-1690 instead of the DOCS letter.

Social Security Administration

Important Information

3344 Main Street

Baltimore, MD 21235

Phone: 410-555-5555

Office Hours: 8:30am to 4:30pm

January 22, 2002

Claim Number: 555-55-5555

Mr. John Smith

123 Jones Rd.

Baltimore, MD 21235

Mr. Smith:

Here is the copy of the sections of the { law, regulations, Program Operations Manual System (POMS) } that you requested.

If You Have Any Questions

If you have any questions, you may call, write, or visit any Social Security office. If you call or visit our office, please have this letter with you and ask for

_____. The telephone number is shown above. We can answer most questions over the phone.

Jane Wilson

District Manager

SSA-1690

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