

Plan for Implementation of the Ford Court Decision

May 12, 2000

Introduction

On September 29, 1999, the United States District Court for the Eastern District of New York issued a Memorandum Decision and Order in the case of Ford et al v. Apfel, CV-94-2736 (CPS) finding that Social Security Administration's financial eligibility notices to recipients of, and applicants for, Supplemental Security Income (SSI) benefits, violated plaintiffs' rights under the Due Process clause of the Fifth Amendment to the United States Constitution. On January 13, 2000, the Court entered Judgment which ordered the Social Security Administration (SSA) to prepare and implement a plan to modify SSA's automated SSI financial eligibility notices to provide (1) information and explanations about the individual's living arrangement category (2) information about resources, (3) benefit computations in worksheet form, including Federal and State Supplementation Rates, (4) the notice recipient's rights to review the claim and (5) the legal authority for the agency's action including either (i) the appropriate legal citations or (ii) information as to how the appropriate legal citations can be obtained from the Social Security Administration. Judgment at ¶2. SSA was also ordered to serve and file its plan together with a time line for the completion of the modification of its notices in the particulars set forth above. Judgment at ¶3. Pursuant to the Court's order, SSA submits the following plan for developing and implementing notice modifications, as soon as practicable.

Description of Overall Process

SSA will follow its notice clearance process to ensure that the revised notices are readable and useful to the intended audience and comply with statutory, agency policy, 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. After assessment of the focus group testing, proposed changes will be developed and cleared through the notice clearance process. Upon completion of this process the changes will be submitted to the Social Security Administration's Office of Systems and the systems life cycle, as described during the trial will begin. This process includes the preparation of the requirements, design, writing the program, validation, testing of changes to the architecture of the system and installment of the language in the notice.

After the completion of each phase, described below at I. to V., the changes within that phase will be integrated into the SSI notice for release to SSI individuals, as appropriate. The process will be implemented as follows:

Benefit Computation Worksheet – No Income and Unearned Income and Notification of the SSI Individual's Right to Review His/Her Claims Folder

SSA will concentrate first on those notices for SSI individuals with no income or the more common types of unearned income (e.g., Social Security benefits, in-kind support and maintenance, etc.). Inclusion of a benefit computation worksheet with notices sent to this subgroup would affect notices sent to about 90% of the SSI recipient population.

Work has already started on developing a prototype benefit computation worksheet including Federal and State Supplementation rates. In February 2000, SSA conducted 12 focus groups (some of which were observed by plaintiffs' counsel) to assess the readability and understanding of the prototype worksheet. The focus groups were comprised of SSI recipients in four locations of the country (Louisville, Kentucky; New York, New York; Dallas, Texas; and Bellevue, Washington). The participants provided invaluable feedback that will be used in the final development of the benefit computation worksheet. The resulting revisions to the prototype worksheet will be included in another round of focus group testing scheduled for the latter part of July 2000. Upon completion of the July focus group tests, it is expected that the feedback provided will allow SSA to finalize the format and language of the benefit computation worksheet for SSI individuals with no income or the more common types of unearned income. When the proposed benefit computation worksheet format and language are cleared through the Agency, a request will be forwarded to the appropriate systems components within SSA. At this point, the systems life cycle (described above) will begin with respect to developing an infrastructure framework for the addition of a benefit computation worksheet to the notice and to begin the steps to incorporate the language associated with this stage of the worksheet. The target date for release of the benefit computation worksheet, as described above, is July 2002.

Also to be tested at the July 2000 focus groups will be notice language to (1) explain that the individual has the right to review his/her claims folder and (2) language referring the SSI individual to the attached worksheet. Again, the feedback provided from the focus group testing

will be used to finalize the notice language. The finalized language will then be cleared through the notice clearance process and a request sent to the appropriate systems component to begin the systems life cycle for inclusion of this language into the body of the existing notice. The target date for release is concurrent with the benefit computation worksheet for no income and the more common types of unearned income, July 2002.

II. Access to Legal Authority

Concurrently with I. above, SSA has begun to review current access to providing information regarding legal authorities via the Internet. Upon completion of this assessment, appropriate changes will be instituted to ensure that relevant SSI regulations and legal authorities are easily accessible to all interested parties. In addition, notice language, referring the SSI individual to the website, will be developed, cleared and added to the notice through computer changes. The expected completion date for making changes and adding notice language is January 2001.

Benefit Computation Worksheet – Earned and Unearned Income and Improved Explanation of the SSI Individual’s Living Arrangement Category

The July 2000 focus group testing will also be used to initially test the readability and understandability of earned income concepts in the benefit computation worksheet. The scenarios presented to the groups will include SSI individuals with earned income alone and those with a combination of earned income and unearned income. Feedback regarding the

comprehension of concepts involved with earned income and the combination of earned income and unearned income will assist the Agency in determining the best way to present this information to the SSI population. Revisions to the benefit computation worksheet for earned and a combination of earned and unearned income will be focus group tested again in approximately September 2001. Upon completion of the focus group testing and clearance of all format and language changes, SSA will begin the systems life cycle to incorporate the earned income and combination of earned/unearned income into the benefit computation worksheet. The target date for release of benefit computation worksheets involving earned income or a combination of earned and unearned income is August 2003.

SSA also plans to develop appropriate paragraphs for all living arrangement scenarios that may be used to provide the SSI individual a better explanation of his/her living arrangement classification. Language will be prepared for inclusion into the body of the notice and focus group tested along with the earned and earned/unearned income language in September 2001. If necessary, another round of focus group testing may be conducted. Upon completion of the focus group testing and clearance of the language, SSA will begin the systems life cycle to incorporate the language into the body of the notice. The target date for release of this language is also August 2003.

IV. Benefit Computation Worksheet – Unearned Income Not Previously Considered

At this stage, SSA will concentrate on the unearned income situations not addressed in I. above. In particular, these are types of income that are more complicated to explain and require explanation in both the notice and worksheet. Additionally, systems programming will be necessary to bring the appropriate information to the benefit computation worksheet. Examples of these situations are parent-to-child deeming and unearned income to which the statutory \$20 disregard does not apply. The notice language will be developed and tested for readability and understandability prior to inclusion in the notice. Focus group testing is tentatively scheduled for March 2002. Upon review of the focus group results, language will be revised and tested again during a subsequent set of focus group testing tentatively scheduled for April 2003. After a review of the results of the April focus group testing, language for both the notice and the benefit computation worksheet will be finalized, cleared and sent to the appropriate systems component. At that point, the established systems life cycle will begin. The target release date is September 2004.

Notice changes outlined in I., III. and IV., above, will provide for the issuance of a benefit computation worksheet for most situations. However, the SSI program is very complex and SSA anticipates that there are some situations (estimated at impacting less than 3% of SSI individuals) where a benefit computation worksheet will not be provided. These situations include, but are not limited to, spouse-to-spouse deeming and certain computations for those receiving Mandatory State Supplementation payments, such as, certain State disregard exclusions or blind countable income.

V. Resources

The primary computer system SSA utilizes to house information about SSI individuals is the Supplemental Security Record (SSR). This system does not house discrete information about all types of resources owned, therefore, the SSR cannot be used to create notice paragraphs with information about an individual's resources. However, SSA implemented a modernized online collection and storage facility (MSSICS) for initial claims in 1992 which prospectively began collecting more detailed data. Just a few years ago, this system was expanded to collect post-entitlement detailed data.

As noted during trial, the conversion of records from the old to new system is a time consuming process. Conversion is necessary to detail resources for notices, and it is estimated that it will take approximately five to six years to substantially complete this process, which is necessary to make the notice changes. Accordingly, SSA has targeted December 2005 for release of notice changes to provide information about resources, in anticipation that MSSICS will be substantially complete at that point. However, it should be noted that due to systems limitations, there are a small percentage of situations for which a MSSICS record cannot be established, e.g., certain records involving an eligible individual with an ineligible spouse and certain records with multiple occurrences of in-kind support and maintenance.

IMA:KMA:kam
1994V02997

(km 5173)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

PHYLLIS SCIRICA, ARLEEN KANEA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
JOHN REED, on behalf of his three minor
children, ELIAS, DESIREE, and GABRIEL REED,
individually and on behalf of all others
similarly situated,

DEFENDANT'S FIRST
IMPLEMENTATION
PROGRESS REPORT

Civil Action No.
CV-94-2736

(Sifton, J.
(Gold, M.J.)

Plaintiff-Intervenors,

-against-

KENNETH S. APFEL,
Commissioner of Social Security,

Defendant.

-X

By Judgment dated January 13, 2000, the Court ordered
the defendant, the Commissioner of Social Security "the
Commissioner" to serve and file a report setting forth the
progress of the Social Security Administration (SSA) on the
implementation of the plan for modification of automated
Supplemental Security Income (SSI) financial eligibility notices
in accordance with the Judgment, every 120 days. Judgment at
¶ 4.

In compliance with ¶ 4 of the Judgment, the

Commissioner provides the following information regarding implementation of the Judgment dated January 13, 2000:

Overall

SSA identified elements required for implementation of the entire plan, which will be done through use of the agency's notice clearance process and computer systems design and programming.

SSA devised the implementation plan and timetable, which was filed with the Court on May 12, 2000 (See attached copy of Plan).

Section I

A. Computation Worksheet

SSA designed a prototype benefit computation worksheet for SSI claimants with no income or common types of unearned income only.

SSA selected four States as sites for testing of the prototype benefit computation worksheet using focus groups comprised of SSI claimants. SSA contracted with companies in Dallas (Texas), New York (New York), Seattle (Washington), and Lexington (Kentucky) for focus group testing facilities, and randomly selected potential participants in those areas

SSA conducted the focus group testing (three groups at each site), as follows: Dallas, Texas on February 18, 2000; New

York, New York on February 23, 2000; Seattle, Washington on February 24, 2000; and Louisville, Kentucky on February 25, 2000.¹

SSA evaluated comments from the focus groups and revised the prototype benefit computation worksheet.

B. Language About Claimant's Right to Review Their Claim

SSA drafted notice language about an SSI claimant's right to review information about his or her claim.

SSA selected four States as sites for a second round of focus group testing, contracted with companies in Chicago (Illinois), New York (New York), Denver (Colorado) and San Diego (California) for focus group testing facilities, and randomly selected potential participants from SSI claimants in those areas

SSA conducted the second round of focus group testing (three groups at each site), as follows: San Diego, California on July 20, 2000; Chicago, Illinois on July 25, 2000; Denver, Colorado on July 27, 2000; and New York, New York on July 2000

tested the draft notice language during the July 2000 focus group testing.

¹ Plaintiffs' counsel were invited to attend, and did attend the New York testing sessions.

² Plaintiffs' counsel were invited to attend, and did attend the New York testing sessions.

Section II

SSA developed notice language about access to legal authorities via the Internet.

SSA tested the draft notice language during the second round of focus group testing conducted in July 2000 (see Section above).

Section III

SSA revised the prototype benefit computation worksheet based on comments from the February 2000 focus groups (see Section I.A, above), and added the scenarios of SSI claimants with earned income and/or a combination of earned and the more common types of unearned income

tested the revised prototype benefit computation worksheet during the second round of focus group testing conducted in July 2000 (see Section I.B, above).

SSA's actions satisfy the Plan and timeline.

Dated: September 12, 2000

Respectfully submitted,

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IMA:KMA:kam
1994V02997

(km 5173)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

PHYLLIS SCIRICA, ARLEEN KANEA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
JOHN REED, on behalf of his three minor
children, ELIAS, DESIREE, and GABRIEL REED,
individually and on behalf of all others
similarly situated,

DEFENDANT'S SECOND
IMPLEMENTATION
PROGRESS REPORT

Civil Action No.
CV-94-2736

(Sifton, J.)
(Gold, M.J.)

Plaintiff-Intervenors,

-against-

KENNETH S. APFEL,
Commissioner of Social Security,

Defendant.

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In compliance with ¶ 4 of the Judgment dated January 13, 2000, the Commissioner of Social Security ("the Commissioner") provides the following report setting forth the progress of the Social Security Administration (SSA) on the implementation of the Plan for Implementation of the Ford Court Decision ("the Plan") dated May 12, 2000 for the modification of automated Supplemental Security Income (SSI) financial eligibility notices:

Since the filing of Defendant's First Implementation

Progress Report dated September 12, 2000, SSA has completed the following additional actions:

1. New notice language explaining how to access SSA's Website was approved through SSA's notice clearance process and implemented by computer programming. The new language is expected to be in the SSI notices released after January 20, 2001 that contain language advising the notice recipient that he or she can contact SSA to obtain additional information.

2. SSA revised its Website to add links that make it easier for the user to find information about the SSI program, including the statutes and regulations. The Website now has a specific link to a site for information about Supplemental Security Income "the SSI Page" , from which the user can select the specific type of information that he or she wants to access

The SSI Page contains links to the following information:

- SSI Pamphlets - General Information
- Understanding SSI
- Understanding SSI - Links to SSI Spotlights
- SSI at the Millennium
- SSI Law
- SSI Regulations
- DI/SSI Regulations: Listing of Impairments
- SSI Statistics
- SSI 2000 Annual Report
- SSI Payment Amounts - 2000
- SSI Payment Amounts - 1975-2000
- SSI Frequently Asked Questions (FAQs)

The actions described above have resulted in SSA's completion of Section II of the Plan within the time frame set

forth in the Plan.

Dated: January 12, 2001

Respectfully submitted,

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KAM:KMA
1994V02997

(km 5173)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

PHYLLIS SCIRICA, ARLEEN KANEA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
JOHN REED, on behalf of his three minor
children, ELIAS, DESIREE, and GABRIEL REED,
individually and on behalf of all others
similarly situated,

DEFENDANT'S THIRD
IMPLEMENTATION
PROGRESS REPORT

Civil Action No
CV-94-2736

(Sifton, J.
(Gold, M.J.)

Plaintiff-Intervenors

-against

KENNETH S. APFEL,
Commissioner of Social Security,

Defendant.

- - - - -X

In compliance with ¶ 4 of the Judgment dated January 13, 2000, the Acting Commissioner of Social Security "the Commissioner") provides the following report setting forth the progress of the Social Security Administration (SSA) on the implementation of the Plan for Implementation of the Ford Court Decision ("the Plan" dated May 12, 2000 for the modification of automated Supplemental Security Income (SSI) financial eligibility notices

Since the filing of Defendant's Second Implementation

Progress Report dated January 12, 2001, SSA has completed the following additional actions

The new notice language explaining how to access SSA's Website has been incorporated into SSI notices. Annexed hereto as Attachment A is an exemplar notice.


No other actions set forth in the Plan were required to be completed by the date of this report.

Dated: May 11, 2001

Respectfully submitted,

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By:


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ATTACHMENT A

Social Security Administration
Supplemental Security Income

Important Information

Date: March 08,

Claim Number:

247

PHILADELPHIA PA 19142-2428
191422428476

* Type of Payment
Individual--Dis

We are writing to tell you about changes in your Supplemental Security Income record. The rest of this letter will tell you more about this change.

About Your Request For Direct Deposit

Because you have requested a change in the direct deposit of your Supplemental Security Income checks, your checks will be deposited directly in the bank or other financial institution now selected. Even though you have direct deposit, any move or change of address still must be reported promptly to the local Social Security office, as it may affect your check.

Things To Remember

This decision refers only to your claim for Supplemental Security Income payments.

Would you like to work? If so, you should know about special Supplemental Security Income (SSI) rules. These rules can help you keep Medicaid and may help you keep getting some SSI even though you are working. The enclosed fact sheet tells you more about special SSI rules for people who work.

If You Have Any Questions

For general information about SSI, visit our website at www.ssa.gov on the Internet. There, you will also find the law and regulations about SSI eligibility and SSI payment amounts.

For general questions about SSI or specific questions about your case, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-215-729-4987. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at:

03/08/2001

SOCIAL SECURITY
2ND FL WDLAND VLG PLZ
6120 WOODLAND AVENUE
PHILADELPHIA PA 19142

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

ABCDEF

Carolyn W. Colvin
Deputy Commissioner
for Operations

Enclosure:

SSI Rules That Help You Work

SSA-L8165

03/08/2001

SSI RULES THAT HELP YOU WORK

We want to tell you about some special Supplemental Security Income (SSI) rules that can help you while you are working or if you begin working. These rules can help you get or keep Medicaid and may help you keep getting some SSI even though you are working.

How Your SSI May Change if You Work

If you work full-time or part-time and make \$65 or less each month, your SSI will usually not change. As the money you earn from your job goes up, your SSI will go down. However, if you have no other income (money or support), you can earn up to \$1,199.79 a month and still get at least \$1 in SSI.

If You Stop Working or Start Earning Less

If you stop working or start earning less, please let us know right away. We can increase your SSI checks, or start your SSI and Medicaid again if they have stopped. You may not even have to file a new application.

Medicaid

If you get Medicaid, it will usually continue as long as you get SSI. If your SSI stops because you begin earning too much money, you can often keep getting Medicaid as long as the following are true:

You continue to be disabled or blind under our rules; and

You can't pay your medical bills without Medicaid.

We Don't Count Some of Your Earnings Used for Work Expenses

The earnings you use for some of your working expenses may not count as income. For example, we sometimes don't count earnings used to pay for transportation to and from work. Also we don't count the cost of special equipment that helps you to work.

A Plan Can Help

You may be able to keep more of your SSI if you develop a special plan to support yourself. We call this a plan to achieve self-support (PASS). This plan lets you set aside money for a certain amount of time for a work goal. For example, you may set aside money to start a business, go to school, or get training for a job.

03/08/2001

We don't count what you set aside when we figure your SSI. This can help keep you on SSI or help you get more SSI. A PASS may also help someone you know qualify for SSI.

If You Need Help Finding a Job

We can ask someone who offers vocational rehabilitation services to help you find a job or give you training.

If You Want To Know More

If you want to know more about these rules, contact any Social Security office and ask to speak to someone about work incentives.

SSA-L8165

KAM:KMA
1994V02997

(km 5173)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

PHYLLIS SCIRICA, ARLEEN KANEA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
JOHN REED, on behalf of his three minor
children, ELIAS, DESIREE, and GABRIEL REED,
individually and on behalf of all others
similarly situated,

DEFENDANT'S FOURTH
IMPLEMENTATION
PROGRESS REPORT

Civil Action No
CV-94-2736

(Sifton, J.
(Gold, M.J.)

Plaintiff-Intervenors,

-against

KENNETH S. APFEL,
Commissioner of Social Security,

Defendant

-X

In compliance with ¶ 4 of the Judgment dated January
13, 2000, the Acting Commissioner of Social Security ("the
Commissioner" provides the following report setting forth the
progress of the Social Security Administration (SSA) on the
implementation of the Plan for Implementation of the Ford Court
Decision "the Plan" dated May 12, 2000 for the modification of
automated Supplemental Security Income (SSI) financial
eligibility notices:

Since the filing of Defendant's Third Implementation

Progress Report dated May 11, 2001, SSA has completed following additional actions:

Section III

1. Based on comments from the July 2000 focus groups, SSA revised the benefit computation worksheet for SSI claimants with earned income and for SSI claimants with a combination of earned and the more common types of unearned income
2. SSA developed Federal and State living arrangement language for SSI notices that provides a better explanation of the SSI recipient's living arrangement.
3. SSA selected four sites for the September 2001 focus group testing. SSA contracted with companies in Los Angeles, Sacramento, Boston, and Washington, D.C. for focus group testing facilities, and randomly selected potential participants in those areas. The focus groups were scheduled for September 11 in Los Angeles (three sessions) September 12 and 13 in Sacramento (three sessions) September 21 in Washington, D.C. (two sessions), September 24 and 25 in Boston (four sessions).
4. SSA has conducted the following focus group sessions:
September 11, 2001 - one session in Los Angeles; and
September 12 and 13 - three sessions in Sacramento.

SSA's actions satisfy the Plan and timeline

No other actions set forth in the Plan were required to

be completed by the date of this report.

Dated: September 17, 2001

Respectfully submitted,

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KAM:KMA
1994V02997

(km 5173)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-X

ROBERT FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

PHYLLIS SCIRICA, ARLEEN KANEA,
KOO FEE YEUNG, MARTINA GUZMAN VARGAS,
CRUZ VALLE BONILLA, BETH LONDON,
MARIA MORILLO, FRANCES MORIELLO,
JULIE UMERLE, ANN HOPE, GEORGIA ANAGNOSON,
JOHN REED, on behalf of his three minor
children, ELIAS, DESIREE, and GABRIEL REED,
individually and on behalf of all others
similarly situated,

DEFENDANT'S FIFTH
IMPLEMENTATION
PROGRESS REPORT

Civil Action No
CV-94-2736

(Sifton, J.
(Gold, M.J.

Plaintiff-Intervenors

against

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

-X

In compliance with ¶ 4 of the Judgment dated January
13, 2000, the Acting Commissioner of Social Security "the
Commissioner" provides the following report setting forth the
progress of the Social Security Administration (SSA) on the
implementation of the Plan for Implementation of the Ford Court
Decision "the Plan" dated May 12, 2000 for the modification of
automated Supplemental Security Income (SSI) financial
eligibility notices:

There are no actions set forth in the Plan were

required to be completed by the date of this report. However, since the filing of Defendant's Fourth Implementation Progress Report dated September 17, 2001, SSA has taken the following actions with regard to implementing the Plan:

Section II

1. Revised the notice language regarding a claimant's ability to obtain copies of the law and regulations and the information upon which the decision in his/her claim was based. The new notice language is to be incorporated in notices in January 2002.
2. Developed a "Law and Regulations Finder" on SSA's Internet Website, which is available to anyone with Internet access. The "Finder" contains a topical index with links to statutes and regulations.
3. Released an emergency message to appropriate SSA field office employees introducing them to the "Law and Regulations Finder."

Section III

Developed, for focus group testing to be conducted in March 2002, static federal and state living arrangements worksheets, using the plaintiffs' proposed attachment as a sample

Section IV

Developed, for focus group testing to be conducted in March 2002, income eligibility computation worksheets for simple

deeming of parent-to-child income situations.

Dated: January 14 2002

Respectfully submitted

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