

Social Security Info Needed?

Question for folks who regularly practice Social Security law. I would say 95% of the time when I call a local office and ask for such and such random piece of information the people I talk to ask me a couple of questions about my claimant (such as SSN and Name) and then they look up in the file, see I am on the claim, and then they tell me what I need to know. About 5% of the time though I get someone who proceeds to ask a number of questions about the claimant such as their mother's maiden name, their place of birth etc. (mind you this is with a completed 1696 in the file). And if I am unable to provide one of these pieces of information they will refuse to talk with us. I have on a couple of occasions demanded to speak to a supervisor. This gets mixed results. When I do get a supervisor I essentially bully my way into getting what I want (as opposed to logic winning the day). Other times I get transferred to voice mail which no one ever returns or they simply hang up on me.

What I am looking for is the POMS or regulation that tells SSA what they need and don't need to speak with a representative about a case. For whatever reason some local offices do not seem to believe the 1696 entitles the attorney to anything.

I have tried (and am currently trying) to search POMS myself but that darn thing is a bit of a maze.

Thank you in advance for any information.

Have you checked these?

18 U.S.C. §§ 203, 205, and 207; and 42 U.S.C. §§ 406 (a), 1320a-6, and 1383(d)(2)

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20 CFR §§ 404.1700 et. seq. and 416.1500 et. seq.

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Social Security Rulings 83-27 and 82-39

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26 U.S.C. §§ 6041 and 6045(f)

I would think that the CFRs would be your best bet.

Rob V. Robertson, Texas

Unfortunately all of those deal with attorney fees. While I firmly believe in the importance of those sections this does not get me to where I need to be. Making a legal argument to these guys about how SSA recognizes attorneys as representatives is not helpful. They know that already and are cheerfully ignoring the obvious implications of that knowledge. I need something that says very specifically what information they need to verify that someone on the phone is an individual they can talk to about the claim. I know Social Security must have made a rule about that at some point, they are way too paranoid about claimant information not to have done so. Hence my search in POMS. Once I have that official bit of information I can use it like a giant club to beat it into the heads of certain individuals that I can in fact be told information such as the date a claim was denied etc.

Scott R. Apple, Maryland

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The problem is that it may not be the local office your getting. It used to be that if the local office didn't pick up right away, it wrung the national number and those folks can't really see our 1696s.

And not returning voice mails i par for the course of many claims reps (but not all).

I can say though that it has been several years since I have seen this (not speaking to reps) as a major issue. Usually if I get backlash I get all sugary sweet and say I don't understand, SSA has been sending me all the stuff on the client so I assumed my 1696 was on file, what is the problem? And I usually get no no we have your 1696 on file and then they have nothing to say about why they can't give me the information so they do.

Erin M. Schmidt, Ohio

As far as I am aware the only rule is having the 1696 on file. In fact the 1696 states that they will use the information provided on that form to verify representation

Privacy Act Statement

Collection and Use of Personal Information Sections 206(a) and 1631(d) of the Social Security Act, as amended, authorize us to collect this information. We will use the information you provide on this form to verify your appointment of an individual as your representative and his or her acceptance of the appointment.

Erin M. Schmidt

We are always asked to provide additional identifying information.

You should always have the following info on hand when you call your local office:

Name

SSN

Place of Birth

Date of Birth

Mother's Maiden Name

And now, most are asking for Dad's name as well.

It is a privacy issue. As opposed to being fired up about them not speaking with you, think of the fact that they don't want to disclose information to someone without the proper precautionary measures.

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It is like giving a PIN to a phone company. You know your name and address. They still want that PIN to make sure they are speaking to the right person.

Very truly yours,

Nick A. Ortiz, Florida

Unfortunately this is not a scenario where its a matter of if they have the 1696. In the cases I am talking about the local SSA office acknowledges they have the 1696. It is always either from me personally or from my office. They acknowledge that it is in the file, they acknowledge that I am calling from that office mentioned on the 1696 or if it is my 1696 then they acknowledge that they are in fact talking to me the appointed rep. Despite all of this they will absolutely refuse to answer questions about a case if I can't come up with whatever other identifying information they choose to throw at me regarding my client.

I grant you the easier way to deal with this is to just collect this information at intake and have it ready to deal with random questions. Unfortunately my company is going through a case management transition and most of our cases do not have this data.

What annoys me is that of course the 1696 is perfectly adequate to solve this problem. When before I say that I bully the supervisor, what I mean is that I simply stubbornly but politely refuse to understand why the 1696 is not adequate to represent the claimant. I tell them about how I can use it to go to a hearing and talking to judges and withdrawal claims or create new lines of legal arguments without any prior filings of any type on behalf of a claimant, so why is it that their office does not consider it valid. I then ask to know when it was that the 1696 was discontinued by Social Security etc etc until eventually they just give me what I want.

This method works but requires a supervisor and when the office just hangs up on me or transfers me to a number that does not exist or to a voice mail which I know will never be returned, it effectively defuses my ability to get needed information.

If I get a POMS that deals with this (and there must be) that is something the person at the front desk can understand and hopefully accept.

Scott R. Apple

According to the POMS, you are the one being unreasonable-
<https://secure.ssa.gov/POMS.NSF/lrx/0203360005>.

As you can see below, SSA reps are to ask for all the information below in telephone calls. As representative, see the "When Caller is NOT a Claimant/Beneficiary", which still requires all identifying information as well as Mother's Maiden name.

"c. Identifying the Individual of Record Calling for Himself or Herself
When Caller is a Claimant/Beneficiary

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A claimant/beneficiary requesting access to information about him/her via the telephone must provide the following information to establish his/her identity:

- Name,
- SSN,
- Complete mailing address, including city, state, and zip code,
- Date of birth,
- Place of birth, and
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At least one other item of information available in a system of records (such as the benefit amount or the names of other persons on the record see GN 03360.005B.3. <<https://secure.ssa.gov/POMS.NSF/lrx/0203360005#b3>>).

See GN 03380.005B.2. for the chart containing identity verification requirements.

*NOTE: *If place of birth cannot be located in any SSA record, ask for another piece of information about the caller such as father's name or place of employment for the previous year.

When Caller is NOT a Claimant/Beneficiary

When the caller is not a claimant/beneficiary, he/she must provide all of the information discussed in GN 03360.005A.1.<<https://secure.ssa.gov/POMS.NSF/lrx/0203360005#a1>>about the individual of record except the address."

Very truly yours,

Nick A. Ortiz

Thank you Nick,

Apparently I have been harassing SSA employees for doing their job. I have a bit of egg on my face about that. Apparently the correct passage is in there but a bit further down at GN 03380.005B.4e. At that point it reads:

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"e. The Caller is an Authorized Representative (Attorney or Non-attorney)

To identify the caller/representative, verify that the subject individual has authorized this representative (by obtaining a query or accessing the Form SSA-1696 (Appointment of Representative) if it is available). No further identification is necessary.

To identify the beneficiary/claimant, ask for the name, SSN, address, date of birth and place of birth, along with one other piece of information.

See GN 03380.010B.2. for the chart containing identity verification requirements."

This is still unclear and probably explains why some offices ask for this information and others do not. It says no further information is necessary when you have a 1696, then it goes on to say to identify the claimant ask for all the information you quoted. Thus if an office reads it as the 1696 is really all that's needed then they won't ask for anything else. But if they read it as still requiring all the same information as if we were a non-claimant caller (or a claimant caller), then they will be asking for it.

Logically it does not make sense that a 1696 puts the attorney on the exact same ground as a non-claimant caller, but there you have it, wonderful ambiguity.

Thank you Nick for finding this. At least I can now understand why SSA offices are so wildly divergent on this issue.

Scott R. Apple

NOSSCR has created a pretty nice search tool here:

<http://www.nosscr.org/specialized-search>

You can search the SSA website, SSA Regs, HALLEX, etc.

Very truly yours,

Nick A. Ortiz

Hello Scott,

I tried to respond to you privately, but e-mail from two separate e-mail account is rejected by your server as spam.

I do not believe you are going to find a publicly available POMS provision to address this issue.

The SSA issues all sorts of memos for internal consumption that rarely, if ever, see the light of day. In addition, there is something called the "hidden" POMS. The POMS published at the SSA website is only a portion of the entire POMS. The SSA claims that other parts of the POMS are only for internal use and the public has

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no interest or need to know what is in the portion of the POMS not disclosed to the public. Yeah. Right. When I was the Social Security analyst for CCH and editor of its Social Security Law Reporter, I filed a FOIA request to obtain access to these internal memos and the hidden POMS. The request was denied, in part, and for the part that was not denied, I was told CCH was not a news organization and would therefore be charged, what was an exorbitant rate, to compile the information. (Of course, at the time, CCH was an accredited member of the White House and Capitol press corps. Unfortunately, I did not have time to challenge the denial.)

The point is, there is a culture at the SSA to not disclose anything more than what, in their view, is absolutely necessary--even to the point of violating the law. SSA Â§1143 requires the annual mailing of Social Security statements to every worker, age 25 and over, three months prior to a worker's birthday. The SSA discontinued this in a budget move. That is a violation of law. But, the SSA doesn't care and the Obama Administration has bigger fish to fry. (The SSA claims an AG opinion permits agencies to not comply with the law when they lack funds to do so. Here, SSA has the funds; they CHOOSE to allocate their resources elsewhere. Legally, they do not have the discretion to do this.)

The part of the POMS that may help you is part of the hidden POMS.

See RM 05001.001

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0105001001>, that refers, under "Miscellaneous" to "Disclosure/Confidentiality of Information" at "RM 03300.000ff." Then, note that the Table of Contents for the RM division, [here](#),

<https://secure.ssa.gov/apps10/poms.nsf/chapterlist!openview&restricttcategory=01>, skips over RM033. It's part of the "hidden" POMS. Ask for a copy. See what happens.

Next time you are denied access, ask the clerk to identify for you what memo, POMS provision, etc, requires the disclosure of the extraneous information. Keep going up the food chain until you find someone who tells you what the memo/POMS provision is. At the point at which a supervisor eventually gives you the information you are seeking, ask why it was not provided in the first place.

Are you finding this problem to be specific to one office or a few offices? If so, speak to the office director to find out what the basis for the difficulty is. If they cite to a POMS provision, have them provide a copy to you or confirm that it is not part of the "hidden" POMS.

Note, a lot of clerks don't know what they are allowed to do, and it is easier (and safer) for them to deny disclosure. Always be sugary

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sweet. Be the atty they WANT to help. If a particular office is giving you trouble, you may also want to become involved with the local Social Security bar and ask them if they have encountered this problem and ask how they have dealt with it.

Good luck.

(And, why is your spam filter rejecting private mail?)

Avi

Avram L. Sacks, Illinois

OH that is truly excellent. Thank you for the link!

I definitely was not aware of that little tool.

Scott R. Apple
