

E-mail Comment to House Committee on Ways and Means Hearing on Social Security Death Records - February 2, 2012 from Stephanie Nordlinger (details at end).

February 14, 2012

The Death Master File and its Social Security Death Index have been extremely helpful to me as a California attorney handling probate and trust matters. I also use the SSDI regularly as an amateur genealogist. **The use of this index should not be restricted because its use for legitimate purposes far outweighs its use by criminals.**

I. Use By Lawyers in Probate Proceedings

In probate and estate planning, the free online DMF allows you to inexpensively prove that someone has died and locate current relatives who must be given notice of probate proceedings. My office is probating a 1964 Will where the first four beneficiaries are deceased. I didn't have to take my client's word for this, hire a genealogist or locate and pay for death certificates in a low value probate. I could give the court the date of death (at least the month and year) at essentially no cost for three of the four potential beneficiaries. The fourth wasn't in the SSDI because he had been a state government (UCLA) employee, but he was my client's father and my former client, so we could find his information easily.

Much more difficult in the same case were finding the names and addresses of the decedent's numerous first cousins and three children of his deceased first cousin. Due to divorces and remarriages many years ago, current family members didn't know all of the other relatives the court requires to be listed and notified of the filing of a petition for probate of a Will or the opening of an intestate estate. I used the DMF/SSDI with www.Switchboard.com, a genealogy program for record-keeping and some telephoning and e-mail to locate the children of the dead relatives of the deceased. The geographic information in the data (last residence and state where the Social Security number was issued) tells you which person of a given name is likely to be the person you are seeking. I was able to track down all except one of the relatives, and his sister said even she didn't know where he lived.

I did most of this work while the DMF/SSDI was online in the form it had been for years. Another question arose, and I went to it again but was referred to another U.S. Government website that said it was no longer publicly available. I went ballistic and gave a scathing review to the second website, although I admitted at the end of the survey that my real complaint was the unavailability of the SSDI.

Fortunately, I soon learned from another attorney that a version of the DMF was still available on the Church of Latter Day Saints' www.Familysearch.org website. So I did the research there. It is also available on www.Ancestry.com, which removes Social Security numbers for those dying in the last ten years. This may lead to errors when seeking people with common names. (An amateur genealogist has added my step-grandfather, John H. Wilson, to the wrong family tree.)

II. Other Legitimate Uses of the Death Master File

This was not the first, nor will it be the last, time I need the Social Security Death Index or the DMF for legitimate legal purposes. It has also been very helpful to me in doing:

- (1) my own genealogy (since the 1980s),
- (2) finding lost classmates for a reunion,
- (3) cleaning out law office files (e.g., a file for a Will I drafted years ago) and
- (4) cleaning up address books when you think someone has died or know they have but don't know the details. Or
- (5) you may want to contact someone you have lost track of. You know their married name, and you can sometimes find the living person by finding the record of death of their spouse (or other relative).

III. A Free, Accessible Supplemental Index of State-Provided Death Records Would Also Be Helpful

I think the U.S. Government should also provide a free, public (Internet-accessible) Supplemental Index of the death information it has received from the states which often covers people who didn't have Social Security. I know some of it is wrong; I have seen death certificates where the decedent's name was misspelled and there were other errors. But it is much better than no index at all. **It is expensive to search state archives for a death certificate if you don't know the year of death or aren't sure of the place of death.**

For example, my maternal grandparents were divorced about 1915. My Mom visited her father in New Jersey in the late 1920s. She learned of his death several decades later, but she is deceased and I have no idea when or precisely where he died in the 1950s, 1960s or 1970s. It was probably in New Jersey, but it could have been in a hospital in New York or Philadelphia. He is not in the SSDI. When I asked the State of New Jersey to check certain years in a particular order and stop searching if it found his death record, its clerk returned my check and asked that I specify the years to be checked. They charge a fee for each year checked, and there's no point in checking after you find the record. If I had a date, this research would have been done a long time ago without spending more than \$50 for a ten or fifteen dollar death certificate.

As an attorney, I previously represented a company that did delinquent credit card collections and we had access via a service called Accurant to records showing the people who had used the same Social Security number. Sometimes, there were quite a number of them. People will continue to use incorrect Social Security numbers for various reasons including the need to have a job without providing information on their previous criminal, immigration or other records, typographical errors, bad handwriting, avoiding judgments and ex-lovers, etc. While I know that one can lawfully request and get a new Social Security number, not everyone knows this. Credit agencies need to keep track of who is dead and who is alive, and the DMF helps them to do this.

IV. Conclusion

People will misuse Social Security numbers regardless of whether they have access to the DMF/SSDI. Depriving the rest of us of its legitimate uses will not prevent the abuse of

Social Security numbers. IRS's providing of taxpayer I.D. numbers to illegal immigrants has helped to reduce the number of intentional errors in the Social Security number database. We should keep the present free, Internet-accessible DMF/SSDI, add a new public index to state-provided death records and encourage people to correct their Social Security data with minimal or no penalties for the uninitiated who use other people's numbers to survive and not to defraud. Congress might even establish an amnesty period for making such corrections.

Sincerely yours,

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