



**CONSORTIUM FOR CONSTITUENTS  
WITH DISABILITIES**

Committee on Ways and Means  
Subcommittee on Social Security  
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Strengthening Social Security's Customer Service  
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Testimony of Bethany Lilly  
Senior Director of Public Policy  
The Arc of the United States  
on behalf of  
Consortium for Constituents with Disabilities  
Social Security Task Force

Chairman, Ranking Member, and members of the Social Security Subcommittee, thank you for inviting me to testify today about the importance of Social Security benefits and Social Security Administration (SSA) customer service for people with disabilities. My name is Bethany Lilly and I am the Senior Director of Public Policy at The Arc of the United States, an organization that represents people with intellectual and developmental disabilities, their families and friends, and the essential frontline disability service providers who support them.

I am testifying today on behalf of the Consortium for Constituents with Disabilities (CCD) Social Security Task Force. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance. Our Social Security Task Force focuses on disability policy issues in the Title II disability programs and the Title XVI Supplemental Security Income (SSI) program. The SSI and Title II cash benefits, along with the related Medicaid and Medicare benefits, are the means of survival for millions of individuals with severe disabilities. They rely on SSA to promptly and fairly adjudicate their applications for disability benefits and to handle many other actions critical to their well-being.

My testimony today is going to begin with a brief summary of why customer service is so important for Social Security beneficiaries, especially those with disabilities, then highlight three major issues related to customer service that I think Congress must act on, and then discuss solutions. But I want to make it very clear that SSA will not be able to provide the level of customer service that the American people deserve until the agency is fully funded. Since 2010, SSA's operating budget has fallen 14 percent, with an associated drop in staffing of 13 percent. During the same time period, the number of Social Security beneficiaries has grown by

21 percent. It is a credit to the employees of SSA that millions of people who turn to SSA in their times of need are served well, although frustrating that this lack of funding has made service inadequate for millions more. This long-term funding deficit is a problem that Congress must act now to address!

- I. The importance of SSA customer service to beneficiaries, especially people with disabilities.

For millions of people with disabilities, Social Security provides a crucial cash benefit. Sometimes, it's like it was for a young man with an intellectual disability from The Arc's network who started off receiving Supplemental Security Income, then began receiving Social Security survivors benefits when his father died. Other children with disabilities rely on Social Security benefits when they lose a parent early or their parent develops a disability. Many parents with disabilities also rely on Social Security Disability Insurance to help their families pay bills following a disabling car crash or other accident. Some veterans who develop disabilities after their service also rely on Social Security Disability for support. I know our task force member Paralyzed Veterans of America has testified about the importance of Social Security to these veterans previously before this committee. Regardless of the kinds of Social Security benefits you're receiving, the program provides an absolutely crucial safety net, working in conjunction with the Supplemental Security Income (SSI) program to ensure that people with disabilities have desperately needed assistance.

And this assistance is extremely modest. The 2021 Annual Statistical Supplement reports that just under 65 million people received Social Security benefits in 2021: 55 million receiving retirement, just under 6 million receiving survivors' benefits, and 9.6 million receiving disability benefits. The average disability benefit was \$1,143 (slightly more for male beneficiaries, slightly less for female beneficiaries due to gender disparities in income, labor force participation, and caretaking), which would total \$13,716 over the course of a year. While modest, these payments often mean the difference between being able to afford rent or groceries.

But accessing these disability benefits is an incredibly complex process, often one that requires professional help from a claimant's representative or a lawyer. Many people also rely on the staff at Social Security Field Offices to help them sort out issues and challenges with their benefits. It shouldn't take special assistance or a law degree to navigate the labyrinthian rules of the Social Security disability benefits system, especially since Social Security is designed to help those with disabilities who often by definition will require assistance with paperwork. But this complexity requires even more high-quality service from SSA, to ensure that the agency is always correctly explaining complex rules to both beneficiaries and representatives.

Nothing has stressed SSA's customer service more than the past two years of pandemic. The agency must work to address many competing demands: SSA deals with people filing for retirement benefits and associated questions, processes name changes following marriages, enumeration for new citizens and new babies, Medicare applications and eligibility, tracking earnings under each Social Security number over a lifetime, and many other functions. The disability programs are the most complicated and labor intensive to address. In March 2020,

the agency abruptly went from operating Field Offices where people could walk in and ask for help to needing to provide virtually all of those services online or via the phone or mail. The agency managed this transition despite over a decade of underfunding that has left the agency at distinct disadvantages, especially with regards to outdated technology.

Last month, SSA began reopening of some of their offices, creating a convergence of remote and in-person problems to additionally burden an already stressed system. This change makes right now a particularly crucial moment to pay attention to customer service. There are three things that SSA must prioritize to ensure that the lowest income people with disabilities have access to the help they need.

## II. Challenge 1: Ensuring access to phone and online service.

At the beginning of the pandemic, we understand that SSA went to extreme lengths to ensure that their phone service was available to the public. Ancient phone systems were adapted to ensure that workers could answer calls at home, SSA published the direct numbers for all Field Offices on their website for the first time, and we understand that call volume to Field Offices tripled and has continued to grow throughout the pandemic. Unfortunately, SSA has been ill-equipped to deal with this new demand: the SSA Office of Inspector General found in FY2020, that most people could not reach an agent.<sup>1</sup> We appreciate the attention that the Chairman and Ranking Member and other members of this subcommittee paid to this issue.<sup>2</sup>

While we understand the constraints that SSA was working under, especially given old technology, this is unacceptable. Even before the pandemic, Members of our Task Force regularly received reports of hours-long waits on hold, dropped calls, and inability to get through—the pandemic increased these reports and the past few months have been particularly bad. This inability to respond to huge segments of phone traffic is interfering with the basic functions of SSA and is likely to increase traffic to the Field Offices at a time when they are working through an extensive backlog of need. It is hurting claimants: people have literally had their benefits cut off because they are unable to get through to someone on the phone and respond when SSA is seeking to terminate benefits, and cannot complete the forms SSA has sent them on their own. Calling SSA is also the only way that beneficiaries or potential beneficiaries can make an appointment, which means more people will show up to field offices without appointments because they have not been able to get through to make them!

One very frustrating example is prevalent in The Arc's network. Many people with intellectual and developmental disabilities want to work to the best of their abilities, despite their functional limitations and not being able to work enough to support themselves. But since the beginning of the pandemic, I have been told about massive delays in the processing of wage data, resulting in overpayments months later for people with disabilities trying their best to report regularly and on time. A colleague recently had a case with a young woman who reported a change in her income in March 2020, but despite admitting it was their own fault for not processing the reports she provided promptly, SSA has now, two years later, issued her a notice saying she was overpaid, and is asking her to pay that money back. Even if she was paid too much due to SSA's failure to process her timely paperwork, she cannot now afford to pay

that money back. Nor should she be punished for doing everything that she was expected to do! This was a problem before the pandemic, but it has become much worse during the pandemic. It is actively discouraging people from working to the extent they can and creating economic hardship for these people. And this is just the people who can get through on the phone to report, not those who have their calls drop or give up after waiting on hold for hours.

In a recent meeting with advocates, SSA indicated that they would be unable to bring the phones back to capacity until this fall due to hardware technology issues. This lack of phone access impacts every service that SSA provides via the phone and this delay in fixing the system is unacceptable. Congress must ensure that SSA has sufficient funding to update and staff their phone systems so that they can be utilized efficiently, without dropped calls and without extensive wait time.

Another major challenge relates to transparency and access to basic information. During the early parts of the pandemic, SSA made the direct phone numbers for field offices available on the website. If you have a case being processed by a local Field Office, the 1-800 number often will not be able to provide important information about that case. Advocates found the direct lines very helpful for updates on cases and so that they could communicate directly with those local SSA staff about the local Field Office's opening and closure times. Unfortunately, SSA has decided to revert to 2019 operating procedures and has removed many of those numbers from the website. We would strongly encourage SSA to revert to the pandemic operating processes and have those field office numbers available. We understand that SSA has more capacity to provide service via the 1-800 number, but SSA should provide a list of items and questions which can be directed to the 1-800 number and a list of items that the Field Offices can address and provide both resources to beneficiaries and advocates about how to direct calls. We will also flag here that Task Force members have received many anecdotal reports of inaccurate information being shared on SSA's website and/or phone hotline about which offices are open and which are not, or those which are only open for appointments.

Finally, while many people with disabilities face a significant digital divide, many also find access service online more convenient, and we are particularly concerned about a recent change to the MySocialSecurity accounts. SSA has partnered with ID.me to provide login verification for MySocialSecurity which creates major issues for low-income beneficiaries.<sup>3</sup> As discussed in more detail below, low income beneficiaries are less likely to have access to reliable internet and much of their internet access is via mobile phones. ID.me requires not only internet access, but also high-quality photo or video technology that is unavailable to many low-income beneficiaries. We understand the need for security, but we believe that usability must be considered as well—MySocialSecurity will only be helpful to beneficiaries if they can access it. SSA should provide alternative options for low-income beneficiaries. One beneficiary from Massachusetts has been locked out of her account for over a year because she's never received a reset code. She's tried repeatedly to get a code only to be told "demand is too high" and to "try again another time." If SSA wants people to be able to do business online, these issues must be remedied and we are grateful for this subcommittee's attention to these issues.<sup>4</sup>

### III. Challenge 2: Ensuring access to walk-in service without an appointment.

While we were glad that SSA closed field offices in March 2020 to protect employees and visiting beneficiaries or prospective beneficiaries from the risks of COVID-19, there are certain SSA functions that have been impossible over the last two years, even for those who could get through the phone system. For example, applications for SSI have sharply declined, which is not surprising, since the application is not available online and must be filled out in person or over the phone. Even for SSDI application rates have dropped dramatically: David Weaver, the former Associate Commissioner for SSA's Office of Research, Demonstration and Employment Support estimates that over 270,000 more people should have claimed their earned SSDI benefits over the past two years; including expected SSI awards, more than half a million people have not received the benefits to which they are entitled.<sup>5</sup> These massive numbers even reflect the recent declining trend in applications for SSDI and SSI. These estimates are even more concerning when you consider that the pandemic has been a mass disabling event, with over a million estimated cases of Long COVID, when there are post viral symptoms of the infection after recovery.<sup>6</sup> I will take a moment to acknowledge that we have just recently reached an awful statistic—1 million deaths from the COVID pandemic. It is unclear how many people with Long COVID will meet the extremely strict Social Security disability standard, but we do know that Long COVID can complicate other existing conditions, so some more cases should be expected.

It is not surprising that the closure of Field Offices would have such a dramatic effect. In 2019, more than 43 million people sought assistance from their local Field Office.<sup>7</sup> This is one of many reasons that we support and urge action on Chairman Larson's Social Security 2100: A Sacred Trust Act which requires additional processes and notifications before any Field Office closures. The closures also have a disproportionate effect on people who cannot access SSA's online services: research from the Pew Research Center also makes clear that those living in rural areas,<sup>8</sup> with low incomes,<sup>9</sup> and people with disabilities face disparities in access to the internet.<sup>10</sup> Many are more likely to access the internet on a mobile phone, not a laptop, making long forms extremely difficult to fill out. Those who are homeless or who have cognitive challenges are also likely to need to visit a Field Office for assistance. These people will not be able to make appointments or attend virtual or phone appointments and must be able to walk in for service when they are able to do so.

Finally, the pandemic did not stop major life developments. During the pandemic, people in love made the decision to get married, people decided to retire, and people died leaving behind survivors. Businesses hired new workers, including some here to work on visas that require enumeration from SSA. All of these life changes involve SSA in one way or another, but in particular, it has been challenging for those survivors of people who died from COVID to access the benefits to which they are entitled.<sup>11</sup> This is because the system is so complex. As I mentioned earlier, the vast majority of people need help to navigate the rules of the disability programs. At the initial level of review, most people are unrepresented, making assistance from Field Office staff even more crucial.<sup>12</sup> This is why we are so concerned about the reduction in staff I mentioned earlier; without sufficient staff, Field Offices often do not have the capacity to assist. This is also why raising the fee cap for representatives and indexing it for inflation as Chairman Larson's Social Security 2100: A Sacred Trust Act does is so important. We are very

glad that Acting Commissioner Kijakazi addressed the inflationary concerns raised by advocates and increased the fee cap last week. This increase helps guarantee access to representation for those trying to navigate this incredibly complex system.

Given the importance of Field Offices, Congress should fund SSA at sufficient levels to allow for adequate staffing. One proposal being considered is a beneficiary advocate who could be the voice of beneficiaries within the agency and advocate for a simplified system. In addition, SSA could create a staff of navigators, potentially under the Beneficiary Advocate, to help low income, rural, and disabled people work through these complex processes.

#### IV. Challenge 3: Address the backlog of cases.

Additional assistance will be even more necessary given the current backlog of cases. These folks and many others are currently waiting for SSA to decide their cases because we have also hit the 1 million mark in people whose cases are in a queue, awaiting an initial decision on their claim for disability benefits or on their appeal of an initial denial (called “reconsideration”). We believe that the backlogged mail, an issue investigated by this subcommittee,<sup>13</sup> contributed to this case backlog—as well as other crucial factors including rapid staff turnover, the complex training required for staff, technological challenges, a lack of consultative examiners, and a disconnect between what information consultative examiners are asked to provide and the standards that DDS examiners are supposed to apply. Many on this subcommittee are familiar with the backlog issues we experienced a few years ago, with significant delays in hearings before an Administrative Law Judge (ALJ) rather than initial determinations and know how it was addressed with targeted funding provided by Congress. We believe that targeted funding is once again necessary, especially given how estimates discussed earlier say that we have failed to provide benefits to half a million people with disabilities. If it is not addressed now, it is likely to grow into another appeals backlog.

Members of our networks report substantial issues with mail, of paperwork being submitted, but never added to a case file or being lost. Earlier in the pandemic, we raised this issue with bipartisan staff of both committees because SSA was requiring people to mail in original copies of important and difficult-to-replace documents such as birth certificates, drivers’ licenses, passports, and green cards. Given the issues with the mail, these documents were at great risk and some have already been lost.

For example, Mrs. G.’s foreign birth certificate and citizenship documents were lost by her local Field Office in November 2019 after she was awarded SSDI, despite delivery confirmation from UPS. It will cost approximately \$600 to replace the documents, a cost that SSA is legally required to cover. The Field Office then asked her to mail in her passport, her remaining proof of citizenship, to effectuate her benefits. Just last week, The Arc network reported similar challenges with documents being lost in a disability case—Mrs. X has been managing her own medical condition while trying to help her son through the SSI application process. She received confirmation that medical records she submitted had been received and then was later told they were lost. Not only is it hugely burdensome on people with disabilities and their families and representatives to have to recollect and submit documents, but it creates major delays to

have to do so. While SSA has taken some steps to address these issues, confusion remains and more should be done.

Even in cases where all documents are received and processed promptly, people are now waiting months for movement in their cases. The current backlogs are across all levels of the disability determination process, leaving people with disabilities, including complications from Long COVID, waiting. During the pandemic, the average processing time for initial disability claims increased 46 percent (from 3 months<sup>14</sup> to 6 months<sup>15</sup>). For some people with disabilities, these delays mean going without health insurance for even longer—people approved for SSDI already face a 2-year waiting period before they can access Medicare. For people found eligible for SSI, health insurance can begin immediately, reducing mortality. These additional processing delays of cases can mean waiting even longer for care. A United States Government Accountability Office report from 2020 found that between FY2008 and FY2019, 109,725 applicants for disability benefits died waiting on their appeals, and more applicants have died while waiting for a decision since then.<sup>16</sup> Increased funding is desperately needed, both to address long standing technological issues and increase well-trained staff able to handle these cases.

## V. Solutions

Having provided an overview of several of the challenges that the agency currently faces, I will turn to solutions. As I mentioned at the beginning of my remarks, ensuring that SSA's operating budget reflects the new workload demands is absolutely essential. The FY 2022 funding provided in the recently passed Omnibus only increased SSA's operating budget by \$275 million (2.5%), not even enough to compensate for inflation. SSA's operating budget is down 14%, after inflation, since 2010. At the same time, SSA's workloads have expanded dramatically. The number of Social Security beneficiaries has increased by 11 million, or 21%, since 2010, as the baby boom generation has aged. Since the end of FY2019, the agency has lost 1500 Full Time Equivalents and as discussed above, does not have a functional phone system.<sup>17</sup> Ensuring that SSA is fully funded to have phones that actually work and to have enough staff for Field Offices and the phone lines is paramount.

In addition to sufficient funding for the agency, many policy changes would help improve SSA's customer service. We have endorsed the Chairman's Social Security 2100: A Sacred Trust Act that would ensure that needed Field Offices remain open and also requires SSA to follow the law and mail statements to potential beneficiaries, making them more aware of the benefits they have earned. Once again, we are very glad that Acting Commissioner Kijakazi addressed the inflationary concerns raised by advocates and increased the fee cap last week, but it would be very helpful for Congress to index the cap to inflation as the Chairman's bill does.

There are other desperately needed improvements:

- Creating a comprehensive outreach strategy to reach potential SSDI beneficiaries who did not apply during the pandemic.

- Continuing work that SSA is already doing to reach out to potentially concurrent beneficiaries who are very low-income to ensure they are maximizing their potential benefits.
- Improving the MySocialSecurity site, especially the identity verification and password reset processes, to make it much more usable for beneficiaries who do not face barriers to using SSA services online and wish to do so.
- Improve and streamline all notices and forms required to apply for benefits to lessen the burden on potential beneficiaries. These notices and forms should also be available in plain language and commonly used languages to ensure accessibility
- Improving SSA data collection of demographic data, especially restarting collection of race and ethnic data that the agency stopped collecting, to ensure that the agency and advocates have evidence on which to make decisions about needed policy changes.
- Eliminating the current reconsideration level of review. We believe that providing more time and effort to better develop disability claims at the initial level is a better use of SSA resources.
- Eliminating work disincentives by streamlining income reporting processes and pass common-sense bills like the bipartisan Work Without Worry Act (H.R. 4003) that eliminate other work disincentives. Increasing the Substantial Gainful Activity level to reflect state and local increases to the minimum wage and creating a gradual offset for earnings would both encourage work while reducing the administrative burden on SSA and on beneficiaries. The former is also part of Chairman Larson's 2100 Act. All of this would reduce the agency's overreliance and time wasted on unnecessary over and underpayments.
- Creating a Beneficiary Advocate at SSA, similarly to the Taxpayer Advocate at the IRS, who could provide a voice within the agency and to Congress about the experiences that beneficiaries and potential beneficiaries are experiencing. A Beneficiary Advocate could also be staffed with navigators or oversee grants to navigators to help the lowest income beneficiaries access their benefits. The current program is, as discussed above, almost impossible for people to navigate without assistance.
- Ending the 5 month waiting period for SSDI benefits and the 2 year waiting period for Medicare for approved beneficiaries.

Thank you for the opportunity to testify today. I look forward to taking your questions.



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- <sup>1</sup> SSA, OFFICE OF INSPECTOR GENERAL, THE SOCIAL SECURITY ADMINISTRATION'S TELEPHONE SERVICE PERFORMANCE (2021), [https://oig.ssa.gov/assets/uploads/A-05-20-50999\\_1.pdf](https://oig.ssa.gov/assets/uploads/A-05-20-50999_1.pdf).
- <sup>2</sup> Press Release from Chairman Larson and Ranking Member Reed following the release of the OIG's report on telephone service (2021), <https://larson.house.gov/media-center/press-releases/social-security-inspector-general-releases-larson-reed-requested-report>.
- <sup>3</sup> Community Legal Services of Philadelphia, ID.me Presents Barriers for Low Income People Seeking Unemployment Insurance and Other Government Benefits (2021), <https://clsphila.org/wp-content/uploads/2021/11/IDme-issue-brief-final-11-2-2021.pdf>.
- <sup>4</sup> Press Release from Chairman Larson and Chairman Davis about a letter to Acting Commissioner Kijakazi about use of ID.me (2022), <https://larson.house.gov/media-center/press-releases/larson-davis-urge-social-security-reconsider-use-facial-recognition>.
- <sup>5</sup> The Hill, David Weaver and Jonathan Stein, Half a Million Poor and Disabled Left Behind By Social Security (2021), <https://thehill.com/opinion/finance/581522-half-a-million-poor-and-disabled-americans-left-behind-by-social-security/>.
- <sup>6</sup> Brookings, Is Long COVID Worsening the Labor Shortage (2022), <https://www.brookings.edu/research/is-long-covid-worsening-the-labor-shortage/>.
- <sup>7</sup> The New York Times, Jonathan Stein and David Weaver, Disabled Americans are Losing a Lifeline (2021), <https://www.nytimes.com/2021/01/14/opinion/supplemental-security-income-ssa-disability.html>.
- <sup>8</sup> Pew Research Center, Emily Vogels, Some digital divides persist between rural, urban and suburban America (2021), <https://www.pewresearch.org/fact-tank/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america/>.
- <sup>9</sup> Pew Research Center, Emily Vogels, Digital divide persists even as Americans with lower incomes make gains in tech adoption (2021), <https://www.pewresearch.org/fact-tank/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption/>.
- <sup>10</sup> Pew Research Center, Andrew Perrin and Sara Atske, Americans with disabilities less likely than those without to own some digital devices (2021), <https://www.pewresearch.org/fact-tank/2021/09/10/americans-with-disabilities-less-likely-than-those-without-to-own-some-digital-devices/>.
- <sup>11</sup> NPR, COVID-19 widows left on hold with Social Security offices closed (2022), <https://www.npr.org/2022/02/09/1079655034/covid-19-widows-left-on-hold-with-social-security-offices-closed>.
- <sup>12</sup> SSA, Initial Disability Determination Cases and the rate of those with Representation by Title and Fiscal Year (2021), <https://www.ssa.gov/foia/resources/proactivedisclosure/2022/Representative%20Rates%20by%20Adjudicative%20Level%20FY%202012%20-%20FY%202021.pdf>.
- <sup>13</sup> Press Release from Chairman Pascrell, Chairman Larson, and Chairman Davis about a letter to Acting Commissioner Kijakazi about systemic SSA mail problems (2021), <https://larson.house.gov/media-center/press-releases/larson-pascrell-davis-urgently-probe-mail-delay-impact-social-security/>.
- <sup>14</sup> SSA, Office of Inspector General, Comparing the Social Security Administration's Disability Determination Services' Workload Statistics During the COVID-19 Pandemic to Prior Years (2021), <https://www.oversight.gov/sites/default/files/oig-reports/SSA/01-21-51038.pdf>.

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<sup>15</sup> SSA, FY2022 Operating Plan (2022), <https://www.ssa.gov/budget/FY22Files/2022OP.pdf>.

<sup>16</sup> Government Accountability Office, Social Security Disability: Information on Wait Times, Bankruptcies, and Deaths among Applicants Who Appealed Benefit Denials, GAO-20-641R (2020), <https://www.gao.gov/products/gao-20-641R>.

<sup>17</sup> SSA, Program Provisions and SSA Administrative Data, SSA Resources and Operations Offices and Staff, Table 2.f3 (2022), <https://www.ssa.gov/policy/docs/statcomps/supplement/2021/2f1-2f3.html#table2.f3>.