



DISABILITY BENEFITS TRAINING & CONSULTING, LLC

A.S.S.I.S.T. Assertive SSI Service Team

October 21, 2011

Stanley Friendship, Regional Commissioner
Social Security Administration, Region X
701 5th Avenue
Suite 2900, M/S 301
Seattle, WA 98104

Re: Policy Clarification Request for Disabled and Homeless Claimants

Dear Regional Commissioner Friendship:

I am writing to ask for your guidance on a very big policy matter that directly impacts disabled Oregonians experiencing homelessness. They are truly some of our most vulnerable citizens. I need to learn a lot more about the Administration's homelessness flagging system and the policy and procedure of its use.

Please allow me to introduce myself. I work in this niche as a non-attorney representative. I have been an advocate for the disabled homeless for many years beginning as a disability paralegal in 2001. You may recall the Benefits & Entitlements Specialists Team (B.E.S.T.) here in Portland, Oregon. I was the first Program Manager for that team and developed its case tracking procedures for our many Portland area private and public funders. The B.E.S.T. team remains very successful for all stakeholders involved in preventing and ending homelessness. I have since moved on to develop two new disability benefits related companies whose aim is to bring awareness to the public about the Portland project and to encourage its replication so that these tough "homeless" cases do not end up in the national appellate backlog. The early claim intervention model that I teach enjoys the support of our local legislative offices. I have had specific conversations with Senator Ron Wyden's SSA Liaison, Senator Jeff Merkley's SSA Liaison and Congressman Peter DeFazio's SSA Liaison about our non-attorney advocacy over the last few years. They remain abreast of our progress in these endeavors as they see the

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need for keeping appropriate cases out of the backlog through a better understanding of the system and better documentation as early as possible.

Since I created my new training firm in April 2010, I have been to 20 cities; mostly by invitation, throughout the northwest and beyond. I have presented this model in front of more than 600 people in many different disciplines and venues. It is my mission to bring a message of hope and procedural understanding of this complex system. I want to do my very best to teach upcoming advocates how they can document and fortify the evidence in these tough cases. It is also my goal to continue to encourage active participation and assistance with the disability examiners so that the claims for the disabled homeless claimants come to a favorable conclusion rather than getting stalled somewhere along the line as so often happens because of the many circumstantial or mental health barriers. It is a drain on SSA's resources for those that are working so hard to process these claims and are unable to finish because of the claimant's inability to follow through for one reason or another.

As I know you are aware, many agencies and organizations are placing a high priority on ending homelessness throughout the nation. On a federal level, the United States Interagency Council on Homelessness, in which the Administration is an active participant, is one example. The tremendous increase in money and services President Obama has allocated for homeless veterans is another wonderful example.

I would like to acknowledge the incredible amount of work being done by Commissioner Astrue and the rest of the Administration to eliminate the lengthy backlog of claims over the last several years by identifying which cases can be processed much more rapidly. It is in this spirit that I request a policy clarification from Region X surrounding flagging and expediting homeless claimants' cases. In these severe, economic times, many of these claimants are definitely in a "critical need" category. In many, many instances, their vulnerability can be compared to the terminally ill because of a lack of appropriate shelter, medical care, mental health care and medications.

This issue has been brought to our attention after a national symposium with the SAMHSA sponsored program SOAR that homeless claimants are supposed to be "flagged" in SSA's computer system as a priority case under the "hardship situations" category per direction

in SSA's procedure manual (POMS), Section DI23020.001. As described in the POMS, the cases are supposed to be developed thoroughly and processed expeditiously. **My policy questions are: Does this mean that there is a processing time frame associated with this flag as there is with Compassionate Allowances (CAL) or terminally ill (TERI) cases? What direction is being given to the District Offices, Field Offices and the Disability Determination Services offices around expediting these cases at this time?** Additionally, many people are indeed homeless but are "couch surfing" with friends, family and in shelters and are doing everything they can to stay safe from the streets. **Will people in these circumstances qualify for the hardship case flag too?**

There is similar instruction at the hearing level cited in the HALLEX (I-2-1 Critical Cases) in which homelessness and lack of medicine and medical insurance are listed as reasons to expedite the hearing. **What is Region X's policy stance on expediting "DIRE NEED" hearing cases at this time as well?**

It seems that the intent of the POMS are that the most destitute group of claimants would be prioritized and served more rapidly and that these particular POMS were designed for more than just data collection but actual prioritization. As stated above, the folks we serve are a special, very vulnerable and high needs subgroup of applicants. Local communities acknowledge that the 80/20 observation applies in this situation, i.e., twenty percent of this population utilizes eighty percent of the community resources.

Again, I wish to acknowledge that so much good work is being done by Commissioner Astrue to reduce the backlog of "aged" cases as well as identifying cases that can be pulled from the hearing queue and approved for benefits without having to actually hold a hearing. I know the numbers of claims that have been expedited, at all levels, and over the years are in the hundreds of thousands.

I have recently spoken with the Assistant District Manager, Bessie Young, in the Portland downtown District Office in which she confirmed that the homeless flag would be employed when notified both verbally with the claims representatives or in writing to the appropriate offices in her district. What I do not know at this time is **once a claimant's computer case is "flagged" as homeless what happens to the case after that? What are the procedures for following the POMS instruction?**

I very much appreciate any guidance in these areas as they pertain to my communication with the public and my staff regarding this matter. I want to be providing very accurate and up-to-date information that is consistent with SSA's policies.

Thank you so much for your time and attention to this important matter.

Very sincerely,

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A.S.S.I.S.T. Program

Cc: Duke Shepard, Labor & Human Services Policy Advisor to Governor John Kitzhaber
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