



SOCIAL SECURITY
Seattle Region

November 10, 2011

Ms. Mellani Calvin
1336 E. Burnside St Suite 130
Portland, OR 97214

Dear Ms. Calvin:

This is in response to your letter dated October 21, 2011 to Seattle Regional Commissioner Stanley Friendship. You asked for additional information on field office procedures concerning homeless individuals who file for disability benefits.

When a claimant is homeless, the field office (FO) follows these guidelines per DI 10005.005E:

- “Annotate the file and attempt to obtain the name, address, and telephone number where the claimant can be contacted (relative, friend, soup kitchen, shelter, social agency, etc.).
- Request a contact to serve as a third party who can receive copies of all correspondence sent to the claimant, with the claimant's authorization (e.g. SSA-3288, Consent for Release of Information or SSA-1696, Appointment of Representative),.
- Add the “Homeless” flag to the folder to notify the DDS.
- Complete additional disability reports (e.g., SSA-3369 Work History Report and SSA-3373 Function Report- Adult).”

Each FO also makes special efforts to assist homeless claimants when they need help obtaining evidence and does not defer non-medical development while the claim is at Disability Determination Services (DDS).

When the DDS receives a claim flagged as homeless and a consultative exam is necessary, they follow these instructions:

- Attempt to involve the third party immediately. Do not wait until a homeless claimant fails to attend a CE appointment to involve the third party.
- Schedule the CE appointment as quickly as possible.
- Assist in making travel arrangements according to State agency guidelines, even if only a short distance is involved (e.g., provide a printed map, verbal directions, taxi voucher, or a subway token).

You are correct in saying homeless cases are considered a “priority” under “hardship situations” in DI 23020.001. You asked if these cases would be processed with the same priority time frame as CAL or TERI cases. DI 23020.030 (Hardship Situations) provides additional information:

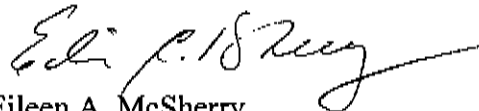
- “In processing cases, situations may arise that will require individual consideration and judgment with regard to expediting certain hardship cases. While most disability cases could be described as “hardship” situations, the decision to expedite processing may defeat the effectiveness of any priority plan for the processing of cases. Therefore, the facts of a given case, and consideration of the estimated time in which such a case might be expected to be processed, i.e., additional development required, consultation, etc., should be carefully weighed in determining whether a case should be given priority processing”.

Finally, you inquired about what constitutes the designation of “homeless”.

- According to the Code of Federal Regulations § 416.201, a *homeless individual* is one who is not in the custody of any public institution and has no currently usable place to live.
- Because the claimant can usually come and go as necessary at a friend or family’s home, it is a usable place to live. Because shelters are on a first come first serve basis, they are not. This would mean if a claimant is staying with friends or family they would not necessarily meet the “homeless” definition for SSA processing purposes.

I hope this information is helpful. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,



Eileen A. McSherry
Seattle Regional Communications Director

cc: Stanley C. Friendship
Gail Leon
Beth Hidano
Joyce Sullivan



SOCIAL SECURITY
Seattle Region

November 10, 2011

Mr. George J. Wall, Esq.
1336 E. Burnside St Suite 130
Portland, OR 97214

Dear Mr. Wall:

This is in response to your letter dated October 24, 2011 to Seattle Regional Commissioner Stanley Friendship.

You requested clarification surrounding flagging and expediting homeless claimants' cases at the hearing level. While some cases may be expedited due to an allegation of dire need, this is determined on a case-by-case basis at the discretion of the Hearing Office Chief Administrative Law Judge. Based on the following guidelines contained in the Hearings, Appeals and Litigation Law Manual (HALLEX):

- a. "A dire need situation exists when a person has insufficient income or resources to meet an immediate threat to health or safety, such as the lack of food, clothing, shelter or medical care.
- b. The claimant must allege specific, immediate circumstances: (1) lack of food (i.e., without and unable to obtain food), (2) lack of medicine or medical care (e.g., the claimant expresses that he/she needs medicine/medical care but is without and unable to obtain it; the claimant does not have any health insurance, or indicates that access to necessary medical care is restricted because of lack of resources), and/or (3) lack of shelter (e.g., shut-off of utilities such that home is uninhabitable, homelessness, expiration of shelter stay, or imminent eviction or foreclosure with no means to remedy the situation or obtain shelter).
- c. Absent evidence to the contrary, accept a person's allegation that he/she does not have enough income or resources to meet an immediate threat to his/her health or safety. If the allegation is suspect or questionable, request confirmation through the servicing SSA field office (FO) and request verification before designating the case critical. If circumstances change and the situation is no longer critical, the designation can be removed.
- d. Situations may arise in the processing of claims that will require individual consideration and judgment with regard to the expediting of such cases. Dire need situations fall in this group. Although many disability cases could be described as "hardship" situations and many claimants have limited resources, designating all cases critical would defeat the effectiveness of any priority plan for the processing of the most serious claims. Therefore, the designator must review the known facts of a given case, and consider the estimated time in which such a case might be expected to be processed relative to the pending workload, i.e., whether additional development or consultation is required, etc. For example, if routine handling (processing in order of request for hearing date) would result in undue delay in processing a dire need case, such case should be given priority. Err on the side of

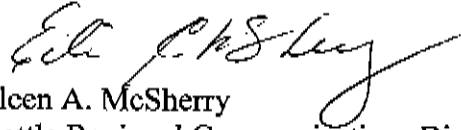
expediting versus not expediting. If a dire need situation becomes non-critical, the critical designation can be removed or modified.”

You also inquired about what constitutes the designation of “homeless”.

- According to the Code of Federal Regulations § 416.201, a *homeless individual* is one who is not in the custody of any public institution and has no currently usable place to live.
- Because the claimant can usually come and go as necessary at a friend or family’s home, it is a usable place to live. Because shelters are on a first come first serve basis, they are not. This would mean if a claimant is staying with friends or family they would not necessarily meet the “homeless” definition for SSA processing purposes.

I hope this information is helpful. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,



Eileen A. McSherry
Seattle Regional Communications Director

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Gail Leon
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