

## **Protection & Advocacy for Beneficiaries of Social Security:**

### **PABSS's Mandate:**

Services provided to disabled beneficiaries pursuant to a payment made under this section may include--

(1) information and advice about obtaining vocational rehabilitation and employment services; and

(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

### **Eligibility for PABSS:**

To be eligible for services from the PABSS program, an individual must be a social security beneficiary eligible for Social Security Disability Benefits (Title II), Supplemental Security Income (Title XVI), the continuation of Medicare (XVIII) , or Medicaid (XIX) under section 1619 (b) based on disability or blindness.

### **Scope of Services**

1. Provide assistance and individual representation to Social Security beneficiaries with disabilities who are seeking vocational rehabilitation services, employment services and other support services from employment networks and other service providers. Such assistance and representation may include individual advocacy services and various forms of alternative dispute resolution, as well as investigating, negotiating, or mediating solutions to issues that arise in developing, implementing, and amending a beneficiary's individual work plan under the Ticket to Work and Self-Sufficiency program under section 1148 of the Social Security Act.
2. Investigate and review any complaint of improper or inadequate services provided to a beneficiary with a disability by a service provider, employer or other entity involved in the beneficiary's return to work effort.
3. Provide information and referral to Social Security beneficiaries with disabilities about work incentives and employment, including information on the types of services and assistance that may be available to assist them in securing or regaining gainful employment, particularly services and assistance available through employment networks under the Ticket to Work and Self-Sufficiency Program. Provide information and technical assistance on work incentives to individuals, attorneys, governmental agencies, employment networks and other service providers, and advocacy organizations.
4. Provide consultation to and legal representation on behalf of beneficiaries with disabilities when such services become necessary to protect the rights of such

beneficiaries. To the extent possible, alternative dispute resolution procedures should be used.

5. Advocate to identify and correct deficiencies in entities providing vocational rehabilitation services, employment services and other support services to beneficiaries with disabilities, including reporting to the program manager on identified deficiencies related to employment networks and other concerns related to the Ticket to Work and Self-Sufficiency program.

### **Terms and Conditions of Award**

The following conditions are placed upon the Protection and Advocacy (P&A) Systems receiving funds under grant announcement (SSA-OESP-01-1) authorized under section 1150 of the Social Security Act (as added by section 122 of P.L. 106-170, the Ticket to Work and Work Incentives Improvement Act of 1999). P&A Systems must agree to these conditions in writing prior to receiving funds. The conditions are to ensure that this grant money is to be used solely for services to the Social Security Administration's (SSA) beneficiaries with disabilities. The grants are made for two specified purposes: 1) to provide information and advice about obtaining vocational rehabilitation and employment services, and 2) advocacy or other services that a beneficiary needs to secure or regain gainful employment.

### **Conditions:**

1. Grant funds are for the purpose of providing services to beneficiaries with disabilities. P&A Systems must be available to serve all beneficiaries within the State who are entitled to Social Security Disability Benefits (Title II) or eligible for Supplemental Security Income (Title XVI) benefits based on disability or blindness. They may not expend funds to serve other than currently entitled or eligible beneficiaries as provided under Section 1150 of the Social Security Act.
2. P&A Systems must attend SSA mandated training provided by the SSA technical assistance contractor. Funds may not be used for additional external training without prior approval of SSA.
3. P&A Systems should spend grant funds to provide assistance and individual representation to Social Security beneficiaries with disabilities who are seeking vocational rehabilitation services, employment services and other support services from employment networks and other service providers. Such assistance and representation may include individual advocacy services and various forms of alternative dispute resolution, as well as investigating, negotiating, or mediating solutions to issues that arise in developing, implementing, and amending a beneficiary's individual work plan under the Ticket to Work and Self-Sufficiency program under section 1148 of the Social Security Act. P&As are to provide the following services in the order of priority listed below:

- Investigate and review any complaint of improper or inadequate services provided to a beneficiary with a disability by a service provider, employer or other entity, except SSA, involved in the beneficiary's return to work effort.
- Provide information and referral to Social Security beneficiaries with disabilities about work incentives and employment, including information on the types of services and assistance that may be available to assist them in securing or regaining gainful employment, particularly services and assistance available through employment networks under the Ticket to Work and Self-Sufficiency Program. Provide information and technical assistance on work incentives to beneficiaries with disabilities.
- Provide consultation to and legal representation on behalf of beneficiaries with disabilities when such services become necessary to protect the rights of such beneficiaries. To the extent possible, alternative dispute resolution procedures should be used.
- Assist beneficiaries with disabilities in disputes before SSA involving work-related program decisions and benefits overpayments that are clearly a barrier to obtaining employment (see condition 5). PABSS personnel may not receive any legal fees for their service. Examples of permissible activity include
  - Helping a beneficiary pursue the waiver or reconsideration of an overpayment due to excess earnings – up to and including any fact-finding hearing at SSA's Office of Hearings and Appeals;
  - Accompanying beneficiaries to local SSA field offices;
  - Explaining the appeal process to beneficiaries and assisting in filling out necessary paperwork;
  - Pursuing appeals of continuing disability review determinations based on substantial gainful activity;
  - Giving advice to assure complete consideration of potential subsidies, impairment related work expenses and plans for achieving self support; and
  - Referring beneficiaries to other entities for support.
- Provide information and technical assistance on work incentives to governmental agencies, employment networks and other service providers, and advocacy organizations.
- Advocate to identify and correct deficiencies in entities providing vocational rehabilitation services, employment services and other support services to beneficiaries with disabilities, including reporting to the program manager on identified deficiencies related to employment networks and other concerns related to the Ticket to Work and Self-Sufficiency program.

4. A P&A System shall exhaust in a timely manner all administrative remedies, where appropriate, prior to initiating legal action in a Federal or State court. Such requirement, however, shall not apply with respect to any situation where the legal rights of any person would be compromised, or to a situation where no effective administrative remedies exist. If, in pursuing administrative remedies, the P&A System determines that a matter will not be resolved within a reasonable time, the P&A System may pursue alternative remedies. A P&A System shall be held to the prevailing standard of exhaustion of remedies provided under State and Federal law, and no additional requirements shall be imposed.
5. PABSS System funds may not be used for litigation against the SSA, the Commissioner of Social Security or any official of the SSA because of decisions on program issues, (for example overpayments, continuing disability reviews, plans for achieving self support, subsidy, impairment related work expenses) rendered against current or former beneficiaries. Funds may be used for litigation against a Federal government agency only for issues related to discriminatory practices when the agency is a beneficiary's employer or prospective employer.
6. Any monies received through a court judgment pursuant to litigation using SSA Protection and Advocacy to Beneficiaries of Social Security (PABSS) funds may be used by the P&A System only to further the purpose of the PABSS program. Such funds may not be paid to contractors for legal services, or to employees of P&A Systems.
7. SSA must review and approve for technical accuracy prior to publication and use, all documents intended for public distribution. P&A Systems shall include on all documents intended for public distribution the following disclaimer: "SSA has reviewed the following publication for technical accuracy only; this should not be considered an official SSA document."

**Authorized:**

The authority for these grants is found in section 1150 of the Social Security Act, as added by section 122 of Public Law 106-170, the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work and Work Incentive Improvement Act which was passed on November 19, 1999 and signed into law by President Clinton on December 17, 1999.

**Funding:**

Grants will be awarded to the P&A system in each of the fifty States as well as the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the P&A system for

Native Americans. \$7,000,000 is to be appropriated for each of the fiscal years 2000 through 2004. Minimum funding to a state is \$100,000.

The PABSS program received \$3.5 million in May 2001 (for cooperative grant awards effective 4/15/01). The PABSS programs have received \$7 million dollars in subsequent years. **Administered by:**

The PABSS program is administered by the Social Security Administration.