



Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

Audit Report

The Social Security
Administration's Determinations of
Supplemental Security Income
Recipients' Trusts

A-02-21-51026 September 2023



Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: September 22, 2023

Refer to: A-02-21-51026

To: Kilolo Kijakazi
Acting Commissioner

From: Gail S. Ennis *Gail S. Ennis*
Inspector General

Subject: The Social Security Administration's Determinations of Supplemental Security Income Recipients' Trusts

The attached final report presents the results of the Office of Audit's review. The objective was to determine whether the Social Security Administration's eligibility and payment determinations for Supplemental Security Income recipients who owned trusts were accurate.

Please provide within 60 days a corrective action plan that addresses each recommendation. If you wish to discuss the final report, please call me or have your staff contact Michelle L. Anderson, Assistant Inspector General for Audit.

Attachment

The Social Security Administration's Determinations of Supplemental Security Income Recipients' Trusts

A-02-21-51026



September 2023

Office of Audit Report Summary

Objective

To determine whether the Social Security Administration's (SSA) eligibility and payment determinations for Supplemental Security Income (SSI) recipients who owned trusts were accurate.

Background

Because SSI is a needs-based program, SSA reviews recipients' resources and income when it determines SSI eligibility and payment amounts. Trusts are property interests held by trustees who have fiduciary duties to use the properties for the trusts' beneficiaries. SSA employees must determine whether trusts that name recipients as beneficiaries or grantors are resources and whether any disbursements are income that could affect SSI eligibility or payment amounts.

In April 2014, SSA created the SSI Trust Monitoring System (SSITMS) as an internal communication tool between field office (FO) employees who make initial trust determinations and Regional Trust Review Team (RTRT) employees who review FO employees' trust determinations.

We reviewed trust determinations for 100 recipients: 50 of 17,624 whose trust values SSA did not update when it reviewed their resources and income when completing redeterminations and 50 of 13,755 whose trust values SSA appeared to develop when completing redeterminations.

Results

SSA employees did not make accurate SSI eligibility and payment determinations for 7 (19 percent) of the 37 SSI recipients we reviewed, which resulted in them being improperly paid over \$213,000. Based on these results, we estimate SSA improperly paid nearly 2,200 recipients because its employees determined the recipients' trusts were not countable resources when they were or because they did not properly account for the effect trust disbursements would have on recipients' SSI payments.

We could not determine whether employees made accurate determinations for the remaining 63 recipients because employees did not include required trust documents in SSA's systems and add documentation to support their trust determinations, both of which are required, including for recipients with trusts known to have disbursements. We estimate SSA cannot verify its employees adequately reviewed the impact nearly 20,000 recipients' trusts had on their SSI eligibility or payment amounts because employees did not add required documents and documentation to support their determinations on whether the trusts were countable resources or had countable income in SSA's systems.

SSA systems lacked controls, which allowed FO employees to complete trust determinations without adding required evidence; submitting them to SSITMS for review; and/or waiting for RTRTs to complete their reviews. Also, many FO employees and RTRTs reported they did not have enough resources and training to make proper trust-related determinations and encountered trusts in their work infrequently, which made it difficult for them to develop sufficient subject-matter expertise to process trust-related determinations properly. Additionally, it took RTRTs over 120 days to review 15 percent of trust determinations within SSITMS.

Recommendations

We made five recommendations for SSA, including ensuring its trust-related determinations are overseen by employees with the training and abilities needed to accurately determine the impact trusts outlined in complex legal documents have on recipients' SSI eligibility and payment amounts; establishing controls to ensure employees add documentation to support their trust determinations; and ensuring for the timely review of trust determinations. SSA agreed with three of our recommendations and disagreed with two.

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ABBREVIATIONS

FO	Field Office
OIG	Office of the Inspector General
POMS	Program Operations Manual System
RTRT	Regional Trust Reviewer Team
SSA	Social Security Administration
SSI	Supplemental Security Income
SSITMS	Supplemental Security Income Trust Monitoring System

OBJECTIVE

To determine whether the Social Security Administration's (SSA) eligibility and payment determinations for Supplemental Security Income (SSI) recipients who owned trusts were accurate.

BACKGROUND

Because SSI is a needs-based program, SSA reviews recipients' resources and income when it determines SSI eligibility and payment amounts.¹

- Resources are cash or personal property SSI recipients own; have the right, authority, or power to convert to cash; and can use for their support and maintenance.² To be eligible for SSI payments, individuals may not have countable resources in excess of \$2,000, and couples may not have countable resources in excess of \$3,000.³
- Income is any item individuals receive in cash or in-kind that can be used to meet their need for food and shelter.⁴ Generally, the more income individuals have, the lower their SSI payments will be. Individuals who have too much income in a particular month are not eligible for SSI in that month.⁵

Trusts

Trusts – property interests held by individuals or entities (trustees) who have a duty to use the properties for the trusts' beneficiaries⁶ – that name recipients as beneficiaries or grantors may or

¹ We use the term recipients throughout the report to mean SSI recipients, and at times, their deemors, which can include ineligible parents, sponsors of aliens, ineligible spouses, and essential persons (when referring to SSI resources and income). Per SSA, *POMS*, SI 01310.001 (November 17, 2020), deeming is the process of considering deemors' income and resources for meeting the SSI recipients' basic needs of food and shelter.

² SSA, *POMS*, SI 01110.100 (January 21, 1993).

³ SSA, *POMS*, SI 01110.003 (December 8, 2010). If the value of the countable resources exceeds the allowable limit at the beginning of the month, recipients cannot receive SSI payments for that month.

⁴ SSA, *POMS*, SI 00810.005 (July 28, 2023).

⁵ SSA, *POMS*, SI 00810.001 (September 26, 2011).

⁶ SSA, *POMS*, SI 01120.200, B.18, 19 (May 23, 2022). Trust beneficiary refers to a person for whose benefit a trust exists.

may not be resources.⁷ If they are not resources, disbursements from the trusts can be income that may impact recipients' SSI eligibility or payment amounts.⁸

Trust-related Determinations

SSA field office (FO) employees must evaluate all trusts recipients allege owning or on which their names appear when they make resource determinations during initial claims and post-eligibility reviews, including redeterminations. When making initial trust determinations, employees must determine whether trusts are countable resources and document in SSA's systems any references and rationale used in their decisionmaking.⁹ Employees should include copies of the trust documents used to make their determinations.¹⁰ During post-eligibility reviews, employees do not need to re-evaluate prior trust resource determinations unless there is new and material evidence; however, employees should evaluate all potential income implications, such as trust disbursements.¹¹

Regional Trust Determination Reviews

In April 2014, SSA created the Regional Trust Review Teams (RTRT) review process to support FO employees when they are making trust determinations and the SSI Trust Monitoring System (SSITMS) to serve as an internal communication tool between FO employees and RTRTs.¹²

⁷ SSA, *POMS*, SI 01120.200 (May 23, 2022). Trusts can generally be revocable or irrevocable. Per SSA, *POMS*, SI 01120.201 (May 23, 2022), for trusts established with the assets of an individual (or their spouse) on or after January 1, 2000, revocable trusts are generally countable resources to the recipient. Regarding an irrevocable trust, if the trustee can make payments to, or for, the benefit of the recipient or recipient's spouse, the portion of the trust from which the trustee can make payments is generally a countable resource. Exceptions to counting trusts established with the assets of an individual (or their spouse) on or after January 1, 2000, as resources are provided in SSA, *POMS*, SI 01120.203 (June 9, 2022). A trust that meets an exception under the statutory trust provisions of Section 1613(e) must still be evaluated under the instructions in SI 01120.200 to determine if it is a countable resource. See SI 01120.203.A.

⁸ SSA, *POMS*, SI 01120.200, E (May 23, 2022) and *POMS*, SI 01120.201, I (May 23, 2022). Cash paid directly from the trust to the individual is unearned income. If disbursements from the trust to third parties result in the beneficiary's receiving non-cash items (other than food or shelter), the non-cash items are in-kind income if retained into the month after the month of receipt. Disbursements that result in food or shelter received by the trust beneficiary to a third-party is income in the form of in-kind support and maintenance.

⁹ SSA, *POMS*, SI 01120.200, J.4 (May 23, 2022) and SI 01120.202, B.1 (October 31, 2017). SSA employees are required to record all information, including rationales, summary of supporting documentation, references, and conclusions in SSA's systems, used in determining whether the trust is a resource or generates income.

¹⁰ SSA, *POMS*, SI 01120.200, J.4 (May 23, 2022) and *POMS*, SI 01120.202, E.3 (October 31, 2017). Documents include: a copy of the trust document with any attachments, amendments, and exhibits; copies of any signed documents between organizations making payments to the individual and the individual legally entitled to such payments, if the payments have been assigned, either revocably or irrevocably, to the trust or trustee; source of assets funding the trust; records of any payments or disbursements (such as ledgers and bank statements) from the trusts, as necessary; and any other pertinent documents, such as court documents.

¹¹ SSA, *POMS* SI 01120.202, A.1.a (October 31, 2017); SSA *POMS* SI 01120.200E (May 23, 2022).

¹² Employees use SSITMS for initial or amended trust determinations or for trusts that have not previously been determined to be a resource. RTRTs consist of Trust Reviewers and Regional Trust Leads. We use the term RTRT, throughout the report, to include both Trust Reviewers and Regional Trust Leads. Trust reviewers examine the FO employees' trust resource determination along with any pertinent documentation within SSA's systems. Regional Trust Leads review trust resource determinations for all pooled trusts, reevaluations, and appeals. Regional Trust Leads can request guidance from Central Office, the Regional Chief Counsel, or other regions for their input or decision.

Regional managers assign the trust review function to regional employees who have: (1) experience researching relevant SSA directives and policy on evaluating trusts to make initial and continued SSI eligibility determinations, (2) experience and knowledge regarding trust-related documentation requirements, and (3) at least 2 years' experience examining trust documents. Regional employees assigned to RTRTs generally have other responsibilities and workloads not related to trust reviews.

Once FO employees make and document their initial trust determinations in the SSI Claims System, they should add their determinations and documentation to SSITMS for RTRTs to review. Once reviewed, RTRTs enter in SSITMS whether they agree or disagree with the employees' determinations. When SSITMS notifies FO employees that RTRTs' reviews are complete, they should enter the appropriate information in the SSI Claims System to complete the trust determination process and change the status in SSITMS to "FO Effectuated."

SCOPE AND METHODOLOGY

We identified two populations. The first population comprised 17,624 recipients who had trusts per SSA records and had a redetermination completed, but the trust values were not developed during those redeterminations.¹³ The second population comprised 13,755 recipients who had trusts that appeared to be developed during redeterminations. We reviewed random samples of 50 recipients from each population for a total of 100 recipients. We also obtained SSITMS data and surveyed FO employees and RTRTs about their experiences with trust determinations.

RESULTS OF REVIEW

SSA employees did not make accurate SSI eligibility and payment determinations for 7 (19 percent) of the 37 SSI recipients we reviewed.¹⁴ As a result, they were improperly paid over \$213,000. Based on these results, we estimate SSA improperly paid nearly 2,200 recipients because either its employees incorrectly determined the recipients' trusts were not countable resources or they did not properly account for how trust disbursements affected recipients' SSI payments.

We could not determine whether employees made accurate determinations for the remaining 63 recipients because employees did not include required trust documents and add documentation to support their trust determinations on whether the trusts were countable resources or had countable income in SSA's systems.¹⁵ Based on these results, we estimate SSA cannot verify its employees adequately determined the impact nearly 20,000 recipients' trusts had on their SSI eligibility or payment amounts.

SSA systems lacked controls, which allowed FO employees to complete trust determinations without adding required evidence in SSA's systems; submitting their determinations to SSITMS

¹³ All of the recipients in the first population had trusts that were established before their redetermination.

¹⁴ Of the 37 recipients, 15 were from the first population's sample, and the remaining 22 were from the second population's sample. Of the seven errors, four were from the first population's sample and three were from the second population's sample.

¹⁵ Of the 63 recipients, 35 were from the first population's sample, and the remaining 28 were from the second population's sample.

for review; and/or waiting for RTRTs to complete their reviews. Also, many FO employees and RTRTs reported they encountered trusts in their work infrequently, which made it difficult for them to develop sufficient subject-matter expertise to process trust-related determinations accurately. They further reported they found SSA's trust-related policies unclear and did not have enough resources and training to help them make proper trust-related determinations. Additionally, it took RTRTs over 120 days to review over 15 percent of trust determinations in SSITMS.

Trust-related Determinations

Of the 100 sample cases, SSA's records had sufficient documentation for us to review employees' determinations for 37. In 7 of the 37 cases, the recipients were improperly paid because employees concluded some trusts were not countable resources in error or employees did not make accurate determinations on the impact trust disbursements had on the recipients' SSI payment amounts.¹⁶

- Employees determined the trusts for four of the seven cases were not countable resources when they were countable; therefore, the recipients were improperly paid approximately \$205,000. For example, an FO employee determined a recipient's trust was not a countable resource when it was countable because the trustee could make monthly payments to the recipient from the trust, and it did not meet the criteria to be considered a special needs trust.¹⁷ Because the employee incorrectly did not count the trust as the recipient's resource, the recipient was improperly paid over \$9,000. Also, the employee did not submit their trust determination in SSITMS, so it was not reviewed by an RTRT. The employee was nevertheless able to process their erroneous determination.
- Employees did not accurately determine whether disbursements from the trusts for the remaining three recipients affected their SSI payment amounts, which caused the recipients to be improperly paid over \$8,000.¹⁸ For example, a recipient's financial statements showed trust disbursements for housing, which should have been counted as income in the form of in-kind support and maintenance. The support should have reduced the recipient's SSI payments; we determined he received \$4,454 more in SSI payments than he should have.

¹⁶ Of the 37 recipients whose records had sufficient documentation to facilitate our review, 7 were improperly paid \$213,252. The limited number of cases with sufficient documentation limited our ability to project the improper payment amount within the sample to the larger population with sufficient statistical validity. Of the remaining 30 cases without improper payments, we agreed with SSA's development in 17; the recipient was deceased so we did not develop the cases in 3; and SSA employees did not update values or correctly record all trust information in the SSI Claims System in 10. However we determined the SSA employees developed the trusts and related disbursements.

¹⁷ SSA, *POMS*, SI 01120.203, B.10 (June 9, 2022). To qualify for the special-needs trust exception, among other things, the trust must contain specific language that provides that, upon the individual's death, the state(s) will receive all amounts remaining in the trust, up to an amount equal to the total amount of medical assistance paid on the individual's behalf under the state Medicaid plan(s). The state(s) must be listed as the first payee(s) and have priority over payment of other debts and administrative expenses, except as listed in SSA, *POMS*, SI 01120.203, E. The trust must provide payback for any state(s) that may have provided medical assistance under the state Medicaid plan(s) and not be limited to any particular state(s).

¹⁸ These trusts had disbursements that were not determined to be in-kind support and maintenance or transfers of resources when they should have been.

For the remaining 63 cases,¹⁹ SSA employees did not adhere to SSA policies requiring that they include trust documents and add documentation to support their trust determination in SSA's systems, both of which are required. This lack of documentation prohibited us from determining whether employees' trust resource and income determinations were accurate. Similarly, without the documentation, SSA staff conducting quality reviews does not have the information it needs to review employees' trust-related determinations.

A lack of systems controls allowed employees to complete trust determinations in SSA systems without adding required evidence to document their trust determinations. Also, many FO employees reported they dealt with trusts in their work infrequently, which made it difficult for them to have the subject-matter expertise to properly develop trusts. They further reported they found SSA's trust-related policies unclear and did not have enough resources and training to help them make proper trust-related determinations.²⁰

Employees further reported they were concerned with the complexity of trusts and the fact that trusts were legal documents that varied significantly from one state to the other.²¹ One employee replied to our survey that, "Trusts are extremely complex. [As] Claims Specialists we do not have the legal background to make trust determinations. They are written in a manner that is beyond our expertise. They can be very lengthy and complex and we simply do not have the time or resources to make trusts determinations in the [FO]. They are prone to errors and should be analyzed by the office of General [Counsel] or someone with legal background."

Regional Trust Determination Reviews

In 60 of the 100 cases we reviewed, FO employees were required to submit their trust determinations through SSITMS to RTRTs for review.²² In 44 of the 60 cases, FO employees submitted their determinations to RTRTs through SSITMS, as required, and/or the RTRTs agreed with the FO employees' determinations. For the remaining 16 recipients:

- in 11 cases, FO employees finalized their trust determinations in SSA's systems without submitting their trust-related determinations in SSITMS for RTRT review;
- in 2 cases, employees completed their trust determinations in SSA's systems without resolving RTRT disagreements with the employees' determinations; and
- in 3 cases, employees submitted their trust-related determinations in SSITMS where they had been pending since 2021 or earlier.

¹⁹ In 31 of the 63 cases that lacked documentation, the trust was recorded in SSA's records before April 2014, when SSA created the RTRT review process.

²⁰ See Appendix C for FO employees survey responses to Questions 2, 12, and 15.

²¹ This is based on employees' perceptions captured through our survey. Per SSA, POMS, SI 01120.200, L3 (May 23, 2022) Regional Trust Leads can request guidance from Central Office, the Regional Chief Counsel, or other regions for their input or decision.

²² In 40 of the 100 cases, employees made trust determinations before SSITMS was established, the trust belongs to a family member who was not a deemor, or the trust was not funded. In 1 of these 40 cases, the recipient had a trust that was established before SSITMS was developed, but the recipient had a second trust that should have been in the SSI Claims System and SSITMS that was not.

SSA created the RTRT review process to support FO employees when they make trust determinations, but SSA did not include systems controls in the process to ensure it was used. As a result, SSA employees can process trust determinations that disagree with RTRTs' conclusions or without using the RTRT process. For example, an FO employee incorrectly concluded a trust was not a countable resource, to which an RTRT correctly disagreed in SSITMS. The FO employee processed the recipient's case with the incorrect trust determinations regardless, which led the recipient to be improperly paid \$79,787. Similar to FO employees, RTRTs reported concerns with the trust determination process:

- 18 percent of the RTRTs reported feeling uncomfortable or very uncomfortable making initial trust determinations.²³
- 39 percent of RTRTs reported they found SSA's trust-related policies unclear.²⁴
- 47 percent of RTRTs reported they infrequently encountered trusts in their work, which made development of subject-matter expertise difficult.²⁵

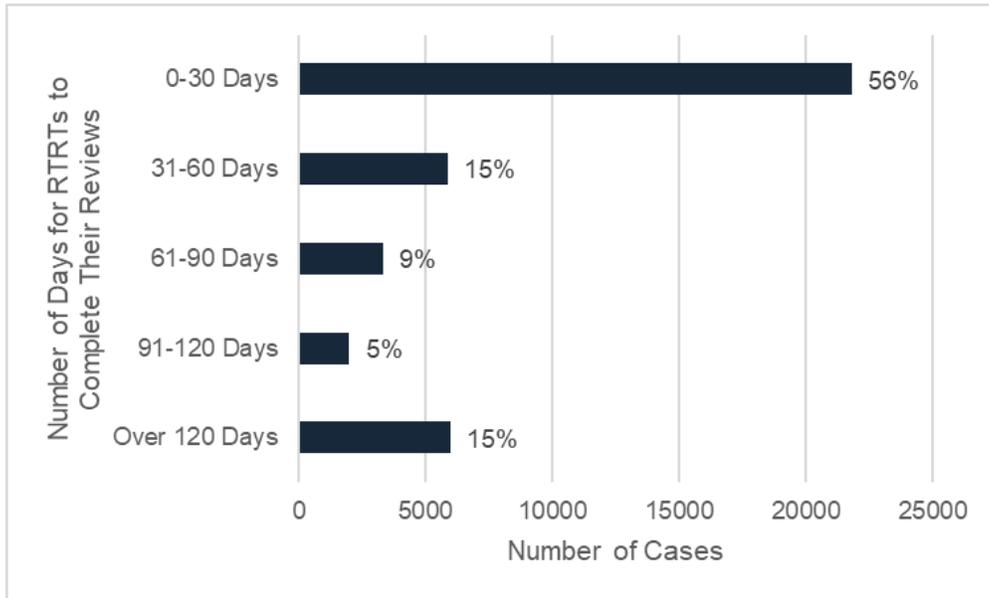
Further, SSA policy does not include guidance on how long RTRTs have to complete their reviews. RTRTs took an average 78 days to complete their reviews, with 15 percent of their reviews taking longer than 120 days (see Figure 1).

²³ Of the 169 respondents, 31 reported feeling uncomfortable or very uncomfortable making initial trust determinations. See Appendix D, Question 3.

²⁴ Of the 169 respondents, 66 found SSA's trust-related policies unclear. See Appendix D, Question 9.

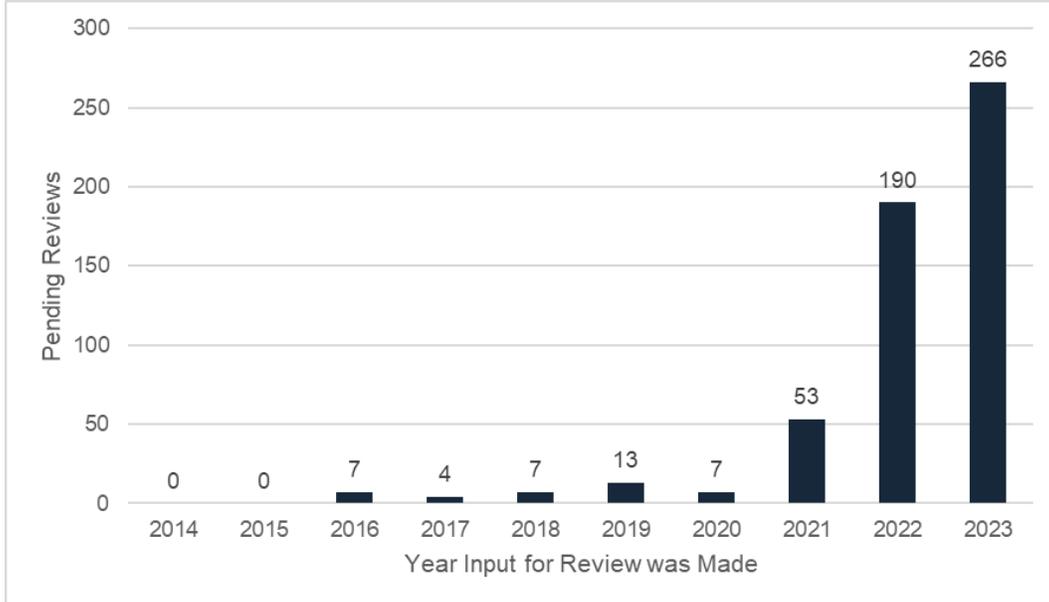
²⁵ Of the 169 respondents, 79 reported they have not completed a trust review, they don't complete a trust review every month but have completed one or more in the past year, or they reviewed trusts in the past, but it has been longer than 1 year. See Appendix D, Question 2.

Figure 1: Timeliness of RTRT Reviews in Days²⁶



As of February 2023, there were 547 cases pending in SSITMS for RTRTs' review. Some cases have been pending since Fiscal Year 2016 (see Figure 2).

Figure 2: Pending Reviews in SSITMS



²⁶ This Figure includes cases from the inception of SSITMS from April 2014 to February 2023 that had a status of FO effectuated, review completed, and completed by Regional Trust Lead. We excluded cases that did not have a date to RTRT or a cleared date, or if the cleared date was before the date to RTRT, indicating the cleared date was for a prior review.

RECOMMENDATIONS

To ensure it pays SSI recipients with trusts accurately and reviews trust determinations timelier, we recommend SSA:

1. Review, and take appropriate action on, the seven improper payment cases highlighted in this report.
2. Improve controls to ensure FO employees add documentation to support their trust determinations and the required pertinent trust documents in SSA's systems.
3. Establish systems controls to ensure FO employees submit their trust determinations in SSITMS for review and resolve any disagreements raised by the reviews before completing their final trust determinations in SSA's systems.
4. Determine whether employees with the legal training and abilities needed to evaluate the impact trusts outlined in complex legal documents have on recipients' SSI eligibility and payment amounts would make more accurate trust-related determinations. If they would make more accurate determinations, have those employees make them.
5. Establish metrics and controls to ensure for the timely review of FO employees' trust determinations.

AGENCY COMMENTS AND OFFICE OF THE INSPECTOR GENERAL RESPONSE

SSA agreed with Recommendations 1 through 3 and disagreed with Recommendations 4 and 5. For Recommendation 4, SSA disagreed with increasing specialization of a few employees to review trusts due to, among other things, resource and staff constraints. We are not recommending that SSA increase specialization of employees, but that it determine whether more actively using the lawyers it already has would lead to more accurate determinations on the impact legal trust documents have on SSI eligibility and payment amounts.

In disagreeing with Recommendation 5, SSA stated that it must prioritize goals for budgeted and other top-priority work and questioned the feasibility of establishing additional goals. We identified 91 cases that had been pending in SSITMS since 2021 or earlier, some since 2016. The fact that these cases remained in a pending status in SSITMS for years demonstrates the consequences of not establishing metrics and controls over this workload. We continue to believe SSA needs to establish metrics and controls to ensure the timely review of field office employees' trust determinations.

See Appendix E for the full text of the Agency's comments.



Michelle L. Anderson
Assistant Inspector General for Audit

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

To accomplish our objective, we reviewed applicable sections of the *Social Security Act* and Social Security Administration's (SSA) regulations, rules, policies, and procedures. Our audit focused on recipients who reported to SSA that they owned a trust. We identified 55,773 recipients with trusts in the Supplemental Security Income (SSI) Claims System and reviewed 2 random samples:

- The first population comprised 17,624 recipients with trusts whose trust value date preceded the redetermination initiation date, indicating the trust's value was not developed during the redetermination. We reviewed the records for 50 recipients who had a redetermination, but the value of the trust was not developed. On June 16, 2022, we provided SSA our sample review.
- The second population comprised 13,755 recipients who had a redetermination where the value of the trust was developed. We reviewed 50 recipients who had a redetermination where the trust's value was developed. We provided SSA with our second sample review on August 26, 2022.

We conducted additional analysis on both samples. For the first population, we:

- Determined whether SSA developed the record for recipients who had a redetermination, but, as of November 2021, the trust's value had not been developed.
- Reviewed SSA's initial trust or amended trust determination.
- Determined whether SSA submitted the trust determination for review in the Supplemental Security Income Trust Monitoring System (SSITMS).
- Reviewed the trust on the SSI Claims System trust screen and determined whether the trust information on it correlated with the information recorded.
- Determined the improper payments for the records with incorrect trust determinations.

For the second population, we:

- Determined whether SSA developed the record for recipients who had a redetermination where the trust's value had been developed as of July 2022.
- Determined whether the trust value increased, decreased, or remained the same from the time the trust value was previously developed.
- Determined whether a disbursement occurred.
- Determined the improper payments for the records we were able to identify as having a disbursement that was not properly developed by SSA.

We also identified cases pending Regional Trust Reviewer Team (RTRT) reviews and determined the number of days RTRT took to complete their review of field office employees' trust determinations from SSITMS. Finally, we conducted a survey of field office employees who review trusts and RTRTs.

We assessed the significance of internal controls necessary to satisfy the audit objective. This included an assessment of the five internal control components, including control environment, risk assessments, control activities, information and communication, and monitoring. In addition, we reviewed the principles of internal controls as associated with the audit objective. We identified the following five components and eight principles as significant to the audit object.

- Component 1: Control Environment
 - Principle 2: Exercise Oversight Responsibility
- Component 2: Risk Assessment
 - Principle 7: Identify, Analyze, and Respond to Risk
 - Principle 8: Assess Fraud Risk
- Component 3: Control Activities
 - Principle 10: Design Control Activities
 - Principle 12: Implement Control Activities
- Component 4: Information and Communication
 - Principle 13: Use quality information
 - Principle 14: Communicate internally
- Component 5: Monitoring
 - Principle 16: Perform Monitoring Activities

We conducted our review between August 2021 and April 2023. We assessed the reliability of the data by (1) reviewing existing information about the data and the system that produced them, (2) tracing a statistically random sample of data to source documents, and (3) interviewing subject-matter experts about the data. We found the data used for this audit to be sufficiently reliable to meet our audit objective. Further, any data limitations were minor in the context of this assignment, and the use of data should not lead to an incorrect or unintentional conclusion. The principal entity audited was the Office of Operations under the Office of the Deputy Commissioner for Operations.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and conduct the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Appendix B – SAMPLING METHODOLOGY AND RESULTS

Sampling Methodology

We sampled from two populations of recipients who reported to the Social Security Administration (SSA) that they owned trusts, where the trusts were recorded in the Supplemental Security Income (SSI) Claims System as of June 2021. We selected 2 samples of 50 random items each. To conduct this review, we used a simple random sample statistical approach. This is a standard statistical approach used for creating a sample from a sampling frame completely at random. Each sample item had an equal chance of being selected throughout the sampling process, and the selection of one item had no impact on the selection of other items. Therefore, we were guaranteed to choose a sample that represented the sampling frame, absent human biases, and ensured statistically valid conclusions of, and projection to, the entire sampling frame under review. Our sampling approach for this review ensures our reported projections are statistically sound and defensible.

Table B-1: Sample Sizes

Sample Descriptions	Population	Sample Size
Recipients with redeterminations but trust values not developed	17,624	50
Recipients with redeterminations and trust values were developed	13,755	50

Sample Results and Projections

Of the 100 sampled cases, SSA employees did not add documentation to support their trust determinations and include the required pertinent trust documents in SSA's systems for 63 recipients. Because of the lack of documentation, we could not determine whether employees' trust resource and income determinations were accurate.

In addition, SSA improperly paid seven recipients because the employees either determined their trusts were not countable resources when they were countable or did not properly account for how recipients' trust disbursements impacted SSI payments.

Table B–2: Lack of Documentation and Improper Payment Projections

Description	Lack of Documentation Cases	Improper Payment Cases
Sample Results	63 ¹	7 ²
Point Estimate	19,769	2,197
Projection – Lower Limit	17,057	1,047
Projection – Upper Limit	22,295	3,996

Note: All projections are at the 90-percent confidence level.

¹ Of the 63 cases, 35 were from the first population's sample; the remaining 28 were from the second population's sample. While 63 of the 100 sampled cases lacked documentation to support the trust determinations in SSA's systems, the other 37 cases had sufficient documentation in SSA's records for us to review the employees' determinations. Of the 37 recipients, 15 were from the first population's sample; the remaining 22 were from the second population's sample.

² These 7 cases are from the 37 that had sufficient documentation in SSA's records for us to review the employees' determinations. Of the seven errors, four are from the first population's sample and three are from the second population's sample.

Appendix C – FIELD OFFICE SURVEY RESPONSES

The following provides the number of field office employees who responded to each possible question response.

Question 1 - Please select the option that best describes your position:

Answer	Count	Percentage
District Manager	408	10.1%
Assistant Manager	151	3.7%
Operations Supervisor	391	9.7%
Claims Technical Expert	945	23.4%
Claims Specialist	1839	45.4%
Claims Specialist Trainee	212	5.2%
Other	101	2.5%

Question 2 - How often do you complete an initial trust development?

Answer	Count	Percentage
Based on my position, I do not complete initial trust development or trust reviews.	1559	38.5%
Based on my position, I could perform a trust review but I have not yet reviewed one.	445	11.0%
I complete trust reviews on most days.	21	0.5%
Not daily, but in most weeks, I complete at least one trust review.	76	1.9%
I don't complete trust reviews every week, but I usually complete at least one each month.	152	3.8%
I don't complete a trust review every month, but I have completed one or more in the past year.	965	23.8%
I've reviewed trust in the past, but it has been a year or more since I have done so.	829	20.5%

Question 3 – How comfortable are you reviewing trust documents to determine whether they are revocable or irrevocable trusts?

Answer	Count	Percentage
Very comfortable	215	10.5%
Comfortable	649	31.8%
Neither comfortable nor uncomfortable	492	24.1%
Uncomfortable	389	19.0%
Very uncomfortable	298	14.6%

Question 4 – How many hours on average does it take for you to make a trust determination once you have received all pertinent documents? For example, the time it take reviewing the trust documents, scanning the documents, coding the screens in the Consolidated Claims Experience (CCE), making a determination on whether the trust is revocable or irrevocable, if a disbursement occurred determining if the disbursement is a form of income, if you require assistance in making the proper trust determination the length of time it takes in obtaining any assistance that may be needed to help make a determination, submitting for review in SSITMS, etc.) (Not counting any unrelated trust workloads you may work on between trust reviews.)

[2,043 individuals provided written responses to this question. As some of the responses could possibly identify the respondents, we have not listed the written responses.]

Question 5 – How comfortable are you using the SSI Trust Monitoring System (SSITMS)?

Answer	Count	Percentage
I never used the SSI Trust Monitoring System	198	9.7%
Very comfortable	398	19.5%
Comfortable	744	36.4%
Neither comfortable nor uncomfortable	438	21.4%
Uncomfortable	187	9.2%
Very uncomfortable	78	3.8%

Question 6 – When you submit a trust determination, on average, how long does it take to receive a response from the Regional Trust Review Team (RTRT) or Regional Trust Lead (RTL)?

Answer	Count	Percentage
1-5 business days	245	13.3%
6-10 business days	330	17.9%
11-15 business days	233	12.6%
16-30 business days	378	20.5%
31-60 business days	269	14.6%
61-90 business days	120	6.5%
More than 90 days	271	14.7%

Question 7 – How comfortable are you determining whether a trust disbursement is excludable, a form of income or considered a transfer of resource?

Answer	Count	Percentage
Very comfortable	169	8.3%
Comfortable	664	32.5%
Neither comfortable nor uncomfortable	623	30.5%
Uncomfortable	358	17.5%
Very uncomfortable	230	11.3%

Question 8 – Do you require assistance when making a trust determination?

Answer	Count	Percentage
No, I am generally able to make a trust determination without any assistance.	953	46.6%
Yes, I generally have to ask for assistance when making a trust determination.	593	29.0%
Yes, I sometimes have to ask for assistance when making a trust determination.	498	24.4%

Question 9 – When you need assistance, who do you ask for it?

Answer	Count	Percentage
Claims Technical Expert	768	70.4%
VHelp	131	12.0%
Other	192	17.6%

Question 10 – Is the assistance you receive sufficient?

Answer	Count	Percentage
Yes	828	75.9%
No	263	24.1%

Question 11 – Is the trust decision tree helpful when making trust determinations?

Answer	Count	Percentage
Yes	1658	81.1%
No	386	18.9%

Question 12 – Do you find the POMS sections explaining trust determination policy and procedures to be clear and concise?

Answer	Count	Percentage
Yes	1036	50.7%
No	1008	49.3%

Question 13 – How confident are you in your ability to make accurate trust determinations?

Answer	Count	Percentage
Very confident	187	9.1%
Confident	785	38.4%
Neither confident nor unconfident	636	31.1%
Unconfident	250	12.2%
Very unconfident	186	9.1%

Question 14 – Have you received training on making trust determinations?

Answer	Count	Percentage
Yes	1049	42.1%
No	795	31.9%
I do not recall	645	25.9%

Question 15 – Was the training obtained sufficient to help you make a proper trust determination?

Answer	Count	Percentage
Yes	601	57.3%
No	448	42.7%

Question 16 – You can use this section to provide any feedback you think may help us better understand trust determinations and trust reviews.

[1,473 individuals provided written responses to this question. As some of the responses could possibly identify the respondents, we have not listed the written responses.]

Appendix D – REGIONAL TRUST REVIEWERS TEAM SURVEY RESPONSES

The following provides the number of regional trust reviewers team employees who responded to each possible question response.

Question 1 – Please select the option that best describes your role in the trust review process.

Answer	Count	Percentage
Regional Trust Reviewer	152	89.9%
Regional Trust Lead	17	10.1%

Question 2 – How often do you complete trust reviews?

Answer	Count	Percentage
I have not yet completed a trust review.	4	2.4%
I complete trust reviews on most days.	11	6.5%
Not daily, but in most weeks, I complete at least one trust review.	31	18.3%
I don't complete trust reviews every week, but I usually complete at least one each month	48	28.4%
I don't complete a trust review every month, but I have completed one or more in the past year.	50	29.6%
I've reviewed trusts in the past but it has been a year or more since I have done so.	25	14.8%

Question 3 – How comfortable are you reviewing trust documents to determine whether the trusts are revocable or irrevocable trusts?

Answer	Count	Percentage
Very comfortable	43	25.4%
Comfortable	64	37.9%
Neither comfortable nor uncomfortable	31	18.3%
Uncomfortable	18	10.7%
Very uncomfortable	13	7.7%

Question 4 – How comfortable are you using the SSI Trust Monitoring System (SSITMS)?

Answer	Count	Percentage
I never use the SSI Trust Monitoring System	1	0.6%
Very comfortable	80	47.3%
Comfortable	56	33.1%
Neither comfortable nor uncomfortable	19	11.2%
Uncomfortable	8	4.7%

Answer	Count	Percentage
Very uncomfortable	5	3.0%

Question 5 – On average, how long does it take for you to review a trust determination made by field office staff? (Not counting any unrelated trust workloads you may work on between trust reviews.)

[168 individuals provided written responses to this question. As some of the responses could possibly identify the respondents, we have not listed the written responses.]

Question 6 – Do you require assistance when making a trust determination?

Answer	Count	Percentage
No, I am generally able to make a trust determination without any assistance.	102	60.4%
Yes, I generally have to ask for assistance when making a trust determination.	15	8.9%
Yes, I sometimes have to ask for assistance when making a trust determination.	52	30.8%

Question 7 – When you need assistance, who do you ask for it?

Answer	Count	Percentage
Regional Trust Reviewer Team (TRRT)	14	20.9%
Regional Trust Lead (RTL)	33	49.3%
Office of General Counsel (OGC)	2	3.0%
Central Office (CO)	2	3.0%
Regional Chief Counsel (RCC)	0	0.0%
Other	16	23.9%

Question 8 – Is the assistance you receive sufficient?

Answer	Count	Percentage
Yes	45	67.2%
No	6	9.0%
Other	16	23.9%

Question 9 – Do you find the POMS sections on making trust determinations to be clear and concise?

Answer	Count	Percentage
Yes	103	60.9%
No	66	39.1%

Question 10 – How confident are you in your ability to make accurate trust determinations?

Answer	Count	Percentage
Very confident	37	21.9%
Confident	72	42.6%
Neither confident nor unconfident	33	19.5%
Unconfident	20	11.8%
Very unconfident	7	4.1%

Question 11 – You can use this section to provide any feedback you think may help us better understand trust determinations and trust reviews.

[95 individuals provided written responses to this question. As some of the responses could possibly identify the respondents, we have not listed the written responses.]

Appendix E – AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: September 5, 2023

Refer To: TQA-1

To: Gail S. Ennis
Inspector General

From: Scott Frey 
Chief of Staff

Subject: Office of the Inspector General Draft Report, “The Social Security Administration's Determinations of Supplemental Security Income Recipients’ Trusts” (A-02-21-51026)—
INFORMATION

Thank you for the opportunity to review the draft report. Please see our detailed comments in the attached document.

Please let me know if I can be of further assistance. You may direct staff inquiries to Trae Sommer at (410) 965-9102.

Attachment

**SSA COMMENTS ON THE OFFICE OF INSPECTOR GENERAL DRAFT REPORT
“THE SOCIAL SECURITY ADMINISTRATION’S DETERMINATIONS OF
SUPPLEMENTAL SECURITY INCOME RECIPIENTS’ TRUSTS” (A-02-21-51026)**

Recommendation 1

Review, and take appropriate action on, the seven improper payment cases highlighted in this report.

Response

We agree.

Recommendation 2

Improve controls to ensure field office employees add documentation to support their trust determinations and the required pertinent trust documents in SSA’s system.

Response

We agree.

Recommendation 3

Establish system controls to ensure field office employees submit their trust determinations in SSITMS for review and resolve any disagreements raised by the reviews before completing their final trust determination in SSA’s systems.

Response

We agree.

Recommendation 4

Determine whether employees with the legal training and abilities needed to evaluate the impact trusts outlined in complex legal documents have on recipients’ SSI eligibility and payment amounts would make more accurate trust-related determinations. If they would make more accurate determinations, have those employees make them.

Response

We disagree. Our policy does not require formal legal training to make most trust-related determinations. Instead, technicians apply relevant policy and procedures to make determinations. If legal advice is warranted, technicians are instructed to seek input from our Office of the General Counsel. In addition, our Regional Trust Review Teams are required to have specialized experience evaluating trusts. Due to resource and staffing constraints, it is not feasible to further increase specialization to a select few employees.

Recommendation 5

Establish metrics and controls to ensure for the timely review of field office employees' trust determinations.

Response

We disagree. We must prioritize goals for budgeted and other top-priority work. It is not feasible to establish additional fixed goals without considering how they affect our other work and our ability to achieve priority targets.



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