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March 12, 2020

**VIA E-MAIL**

Andrew Saul, Commissioner  
Social Security Administration  
500 E Street SW  
Washington, DC 20254

**Re: Social Security Flexibility for Claimants and Representatives  
Due to COVID-19**

Dear Commissioner Saul:

As claimants' representatives and advocates who work on Social Security policy and practice issues, we write to express our concern for the claimants we serve as the COVID-19 coronavirus spreads in the United States. Many of the claimants with whom we work have disabilities and other factors that would make them the highest risk cases, with the most need of critical medical intervention. Some representatives and Social Security Administration (SSA) staff are high risk as well. We thus believe that every effort should be taken to limit the need for people to personally visit SSA offices and facilities.

In the interest of public health, and to protect claimants as well as colleagues and community members, we write to ask you to consider implementing as soon as practicable some common-sense measures at all levels of SSA.

Those measures include:

- At field offices:
  - Waive ten-day appeal deadlines for benefit continuation for continuing disability reviews, age-18 reviews, and non-disability terminations or reductions;
  - Waive other appeals deadlines that could be impacted by COVID-19, or at the very least provide liberal good cause for late appeals (including, but not limited, to for any concerns or issues related to COVID-19);
  - Discourage claimants from appealing in person, and accept appeals by telephone. Instruct SSA staff to document the date of contact to preserve appeal or constructive appeal dates;

- Do not delay authorization of disability benefits after favorable disability decisions because claimants are unable to attend in-person effectuation meetings. Where possible, conduct redeterminations or interviews by phone and waive documentation requirements;
  - Discourage SSA staff from scheduling other non-essential claimant meetings in person. Encourage staff to postpone claimant meetings when possible, or to conduct them over the phone instead;
  - Take steps to ensure that field office staff are accessible to claimants by telephone;
  - Accelerate retroactive payments, especially where claimants are living in homeless shelters and other congregant living arrangements;
  - Arrange for telephone applications for individuals who do not have computer access or otherwise cannot file applications; and
  - Train security guards and greeters on temporary flexibility and policies, so claimants can be encouraged to limit their time in field offices.
- At Disability Determination Services:
    - Do not deny or terminate claims for Failure to Cooperate for the pendency of the public health crisis; instead, hold claims and reestablish contact with claimants after the crisis has passed;
    - Hold Disability Hearing Unit hearings by telephone, and liberally grant continuances when requested;
    - Only seek consultative examinations (CEs) when absolutely necessary or delay them until the crisis has passed; this is especially important in jurisdictions that hold CEs at central facilities (such as IMA in Pennsylvania). Find automatic good reasons for non-attendance if CEs are missed, and suspend the policy of only allowing one postponement per claim.
- At Offices of Hearing Operations:
    - Liberally grant continuances in cases where claimants or their representatives are sick, quarantined, or caring for family members, and require Offices to accept continuance requests via telephone;
    - Liberally grant requests for representatives and/or claimants to appear via telephone, to reduce the number of people in hearing rooms and waiting rooms;
    - Encourage Adjudicators to grant on-the-record requests whenever appropriate, and to only hold hearing when absolutely necessary;
    - Waive any five-day and ten-day deadlines for claimants and representatives who may not be able to access certain evidence during this time or conduct business as usual; and
    - Extend deadlines for evidence where medical providers are delayed by staff shortage, remote work, quarantine, or any other COVID-19-related circumstance.

- At SSA's 1-800 telephone number and other public information sites:
  - Prepare SSA staff to clearly explain temporary flexibility and policies, including extended or waived deadlines, and to instruct claimants on how they can communicate by telephone or internet rather than visiting field offices;
  - Require SSA staff to accept appeals by telephone and document the date of contact to preserve appeal or constructive appeal dates; and
  - Take measures to avoid increased "scam calls" of people pretending to conduct SSA business by telephone to capture sensitive claimant information.

Thank you very much for your prompt consideration of these requests. As the COVID-19 public health situation is developing rapidly, we hope to hear from you or one of your staff members within the next two weeks. More important, we hope that you will take steps to inform the public of SSA's plans within that timeframe, so that the public can be confident that they may safely conduct business with SSA.

For further discussion with our group, please contact Jennifer Burdick at Community Legal Services via e-mail ([jburdick@clsphila.org](mailto:jburdick@clsphila.org)) or via telephone (215) 981-3721.

Sincerely yours,

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Community Legal Aid Society  
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Legal Aid Foundation of Los Angeles  
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