

Justification for Inclusion of SSN on Representative Payee Form RI 38-115

The Office of Personnel Management (OPM) utilizes form RI 38-115 (Representative Payee Survey) to obtain updated information from the Representative Payee (Rep payee) that was established to handle annuity payments on behalf of annuitants and survivor annuitants that are incapable of handling their own affairs.

Retirement Eligibility & Services (RES) in OPM has the responsibility of monitoring this process. The function of RES is to maintain the integrity of the Federal retirement annuity roll. Surveys and matches are conducted to determine that the correct person is being paid and that the funds are being used for the benefit of the annuitant or survivor in cases involving rep payees. If there is indication that there is improper handling of benefits, an investigation ensues to determine if there should be a suspension of benefits or assignment of a new payee. If the person in question is determined to have mishandled or misappropriated the Federal funds, ultimately this case would be reported to the OPM Office of the Inspector General for assistance. To this effect, we would like to request inclusion of the payee social security number (SSN) on form RI 38-115 to assist us in tracking, investigating and addressing instances of fraud and abuse of governmental funds (benefits).

The Retirement Inspections Branch and Retirement Surveys and Students Branch (RI & RSS) within RES hold a responsibility similar to that of several other agencies. RI has agreements with several benefit paying agencies to obtain necessary information to ensure consistency among agencies to prevent misuse of benefits. Since these agencies such as the Department of Veterans Affairs (VA) and the Social Security Administration (SSA) etc., have similar circumstances we are referring to some of their processes in obtaining and readily storing information on payees.

The Department of Veterans Affairs provides benefits to veterans of the military. They have a fiduciary program set up for payment to those whom the VA has determined as mentally incompetent. They too are on the lookout for any instance of misuse or negligence on the part of the fiduciary. Misuse in these cases includes when the beneficiary does not profit from VA benefits.

The VA has set up various guidelines on how they determine fiduciary eligibility including visits to the beneficiary and fiduciary. Staff conducts visits to the fiduciary which include general background checks (i.e., contact of character witnesses and review of credit reports) and annual financial reports to determine how the funds are being managed. In 2005, the VA established a new policy as a result of the Veterans' Benefits Improvement Act of 2004 for professional fiduciaries of more than 20 beneficiaries for occasional on-site reviews. It was still determined that not all fiduciaries in this category can be reliably identified. They use a match to identify beneficiary and fiduciary. The matches are linked by name and not SSN. This provides for issues since the names can be recorded incorrectly or inconsistently-same name different spellings. They have recognized that a more

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unique identifying marker such as a SSN for the fiduciary would assist in fewer errors identifying fiduciaries.¹

The Government Accountability Office (GAO) presented a report in 2002 that refers to the benefits of federal agency use of SSN's. There are definite instances of use of SSN associated with benefit payments. A couple of examples are the Omnibus Budget Reconciliation and Trade Act of 1990 38 U.S.C. 510 which required people to provide SSN's for VA benefits. Another is the Debt Collection Improvement Act of 1996 31 U.S.C. 7701 which required those with business dealings with the federal government to provide SSNs for items such as benefit payments.

The use of SSN's has been determined useful for agencies with programs administering benefits, primarily, because the SSN is specific to an individual and unchangeable. As mentioned earlier, there could be incorrect reporting or inconsistencies when using names only as identifying factors. The SSN links between agencies would allow for greater capacity in data sharing to compare benefit information increasing the integrity of the program. Ultimately we want to avoid payment of benefits to those who should not be paid saving the government millions of dollars.²

¹ (GAO, Safeguarding Veterans' Resources, GAO-10-241, February 2010, p. 2) (p. 2)

² (GAO, Government Benefits from SSN Use, GAO-02-352, May 2002)