

U.S. SENATOR BOB CASEY



RANKING MEMBER *Special Committee on Aging*

The Social Security Disability Protection Act (S.3741)

Why do we need the Social Security Disability Protection Act?

Beginning in 2019, the Social Security Administration (SSA) will add an additional step to the disability benefits application process in ten states (Alabama, Alaska, Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York, Pennsylvania and California¹), extending the wait time for decisions for many applicants from an average of roughly 500 days to roughly 600 days, or over a year and a half. SSA removed this step from these states' application processes nearly 20 years ago. Reverting to the more burdensome process will harm over 140,000 people in the first year.² According to SSA, roughly 106,000 people will wait longer for decisions and another 35,000 will give up on applying for benefits and drop out of the process altogether.

Disability advocates and experts frequently criticize this additional step, referred to as the 'reconsideration step', which is currently used in 40 states. Adding this flawed process to the application process in ten additional states¹ harms people seeking disability benefits. Longer wait times can strain the finances of people with disabilities who cannot work and whose health may be deteriorating. In FY 2017 alone, 10,000 people died while waiting for a final decision. SSA should not move forward with any plan that lengthens wait times and makes applicants go through additional flawed steps before receiving a final decision.

What will the Social Security Disability Protection Act do?

The Social Security Disability Protection Act would prevent SSA from increasing disability applicants' wait times by adding an unnecessary step to the application process and would require SSA to instead focus on how the agency can reduce already unacceptable decision-making wait times. More specifically, the bill would:

1. Prohibit SSA from adding the flawed and lengthy reconsideration step to the disability application processes of the ten impacted states.
2. Require SSA to provide Congress with a detailed plan of how the agency can improve the reconsideration step of the disability application process, including by potentially removing the reconsideration step completely from the application and appeals process.
3. Require SSA to provide Congress with a detailed plan of how the agency intends to bring down case processing times for disability applicants.
4. Require that SSA develop these plans by consulting with scholarly experts as well as disability advocates and other affected individuals.

Endorsers: National Committee to Preserve Social Security and Medicare, The Arc of the United States, the Center for Legal Services (Philadelphia) and the National Organization of Social Security Claimants' Representatives.

¹ Note that only the Los Angeles North and Los Angeles West SSA offices would add the additional step to the application and appeals process. The reconsideration step is already a part of the disability application process in the rest of California.

² This is total number harmed across all states in the 12 months following the addition of the reconsideration step in each state. SSA is not making the change in each state at the same time, however, so this 12-month period is not the same for all states.