| | |
|---|---|
| Description of document: | Social Security Administration (SSA) records provided to Senator Charles E. Grassley and Senator Tom Coburn concerning the independence of Inspectors General necessary to promote efficiency and prevent fraud, waste and abuse in agency programs, in response to the Senators' inquiry, 2011-2012 |
| Requested: | 14-April-2012 |
| Released date: | 09-July-2012 |
| Posted date: | 23-July-2012 |
| Source of document: | Freedom of Information Act Request<br>Social Security Administration<br>Office of Privacy and Disclosure<br>617 Altmeyer Building<br>6401 Security Boulevard<br>Baltimore, Maryland 21235<br>Fax: (410) 966-0869 |
| Note: | This is one of several files on the same subject for various agencies available on governmentattic.org. See: http://www.governmentattic.org/6docs/GrassleyCoburn.htm |

# SOCIAL SECURITY

Refer to:
S9H: AI2126

July 9, 2012

This is in response to your April 14, 2012 Freedom of Information Act (FOIA) request for a copy of each biannual response to Senators Grassley and Coburn regarding their April 8, 2010 request for summaries of the Social Security Administration Office of the Inspector General's non-public management advisories and closed investigations.

I am enclosing 26 pages of material responsive to your request. I am withholding portions of six pages pursuant to FOIA Exemption 5 (5 U.S.C. §552 (b)(5)). FOIA Exemption 5 protects advice, opinions, recommendations, predecisional discussion, and evaluative remarks that are part of the government decision-making process. Release of such predecisional advisory communications would harm the quality of agency decision-making and the policy of encouraging frank, open discussion among agency personnel before making a decision.

If you disagree with this decision, you may appeal it. Mail the appeal within 30 days after you receive this letter to the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Mark the envelope "Freedom of Information Appeal."

Sincerely,

Mary Ann Zimmerman

Mary Ann Zimmerman
Acting Freedom of Information Officer

Enclosures

# SOCIAL SECURITY

June 15, 2010

The Honorable Tom Coburn
United States Senator
Washington, DC 20510

Dear Senator Coburn,

This is in response to your letter, signed jointly with Senator Grassley, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's Office of Inspector General (SSA-OIG). Our response to each of these three requests is below.

First, you asked that we identify all instances from October 1, 2008 to the present in which SSA has resisted and/or objected to our oversight activities and/or has restricted our access to information. While a degree of tension is inherent in the job of an Inspector General, I am pleased to report that my relationship with the Commissioner of Social Security and his staff is one of mutual respect and cooperation. The only incident in which information we requested from the agency was delayed was in the course of our audit work concerning the replacement of the National Computer Center. While the majority of the documents we requested were provided without delay, certain records, including a report prepared by a contractor, were not provided until after a delay of several months.

In addition, we have encountered delays in audit and investigative work, and have even rejected or abandoned audit and investigative projects due to delays occasioned by the Computer Matching and Privacy Protection Act (CMPPA) and the agency's implementation thereof. The nature of our program work is such that computerized matches of data are critical to our mission. The requirements of the CMPPA hinder these efforts, and delays and obstacles encountered in obtaining the agency's cooperation in executing computer matching agreements has on occasion made a difficult situation even more frustrating. It is my understanding that the Council of Inspectors General on Integrity and Efficiency is seeking a legislative exemption from many of the CMPPA's requirements for Inspectors General, and I strongly support that effort.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public for the period January 1, 2009 through April 30, 2010. With respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were not made available, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| | | Report Issued |
|---|---|---|
| A-15-09-29064 | Costs Claimed by the Virginia Commonwealth University Contract Number SS00-04-60097 | 1/5/2009 |
| A-44-09-19098 | The Social Security Administration's Ability to Address Future Processing Requirements | 3/16/2009 |
| A-12-08-18072 | Physical Security at the Office of Disability Adjudication and Review's Headquarters Building | 3/26/2009 |
| A-07-09-19059 | Access to Personally Identifiable Information Available in the LexisNexis Total Research System | 5/29/2009 |
| A-14-09-29139 | Social Security Administration's Disaster Recovery Process | 6/5/2009 |
| A-08-09-19107 | Myers Investigative and Security Services Contract | 8/17/2009 |
| A-15-09-29121 | Costs Claimed by the Association of University Centers on Disabilities' Termination and Final Closeout of Contract Number SS00-06-60074 | 9/2/2009 |
| A-15-09-29176 | Management Advisory Report: Defense Contract Audit Agency Report on Mathematica Policy Research, Incorporated's Termination Settlement Proposal for Contract Number SS00-06-60084 | 9/23/2009 |
| A-14-10-21043 | The Social Security Administration's Use of Site Selection Industry Best Practices for its New Data Center | 4/12/2010 |
| A-14-10-21095 | Congressional Response Report: The Social Security Administration's Data Center Alternatives | 4/12/2010 |

With respect to investigations, the SSA-OIG closed 3,740 criminal investigations during the last semiannual reporting period (10/1/09 – 3/31/10). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

The SSA-OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, cases can be referred to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program, imposing substantial financial penalties on those proven through our investigations to have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, the SSA-OIG has, in its short history, learned to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to

provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have many viable alternatives that render Federal declination less problematic than it may be for other Offices of Inspector General.

Third, you asked whether any Federal official has ever interfered with this office's ability to communicate with Congress about our budget or any other issue. This has never occurred.

Finally, you requested a copy of my earlier correspondence to Representative Issa. A copy of that correspondence is enclosed.

I trust this is responsive to your concerns, but should you have any questions, please feel free to contact me, or your staff may contact Jonathan L. Lasher, Assistant Inspector General for External Relations, at (410) 965-7178. An identical copy of this letter is being provided to Senator Charles Grassley.

Sincerely,

S

Patrick P. O'Carroll, Jr.
Inspector General

Enclosure

# SOCIAL SECURITY

June 15, 2010

The Honorable Charles E. Grassley
United States Senator
Washington, DC 20510

Dear Senator Grassley,

This is in response to your letter, signed jointly with Senator Coburn, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's Office of Inspector General (SSA-OIG). Our response to each of these three requests is below.

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In addition, we have encountered delays in audit and investigative work, and have even rejected or abandoned audit and investigative projects due to delays occasioned by the Computer Matching and Privacy Protection Act (CMPPA) and the agency's implementation thereof. The nature of our program work is such that computerized matches of data are critical to our mission. The requirements of the CMPPA hinder these efforts, and delays and obstacles encountered in obtaining the agency's cooperation in executing computer matching agreements has on occasion made a difficult situation even more frustrating. It is my understanding that the Council of Inspectors General on Integrity and Efficiency is seeking a legislative exemption from many of the CMPPA's requirements for Inspectors General, and I strongly support that effort.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public for the period January 1, 2009 through April 30, 2010. With respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were not made available, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

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| A-08-09-19107 | Myers Investigative and Security Services Contract | 8/17/2009 |
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With respect to investigations, the SSA-OIG closed 3,740 criminal investigations during the last semiannual reporting period (10/1/09 – 3/31/10). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

The SSA-OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, cases can be referred to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program, imposing substantial financial penalties on those proven through our investigations to have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, the SSA-OIG has, in its short history, learned to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have many viable alternatives that render Federal declination less problematic than it may be for other Offices of Inspector General.

Third, you asked whether any Federal official has ever interfered with this office's ability to communicate with Congress about our budget or any other issue. This has never occurred.

Finally, you requested a copy of my earlier correspondence to Representative Issa. A copy of that correspondence is enclosed.

I trust this is responsive to your concerns, but should you have any questions, please feel free to contact me, or your staff may contact Jonathan L. Lasher, Assistant Inspector General for External Relations, at (410) 965-7178. An identical copy of this letter is being provided to Senator Tom Coburn.

Sincerely,

S

Patrick P. O'Carroll, Jr.
Inspector General

Enclosure

SOCIAL SECURITY
Office of the Inspector General

January 6, 2011

The Honorable Tom Coburn
United States Senate
Washington, D.C. 20510

Dear Senator Coburn:

This is further to your letter, signed jointly with Senator Grassley, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's (SSA) Office of the Inspector General (OIG), and asked that this office provide biannual updates. Our response to each of your three requests for the six-month period just completed is below.

First, you asked that we identify all instances in which SSA has resisted and/or objected to our oversight activities and/or has restricted our access to information. There have been no such instances related to any audit, evaluation, or investigation. The concerns I expressed in my June 15, 2010 response to your original request, however, pertaining to delays occasioned by the Computer Matching and Privacy Protection Act (CMPPA), remain. Further, SSA has recently opined that the SSA OIG lacks the authority to independently sign or enter into Computer Matching Agreements. I continue to support the Council of Inspectors General on Integrity and Efficiency's efforts to obtain a legislative exemption from many of the CMPPA's requirements for Inspectors General.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public. For the period May 1, 2010 through September 30, 2010 (the close of our semiannual reporting period) the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were not made available, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| Limited Distribution Reports Issued May 1, 2010 to September 30, 2010 | | |
|---|---|---|
| **CIN** | **Report Title** | **Report Issued** |
| A-14-10-20170 | The Social Security Administration's Response to Congressional Inquiry Concerning New Data Center Site Selection | 8/27/2010 |
| A-14-10-20116 | The Social Security Administration's Disaster Preparedness | 8/13/2010 |
| A-14-10-30110 | The Social Security Administration's Second Support Center Disaster Recovery Capability | 7/22/2010 |
| A-15-10-21088 | CESSI, Division of Axiom Resource Management, Inc., Indirect Cost Rate Proposals for Fiscal Years 2007 and 2008 | 7/16/2010 |

With respect to investigations, the SSA OIG closed 3,373 criminal investigations during the last semiannual reporting period (April 1, 2010 through September 30, 2010). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff several months ago suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution. As I explained in my June 15, 2010 response to your original request, these declinations are not inconsistent with our mandate to oversee SSA's programs and operations by preventing and detecting fraud, waste, and abuse. Many of our investigations have limited appeal for criminal prosecution, but still result in savings to SSA programs, and have a deterrent effect on those who would attempt to defraud these critical programs.

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Inspector General

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Office of the Inspector General

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United States Senate
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Sincerely,

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Patrick P. O'Carroll, Jr.
Inspector General

# SOCIAL SECURITY

Office of the Inspector General

June 1, 2011

The Honorable Tom Coburn, M.D.
United States Senator
Washington, D.C. 20510

Dear Senator Coburn,

This is further to your letter, signed jointly with Senator Grassley, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's (SSA) Office of Inspector General (OIG), and asked that we continue to provide this information on an ongoing, semiannual basis. Our response to each of the three requests for the period October 1, 2010 through March 31, 2011 is below.

First, you asked that we identify all instances in which SSA has resisted and/or objected to our oversight activities and/or has restricted our access to information. This OIG's relationship with the Commissioner of Social Security and his staff continues to be cooperative and productive. Therefore, there have been no incidents of resistance and/or objection during this period.

As I reported in my letter to you dated June 15, 2010, however, we continue to encounter delays in audit and investigative work due to the operation of the Computer Matching and Privacy Protection Act (CMPPA). We continue to advocate for a legislative solution to this issue in the form of an exemption for this office, or for all Inspectors General.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public. For the period October 1, 2010 through March 31, 2011, we had one closed audit not made available to the public:

| CIN | Report Title | Audit Cancelled |
|---|---|---|
| A-05-09-29173 | Questionable Evidence from a Michigan Medical Professional | 3/25/2011 |

We initiated this audit in February 2010. [redacted]

[redacted]

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Further, with respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were not made available to the public, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| CIN | Report Title | Report Issued |
|---|---|---|
| A-14-11-21138 | Congressional Response Report: The Social Security Administration's Disaster Recovery Capabilities (Limited Distribution) | 11/1/2010 |
| A-14-10-20184 | The Social Security Administration's New Data Center Site Alternatives (Limited Distribution) | 2/10/2011 |
| A-06-10-20173 | Follow-up: Personally Identifiable Information Made Available to the Public Via the Death Master File (Limited Distribution) | 3/31/2011 |

With respect to investigations, the SSA OIG closed 3,358 criminal investigations during this period (October 1, 2010 – March 31, 2011). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff last year suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

As I explained last year, the SSA OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, cases can be referred to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program, imposing substantial financial penalties on those proven through our investigations to have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, the SSA OIG has, in its short history, learned to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have many viable alternatives that render Federal declination less problematic than it may be for other Offices of Inspector General.

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Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

# SOCIAL SECURITY

Office of the Inspector General

June 1, 2011

The Honorable Charles E. Grassley
United States Senator
Washington, D.C. 20510

Dear Senator Grassley,

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Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

# SOCIAL SECURITY
Office of the Inspector General

November 23, 2011

The Honorable Tom Coburn, M.D.
United States Senator
Washington, D.C. 20510

Dear Senator Coburn:

This is further to your letter, signed jointly with Senator Grassley, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's (SSA) Office of the Inspector General (OIG), and asked that we continue to provide this information on an ongoing, semiannual basis. I am pleased to provide below our response for the period April 1, 2011 through September 30, 2011.

First, you asked that we identify all instances in which SSA has resisted and/or objected to our oversight activities, and/or has restricted our access to information. Our relationship with the Commissioner of Social Security and his staff continues to be cooperative and productive. Therefore, there have been no instances as outlined above during this reporting period.

As I reported in my letter to you dated June 15, 2010, we continue to encounter delays in audit and investigative work due to limitations created by the *Computer Matching and Privacy Protection Act*. We continue to advocate for a legislative solution to this issue in the form of an exemption for this office, or for all inspectors general.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public. For this reporting period, we had one closed audit not made available to the public:

| CIN | Report Title | Audit Cancelled |
|---|---|---|
| A-08-09-19109 | Supplemental Security Income Recipients Who Alleged Being Separated or Divorced | 6/10/2011 |

We initiated this audit in February 2010. [redacted]

65

Further, with respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were

not made available to the public, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| CIN | Report Title | Report Issued |
|---|---|---|
| A-15-10-20137 | The Handling and Destruction of Social Security Number Cards Deemed as Spoilage (Limited Distribution) | 4/26/2011 |
| A-14-11-11144 | The Program of Requirements for the Social Security Administration's New Data Center (Limited Distribution) | 5/13/2011 |

With respect to investigations, the SSA OIG closed 3,809 criminal investigations during this period (3/31/11 – 9/30/11). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff two years ago suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

As I have explained in prior responses, the SSA OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, we refer cases internally to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program. This authority enables us to impose substantial financial penalties on investigative subjects for whom the evidence clearly indicates they have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, we continue to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have alternatives that render Federal declination less problematic than it may be for other OIGs.

Finally, you asked whether any Federal official has interfered with this office's ability to communicate with Congress about our budget or any other issue. This has not occurred.

I trust this is responsive to your concerns, but should you have any questions, please contact me, or your staff may contact Jonathan L. Lasher, Assistant Inspector General for External Relations, at (410) 965-7178. We are providing a similar letter to Senator Charles Grassley.

Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

# SOCIAL SECURITY

Office of the Inspector General

November 23, 2011

The Honorable Charles E. Grassley
United States Senator
Washington, D.C. 20510

Dear Senator Grassley:

This is further to your letter, signed jointly with Senator Coburn, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's (SSA) Office of the Inspector General (OIG), and asked that we continue to provide this information on an ongoing, semiannual basis. I am pleased to provide below our response for the period April 1, 2011 through September 30, 2011.

First, you asked that we identify all instances in which SSA has resisted and/or objected to our oversight activities, and/or has restricted our access to information. Our relationship with the Commissioner of Social Security and his staff continues to be cooperative and productive. Therefore, there have been no instances as outlined above during this reporting period.

As I reported in my letter to you dated June 15, 2010, we continue to encounter delays in audit and investigative work due to limitations created by the *Computer Matching and Privacy Protection Act*. We continue to advocate for a legislative solution to this issue in the form of an exemption for this office, or for all inspectors general.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public. For this reporting period, we had one closed audit not made available to the public:

| CIN | Report Title | Audit Cancelled |
|---|---|---|
| A-08-09-19109 | Supplemental Security Income Recipients Who Alleged Being Separated or Divorced | 6/10/2011 |

We initiated this audit in February 2010. [redacted]

[redacted]

Further, with respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were

not made available to the public, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| CIN | Report Title | Report Issued |
|---|---|---|
| A-15-10-20137 | The Handling and Destruction of Social Security Number Cards Deemed as Spoilage (Limited Distribution) | 4/26/2011 |
| A-14-11-11144 | The Program of Requirements for the Social Security Administration's New Data Center (Limited Distribution) | 5/13/2011 |

With respect to investigations, the SSA OIG closed 3,809 criminal investigations during this period (3/31/11 – 9/30/11). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff two years ago suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

As I have explained in prior responses, the SSA OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, we refer cases internally to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program. This authority enables us to impose substantial financial penalties on investigative subjects for whom the evidence clearly indicates they have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, we continue to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have alternatives that render Federal declination less problematic than it may be for other OIGs.

Finally, you asked whether any Federal official has interfered with this office's ability to communicate with Congress about our budget or any other issue. This has not occurred.

I trust this is responsive to your concerns, but should you have any questions, please contact me, or your staff may contact Jonathan L. Lasher, Assistant Inspector General for External Relations, at (410) 965-7178. We are providing a similar letter to Senator Tom Coburn.

Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

SOCIAL SECURITY
Office of the Inspector General

April 20, 2012

The Honorable Tom Coburn, M.D.
United States Senator
Washington, DC 20510

Dear Senator Coburn:

This is in response to your letter, signed jointly with Senator Grassley, dated April 8, 2010. In that letter, you made three requests of the Social Security Administration's Office of Inspector General (SSA-OIG). Our response to each of these three requests for the period of October 1, 2011-March 31, 2012 is below.

First, you asked that we identify all instances in which SSA has resisted and/or objected to our oversight activities, and/or has restricted our access to information. As I reported in my letter to you dated June 15, 2010, we continue to encounter delays in audit and investigative work due to the operation of the Computer Matching and Privacy Protection Act (CMPPA). We continue to advocate for a legislative solution to this issue in the form of an exemption for this office, or for all Inspectors General.

Second, you requested that I provide you with information pertaining to closed audits, evaluations, and investigations that were not made available to the public. For the period October 1, 2011 through March 31, 2012, we had one closed audit not made available to the public:

| | | |
|---|---|---|
| A-13-11-11123 | Accuracy of Special Disability Workload Payments | 11/23/2011 |

We initiated this audit in July 2010. [redacted]

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Further, with respect to audits and evaluations, the following reviews were issued as "limited distribution" reports during this timeframe. I would note that while the reports themselves were not made available to the public, the titles, issue dates, and summaries are posted on our website in an effort to be as transparent as possible:

| | | |
|---|---|---|
| A-15-11-21129 | MAXIMUS' Incurred Cost Proposals for Fiscal Years 2004 and 2005 | 10/11/2011 |
| A-03-11-21162 | Controls Over the Annual Wage Reporting Process | 10/18/2011 |
| A-12-11-21190 | Follow-up: Physical Security at the Office of Disability Adjudication and Review's Headquarters Building | 11/4/2011 |
| A-09-11-21165 | Controls over Social Security Internet Benefit Applications | 12/7/2011 |
| A-15-11-11176 | Internal Control Review over the Processing of Social Security Number Cards at the Second Support Center | 2/9/2012 |
| A-06-11-21189 | South Dakota CARES, Inc., an Organizational Representative Payee for the Social Security Administration | 3/14/2012 |

With respect to investigations, the SSA-OIG closed 3,804 criminal investigations during the last semiannual reporting period (10/1/11 – 3/31/12). Approximately half of these resulted in no public-record event, such as a criminal conviction. Although we would be pleased to provide you with information about all non-public-record cases, discussions with your staff suggested that you are interested primarily in meritorious cases that were declined for Federal prosecution.

The SSA-OIG is unique in the IG community in several respects. Among these is that the nature of individual Social Security benefits is such that we complete many criminal investigations that do not meet the monetary thresholds of Offices of U.S. Attorneys. This apparent negative, however, becomes a positive due to a second unique aspect of this OIG; the availability of many remedies beyond Federal criminal prosecution. Many of our investigations that are declined federally are instead prosecuted at the State level, where we enjoy an outstanding working relationship with prosecutors across the country. When this remedy is not available, cases can be referred to our own Office of Counsel, which administers SSA's Civil Monetary Penalty program, imposing substantial financial penalties on those proven through our investigations to have defrauded SSA. Finally, when even this remedy is unavailable, SSA administers an administrative sanctions program, through which those who defraud the Agency's benefit programs are declared ineligible for benefits for a set period of time.

Through these myriad approaches, the SSA-OIG has, in its short history, learned to work with the limitations inherent in a Federal criminal system that has limited resources. We would be happy to provide additional information on our federally declined cases upon your request. I wanted, however, to first make you aware that while we would be pleased to see all of our cases go to Federal prosecution, we have many viable alternatives that render Federal declination less problematic than it may be for other Offices of Inspector General.

Third, you asked whether any Federal official has ever interfered with this office's ability to communicate with Congress about our budget or any other issue. This has never occurred.

I trust this is responsive to your concerns, but should you have any questions, please feel free to contact me, or your staff may contact Jonathan L. Lasher, Assistant Inspector General for External Relations, at (410) 965-7178. An identical copy of this letter is being provided to Senator Charles Grassley.

Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

# SOCIAL SECURITY
Office of the Inspector General

April 20, 2012

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United States Senator
Washington, DC 20510

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Inspector General