



Social Security Administration
Submitted Online via <https://www.regulations.gov>

Re: Agency Collection Activity: Social Security Income Simplification Process Phase I (iSSI), 88 FR 53945.

Dear Acting Commissioner Kijakazi:

The undersigned co-chairs of the Consortium of Constituents with Disabilities' (CCD) Social Security Task Force thank you for the opportunity to comment on Agency Collection Activity seeking feedback on Phase I of SSA's SSI Simplification Process. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance.

CCD Social Security Task Force focuses on disability policy issues in the Title II disability programs and the Title XVI Supplemental Security Income (SSI) program. The SSI and Title II cash benefits, along with the related Medicaid and Medicare benefits, are the means of survival for millions of individuals with disabilities. They rely on SSA employees to promptly pick up the phone to assist in completing applications, to adjudicate those applications for disability benefits, and handle many other actions critical to their well-being.

I. CCD Commends SSA's Efforts to Introduce a Fully Online, Simplified SSI Application Process

We would like to express our general support for SSA's efforts. For too long, there has been an unnecessary divide between SSI and SSDI claimants. SSDI claimants could complete their applications for benefits completely online, while SSI claimants were subjected to long wait times at Field Offices, or over the phone, to complete an application for benefits.

The process for applying for SSI is labyrinthine and confusing. Our members seeking SSI report often being met by well-meaning, but overworked employees prone to misunderstandings and mistakes. Further, SSI recipients are among the most at-risk members of society, and SSI benefits are often their families' only source of cash available to pay for shelter and other necessities. The introduction of a fully online application will greatly reduce barriers and administrative burden for claimants. Many people with disabilities suffer from disorders which make interaction with others very difficult. A fully online application will reduce the amount that these applicants will have to speak with SSA employees, and therefore is more likely reach more eligible individuals.

Likewise, many of our members seeking SSI are housing insecure and do not have regular access to a telephone. An online system will allow these clients to utilize publicly accessible computers and complete the application in their own time.

We anticipate that the online SSI application will also ease burdens on SSA employees. The existence of a fully online application should reduce the number of claimants coming into field offices and signing up for phone appointments. Field office employees will therefore be able to focus on only those dire cases that require their attention, and by extension ensure that claimants receive excellent customer service.

II. Electronic Signatures Should Be Accepted Even for Claimants Who Are Assisted by Third Parties

We also applaud SSA for creating a pathway for third-party assisters through the iClaim process. This will reduce the burden of applying for many clients, particularly those with specific communication needs such as illiteracy or limited English proficiency, or who will otherwise have trouble navigating the application due to housing instability. Further, there is a dearth of legal representation for claimants at the application stage, so applicants needing assistance are already turning to community-based supports to help with their applications. In our experience, this is particularly true for low-income people and families. Creating a clear path for these assisters will ease the burden on these applicants and likely improve the quality of their applications.

To further support these assisters SSA should consider providing funding for third-party assisters. Specifically, SSA could create a Community Assistance Grant Program, aimed at providing flexible funding for legal services organizations and community organizations that do not currently provide support to SSI applicants. This funding could ensure that these programs are able to focus on and assist in this specific area. Legal service and other community-oriented organizations already have relationships with hard-to-reach communities and can help ensure claimants access the benefits to which they are entitled.

The proposed request indicates that third-party assisters may use iClaim to apply for an applicant. It also indicates that after a third-party assister completes the application, the applicant will be required to either physically sign the application, or verbally attest to its contents telephonically. However, if a claimant is using the online system to provide this information, it seems unnecessary to require either a wet signature or verbal attestation by an employee. In our experience, claimants are still having difficulty receiving mail, particularly in poorer areas. Further, requiring SSA employees to call claimants also adds an extra, unnecessary burden on employees. SSA should explore allowing claimants to sign their application at a later time and complete an e-signature.

III. The Public Should Be Given More Information Regarding the Dynamic Pathing Process.

The proposed request notes that “iClaim uses dynamic pathing, which ensures claimants are only asked to complete the questions that are relevant to them.” In principle, this seems to be a positive development. We commend SSA’s goal of ensuring the application process is streamlined as much as possible. That said, SSA should make public how the dynamic pathing

process will work. If it is done such that pathing ensures applicants only answer demographic information relevant to them, then it will likely be beneficial to claimants. But if pathing is used to navigate more substantive portions of the application, then it may cause problems for applicants. Claimants often have limited insight into their own impairments and may not realize that disability may be proven through a combination of limitations.

We recognize that designing a workable application is a balancing process, and that SSA is attempting to design an efficient application while also ensuring adjudicators receive as much information as possible. This is not an easy balance. However, we would encourage SSA to err on the side of ensuring applicants provide as much information as possible, even if it means forcing many applicants to answer seemingly unnecessary questions.

IV. SSA Should Expand Access to the iClaim Application to a Broader Pool of Applicants

We appreciate the extensive progress that has already been made in simplifying and streamlining the questions necessary for determining SSI eligibility. However, we are disappointed that a large pool of potential applicants will be excluded. Non-citizens, prior applicants, the elderly, children and married or divorced persons will be unable to use the application. These applicants constitute a very large percentage of potential SSI applicants who will be forced to use the unnecessarily complex alternatives to apply. We are particularly disappointed because the Protective Filing Date (“PFD”) tool is also limited to a small subset of the SSI population.

There is no statutory authority for treating children or older adults differently from adults aged 18 - 64 in the application process. Also, there is no online option for adults aged 18 - 64 who don't fit that narrow profile. We understand that these restrictions on adults aged 18 – 64 who can use the iClaim application to also apply for SSI are long-standing ones. In particular, we are concerned that those who have applied for or received SSI benefits in the past cannot use the iClaim application.

Our members frequently represent clients applying for SSI who have received SSI in the past and have lost eligibility for a variety of reasons. We find it unfair that these individuals would not be able to use the iClaim system to apply for SSI. Examples include those whose earned income (including from a parent or spouse) made them ineligible for SSI, and then may be eligible for SSI again upon the loss of that work; those who lived in Puerto Rico or another U.S. territory for more than 12 months, and then returned to the mainland; those who have been incarcerated for more than 12 months; those who had assets above the resource limit for more than 12 months and then have spent down those assets; and those who received SSI as children and lost eligibility during an age 18 redetermination and want to apply again as adults.

It is also extremely common to have had a prior application, particularly if people applied when they were unrepresented, have mental health or cognitive issues, get overwhelmed by the process, and then get technical denials which go un-appealed and then reapply instead.

We are extremely concerned that the iClaim system does not facilitate the process of applying for SSI on behalf of children with disabilities. Recent national media has highlighted the

declining numbers of children receiving SSI¹ – the precipitous decline in SSI child applications was especially pronounced in the pandemic period. Last summer, Senators Wyden, Brown and Casey wrote to the Acting Commissioner specifically about the lack of outreach directed to children to obtain more child SSI applications and awards.² The inability to file children’s SSI claims online further exacerbates this issue.

While we understand that SSA may be planning to roll out the online application process in multiple steps to avoid overburdening a new system, SSA should also seek to introduce a fully online application for all potential applicants as soon as possible and provide a timeline in which it will be available.

V. SSA Should Provide Clarification Regarding How Multiple Tools Will Interact

SSA should clarify whether and how other tools will interact with each other. Currently, applicants can use SSA’s online PFD tool to request an interview for benefits. The PFD tool should be modified to give applicants the choice of requesting a phone call or continuing to finish their application online. Similarly, if applicants initially request a phone interview and subsequently decide they would like to complete the online application, SSA should implement a system in which the first-recorded PFD is respected, and the subsequent telephone appointment is automatically cancelled.

In closing, we continue to emphasize the ongoing need to have multiple pathways for claimants to file applications for SSI. We look forward to the implementation of a streamlined paper application for SSI, together with robust in-person service in field offices, in addition to new online and mobile options for applying for SSI as soon as possible, as the need for these is urgent.

Respectfully submitted,

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¹ Gabrielle Emmanuel, *Why the number of kids enrolled in a federal benefit program has dropped dramatically*, NPR, June 19, 2023, <https://www.npr.org/2023/06/19/1183097974/why-the-number-of-kids-enrolled-in-a-federal-benefit-program-has-dropped-dramati#>

² <https://www.wyden.senate.gov/imo/media/doc/Letter%20to%20SSA%20SSI%20YOUTH%20Outreach.pdf>