

# STRENGTHEN SOCIAL SECURITY

**...don't cut it.**

January 17, 2020

Commissioner Andrew Saul  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-6401

**Submitted via [www.regulations.gov](http://www.regulations.gov)**

**Re: Notice of Proposed Rulemaking on Rules Regarding the Frequency and Notice of Continuing Disability Reviews, 84 Fed. Reg. 36588 (November 18, 2019), Docket No. SSA-2018-0026**

Dear Commissioner Saul:

These comments are submitted on behalf of the Strengthen Social Security Coalition (SSSC), which consists of over 350 national and state organizations, representing over 50 million Americans, including seniors, women, people with disabilities, workers, people of color, veterans, and others. SSSC strongly opposes the proposed rule regarding the frequency and notice of Continuing Disability Reviews (CDR).

The proposed rule is unjustified and arbitrary, not based on factual findings. Of even greater concern, the rule, if finalized, will cause undue harm to disability beneficiaries, who as a group are older, poorer, and sicker than the general population. The proposed rule has many of the same flaws as a disastrous agency policy that was implemented from March 1981 until April 1984, until it was stopped by the courts and Congress. During that policy debacle, nearly half a million beneficiaries had their benefits threatened and of those, 200,000 had their benefits unfairly revoked. During the same period, over 21,000 of those who had their benefits taken away died before having a chance to appeal the decision. While the mortality rate for the beneficiaries in this population is 10 times the rate of working adults in the general population, we also know that [Social Security benefits save lives](#). If the Trump Administration moves forward with this rule, people will die as the result of this rule, which, quite frankly, seems designed to harm those the agency is supposed to protect and assist.

The proposed rule puts a great burden on beneficiaries. It requires those who have, in the past, been determined seriously disabled, many of whom are not well educated, to complete a complicated 15-page medical CDR form. Unless they are able to obtain representation – which many will not – they must fill out the complicated form without assistance. The proposed additional CDRs will be costly to beneficiaries in other ways. They may have to obtain and pay for medical records or make additional medical appointments so their providers can complete paperwork or perform additional testing. If they receive adverse determinations, they may have to appeal, including to federal court, if they are, again, even able to obtain representation. Although SSA does not explicitly require these expenditures, the high likelihood of benefit

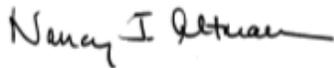
termination without them makes it nearly mandatory. While the process will increase the onus on the beneficiary, there is no evidence from the agency that reviewing cases as often as every six months will be any more effective than the current process or that more frequent reviews will increase workforce participation.

These proposed CDRs are, according to the agency itself, a waste of trust fund and taxpayer money. They will cost a substantial amount with no clear evidence that the savings will come from anyone who is not appropriately receiving benefits. Moreover, the proposed rule is incredibly vague and does not give guidance about how it will be executed for individuals, including those with multiple impairments.

The Social Security Administration has a series of effective processes, including CDRs, to ensure that only people who meet the eligibility requirements for Social Security disability benefits receive them. Because the current CDR process is burdensome and can be harmful to beneficiaries, the agency must heavily weigh facts and evidence before committing to more frequent reviews. The agency fails to make the case for more frequent reviews. History has shown us that changes of this magnitude will literally result in deaths. The Strengthen Social Security Coalition strongly urges the Social Security Administration not simply modify the proposed rule, but drop it entirely.

Thank you for your consideration of these comments on these proposed regulations.

Sincerely,

A handwritten signature in black ink that reads "Nancy J. Altman". The signature is written in a cursive, flowing style.

Nancy J. Altman, Chair  
Strengthen Social Security Coalition