

Santa Clara County Social Services Agency

Agency Memorandum #10-08

January 28, 2010

All DEBS Staff

Social Security Administration's Martinez Settlement

Background

On September 24, 2009, the United States District Court in the Northern District of California approved a nationwide class action settlement agreement in the case of *Martinez v. Astrue*. The Martinez settlement changed the types of felony arrest warrants that Social Security uses to prohibit payment of Social Security, Supplemental Security Income (SSI), or Special Veterans Benefits (SVB). However, this settlement does not apply to persons whose benefits were denied or stopped because of a felony arrest warrant for the following offenses:

- ◆ Flight to avoid prosecution or confinement (offense code 4902),
- ◆ Escape from custody (offense code 4901), and
- ◆ Flight-escape (offense code 4999).

Over 200,000 individuals nationwide may be helped by the Martinez lawsuit. And approximately 80,000 Social Security clients may get their benefits reinstated.

Benefits for
"Post-2006"
Settlement Class
Members

For individuals whose benefits were denied/discontinued on or after January 1, 2007 or who are identified as "Post-2006" Settlement Class Members, Social Security will reinstate benefits retroactive to the first month of suspension. Social Security will also repay any sums collected on an overpayment, if applicable.

Social Security will notify the qualified individuals once actions are taken. Notices will be mailed to the address on record.

Benefits for
"Pre-2007"
Settlement Class
Members

For individuals whose benefits were denied/discontinued between January 1, 2000, and December 31, 2006, or who are identified as "Pre-2007" Settlement Class Members, Social Security will stop collecting overpayments and will remove any remaining overpayment balances. Social Security will send notices to qualified persons according to the address in records.

Class Members who were not receiving benefits as of April 1, 2009, are advised to contact Social Security and make an appointment to file a new application for benefits.

Class Members whose benefits were denied/discontinued prior to January 1, 2000, must reapply for Social Security benefits. Unlike the other Class Members, they will NOT receive notices from Social Security.

[Refer to Social Security's ["Notice of Final Settlement in the Martinez Court Case"](#) for more information.]

Forms

The attached "SSI flyer" will be sent to clients starting with the February Quarterly Income Reports (QR 7s) to inform them about the Martinez settlement. The flyer asks the clients to do the following:

- ◆ Contact Social Security to verify current address and phone number by:
 - ❖ Telephone (1-800-772-1213)
 - ❖ In person
 - ❖ Online (<https://secure.ssa.gov/apps6z/ICOA/coa001.jsp>), AND
- ◆ Fill out a change of address form at the nearest U.S. Post Office.

Also attached to this Memo are the following information flyers from National Senior Citizens Law Center that may be given to clients inquiring about the Martinez settlement:

- ❖ "NSCLC – Consumer Handout (Short)," which is a 1 page summary of the Martinez Settlement.
- ❖ "NSCLC – Consumer Handout (Long)," which contains detailed information about the Martinez Settlement.

Action

The following actions must be taken when a client contacts Social Services regarding the Martinez settlement:

- ◆ Ask the client to contact Social Security and verify if he or she qualifies for the Martinez settlement.

Note: The "Social Security Administration Locations" (SCD 2243) may be given to the clients for Social Security's contact information.

- ◆ Provide the client information flyers from National Senior Citizens Law Center.

Reporting

Program is gathering data on the number of clients who were helped by the Martinez settlement. When a client reports that his/her Social Security has been reinstated due to the Martinez settlement, Eligibility and SSI Advocacy staff are requested to send an e-mail to Program at Ana.Labrador@ssa.sccgov.org with the following information:

- ◆ Client's Name
- ◆ Client's Social Security Number or Case Number
- ◆ SSI Approval Date, if known

Supervisors

Eligibility Work Supervisors, SSI Advocacy Supervisors, and Office Management Coordinators (OMCs) must review this Agency Memorandum with their staff at their next unit meeting, but prior to February 15, 2010.

Jan Picolorich
Asst. DEBS Director

Umesh Pol
CalWIN Division Director

Denise Boland
Employment Support Bureau
Administrator

Katherine Buckovetz
DEBS Director

Contact Person:

Ana Labrador, Program Coordinator, (408) 491-6700.

IMPORTANT NOTICE
to
General Assistance, CalWORKs, and Food Stamps
Recipients

For years, the federal Social Security Administration (Social Security) denied benefits to people whenever they had *outstanding felony warrants*. As a response to a nationwide class action lawsuit, the federal Social Security has changed that policy. Effective immediately, anyone whose Supplemental Security Income (SSI) or Social Security disability, retirement, or survivors benefits were denied or discontinued under the previous policy, including as a representative payee, may be eligible for future SSI or Social Security benefits.*

It is IMPORTANT that Social Security has your current contact information whether or not you are in the Outstanding Warrant class:

To make sure that Social Security can contact you about these or any other benefits it may owe you, **EVERYONE** receiving this letter should:

1. Call Social Security at 1-800-772-1213 to verify your current address and phone number, OR visit your local Social Security field office to do so (for locations, call that number or go online to www.socialsecurity.gov/locator), OR, if you were/should be receiving Social Security benefits and have access to Internet, change your address online: <https://secure.ssa.gov/apps6z/ICOA/coa001.jsp>, AND
2. Fill out a change of address form at the nearest U.S. Post Office even if you change your address with Social Security.

** Note: If your benefits were cut off only because you had an alleged parole or probation violation, you likely are not a member of this group.*

AVISO IMPORTANTE

Para Beneficiarios de Asistencia General, CalWORKs y Estampillas para Comida

Durante años, la Administración de Seguro Social federal (Seguro Social) les negó beneficios a personas con una orden de arresto pendiente por una felonía. Como consecuencia de una demanda colectiva a nivel nacional, el Seguro Social federal ha cambiado esta práctica. Comenzando inmediatamente, cualquier persona cuyos beneficios de Ingresos Suplementarios de Seguridad (SSI) o Seguro Social de Incapacidad, Jubilación o para Sobrevivientes hayan sido negados o terminados bajo su póliza previa, incluyendo a un representante que recibe el pago, puede ser elegible para beneficios de SSI o Seguro Social en el futuro.*

Es IMPORTANTE que el Seguro Social tenga su información de contacto actual si pertenece al grupo de personas con un arresto pendiente por una felonía:

Para asegurarse que el Seguro Social pueda comunicarse con usted referente a estos y otros beneficios que le puedan deber, **TODAS LAS PERSONAS** recibiendo este aviso deben:

1. Llamar al Seguro Social al 1-800-772-1213 para confirmar su dirección y teléfono actual, O visitar la oficina de Seguro Social más cercana (para una lista de locales, llame a este número o vaya al sitio cibernético www.socialsecurity.gov/locator), O, si estaba recibiendo o debería recibir beneficios del Seguro Social y tiene acceso a internet, cambie su dirección en el siguiente sitio: <https://secure.ssa.gov/apps6z/ICOA/coa001.jsp>, Y
2. Llene el formulario para cambio de dirección en la oficina de correo más cercana aún cuando ya lo haya reportado al Seguro Social.

** Nota: Si sus beneficios fueron terminados sólo porque usted supuestamente estaba en violación de libertad condicional o período de prueba, es probable que usted no esté incluido en este grupo.*

THÔNG BÁO QUAN TRỌNG

Cho người nhận trợ giúp các chương trình Giúp Đỡ Tổng Quát G.A., CalWORKs, Và Trợ Giúp Thực Phẩm

Từ nhiều năm qua, Văn Phòng Hành Chánh Trợ Cấp An Sinh Xã Hội –SSA (Social Security) của chính phủ liên bang đã từ chối trợ cấp cho người có trát tòa vì bị kết tội đại hình mà chưa mãn án. Để giải quyết một vụ kiện nhóm trên toàn quốc, văn phòng An Sinh Xã Hội liên bang vừa thay đổi chính sách này. Thay đổi này có hiệu lực lập tức cho những ai có tiền Supplemental Security Income (SSI) hoặc tiền tàn tật, tiền hưu, hoặc tiền tử tuất bị từ chối hoặc ngưng vì chính sách đã nói trên, kể cả người đại diện để lãnh tiền của văn phòng An Sinh Xã Hội, đều có thể đủ điều kiện để sẽ được lãnh tiền SSI hoặc tiền An Sinh Xã Hội.*

QUAN TRỌNG: Văn Phòng An Sinh Xã Hội cần có những thông tin cập nhật của quý vị, dầu cho quý vị có tên hay không trong vụ kiện nhóm này:

Để Văn Phòng An Sinh Xã Hội có thể liên lạc với quý vị về vấn đề này hay về bất cứ trợ cấp nào mà văn phòng này có thể còn thiếu của quý vị, **NHỮNG AI** nhận được thư này cần phải:

1. Gọi Văn Phòng An Sinh Xã Hội ở số 1-800-772-1213 để xác nhận địa chỉ và số điện thoại hiện tại, HOẶC ghé đến một văn phòng địa phương để làm chuyện này (để biết địa điểm của văn phòng gần nhà, gọi số điện thoại này hoặc vào trang mạng www.socialsecurity.gov/locator), HOẶC, nếu đã từng hoặc đáng lẽ được lãnh tiền An Sinh Xã Hội và có thể vào trang mạng sau đây, hãy trực tiếp lên mạng <https://secure.ssa.gov/apps6z/ICOA/coa001.jsp> để đổi địa chỉ của mình, VÀ
2. Điền mẫu thay đổi địa chỉ tại bưu điện gần nhà nhất, cho dầu quý vị đã đổi địa chỉ với văn phòng An Sinh Xã Hội.

** Ghi chú: Nếu trợ cấp bị ngưng chỉ vì quý vị có cáo buộc đã vi phạm cam kết có hạnh kiểm tốt để được phóng thích hoặc trong thời gian quân chế, đương nhiên quý vị không phải là một thành viên của nhóm này.*

重要通知

一般補助金、現金補助(CalWORKs)和糧食券的 接受者

多年來，社會安全局否決將利益給未撤消刑事傳票人。社會安全局回應全國性集體訴訟已改變此政策，並即時生效。任何人的社安補助金(SSI)或社安傷殘金、退休金或遺屬撫恤金，因前政策被拒絕或被停止，包括收款代表人，可能符合領取社安補助金或其他利益。*

非常重要：不論你是否是在緩刑期間，社會安全局有你目前的聯絡資料：

為了確定社會安全局可以聯絡你，關於可能少收的任何福利，每個人收到此信應該

1. 致電或前往當地社會安全局以確認你目前的住址和電話(如需查詢地點，請電 1-800-772-1213 或上網 www.socialsecurity.gov/locator) 如果你曾經或目前領取社安補助金，請上網更改你目前的住址：
<https://secure.ssa.gov/apps6z/ICOA/coa001.jsp>，和
2. 到附近的美國郵政局填寫更改地址的表格即使你已在社會安全局改了地址。

*註：如果你的利益被削減，是因為你有違反保釋或假釋的嫌疑，你可能不屬於這類人仕。



SOCIAL SECURITY ADMINISTRATION LOCATIONS

Room 224 2nd Floor
280 S 1st St
San Jose, CA 95113
M-F 9:00 am – 4:00 pm

2500 Fontaine Rd
San Jose, CA 95121
M-F 9:00 am – 4:30 pm

6140 Cottle Rd
San Jose, CA 95123
M-F 9:00 am – 4:30 pm

770 W Hamilton Ave
Campbell, CA 95008
M-F 9:00 am – 4:30 pm

Suite 350
700 E. El Camino Real
Mountain View, CA 94040
M-F 9:00 am – 4:30 pm

1059 1st St
Gilroy, CA 95020
M-F 9:00 am – 4:00 pm

Toll-free Number: **1-800-772-1213**

TTY: **1-800-325-0778**

Representatives are available Mondays through Fridays from 7:00 AM to 7:00 PM

Website: **<http://www.socialsecurity.gov/>**



Did Social Security Stop Your Benefits Because You Had an Arrest Warrant?

You may be able to start your benefits again. You may also be able to get **thousands of dollars in back benefits**. A class action lawsuit settlement says:

- Social Security cannot deny or stop benefits because of most outstanding arrest warrants.
- Social Security must stop collecting overpayments based on most outstanding warrants.
- For 80,000 people, Social Security must pay back all benefits that it didn't pay or that it collected as overpayments. These benefits may total over \$500 million dollars.

Many people can get their benefits back.

Over 200,000 people could be helped by this lawsuit, which is called *Martinez v. Astrue*.

These are the benefits you can get back:

- Social Security
- Supplemental Security Income (SSI)
- Special Veterans Benefits (SVB)

IMPORTANT: This case will not help you if:

- You were convicted and sentenced for a crime and violated your probation or parole.
- You have an outstanding warrant for flight and/or escape (very rare).

Make sure Social Security pays you the back benefits it owes you.

- Social Security will send notices to class members. Make sure Social Security has your current address. People who received Social Security (not SSI or SVB) can update their address online at www.socialsecurity.gov/changeofaddress.
- If you received SSI benefits, you should visit your local Social Security office and ask them to put your name, address, Social Security number and phone number on the "Martinez list."

To learn more visit www.nsclc.org/areas/social-security-ssi/Martinez-Settlement. Or visit the Social Security website at www.ssa.gov/martinezsettlement.



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The attorneys representing plaintiffs are the National Senior Citizens Law Center, the law firm of Munger, Tolles & Olson LLP, Disability Rights California, the Urban Justice Center, and the Legal Aid Society of San Mateo County.

For more information, see www.nslc.org or www.ssa.gov.martinezsettlement

What benefits do I get, and what do I need to do?

There are 3 groups of people who can get benefits.

Group 1:

- You are in this group if:
 - Your benefits were suspended (stopped) after January 1, 2007; OR
 - You appealed a suspension of benefits and got an appeal decision after January 1, 2007; OR
 - You filed an appeal of a suspension of benefits and did not get a final decision.
- Most individuals in this group will get all back benefits from the date their benefits were stopped.
- If Social Security made you return benefits, or reduced your benefits, because they said you received overpayments, Social Security will pay that money back to you.
- You will not have to file a new application or have a new disability review.
- If you received Social Security, payment of your benefits should be automatic.
- If you received SSI, you will receive a letter from your local Social Security office asking you to make an appointment to show them that you are still financially eligible.

Group 2:

- You are in this group if:
 - You applied for benefits and received a denial notice after January 1, 2007; OR
 - You appealed a denial of benefits and got a decision after January 1, 2007; OR
 - You appealed a denial of benefits and did not get a final decision.
- You will get back all back benefits you would have received if your original application had been granted.
- If you applied for SSI, you will have to show that you met all SSI requirements, but you will not have a new disability determination if you already had one.
- You will receive a notice from Social Security asking you to contact them about your benefits.

Group 3:

- You are in this group if:
 - Your benefits were stopped or denied between January 1, 2000, and December 31, 2006; AND
 - You did not have a pending appeal after January 1, 2007.
- If you are in this group, you will probably need to reapply for benefits. Social Security will send you a notice. The notice will tell you if you have to reapply and how to do it.
- You have 6 months from the date of the notice to reapply.
- If you reapply within 6 months and you are eligible, you will receive back benefits as if you filed on April 1, 2009. You will not get back benefits unless you reapply within the 6 month period.
- If you are already back on benefits, but Social Security has reduced your payments because they said you received overpayments, Social Security will stop collecting the overpayment and start paying you your full monthly benefit going forward. They will not refund any money already collected.

When Will You Get Your Benefits Again?

If you are in Group 1:

- If you received Social Security benefits:
 - You should get a notice in December, 2009.
 - You should start getting your benefits sometime between December 2009 and June 2010.
- If you received SSI benefits:
 - You should get a notice sometime between April, 2010 and September, 2010.
 - If you are still eligible for SSI, you should start getting your benefits sometime between April 2010 and December 2010.

If you are in Group 2:

- If you applied for Social Security benefits:
 - You should get a notice in December, 2009.
 - You should start getting your benefits sometime between December 2009 and June 2010.
- If you applied for SSI benefits:
 - You should get a notice sometime between April, 2010 and September, 2010.
 - If you are still eligible for SSI, you should start getting your benefits sometime between April 2010 and December 2010.

If you are in Group 3:

- You should get a notice from Social Security between April 2010 and December 2010 telling you if you have to reapply for benefits and how to do so.
- Be sure to reapply within 6 months of the date you get the notice.
- Social Security must stop reducing your benefits during this time for overpayments it said you were paid.

IMPORTANT: all dates are subject to change based on the Social Security's internal process. If the National Senior Citizens Law Center learns of any significant changes to these time frames, we will post the new schedule on our website.

If you think you need help getting your benefits:

- Call your local Legal Aid office if you cannot afford to pay for an attorney. Look for the number under the Business Listings in your Phone Book.
- If you are over 60, call your local Area Agency on Aging and ask them how to contact the local senior legal services program. These agencies do not charge a fee. Look for the number under the Business Listings in your Phone Book.
- If you are disabled you may be able to get help free of charge from your state's Protection & Advocacy agency. Visit www.napas.org/aboutus/PA_CAP.htm for the phone number in your state.
- You can also call 1-800-431-2804. This is a group of private attorneys and advocates who help people with Social Security cases and who charge a fee based on a percentage of the back benefits
- The National Senior Citizens Law Center is not able to help with your individual claim for benefits.