

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

-----:  
STEPHANIE LYNN STEIGERWALD, :  
et al., :

Plaintiff, :

vs. :

C.A. No.:  
17-cv-1516

NANCY A. BERRYHILL, :  
COMMISSIONER OF SOCIAL :  
SECURITY, et al., :

Defendants. :  
-----:

DEPOSITION OF JANET WALKER

DATE: Thursday, April 18, 2019  
TIME: 9:33 a.m.  
LOCATION: Kelley Drye & Warren LLP  
3050 K Street, NW, Suite 400  
Washington, D.C. 20007-5108  
REPORTED BY: Shari R. Broussard, RPR, CSR  
Reporter, Notary

Veritext Legal Solutions  
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1250 Eye Street NW - Suite 350  
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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 On behalf of Plaintiffs:</p> <p>3 IRA T. KASDAN, ESQUIRE</p> <p>4 BEZ STERN, ESQUIRE</p> <p>5 Kelley Drye &amp; Warren LLP</p> <p>6 3050 K Street, Northwest</p> <p>7 Suite 400</p> <p>8 Washington, D.C. 20007</p> <p>9 (202) 342-8864</p> <p>10 ikasdan@kelleydrye.com</p> <p>11 bstern@kelleydrye.com</p> <p>12 On behalf of Defendants:</p> <p>13 ERIN E. BRIZIUS, ESQUIRE</p> <p>14 U.S. Department of Justice</p> <p>15 United States Attorney's Office</p> <p>16 United States Courthouse</p> <p>17 801 West Superior Avenue, Suite 400</p> <p>18 Cleveland, Ohio 44113</p> <p>19 - and -</p> <p>20 JUSTIN M. SANDBERG, ESQUIRE</p> <p>21 U.S. Department of Justice</p> <p>22 Civil Division</p> <p>Federal Programs Branch</p> <p>1100 L Street, Northwest</p> <p>Room 11004</p> <p>Washington, D.C. 20001</p> <p>ALSO PRESENT:</p> <p>Jamie Dixon, Esquire,</p> <p>Social Security Administration</p>	<p style="text-align: right;">Page 4</p> <p>PAGE</p> <p>1 J. WALKER DEPOSITION EXHIBITS: *</p> <p>2 19 Screenshots 112</p> <p>3 20 Letters to Class Members from SSA 103</p> <p>4 21 e-mail from Walker, 12/12/18, Bates</p> <p>5 SSA2019-0118 to 119 54</p> <p>6 25 Letter from Newton to Ruiz, 2/15/18 159</p> <p>7 31 Steigerwald Desk Guide V1.7, 4/1/19,</p> <p>8 Bates SSA2019-0186 22</p> <p>9 32 Steigerwald Desk Guide, Phase I Only</p> <p>10 (Full Version Pending), Bates</p> <p>11 SSA2019-0086 to 114 176</p> <p>12 37 Windfall Offset Recalculation Process,</p> <p>13 4/2/19 140</p> <p>14 38 e-mail from Cox, 3/27/19, Bates</p> <p>15 SSA2019-0275 to 276 179</p> <p>16 43 Steigerwald Review Instructions,</p> <p>17 Bates, SSA2019-0372 to 430 133</p> <p>18 44 Gwin Opinion &amp; Order, 1/25/19 20</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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<p style="text-align: right;">Page 6</p> <p>1 for 33 years. It will be 34 in January next year.</p> <p>2 Q Congratulations.</p> <p>3 A Thank you. And in my current position</p> <p>4 August of 2016.</p> <p>5 Q Okay. Can you just describe briefly</p> <p>6 what your duties are --</p> <p>7 A Oh, yes.</p> <p>8 Q -- in the position you have today?</p> <p>9 A Yes, sure. I work in -- in an</p> <p>10 operations -- well, I don't know how much you know</p> <p>11 about the Social Security Administration, of the</p> <p>12 structure, but --</p> <p>13 Q You could educate us.</p> <p>14 A Okay. So Operations is one of the</p> <p>15 largest components in the -- in the Social</p> <p>16 Security Administration, 60-plus thousand</p> <p>17 employees in the Agency, and about 40 -- 40 so</p> <p>18 thousand work in the Operations component.</p> <p>19 My responsibility, I have a staff of a</p> <p>20 hundred -- about 134 individuals and we have the</p> <p>21 oversight -- or my over- -- my executive oversight</p> <p>22 is for the field operations. We have -- and by</p>	<p style="text-align: right;">Page 8</p> <p>1 staffing and budget and, you know, the resources</p> <p>2 for the field offices. So that's a general idea</p> <p>3 of --</p> <p>4 Q That's pretty impressive.</p> <p>5 A Well, I don't know about all of that,</p> <p>6 but I love what I do.</p> <p>7 Q Okay. That's great.</p> <p>8 Have you ever been deposed before?</p> <p>9 A No.</p> <p>10 Q Okay.</p> <p>11 A Go figure, right?</p> <p>12 Q After all those years.</p> <p>13 A I know. I'm pretty good at what I do.</p> <p>14 I'm normally not here.</p> <p>15 Q Okay. Well, let's try to go over some</p> <p>16 of the rules anyway.</p> <p>17 A Okay.</p> <p>18 Q First of all, you are what we call a</p> <p>19 Rule 30(b)(6) deponent.</p> <p>20 A Uh-huh.</p> <p>21 Q Are you familiar with that?</p> <p>22 A Yes, I am.</p>
<p style="text-align: right;">Page 7</p> <p>1 the field operations, we have 1200 --</p> <p>2 approximately 1200 field offices throughout the</p> <p>3 nation. And based on -- based on the field</p> <p>4 offices and the structure that we have, I have the</p> <p>5 executive oversight for service delivery, policies</p> <p>6 going out to the -- to the regions, informational</p> <p>7 guidance to them, instructions.</p> <p>8 Now, in headquarters, which is where I</p> <p>9 work, we have headquarters components, say if it's</p> <p>10 policy or HR or, you know the various components.</p> <p>11 I work with all of those components and everything</p> <p>12 kind of comes through me as a funnel and goes out</p> <p>13 to the field office.</p> <p>14 So that's kind of the -- the structure</p> <p>15 or the, I guess, the scope and the breadth of --</p> <p>16 of what I do. That's -- we have different</p> <p>17 components that's there with the oversight. And</p> <p>18 the reason I'm mentioning that is because of the</p> <p>19 budgetary piece.</p> <p>20 Social Security, our -- our budget is</p> <p>21 larger of course because we have more employees in</p> <p>22 Operations and we oversee that, meaning I provide</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Okay. What is your understanding of</p> <p>2 being a 30(b)(6) deponent?</p> <p>3 A That I'm here today on behalf of the</p> <p>4 Agency.</p> <p>5 Q So you're representing the Agency,</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q And whatever admissions or denials you</p> <p>9 make it's on behalf of the Agency.</p> <p>10 A Correct.</p> <p>11 Q And that's irrespective of whether you</p> <p>12 have personal knowledge or not.</p> <p>13 A Right.</p> <p>14 Q Although in some cases you may have</p> <p>15 personal knowledge.</p> <p>16 A Right.</p> <p>17 Q Okay. And anything that you say is</p> <p>18 really going to be attributed to the Agency in</p> <p>19 this case.</p> <p>20 A Correct.</p> <p>21 Q If you have any question of me in terms</p> <p>22 of understanding any of my questions, please feel</p>

<p style="text-align: right;">Page 10</p> <p>1 free to ask for clarification. Okay?</p> <p>2 A Okay.</p> <p>3 Q If you need any time to take a break,</p> <p>4 just say so and we'll allow you to do that also.</p> <p>5 A Accommodating. Thank you.</p> <p>6 Q You have to speak a little louder</p> <p>7 though.</p> <p>8 A Okay. Thank you.</p> <p>9 Q Okay. You're welcome.</p> <p>10 I see that you have here with you today</p> <p>11 three attorneys; is that correct?</p> <p>12 A Correct.</p> <p>13 Q Do you know their names? Could you tell</p> <p>14 us for the record?</p> <p>15 A Yes, Erin, Justin and Jamie.</p> <p>16 Q And two are them from the Department of</p> <p>17 Justice, right?</p> <p>18 A Justice, yes.</p> <p>19 Q Erin and Justin, right?</p> <p>20 A Yes, correct.</p> <p>21 Q And Jamie is from the Social Security</p> <p>22 Administration?</p>	<p style="text-align: right;">Page 12</p> <p>1 some of the OGC attorneys at SSA that I've -- at</p> <p>2 the Social Security Administration that I've</p> <p>3 worked with.</p> <p>4 Q When you say "throughout the process,"</p> <p>5 what are you referring to?</p> <p>6 A In dealing with the Steigerwald case,</p> <p>7 meaning, you know, talking through motions that</p> <p>8 come in, asking questions of that sort.</p> <p>9 Q So how many attorneys have you dealt</p> <p>10 with with respect to the process as you now</p> <p>11 described it?</p> <p>12 A Just the -- what? Two. Just two.</p> <p>13 Let's see. Jamie, Tamara.</p> <p>14 And then, you know, you have executives</p> <p>15 in the -- in the Agency. So any briefings or</p> <p>16 anything like that that were done, meaning Jamie's</p> <p>17 leadership or what-have-you, I've dealt with --</p> <p>18 with them as well, so...</p> <p>19 Q Okay. Who are these executives that</p> <p>20 you're referring to?</p> <p>21 A Jeff -- Jeff Blair.</p> <p>22 Q Who's Jeff Blair? Can you give the</p>
<p style="text-align: right;">Page 11</p> <p>1 A Yes, she is.</p> <p>2 Q Is she from the Office of General</p> <p>3 Counsel?</p> <p>4 A Yes, she is.</p> <p>5 Q Did they help you prepare for this</p> <p>6 deposition?</p> <p>7 A Yes, they -- well, I guess, yes, they</p> <p>8 did.</p> <p>9 Q Okay. Were there any other lawyers that</p> <p>10 helped you prepare for this deposition?</p> <p>11 A No.</p> <p>12 Q Did Kate Bailey help you in any way?</p> <p>13 A Who?</p> <p>14 Q Kate Bailey.</p> <p>15 A Oh, wait a minute. Let me go back.</p> <p>16 Actually I'm trying to think did I get anything</p> <p>17 from Tamara for the deposition. Maybe --</p> <p>18 Q Who's Tamara?</p> <p>19 A She works in OGC, but I don't think I've</p> <p>20 gotten anything from her, not for this, so no.</p> <p>21 Okay. So I'm just thinking about</p> <p>22 throughout the course of the -- of the process</p>	<p style="text-align: right;">Page 13</p> <p>1 titles also?</p> <p>2 A I don't know all their titles. Jeff is</p> <p>3 an associate commissioner in OGC, we have Asheesh</p> <p>4 who is the deputy commissioner at -- at OGC,</p> <p>5 Tamara is the --</p> <p>6 Q OGC is Office of General Counsel?</p> <p>7 A Office of General Counsel, yes. Sorry.</p> <p>8 Q And they're attorneys also?</p> <p>9 A Yes. Well, they -- they work for the</p> <p>10 Agency at OGC, so I would assume, yes.</p> <p>11 Q Okay.</p> <p>12 A So Tamara is the other attorney that --</p> <p>13 that I recall being on some of the messages and I</p> <p>14 can't think of -- and I may have that wrong name.</p> <p>15 I'm horrible with names, so sorry about that.</p> <p>16 Q That's okay.</p> <p>17 A But -- but those are the ones that come</p> <p>18 to mind.</p> <p>19 But it's not for the -- I want to be</p> <p>20 clear it's not based on this deposition, for this.</p> <p>21 These have been the individuals that I've spoken</p> <p>22 with. But for anything else over the course of</p>



<p style="text-align: right;">Page 14</p> <p>1 briefings throughout, progress, what's going on</p> <p>2 with the case, those are the individuals that I</p> <p>3 recall being in the room.</p> <p>4 Q Okay. Are you familiar with Emily</p> <p>5 Newton? She was from DoJ, Department of Justice.</p> <p>6 She was part of the case for a while.</p> <p>7 A I -- I don't remember Emily.</p> <p>8 Q Okay. How about Judry Subar?</p> <p>9 MS. BRIZIUS: Objection. Outside the</p> <p>10 scope of the 30(b)(6).</p> <p>11 THE WITNESS: I -- I don't recall, no.</p> <p>12 BY MR. KASDAN:</p> <p>13 Q Okay. That's fine. All right. Aside</p> <p>14 from the lawyers helping you prepare, with whom</p> <p>15 did you consult in preparation for this</p> <p>16 deposition?</p> <p>17 A My staff. In particular, I have a --</p> <p>18 based on -- I have five individuals that I've</p> <p>19 actually assigned to working on the Steigerwald</p> <p>20 case, which is, you know, with -- with what --</p> <p>21 what we've had to do in providing information to</p> <p>22 the -- the regions, but they are -- you want names</p>	<p style="text-align: right;">Page 16</p> <p>1 you've spent in preparation for today's</p> <p>2 deposition?</p> <p>3 A Monday -- three days. Monday, Tuesday,</p> <p>4 Wednesday.</p> <p>5 Q Okay. Now, you're familiar with the</p> <p>6 fact that we received, Plaintiffs' counsel,</p> <p>7 myself --</p> <p>8 A Uh-huh.</p> <p>9 Q -- received documents from the Social</p> <p>10 Security Administration this week, correct?</p> <p>11 A Yes, I am. But can I go back?</p> <p>12 Q Sure.</p> <p>13 A I wasn't done. Those were the five</p> <p>14 staff members that you asked as far as helping</p> <p>15 prepare and then the attorneys here.</p> <p>16 Also, Jennifer Stevenson is a senior</p> <p>17 advisor on my staff. She's not -- she's not --</p> <p>18 she's just a senior advisor. She's not doing this</p> <p>19 full-time like the other staff members are, but</p> <p>20 she is.</p> <p>21 In addition to that, I did receive</p> <p>22 updated numbers based on -- you know, the cases of</p>
<p style="text-align: right;">Page 15</p> <p>1 for them?</p> <p>2 Q Sure.</p> <p>3 A Jonathan Thompson, Dinah Tysinger, Luke</p> <p>4 Alo, Rachel Hawk, and Brad Roth.</p> <p>5 Q And how did they help you prepare for</p> <p>6 the deposition?</p> <p>7 A Well, they provided updates on -- on</p> <p>8 what was going on with the cases, update on the</p> <p>9 training. They kind of do all the staff work</p> <p>10 because at my level it's -- you know, I have the</p> <p>11 oversight; I provide guidance; I provide</p> <p>12 leadership. They're doing a lot of the staff</p> <p>13 work. They are the ones who completed the</p> <p>14 training; they're the ones that wrote the Desk</p> <p>15 Guide that -- that you've seen.</p> <p>16 And that's not done in a vacuum. I want</p> <p>17 to be clear about that. All of the information</p> <p>18 that we have, it has -- you know, it's been vetted</p> <p>19 through policy, through our quality branch.</p> <p>20 Quite -- quite a few components have -- have been</p> <p>21 involved with all of the information.</p> <p>22 Q Could you just estimate how much time</p>	<p style="text-align: right;">Page 17</p> <p>1 what we're processing with Michelle Sundersparks,</p> <p>2 who is a deputy regional commissioner in the</p> <p>3 Kansas City region.</p> <p>4 I -- we've -- I've had to have some</p> <p>5 updates on the tracking tool. Phyllis Smith. So</p> <p>6 this is information that I was -- that I was</p> <p>7 gathering in case questions were asked. Phyllis</p> <p>8 Smith is the regional commissioner in Chicago.</p> <p>9 So those are the ones that -- that come</p> <p>10 to mind right now.</p> <p>11 Q Okay. Did you have a role in which</p> <p>12 documents were given to us?</p> <p>13 A I provided -- which documents that you</p> <p>14 --</p> <p>15 Q Were produced to us this week.</p> <p>16 A Yes.</p> <p>17 Q Could you describe what your role was?</p> <p>18 A Any information that I had regarding --</p> <p>19 regarding the -- the closed -- I'm trying to think</p> <p>20 of the closed -- regarding the recalculation</p> <p>21 process, meaning training materials, Desk Guides,</p> <p>22 things like that, I was asked to provide, so I</p>

<p style="text-align: right;">Page 18</p> <p>1 did.</p> <p>2 Q Okay. So you are the one who chose</p> <p>3 which documents were going to be produced?</p> <p>4 A Well, yes. I guess I would say yes.</p> <p>5 Q Okay. Were there any documents --</p> <p>6 A Well --</p> <p>7 Q I'm sorry.</p> <p>8 A Well, I wouldn't -- I provided the</p> <p>9 information based on what I was asked, what are</p> <p>10 you using to prepare, you know, for the</p> <p>11 deposition, and -- and that's the information that</p> <p>12 I provided. So...</p> <p>13 Q Okay. So it's been represented in this</p> <p>14 case that you are directly in charge of</p> <p>15 implementing the court order in this case; is that</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q Okay. So let's take a look at the court</p> <p>19 order.</p> <p>20 A Okay.</p> <p>21 Q So I'll ask Mr. Stern to hand you what</p> <p>22 has been previously marked already as Exhibit 12.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Now, there was an amended order from the</p> <p>2 Court in this case.</p> <p>3 Are you familiar with that?</p> <p>4 A Maybe. Can I see it?</p> <p>5 Q Okay. Sure.</p> <p>6 MR. KASDAN: This needs to be marked</p> <p>7 as 44.</p> <p>8 (J. Walker Exhibit Number 44 was</p> <p>9 marked for identification.)</p> <p>10 BY MR. KASDAN:</p> <p>11 Q Just to describe it for the record, this</p> <p>12 is Document 101 in the Court's docket and it is a</p> <p>13 four-page document and, again, it's an Opinion &amp;</p> <p>14 Order issued by Judge Gwin. This one is dated</p> <p>15 April 1st, 2019.</p> <p>16 Have you ever seen this document before?</p> <p>17 A I don't recall seeing this.</p> <p>18 Q You have to speak louder, please.</p> <p>19 A I don't recall seeing this one. I do</p> <p>20 not.</p> <p>21 Q Are you aware that this Opinion &amp; Order</p> <p>22 was issued by the Court?</p>
<p style="text-align: right;">Page 19</p> <p>1 (J. Walker Exhibit Number 12</p> <p>2 was marked for identification.)</p> <p>3 BY MR. KASDAN:</p> <p>4 Q I'll just describe it for the record and</p> <p>5 then tell me if you're familiar with it.</p> <p>6 A Okay.</p> <p>7 Q So this is an Opinion &amp; Order issued by</p> <p>8 the Court. It's Document 88 on PACER in the</p> <p>9 Court's docket and it's a nine-page document and</p> <p>10 it's the Opinion &amp; Order issued by Judge Gwin on</p> <p>11 January 25, 2019.</p> <p>12 A Uh-huh.</p> <p>13 Q Have you ever seen this document before?</p> <p>14 A Yes, I think so.</p> <p>15 Q Okay. When did you first see this</p> <p>16 document?</p> <p>17 A I don't know the exact date. I've</p> <p>18 received quite a few documents related to this</p> <p>19 case.</p> <p>20 Q Okay. Did you review this document in</p> <p>21 preparation for today's deposition?</p> <p>22 A Actually, no, I did not.</p>	<p style="text-align: right;">Page 21</p> <p>1 A I -- well, yes, I would say that I'm</p> <p>2 aware of pretty much all documents that have been</p> <p>3 filed, I just don't recall this one.</p> <p>4 Q Okay. So let's just go back to Exhibit</p> <p>5 12 for a moment. And if you'd turn to page nine,</p> <p>6 I'll just read the last sentence in this Opinion &amp;</p> <p>7 Order from January 25.</p> <p>8 A Uh-huh.</p> <p>9 Q It says, The COURT orders," that's in</p> <p>10 all caps and bold, "Defendant to perform the</p> <p>11 Substraction Recalculation for Plaintiffs and pay</p> <p>12 any past-due benefits to Plaintiffs within 90</p> <p>13 days."</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q Okay. And the Exhibit 44, which is the</p> <p>17 Court's order dated April 1st, at the very end on</p> <p>18 page four in the conclusion section the last</p> <p>19 sentence says, "For the reasons stated, the Court</p> <p>20 AMENDS," and that's in caps and bold, "its order</p> <p>21 as follows: Defendant shall perform the</p> <p>22 substraction recalculation within eight months</p>



<p style="text-align: right;">Page 22</p> <p>1 from January 25, 2019."</p> <p>2 A Correct.</p> <p>3 Q So I read that accurately?</p> <p>4 A Yes, yes, you did.</p> <p>5 Q So these are the two court orders --</p> <p>6 A Yes. Okay.</p> <p>7 Q -- that you're in charge of</p> <p>8 implementing?</p> <p>9 A Correct.</p> <p>10 Q Okay. So now I'd like you to address</p> <p>11 your attention to what has been previously marked</p> <p>12 as Exhibit 31 for this deposition. I'll give you</p> <p>13 a copy.</p> <p>14 (J. Walker Exhibit Number 31 was</p> <p>15 marked for identification.)</p> <p>16 BY MR. KASDAN:</p> <p>17 Q Take a moment to look at it and then</p> <p>18 I'll describe it and ask you to do the same.</p> <p>19 A Okay.</p> <p>20 Q So Exhibit 31 is one of the documents</p> <p>21 that was produced to us this week; is that</p> <p>22 correct?</p>	<p style="text-align: right;">Page 24</p> <p>1 why is it 1.7 if I may ask?</p> <p>2 A I don't know why they named it 1.7 to be</p> <p>3 honest with you.</p> <p>4 Q Okay.</p> <p>5 A Social Security's funny way of -- of</p> <p>6 doing things, but yeah, it's --</p> <p>7 Q Okay.</p> <p>8 A I don't recall reviewing seven, how</p> <p>9 about that? So -- and I know that we've made five</p> <p>10 updates to the Desk Guide, so that's why I'm</p> <p>11 saying it's five.</p> <p>12 Q Okay.</p> <p>13 A Okay?</p> <p>14 Q That's fine. So just to continue in</p> <p>15 describing the document, this Desk Guide consists</p> <p>16 of at least 84 pages --</p> <p>17 A Correct.</p> <p>18 Q -- through SSA2019-0269; is that</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q And then I have attached to that page</p> <p>22 270, which is the Steigerwald Phase I Checklist.</p>
<p style="text-align: right;">Page 23</p> <p>1 A Correct.</p> <p>2 Q And the title on page one of the</p> <p>3 document, which is Bates labeled -- you know what</p> <p>4 a Bates label is?</p> <p>5 A Yes.</p> <p>6 Q Okay. So it's Bates labeled</p> <p>7 SSA2019-0186. The title on that document is</p> <p>8 Steigerwald Desk Guide V1.7, April 1, 2019.</p> <p>9 A That's correct.</p> <p>10 Q Is that correct?</p> <p>11 A Yes, it is.</p> <p>12 Q So V1.7 means Version 7?</p> <p>13 A No. Version 5.</p> <p>14 Q Version 5?</p> <p>15 A Uh-huh.</p> <p>16 Q Okay.</p> <p>17 A We've only made five updates to the</p> <p>18 document.</p> <p>19 Q All right. So that means that there</p> <p>20 were four prior ones; is that right?</p> <p>21 A Yes, that should be correct.</p> <p>22 Q Okay. If there were four prior ones,</p>	<p style="text-align: right;">Page 25</p> <p>1 Does that belong with the guide?</p> <p>2 A Yes, it's part of it.</p> <p>3 Q So it's fair to say that the guide</p> <p>4 consists of 85 pages?</p> <p>5 A That's fair.</p> <p>6 Q Okay. So I'd like to ask you to turn</p> <p>7 your attention, please, to page three of the</p> <p>8 guide, which is Bates number 188.</p> <p>9 A Uh-huh.</p> <p>10 Q Okay. Now, this is the introduction</p> <p>11 page; is that right?</p> <p>12 A Correct.</p> <p>13 Q So just before I would turn your</p> <p>14 attention to that, is it fair to say that this</p> <p>15 guide represents the instructions or the reference</p> <p>16 guide to be followed in order to implement the</p> <p>17 Court's orders?</p> <p>18 A Correct.</p> <p>19 Q Now, turning your attention to page</p> <p>20 three, again Bates 188, that's the introduction</p> <p>21 page, correct?</p> <p>22 A It is.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q So I'm going to read the very first</p> <p>2 paragraph of the introduction to this guide, which</p> <p>3 is the very first sentence of the guide; is that</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q It says, "Thank you and welcome to the</p> <p>7 Steigerwald Class Action! Your participation will</p> <p>8 prove an invaluable asset to the Agency as</p> <p>9 Operations implements the Steigerwald Remediation</p> <p>10 Plan, as negotiated in the Steigerwald v.</p> <p>11 Berryhill," that's in italics, "class action</p> <p>12 lawsuit."</p> <p>13 A Uh-huh.</p> <p>14 Q Do you see that?</p> <p>15 A Yes, I do.</p> <p>16 Q Okay. And Steigerwald v. Berryhill is</p> <p>17 this class action that we're talking about today?</p> <p>18 A Correct.</p> <p>19 Q And Operations is what you head; is that</p> <p>20 correct?</p> <p>21 A Yes. Well, with layers, but yes.</p> <p>22 Q Okay. So this says that there was a</p>	<p style="text-align: right;">Page 28</p> <p>1 correct or incorrect, the word "negotiated"?</p> <p>2 A It's correct for internal use with</p> <p>3 individuals knowing that we've collaborated with</p> <p>4 you to come up with this plan to ensure that we</p> <p>5 are processing these cases as quickly as we can.</p> <p>6 So anyone in the Agency reading that, that would</p> <p>7 be their assertion.</p> <p>8 Q Okay. How many people have read this</p> <p>9 plan? Let me rephrase that.</p> <p>10 How have you disseminated this guide?</p> <p>11 A We held a training session -- several</p> <p>12 training sessions actually and we have a website</p> <p>13 and this information is uploaded on the website.</p> <p>14 Q And how many people have access to that</p> <p>15 website?</p> <p>16 A All individuals working the -- that's</p> <p>17 involved with working the -- the Steigerwald</p> <p>18 cases.</p> <p>19 Q How many people would that be</p> <p>20 approximately?</p> <p>21 A Over a thousand at least that would be</p> <p>22 aware, so...</p>
<p style="text-align: right;">Page 27</p> <p>1 negotiation to implement this plan.</p> <p>2 Did the Agency negotiate with the Court?</p> <p>3 A No. Negotiation only means in our sense</p> <p>4 I have -- I -- I'm a support component and all of</p> <p>5 the individuals that's completing the work work</p> <p>6 out in the regions. I have peers where we have</p> <p>7 collaborated from a resource perspective.</p> <p>8 So maybe negotiation was or was not the</p> <p>9 right word, but that means we have worked on this</p> <p>10 Desk Guide with assistance from our regional</p> <p>11 counterparts who are the ones that's out there</p> <p>12 completing the work.</p> <p>13 Q But it solely does not mean that you</p> <p>14 negotiated with Plaintiffs, correct?</p> <p>15 A Oh, Heavens, no.</p> <p>16 Q And there was no negotiated settlement</p> <p>17 in this case, right?</p> <p>18 A No.</p> <p>19 Q Rather, you have to implement a court</p> <p>20 order, correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. So technically is this sentence</p>	<p style="text-align: right;">Page 29</p> <p>1 Q Okay. And they understand that</p> <p>2 "negotiated" means internally?</p> <p>3 A It's an internal document, yes.</p> <p>4 Q All right. Let's turn your attention</p> <p>5 now to page 217, which is page 32 of the guide.</p> <p>6 And this page is titled "Step 3" --</p> <p>7 A Uh-huh.</p> <p>8 Q -- "Record Update (If Necessary)."</p> <p>9 Do you see that?</p> <p>10 A Oh, here.</p> <p>11 Q At the top (indicating).</p> <p>12 A Oh, oh, you're at the top.</p> <p>13 Q I'm at the top.</p> <p>14 A Yeah. Sorry.</p> <p>15 Q Okay. That's fine. And then sort of in</p> <p>16 the middle of the page there's a paragraph that</p> <p>17 says, "Rate changes in the original windfall</p> <p>18 period?"</p> <p>19 Do you see that?</p> <p>20 A Uh-huh.</p> <p>21 Q I'm going to read the next sentence.</p> <p>22 "Per the Steigerwald class action decision, SSA</p>



<p style="text-align: right;">Page 30</p> <p>1 has agreed to reassess the windfall offset  2 calculation for class members."  3 That's the first sentence there.  4 A Right.  5 Q Did I read that accurately?  6 A You did.  7 Q Okay. So the class action decision are  8 the two court opinions that --  9 A Correct.  10 Q That would be the one on January 25 --  11 A January 25th.  12 Q -- and April --  13 A First.  14 Q -- 1st of 2019?  15 A Correct.  16 Q Okay. I'd ask the same question. Does  17 SSA agree with the Court per its decision to  18 reassess the windfall offset calculation?  19 A No, that means we have a court order  20 that we are abiding by and the instructions are  21 for you to complete this work based on the order.  22 Q Okay. But there's no agreement involved</p>	<p style="text-align: right;">Page 32</p> <p>1 process to determine whether it was done and if we  2 owe any additional money to class -- class counsel  3 members.  4 In order to do that we're not reopening  5 all aspects of the case, we're only looking at  6 what impacts the payment, which is why we have our  7 three-step process that's involved with -- with  8 processing the cases. So that's why it's not a  9 full -- full reopening.  10 And one piece -- just to clarify, when  11 we're working cases at the Social Security  12 Administration, we're accustomed to doing what's  13 called whole case processing, meaning if you touch  14 it, you touch it once, and it's kind of been  15 instilled in us to do things that way. So when  16 you touch a case and --  17 Q What do you mean by "touch a case?" I'm  18 sorry.  19 A When we're working a case, when we're  20 processing a case. If you contact me to file for  21 benefits or you contact me to update your record  22 and you're on the benefits, we want to complete</p>
<p style="text-align: right;">Page 31</p> <p>1 here, correct?  2 A Correct.  3 Q So it's a misnomer; is that fair to say?  4 A It's internal jargon for lack of --  5 that's just the way we communicate.  6 So we have a court order. It was dated  7 January 25th. We are executing that order. And  8 then we had to make changes, of course, based on  9 the April 1st order, but that's -- it wasn't any  10 negotiation, of course, with the Court or no  11 settlement or we haven't talked with Ms. -- I  12 mean, any of that.  13 Q Okay. That's fine. That's your  14 understanding what it means?  15 A It is.  16 Q Okay. Fine. Then the next sentence  17 says, "This is not a full re-opening."  18 A Uh-huh.  19 Q All right. So that means that it's a  20 partial reopening of cases; is that fair to say?  21 A A little bit fair. I'll say from that  22 perspective we're looking at the recalculation</p>	<p style="text-align: right;">Page 33</p> <p>1 all actions associated with that.  2 So it's almost like we're un-training  3 people from the way that they normally do business  4 because we can't afford for them or nor do we want  5 them focusing on the other pieces. Their whole  6 purpose of being on these cadres working these  7 cases is strictly to complete the recalculation.  8 Q Okay. When you talk about "all  9 actions," what do you mean by that?  10 A You can -- we have -- all of these  11 individuals have filed for benefits, so it's  12 concurrent benefits, right? And -- and they have  13 been on the rolls. SSI, they may still be on the  14 rolls, may not, most of them are not for the Title  15 II portion of that, meaning because they're  16 concurrent cases with retroactivity. For the  17 Title II portions of that they're on the rolls.  18 So they could have been -- they could  19 come in to us and say I have a continuing  20 disability review, meaning everyone at Social  21 Security has reviewed every -- what -- five,  22 seven -- five -- three, five and seven years,</p>

<p style="text-align: right;">Page 34</p> <p>1 okay? Even though you're on disability, you may  2 have been approved for disability, we do reviews.  3 So this is just one example.  4 From there, that's a separate -- that's  5 a separate issue. It has nothing to do with a  6 Steigerwald recalculation that we're doing.  7 So while we're doing this, meaning other  8 people -- you can come in to see me and I'm not  9 assigned to that case and I have to process  10 everything that's related to that continuing  11 disability review.  12 Q But not in the Steigerwald case?  13 A But I would not touch -- I wouldn't  14 touch Steigerwald. We flagged all the cases with  15 a special message so individuals would know  16 that -- that these are Steigerwald cases, but that  17 would have nothing to do with me if I was not  18 assigned to that cadre to do the work. But I  19 would still have to go about assisting that  20 individual to complete those actions.  21 Q Okay. Is it fair to say that the  22 Court's order is what dictates what part of the</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Let me just read the sentence and then  2 you can explain it.  3 A Oh, okay.  4 Q Let me just read the full sentence.  5 A Sure.  6 Q The sentence says, "This is a narrow  7 decision that focuses on cases where SSA failed to  8 correctly account for representative fees while  9 determining the correct windfall offset amount."  10 Did I read that accurately?  11 A You read that accurately.  12 Q Okay. So my first question is "narrow  13 decision," is that a reference to the court  14 orders?  15 A That's a reference to the period that  16 we're looking at for each case. Everybody's  17 period will be different, meaning their -- their  18 past due benefit that we're -- that we're focusing  19 on, meaning the payment information and the  20 attorney fee period. Every case will be  21 different. So that means we're not looking beyond  22 that scope.</p>
<p style="text-align: right;">Page 35</p> <p>1 case is being reopened?  2 MS. BRIZIUS: Objection. Calls for a  3 legal conclusion.  4 BY MR. KASDAN:  5 Q Is it your understanding that the Court  6 is the one that tells the Agency what to do or  7 what not to do?  8 A Correct.  9 Q I'd ask you to turn your attention now  10 to Bates label 261, and that would be page 76 of  11 the guide, and I'll just read it. It's like the  12 second sentence in the first full paragraph. It  13 says, "This is a narrow decision."  14 When the Agency refers to "narrow  15 decision," you're referring to the court orders  16 here, correct, in this case?  17 A No, we're referring to the -- hold on,  18 let me read this.  19 Q I'm sorry. Please, take your time.  20 A Yeah, thank you.  21 Q Sure.  22 A Oh, okay.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q Okay. Let me go back. I should have  2 read the first sentence in this paragraph.  3 A Okay.  4 Q Let me read that and I'll read the  5 second sentence again. It says, "The  6 representative fees should be fees from the  7 original windfall offset period, as dictated by  8 the Steigerwald class action decision."  9 A Uh-huh.  10 Q "This is a narrow decision that focuses  11 on cases where SSA failed to correctly account for  12 representative fees while determining the correct  13 windfall offset amount."  14 A Uh-huh.  15 Q So in the first sentence you talk about  16 the windfall offset period and then you say "as  17 dictated by the Steigerwald class action decision"  18 and then in the next sentence it says, "This is a  19 narrow decision."  20 So isn't the decision in the second  21 sentence going back to the word "decision" in the  22 first sentence referring to the Steigerwald class</p>



<p style="text-align: right;">Page 38</p> <p>1 action decision?</p> <p>2 A No. What was intended here is we're</p> <p>3 saying we're just looking at a specified scope and</p> <p>4 the Steigerwald class action decision that we</p> <p>5 have, basically for us we looked at that as you</p> <p>6 have to get these cases right and complete the</p> <p>7 windfall offset recalculation. So that's --</p> <p>8 that's what was shared during the training and</p> <p>9 that's the way that we're processing the cases.</p> <p>10 Q Okay. When you say "a specified scope,"</p> <p>11 that's pursuant to the Court's order, correct?</p> <p>12 A Yes, everything that we're doing is</p> <p>13 based on the Court's order.</p> <p>14 Q The way you understand it, correct?</p> <p>15 A The way we understand it, yes.</p> <p>16 Q Okay. That's fine.</p> <p>17 Okay. Then finally just with respect to</p> <p>18 this document for now I would ask you to turn your</p> <p>19 attention to page Bates 214 and why don't you just</p> <p>20 take a moment when you get there.</p> <p>21 A Oh, I have to go back.</p> <p>22 Q It's page 29.</p>	<p style="text-align: right;">Page 40</p> <p>1 just the first one?</p> <p>2 Q Yeah, just the description through</p> <p>3 action six.</p> <p>4 A Okay. (Reviewing document.)</p> <p>5 Okay.</p> <p>6 Q So now I'd like you to just turn your</p> <p>7 attention specifically to action number two.</p> <p>8 A Uh-huh.</p> <p>9 Q I'll just read it into the record. It</p> <p>10 says, "Provide lower rates to the BA" -- I think</p> <p>11 that's benefits authorizer?</p> <p>12 A Benefit authorizer. It is.</p> <p>13 Q Good. Okay. So "Provide lower rates to</p> <p>14 the BA for correction of the MBR" -- that's the</p> <p>15 master beneficiary record?</p> <p>16 A It is.</p> <p>17 Q Okay -- "and provide paragraphs to</p> <p>18 explain the downward recalculation. If necessary,</p> <p>19 advise the BA to issue an overpayment notice under</p> <p>20 normal rules. Revised representative fee</p> <p>21 paragraphs are not needed."</p> <p>22 A Uh-huh.</p>
<p style="text-align: right;">Page 39</p> <p>1 A Am I looking at this wrong? Yeah.</p> <p>2 Q That's "Scenario 7: Downward</p> <p>3 recalculation involved"?</p> <p>4 A Uh-huh.</p> <p>5 Q Is that right?</p> <p>6 A Uh-huh.</p> <p>7 Q You can't say uh-uh.</p> <p>8 A Yes. I'm sorry. I'm sorry. Yes.</p> <p>9 Q That's okay. That's one of the rules.</p> <p>10 A I know.</p> <p>11 Q Okay.</p> <p>12 A I'm so accustomed to uh-huh, yeah, sure.</p> <p>13 Q Okay. So if you want to take just a</p> <p>14 moment to read -- I'm not going to read the whole</p> <p>15 thing into the record. It talks about description</p> <p>16 and action and there are six paragraphs with</p> <p>17 respect to the action.</p> <p>18 Do you see that?</p> <p>19 A Yes, I do.</p> <p>20 Q Okay. So tell me when you've digested</p> <p>21 it.</p> <p>22 A Okay. So you want me to read seven --</p>	<p style="text-align: right;">Page 41</p> <p>1 Q So does this indicate that in some</p> <p>2 instances the Agency will be making requests of</p> <p>3 people to pay back money?</p> <p>4 A Yes.</p> <p>5 Q Okay. Are you aware that there was a</p> <p>6 hearing before the judge on April 4th of this</p> <p>7 year?</p> <p>8 A Yes. I think so, yes.</p> <p>9 Q Did you get a chance to look at the</p> <p>10 transcript?</p> <p>11 A I did.</p> <p>12 Q Okay. Was that one of the documents you</p> <p>13 looked at in preparation for this deposition?</p> <p>14 A No, not for the deposition.</p> <p>15 Q Okay. So let me give you the</p> <p>16 transcript, which was previously marked as</p> <p>17 Exhibit 16.</p> <p>18 A Okay.</p> <p>19 (J. Walker Exhibit Number 16 was</p> <p>20 marked for identification.)</p> <p>21 BY MR. KASDAN:</p> <p>22 Q For the record, this is the transcript</p>

<p style="text-align: right;">Page 42</p> <p>1 of the hearing held on April 4th, 2019 in the</p> <p>2 Steigerwald versus Berryhill case and it's</p> <p>3 Document 109 in the PACER system in the Court's</p> <p>4 docket and there are 55 pages to this; is that</p> <p>5 correct?</p> <p>6 A Yes, that's correct.</p> <p>7 Q Okay. I'd ask you to turn your</p> <p>8 attention to page 50 for a moment and I'm going to</p> <p>9 start reading from line four on that page. And</p> <p>10 again just tell me if what I'm reading is correct</p> <p>11 or not. Okay?</p> <p>12 A Okay.</p> <p>13 Q So this is the Court speaking. "What</p> <p>14 are you doing with it? So you go through, you</p> <p>15 spend all this time and effort on a second</p> <p>16 recalculation of the windfall benefits. If you</p> <p>17 find that the earlier calculations had been</p> <p>18 somewhat off, are you going to the beneficiary and</p> <p>19 say, Give us the money back?"</p> <p>20 Ms. Bailey, who is the Department of</p> <p>21 Justice attorney to whom this question was</p> <p>22 addressed, answers "That's not my understanding."</p>	<p style="text-align: right;">Page 44</p> <p>1 Security Administration that we're not going to</p> <p>2 disadvantage anyone and reduce their amount based</p> <p>3 on the upward calculation. But if it's, you know,</p> <p>4 information that was not on our records that</p> <p>5 should have been on our records during the</p> <p>6 original time that we should have done that</p> <p>7 recalculation and it was -- I mean, very -- it was</p> <p>8 really very limited situations that that would</p> <p>9 happen, but to answer your question could a person</p> <p>10 be charged an overpayment, that answer is yes.</p> <p>11 Q Okay. Could you now return to the court</p> <p>12 orders, which were Exhibits 12 and --</p> <p>13 A Forty-four.</p> <p>14 Q -- 44.</p> <p>15 A Uh-huh.</p> <p>16 Q And could you tell me where in the</p> <p>17 Court's order does it say that you can ask people</p> <p>18 to pay money back?</p> <p>19 A Well, does it say that -- well, okay.</p> <p>20 Q Does the Court --</p> <p>21 MS. BRIZIUS: Objection. Calls for a</p> <p>22 legal conclusion.</p>
<p style="text-align: right;">Page 43</p> <p>1 Is that correct, that you're not going</p> <p>2 to be asking beneficiaries to give money back?</p> <p>3 A This is incorrect. What we're going to</p> <p>4 be doing if we find that there is an overpayment</p> <p>5 on the record within -- while we're doing the</p> <p>6 recalculation, there will be an overpayment</p> <p>7 assessed and then it goes through. I mean, we</p> <p>8 can't effect the benefits without issuing due</p> <p>9 process, meaning notification, and it goes through</p> <p>10 that process.</p> <p>11 But there are situations where an</p> <p>12 overpayment may be assessed, but it's -- from what</p> <p>13 we're finding thus far, we don't think that's</p> <p>14 going to be often. But at any rate it could</p> <p>15 potentially happen in this very specific</p> <p>16 situation. And when --</p> <p>17 Q "This" referring to page 29?</p> <p>18 A Page 29 of the Desk Guide.</p> <p>19 We went through looking at the payment</p> <p>20 amounts because if it's an upward adjustment, if</p> <p>21 it's just the opposite, we've received</p> <p>22 clarification from Policy at -- at the Social</p>	<p style="text-align: right;">Page 45</p> <p>1 BY MR. KASDAN:</p> <p>2 Q I'm just asking where in the document</p> <p>3 does it say that you could do that?</p> <p>4 A I -- I don't recall reading that in the</p> <p>5 document.</p> <p>6 Q So it's fair to say that it's not in the</p> <p>7 document, right?</p> <p>8 A But it's -- it's fair to say -- it may</p> <p>9 not be in that document, but it's fair to say that</p> <p>10 this is the process in which if someone owes the</p> <p>11 Government money, we are obligated to inform them</p> <p>12 of that.</p> <p>13 Q Where does that obligation arise from?</p> <p>14 A That's -- that's in our policy and --</p> <p>15 and I'm sure statute when you start talking about</p> <p>16 overpayments.</p> <p>17 Q Okay. But you're not a lawyer, so --</p> <p>18 A But I'm not a lawyer, so I can't attest</p> <p>19 to that. But that is our policy and that's the</p> <p>20 Desk Guide and that's the information that we have</p> <p>21 given to the technicians and that is the process</p> <p>22 we're currently using.</p>



<p style="text-align: right;">Page 46</p> <p>1 Q Yeah, but we also agreed before that the</p> <p>2 Court is the one that dictates the parameters of</p> <p>3 what you're supposed to do, correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. I think you can put aside Version</p> <p>6 1.7 for the moment.</p> <p>7 A What about the transcript? What about</p> <p>8 the transcript?</p> <p>9 Q Yeah, just put it aside.</p> <p>10 A Okay.</p> <p>11 Q We may come back to it.</p> <p>12 A All right. I just didn't know if we</p> <p>13 were going to it.</p> <p>14 Q That's okay.</p> <p>15 A All right.</p> <p>16 Q Okay. So now let me just take a moment.</p> <p>17 A Okay.</p> <p>18 Q So I'm going to show you what has been</p> <p>19 previously marked as Exhibit 1 for purposes of</p> <p>20 this deposition.</p> <p>21 (J. Walker Exhibit Number 1 was</p> <p>22 marked for identification.)</p>	<p style="text-align: right;">Page 48</p> <p>1 at this time. So -- so I believe that's what we</p> <p>2 were -- that we were sharing as well as what our</p> <p>3 process was for completing the windfall offset</p> <p>4 recalculation.</p> <p>5 Q Okay. So if you turn your attention to</p> <p>6 the very first page in the opening paragraph.</p> <p>7 A Uh-huh.</p> <p>8 Q It's not numbered, but it says, "I,</p> <p>9 Janet Walker, pursuant to 28 USC Section 1746, do</p> <p>10 hereby make the following declaration in support</p> <p>11 of the Social Security Administration's request</p> <p>12 for two years to complete 129,695 windfall offset</p> <p>13 recalculations and state," and then it goes on.</p> <p>14 A Uh-huh.</p> <p>15 Q Did I read it correctly?</p> <p>16 A You did, that's correct.</p> <p>17 Q So you are aware that there are 129,695</p> <p>18 individuals in the class action --</p> <p>19 A Yes, I am.</p> <p>20 Q -- for whom the recalculation is going</p> <p>21 to be made?</p> <p>22 A I'm aware that that's -- those are the</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MR. KASDAN:</p> <p>2 Q And I'll just describe it while it's</p> <p>3 being handed to you. I'm sure you're familiar</p> <p>4 with this document. This is the Declaration of</p> <p>5 Janet Walker. That's you?</p> <p>6 A That's me.</p> <p>7 Q All right. It was submitted to the</p> <p>8 Court on February 21st, 2019, correct?</p> <p>9 A Correct.</p> <p>10 Q And it's Document 96-2 in the Court's</p> <p>11 docket on the PACER system and it consists of 22</p> <p>12 pages; is that right?</p> <p>13 A Twenty-one. Oh, 22. The guide. Sorry.</p> <p>14 Q The 22nd page is Exhibit A.</p> <p>15 A An exhibit, yeah.</p> <p>16 Q Okay. So this is your declaration?</p> <p>17 A It is.</p> <p>18 Q All right. And it was submitted to the</p> <p>19 Court in connection with what? Do you recall?</p> <p>20 A This is February. So this is explaining</p> <p>21 our -- our process that we have in place and I</p> <p>22 believe we had what? A 90-day time frame I think</p>	<p style="text-align: right;">Page 49</p> <p>1 class members that's been identified.</p> <p>2 Q As of that time?</p> <p>3 A As of --</p> <p>4 Q As of the time that you made your</p> <p>5 declaration, those were the class members for whom</p> <p>6 the recalculation that the Court ordered had not</p> <p>7 been made; is that fair to say?</p> <p>8 A Oh, that's what -- okay. Yes.</p> <p>9 Q Okay.</p> <p>10 A Sorry.</p> <p>11 Q Okay. Now I'd like to hand to you what</p> <p>12 has been previously marked as Exhibit 4 for</p> <p>13 purposes of this deposition.</p> <p>14 (J. Walker Exhibit Number 4 was</p> <p>15 marked for identification.)</p> <p>16 BY MR. KASDAN:</p> <p>17 Q And I'll just explain it for the record</p> <p>18 and you can tell me whether I've done so</p> <p>19 accurately or not, but why don't you just take a</p> <p>20 moment to review the document.</p> <p>21 A (Reviewing document.) Okay.</p> <p>22 Q Are you ready?</p>

<p style="text-align: right;">Page 50</p> <p>1 A Yes.</p> <p>2 Q Okay. So this is a two-page document.</p> <p>3 The title is "Defendants' Production Pursuant to</p> <p>4 the Court's July 12, 2018 Order."</p> <p>5 That's the title, correct?</p> <p>6 A Correct.</p> <p>7 Q And it's a two-page document. On the</p> <p>8 second page there's a certification which states,</p> <p>9 "I, Elizabeth K. Graham, am a Lead IT Specialist.</p> <p>10 I believe, based on reasonable inquiry, that the</p> <p>11 foregoing information is true and correct to the</p> <p>12 best of my knowledge, information and belief. I</p> <p>13 verify under penalty of perjury that the foregoing</p> <p>14 is true and correct," and it's dated September 12,</p> <p>15 2018 and it's digitally signed by Elizabeth K.</p> <p>16 Graham; is that correct?</p> <p>17 A Correct.</p> <p>18 Q Are you familiar with Elizabeth K.</p> <p>19 Graham?</p> <p>20 A No. That's why I looked. I'm like who</p> <p>21 is that?</p> <p>22 Q I'm sorry?</p>	<p style="text-align: right;">Page 52</p> <p>1 A Uh-huh, yes.</p> <p>2 Q And you have two columns. It says,</p> <p>3 "Category" and then "Count of Individuals."</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q So there's a Category 1, Category 2, and</p> <p>7 then Total Number of Class Members?</p> <p>8 A Yes.</p> <p>9 Q And in the count of individuals in</p> <p>10 Category 1 is 100,513; is that right?</p> <p>11 A That's right.</p> <p>12 Q And Category 2 is 29,346?</p> <p>13 A Yes.</p> <p>14 Q And so the total number of class members</p> <p>15 is 129,859?</p> <p>16 A Correct.</p> <p>17 Q So as of September 12, 2018 as least,</p> <p>18 you certainly were aware, you meaning the Agency,</p> <p>19 was aware that there were at least 129,859 people</p> <p>20 for whom the recalculation had not been made,</p> <p>21 correct?</p> <p>22 A Correct.</p>
<p style="text-align: right;">Page 51</p> <p>1 A No, I'm not.</p> <p>2 Q You're not. Okay.</p> <p>3 Have you ever seen this document before</p> <p>4 today?</p> <p>5 A I've seen -- I haven't seen it in</p> <p>6 this -- yes, I have. I -- yes, yes, I have.</p> <p>7 Q Okay. Let me just go back for a second.</p> <p>8 The declaration, Exhibit 1 that is your</p> <p>9 declaration --</p> <p>10 A Uh-huh.</p> <p>11 Q -- did you draft that?</p> <p>12 A Did I draft all of this?</p> <p>13 Q Yes.</p> <p>14 A I didn't draft every word. I worked</p> <p>15 with my staff and pulled information in.</p> <p>16 Q Okay.</p> <p>17 A Yeah.</p> <p>18 Q That's fine.</p> <p>19 A Okay.</p> <p>20 Q So going back now to Exhibit 4. So in</p> <p>21 the middle of the page do you see there's like a</p> <p>22 box?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q So now let's just go back and focus on</p> <p>2 Category 1 and Category 2.</p> <p>3 A Okay.</p> <p>4 Q And you see that Category 1 and Category</p> <p>5 2 are defined in this document?</p> <p>6 A Yes, I do.</p> <p>7 Q Okay. Could you just take a moment to</p> <p>8 read it and tell me whether these descriptions for</p> <p>9 the Category 1 and Category 2 are accurate or not?</p> <p>10 MS. BRIZIUS: Objection. Outside the</p> <p>11 scope of the 30(b)(6).</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MR. KASDAN:</p> <p>14 Q Are those descriptions accurate?</p> <p>15 A Yes.</p> <p>16 Q Okay. Fine. So just, again, to repeat,</p> <p>17 as of September 12, 2018, the Agency was aware</p> <p>18 that there were two categories for the class</p> <p>19 members, correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. I'd like to hand to you</p> <p>22 Exhibit 21 for a moment.</p>



<p style="text-align: right;">Page 54</p> <p>1 (J. Walker Exhibit Number 21 was 2 marked for identification.) 3 BY MR. KASDAN: 4 Q Please take a moment to take a look at 5 that, please. I'll just describe it for the 6 record while you're looking at it. 7 A Can I read it? 8 Q Sure. I'm sorry. 9 A Let me look first. 10 Q Absolutely. I apologize. 11 A (Reviewing document.) 12 Q So just for description purposes for the 13 record, this is one of the documents that was 14 produced to us earlier this week and it's Bates 15 SSA2019-118 and 119; is that correct? Two pages? 16 A Correct, yes. 17 Q And the first page is an e-mail from 18 Dinah Tysinger to Jennifer Stevenson. Tysinger is 19 T-Y-S-I-N-G-E-R and Dinah is D-I-N-A-H. 20 Are you familiar with those individuals? 21 A Yes, I am. 22 Q And who are they?</p>	<p style="text-align: right;">Page 56</p> <p>1 that right? 2 A Correct. 3 Q Okay. And then it says, "We must be 4 ready to move forward once we receive a decision 5 on the case"; is that correct? 6 A Correct. 7 Q So is it fair to say that even though 8 the Agency knew at least as of September of 2018 9 that about 129,859 people had not had the 10 recalculation performed for them, the Agency did 11 not go forward between that time, at least 12 December, in doing any of these recalculations for 13 those people; is that correct? 14 A That we did not go forward with -- 15 Q You didn't do any recalculations for 16 them even though you knew about it in September? 17 A Correct. We -- our first recalculations 18 were in February. February 11th is when we 19 started. 20 Q Of 2019? 21 A Of 2019. 22 Q Okay. Why didn't do you anything</p>
<p style="text-align: right;">Page 55</p> <p>1 A They work for me in the Office of Public 2 Service and Operations Support. 3 Q Okay. And below that is an e-mail from 4 you dated December 12, 2018, correct? 5 A Correct. 6 Q To a whole bunch of different people. 7 I'm not going to go through them. 8 A Right. 9 Q Is that right? 10 A Correct. 11 Q Okay. And then the subject is 12 "Info/Action: Steigerwald Staffing Methodology 13 and Next Steps - Action by December 18, 2018"; is 14 that correct? 15 A That's correct. 16 Q So now I'd just ask you to draw your 17 attention to the first paragraph. It says, "All" 18 -- that's the introduction, I'm sorry -- "All, As 19 discussed on our call today, please find the chart 20 below showing the minimum staffing levels we need 21 to dedicate to begin working Steigerwald." 22 Steigerwald is reference to the case; is</p>	<p style="text-align: right;">Page 57</p> <p>1 beforehand? 2 A We went through a planning process, 3 which we've been doing since -- really since 4 February of 2018, which is when the first 5 category -- Category 1 of 37,000. Those were the 6 numbers that we started planning. 7 This is nothing more than a staffing -- 8 this e-mail is actually the staffing methodology 9 that we were using for the PC -- you know, 10 recalculations are done in two separate 11 components. You know that from the declaration. 12 Okay? So -- 13 Q Well, just explain for the record. You 14 mean the processing center and the field office -- 15 A The processing center and the field 16 office, two components, that's -- 17 Q -- according to your declaration? 18 A According to my declaration. 19 So this is nothing more than their 20 staffing methodology e-mail saying this is how 21 we're going to distribute the cases, we're 22 breaking the cases up.</p>

<p style="text-align: right;">Page 58</p> <p>1 So this is one of many e-mails and many 2 discussions that's gone into the planning purposes 3 of this. 4 Q And you're saying the planning began in 5 February of 2018? 6 A Oh, the planning started actually before 7 February. We had discussions with Systems where 8 they were looking at, you know, the categories, 9 trying to determine how to pull the information 10 from there. We've -- we had already started 11 having communication with the -- remember I shared 12 the regional structure early in the process? So 13 we're -- I have the oversight for support 14 components. So we started the planning purposes, 15 but the challenge was we started with the court 16 order said 37,000 initially and, yes, we did know 17 the full class was 129. So what we did were 18 projections of if we do 129,000 cases in 90 days, 19 six months, one year, two year -- maybe -- maybe 20 not six months, we did that one after the fact -- 21 but we did projections on what's going to be the 22 service degradation for the American public. This</p>	<p style="text-align: right;">Page 60</p> <p>1 between February 2018 and September 2018? 2 A No, we did not. It's -- I mean, it's a 3 large organization. We started the planning 4 process. We had to get resources in place. How 5 are we going to do recalculations without the 6 training? Well, that's -- I shouldn't ask a 7 question. But we had to prepare the training, we 8 had -- we required -- I'm looking at December. 9 What we required in December was for the 10 individuals in the -- in the regions to do 11 some video -- we have three video on demand 12 work -- windfall offset videos that we required 13 them to do. 14 So we worked on training; we worked on 15 contingency plans; we worked on, you know, how do 16 we -- how are we going to be able to do 129,000 17 cases. Remember starting with -- 37,000 is what 18 we started, then moved to 129. So, you know, we 19 did projections based on that. 20 We had to figure out who was going to do 21 the training. Quality was a part of that because, 22 you know, we got it wrong the first time based on</p>
<p style="text-align: right;">Page 59</p> <p>1 is one of many e-mails related to that, but it 2 started before the February actual -- 3 Q 2019? 4 A 2000- -- this is '19. It started 5 February 2018 because that's when Category 1 was 6 determined and then September of 2018 is when we 7 ended up having the full class identified. 8 What -- what Systems told us -- what we 9 determined as an agency between February and 10 September, that -- 11 Q Of 2018? 12 A Of 2018 -- was 37,000 cases. So that's 13 what we were planning for, was 37,000. 14 Then, you know, September comes around 15 and now it's expanded to 129,000. So that's a 16 whole other conversation. 17 So all of that work we had done during 18 that time, it's like, okay, we're -- we're going 19 to have to ramp up more than this because we're 20 looking for a specific skill set to be able to do 21 this work. 22 Q But did you do any recalculations</p>	<p style="text-align: right;">Page 61</p> <p>1 the cases that were identified -- that's what -- 2 that's what was said -- so we wanted to ensure 3 that we were doing it right the second time. So 4 it was a lot of moving parts throughout this 5 process and that's what we were working on. 6 Q Let me just show you what's been marked 7 as Exhibit 5. 8 A Okay. 9 (J. Walker Exhibit Number 5 was 10 marked for identification.) 11 BY MR. KASDAN: 12 Q Why don't you just take a moment to just 13 review that. 14 A (Reviewing document.) I -- I actually 15 don't recall seeing this one. 16 Q Okay. 17 A I knew about the 28, then it went -- I 18 remember the 9, but I don't know... 19 Q The record doesn't reflect what you're 20 pointing to -- 21 A Oh, okay. 22 Q -- so let me try to describe the</p>



<p style="text-align: right;">Page 62</p> <p>1 document first.</p> <p>2 By the way, I should have asked this at</p> <p>3 the beginning, are you familiar with an attorney</p> <p>4 Ruchi Asher?</p> <p>5 A Yes, Ruchi, yes.</p> <p>6 Q Did she help you prepare for this</p> <p>7 deposition?</p> <p>8 A No.</p> <p>9 Q But you've been in contact with her</p> <p>10 during the course of this case?</p> <p>11 A Yeah, back then, yes.</p> <p>12 Q I'm sorry.</p> <p>13 A No, that's fine.</p> <p>14 Q Let's go back to Exhibit 5 now just for</p> <p>15 a second.</p> <p>16 A Okay.</p> <p>17 Q So I'll just describe it for the record.</p> <p>18 It's entitled "Defendants' Supplemental Responses</p> <p>19 to Interrogatories 1-3 in Plaintiffs' First Set of</p> <p>20 Interrogatories," and this document is three</p> <p>21 pages; is that right?</p> <p>22 A It is.</p>	<p style="text-align: right;">Page 64</p> <p>1 A And I said the 37,000 because I just</p> <p>2 added those together.</p> <p>3 Q Right, 28 and 9,000.</p> <p>4 A Yes, we knew in February. We started</p> <p>5 planning and communicating before that and then</p> <p>6 the larger amount came in September.</p> <p>7 Q But the Agency didn't admit its error</p> <p>8 during all this time; is that right?</p> <p>9 A The Agency didn't -- actually --</p> <p>10 MS. BRIZIUS: Objection. Calls for a</p> <p>11 legal conclusion.</p> <p>12 BY MR. KASDAN:</p> <p>13 Q Let me ask you this: The Agency fought</p> <p>14 this case every step of the way, correct?</p> <p>15 MS. BRIZIUS: Objection. Calls for a</p> <p>16 legal conclusion.</p> <p>17 BY MR. KASDAN:</p> <p>18 Q Let me ask you are you aware of the fact</p> <p>19 that the Agency moved to dismiss the case very</p> <p>20 early on?</p> <p>21 A I'm not aware of that.</p> <p>22 Q Okay.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q And it has the same sort certification</p> <p>2 as in the last one by Elizabeth K. Graham</p> <p>3 attesting under the penalty of perjury that the</p> <p>4 foregoing is true and correct, right?</p> <p>5 A That's correct.</p> <p>6 Q And it's dated April 3rd, 2018?</p> <p>7 A Correct.</p> <p>8 Q And on page two is it fair to say that</p> <p>9 it reflects at least as of April of 2018 the</p> <p>10 Agency knew that there were 28,510 people in</p> <p>11 Category 1 for which the recalculation had not</p> <p>12 been done; is that right?</p> <p>13 A Yes.</p> <p>14 Q And at least 9,165 people in Category 2</p> <p>15 for which the recalculation had not been done; is</p> <p>16 that right?</p> <p>17 A That's right.</p> <p>18 Q But you now testified the Agency knew</p> <p>19 about this back in February of 2108, right?</p> <p>20 A I said February earlier, but yes, you're</p> <p>21 correct.</p> <p>22 Q Okay.</p>	<p style="text-align: right;">Page 65</p> <p>1 A Yeah.</p> <p>2 Q Are you aware that the Agency disputed</p> <p>3 the fact that there's a class involved here?</p> <p>4 A I am aware of that.</p> <p>5 Q Okay. And you're aware of the fact that</p> <p>6 the Agency opposed our Motion for Summary Judgment</p> <p>7 on liability; is that correct?</p> <p>8 A Opposed which?</p> <p>9 Q We moved for summary judgment in this</p> <p>10 case --</p> <p>11 A Uh-huh.</p> <p>12 Q -- to say that the Agency is wrong and</p> <p>13 has to do this recalculation, yet the Agency</p> <p>14 opposed that, correct?</p> <p>15 A I believe that's correct, yeah.</p> <p>16 Q And that's what resulted in the court</p> <p>17 order in January of 2019?</p> <p>18 A Correct. Yes, that's correct.</p> <p>19 Q Okay. Let's go back to Exhibit 5 again.</p> <p>20 If you take a moment and look at the</p> <p>21 description of Category 1 and Category 2, are</p> <p>22 those accurate descriptions?</p>

<p style="text-align: right;">Page 66</p> <p>1 A Yes, they are. It's the same time</p> <p>2 period. Yes.</p> <p>3 Q Okay. If you can just go back to</p> <p>4 Exhibit 4 for a moment. That's the description of</p> <p>5 Category 1 and Category 2 in the September 12,</p> <p>6 2018 document, correct?</p> <p>7 A Correct.</p> <p>8 Q Okay. I have a couple of questions just</p> <p>9 in comparing Category 1 and Category 2.</p> <p>10 A Uh-huh.</p> <p>11 Q And if you want to take the time just to</p> <p>12 verify what I say is correct, that's fine, if not</p> <p>13 --</p> <p>14 A Okay.</p> <p>15 MS. BRIZIUS: Objection. This is</p> <p>16 outside the scope of the 30(b)(6) on the</p> <p>17 recalculation process.</p> <p>18 MR. KASDAN: Okay. It's not and I'll</p> <p>19 show you why.</p> <p>20 BY MR. KASDAN:</p> <p>21 Q Okay. So in the September 12, 2018</p> <p>22 definition of Category 1 and Category 2 the very</p>	<p style="text-align: right;">Page 68</p> <p>1 there's a footnote one, right?</p> <p>2 A Uh-huh, yes.</p> <p>3 Q And it begins, "Within this category</p> <p>4 there are cases," et cetera, right?</p> <p>5 A Correct.</p> <p>6 Q And this is a footnote qualifying or</p> <p>7 explaining Category 2, right?</p> <p>8 A But this is -- this is saying that</p> <p>9 indicates that SSA recalculate. It's not saying</p> <p>10 that --</p> <p>11 Q No, I'm just asking when it says</p> <p>12 "category," this category --</p> <p>13 A Right.</p> <p>14 Q -- is referring to Category 2, correct?</p> <p>15 A Yes, that's correct. Yes, I see that.</p> <p>16 Q Okay. And then in the September</p> <p>17 document there's a footnote one.</p> <p>18 A Uh-huh.</p> <p>19 Q And again it says, "Within this</p> <p>20 category," and then again it's Category 2?</p> <p>21 A Correct.</p> <p>22 Q Right. And in both documents it</p>
<p style="text-align: right;">Page 67</p> <p>1 first sentence says, "Individuals," and then it</p> <p>2 has "who became eligible to receive concurrent</p> <p>3 benefits."</p> <p>4 Do you see that phrase?</p> <p>5 A Yes, I do.</p> <p>6 Q And then it goes on, "For whom</p> <p>7 representatives' fees were paid out," et cetera,</p> <p>8 et cetera, right?</p> <p>9 A Yes.</p> <p>10 Q And that phrase is also in Category 2 in</p> <p>11 the September 12, 2018 document, correct?</p> <p>12 A Correct.</p> <p>13 Q Okay. So that phrase is missing when</p> <p>14 you look at the descriptions in Category 1 and</p> <p>15 Category 2, the phrase "who became eligible to</p> <p>16 receive concurrent benefits"; is that right?</p> <p>17 A Correct.</p> <p>18 Q But otherwise if you need time -- it's</p> <p>19 basically the same.</p> <p>20 A It's the same, yeah.</p> <p>21 Q Okay. Fine.</p> <p>22 And in the September 12, 2018 document</p>	<p style="text-align: right;">Page 69</p> <p>1 indicates that regardless whether or not a</p> <p>2 recalculation be done for people in Category 2, no</p> <p>3 underpayment would be due anyway; is that right?</p> <p>4 A That's what it's saying.</p> <p>5 Q Okay. Is that accurate?</p> <p>6 A We have not found any cases yet that no</p> <p>7 underpayments are -- are due, so I can't -- we</p> <p>8 haven't worked all cases, so I can't respond to</p> <p>9 that.</p> <p>10 Q Okay. I'll come back to that because</p> <p>11 that's not true and I'll show you that. But</p> <p>12 that's okay, we'll get to that.</p> <p>13 A Okay.</p> <p>14 Q So let me show you what has been marked</p> <p>15 as -- just bear with me a moment, please. I'm</p> <p>16 sorry -- Exhibit 15.</p> <p>17 (J. Walker Exhibit Number 15 was</p> <p>18 marked for identification.)</p> <p>19 BY MR. KASDAN:</p> <p>20 Q Tell me when you've had a chance to</p> <p>21 review this document.</p> <p>22 A Yes, I'm familiar with it.</p>



<p style="text-align: right;">Page 70</p> <p>1 Q Just going back for a moment, and I</p> <p>2 apologize, to the answer you just gave about this</p> <p>3 Category 2, has the Agency done recalculations for</p> <p>4 people in Category 2 this year?</p> <p>5 A It's not broken out. We loaded all of</p> <p>6 them into the system. The only time we separated</p> <p>7 the cases were the 37,000 Category 2 was in the</p> <p>8 37,000, so I would assume yes, but I can't</p> <p>9 unequivocally say yes. But those are the cases</p> <p>10 that we started with.</p> <p>11 Q Okay. So and we can do this later, but</p> <p>12 let me just jump in.</p> <p>13 A Okay.</p> <p>14 Q In your declaration you're saying that</p> <p>15 the recalculation is being done on a "rolling</p> <p>16 basis."</p> <p>17 A Correct.</p> <p>18 Q Do you recall saying that?</p> <p>19 A Yes.</p> <p>20 Q Stating that in your declaration?</p> <p>21 A Yes.</p> <p>22 Q Okay. So could you just explain for a</p>	<p style="text-align: right;">Page 72</p> <p>1 or less than that, whatever --</p> <p>2 A 2002.</p> <p>3 Q -- are people that fall in the period</p> <p>4 between 2002 and 2012; is that correct?</p> <p>5 A That's correct.</p> <p>6 Q Okay. So I'm just asking, you're</p> <p>7 stating for the record that you were doing later</p> <p>8 cases first, in other words 2012 to 2017 cases</p> <p>9 before the 2002 to 2012 cases?</p> <p>10 A That's what we were doing when we</p> <p>11 started in February 11th. Initially we started</p> <p>12 working all cases. So let me say that. And then</p> <p>13 after we started and we discussed the court order,</p> <p>14 I said, well, he's specifically tying it to the</p> <p>15 37,000, we need to work those first because</p> <p>16 that's -- that was the interpretation.</p> <p>17 Q Right.</p> <p>18 A We need to work those first. But now,</p> <p>19 because we had to do our -- not necessarily</p> <p>20 restart, but we had to take those cases out of the</p> <p>21 tracking tool and reload them in in March because</p> <p>22 of the quality piece that we found.</p>
<p style="text-align: right;">Page 71</p> <p>1 moment what you mean by a rolling basis? And by</p> <p>2 that I mean how are you determining which cases of</p> <p>3 the 129,000 plus to do first?</p> <p>4 A The way that was determined we loaded</p> <p>5 all cases into the tracking tool that we have,</p> <p>6 which is our control system. We loaded all</p> <p>7 129,000 in. I gave instructions and directions</p> <p>8 based on the January 25th order to work the 37,000</p> <p>9 cases, which were the 28,000 and the 9 plus</p> <p>10 thousand because that's what was in the order.</p> <p>11 And all cases were still loaded in, but those were</p> <p>12 the priority because that's what we were working</p> <p>13 towards with that 90-day time frame.</p> <p>14 Q Okay. So let me just -- and tell me</p> <p>15 again -- if I'm saying anything wrong, you can</p> <p>16 correct me.</p> <p>17 A Okay.</p> <p>18 Q It's my understanding that the 37,000</p> <p>19 plus are for people who fall roughly in the time</p> <p>20 period of 2012 to 2017 I believe, right?</p> <p>21 A That's correct.</p> <p>22 Q Okay. And the remaining 100,000 or so</p>	<p style="text-align: right;">Page 73</p> <p>1 So now all cases are in and they're all</p> <p>2 there together, so it's not going to be a focus on</p> <p>3 the 37,000. That was the initial guidance that I</p> <p>4 provided.</p> <p>5 Q So how are you doing it, in what order</p> <p>6 at this point now that you had to take out the</p> <p>7 129,000 --</p> <p>8 A Uh-huh.</p> <p>9 Q -- plus cases and then reload it again</p> <p>10 in March?</p> <p>11 A They are all -- all the cases are in</p> <p>12 there and they're just being assigned. I mean,</p> <p>13 it's -- it assigns it to the -- to the</p> <p>14 technicians.</p> <p>15 Q So is it assigned alphabetically?</p> <p>16 A It's assigned -- we have their --</p> <p>17 what -- what is it? It's a PIN. It's our access.</p> <p>18 And the supervisors will go in and assign cases to</p> <p>19 them as -- they're just going down the list. So</p> <p>20 it's -- I don't know how those cases were loaded</p> <p>21 into the system, but it's not by the categories.</p> <p>22 Q Okay. It's not by the categories,</p>

<p style="text-align: right;">Page 74</p> <p>1 right?</p> <p>2 A Right.</p> <p>3 Q And it's not by a year; is that right?</p> <p>4 A No, it's not by a year. It's just</p> <p>5 the -- the names are in our tracking tool and</p> <p>6 their Social Security Numbers and we've</p> <p>7 assigned -- which was in this earlier exhibit, you</p> <p>8 know -- specific locations to work those cases.</p> <p>9 Q And it's not assigned alphabetically</p> <p>10 either, right?</p> <p>11 A I wouldn't say it's alphabetically.</p> <p>12 Q Okay. So sort of random; is that fair</p> <p>13 to say?</p> <p>14 A That's -- that's -- that's fair to say</p> <p>15 because --</p> <p>16 Q So it's fair to say that you're not</p> <p>17 prioritizing cases that go all the way back to</p> <p>18 2002 first?</p> <p>19 A That's -- that's fair to say.</p> <p>20 Q All right. Well, let's go back to</p> <p>21 Exhibit 15 for a moment. Let me describe it for</p> <p>22 the record.</p>	<p style="text-align: right;">Page 76</p> <p>1 is in work-year perspective. Everything -- if we</p> <p>2 know the volume, if we know the time, we come up</p> <p>3 with a work-year figure.</p> <p>4 Q Okay. So are you familiar with Bradley</p> <p>5 Roth, Jr.?</p> <p>6 A Yes, he works on my staff.</p> <p>7 Q And the other people to whom he sent</p> <p>8 this e-mail, are they on your staff?</p> <p>9 A I'm sure they are. Yes.</p> <p>10 Q All right. And this e-mail is dated</p> <p>11 September 13, 2018; is that correct?</p> <p>12 A Correct.</p> <p>13 Q Okay. Now, I'd like to ask you to turn</p> <p>14 your attention to page 364 of this exhibit.</p> <p>15 A Okay.</p> <p>16 Q How would you describe it?</p> <p>17 A It's an e-mail estimate of the task</p> <p>18 times of what we would normally use in processing</p> <p>19 a windfall offset recalculation. It's the time</p> <p>20 and what's needed for each category. The overhead</p> <p>21 is, you know, the breaks, the training, all of</p> <p>22 that, all -- as opposed to direct cost is factored</p>
<p style="text-align: right;">Page 75</p> <p>1 A Okay.</p> <p>2 Q This is one of the documents that the</p> <p>3 Agency produced earlier this week.</p> <p>4 A Okay.</p> <p>5 Q It's Bates 362 to 369.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Okay. And the first page starts with an</p> <p>9 e-mail from Bradley C. Roth, Jr. to three or four</p> <p>10 different people.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Okay. And the subject is "Steigerwald</p> <p>14 WY Estimate," et cetera, right?</p> <p>15 A Yes.</p> <p>16 Q What does "WY" stand for?</p> <p>17 A Work year.</p> <p>18 Q I'm sorry?</p> <p>19 A It's the work year.</p> <p>20 Q Work years?</p> <p>21 A Uh-huh. Work-year estimate. That's how</p> <p>22 we do our estimates from a budgetary perspective,</p>	<p style="text-align: right;">Page 77</p> <p>1 in and then it gives you the work-year estimate.</p> <p>2 So -- and it's for Phase I, Phase II,</p> <p>3 and Phase III because that's what we're doing and</p> <p>4 it's tied to an appeal workload, which is on the</p> <p>5 end. They just gave volumes -- he gave volumes</p> <p>6 over there and the average time.</p> <p>7 Q Okay. So when it says, and let's focus</p> <p>8 first on Phase I, first of all, the volume is</p> <p>9 129,859. That's before people opted out?</p> <p>10 A Opted out, right.</p> <p>11 Q Okay. And you're aware that about 164</p> <p>12 people opted out?</p> <p>13 A I am.</p> <p>14 Q So that's why in your declaration you</p> <p>15 said the class -- strike that.</p> <p>16 A 669 I think is what --</p> <p>17 Q Right, 695.</p> <p>18 A 695, yeah.</p> <p>19 Q 129,695, right?</p> <p>20 A Correct.</p> <p>21 Q Okay. But at that time we didn't have</p> <p>22 any opt-outs --</p>



<p style="text-align: right;">Page 78</p> <p>1 A We didn't have --</p> <p>2 Q -- so we didn't know.</p> <p>3 A Right.</p> <p>4 Q Okay. Fine. So that's the volume.</p> <p>5 That's the first line.</p> <p>6 A Uh-huh.</p> <p>7 Q Okay. And the second line is "PC Task</p> <p>8 Time."</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Okay. Could you explain what that</p> <p>12 means?</p> <p>13 A That's the task time from the business</p> <p>14 process. We have -- we do work factors --</p> <p>15 Q You do?</p> <p>16 A We do work -- it's like any workload</p> <p>17 that we have we have a task time assigned with it.</p> <p>18 Q Uh-huh.</p> <p>19 A So that's for any workload. So that's</p> <p>20 what that is.</p> <p>21 Q And PC is the processing center?</p> <p>22 A Correct.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q I had it written down someplace.</p> <p>2 A Program support. Yeah, if I had my org</p> <p>3 chart here, I could give it to you.</p> <p>4 Q Okay. And it says that this is a task</p> <p>5 time that is determined anecdotally; is that</p> <p>6 right.</p> <p>7 A Yes, it does.</p> <p>8 Q So it's not necessarily statistically</p> <p>9 reliable, correct?</p> <p>10 A I wouldn't say -- I wouldn't say that</p> <p>11 and I -- yeah.</p> <p>12 Q I mean, it's not scientific.</p> <p>13 A That's what it says. It's not --</p> <p>14 Q It's not scientific, right?</p> <p>15 A But we have task time --</p> <p>16 Q Just answer my question first and</p> <p>17 then --</p> <p>18 A Oh. So --</p> <p>19 Q Is it scientific?</p> <p>20 A No.</p> <p>21 Q Okay. It's anecdotal, correct?</p> <p>22 A It is.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q And then it has --</p> <p>2 A That's the average time that --</p> <p>3 Q -- 30.</p> <p>4 A Thirty minutes.</p> <p>5 Q Thirty minutes.</p> <p>6 A That's the average time that it would</p> <p>7 take to work --</p> <p>8 Q Right. And you see that there's a</p> <p>9 footnote two next to "PC Task Time"?</p> <p>10 Do you see that?</p> <p>11 A Uh-huh, yes.</p> <p>12 Q And the footnote says, "PC average task</p> <p>13 time provided by DAPS," those are all caps, right,</p> <p>14 "anecdotally, through business process."</p> <p>15 Do you see that?</p> <p>16 A Yes, I do.</p> <p>17 Q What is DAPS?</p> <p>18 A That's one of the components.</p> <p>19 Q Department of?</p> <p>20 A That's a good question. I -- I -- I</p> <p>21 speak in acronyms, sorry, but it's -- it's my</p> <p>22 policy component in OPSOS.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q And anecdotal means what people say,</p> <p>2 right?</p> <p>3 A Correct.</p> <p>4 Q And it says "through business process,"</p> <p>5 What is "through business process"? What does</p> <p>6 that mean?</p> <p>7 A How much time it takes to do the process</p> <p>8 of all the steps that's involved.</p> <p>9 Q Okay. So for Phase I the average time</p> <p>10 anecdotally was 30 minutes, correct?</p> <p>11 A Correct, that's the PC Task Time.</p> <p>12 Q Okay. Then you have Phase II, right?</p> <p>13 A Correct.</p> <p>14 Q And that's split into Category 1 and</p> <p>15 Category 2; is that correct?</p> <p>16 A That's correct.</p> <p>17 Q Okay. And then the volume for Category</p> <p>18 1 is 100,513 and for Category 2 the volume is</p> <p>19 29,346, and that comports with the September</p> <p>20 exhibit that I gave you before, correct?</p> <p>21 A Correct.</p> <p>22 Q All right. And then it has, going back</p>

<p style="text-align: right;">Page 82</p> <p>1 to Phase II Category 1, "FO Task Time." FO is</p> <p>2 field office?</p> <p>3 A Yes.</p> <p>4 Q Okay. And then it has a footnote three</p> <p>5 there; is that correct?</p> <p>6 A Yes.</p> <p>7 Q And I'll just read that in. "FO average</p> <p>8 task time provided by DAPS" --</p> <p>9 A Uh-huh.</p> <p>10 Q -- "anecdotally, through business</p> <p>11 process," right?</p> <p>12 A Yes.</p> <p>13 Q So, again, whatever the time is, it's</p> <p>14 provided not scientifically but anecdotally,</p> <p>15 correct?</p> <p>16 A Correct.</p> <p>17 Q And what is the time for the FO Task</p> <p>18 Time in Category 1?</p> <p>19 A We have 135 minutes, so -- roughly.</p> <p>20 Q So 135 minutes is?</p> <p>21 A Oh, what is that? One and-a-half -- an</p> <p>22 hour and 45 minutes or so.</p>	<p style="text-align: right;">Page 84</p> <p>1 that time without the opt-outs, correct?</p> <p>2 A Yes.</p> <p>3 Q 129,859. The PC Task Time is 120, so</p> <p>4 that's two hours, right?</p> <p>5 A Yes.</p> <p>6 Q Again, the same footnote two, it's</p> <p>7 anecdotal, correct?</p> <p>8 A Yes.</p> <p>9 Q And then -- okay.</p> <p>10 So is it fair to say that at least as of</p> <p>11 September of 2018, the Agency was aware that there</p> <p>12 were three phases to be able to do these</p> <p>13 recalculations, Phase I, Phase II and Phase III;</p> <p>14 is that correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And that comports with what you</p> <p>17 call in your declaration Step 1, Step 2 and Step</p> <p>18 3, correct?</p> <p>19 A Correct.</p> <p>20 Q I made a mistake. It says in your</p> <p>21 declaration Part 1, Part 2 and Part 3.</p> <p>22 Let's just clarify that. In your</p>
<p style="text-align: right;">Page 83</p> <p>1 Q I think it's two hours.</p> <p>2 A I'd say two hours. That's Phase II.</p> <p>3 Q Two hours and 15 minutes.</p> <p>4 A Yeah. That's Phase II. Sorry.</p> <p>5 Q Okay. And in Category 2 the FO Task</p> <p>6 Time with the same footnote, it's anecdotal, is</p> <p>7 125 minutes; is that right?</p> <p>8 A Correct.</p> <p>9 Q So that comes out to one hour and what?</p> <p>10 One hour -- I'm sorry, that's two hours.</p> <p>11 A Two hours.</p> <p>12 Q Two hours and five minutes, right?</p> <p>13 A Correct.</p> <p>14 Q That should tell you something about my</p> <p>15 math.</p> <p>16 Okay. So on the average, according to</p> <p>17 this chart, it takes about ten minutes more to do</p> <p>18 a Category 1 than a Category 2 class member,</p> <p>19 correct?</p> <p>20 A Yes, that's what he has here.</p> <p>21 Q Okay. All right. And then you have</p> <p>22 Phase III and the volume is the total class at</p>	<p style="text-align: right;">Page 85</p> <p>1 declaration --</p> <p>2 A It's the same thing.</p> <p>3 Q -- of February 21, 2019, that's</p> <p>4 Exhibit 1, the three parts begin at paragraph --</p> <p>5 A Yes, it's Part 1.</p> <p>6 Q -- paragraph 15 to 20 is Part 1, right?</p> <p>7 A Yes, that's correct.</p> <p>8 Q And then Part 2 is 21 to 29; is that</p> <p>9 right?</p> <p>10 A Yes. I -- I mean, I looked at it.</p> <p>11 That's correct, Part 1 is the same thing as Step.</p> <p>12 Q Okay. And Part 3 is paragraphs 30 to</p> <p>13 41, right?</p> <p>14 A Yes.</p> <p>15 Q Okay. I'd like to turn your attention</p> <p>16 to what has been previously marked as Exhibit 6.</p> <p>17 (J. Walker Exhibit Number 6 was</p> <p>18 marked for identification.)</p> <p>19 THE WITNESS: Was there something else</p> <p>20 in this -- Exhibit 15? I mean, I'm just looking</p> <p>21 at what all was in -- okay. So never mind. I</p> <p>22 just didn't know if you had other -- it looked</p>



<p style="text-align: right;">Page 86</p> <p>1 like other stuff was attached to it, so -- but</p> <p>2 okay.</p> <p>3 BY MR. KASDAN:</p> <p>4 Q Are you saying that Exhibit 15 is not a</p> <p>5 complete exhibit --</p> <p>6 A Well, part of it is --</p> <p>7 Q -- or the wrong exhibit or what?</p> <p>8 A No. You have work gear information with</p> <p>9 an e-mail and I just didn't --</p> <p>10 Q Okay. Please identify the pages.</p> <p>11 A Page 19 -- 2019-368. So it's right next</p> <p>12 to the last page.</p> <p>13 Q Okay. And what is that? Oh, that's a</p> <p>14 different e-mail?</p> <p>15 A Yeah.</p> <p>16 Q Oh, so I apologize, that shouldn't be</p> <p>17 part of that. That's an e-mail from April 10th.</p> <p>18 A Right.</p> <p>19 Q It really doesn't belong with the e-mail</p> <p>20 from September 13th?</p> <p>21 A Correct.</p> <p>22 Q I apologize.</p>	<p style="text-align: right;">Page 88</p> <p>1 Mr. Stern, Mr. Wilson and DoJ counsel -- there are</p> <p>2 a whole bunch of people on this e-mail and it's</p> <p>3 dated April 9, 2018. And Ruchi is saying, Dear</p> <p>4 Counsel, Attached are the Defendants' responses to</p> <p>5 Plaintiffs' 4th Set of Interrogatories and a</p> <p>6 spreadsheet with the corresponding information."</p> <p>7 Then she sent with that cover e-mail the</p> <p>8 document that's part of this exhibit, which is</p> <p>9 entitled "Defendants' Objections and Responses to</p> <p>10 Plaintiffs' Fourth Set of Interrogatories," and</p> <p>11 that document consists of nine pages plus an</p> <p>12 attachment; is that a fair description?</p> <p>13 A It is.</p> <p>14 Q Okay. So first of all, have you ever</p> <p>15 seen this document before?</p> <p>16 A I do recall seeing this. It's been</p> <p>17 awhile, but yes.</p> <p>18 Q And Ruchi Asher is a U.S. Attorney from</p> <p>19 the DoJ --</p> <p>20 A Uh-huh.</p> <p>21 Q -- with whom you've had contact in</p> <p>22 connection with this case?</p>
<p style="text-align: right;">Page 87</p> <p>1 A I just -- yeah. That's okay.</p> <p>2 Q Thank you.</p> <p>3 MR. KASDAN: Can we go off the record</p> <p>4 for just a second?</p> <p>5 (Discussion off the record.)</p> <p>6 MR. KASDAN: Just to have a clean</p> <p>7 record, Exhibit 15 really constitutes pages Bates</p> <p>8 362 to 367 only and we're eliminating 368 and 369</p> <p>9 because it doesn't go together. And opposing</p> <p>10 counsel agrees to this?</p> <p>11 MS. BRIZIUS: Yes, agreed.</p> <p>12 (Discussion off the record.)</p> <p>13 BY MR. KASDAN:</p> <p>14 Q Have you had a chance to look at</p> <p>15 Exhibit 6?</p> <p>16 A Oh, sorry.</p> <p>17 Q I'm sorry.</p> <p>18 A Yes.</p> <p>19 Q So just to describe it for the record,</p> <p>20 this is an exhibit which has a cover e-mail from</p> <p>21 Ruchi Asher, R-U-C-H-I is the first name, Asher,</p> <p>22 A-S-H-E-R, and it came from her to myself,</p>	<p style="text-align: right;">Page 89</p> <p>1 A Correct, yes.</p> <p>2 Q All right. So I just want to turn your</p> <p>3 attention to page five. And she writes, and this</p> <p>4 is in response to interrogatory one, she says,</p> <p>5 "Subject to and without waiving the foregoing</p> <p>6 objection, the Defendants respond as follows: In</p> <p>7 accordance with the Parties' agreement, Defendants</p> <p>8 are providing the results of recalculations of any</p> <p>9 underpayments owed for 50 randomly chosen</p> <p>10 beneficiaries identified in Category 1 of</p> <p>11 Defendants' Responses to Plaintiffs'</p> <p>12 Interrogatories 1-3 of Plaintiffs' First Set of</p> <p>13 Interrogatories. The results will not necessarily</p> <p>14 be statistically representative of the dataset</p> <p>15 requested in this interrogatory. Defendants</p> <p>16 intend to supplement with the results of</p> <p>17 recalculations of any underpayments owed for an</p> <p>18 additional 50 randomly chosen benefiter</p> <p>19 identified in Category 1 of Defendants' Responses</p> <p>20 to Plaintiffs' Interrogatories 1-3 of Plaintiffs'</p> <p>21 First Set of Interrogatories by April 23, 2018."</p> <p>22 Did I read that accurately?</p>

<p style="text-align: right;">Page 90</p> <p>1 A You did.</p> <p>2 Q Okay. So, in fact, sometime in April of</p> <p>3 2018 the Agency ran some recalculations on a</p> <p>4 random basis for 50 chosen beneficiaries from</p> <p>5 Category 1; is that right?</p> <p>6 A According to this, yes.</p> <p>7 Q Were you aware of that?</p> <p>8 A Yes.</p> <p>9 Q The Agency had to be aware of that.</p> <p>10 A The Agency, yes.</p> <p>11 Q When I say "you," I mean the Agency.</p> <p>12 A I know. The Agency. I know, yes.</p> <p>13 Q That's fine. And the response is dated</p> <p>14 April 4th, correct, 2018?</p> <p>15 A Correct.</p> <p>16 Q Okay. And then the Agency represents</p> <p>17 that it's going to do another 50 within two weeks,</p> <p>18 by April 23rd, 2018, correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. And the results of running the</p> <p>21 recalculation are found in the attachment that's</p> <p>22 the last page of the exhibit, correct?</p>	<p style="text-align: right;">Page 92</p> <p>1 So when the Agency did these 50</p> <p>2 recalculations, did it go through the three phases</p> <p>3 or the three parts that we've been discussing</p> <p>4 until now?</p> <p>5 A Actually I'm not sure. I'm not sure on</p> <p>6 this one.</p> <p>7 Q Okay. Did the Agency do a quality</p> <p>8 review of the cases that were run for these</p> <p>9 recalculations?</p> <p>10 A For this 50?</p> <p>11 Q Yeah.</p> <p>12 A Well, she's in the quality review</p> <p>13 component, so --</p> <p>14 Q Who is she?</p> <p>15 A Looks like Vera signed this. Yeah, Vera</p> <p>16 Bostick-Borden is the associate commissioner in</p> <p>17 Quality, so I would hardly think they would do a</p> <p>18 quality review of -- if they were just doing -- I</p> <p>19 mean, this sounds like they were just doing a</p> <p>20 sampling the way I'm reading this and it's not</p> <p>21 necessarily statistically valid is what it says.</p> <p>22 So...</p>
<p style="text-align: right;">Page 91</p> <p>1 A Yes.</p> <p>2 Q And it says, "U/P Amount." That would</p> <p>3 be the underpayment amount; is that correct?</p> <p>4 A Correct.</p> <p>5 Q And there are 50 numbers over here</p> <p>6 including I think about -- I didn't count right</p> <p>7 now, but I think there are about 34 for which</p> <p>8 there are dollar amounts and about 16 or so which</p> <p>9 say zero dollars, correct?</p> <p>10 A It appears so. I didn't count, but yes,</p> <p>11 that's what I see.</p> <p>12 Q Approximately something like that?</p> <p>13 A Yes.</p> <p>14 Q And so what that means is in running</p> <p>15 these 50 cases about, I'm just estimating now, 34</p> <p>16 people were going to get underpayments and about</p> <p>17 16 were not from Category 1, correct?</p> <p>18 A I would say correct.</p> <p>19 Q Okay. Now, let's go back to page five</p> <p>20 for a moment. And, again, it's written over here</p> <p>21 defendants are providing the results of</p> <p>22 recalculation -- well, strike that.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q Okay. Now, when it says the Defendants'</p> <p>2 will be providing the results of recalculations of</p> <p>3 any underpayments owed, do you know what "any</p> <p>4 underpayments" refers to? And by that I mean as</p> <p>5 follows, does "any underpayments" refer to only</p> <p>6 underpayments as a result of the failure to do the</p> <p>7 recalculation or does that include underpayments</p> <p>8 that were owed preexistingly by the Agency?</p> <p>9 MS. BRIZIUS: Objection. This is</p> <p>10 outside the scope of the 30(b)(6).</p> <p>11 MR. KASDAN: It's not outside the scope.</p> <p>12 BY MR. KASDAN:</p> <p>13 Q You can answer.</p> <p>14 A I don't know her criteria. I don't know</p> <p>15 what -- I mean, it appears she did a random</p> <p>16 sample, but I don't know the data that was used, I</p> <p>17 don't know the step process that was used. I</p> <p>18 would -- I don't know what she used to come up</p> <p>19 with these numbers.</p> <p>20 Q And so you don't know what the numbers</p> <p>21 actually represent at the end of the day?</p> <p>22 A I don't -- I do not know. I --</p>



<p style="text-align: right;">Page 94</p> <p>1 Q That's what the Agency's position is,</p> <p>2 right?</p> <p>3 A Correct.</p> <p>4 MS. BRIZIUS: Objection. It's outside</p> <p>5 the scope of the 30(b)(6), so she's not speaking</p> <p>6 for the Agency on this.</p> <p>7 THE WITNESS: This is my knowledge of</p> <p>8 this.</p> <p>9 BY MR. KASDAN:</p> <p>10 Q You're the person in charge of the</p> <p>11 process, right?</p> <p>12 A Correct.</p> <p>13 Q All right. Let's turn our attention now</p> <p>14 to what has been marked as Exhibit 7,</p> <p>15 (J. Walker Exhibit Number 7 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. KASDAN:</p> <p>18 Q Take a moment to look at this.</p> <p>19 A Okay.</p> <p>20 Q So let me just describe it for the</p> <p>21 record. So the cover page on Exhibit 7 is, again,</p> <p>22 an e-mail from Ruchi Asher to Plaintiffs' counsel</p>	<p style="text-align: right;">Page 96</p> <p>1 recalculations and come up with a hundred --</p> <p>2 A Okay.</p> <p>3 Q -- recalculations; is that correct?</p> <p>4 A Yes.</p> <p>5 Q Okay. How many recalculations has the</p> <p>6 Agency done this year so far from January 25th to,</p> <p>7 let's start with, April 2nd I believe is when you</p> <p>8 submitted your last declaration?</p> <p>9 A We've done a total this -- this year of</p> <p>10 --</p> <p>11 Q From January to April 2nd first.</p> <p>12 A Oh.</p> <p>13 Q I believe your declaration said 16 this</p> <p>14 year; is that correct?</p> <p>15 A Okay. Yeah, that's -- okay. Yes.</p> <p>16 Q Okay. So between January and April, the</p> <p>17 end of January and beginning of April, you did 16</p> <p>18 cases, correct?</p> <p>19 A Yes.</p> <p>20 Q And you did 50 cases within a two-week</p> <p>21 period in April of 2018, correct? A hundred</p> <p>22 cases. I'm sorry. Right?</p>
<p style="text-align: right;">Page 95</p> <p>1 and also to DoJ counsel and it's dated April 23,</p> <p>2 2018; is that correct?</p> <p>3 A That's correct.</p> <p>4 Q And the subject is the "2nd Supplemental</p> <p>5 Response to 4th," and what she writes over here</p> <p>6 is, "Dear Counsel, Attached are Defendants'</p> <p>7 supplemental responses to Plaintiff's 4th Set of</p> <p>8 Interrogatories and a spreadsheet with the</p> <p>9 corresponding information," correct?</p> <p>10 A Correct.</p> <p>11 Q Okay. And so let's turn just for a</p> <p>12 moment to page six. And, again, she writes -- so</p> <p>13 just to establish for the record, this is the</p> <p>14 second 50 random recalculations that were done two</p> <p>15 weeks after the first one.</p> <p>16 A Okay.</p> <p>17 Q The first one, if you recall, was</p> <p>18 April 9 and this is now she's giving us</p> <p>19 information on April 23rd, correct?</p> <p>20 A Okay. Correct.</p> <p>21 Q So within the span of two weeks the</p> <p>22 Agency was able to do whatever it did for</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. BRIZIUS: Objection.</p> <p>2 THE WITNESS: I don't know the criteria</p> <p>3 that she used. It -- it may not be an actual</p> <p>4 recalculation if she's only giving you a windfall</p> <p>5 offset with an underpayment. That's different.</p> <p>6 That is a different process than a windfall offset</p> <p>7 recalculation. So I -- I don't know what her</p> <p>8 criteria was. I need to know the methodology on</p> <p>9 this before I can answer.</p> <p>10 BY MR. KASDAN:</p> <p>11 Q Okay. So let's go back to page six for</p> <p>12 a moment. This is where she says this is the</p> <p>13 additional 50 underpayments that were owed for 50</p> <p>14 randomly chosen beneficiaries.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q So, again, I'm going to ask the same</p> <p>18 questions I asked before. When it says "any</p> <p>19 underpayments," the Agency doesn't know whether</p> <p>20 those underpayments are underpayments directly</p> <p>21 related to the Steigerwald case in the sense that</p> <p>22 the failure to do the recalculation or it could</p>

<p style="text-align: right;">Page 98</p> <p>1 also include underpayments that were preexisting;  2 is that right?  3 A Correct.  4 MS, BRIZIUS: Objection. Again, this is  5 outside the scope of the 30(b)(6).  6 BY MR. KASDAN:  7 Q Is that correct?  8 A That's correct.  9 Q Okay. So, again, if you go to the third  10 from last page in this exhibit, you have the "U/P  11 Amount" and you have all these dollar amounts with  12 some people getting underpayments and some people  13 not.  14 Do you see that? That page and the  15 following page as well.  16 A Yes.  17 Q So, again, the Agency doesn't know  18 exactly what that refers to at this point,  19 correct?  20 A Correct.  21 Q So now let's turn to the very last page  22 of the spreadsheet that Ms. Ruchi provided at that</p>	<p style="text-align: right;">Page 100</p> <p>1 basically of -- that's why I don't think this is  2 the same. You have a state breakdown and time,  3 number of cases, and that's really what this  4 represents.  5 Q Okay.  6 A So she's saying it -- it basically took  7 her an average of an hour and 15 minutes or either  8 an hour and 38 minutes. For the no underpayment  9 cases it was an hour and 15 minutes and for the  10 time spent on those with an underpayment was an  11 hour and 38.  12 Q So that's inconsistent with the time  13 reported in Exhibit 15, correct?  14 A Well, Exhibit 15 -- let me make sure  15 I'm -- yes, that's correct.  16 Q In fact, the time to do these 50 random  17 cases was less than the time reported in  18 Exhibit 15, correct?  19 A Correct.  20 Q Okay. So an hour and 15 minutes for  21 Category 1 -- I'm sorry, strike that.  22 An hour and 15 minutes for --</p>
<p style="text-align: right;">Page 99</p> <p>1 time. Okay?  2 A I'm there.  3 Q Do you have that?  4 A Yes.  5 Q Okay. So could you describe what this  6 is?  7 A It looks like a summary of the cases.  8 You had half of them pretty much that had zero  9 underpayments, total underpayment amount of 35  10 that she came up with was 80,482. And she put  11 times --  12 Q You just said "half." I just want to  13 correct the record. You didn't mean that. There  14 are 15 out of the 50 --  15 A The 15 -- 15 out of the 50 --  16 Q -- didn't have any --  17 A -- did not have any underpayments.  18 Q Right.  19 A Thirty-five did, with a total amount of  20 \$80,482.57.  21 Q Right.  22 A And she's giving an average time</p>	<p style="text-align: right;">Page 101</p> <p>1 A No underpayment.  2 Q -- no underpayments and 98 minutes  3 for -- so it's 98 minutes and 75 minutes; is that  4 correct?  5 A I'm looking at the average. That's the  6 total time.  7 Q Right.  8 A I thought it was an hour and 38 minutes.  9 I don't know how she's even -- the average time --  10 Q Well, it says that. It says total  11 number of hours spent, right?  12 A Right. Okay. Yes.  13 Q Okay. Fine.  14 Are you familiar with an individual  15 whose name is Dax Craig?  16 A Dax Craig?  17 Q Dax Craig. No?  18 A No.  19 Q Okay. Let's take a look at Exhibit 9.  20 (J. Walker Exhibit Number 9 was  21 marked for identification.)  22 BY MR. KASDAN:</p>



<p style="text-align: right;">Page 102</p> <p>1 Q I'll describe it for the record. It's a</p> <p>2 two-page exhibit and the first page reflects the</p> <p>3 same information contained in the last page of</p> <p>4 Exhibit 7, but it reflects over here the metadata</p> <p>5 that we were able to obtain. And the metadata</p> <p>6 indicates that Mr. Craig or Dax Craig made a</p> <p>7 notation over here next to the time. It says,</p> <p>8 "This is the sum of all hours combined for each</p> <p>9 state reviewed. These are not Decimal times."</p> <p>10 Do you see that?</p> <p>11 A Yes, I do.</p> <p>12 Q So it appears -- and if you're unsure,</p> <p>13 then you have to say so, I don't know, but it</p> <p>14 appears that Mr. Dax Craig is the one who did</p> <p>15 these recalculations; is that correct?</p> <p>16 A I don't know.</p> <p>17 Q Do you know if these recalculations were</p> <p>18 done internally by the Agency or was it sent out</p> <p>19 to a vendor to do?</p> <p>20 A It would have been done internally. We</p> <p>21 would not have sent this out.</p> <p>22 Q So presumably Mr. Craig works for Social</p>	<p style="text-align: right;">Page 104</p> <p>1 recalculated class members' past due benefits</p> <p>2 because of this lawsuit and Social Security has</p> <p>3 now reviewed each individual case and determined</p> <p>4 that they are owed a payment. Okay?</p> <p>5 A Okay.</p> <p>6 Q And it's about 25 or 26 letters. I'm</p> <p>7 sorry, I don't have it exactly, but it's no more</p> <p>8 than 25 or 26 letters.</p> <p>9 A Okay.</p> <p>10 Q Okay. So are you familiar with these</p> <p>11 letters in general?</p> <p>12 A Yes.</p> <p>13 Q Okay. And did I describe it accurately?</p> <p>14 These are letters that go out to beneficiaries of</p> <p>15 the class --</p> <p>16 A Correct.</p> <p>17 Q -- who received --</p> <p>18 A Who received --</p> <p>19 Q -- underpayments --</p> <p>20 A -- underpayments.</p> <p>21 Q -- as a result of this class action,</p> <p>22 correct?</p>
<p style="text-align: right;">Page 103</p> <p>1 Security Administration?</p> <p>2 A Presumably looking at what I see over</p> <p>3 here, yes.</p> <p>4 MR. KASDAN: Let's take a break. Okay?</p> <p>5 THE WITNESS: Okay.</p> <p>6 (Brief recess 11:10 a.m. to 11:27 a.m.)</p> <p>7 BY MR. KASDAN:</p> <p>8 Q You understand you're still under oath?</p> <p>9 A Correct.</p> <p>10 Q I'd like to show you what has been</p> <p>11 marked as Exhibit 20.</p> <p>12 (J. Walker Exhibit Number 20 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. KASDAN:</p> <p>15 Q And I'll make a representation and you</p> <p>16 can correct me.</p> <p>17 A Okay.</p> <p>18 Q This exhibit constitutes letters that we</p> <p>19 received, meaning class counsel, myself, as copies</p> <p>20 after class members received notification from</p> <p>21 Social Security that they would be receiving a</p> <p>22 check because Social Security Administration had</p>	<p style="text-align: right;">Page 105</p> <p>1 A Correct.</p> <p>2 Q Now I'd like to show you -- we mentioned</p> <p>3 this before -- what has been marked as Exhibit 3.</p> <p>4 (J. Walker Exhibit Number 3 was</p> <p>5 marked for identification.)</p> <p>6 BY MR. KASDAN:</p> <p>7 Q So for the record, this is a declaration</p> <p>8 you submitted to the Court dated April 2nd,</p> <p>9 Document 102-1 in the Court's docket in this case</p> <p>10 and it consists of four pages and it has your</p> <p>11 signature on page four, correct?</p> <p>12 A Correct.</p> <p>13 Q Saying you declare under penalty of</p> <p>14 perjury that the foregoing is true and correct,</p> <p>15 right?</p> <p>16 A Yes.</p> <p>17 Q And it's the same thing as the first</p> <p>18 declaration that we were talking about that you</p> <p>19 submitted also under penalty of perjury and</p> <p>20 attesting that whatever you said is true and</p> <p>21 correct?</p> <p>22 A Correct.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q So you're familiar with this 2 declaration, right? 3 A Yes. 4 Q Okay. Did you draft this? 5 A I drafted -- I drafted portions of it 6 and staff drafted portions, but I affirm 7 everything that's on here. 8 Q And this is one of the documents you 9 reviewed in preparation for this deposition? 10 A Yes. 11 Q Okay. So turning your attention to 12 paragraph three, the last sentence in there states 13 as follows, "The Agency paid underpayments and 14 released notices to inform class members and 15 counsel of payment for seven cases in February and 16 early March and for an additional nine cases the 17 week of March 25, 2019." 18 A Uh-huh. 19 Q So this is stating basically that as of 20 April 2nd, the Agency had completed 16 cases out 21 of the 129,000 or more for which recalculations 22 are required to be done, correct?</p>	<p style="text-align: right;">Page 108</p> <p>1 We'll talk about that. 2 A Okay. 3 Q So, again, so I understand, there are 48 4 cases for which underpayments are due and you've 5 completed that task -- 6 A Correct. 7 Q -- as of yesterday? 8 A As of yesterday. 9 Q You being the Agency, correct? 10 A Yes. 11 Q Are there any individuals in the class 12 for whom recalculations were done and it was 13 determined that no money was due? 14 A No. 15 Q Were there any people for whom 16 recalculations were done and there were 17 overcharges -- 18 A No. 19 Q -- overpayments? 20 A No. 21 Q Okay. Just for the record, I, as class 22 counsel, have received only about 25 or 26 of</p>
<p style="text-align: right;">Page 107</p> <p>1 A Yes, correct. 2 Q Okay. So I think you began to tell me 3 before and I'll just ask the question, since 4 April 2nd do you know how many recalculations have 5 been completed? 6 A Since April. We're not tracking data 7 based on numbers like that. We're tracking 8 recalculations that have been done. So as far as 9 a recalculation and what -- 10 Q What is the total as of yesterday? 11 A The total as of yesterday, I -- I 12 checked, is 48. 13 Q Forty-eight. 14 A That's the total amount with -- and 15 that's how many underpayments we've processed. We 16 have 21,000 -- and these are approximate numbers, 17 but we have approximately 21,000 waiting for our 18 quality review that's already gone through Phase 19 I. 20 Q We'll get to that. 21 A Oh, oh, okay. All right. Okay. 22 Q That's part of this declaration also.</p>	<p style="text-align: right;">Page 109</p> <p>1 these notices. 2 A Uh-huh. 3 Q What is the time difference between when 4 an underpayment is made or a letter is sent out to 5 the class member and a letter is sent out to class 6 counsel with that notification? 7 A Usually five -- five to seven days 8 because it's done via a vendor and they do it 9 in -- in runs. So we make that input in our 10 system and then it goes like for batch processing. 11 Q Okay. 12 A So that's normally the time frame. 13 Q Let's turn just for a moment back to 14 Exhibit 16, which is the transcript. 15 A Oh, I have that. 16 Q Let me ask you to turn your attention to 17 page 41, line 19. I'll just read it and you tell 18 me if I'm accurately reading it. The Court says, 19 "How big of a sampling can you produce in 30 20 days?" Ms. Bailey, who is your attorney, says, "I 21 don't know at this point. I'd have to consult 22 with the Agency. But I know that they are working</p>



<p style="text-align: right;">Page 110</p> <p>1 to ramp up the speed and go as quickly as they can 2 with these."</p> <p>3 So the Court wanted to know how big of a 4 sampling can you produce in 30 days from the date 5 of the hearing, which is April 4th.</p> <p>6 Do you have an answer for the Court?</p> <p>7 A I've done in a week, I mean, 8 approximately 20 is -- is going to be the -- that 9 would be the -- the number that I would say 10 because -- and I'm looking at -- and I -- again, I 11 don't have the breakout for that time frame, I 12 have what's in the declaration, 7 and then the 9, 13 which is when we started again. We're up to 48 14 now. So 20 -- you know, 20 or -- or no more than 15 30 for this time period, but --</p> <p>16 Q I'm just confused. When you say "no 17 more than 30 for this time period," what would be 18 the total amount -- let me ask you differently,</p> <p>19 A Okay.</p> <p>20 Q By about May 4th --</p> <p>21 A Uh-huh.</p> <p>22 Q -- what would be the total number of</p>	<p style="text-align: right;">Page 112</p> <p>1 case, which means those cases just hit Phase III 2 and so I anticipate those moving. And based on 3 the 9 -- we have about 400 and some odd cases 4 that's in Phase II that will go to Phase III. So 5 you're asking me to project from May. I can't 6 give you an exact projection, but we are working 7 the cases as quickly as we can.</p> <p>8 Q All right. Let me show you what has 9 been marked previously as Exhibit 17 -- no, I'm 10 sorry, my mistake -- what has been marked 11 previously marked as Exhibit 18 and 19. If you'd 12 look at those together. We're going to give them 13 to you.</p> <p>14 A Oh. 15 (J. Walker Exhibit Numbers 18 and 19 16 were marked for identification.)</p> <p>17 BY MR. KASDAN:</p> <p>18 Q So I'll just make a representation with 19 respect to 18 that these are three letters that we 20 received for class members as part of the 25 or 26 21 in Exhibit 20.</p> <p>22 A Uh-huh.</p>
<p style="text-align: right;">Page 111</p> <p>1 cases you think the Agency will have completed? 2 Taking into consideration whatever you've done, 3 you know, in the past --</p> <p>4 A Uh-huh.</p> <p>5 Q -- and coming up to May 4th, 6 approximately how many?</p> <p>7 A What I can tell you now is in Phase III, 8 which is the final phase, I have over a hundred -- 9 as of yesterday I believe it was 120 cases. So I 10 know that's -- that's what I have that's -- that's 11 ready to actually have the underpayment released 12 and that's as of yesterday.</p> <p>13 Q So there would be 120 plus the 48 that 14 you've done until now approximately?</p> <p>15 A Correct, correct.</p> <p>16 Q And you anticipate that the Phase III 17 will be completed by May 4th for about 120 cases; 18 is that fair to say?</p> <p>19 A The -- as of yesterday, like I said, 20 it's in Phase III. And the people that we have 21 working on this work, they're not doing other 22 work, they are totally assigned to the Steigerwald</p>	<p style="text-align: right;">Page 113</p> <p>1 Q You can double check if you'd like or 2 counsel can.</p> <p>3 A No, that's fine.</p> <p>4 Q Okay. So those three letters are for -- 5 you see the three names there, right?</p> <p>6 A Uh-huh.</p> <p>7 Q And I'd like to show you Exhibit 19 just 8 for a moment. And I'll make a representation that 9 this is a screenshot from the spreadsheet that we 10 received from the Agency containing all the class 11 members --</p> <p>12 A Uh-huh.</p> <p>13 Q -- and it's broken down by Category 1 14 and Category 2 and there are four spreadsheets, 15 Category 1 and 2 for the period 2002 to 2012 --</p> <p>16 A Uh-huh.</p> <p>17 Q -- and then 1 and 2 for the period 2012 18 through 2017.</p> <p>19 This spreadsheet/screenshot that 20 consists of three pages, okay, comes from Category 21 2 from the period 2012 and forward.</p> <p>22 Do you see that? Do you see on the</p>

<p style="text-align: right;">Page 114</p> <p>1 bottom here?</p> <p>2 A Uh-huh.</p> <p>3 Q Okay. And I'd just like you to compare</p> <p>4 the three letters and the three names -- you don't</p> <p>5 have to name the people -- to see that these three</p> <p>6 letters are people who are in Category 2 -- the</p> <p>7 letters to them are letters to people from</p> <p>8 Category 2 and they were receiving underpayments.</p> <p>9 MR. KASDAN: And we'll just go off the</p> <p>10 record for a moment.</p> <p>11 (Brief pause.)</p> <p>12 BY MR. KASDAN:</p> <p>13 Q So do you have any reason to believe</p> <p>14 that this is inaccurate?</p> <p>15 A No, it's accurate. It would be</p> <p>16 accurate.</p> <p>17 Q So it would indicate that people in</p> <p>18 Category 2 may get underpayments, correct?</p> <p>19 A Possibly, yes.</p> <p>20 Q Well, these three in fact did?</p> <p>21 A These three did. They did, yes.</p> <p>22 Q So the representation that was made in</p>	<p style="text-align: right;">Page 116</p> <p>1 windfall offset calculations?</p> <p>2 A I don't know that date. I don't know</p> <p>3 that date.</p> <p>4 Q More than a decade, correct?</p> <p>5 A Oh, definitely, yes.</p> <p>6 Q Maybe even two decades, right?</p> <p>7 A Yes.</p> <p>8 Q Okay. And the Agency has been doing</p> <p>9 recalculations more than two decades, correct?</p> <p>10 A Correct.</p> <p>11 Q Just as an aside, how is it that the</p> <p>12 Agency made a mistake with 130,000 people?</p> <p>13 MS. BRIZIUS: Objection.</p> <p>14 MR. KASDAN: I'll withdraw it.</p> <p>15 BY MR. KASDAN:</p> <p>16 Q Turn your attention please to page 12,</p> <p>17 paragraph 42 and I'd ask if you can read that to</p> <p>18 yourself.</p> <p>19 Just generally speaking, it talks about</p> <p>20 training; is that correct?</p> <p>21 A Yes.</p> <p>22 Q How long has the Agency been training</p>
<p style="text-align: right;">Page 115</p> <p>1 an earlier exhibit that I showed to you back in</p> <p>2 April of last year and in September of this year</p> <p>3 is not entirely accurate, correct?</p> <p>4 A Well, it was accurate to the best of my</p> <p>5 ability, but yes.</p> <p>6 Q Let's turn our attention now to</p> <p>7 Exhibit I, which is your declaration from</p> <p>8 February 21st, 2019. And this declaration, as has</p> <p>9 been mentioned before, from paragraphs 15 to 41</p> <p>10 explains the three-step process, correct?</p> <p>11 A Correct.</p> <p>12 Q And this is a three-step process that</p> <p>13 the Agency -- well, let me ask you this question:</p> <p>14 How long has the Agency had this three-step</p> <p>15 process in place?</p> <p>16 A This is our standard -- this is our</p> <p>17 normal business process. I don't have a time</p> <p>18 frame as far as how long we've been processing</p> <p>19 cases this way because Policy could have had</p> <p>20 updates from there, but from an Agency perspective</p> <p>21 this is not a new process is what I would say.</p> <p>22 Q How long has the Agency been doing</p>	<p style="text-align: right;">Page 117</p> <p>1 employees or personnel to do the windfall offset</p> <p>2 calculation?</p> <p>3 A Since it's been in existence.</p> <p>4 Q And how long has it been training to do</p> <p>5 the recalculation?</p> <p>6 A I mean, training is random, but same --</p> <p>7 same answer.</p> <p>8 Q Has there been any special training with</p> <p>9 respect to this case?</p> <p>10 A Yes.</p> <p>11 Q Okay. Could you describe generally when</p> <p>12 that occurred?</p> <p>13 A February. That occurred in February of</p> <p>14 2019 and then we did the video on demands in</p> <p>15 December of 2018, and that was three -- that</p> <p>16 consisted of three -- three videos.</p> <p>17 Q So the first training with respect to</p> <p>18 this case occurred in December --</p> <p>19 MS. BRIZIUS: Objection. Outside the</p> <p>20 scope.</p> <p>21 Are you talking about the recalculation</p> <p>22 training or --</p>



<p style="text-align: right;">Page 118</p> <p>1 THE WITNESS: Windfall offset training.  2 MS. BRIZIUS: -- windfall offset  3 training?  4 BY MR. KASDAN:  5 Q I'm talking about the training that  6 you're discussing in paragraph 42.  7 Let me ask you what kind of training are  8 you talking about in paragraph 42?  9 A This is training for the windfall offset  10 recalculation and -- because we trained employees  11 on the -- to perform this task, which is what it  12 says in 42.  13 Q Okay.  14 A So that training was completed in  15 February of 20-- of this year.  16 Q And it started in December of 2018,  17 right?  18 A The 2018 was refresher windfall offset  19 training. You have to know how to do a regular  20 windfall offset if you're going to do an offset  21 from the original piece and then do a  22 recalculation. So because we were in the process</p>	<p style="text-align: right;">Page 120</p> <p>1 Q Okay. I'd ask you to turn your  2 attention to paragraph 46. I'll just read it into  3 the record.  4 A That's fine.  5 Q "These experienced technicians develop,  6 adjudicate, and authorize the most complex,  7 nonroutine cases, typically those that are highly  8 unusual, without precedent and usually involve a  9 number of different SSA administered programs."  10 Is that a fair description of what's  11 happening in this case?  12 A I'm trying to see if I'm talking about  13 the field office or the PSC. So this is just  14 general -- this is just the -- the general  15 statement.  16 I'm sorry, what -- can you repeat your  17 question?  18 Q My question is, is this a fair  19 description of what's happening in this case, in  20 the Steigerwald class action?  21 A Yes, it's -- it's a fair description.  22 Q And it's basically describing in a sense</p>
<p style="text-align: right;">Page 119</p> <p>1 of working through and identifying who would be  2 completing this work, anyone that was involved  3 with the windfall offset process we sent -- the  4 Agency sent the information out to the regions --  5 ten regions and asked that employees involved in  6 this workload to review these -- those particular  7 videos. And then we provided specialized training  8 with Q and A's and -- with questions and  9 answers -- and we recorded that as well for the  10 specialized recalculation process training.  11 Q When you say "recorded," you mean by  12 video?  13 A No, it wasn't video. We're not that --  14 Q What do you mean? I'm sorry, I don't  15 know what you mean.  16 A It was -- it was just a -- not a video  17 recording but just --  18 Q Audio?  19 A -- an audio recording, yes.  20 Q Oh. So it's available for people to  21 listen to it?  22 A Correct.</p>	<p style="text-align: right;">Page 121</p> <p>1 the Steigerwald class action?  2 A Correct.  3 Q Thank you.  4 A Well, this is describing the experienced  5 technicians and what they do, meaning they are  6 working on the more difficult -- difficult cases,  7 the ones with more experience. A trainee could  8 not do a Steigerwald recalculation.  9 Q All right. On page 14 in paragraph 49,  10 I'll read it into the record, the last sentence,  11 "Complex issues are often associated with the most  12 vulnerable members of the public whose day-to-day  13 needs for food, clothing, and shelter often depend  14 on the benefits paid by SSA and skilled support  15 provided by our experienced technicians."  16 A Uh-huh.  17 Q Would that be a fair description of  18 class members in this case?  19 A Yes.  20 Q In paragraph 68 you write, "To ensure  21 our commitment to the Court and the Class, SSA has  22 been diligently working during this litigation."</p>

<p style="text-align: right;">Page 122</p> <p>1 When you say "during this litigation,"</p> <p>2 is that since the Court ordered the recalculation?</p> <p>3 A This is during the entire process is</p> <p>4 what this was -- this was referring to. It's a</p> <p>5 general statement. It's a litigated case.</p> <p>6 Q Okay. And then in paragraph 69 you say,</p> <p>7 "Completing the recalculations of the windfall</p> <p>8 offset and issuing underpayments for members of</p> <p>9 the Class is a top priority."</p> <p>10 What do you mean by "top priority"?</p> <p>11 A We have adjusted our workloads -- for an</p> <p>12 agency this size usually we do work plans a year</p> <p>13 out. Like we'll start planning for projections</p> <p>14 and what workloads we're going to release, like ad</p> <p>15 hoc workloads and things that we have to do that's</p> <p>16 not part of our normal workload process.</p> <p>17 By me saying this is a top priority, we</p> <p>18 shifted and pushed out other workloads to ensure</p> <p>19 that we have the Steigerwald cases as -- as a</p> <p>20 priority. So we've made adjustment shifts, we've</p> <p>21 asked for additional resources. I think I said</p> <p>22 that in the -- in the declaration as well.</p>	<p style="text-align: right;">Page 124</p> <p>1 a reemployed annuitant. And if we -- you know,</p> <p>2 I -- in part of the planning we were trying to</p> <p>3 identify the individuals with the specific skill</p> <p>4 set. So in re-prioritizing some of the funding</p> <p>5 that we had, we -- we asked the regions to</p> <p>6 identify individuals who could come back -- who</p> <p>7 was willing to come back.</p> <p>8 Q They would be temps; is that right?</p> <p>9 A They would be temps.</p> <p>10 Q I think in your answer before, we can</p> <p>11 read it back --</p> <p>12 A Uh-huh.</p> <p>13 Q -- you said "when we received this."</p> <p>14 What did you mean by "this"? You mean the Court</p> <p>15 Order?</p> <p>16 A On -- I mean, just with this --</p> <p>17 MR. KASDAN: Let's go off the record for</p> <p>18 a second.</p> <p>19 (Discussion off the record.)</p> <p>20 (The reporter read the record</p> <p>21 as requested.)</p> <p>22 BY MR. KASDAN:</p>
<p style="text-align: right;">Page 123</p> <p>1 Q When you say you asked for additional</p> <p>2 resources, you're talking about monetary</p> <p>3 resources?</p> <p>4 A Well, within the Agency. We</p> <p>5 re-prioritized funding that we had already</p> <p>6 received because our budget is a two-year rolling</p> <p>7 budget. So we would be working on 2021 now, but</p> <p>8 --</p> <p>9 Q Okay. Has the Agency asked Congress for</p> <p>10 additional money?</p> <p>11 A Not for Steigerwald because by the time</p> <p>12 we received this we're already doing -- we've done</p> <p>13 what? A budget -- 2020 budget submission because</p> <p>14 it's just -- it's forecast, it's so far out. And</p> <p>15 that's usually done in the summer of the -- the</p> <p>16 prior year, so we're working on 2021 budget now.</p> <p>17 But what we did -- because once we</p> <p>18 receive our allocation, that's our allocation for</p> <p>19 the year. And what we did was re-prioritized</p> <p>20 internal funding that we had and as part of the</p> <p>21 process tried to -- like we have an option for</p> <p>22 individuals who leave the Agency can come back as</p>	<p style="text-align: right;">Page 125</p> <p>1 Q So my question again is when you say "by</p> <p>2 the time we received this," what is the "this"</p> <p>3 that you're talking about?</p> <p>4 A The time that I -- the point in time</p> <p>5 that I'm doing this -- that -- that I'm completing</p> <p>6 the declaration.</p> <p>7 Q But you said -- I'm just confused when</p> <p>8 you said "by the time we received this." You</p> <p>9 didn't receive your own declaration, correct?</p> <p>10 A No, but I -- that's the -- that -- that</p> <p>11 was my thought process with the time frame. Our</p> <p>12 budget is, again, on a rolling two-year basis, we</p> <p>13 submit -- we -- what we have done is factored in</p> <p>14 the extra time that's required for Steigerwald</p> <p>15 because we have to do cost factors and what the</p> <p>16 Agency is spending their time on. So, you know, I</p> <p>17 was explaining really the budget process and the</p> <p>18 budget cycle.</p> <p>19 Q Okay. Staying with paragraph 69.</p> <p>20 A Okay.</p> <p>21 Q The next to the last sentence you say,</p> <p>22 "As detailed herein," referring to your</p>



<p style="text-align: right;">Page 126</p> <p>1 declaration, "these recalculations are a largely 2 manual process and among the most complex 3 workloads performed at the Agency." 4 Can you define what you mean by "manual 5 process" as opposed to -- well, let me just ask 6 you, when you say "manual process," is that as 7 opposed to an automated process? 8 A As opposed to automated. It's -- you 9 have to manually key in all of the calculation 10 amounts. We are transcribing information from one 11 place, putting it in another place in order to get 12 the -- in order to get the actual windfall offset 13 period to obtain the -- the amount. So that's 14 what I mean by manual. It's manual keying that 15 information into the system. 16 Q Well, once it's manually keyed into the 17 system, the computer does the work; is that 18 correct. 19 A Well, that's -- yeah, but that's kind of 20 a -- the computer will do the work to issue the 21 underpayment, but the issue is you have to come up 22 with a -- with a payment amount, you have to come</p>	<p style="text-align: right;">Page 128</p> <p>1 Q In the last line on page 19, paragraph 2 69, you say, "We," referring to the Agency, "have 3 worked diligently to develop and execute a plan of 4 processing these complex cases." 5 The plan is the reference to the guides 6 that you issued in February of 2019; is that 7 correct? 8 A The guides, the communication. We 9 have -- we've had an implementation plan on 10 identifying the people to do the work because we 11 didn't allow people to volunteer. I mean, I -- 12 we've walked through all of that. So yes, we have 13 a plan. Notifying the union for the individuals, 14 so -- getting the -- the information back from the 15 regions and putting the PINs in the system and 16 putting them in the tracking tool, I mean, yes, so 17 a plan. 18 Q Let's turn your attention for a moment 19 to Exhibit 3, which is your declaration dated 20 April 2nd of 2019. 21 A Okay. 22 Q So in paragraph three I'll read the</p>
<p style="text-align: right;">Page 127</p> <p>1 up with the attorney fee, you have to do in the 2 Step 2 process an original calculation in order to 3 do the -- the next recalculation to compare the 4 amount. 5 So all of these screens that you have 6 you are manually keying in, especially on the 7 Phase II, which is a month-by-month recordation of 8 what is -- what the process is of looking at 9 the -- because you're trying to establish the 10 windfall period. And that information has to be 11 keyed in because on most of the records that, with 12 me talking with staff, the SSI record is already 13 terminated. And of course for SSI individuals 14 some records you may have one, two, three, you may 15 have up to seven, you have to go back and find 16 that period in order to do the recalculation to 17 issue the correct amount. 18 Q Just as an aside, have you personally 19 ever done any of these recalculations? 20 A When I was a technician, I did. I 21 didn't do a -- I didn't do a recalculation, I did 22 a windfall offset case as a technician.</p>	<p style="text-align: right;">Page 129</p> <p>1 first sentence. "The Agency began working on 2 class members' windfall offset recalculations in 3 February of 2019." 4 I believe that you stated before that 5 the Agency started on February 11, 2019? 6 A I think it was February 11th, yes. 7 Q Is that correct? 8 A Yes, that's -- that's -- that's what I 9 recall. 10 Q Okay. And then you say in the next 11 sentence, "By February 22nd, 2019, the Agency had 12 started processing approximately 21,000 cases, and 13 by March 1, 2019, the Agency had begun processing 14 approximately 37,000 cases." 15 Now, when you say "had started 16 processing" -- 17 A Uh-huh. 18 Q -- that means that you had started Step 19 1? 20 A Step 1 of the process. 21 Q But it doesn't mean you had even 22 completed Step 1?</p>



<p style="text-align: right;">Page 130</p> <p>1 A Completed, correct.</p> <p>2 Q You just started it?</p> <p>3 A Correct.</p> <p>4 Q Okay. And both of them, when you say</p> <p>5 "started processing" and "begun processing," it's</p> <p>6 you began Step 1?</p> <p>7 A Correct.</p> <p>8 Q Now, in paragraph four you say,</p> <p>9 "Starting on February 25, 2019, the Office of</p> <p>10 Quality Review (OQR) reviewed cases for accuracy</p> <p>11 in Part 1 of processing," and then you reference</p> <p>12 to your declaration of February 21, paragraph 20.</p> <p>13 "The preliminary quality review of 58 cases found</p> <p>14 65.5 percent accuracy." Okay?</p> <p>15 A Correct.</p> <p>16 Q Just explain the process. How did OQR</p> <p>17 decide which 58 cases to look at?</p> <p>18 A Randomly. Randomly.</p> <p>19 Q Randomly, okay.</p> <p>20 A When we started the -- if I -- if I may,</p> <p>21 when we started the process, the 37 that we have</p> <p>22 here was in different -- I need to go back up on</p>	<p style="text-align: right;">Page 132</p> <p>1 accuracy is just not acceptable and we have to get</p> <p>2 this right, so we instituted the -- the</p> <p>3 100 percent quality review at that time and then</p> <p>4 we started back working cases March 25th. So</p> <p>5 during that time we had about a two-week time</p> <p>6 period where -- while cases were not being worked</p> <p>7 with the phases, OQR was meeting with their</p> <p>8 people, doing their plan -- getting their plan in</p> <p>9 place because we diverted the OQR folks from what</p> <p>10 they normally do in order to perform the quality</p> <p>11 review, if that makes sense.</p> <p>12 Q Okay. So OQR does each part all over</p> <p>13 again?</p> <p>14 A They're doing -- they're doing a review.</p> <p>15 They have the checklist, but for Phases I and</p> <p>16 Phases II. If we get it right out of the gate,</p> <p>17 you know, Phase III is releasing the underpayment,</p> <p>18 doing the papers. Anyway that's -- that's a</p> <p>19 process for Phase III. But for Phases I and II,</p> <p>20 yes, they are doing a hundred percent review.</p> <p>21 Q Let's turn our attention just for a</p> <p>22 second to what has been previously marked as</p>
<p style="text-align: right;">Page 131</p> <p>1 this because these were in different phases. This</p> <p>2 is speaking to when we did our pause. If you want</p> <p>3 --</p> <p>4 Q When you did your what?</p> <p>5 A When we -- the cases -- we didn't</p> <p>6 process the cases -- when OQR did the review, we</p> <p>7 met, we made the decision and we -- so let me go</p> <p>8 back up to the 37,000 number first.</p> <p>9 Q Okay.</p> <p>10 A We had cases, and I don't have the</p> <p>11 breakdown, but I know we had completed cases in</p> <p>12 Phases I, II and III and OQR started their review</p> <p>13 of Phase I. Okay? So we already -- that's why we</p> <p>14 were able to have some of the cases already</p> <p>15 reviewed through our -- through our internal</p> <p>16 quality review process. And based on the review</p> <p>17 that they did, we pulled all of the cases back</p> <p>18 from all three phases into the tool. That's</p> <p>19 why -- why I had not given them specific</p> <p>20 instructions on working Category 1 or Category 2</p> <p>21 first, that was the first time that we did this.</p> <p>22 But because we -- 58 -- 65 percent</p>	<p style="text-align: right;">Page 133</p> <p>1 Exhibit 43 and we'll give you a copy.</p> <p>2 (J. Walker Exhibit Number 43 was</p> <p>3 marked for identification.)</p> <p>4 BY MR. KASDAN:</p> <p>5 Q Just for the record, it's a document</p> <p>6 that was produced to us earlier this week and it's</p> <p>7 Bates numbered 370 to 430; is that right?</p> <p>8 A Yes.</p> <p>9 Q And the second page says, "Steigerwald</p> <p>10 Review Instructions." That's the title of the</p> <p>11 document, correct?</p> <p>12 A Yes.</p> <p>13 Q And it's produced by the Office of</p> <p>14 Analytics, Oversight and Review, Office of Quality</p> <p>15 Review, right?</p> <p>16 A Correct.</p> <p>17 Q Okay. And just turning your attention</p> <p>18 to page one, which is Bates number 374, right?</p> <p>19 A Page one you said?</p> <p>20 Q Page one which is Bates 374.</p> <p>21 A Right.</p> <p>22 Q So under the paragraph entitled "Scope</p>



<p style="text-align: right;">Page 134</p> <p>1 of Review."</p> <p>2 A Uh-huh.</p> <p>3 Q So I'll just read the second sentence.</p> <p>4 It says, "The review of other factors of</p> <p>5 entitlement or post-entitlement issues not</p> <p>6 directly affecting the windfall offset period are</p> <p>7 outside of the scope of review."</p> <p>8 A Uh-huh.</p> <p>9 Q And the next paragraph begins, "This</p> <p>10 review will involve a case review only," in bold</p> <p>11 and underscored case review only.</p> <p>12 A Correct.</p> <p>13 Q "The Quality Review Analyst (QRA) will</p> <p>14 not initiate any contact with beneficiaries or</p> <p>15 third parties for development." And then it</p> <p>16 continues, "OQR Field Site Coordinators/Reviewers</p> <p>17 will review data from all available SSA systems,</p> <p>18 records, and queries to obtain any necessary</p> <p>19 information for post-entitlement issues that will</p> <p>20 affect the recalculation of benefits during the</p> <p>21 offset period."</p> <p>22 Did I read that accurately?</p>	<p style="text-align: right;">Page 136</p> <p>1 are requiring this; is that right?</p> <p>2 A Correct.</p> <p>3 Q Okay.</p> <p>4 A Correct.</p> <p>5 Q Just so I understand, so the information</p> <p>6 back on paragraph three of Exhibit 3 in your</p> <p>7 declaration, so when you say the Agency had</p> <p>8 started approximately 21,000 cases by</p> <p>9 February 22nd and then 37,000 cases, is that 21</p> <p>10 plus 37 or the total 37?</p> <p>11 A No, total 37.</p> <p>12 Q Total 37.</p> <p>13 A Uh-huh.</p> <p>14 Q And you had to pull all of those?</p> <p>15 A We pulled them all back, yes, pulled</p> <p>16 them all back.</p> <p>17 Q In paragraph ten you write, "As of</p> <p>18 April 1, 2019, Operations had completed Part I for</p> <p>19 over 11,000, cases and OQR is in the process of</p> <p>20 reviewing those cases."</p> <p>21 So of the 37,000 that have been pulled</p> <p>22 back, is it fair to say that 11,000 went forward</p>
<p style="text-align: right;">Page 135</p> <p>1 A You did.</p> <p>2 Q So part of the review is that the</p> <p>3 reviewer must review data from every single</p> <p>4 available SSA system; is that right?</p> <p>5 A That's not every system, but they have</p> <p>6 to review these for --</p> <p>7 Q Well, it says "all available SSA</p> <p>8 systems," right?</p> <p>9 A But this is what's available in</p> <p>10 processing a recalculation, that's not all</p> <p>11 systems. But...</p> <p>12 Q Okay. When it says "all records" --</p> <p>13 A Uh-huh, "All records associated with</p> <p>14 processing a recalculation."</p> <p>15 Q "And all queries to obtain any necessary</p> <p>16 information," right?</p> <p>17 A Correct, that's what we have to do.</p> <p>18 Q You say that's what you have to do.</p> <p>19 That's what OQR is requiring to be done?</p> <p>20 A Is requiring, correct, but we as the</p> <p>21 Agency, so that's -- that's why I said we.</p> <p>22 Q But you're in charge, so in a sense you</p>	<p style="text-align: right;">Page 137</p> <p>1 and completed Part I?</p> <p>2 A Correct.</p> <p>3 Q That's after an OQR review?</p> <p>4 A No, the review has not been done. As of</p> <p>5 April 1st, Operations, which is my component,</p> <p>6 we've completed Part I of over 11,000. So first</p> <p>7 step in the process, they've gone to OQR, we're</p> <p>8 waiting on the review and then it moves to Phase</p> <p>9 II review, and then Phase III it's released.</p> <p>10 Q So at least as of April 1st, right, OQR</p> <p>11 hadn't looked at the 11,000 cases; is that</p> <p>12 correct?</p> <p>13 A Correct.</p> <p>14 Q Okay. But when it will do it, it's</p> <p>15 effectively redoing Part I; is that correct?</p> <p>16 A Well, they're doing the analysis to do</p> <p>17 the review to ensure that the payment data and the</p> <p>18 windfall offset period is correct, but that -- but</p> <p>19 the only way to arrive at a quality review is to</p> <p>20 review the case.</p> <p>21 Q So they redo it; is that fair to say?</p> <p>22 A I don't call it redo, but -- but they do</p>

<p style="text-align: right;">Page 138</p> <p>1 have to look at it again to determine the correct 2 information. 3 Q They have to start all over, right? 4 A They're using their checklist to be able 5 to complete that. 6 Q Just answer that. Are they starting all 7 over? Yes or no? 8 A They're reviewing the same information 9 that -- so yes. 10 Q And they're going to redo everything in 11 Part 2 as well, correct? 12 A They -- they are as -- based on the 13 decision that we have right now, but this is -- 14 Q Based on what decision? 15 A Based on the decision of us having the 16 100 quality review in place. We are striving -- 17 Q Who made that decision? 18 A It was an agency-level decision, so -- 19 so -- 20 Q Did you make that decision or -- 21 A Well, our decisions are kind of made 22 from an agency executive level. So our objective</p>	<p style="text-align: right;">Page 140</p> <p>1 Q Who did you consult? That's my 2 question. 3 A Okay. With agency executives, the -- 4 Q Like who? 5 A -- acting Commissioner. 6 Q The acting Commissioner? 7 A Yes. 8 Q Nancy Berryhill? 9 A Yes, she's -- she's aware of the status 10 of -- of these cases. 11 Q Let's introduce a new exhibit that has 12 been previously marked 37. 13 (J. Walker Exhibit Number 37 was 14 marked for identification.) 15 BY MR. KASDAN: 16 Q This document was produced yesterday -- 17 A Correct. 18 Q -- afternoon. 19 You knew about this production? 20 A Staff shared it -- shared it with me. 21 Q Okay. So for the record it's Bates 22 numbers 431 to 467.</p>
<p style="text-align: right;">Page 139</p> <p>1 is to have 95 percent accuracy and we put this 2 plan in place for a ten-week period of time to be 3 able to see where our accuracy was because if you 4 start the process and it's wrong in Step 1, 5 there's no point in going to Step 2 or Step 3. 6 Q Who is the executive who made a 7 decision? 8 A We -- we collaborated on -- on the 9 approach that we needed to take and it was an 10 agency-level decision. 11 Q Somebody above your pay grade? I mean, 12 there's a person, right? 13 A Well, I mean, I'm -- I guess I'm in 14 charge -- I'm in charge of the -- of the process. 15 We -- 16 Q But did somebody tell you to do this? 17 A No. 18 Q So you made the decision? 19 A I made the decision. We don't -- 20 Q Did you consult with people above you? 21 A Yes. Yes, that's what I mean by that, 22 we --</p>	<p style="text-align: right;">Page 141</p> <p>1 A Uh-huh. 2 Q Are you aware -- this is the last 3 document that was produced to us; is that correct? 4 A Correct. 5 Q So in total we got about 467 pages in 6 the last two days, right? 7 A It's a difficult -- it's a difficult 8 process. What can I say? And we documented it 9 well. 10 MR. KASDAN: Off the record. 11 (Discussion off the record.) 12 BY MR. KASDAN: 13 Q So this document is called "Windfall 14 Offset Recalculation Process" and it's dated 15 April 2nd, 2019. All right. 16 Who prepared this document? 17 A My staff. 18 Q Your staff. 19 And for what purpose? 20 A This is -- if you kind of look at this, 21 a lot of this is kind of pulled from the -- the 22 declaration. And we've had to do multiple</p>



<p style="text-align: right;">Page 142</p> <p>1 briefings on the process, so this was --</p> <p>2 Q When you say -- I'm sorry, when you say</p> <p>3 "from the declaration," you're talking about</p> <p>4 February 21st?</p> <p>5 A I mean, a lot of the -- the information</p> <p>6 -- right, that has Part 1, Part 2, Part 3.</p> <p>7 Q Right. Exhibit 1?</p> <p>8 A Correct.</p> <p>9 Q Okay. Fine.</p> <p>10 A But this kind of puts everything in one</p> <p>11 document. It was not actually created yesterday.</p> <p>12 I think I numbered the pages and then you all</p> <p>13 received the information because it was</p> <p>14 information that I had in one of my binders when I</p> <p>15 was preparing for the deposition.</p> <p>16 Q You have binders that you were given?</p> <p>17 A I had a binder with --</p> <p>18 Q With lots of documents?</p> <p>19 A -- with Desk Guides. No, no, with the</p> <p>20 Desk Guide, with the transcript. Like my</p> <p>21 declarations, I wanted those all in one place.</p> <p>22 Q Okay. Were there any documents in that</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Okay.</p> <p>2 A So I met yesterday.</p> <p>3 Q Okay. That's fine.</p> <p>4 A Okay.</p> <p>5 Q So, again, it's called "Windfall Offset</p> <p>6 Recalculation Process," right?</p> <p>7 A Uh-huh, correct.</p> <p>8 Q Let's turn to the very last page and</p> <p>9 it's called "Glossary of Key Terms"; is that</p> <p>10 right?</p> <p>11 A Yes.</p> <p>12 Q And I'll just read the definition for</p> <p>13 the word "recalculation."</p> <p>14 A Okay.</p> <p>15 Q It says, "The 1st initial calculation</p> <p>16 repeated because SSA discovered information that</p> <p>17 impacts the original calculation (i.e. Fee</p> <p>18 Authorization)."</p> <p>19 Did I read that accurately?</p> <p>20 A You did.</p> <p>21 Q So the initial calculation is what we</p> <p>22 call the windfall offset calculation?</p>
<p style="text-align: right;">Page 143</p> <p>1 binder that you reviewed that would not have been</p> <p>2 produced to us?</p> <p>3 A No, that's why you ended up getting this</p> <p>4 one late.</p> <p>5 Q Because it was part of the binder, but</p> <p>6 it had not been produced and now it was produced?</p> <p>7 A Right. It was part of the binder that I</p> <p>8 had when I met with -- with counsel and -- and was</p> <p>9 asked what information did you use to prepare for</p> <p>10 the deposition, I said this is it and this was --</p> <p>11 this was in there.</p> <p>12 Q And not to cast aspersions, I'm just</p> <p>13 trying to understand how is it that this document</p> <p>14 was produced only yesterday as opposed to the</p> <p>15 other documents that were produced a couple of</p> <p>16 days ago?</p> <p>17 A Well, it wasn't produced -- you mean --</p> <p>18 Q Produced to us.</p> <p>19 A Produced to you all?</p> <p>20 Q Yeah.</p> <p>21 A Well, I just met yesterday -- I mean, I</p> <p>22 didn't meet with anyone last -- last week.</p>	<p style="text-align: right;">Page 145</p> <p>1 A Windfall offset calculation, yes.</p> <p>2 Q So let's talk about that just for a</p> <p>3 second. So the initial windfall offset</p> <p>4 calculation is done normally when attorneys' fees</p> <p>5 are known; is that correct?</p> <p>6 A Correct.</p> <p>7 Q Okay. But in this case --</p> <p>8 A Known and processed, but yes.</p> <p>9 Q Okay. But in this case we're talking</p> <p>10 about a class for which originally the attorneys'</p> <p>11 fees were not known?</p> <p>12 A Correct.</p> <p>13 Q Or --</p> <p>14 A Or they were known later.</p> <p>15 Q They were known later or at some point</p> <p>16 the Agency inserted one cent as a placeholder for</p> <p>17 the fees; is that correct?</p> <p>18 A That's the workaround process. That</p> <p>19 only works -- well, it -- it helps to automate the</p> <p>20 process once the fee petition comes in is what</p> <p>21 happens with -- with that process, but -- but you</p> <p>22 still -- the record will still terminate after a</p>

<p style="text-align: right;">Page 146</p> <p>1 year. But if it's done and the fee petition and</p> <p>2 everything comes in, it helps with the process.</p> <p>3 Q Putting in one cent?</p> <p>4 A Uh-huh. It keeps the record active. So</p> <p>5 that's the workaround for --</p> <p>6 Q I see. So --</p> <p>7 A -- not letting the SSI record terminate.</p> <p>8 Q I see.</p> <p>9 A Because once it terminates, it's -- it's</p> <p>10 all manual and you're having to go in, recreate</p> <p>11 records, manually key in information and all of</p> <p>12 that.</p> <p>13 Q So just for my understanding, so if in</p> <p>14 2002 somebody keyed in one penny as the award,</p> <p>15 then the record would not terminate going forward?</p> <p>16 A It terminates after 12 months.</p> <p>17 Q Even with the one cent?</p> <p>18 A Even with the one cent.</p> <p>19 Q So I don't understand. What is the</p> <p>20 placeholder point for the one cent?</p> <p>21 A Because we're hoping to have a fee</p> <p>22 petition before a year out to be able to do the</p>	<p style="text-align: right;">Page 148</p> <p>1 A It has to be manually done. That</p> <p>2 information goes back to our processing centers.</p> <p>3 They process the -- they process the award.</p> <p>4 Are you talking about separate -- when</p> <p>5 the fee petition comes in after the fact?</p> <p>6 Q Let's say the fee petition comes in more</p> <p>7 than 12 months from the first period that we're</p> <p>8 talking about.</p> <p>9 A Okay.</p> <p>10 Q So just so I can understand --</p> <p>11 A The analyst --</p> <p>12 Q Let me just finish.</p> <p>13 A Oh, I'm sorry.</p> <p>14 Q It didn't come in in those 12 months,</p> <p>15 right?</p> <p>16 A Uh-huh.</p> <p>17 Q It was an award made to an individual,</p> <p>18 but the fee has not been decided yet. That's my</p> <p>19 scenario so far.</p> <p>20 A Okay.</p> <p>21 Q And the fee wasn't decided until month</p> <p>22 13.</p>
<p style="text-align: right;">Page 147</p> <p>1 recalculation. And what happens is sometimes</p> <p>2 with -- with our hearings -- you know, we were</p> <p>3 talking with staff really just -- just yesterday,</p> <p>4 or the quality branch actually, and -- and looking</p> <p>5 at the ALJ reversals, you know, the decisions that</p> <p>6 come in. And, you know, in particular on that one</p> <p>7 we were just talking about a specific case that</p> <p>8 was cleared yesterday and it was an 80 page --</p> <p>9 pretty much an 80-page judgment, meaning a</p> <p>10 decision, and the fee piece was like buried in</p> <p>11 there on page I think she said 67.</p> <p>12 So -- so I guess my -- my -- my point is</p> <p>13 we hope to have the decision and a fee petition</p> <p>14 within that year, so that's a workaround that we</p> <p>15 have in Policy that allows us -- or in our</p> <p>16 business process that allows us to be able to save</p> <p>17 some time on -- on processing the recalculation</p> <p>18 cases.</p> <p>19 Q So normally when a fee petition comes in</p> <p>20 more than a year --</p> <p>21 A Uh-huh.</p> <p>22 Q -- what happens?</p>	<p style="text-align: right;">Page 149</p> <p>1 A Uh-huh.</p> <p>2 Q Okay? So in month 12 the record is</p> <p>3 terminated, whatever that means; is that right?</p> <p>4 A Yes.</p> <p>5 Q Okay. And now the fee comes in.</p> <p>6 A Uh-huh.</p> <p>7 Q Okay. So what happens then? What does</p> <p>8 somebody do now that the fee has come in normally</p> <p>9 speaking? What are they supposed to do?</p> <p>10 A We have everything pending in the record</p> <p>11 until the fee comes in. Once that fee agreement</p> <p>12 comes in to our processing centers, they do what's</p> <p>13 called a -- it's a communication tool that we use.</p> <p>14 I won't give you numbers or what-have-you, but</p> <p>15 it's a communications tool that we use.</p> <p>16 The benefit authorizer in the processing</p> <p>17 centers review the -- the Title II portion because</p> <p>18 you have to have the Title II portion first,</p> <p>19 meaning all of the benefit information. They send</p> <p>20 that data as well as the appointed rep period</p> <p>21 to -- electronically -- they do send that</p> <p>22 electronically after they've keyed all of this in</p>



<p style="text-align: right;">Page 150</p> <p>1 manually to the field office. That's really the</p> <p>2 Part 1 process. And that communication is sent.</p> <p>3 Sometimes those alerts, you know, with</p> <p>4 the pending cases that we have, those -- it's --</p> <p>5 it's just not caught. The -- you know, because of</p> <p>6 the age of the cases.</p> <p>7 When the field office receives that</p> <p>8 information, they have to -- you want me to keep</p> <p>9 going through the process?</p> <p>10 Q Sure.</p> <p>11 A When the field office receives the</p> <p>12 information, we have to do the SSI part of the</p> <p>13 offset. And the reason -- when you have something</p> <p>14 that old, you have to go back and do -- it's not</p> <p>15 recreating, but you have to go back and review</p> <p>16 the -- all of the detailed information that was on</p> <p>17 the record in order to get the calculation right.</p> <p>18 Q Does that mean also eligibility review?</p> <p>19 A No, we're not doing another eligibility</p> <p>20 review. I mean, we look at the information and --</p> <p>21 and if we -- if we processed it wrong and selected</p> <p>22 the wrong -- we -- we check the eligibility piece</p>	<p style="text-align: right;">Page 152</p> <p>1 A Well, we're looking at the benefit.</p> <p>2 Q Well, I'm just asking.</p> <p>3 A Oh, okay.</p> <p>4 Q You just told me that you don't review</p> <p>5 eligibility. This seems to indicate that you do</p> <p>6 review eligibility. Am I wrong?</p> <p>7 A You're looking for payment data. The</p> <p>8 payment data -- the cases that we've seen, we've</p> <p>9 very seldom seen any, thus far, any where</p> <p>10 eligibility is an issue. We have a list and the</p> <p>11 guide of the items that they should look at and</p> <p>12 it's payment data.</p> <p>13 Q But right now you're looking at</p> <p>14 eligibility; is that right?</p> <p>15 A Well, I guess -- I guess if you put it</p> <p>16 that way. Payment would -- would impact</p> <p>17 eligibility, so...</p> <p>18 Q I mean you write it?</p> <p>19 A But yes, yes, you're right.</p> <p>20 Q You're looking at eligibility, right?</p> <p>21 A You're right, correct.</p> <p>22 Q Isn't it a prerequisite to be in the</p>
<p style="text-align: right;">Page 151</p> <p>1 when the decision came in. So that was checked</p> <p>2 during that time.</p> <p>3 They're looking strictly at the data</p> <p>4 piece, the things that would affect the payment</p> <p>5 and the -- and the attorney period.</p> <p>6 Q And that's Part 1?</p> <p>7 A That's Part 1.</p> <p>8 Q So let me go back to your declaration,</p> <p>9 Exhibit 1, just for a second so I can get</p> <p>10 clarification.</p> <p>11 A Okay.</p> <p>12 Q In paragraph 15 you talk about this part</p> <p>13 takes at least 30 minutes to complete for each</p> <p>14 case.</p> <p>15 Do you see that?</p> <p>16 A Yeah.</p> <p>17 Q And then you write, "This does not</p> <p>18 include any time required to develop outstanding</p> <p>19 issues that may affect eligibility."</p> <p>20 A Uh-huh.</p> <p>21 Q But didn't you just tell me that you</p> <p>22 don't review eligibility again?</p>	<p style="text-align: right;">Page 153</p> <p>1 class that eligibility is a foregone conclusion?</p> <p>2 A But what's meant by eligibility --</p> <p>3 Q Yes or no first.</p> <p>4 A Yes.</p> <p>5 Q That's part of the definition of the</p> <p>6 class?</p> <p>7 A That's part of the definition. You've</p> <p>8 already -- you've been entitled to two benefits.</p> <p>9 But what this means -- what eligibility means in</p> <p>10 the declaration is the payment information and the</p> <p>11 months that you have to review in the Step -- in</p> <p>12 the Step 1 process because you're looking at the</p> <p>13 Title II payment data in order to compute the</p> <p>14 recalculation.</p> <p>15 Q Well, let's take a look at paragraph 26</p> <p>16 for a second.</p> <p>17 You say, "Due to the age of these cases,</p> <p>18 and because many factors are involved in</p> <p>19 determining an individual's eligibility for Title</p> <p>20 IVI, the technician will likely need to contact</p> <p>21 outside parties and potentially the class member</p> <p>22 to help develop necessary information related to</p>

<p style="text-align: right;">Page 154</p> <p>1 eligibility."</p> <p>2 A Uh-huh.</p> <p>3 Q Isn't it a fact that the Agency is</p> <p>4 looking at eligibility for Title XVI again?</p> <p>5 A That's not --</p> <p>6 Q That's what it says.</p> <p>7 A Yeah, that's the word that's used, but</p> <p>8 that -- we're looking at payment amounts. The</p> <p>9 Part 2 that has to be done, you have to do the</p> <p>10 recalculation -- the original recalculation and</p> <p>11 that's the month.</p> <p>12 So by eligibility we're saying did you</p> <p>13 have a payment month there that we paid you and we</p> <p>14 should not have paid you. That's eligibility.</p> <p>15 It's not eligibility to the type of benefit.</p> <p>16 Q And that's where you have to contact</p> <p>17 outside parties?</p> <p>18 A If we don't have the information within</p> <p>19 our records.</p> <p>20 Q Who do you contact?</p> <p>21 A If it's -- if it's a wage type</p> <p>22 situation, which most of the time we get wage</p>	<p style="text-align: right;">Page 156</p> <p>1 A I don't have any statistics, but let</p> <p>2 me -- can I --</p> <p>3 Q Sure.</p> <p>4 A Some of these cases would be paper</p> <p>5 files. If we don't have that information with the</p> <p>6 paper files, that's where we may have -- we -- the</p> <p>7 older the cases are the more difficult it's going</p> <p>8 to be to verify this information.</p> <p>9 Q So how many cases like that have you</p> <p>10 reviewed so far?</p> <p>11 A Well, I don't know which categories the</p> <p>12 cases are in that -- that we've reviewed with the</p> <p>13 40.</p> <p>14 Q I'm talking the ones that are paper</p> <p>15 files and you don't have --</p> <p>16 A Right.</p> <p>17 Q How many?</p> <p>18 A How many we have?</p> <p>19 Q Yeah.</p> <p>20 A I -- I -- I don't -- I don't know how</p> <p>21 many we have. I don't have any statistics related</p> <p>22 to that.</p>
<p style="text-align: right;">Page 155</p> <p>1 data, but we do have options where we may have to</p> <p>2 go to an outside party to receive information to</p> <p>3 verify.</p> <p>4 Q How often does that occur?</p> <p>5 A I don't think it's -- I mean, you know,</p> <p>6 if it's --</p> <p>7 Q You don't think what?</p> <p>8 A The -- the challenge is if it's --</p> <p>9 Q I'm asking you how often does that</p> <p>10 occur?</p> <p>11 A I can't answer that because we haven't</p> <p>12 reviewed all cases and -- but -- but it can</p> <p>13 happen. That's -- that's the point.</p> <p>14 Q Can.</p> <p>15 A I don't know how often it will occur,</p> <p>16 but chances are it's very likely that that happens</p> <p>17 because of the age of the cases. And a lot of the</p> <p>18 information that we will have on their -- you have</p> <p>19 to recreate that offset period and that offset</p> <p>20 amount for Phase II and --</p> <p>21 Q But you don't have any statistics,</p> <p>22 right?</p>	<p style="text-align: right;">Page 157</p> <p>1 Q You have no statistics of how many are</p> <p>2 paper files, right, in general?</p> <p>3 A No, not in general, but what I -- what I</p> <p>4 do have or what I do know is that's the process</p> <p>5 and we've had -- if the information is not</p> <p>6 available, what we -- what I was laying out in</p> <p>7 this declaration are the things that we have to</p> <p>8 consider when we're doing --</p> <p>9 Q But it's speculative insofar as you're</p> <p>10 concerned right now because you don't have any</p> <p>11 statistics, right?</p> <p>12 A We're not capturing that, which ones</p> <p>13 were paper and which ones were not. Anecdotally,</p> <p>14 with our weekly check-ins that we've had with --</p> <p>15 staff that's -- no one has shared that I've had to</p> <p>16 go outside the Agency thus far, but we're still in</p> <p>17 the process of working the cases.</p> <p>18 Q So let's look at paragraph 17 in</p> <p>19 Exhibit I. It says, "If necessary development</p> <p>20 requires requests for information, SSA would</p> <p>21 attempt to contact the class member or other</p> <p>22 sources to obtain the needed information."</p>



<p style="text-align: right;">Page 158</p> <p>1 Do you have any statistics on how many</p> <p>2 class members you've had to contact so far?</p> <p>3 A No.</p> <p>4 Q And it says, "These actions can take up</p> <p>5 to 90 days."</p> <p>6 A That's --</p> <p>7 Q You don't have any statistics on that</p> <p>8 either?</p> <p>9 A That's our normal process. That's our</p> <p>10 normal time frame of how long it can potentially</p> <p>11 take when we go through a process, a follow-up --</p> <p>12 follow-up for information.</p> <p>13 Q Potentially?</p> <p>14 A Potentially.</p> <p>15 Q But you don't have any hard facts?</p> <p>16 A I have no facts on these particular</p> <p>17 cases.</p> <p>18 Q Let's go back to Exhibit 12, which is</p> <p>19 the Court's order.</p> <p>20 A We're going -- did you say 44 or which?</p> <p>21 Q First 12 and then 44.</p> <p>22 So looking at 12 first on page nine. So</p>	<p style="text-align: right;">Page 160</p> <p>1 BY MR. KASDAN:</p> <p>2 Q So it's Docket 41 and the attachment is</p> <p>3 41-1.</p> <p>4 Are you familiar with this document?</p> <p>5 This is a letter from your counsel dated</p> <p>6 February 15, 2018 to Magistrate Judge David Ruiz,</p> <p>7 who is the magistrate judge in this case.</p> <p>8 MS. BRIZIUS: Objection. This goes</p> <p>9 outside the scope of the 30(b)(6).</p> <p>10 MR. KASDAN: No, it doesn't.</p> <p>11 BY MR. KASDAN:</p> <p>12 Q This is signed by Emily Newton from the</p> <p>13 Department of Justice together with Kate Bailey</p> <p>14 underneath that.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And Erin Brizius is on this and Ruchi</p> <p>18 Asher is on this, right?</p> <p>19 Do you see that?</p> <p>20 Have you seen this before?</p> <p>21 A I don't recall seeing this. Hold on.</p> <p>22 February 15. I had to have seen it, I just --</p>
<p style="text-align: right;">Page 159</p> <p>1 when it says, "The Court orders Defendant to</p> <p>2 perform the Subtraction Recalculation for</p> <p>3 Plaintiffs and pay any past-due benefits to</p> <p>4 Plaintiffs within 90 days," is your interpretation</p> <p>5 of the Court's order of subtraction recalculation</p> <p>6 the same as your definition of recalculation in</p> <p>7 Exhibit --</p> <p>8 MS. BRIZIUS: Objection. Legal</p> <p>9 conclusion.</p> <p>10 BY MR. KASDAN:</p> <p>11 Q -- Exhibit 37?</p> <p>12 A Correct.</p> <p>13 Q Let's look at Exhibit 25 for a minute.</p> <p>14 (J. Walker Exhibit Number 25 was</p> <p>15 marked for identification.)</p> <p>16 BY MR. KASDAN:</p> <p>17 Q Just for the record, this is Document 41</p> <p>18 from the Court's docket and it looks like there's</p> <p>19 an error over here.</p> <p>20 Off the record for a second. I'm sorry,</p> <p>21 my mistake. Off the record just for a second.</p> <p>22 (Discussion off the record.)</p>	<p style="text-align: right;">Page 161</p> <p>1 Q I'm sorry? You have or you haven't?</p> <p>2 I'm sorry, I didn't hear you.</p> <p>3 A I just don't recall seeing this.</p> <p>4 Q Well, in general, the Agency has the</p> <p>5 opportunity to review --</p> <p>6 A Right.</p> <p>7 Q -- all documents that go into the Court;</p> <p>8 is that correct?</p> <p>9 A Right, right, correct.</p> <p>10 Q Okay.</p> <p>11 A I just don't remember seeing this.</p> <p>12 Q So this document would reflect the</p> <p>13 Agency's position in the Court?</p> <p>14 A Uh-huh.</p> <p>15 Q Yes?</p> <p>16 A Yes.</p> <p>17 Q Take your time and tell me when you're</p> <p>18 finished reviewing this.</p> <p>19 A Oh, I was just scanning. Go ahead,</p> <p>20 that's fine.</p> <p>21 Q Okay. So let's concentrate for a moment</p> <p>22 on page two of this exhibit. Look at footnote</p>

<p style="text-align: right;">Page 162</p> <p>1 one. I'll read it into the record. "Defendants 2 use," and it says "WO." That's windfall offset? 3 A Uh-huh. 4 Q Okay? 5 A Uh-huh. 6 Q And whenever it says "WO," I'll just say 7 windfall offset. Okay? 8 A Okay. 9 Q "Defendants use 'windfall offset 10 calculation' to refer to the windfall offset 11 calculation done when representatives' fees are 12 known at the outset such that a second windfall 13 offset calculation is unnecessary." Then it says, 14 continuing, "'Initial windfall offset calculation' 15 to refer to the windfall calculation done when 16 representatives' fees are not known at the time of 17 the windfall calculation; and 'windfall offset 18 recalculation' to refer to the second windfall 19 calculation done in situations, like Plaintiffs, 20 where representatives' fees are not known at the 21 time of the initial windfall calculation." 22 Do you see that?</p>	<p style="text-align: right;">Page 164</p> <p>1 couple of sentences. "The policies, procedures, 2 and practices that apply when fees are known at 3 the time of the windfall offset calculation 4 (typically, fee agreement cases) thus differ 5 markedly from those that apply when fees are not 6 yet known and must be accounted for at a later 7 time (typically, fee petition cases)." 8 A Uh-huh. 9 Q Here's the critical sentence now. It 10 says, "And whether or not SSA is following its 11 policies and procedures that apply to windfall 12 offset calculations has no bearing on whether the 13 SSA is following its policies and procedures that 14 apply to windfall offset recalculations." 15 Isn't it a fact that the Agency is 16 making a distinction in this sentence between 17 windfall calculations and windfall offset 18 recalculations? 19 A It is a distinction between the two 20 though. A windfall offset calculation is done 21 once. The recalculation is done because you have 22 to exclude the attorney fees -- the appointed rep</p>
<p style="text-align: right;">Page 163</p> <p>1 A Yes. 2 Q So the Agency distinguishes between what 3 it calls the initial windfall calculation and then 4 the recalculation, which is a second windfall 5 calculation, correct? 6 A Correct. 7 Q Okay. Does that comport with your 8 definition in the glossary of recalculation? 9 The reporter should note -- 10 A So -- 11 Q -- I'm on pause, but... 12 A No, that's fine. Yes, that seems -- I'm 13 sorry, I need to take a moment on this. 14 Q Sure. 15 A Okay. That's -- I mean, I'm reading it 16 as the same. 17 Q You're reading it as the same. 18 Okay. Let's turn to page four of 19 Exhibit 25. The paragraph begins, "The policies, 20 procedures." 21 A Uh-huh, yes. 22 Q I'll just read it into the record, a</p>	<p style="text-align: right;">Page 165</p> <p>1 fees. And you can't do that without doing the 2 recalculation, so -- 3 Q So it's a second calculation, correct? 4 A It -- it is a second calculation, but 5 it's based on the original windfall offset 6 calculation. So it's still tied to the same -- 7 Q Let's look at -- 8 A -- the same benefit. 9 Q -- at paragraph 16 of Exhibit 1, your 10 declaration. 11 A Okay. 12 Q In the first sentence you write, 13 "Because the Field Office technician needs correct 14 Title II information to calculate the Title XVI 15 payment amount, a specially-trained technician in 16 the Processing Center must first use multiple 17 agency systems to review the accuracy of the Title 18 II record." 19 A Uh-huh. 20 Q Where in the Court's orders does the 21 Court order you to review the accuracy of the 22 Title II records?</p>



<p style="text-align: right;">Page 166</p> <p>1 A The Court ordered us to pay the 2 recalculations. In order to pay the 3 recalculations, that underpayment correctly, we 4 have to go back and do the review because if 5 not -- the information that's on the Title II 6 record is the latest information, it's not any 7 past information, meaning with appointed rep fees 8 and the money amount. 9 So if something has happened after that 10 first calculation was done, you won't know it and 11 you're using the wrong information to do the 12 recalculation because it's the latest -- like you 13 could have multiple offset computations done. You 14 won't know that unless this review in Step 1 is 15 done because people -- and the reason for that is 16 people go in and out of -- out of pay when you 17 start talking about going back 17 years. 18 Those individuals -- think about 19 disability and the CDR, the Continuing 20 Disability -- CDR review that I talked about 21 earlier or an individual that's working and they 22 were terminated. If they come back on the rolls,</p>	<p style="text-align: right;">Page 168</p> <p>1 A I -- I -- I don't know. 2 Q The Agency doesn't know? 3 A Correct. 4 Q All right. Let's see what the Court 5 said at page 46. 6 A Forty-six you said? 7 Q Yeah. 8 A Okay. 9 Q So at line two, and this is a discussion 10 about the errors that were found, the Court says, 11 "What was the source of the error rate?" And 12 Ms. Bailey, your counsel, says, "So there were 13 various errors," and it goes on. 14 Do you see that? 15 A Okay. Yes. 16 Q Okay. And then the Court says at line 17 11, "How much did they amount to?" In other 18 words, he's asking what is -- 19 A What's the dollar -- what's the amount. 20 Q -- what's the dollar -- 21 A I understand. 22 Q Then Ms. Bailey says, "I'm sorry." Then</p>
<p style="text-align: right;">Page 167</p> <p>1 they have an attorney and we do not go back and do 2 that look back to determine that correct period, 3 you're using -- you're using incorrect data 4 because it's based on the current windfall offset. 5 Q Okay. So let's look at the transcript 6 at page 46. 7 A Okay. 8 Q Let me just ask you this: The records 9 would reflect whatever the attorney payment was, 10 correct? You have that information? 11 A For that period, for -- for -- 12 Q You have that information, right? 13 A For the period, but we don't know that 14 unless you go back to see if there are multiple 15 owed lines in the history. You -- you're not 16 going to find that on a current record if we pull 17 it because we don't have multiple lines there. 18 Q How many instances have you found with 19 multiple lines? 20 A I have not asked for that level of -- of 21 data. 22 Q So you don't know?</p>	<p style="text-align: right;">Page 169</p> <p>1 he repeats, "How much did they amount to?" 2 A Uh-huh. 3 Q So she says, "Well, they were errors 4 that changed the recalculation." 5 The Court says, "Okay. But how much did 6 it change the recalculation?" 7 A Right. 8 Q Ms. Bailey says, "That I don't know, but 9 I think from the agency's position it's not 10 acceptable to have a recalculation be wrong, and 11 so --" 12 And then the Court interrupts and says, 13 "Well, it's probably not acceptable for each of 14 these claimants to have to wait ten years for you 15 to get it perfect down to the cent." 16 Do you agree with the Court? 17 A Our -- the Agency's position is quality 18 and that's 95 percent. 19 Q I'm asking you do you agree with the 20 Court? Yes or no? 21 He says, "It's probably not acceptable 22 for each of these claimants to have to wait ten</p>

<p style="text-align: right;">Page 170</p> <p>1 years for you to get it down perfect to the cent."  2 A And we're not trying to get it down to  3 the cent, we're trying to get it correct so that  4 we don't have to go back and do these cases again.  5 That's harming them more so, to give them another  6 underpayment based on information because we  7 didn't take the time to do it right.  8 Q But you don't know how it's really  9 affecting them?  10 A We will collect data. We don't -- we  11 have not had enough time to collect that data  12 since the quality reviews have been done.  13 Q Since February of 2018 you haven't had  14 time to collect this data?  15 A Remember we have our OQ- --  16 Q Yes or no?  17 A What's the question?  18 Q You haven't had time since February of  19 2018 to collect this kind of data?  20 A No, we have not. We have it -- I --  21 I -- we will have some information, but I don't  22 have that information today.</p>	<p style="text-align: right;">Page 172</p> <p>1 SSI, it's just the -- the wage earner or the --  2 the individual receiving the money, you have to  3 consider the kids and the -- and the wage earner.  4 But we also found that we had attorney fee period  5 issues as well, so we need the quality report to  6 be able to share exactly what we're finding.  7 If you take the information, which is  8 the current information on the record, you will  9 not know whether or not that's the correct amount.  10 Q Why can't the Agency simply input the  11 attorneys' fees with the information that it has  12 on the record and if there comes out an  13 underpayment that is due, send out that  14 underpayment and simultaneously in a letter to the  15 claimant say here is what we have based on the  16 records that we have, but if you would like a  17 further review, we will do that?  18 A Which --  19 Q Why can't the Agency do that?  20 A So that --  21 MS. BRIZIUS: Objection. Calls for a  22 legal conclusion.</p>
<p style="text-align: right;">Page 171</p> <p>1 Q On page 49 the Court asked -- I'll read  2 it into the record -- starting at line seven, "Why  3 don't you" -- referring to the Agency -- "just  4 simply take the amount of the attorneys' fees that  5 were awarded and then input that into," and it  6 says, "how that affects the monthly benefit?"  7 Can't you do that?  8 A Not accurately, no, because --  9 Q But you can do that, correct?  10 A Because --  11 Q Can you do that? Yes or no? Can the  12 Agency do that? Yes or no?  13 A Inaccurately, yes.  14 Q But you don't know if it's accurate or  15 inaccurate?  16 A Well, we have -- why do you -- well, we  17 have a quality review response from them based  18 on -- from the quality component based on the  19 reviews that they have done. They found the  20 auxiliaries that were not -- that we were not  21 considering the attorney fees for them, meaning  22 you have to consider the full -- it's not like on</p>	<p style="text-align: right;">Page 173</p> <p>1 BY MR. KASDAN:  2 Q It's a factual question. Why can't you  3 do that?  4 A That's -- I'm sorry. That's really  5 working the case twice because if you --  6 Q That's assuming that they're going to  7 ask for a second case, right?  8 A Yes.  9 Q Any time where there's an appeal you're  10 working the case twice, right?  11 A Correct. Different portions of the  12 case. It's not the same work that you're doing  13 over. That's -- that's repeat work. You're doing  14 the same thing, so why not take the time and do it  15 right up front?  16 Q Aren't you doing repeat work by this  17 quality review?  18 A No, because we need to know what the --  19 what the percentages are of us accurately  20 processing these cases.  21 MR. KASDAN: Let's take a break, let me  22 see how much more I have. Okay?</p>



<p style="text-align: right;">Page 174</p> <p>1 THE WITNESS: Okay.</p> <p>2 MR. KASDAN: Thank you.</p> <p>3 (Brief recess 12:48 p.m. to 12:57 p.m.)</p> <p>4 MS. BRIZIUS: So in Exhibit 20 and</p> <p>5 Exhibit 18, the letters, I think you said that all</p> <p>6 of the letters from 18 are also in 20 and I don't</p> <p>7 think that's correct, so if you can just verify</p> <p>8 the exhibits that you did today, Exhibits 18 and</p> <p>9 20, the letters.</p> <p>10 MR. KASDAN: So are you saying that the</p> <p>11 three letters are missing from 20?</p> <p>12 MS. BRIZIUS: Yes, that's my</p> <p>13 understanding.</p> <p>14 MR. KASDAN: I apologize. So the total</p> <p>15 letters that we received would be 18 and 20. We</p> <p>16 extracted, I suppose, those three in 18 because</p> <p>17 they were Category 2 just to differentiate between</p> <p>18 18 and 20.</p> <p>19 MS. BRIZIUS: Okay.</p> <p>20 MR. KASDAN: I think is the total about</p> <p>21 25 or 26? I don't know if you counted them.</p> <p>22 MS. BRIZIUS: I did not count them.</p>	<p style="text-align: right;">Page 176</p> <p>1 it -- we made it once, but made it incorrectly</p> <p>2 because the recalculation wasn't done, which means</p> <p>3 the information that's posted on the record is</p> <p>4 incorrect. It's incorrect if we haven't done it</p> <p>5 correct -- if -- if we didn't do it right.</p> <p>6 Q Okay.</p> <p>7 A Okay?</p> <p>8 Q Okay. Let's look at Exhibit 32, which I</p> <p>9 will hand to you now.</p> <p>10 (J. Walker Exhibit Number 32 was</p> <p>11 marked for identification.)</p> <p>12 BY MR. KASDAN:</p> <p>13 Q Just for the record, it's called</p> <p>14 "Steigerwald Desk Guide Phase I Only (Full Version</p> <p>15 Pending)."</p> <p>16 A Right.</p> <p>17 Q And this is a document that was produced</p> <p>18 to us. It goes from page Bates 86 to 114, 29</p> <p>19 pages; is that right?</p> <p>20 A Yes.</p> <p>21 Q So I'd ask you to turn your attention to</p> <p>22 page 27, which is Bates number 112.</p>
<p style="text-align: right;">Page 175</p> <p>1 MR. KASDAN: I think it's about that.</p> <p>2 They will be a combination between 18 and 20.</p> <p>3 MS. BRIZIUS: Okay.</p> <p>4 MR. KASDAN: Thank you for that</p> <p>5 clarification.</p> <p>6 Anything else?</p> <p>7 MS. BRIZIUS: Not right now.</p> <p>8 MR. KASDAN: Thank you.</p> <p>9 BY MR. KASDAN:</p> <p>10 Q I just want to clarify. In the</p> <p>11 transcript at 49 -- it's Exhibit 16.</p> <p>12 A Uh-huh.</p> <p>13 Q So the Court asks at line 15, asks of</p> <p>14 Ms. Bailey -- are you with me?</p> <p>15 A Yes.</p> <p>16 Q He says, "But you made," referring to</p> <p>17 the Agency, "you made the windfall offset</p> <p>18 calculation already on all these, right? You made</p> <p>19 it once?" She responds, Ms. Bailey, she says, "It</p> <p>20 has been made once, yes."</p> <p>21 Is that accurate?</p> <p>22 A Yes. We -- can I clarify? We made</p>	<p style="text-align: right;">Page 177</p> <p>1 Do you see that?</p> <p>2 A Yes, 27. Yes.</p> <p>3 Q So on the bottom it has a title that</p> <p>4 says, "Development and Whole Case Processing: 30</p> <p>5 Day Rule."</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q First of all, could you explain what the</p> <p>9 30-day rule is?</p> <p>10 A Hold on one second.</p> <p>11 Q Sure.</p> <p>12 A Oh, this is -- these are our follow-up</p> <p>13 procedures, okay, for our processing centers.</p> <p>14 So they issue a notice. It goes back in</p> <p>15 the -- in a hold file -- development hold file.</p> <p>16 It comes back out for follow-up if we don't have</p> <p>17 the -- the -- receive the information.</p> <p>18 Q But it's related to Steigerwald</p> <p>19 information, correct?</p> <p>20 A That's what they put in here, yes. And</p> <p>21 this is if you have to go out and develop</p> <p>22 information, but -- but yes.</p>

45 (Pages 174 - 177)

<p style="text-align: right;">Page 178</p> <p>1 Q So at the top of the page it says in the</p> <p>2 third full sentence, "All development actions</p> <p>3 taken in the Steigerwald class action case should</p> <p>4 be expedited."</p> <p>5 A Correct.</p> <p>6 Q Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Okay. That's still the policy, correct?</p> <p>9 A Correct.</p> <p>10 Q And it says, "In cases where the</p> <p>11 development cannot be completed in an expedited</p> <p>12 matter, SSA will be required to make a</p> <p>13 determination on the class action underpayment,</p> <p>14 pay it, and then leave any remaining development</p> <p>15 to the component of jurisdiction."</p> <p>16 A Correct.</p> <p>17 Q Is that still the policy?</p> <p>18 A They send the -- remember I said we</p> <p>19 weren't doing what we call whole case processing,</p> <p>20 which is what you see here. That means anything</p> <p>21 else that you see on the record, they send that on</p> <p>22 to the appropriate staff to process and they're</p>	<p style="text-align: right;">Page 180</p> <p>1 right?</p> <p>2 A Yes.</p> <p>3 Q Are you familiar with Cindy Wilcox?</p> <p>4 A Yes, I know Cindy.</p> <p>5 Q She works in the Office of Acquisitions</p> <p>6 and Grants; is that right?</p> <p>7 A She works in Quality. This is the</p> <p>8 quality branch.</p> <p>9 Q She writes, "Good morning everyone, Due</p> <p>10 to the priority and volume of the Steigerwald</p> <p>11 review, we are going to reduce the sample number</p> <p>12 of PC7" -- that's Processing Center 7?</p> <p>13 A Seven.</p> <p>14 Q That's a location, right?</p> <p>15 A Yes.</p> <p>16 Q Which location is that?</p> <p>17 A Baltimore.</p> <p>18 Q Baltimore?</p> <p>19 A Yeah.</p> <p>20 Q "OP," what does OP stand for?</p> <p>21 A Overpayment.</p> <p>22 Q I'm sorry?</p>
<p style="text-align: right;">Page 179</p> <p>1 focused on the Steigerwald piece itself.</p> <p>2 Q But it says if it cannot be completed in</p> <p>3 an expedited matter, but there's some amount of</p> <p>4 time that you're waiting for this further</p> <p>5 development?</p> <p>6 A This is Phase I -- no, we're not -- this</p> <p>7 was Phase I, full version pending. This was one</p> <p>8 of the drafts that they have.</p> <p>9 Q So this is no longer what you're doing?</p> <p>10 A We're not -- we're not waiting on any of</p> <p>11 this. This -- we're not waiting. And I know that</p> <p>12 was discussed on the -- during the training, so...</p> <p>13 Q So let's look at Exhibit 38. We'll hand</p> <p>14 it to you now.</p> <p>15 (J. Walker Exhibit Number 38 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. KASDAN:</p> <p>18 Q For the record, this is a document that</p> <p>19 was produced to us this past week and is Bates</p> <p>20 labeled 275. It's a one pager. It's an e-mail</p> <p>21 from Cindy Wilcox to many people -- cc's to many</p> <p>22 other people and it's dated March 27th, 2019,</p>	<p style="text-align: right;">Page 181</p> <p>1 A Overpayment.</p> <p>2 Q Overpayment cases.</p> <p>3 PC7 is not Kansas City?</p> <p>4 A No. Oh, that's the region.</p> <p>5 Q Okay.</p> <p>6 A That's not --</p> <p>7 Q Okay.</p> <p>8 A Yeah.</p> <p>9 Q It says, "Our goal is to reach a review</p> <p>10 of minimum of 2,000 cases."</p> <p>11 Are you familiar with this e-mail?</p> <p>12 A No, I don't think I'm a cc: on it. I</p> <p>13 haven't seen this. This was their internal</p> <p>14 correspondence.</p> <p>15 Q So you don't know what it means when she</p> <p>16 says, "Our goal is to reach a review of minimum of</p> <p>17 2,000 cases"?</p> <p>18 A It sounds like she's talking about</p> <p>19 the -- they're reducing the sampling size for the</p> <p>20 PC7. I don't know what the larger size was, but</p> <p>21 this is related to the PC7 overpayment cases. "We</p> <p>22 currently completed our review."</p>



<p style="text-align: right;">Page 182</p> <p>1 Q But you're not aware of any overpayment</p> <p>2 cases right now, right?</p> <p>3 A For PC7? They do -- they do --</p> <p>4 Q I'm sorry, let me get this straight. So</p> <p>5 the overpayment PC7 is talking about</p> <p>6 non-Steigerwald?</p> <p>7 A This isn't Steigerwald. I mean, this is</p> <p>8 about the PC7 distribution.</p> <p>9 Q I see.</p> <p>10 A Now, she may have gone into -- let me</p> <p>11 just read on and see if she --</p> <p>12 Q Sure.</p> <p>13 A Yeah, this is just talking about the PC7</p> <p>14 review, this isn't Steigerwald.</p> <p>15 Q Okay. The Court at the end of the</p> <p>16 hearing on April 4 --</p> <p>17 A I'm sorry, what's that -- I put these</p> <p>18 back in order again.</p> <p>19 Q Sixteen,</p> <p>20 A Sixteen. Thank you.</p> <p>21 Q At the very end he asked, "What" -- this</p> <p>22 is line 17.</p>	<p style="text-align: right;">Page 184</p> <p>1 100 percent review for a period of time. We are</p> <p>2 having ongoing check-ins, ongoing conversations</p> <p>3 about what are we seeing, going back immediately</p> <p>4 if there are correction items, looking -- if it's</p> <p>5 a specific area, to ensure that we're able to</p> <p>6 complete these recalculations as quickly as we</p> <p>7 possibly can.</p> <p>8 Q Why didn't the Agency take these actions</p> <p>9 back in February of 2018?</p> <p>10 A Back in February 2018 we had an order</p> <p>11 from January 25th that talked -- talked about</p> <p>12 37,000 cases and we were ramping up to do what</p> <p>13 needed to be done then, plus we didn't have the --</p> <p>14 the fee structure in place. We didn't know if the</p> <p>15 fee was coming out of part of the other</p> <p>16 underpayment or if it was going to be a separate</p> <p>17 fee.</p> <p>18 We didn't know -- we didn't know that</p> <p>19 piece either while we're working on the Desk Guide</p> <p>20 and everything needed to be done, that was blank.</p> <p>21 Q But you could have teed that up and you</p> <p>22 could have waited during the first two phases back</p>
<p style="text-align: right;">Page 183</p> <p>1 A Okay.</p> <p>2 Q Page 53; is that --</p> <p>3 A Fifty-four.</p> <p>4 Q Fifty-four. It says, "What impediments</p> <p>5 are insurmountable in terms of accomplishing this</p> <p>6 on a more -- on a quicker basis?"</p> <p>7 Are there any impediments that are</p> <p>8 insurmountable in accomplishing the processing on</p> <p>9 a quicker basis?</p> <p>10 A If we're -- if we have two years to</p> <p>11 process the work and do it effectively, we will</p> <p>12 get the work done accurately.</p> <p>13 If we have these constraints with these</p> <p>14 time frames and not allow us at least enough time</p> <p>15 to do a quality review, it -- what's</p> <p>16 insurmountable is we don't have the trained</p> <p>17 expertise to be able do this and the OQR review</p> <p>18 that we have in place, it's -- it is slowing --</p> <p>19 it's slowing the process because we want to get it</p> <p>20 right. And when we made that decision --</p> <p>21 Q Which decision?</p> <p>22 A The decision to implement the</p>	<p style="text-align: right;">Page 185</p> <p>1 in February of 2018, couldn't you?</p> <p>2 A And we were -- we were working on --</p> <p>3 Q Could you or could you not? Yes or no?</p> <p>4 A I'm going to say no, because it involved</p> <p>5 so much coordination to try to get us where we</p> <p>6 needed to be with identifying the right people to</p> <p>7 do the work, you know, having our -- putting our</p> <p>8 processes in place, putting the Desk Guide</p> <p>9 together with what was needed, building the tool.</p> <p>10 We have a tracking tool that's -- where</p> <p>11 we're able to give or -- and provide the</p> <p>12 information on the cases. With the numbers, we</p> <p>13 did not have that in place. We can't build a tool</p> <p>14 in 30 days.</p> <p>15 Q But you could have started back in</p> <p>16 February of 2018, correct?</p> <p>17 A We started before February of 2018.</p> <p>18 Q So you knew there was a problem before</p> <p>19 February of 2018?</p> <p>20 A We knew there was a problem when --</p> <p>21 well, I shouldn't say we knew there was a problem,</p> <p>22 but February '18 is when we got the first</p>

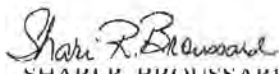
<p style="text-align: right;">Page 186</p> <p>1 information.</p> <p>2 So we were having discussions with</p> <p>3 Systems about -- since the Steigerwald case,</p> <p>4 Systems was working through determining what that</p> <p>5 number was. So we knew that we were -- so that's</p> <p>6 really as of February. That's as of February.</p> <p>7 Q So the Agency knew there was a large</p> <p>8 class of at least 37,000 people --</p> <p>9 A Oh --</p> <p>10 Q -- in February of 2018?</p> <p>11 A -- no. No, no, no, that's not what I'm</p> <p>12 saying. That's -- February 2018 and</p> <p>13 September 2018, those are the dates.</p> <p>14 Okay. My -- my dates are off because we</p> <p>15 started working on the tool -- this is '19. So in</p> <p>16 the, like, summer, mid --</p> <p>17 Q You started working on the tool in</p> <p>18 September of 2018?</p> <p>19 A It was in -- right, it was in '18, so</p> <p>20 that we could be -- would be teed up for February</p> <p>21 of '19, which is when we started working the case.</p> <p>22 Q Right. But you could have started</p>	<p style="text-align: right;">Page 188</p> <p>1 Q So how long would it take you to</p> <p>2 complete the task of 37,000?</p> <p>3 A I -- I mean, I don't know. With our --</p> <p>4 with our process now we had -- we already had</p> <p>5 what? The 20 -- 37,000 through Phase I when we</p> <p>6 sent those back earlier.</p> <p>7 Q But in 2018 --</p> <p>8 A Uh-huh.</p> <p>9 Q -- what was the estimate of time it</p> <p>10 would take you to do the cases, 37,000 cases?</p> <p>11 A With the 30- -- in order to do the</p> <p>12 37,000 -- I'm trying to think of what our number</p> <p>13 was because we did the projections. It was 2700.</p> <p>14 That's for the larger class. So I think we had</p> <p>15 2700 staff for the -- for the larger class to be</p> <p>16 able to -- to complete the work within 90 days.</p> <p>17 It just -- it really wasn't -- it was not possible</p> <p>18 I -- I think to complete -- I believe to complete</p> <p>19 those cases within 90 days, not accurately.</p> <p>20 Q I'm asking you what was the estimate of</p> <p>21 time to complete 37,000 cases that you knew about</p> <p>22 in February of 2018?</p>
<p style="text-align: right;">Page 187</p> <p>1 working on the tool in February of 2018, correct?</p> <p>2 A We thought we had a class of 37,000</p> <p>3 versus 130,000.</p> <p>4 Q So are you saying you wouldn't have done</p> <p>5 the tool if you only had 37,000?</p> <p>6 A I -- I mean, I don't know that. We</p> <p>7 worked on -- our focus was training -- getting the</p> <p>8 training information and getting the right staff.</p> <p>9 That was -- that was the main focus, working with</p> <p>10 the other components ensuring that we had a</p> <p>11 process in place. So -- and -- and getting --</p> <p>12 really getting the right people and the resources</p> <p>13 that was needed to do that.</p> <p>14 We have other ad hoc workloads. And</p> <p>15 37,000, we may have been able -- considering that</p> <p>16 we had to do it in 90 days, we didn't -- we knew</p> <p>17 we didn't have time to build a tool, so it's --</p> <p>18 this is the information, how were we able to</p> <p>19 capture it. And we do have an ad hoc workload</p> <p>20 tracking mechanism that we were going to try and</p> <p>21 use early in the process, which -- when we thought</p> <p>22 it was 37,000.</p>	<p style="text-align: right;">Page 189</p> <p>1 MS. BRIZIUS: Objection. Misstates the</p> <p>2 record.</p> <p>3 THE WITNESS: So with startup time and</p> <p>4 everything that was needed in order to do that --</p> <p>5 we just could not start -- we had a court order</p> <p>6 January 25th. We could not start processing the</p> <p>7 cases. I don't know the estimated time to --</p> <p>8 BY MR. KASDAN:</p> <p>9 Q Back in February of 2018, when you knew</p> <p>10 you had all of these cases, you didn't have any</p> <p>11 estimate?</p> <p>12 A The 37,000?</p> <p>13 Q Yes.</p> <p>14 A We projected that we -- we -- we have</p> <p>15 been dealing with our two-year time frame to get</p> <p>16 the -- to get the cases done.</p> <p>17 Q So that's even with the 37,000 you were</p> <p>18 projecting two years; is that right?</p> <p>19 A No, no.</p> <p>20 Q So less than two years? Which is it?</p> <p>21 Two years or less than two years?</p> <p>22 A I don't have those -- those estimates</p>



<p style="text-align: right;">Page 190</p> <p>1 with me. We do have --</p> <p>2 Q Isn't it a fact that you always had an</p> <p>3 estimate of two years regardless of the number?</p> <p>4 A No.</p> <p>5 Q Okay.</p> <p>6 A No.</p> <p>7 Q So what was the estimate for the 37,000</p> <p>8 back in February 2018?</p> <p>9 A We've done -- we've done multiple</p> <p>10 estimates, but based on the work that -- that we</p> <p>11 already had scheduled, we wanted to ensure that we</p> <p>12 were able to complete the -- the cases accurately.</p> <p>13 Q You still haven't answered the question.</p> <p>14 What was the estimate of time it would take to</p> <p>15 complete 37,000 cases that you knew about in</p> <p>16 February of 2018?</p> <p>17 MS. BRIZIUS: Objection. Misstates the</p> <p>18 record.</p> <p>19 BY MR. KASDAN:</p> <p>20 Q It's a question.</p> <p>21 Did you have an estimate then?</p> <p>22 A We did have an estimate, but we -- we</p>	<p style="text-align: right;">Page 192</p> <p>1 AFTERNOON SESSION</p> <p>2 (2:03 p.m.)</p> <p>3 Whereupon,</p> <p>4 JANET WALKER</p> <p>5 was called for continued examination, and having</p> <p>6 been previously duly sworn, was examined and</p> <p>7 testified further as follows:</p> <p>8 MR. KASDAN: I have no further questions</p> <p>9 at this time.</p> <p>10 EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>11 BY MS. BRIZIUS:</p> <p>12 Q I have a real quick few questions.</p> <p>13 Ms. Walker, we talked before about</p> <p>14 whether you could have started Phase I and Phase</p> <p>15 II of the cases and then held off on Phase III</p> <p>16 until you got the court order.</p> <p>17 Is that possible?</p> <p>18 A It -- it was not possible because we did</p> <p>19 not have our tracking tool in place in particular.</p> <p>20 Q And even if you had the tracking tool in</p> <p>21 place, is that possible within your systems to do</p> <p>22 that?</p>
<p style="text-align: right;">Page 191</p> <p>1 were working --</p> <p>2 Q It doesn't misstate.</p> <p>3 A Okay.</p> <p>4 Q So what was the estimate?</p> <p>5 A I -- I don't -- I don't recall what the</p> <p>6 specific -- what was in the specific plan.</p> <p>7 Q It was two years then also, wasn't it?</p> <p>8 A I know for a hundred --</p> <p>9 MS. BRIZIUS: Objection. Asked and</p> <p>10 answered.</p> <p>11 THE WITNESS: I know for 130,000 the</p> <p>12 two-year time frame, but we've done projections</p> <p>13 for -- for the 90 days, the one year, six month</p> <p>14 and two years. We've done those projections and</p> <p>15 what the impact was.</p> <p>16 MR. KASDAN: Let's take a break and</p> <p>17 we'll see if I have any further questions.</p> <p>18 THE WITNESS: Okay.</p> <p>19 (Brief recess.)</p> <p>20 (Whereupon, at 1:14 p.m., a</p> <p>21 luncheon recess was taken.)</p> <p>22 * * * * *</p>	<p style="text-align: right;">Page 193</p> <p>1 A No. When we did the first look at the</p> <p>2 Phase I cases, we have to be able to go back</p> <p>3 because the -- only the current information is</p> <p>4 what's on the -- the record -- the current record.</p> <p>5 The reason we have Ms. Steigerwald's</p> <p>6 case is because it's the assertion that we did not</p> <p>7 perform the recalculation. So if the</p> <p>8 recalculation was not done, that information that</p> <p>9 we would use to do the new recalculation, we're</p> <p>10 starting without the correct information.</p> <p>11 Q But could you have started last year at</p> <p>12 some point, separate from your planning process --</p> <p>13 I understand your planning process.</p> <p>14 A Right.</p> <p>15 Q Separate from the planning process,</p> <p>16 could you have started the cases and moved them</p> <p>17 through the end of Phase II and then hit pause per</p> <p>18 se until you learned the attorney fee information?</p> <p>19 Could you have done that with your</p> <p>20 computer system?</p> <p>21 A It's -- the limitations that we had with</p> <p>22 the computer systems, no, because we have all of</p>

<p style="text-align: right;">Page 194</p> <p>1 the information, it's not going to be stored.</p> <p>2 If you -- if you do that, the way -- in</p> <p>3 our processing centers it's very -- we have the</p> <p>4 oldest systems there and because -- in particular</p> <p>5 for Phase II you have to do that look back and</p> <p>6 that -- that month-by-month calculation. You</p> <p>7 would have done that not knowing when we were</p> <p>8 going to receive any type of decisions or</p> <p>9 what-have-you. We couldn't leave that sitting</p> <p>10 there.</p> <p>11 And by the time -- we didn't know if we</p> <p>12 got to that would it be old, would it still be</p> <p>13 relevant. So just from systems limitations.</p> <p>14 Q Okay. So there's a quality review</p> <p>15 process that you've implemented after Phase I and</p> <p>16 after Phase II.</p> <p>17 Are the reviewers in the Office of</p> <p>18 Quality Review doing the exact same thing that the</p> <p>19 technicians are doing in the processing centers</p> <p>20 and in the field offices?</p> <p>21 A No, they are not. They are a quality</p> <p>22 branch, they have their quality checklist, which</p>	<p style="text-align: right;">Page 196</p> <p>1 A Okay.</p> <p>2 Q She was asking you about attorneys'</p> <p>3 fees. Do you recall that and whether or not</p> <p>4 you --</p> <p>5 A She was --</p> <p>6 Q -- could do Phases I and II without</p> <p>7 knowing attorneys' fees, right?</p> <p>8 A Oh, that wasn't -- but okay. All right.</p> <p>9 Go ahead.</p> <p>10 Q You were responding to attorneys' fees</p> <p>11 from the underlying case, correct?</p> <p>12 A Correct.</p> <p>13 Q Not class counsel's?</p> <p>14 A Not class counsel's case, correct.</p> <p>15 MR. KASDAN: Okay. That's fine. No</p> <p>16 further questions.</p> <p>17 FURTHER EXAMINATION BY COUNSEL FOR</p> <p>18 DEFENDANTS</p> <p>19 BY MS. BRIZIUS:</p> <p>20 Q Okay. Could you start Phase I and Phase</p> <p>21 II -- get the cases through Phase II without</p> <p>22 knowing -- and then hit pause essentially and wait</p>
<p style="text-align: right;">Page 195</p> <p>1 is different from the information that we have.</p> <p>2 They are looking for payment</p> <p>3 information, they're looking for the windfall</p> <p>4 offset period to ensure that that's accurate</p> <p>5 and -- but their analysis -- they do -- they do a</p> <p>6 deeper dive, because that's the purpose of a</p> <p>7 quality branch --</p> <p>8 Q Thank you.</p> <p>9 A -- into the record.</p> <p>10 MS. BRIZIUS: No further questions.</p> <p>11 Thank you.</p> <p>12 MR. KASDAN: I want to take a break and</p> <p>13 I want to confer and I'll come back. Okay?</p> <p>14 MS. BRIZIUS: Okay.</p> <p>15 (Brief recess 2:07 p.m. to 2:10 p.m.)</p> <p>16 FURTHER EXAMINATION BY COUNSEL FOR</p> <p>17 PLAINTIFFS</p> <p>18 BY MR. KASDAN:</p> <p>19 Q I have just a little redirect.</p> <p>20 A Okay.</p> <p>21 Q There's a little confusion in my mind as</p> <p>22 to Erin's question and your answer,</p>	<p style="text-align: right;">Page 197</p> <p>1 until you got the attorney fee information to</p> <p>2 finish the calculation? By attorney fee, I mean</p> <p>3 the class counsel's 406 fee.</p> <p>4 A Their 406 fee is computed -- the</p> <p>5 20 percent is held in Phase III.</p> <p>6 Q The question is could you have started</p> <p>7 working on all of these cases and done everything</p> <p>8 you need to do up until the end of Phase II and</p> <p>9 then stopped work and held them in your system and</p> <p>10 then just put them out through Phase III when you</p> <p>11 got the information on whether the 406 fee was</p> <p>12 going to apply or not?</p> <p>13 A Phases I and II was focused on the data,</p> <p>14 meaning the benefit amount, it was focused on the</p> <p>15 period.</p> <p>16 With our limitations with the systems of</p> <p>17 where we would store the data, we can't have paper</p> <p>18 for 130,000 cases, that we would lose control</p> <p>19 of -- of all of the computations and the</p> <p>20 information that's -- that's there. It's not</p> <p>21 going to be saved in our -- in our system.</p> <p>22 Once you key that information in,</p>



<p style="text-align: right;">Page 198</p> <p>1 it's -- it's not saved in our systems until you  2 actually do the next input and move it through the  3 process.  4 So my understanding of the process is --  5 is no, we could not have done Phases I and II, not  6 efficiently anyway, until we knew the -- the fee  7 amount.  8 FURTHER EXAMINATION BY COUNSEL FOR  9 PLAINTIFFS  10 BY MR. KASDAN:  11 Q Which fee amount?  12 A The -- the -- your -- the class  13 counsel's fee amount for Phase III.  14 Q You don't know the fee amount at this  15 time either, correct?  16 A Well, we're withholding 20 percent.  17 Q So you could have withheld 25 percent  18 last year, correct?  19 A That's where we started before we ended  20 up -- we were withholding 25 percent.  21 Q Okay. So you could have done that and  22 that's what you're doing, correct?</p>	<p style="text-align: right;">Page 200</p> <p>1 CERTIFICATE OF NOTARY PUBLIC  2 I, SHARI R. BROUSSARD, the officer before  3 whom the foregoing deposition was taken, do hereby  4 certify that the witness whose testimony appears  5 in the foregoing deposition was duly sworn by me;  6 that the testimony of said witness was taken by me  7 in stenotype and thereafter reduced to typewriting  8 under my direction; that said deposition is a true  9 record of the testimony given by said witness;  10 that I am neither counsel for, related to, nor  11 employed by any of the parties to the action in  12 which this deposition was taken; and, further,  13 that I am not a relative or employee of any  14 counsel or attorney employed by the parties  15 hereto, nor financially or otherwise interested in  16 the outcome of this action.  17  18   19 SHARI R. BROUSSARD  20 Notary Public in and for the  21 District of Columbia  22 My commission expires:  23 August 14, 2020</p>
<p style="text-align: right;">Page 199</p> <p>1 A Correct.  2 MR. KASDAN: Okay. No further  3 questions.  4 (Whereupon, at 2:13 p.m., the  5 deposition of JANET WALKER  6 was concluded.)  7 * * * * *  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22</p>	<p style="text-align: right;">Page 201</p> <p>1 Steigerwald v. Berryhill, Commissioner Of Soc. Sec.  2 Janet Walker  3 INSTRUCTIONS TO THE WITNESS  4 Please read your deposition over  5 carefully and make any necessary corrections.  6 You should state the reason in the  7 appropriate space on the errata sheet for any  8 corrections that are made.  9 After doing so, please sign the errata  10 sheet and date it.  11 You are signing same subject to the  12 changes you have noted on the errata sheet,  13 which will be attached to your deposition.  14 It is imperative that you return the  15 original errata sheet to the deposing  16 attorney within thirty (30) days of receipt  17 of the deposition transcript by you. If you  18 fail to do so, the deposition transcript may  19 be deemed to be accurate and may be used in  20 court.  21  22 3290092</p>

# **EXHIBIT B**



**From:** [Tysinger, Dinah](#)  
**To:** [Stevenson, Jennifer A.](#)  
**Subject:** FW: Info/Action: Steigerwald Staffing Methodology and Next Steps - Action by 12/18/18  
**Date:** Wednesday, December 12, 2018 12:25:37 PM

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**From:** Walker, Janet <Janet.Walker@ssa.gov>  
**Sent:** Wednesday, December 12, 2018 1:25 PM  
**To:** #DCO Exec RCs Personal Bxs <DCO.Exec.RCs.Personal.Bxs@ssa.gov>  
**Cc:** Horne, Mary <Mary.Horne@ssa.gov>; Kim, Grace <Grace.Kim@ssa.gov>; Jones, Erik N. <Erik.N.Jones@ssa.gov>; Schofield, Jeremiah C. <Jeremiah.C.Schofield@ssa.gov>; Sanders Sparks, Michelle <Michelle.Sanders.Sparks@ssa.gov>; Spear, Lindsey <Lindsey.Spear@ssa.gov>; Joseph, Sonu <Sonu.Joseph@ssa.gov>; #DCO OPSOS DAPS Leadership Team <DCO.OPSOS.DAPS.Leadership.Team@ssa.gov>; Alo, Luke <Luke.Alo@ssa.gov>; ||DCO <DCO@ssa.gov>; ||DCO OPSOS <DCO.OPSOS@ssa.gov>; Kerr-Davis, Linda <Linda.Kerr-Davis@ssa.gov>; Spear, Lindsey <Lindsey.Spear@ssa.gov>; Sheffield, Darrell <Darrell.Sheffield@ssa.gov>  
**Subject:** Info/Action: Steigerwald Staffing Methodology and Next Steps - Action by 12/18/18

All,

As discussed on our call today, please find the chart below showing the **minimum** staffing levels we need to dedicate to begin working Steigerwald. We must be ready to move forward once we receive a decision on the case. We used the minimum need, which was for a 2-year timeframe using our CPL model. The starting point for the field is the distribution of Steigerwald cases; the distribution for the PSCs is the PSC workload share for the four regions. To help the regions without PSC support, we redistributed 20% of the FO designated staff from the CPL regions to the non-CPL regions. After we have more information, we may need to adjust dedicated staff up or down. In the second chart, you'll see the breakdown of which regions will flow into each CPL

As you begin to identify CPL virtual employees, please share the refresher training material sent last week as a level-set opportunity prior to the more robust, Steigerwald-specific training and desk guide coming in January. Lastly, per today's discussion, please send me the name we can use as a regional contact on the field office side of the process for initial issues with timeliness, quality, and resource needs. This may be the OS, manager, or ADO level to serve in this capacity.

I am open to any other suggestions and will remain flexible during this process. Please send your responses to Luke Alo with a Cc to me by 12/18/18.

Thanks,

Janet

Region	FO Starting Point	20% Adjustment	FO Weighted	PSC/CPL	Total
Boston	4	2	6		6
New York	6	3	9		9
Philadelphia	8	-3	5	18	23
Atlanta	29	-11	18	26	44
Chicago	13	6	19		19
Kansas City	5	-2	3	27	30
Dallas	12	6	18		18
Denver	2	1	3		3
San Francisco	8	-3	5	25	30
Seattle	3	1	4		4
<b>National</b>	<b>88</b>	<b>0</b>	<b>88</b>	<b>96</b>	<b>184</b>

CPL Count: 129,811		Region	Case Count	Over/Under Workshare
CPL	Workshare			
MATPSC	24,353	PHI	11,497	<b>+730 cases*</b>
		BOS	5,443	
		NY	8,143	
SEPSC	35,049	ATL	35,049	0 cases
WNPSC	33,517	SF	11,207	<b>-730 cases*</b>
		SEA	4,268	
		DEN	2,443	
		CHI	14,869	
MAMPSC	36,892	KC	7,216	0 cases
		DAL	18,286	
		ATL	7,743	
		CHI	3,647	



# **EXHIBIT C**

# Steigerwald Desk Guide

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V 1.7

04.01.19



## Release Notes

### Release Notes – v 1.7 04.01.19

#### Overall

- *Internal document links are not active yet.* Where you see a reference to another chapter followed by [link] this is an internal document link (not a PolicyNet link). These internal links will be activated in a later edition for greater ease of navigation.

#### Phase I

- *Pg 18.* Representative Excess Payments. The term “overpayment” replaced with excess payment throughout.
- *Pg 18.* Representative Excess Payments Guidelines added.
- *Pg 19.* Representative Excess Payments. Clarification in step 3 to first determine if a refund is due to a BIC and that there won’t always be a refund due. Other steps bumped down one number.
- *Pg 21.* Representative Fee Underpayments Guidelines added.
- *Pg 22.* Representative Fee Underpayments. Notes added regarding representatives not eligible for direct payment.
- *Pg 23.* Representative Fee Underpayments. WORKAROUND added for cases where the AUTHORIZED FEE and FEE AMT don’t equal mathematically to avoid the 467 exception.
- *Pg 24.* SPECIAL INSTRUCTIONS: Notices and Notice Corrections. Instructions added.
- *Pg 25.* Representative Fee Issues and Instructions. Reminders changed to “Instructions and Reminders”. Added instructions for underpayments paid in this process.
- *Pg 26.* Scenarios 1 and 2. Scenario 1 updated and scenario 2 added to for authorized fees withheld and sitting unpaid.
- *Pg 27.* Scenario 6. Workaround steps added.
- *Pg 28.* Scenario 7: Downward recalculation. Instructions clarified.
- *Pg 29.* Scenario 9: Auxiliary failure to withhold. Scenario added with failure to withhold instructions. Workaround to avoid the 467 exception included.
- *Pg 31.* Clarified instructions for the CS documenting admin fin.

#### Phase II

- NA.

#### Phase III

- *Pgs 48 & 53.* Instructions to code payment indicator 30 on the ATT screen added.

#### Steigerwald Complex Details

NA.

## Introduction

Thank you and welcome to the Steigerwald class action! Your participation will prove an invaluable asset to the Agency as Operations implements the Steigerwald remediation plan, as negotiated in the *Steigerwald v Berryhill* class action lawsuit.

The Steigerwald remediation plan will leverage a number of Agency assets, while addressing a number of Agency priorities.

### Windfall Offset

The heart of the Steigerwald class action is a failure by the Agency to correctly account for representative fees when performing a windfall offset calculation. The windfall offset process is one of the Agency's most technical and complex workloads, involving precise inter-component coordination, complex calculations, and the need to provide timely and accurate payment.

### Agency Resources

The Steigerwald remediation plan involves the use of four Central Processing Locations (CPLs). These CPLs are housed in four of the Agency's processing centers (PSCs). They will be staffed by technicians from the PSCs as well as technicians virtually detailed to the CPLs from the Field Office (FO). This staff will work in tight coordination to provide relief to the Steigerwald class action universe by recalculating each case's windfall offset and releasing any underpayments to the class action members.

### Custom Tools

The Agency has leveraged its technical resources to create two custom tools for technicians to process Steigerwald cases:

- A customized e4345 STEIGER with enhanced data tracking and capture features specific to the Steigerwald cases.
- The Steigerwald Tracking Tool with a full suite of management resources to track case status and query management information (MI).

### Quality

As with all Agency workloads, quality will be of the utmost importance for the Steigerwald class action. Operations has worked with the Office of Quality and Review (OQR) to develop a robust quality initiative that will ensure accurate remediation for all Steigerwald class members.



## Process Overview

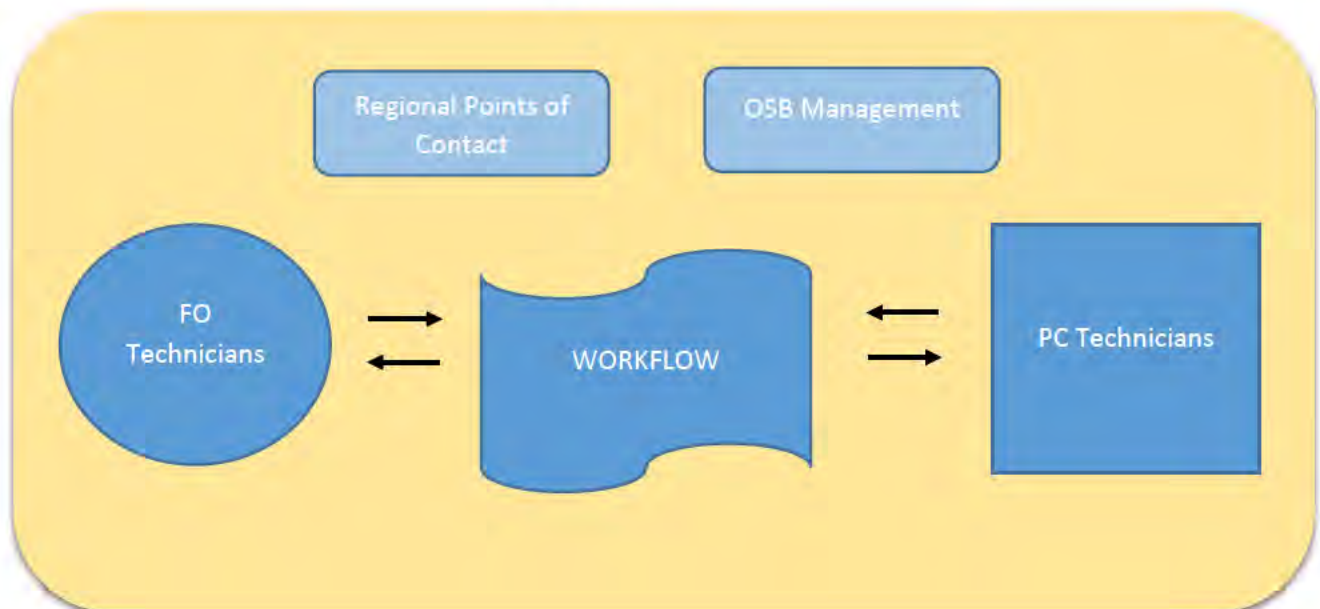
### The Central Processing Locations (CPLs)

Due to the demands placed on the agency by the Steigerwald workload, the Steigerwald class action cases are assigned via specially designated Central Processing Locations (CPLs). Nationally, there are four CPLs, and they are named for the PSCs associated with them.

CPL2	Mid-Atlantic PSC – Philadelphia
CPL3	Southeastern PSC – Birmingham
CPL5	Western PSC – San Francisco
CPL6	Mid-American PSC – Kansas City

Different job families are assigned work through the CPLs. OSB management in each CPL oversees workflow assignment to PC technicians. Regional points of contact oversee the assignment of FO CS cases.

### CPL Structure



### The Phases of Steigerwald: I, II, & III

Even under normal circumstances, windfall offset is one of the Agency's most complicated and technically challenging workloads. As the Agency implements the Steigerwald remediation plan, the complexity of windfall offset calculations will be even more at the forefront. To handle this difficult task, the Steigerwald remediation plan provides an enhanced mirror of the existing business process. It will move from PC to FO and then back to PC in three phases.

#### Phase I: PC BA/PETE

- Reviews case for pending actions
- Refers to PC CS for development if necessary
- Corrects the record if necessary
- Engages the e4345 process and transmits to the CPL-assigned FO CS

#### Phase II: FO CS/CSTE

- Reviews T16 records
- Performs any necessary development
- Calculates SSI recomputation via eComps
- Documents the folder and transmits e4345 to the PC

#### Phase III: PC BA/PETE

- Receipts e4345
- Refers to PC CS for any necessary actions
- Certifies the record with paid vs payable
- Updates MBR with revised WOD data and atty fee data
- Closes out the final screens of the e4345
- Pays class action attorney fees
- Pays underpayment if immediately payable
- Holds underpayment if not immediately payable

#### All Phases: PC CS

- Reviews claims related actions (unproven WC, WEP, etc)
- Reviews representative fees as necessary
- Updates class action 1695s to RASR
- Handles appeals related to class action underpayments, PE issues



## Steigerwald Tracking System (STS) & e4345 SW

To handle the special requirements of the Steigerwald class action, the Agency has built two custom tools to steward the remediation process. These tools work in tandem and are accessed by staff, management analysts.

### Steigerwald Tracking System (STS)

The Steigerwald Tracking System (STS) is the master application used to access Steigerwald cases, track overall case completion, document case inquiries, and pull case reports. The STS is fully integrated with the e4345 SW, and technicians will use the STS as the launching point for working each case.

#### Steigerwald Tracking System Features

- Case details info and action page for every class member
- Case tracking from start to finish
- Special case characteristic tracking
- Workload re-assignment for T16 cases
- Reports and management information (MI)
- Inquiries and e4345 access



### Steigerwald Tracking System (STS) User Roles

The table below details the various user types for the Steigerwald Tracking System (STS). Each user has different access and functions. The functional aspects of the application will display differently depending on the user role. For example, a CPL manager user will not be able to see the edit, certify, etc buttons of the e4345 SW... they will only see the view button. Tasks assigned only to high level users will only be available for those users.

Note that all SSA users can access the Inquiries feature as well as query case characteristics for an individual class member.

Role ID	Role	Description	e4345 Access	Reports Access	Add/Remove Users	Assign T16 Cases
1	PSC Technician	CPL PC BA	View Initiate Edit Certify Decertify	No	No	No
2	FO Technician	CPL T16 FO CS	View Edit Certify Decertify	No	No	No
3	PSC Management	PC CPL manager	View	Yes	No	No
4	FO Management	FO CPL manager	View	Yes	No	Yes
5	Reports User	Primarily analysts	View	Yes	No	No
6	Admin User	Highest level user – very few profiles	No	Yes	Yes	Yes
7	OQR Reviewer	OQR specific user type	View	No	No	No
<b>Note:</b> All users have access to query case details (see an individual class member summary) as well as log an inquiry access						



**e4345 SW**

The e4345 SW edition is a custom rebuild of the e4345 tool made especially for the needs of the Steigerwald class action. The e4345 SW features the following.

**e4345 SW Features**

- Full suite of standard e4345 features
- Enhanced navigation
- Enhanced certification/decertification feature
- Custom Steigerwald data gathering tab for class action specific data
- Edit features for FO and PC technicians, view mode for all other users

**e4345** Welcome, PHILLIP DECK

New e4345 Entry - Phase 1

Claim Info | Paid vs. Payable | Fees & Remarks | Steigerwald Info | Summary/Certification

\* Required Field

Back to STS Save

Claim Number: 415- BIC: A BOAN: 415-

Number Holder's Name: PATRICIA

Beneficiary's Name: PATRICIA

Route To: CPL 3 - FO Reply To: CPL 3 - PSC

Dual Entitlement Case: Yes ☐ No ☒

Recomputation Involved: Yes ☐ No ☒

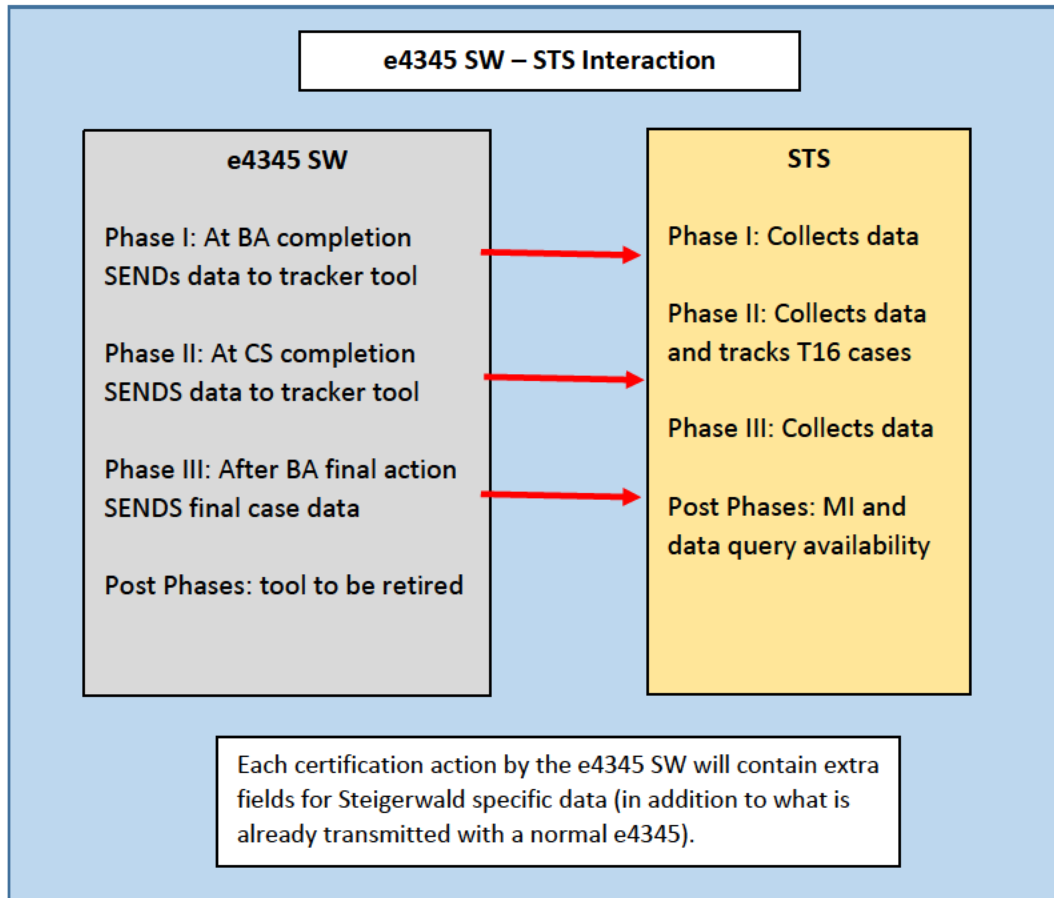
☐ No CMA paid. Closed period of offset (e.g., death cases or cases with a closed period of entitlement).

CMA Amount (12345.00 no comma)\* \$ 940.80

CMA Paid Month (mm/yyyy)\* 11/2016

### e4345 SW and Steigerwald Tracking System (STS) Interaction

The Steigerwald Tracking System (STS) and e4345 SW are integrated applications that work in tandem. The STS functions as the informational hub and launching point for all actions. The e4345 SW, which is accessed from inside the STS, will perform the normal functions of the e4345, while feeding information back to the STS where it can be viewed and tracked.





## Steigerwald Case Basics

The members of the Steigerwald class action will have certain key characteristics in common. Technicians will need to maintain an understanding and awareness of these traits as corrective action is taken for each class member.

**Windfall Offset:** All Steigerwald cases are concurrent T2/T16 cases that had a windfall offset calculation performed. During corrective action, SSA will recalculate the initial windfall offset to determine if additional benefits are due after accounting for corrected appointed representative fees.

**Retroactive Windfall Period:** The windfall period for corrective action is the windfall period that had a delayed representative fee issue and corresponding windfall offset computation. Individual cases may have subsequent or prior periods of entitlement that are not related—the entitlement periods must be reviewed to determine which is the Steigerwald period.

**Attorney/Representative Fees:** The representative fees for Steigerwald cases are situations where a final fee authorization was delayed. Many will be fee petitions, but some delayed fee agreement cases will be present. When sending the e4345 in Phase I, the BA should only include fees from the initial windfall offset period.

**WOD Data:** After the windfall offset is recalculated, some cases will result in an adjustment to the MBR WOD field that will result in an additional underpayment.

**Prior Windfall Offset Underpayment:** Any underpayment resulting solely from the recalculation of the SSI windfall offset as a result of the class action decision. For more on underpayments please see [Steigerwald Complex Details: Class Action Underpayments Defined](#) [LINK]

**Class Action Attorney Fees:** Cases that result in a prior windfall offset underpayment will have a fee paid from the prior windfall offset underpayment to the class action attorney. The attorney fee is decided by the court. This fee will be paid separately from any previously paid attorney fees, and it will be listed with its own APPREP data under a separate favorable decision. All prior windfall offset underpayments will be paid from the Title II trust fund along with class action attorney fee.

### Steigerwald Case Summary

- Concurrent T2/T16 cases with an attorney/rep involved
- SSA performed the windfall offset once
- A delayed action was taken on the attorney/rep fee
- SSA failed to recalculate the windfall offset with the new fee amount

## Steigerwald Disclosure Guide

Due to the nature of class action law suit proceedings before the federal court, there are some variations in the normal appointment process for representatives. This also means that there are some variations in SSA's normal disclosure rules due to PII.

### No 1696 Submitted

The attorneys who represent the class are appointed by the court. The attorney is not required to submit an individual SSA 1696 or similar written appointment for each member of the class.

-> -> -> Phone Contact -> -> ->		
SSA Operations -> to Class Counsel <b>Not Okay</b>	SSA Operations -> to Claimants <b>Okay</b>	Claimants -> to Class Counsel <b>Okay</b>
<p>Do <b>NOT</b> contact the class counsel attorneys directly.</p> <p>Due to PII restrictions, SSA is barred from disclosing information to the class counsel that is not directly related to the windfall offset recalculation and the attorney fees withheld from this underpayment.</p>	<p>Technicians should contact individual claimants <b>directly</b> to resolve case processing issues.</p> <p><b>Direct Contact Examples:</b></p> <ul style="list-style-type: none"> <li>➤ Address verification</li> <li>➤ Bank data verification</li> <li>➤ Benefit related development</li> </ul>	<p>Claimants may contact the class counsel directly, if they have questions that are legal in nature and not related to their SSA benefits. SSA is strictly forbidden from providing the claimant with legal advice.</p> <p>For more information on when to refer the claimant to class counsel, see EM 18044.</p>

### Notices

SSA is required to CC the class counsel only when issuing the notice of windfall offset recalculation. SSA will issue a notice to the claimant with a CC to the class counsel whether or not an underpayment is due after recalculation. SSA will issue a notice to the family of any deceased class members.

SSA will not CC the class counsel on **any** other notices to the claimant.

For more information on notices, please see [Steigerwald Complex Details: Notices](#) [link].



## Steigerwald Phase I

### Overview

A Steigerwald case entering stage one is beginning its court-ordered journey back through the windfall offset process. During Phase I the case will go through the following steps:

- 1) Record Review:** a review of the original windfall offset recalculation and any updates to the claimant's record that may affect that recalculation.
- 2) PC CS Review (If Necessary):** if necessary, a PC CS will review aspects of the record related to entitlement, workers compensation, attorney fees, etc.
- 3) Record Update (If Necessary):** an update to the record if necessary for the windfall recalculation.
- 4) e4345 Initiation:** entry of the Steigerwald case into the modified e4345 application for windfall recalculation.

## Step 1: BA Case Review

### Case Receipt

In Phase I, the Steigerwald class action cases will be tracked and assigned in Paperless using normal case assignment methods. All Steigerwald Phase I ACRs will have the following TOEL combination:

#### OFFSET STEIGR1

You should use normal case routing procedures to route your case where it needs to go based on the guidelines below. **NOTE:** Do not send the OFFSET STEIGR1 ACR to FIN FIN until the e4345 has been certified and sent.

You will also be able to pull up your case in the Steigerwald Tracking System. To access the Steigerwald Tracking System, follow this link here:

#### [Steigerwald Tracking System](#)

Once inside the Steigerwald Tracking System, you may access your case by entering the SSN into the search field in the top right of the screen. This will bring you to the case details page for your case.

The screenshot shows the Steigerwald Tracking System interface. At the top, there is a blue header with the system name and a search bar. Below the header, there are navigation tabs: Home, Document An Inquiry, CPL Summary, Region Summary, Listings, Admin, and Help. The main content area is titled 'Case Details' and shows the following information:

- Case Basics:**
  - Name: PATRICIA
  - Address: 173 ENSLEY
  - Current Status: Not Yet Started
  - Current Location: CPL - 2
  - Last Updated: 02/06/2019
- Location and History:**
  - Start Date: 01/25/2019
  - Age of Case (days): 15
  - e4345 Last Updated:
- Key Characteristics:**
  - Phase 1 Review Required In Phase 1:
    - Pre-Existing Underpayment: Amount:
    - Pre-Existing Overpayment: Amount:
  - Phase 2 Atty Fee Used in Final EComps:
    - Underpayment Due: Underpayment Amount:
    - Class Action Atty Fee Due:
  - Phase 3 Class Action Atty Fee Due:
    - Final U/P Amount Due:
    - Was The U/P Paid Now:
    - Not Paid Reason:
- Inquiries:**

At the bottom of the page, there is a footer with the following text: "For Title 16 case related problems, please post your question to the Steigerwald Title 16 SharePoint. For Title 2 case related problems, please post your question to the Steigerwald Title 2 SharePoint."



From here, you can view Case Basics, Location and History, Key Characteristics, and a history of any Inquiries.

#### Which BIC to Review

BIC	Description	Action
Primary (A, HA)	Most Steigerwald cases are primary account holder cases	The case should be screened for actions related to the primary BIC's windfall period only.
Auxiliary (C, W, etc)	Some Steigerwald cases are auxiliary cases.	The case should be screened for actions that will affect the Steigerwald BIC's windfall period. Only look for actions related to other aux BICs or the primary BIC to the extent that they will affect the Steigerwald BIC (ex: adjustments against the family max, unproven WC, etc).

**NOTE:** You can see which BIC is the Steigerwald BIC in the Steigerwald Tracking System as well as on the Paperless ACR.

#### Case Review

Review the entire Paperless record and claims folder for any pending outstanding actions.

Case Review
<i>Pending Actions</i> <ul style="list-style-type: none"> <li>➤ Pending award</li> <li>➤ Pending post-entitlement action</li> </ul>
<i>PC CS Actions</i> <ul style="list-style-type: none"> <li>➤ Questions about the initial representative fee</li> <li>➤ Unproven workers compensation/public disability benefit</li> <li>➤ Unproven WEP</li> </ul>
<i>Corrective Actions</i> <ul style="list-style-type: none"> <li>➤ MBR corrections</li> </ul>

#### Steigerwald Class Criteria

- Representative fee paid between 03/13/02 and 10/31/17
- Rep fees tied to a windfall offset period (offset period can be prior to the fee paid dates above)
- SSA did not account for all fees in the windfall computation
- Additional guidance on case identification found in [EM-18044 SEN REV 3](#)

#### Dual Entitlement Cases

The BA should remember to look for dual entitlement in every case. Dual entitlement may affect the rates in the windfall offset period. In cases involving dual entitlement, both records should be reviewed to ensure that the correct windfall offset rates are used in the e4345.

#### CS Referral Checklist

The BA should use the following checklist to determine if PC CS review is needed in Phase I.

#### CS Referral Checklist

- \_\_\_\_\_ Undecided/disapproved fee agreement or AUTHORIZED FEE field is blank
- \_\_\_\_\_ Fee agreement-amount of fee does not equal 25% of past due benefits for any bene on record
- \_\_\_\_\_ Amount of payment to Atty/Rep does not equal what is coded in ARA/ARB data
- \_\_\_\_\_ Payment to rep is approved, however it was never paid out
- \_\_\_\_\_ Payment to rep is approved, but was paid more than approved amount
- \_\_\_\_\_ Payments total over fee agreement cap when considering SSI atty fee payment
- \_\_\_\_\_ PIA's/Rates are incorrect within the windfall period
- \_\_\_\_\_ Worker's Compensation is not proven within the windfall period
- \_\_\_\_\_ Combined family max issues affecting the windfall period
- \_\_\_\_\_ Court fee cases in which the authorized fee and withheld amounts do not coincide with rates and withholding
- \_\_\_\_\_ Cases in which the auxiliary past due start and stop do not match the HA on record
- \_\_\_\_\_ Multiple Rep issues where the amounts approved via ALJ did not equal what was paid out
- \_\_\_\_\_ Cases in which the APPREP past due period is in question
- \_\_\_\_\_ Multiple ARA occurrences when auxiliaries are involved
- \_\_\_\_\_ The DOE of any claimant appears to be incorrect
- \_\_\_\_\_ Unproven WEP is present affecting the windfall period
- \_\_\_\_\_ Administrative finality determination needed



What to Correct and When		
Phase I Corrections	Phase III Corrections	Refer to Home Component
<ul style="list-style-type: none"> <li>➤ Issues that affect the windfall offset period subject to recalculation</li> <li>➤ Attorney fee issues that affect the fee related to the windfall offset recalculation period</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>• APPREP/APPFEE corrections as directed by the PC CS from <b>Step 2: CS Review</b></li> <li>• Corrections to rates where the WC was unproven, as directed by the PC CS from <b>Step 2: CS Review</b></li> <li>• Changes to aux entitlement that affect the attorney fee related to the windfall offset period (common example: the HA and aux MOEs do not match)</li> <li>• Downward recalculation as described in as described in <a href="#">GN 02610.036</a></li> </ul>	<ul style="list-style-type: none"> <li>➤ Issues that affect payment of the windfall offset recalculation underpayment</li> <li>➤ The PC CS will provide information related to the class action attorney and fee payment</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Direct deposit/address updates</li> <li>• Proper recipient in death underpayment cases</li> <li>• Other actions directly related to payment of the windfall offset recalculation underpayment</li> </ul>	<ul style="list-style-type: none"> <li>➤ Newly discovered issues that do not affect the windfall offset period subject to recalculation</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>• A rate change in the current COM is discovered (but not affecting the windfall offset period)</li> <li>• Unprocessed returned checks</li> <li>• A student data correction not affecting the windfall period</li> <li>• WC proofs in the folder we didn't process, but only affecting current period (i.e. current change pending)</li> </ul>
<p>For more information please refer to these chapters in this guide:</p> <p><b>Steigerwald Complex Details: Case Correction and Development [LINK]</b></p> <p>&amp;</p> <p><b>Steigerwald Complex Details: Whole Case Processing: PC CPL Instructions [LINK]</b></p>		

## Step 2: PC CS Review (If Necessary)

### General Notes

During Phase I of the Steigerwald class action remediation plan, PC CS involvement should be limited to items that require review or action prior to the BA transmitting the e4345.

PC CS Actions
<ul style="list-style-type: none"> <li>➤ Unproven WC/PDB in the initial windfall offset period</li> <li>➤ Unproven WEP in the initial windfall period</li> <li>➤ Attorney fee issues in the initial windfall offset period</li> </ul>

For more information, please see:

[Complex Steigerwald Details: Case Correction and Development \[LINK\]](#)

### Review of Initial Representative Fees

Occasionally, the BA may refer a case to the PC CS after spotting a representative fee issue that affects the initial windfall offset period. The PC CS should follow normal POMS procedures when evaluating representative fee situations in the past due period.

Remember, per [GN 03920.040](#) A1:

After the date SSA notifies the claimant and representative of the authorized fee amount, any increase or decrease in the amount of past-due benefits will not change:

- the past-due benefits withholding amount; or
- the authorized fee, unless the following exception, and/or one of the situations in GN 03920.040B. applies.

For more information about Steigerwald cases and representative fees, please see:

[Complex Steigerwald Details: Steigerwald and Attorney Fees \[LINK\]](#)



**SPECIAL INSTRUCTIONS: Representative Fee Excess Payments**

Operations has been advised by Policy that special Central Office review is required in all cases where a representative excess payment is involved with the representative fee that is related to windfall offset recalculation period.

**NOTE:** Do not take corrective action on representative fee excess payments not related to the windfall offset recalculation period. Refer representative fee issues related to other entitlement periods to the office of jurisdiction via MDW.

**Representative Fee Excess Payments**

An excess payment is any fee paid to the representative above the correct authorized fee amount.

**Example:** SSA authorized a fee from HA's benefits of \$5,000.00 under the fee agreement process. When the three auxiliaries were processed, fees of \$400.00 each were withheld and paid from their benefits, totaling \$1,200.00. The full authorized fee under the fee agreement process is \$6,000.00 due to the cap. The representative was paid \$6,200.00. The excess payment is \$200.00.

**Excess Representative Fees Guidelines**

- For Steigerwald case processing the emphasis is on identifying errors made by SSA in authorizing and paying representative fees related to the windfall offset recalculation period, as specified by the class action suit.
- The rules in [GN 03920.051](#) still apply on when SSA will or won't pursue recovery. For situations that meet the criteria in section B "*When we will not pursue recovery for an excess fee payment*" please document the case and advise the BA of your determination.
- Under guidance provided by the Office of Disability Programs and the Office of General Counsel, Operations will take a two-step approach to these cases.
  1. SSA will issue refunds to claimants where SSA finds them due. If the agency issued excess funds from a claimant's past due benefits to a representative, SSA must refund the excess due to the claimant once it is identified.
  2. SSA will hold off on pursuing recovery of excess fees for these specific cases, pending ODP and OGC's determination regarding statute of limitations. These cases should be referred to OPSOS for tracking and final determination.

### Corrective Action: Representative Fee Excess Payments

Take the following corrective action in all representative fee excess payment situations.

1. Determine the correct authorized fee amount and representative fee excess payment amount that resulted from SSA's incorrect action or lack of action.
2. Provide corrective APPREP and APPFEE data to the BA that shows the correct authorized fees that SHOULD HAVE BEEN PAID (i.e., if it was done correctly). This is necessary, as if the wrong authorized fees show on the MBR, the case may be returned erroneously in Phase II.
3. Determine if a refund to the claimant is due per [GN 03920.051 D3](#). Note that a refund may not be due the claimant in all cases.
4. Instruct the BA to refund to the beneficiary the excess withheld amount. The refund should be paid to the BIC or BICs whose benefits the excess fees were paid from.
5. If a refund is due a claimant who is not in pay, advise the BA to post the amount to the SPA field for that BIC.
6. The BA should issue the refund with an EA special entry per [SM 00848.330](#).
7. Advise the BA to issue a standard underpayment notice for any underpayment issued at this time. Do not CC any representative on the notice (prior rep, Steigerwald or otherwise).
8. Do NOT take any action to post representative fee excess payment or pursue collection at this time. Do not update DMS remarks or send any collection notice.
9. Report the case to your local OSB Steigerwald Person of Contact with the following info. Document this info to the ACR with a Generic as well. You do not need to get the case back from the BA—they can FIN their ACR when finished.

#### Attorney Fee Excess Payment Case

Claim SSN:  
Client PIC:  
Correct Authorized Fee Amt:  
Excess Payment Amt Total:  
Excess Payment Amt Breakdown by BIC:  
Refunds Issued: Y/N



**SPECIAL INSTRUCTIONS: Representative Fee Underpayments**

In the course of processing Steigerwald cases, technicians may encounter cases where the unpaid representative fees are discovered. SSA will take action to correct these cases within certain parameters.

**NOTE:** Do not take corrective action on representative fee underpayments not related to the windfall offset recalculation period. Refer representative fee issues related to other entitlement periods to the office of jurisdiction via MDW.

**Representative Fee Underpayments**

An underpayment for purposes of Steigerwald case processing is any authorized fee that SSA has not yet paid to a representative due to a mistake caused by SSA and related to the windfall offset recalculation period.

**Example 1:** SSA authorized a fee of \$4,250.00 to a correctly appointed and linked representative but paid \$0.00. The error has not yet been identified. The representative has an underpayment of \$4,250.00. SSA did not release the fee or pay it back to the claimant. There is a letter in the file from the attorney indicating that they have not received payment.

**What NOT to Correct**

- Fee situations from other entitlement periods not related to the windfall offset recalculation—send those to the home component via MDW.
- Failure to correctly split fees among multiple representatives (as long as the correct total amount was issued). Follow the guidelines in [GN 03920.051](#).
- Post-Entitlement changes (ex: AERO increases) that changed the rates in the past due period—these are protected by [GN 03920.040](#).

### Representative Fee Underpayment Guidelines

- The agency's key goal in making these corrections is to ensure that the correct authorized fee amounts are used in the windfall offset recalculations.
- The agency must issue additional benefits due to the claimants where we identify them. When newly identified benefits are found, additional attorney fees may be payable from them. SSA must correctly account for these fees in order to ensure an accurate windfall offset recalculation.
- Due to PII concerns, SSA must follow a three-tiered process when locating a representative for receipt of a notice and payment. For many of these cases, the appointment will no longer be valid. Therefore SSA must exercise special care to prevent the release of PII that is not related to correcting a representative fee payment.
- If SSA is making a corrective payment to a representative, this should not be considered a new appointment of this representative. SSA's corrective actions are simply to re-link the case into our system for purpose of correcting the payment. The representative should only be CC'd on the notice directly related to the attorney fee correction. Do not CC the representative on any other notices. The agency should not let a RASR link linger. We are only re-linking a representative in RASR to correct the payment, and we must re-terminate them to prevent PII loss.
- Representatives ineligible for direct payment must still be contacted to determine a valid address if a notice is due.
- In cases where a representative fee underpayment is pre-existing, SSA will assume that the representative and the claimant worked out any lingering payment issue amongst each other, unless there is evidence in the file to the contrary. Please see the updated scenarios in **Representative Fee Issues and Instructions** for examples.
- The same will go for a pre-existing failure to withhold that is already on the record. If a failure to withhold is newly discovered, the CPL will issue the failure to withhold notice but will not take any further action. Please see the updated scenarios in **Representative Fee Issues and Instructions** for examples.
- For cases where new past benefits are found for the beneficiaries and the representative fees increase due to the newly discovered past due benefits, the CPL technicians must follow the steps below.
- Please report cases where a former representative cannot be located to OPSOS pending a determination on necessary action.



### **Corrective Action: Representative Fee Underpayments**

Take the following corrective action in all representative fee underpayment situations.

#### **Current Valid Appointment Present**

1. Determine the correct authorized fee amount and representative fee underpayment amount that resulted from SSA's action or lack of action.
2. Provide corrective APPREP and APPFEE data to the BA that shows the correct authorized fees that **SHOULD HAVE BEEN PAID** (i.e., if it was done correctly). This is necessary, as if the wrong authorized fees show on the MBR, the case may be returned erroneously in Phase II.
3. Consult SSA systems and records to determine if a valid appointment for this specific representative still exists—generally, an appointment is valid within 60 days of the benefit determination. See [GN 03910.060](#).
4. If a current, valid appointment is present, then process the correction, release all underpayments, and release all notices as normal. Do not CC the Steigerwald attorney.

#### **Current Valid Appointment Not Present – Representative Located**

1. If a current, valid appointment is not present, follow steps 1 and 2 as above.
2. Contact the representative to determine if the payment and address information still in SSA's system is valid. Obtain updated payment information as necessary (note: the representative may need to update their payment info in their profile via SSA-1699). Representatives ineligible for direct payment need only provide a current address.
3. Advise the BA to update the APPREP, APPFEE, and any benefit adjustment to the record as necessary and release underpayments to claimants and the representative.
4. Provide corrected attorney fee paragraphs to be included in the notice. CC the representative only on the attorney fee paragraphs. Do not CC the representative on any other corrective action—send multiple notices if necessary. Do not CC the Steigerwald representative.
5. If the representative is ineligible for direct payment, skip steps 6 through 8 and move to step 9. If the representative is eligible for direct payment, proceed to step 6.
6. Re-link the representative in RASR and suppress the RASR automated notice by requesting that the notice print locally. Discard the notice.
7. Send the case to the BA, and instruct the BA to return the case to you after the record has been updated.
8. Terminate the representative's relationship in RASR.
9. Return the case to the BA to finish Steigerwald Phase I processing

**NOTE:** Do not let the representative's RASR link linger, so as to prevent the erroneous release of notices to the representative. It is imperative that the representative be terminated as soon as the corrective payment is issued.

**Current Valid Appointment Not Present – Representative Cannot Be Located**

1. If a current, valid appointment is not present and the representative cannot be located, follow steps above to this point. Make no updates to RASR if the representative cannot be found.
2. Send the case to the BA to correct the beneficiaries' record and to correct the APPREP and APPFEE data. The APPREP and APPFEE must show the correct fee amounts that *should have been paid*.
3. Do not CC any representative on any notice released.
4. Do not instruct the BA to post the representative payment to SPS.
5. **WORKAROUND:** in order to propagate the info in Step 2 to the MBR, the technician may need to code the FEE TYPE as UNDECIDED. This is due to validation of the dollar amounts when it shows fee agreement. The workaround will resolve the 467 exception that generates. If the workaround is used, also code a SP MSG to the MBR that reads: "APPREP data, FAV DEC XX/XX/XXX, correct FEE TYPE is fee agreement, UNDECIDED used as system workaround".
6. Report the case to your local OSB Steigerwald Person of Contact with the following info. Document this info to the ACR with a Generic as well. You do not need to get the case back from the BA—they can FIN their ACR when finished.

**Attorney Fee Underpayment Case – Cannot Locate Rep**

Claim SSN:  
Client PIC:  
Correct Authorized Fee Amt:  
Underpayment Amt Total:  
Underpayment Amt Breakdown by BIC:



### **SPECIAL INSTRUCTIONS: Notices and Notice Corrections**

Please follow these guidelines and instructions when determining when and how to release a notice to (or CC a notice to) a representative related to the prior windfall offset computation.

#### **Notice and Notice Corrections Guidelines**

- When processing corrective actions in Phase I, technicians may encounter a situation where a corrective notice must be sent or a notice must be re-issued. Technicians may release notices as needed, following these guidelines.
- Do not ever CC the Steigerwald attorney on a corrective action or a notice re-issue in Phase I.
- The technician may CC a representative from the prior windfall offset period only in matters related to the representative fee itself, unless the representative happens to be a current valid representative.
- Do not ever send benefit information or PII to a representative who is not a current valid representative. If necessary, send two notices: one containing benefit information just to the claimant, and a separate one containing representative information with a CC to the representative.
- If a representative is not a current valid representative, the CS should attempt to obtain current mailing information for the representative. If the representative cannot be found, do not send (or CC) a notice to the representative's last known address.
- If a technician discovers that SSA did not correctly issue representative fee paragraphs in a prior determination related to the windfall offset period, SSA may issue the notice following these guidelines.

## Representative Fee Issues and Instructions

The following scenarios are among the more common issues discovered during Steigerwald case processing. These are all issues that affect the representative fee that is related to the windfall offset recalculation period. These instructions will provide guidance for representative fee corrective actions to be taken in Phase I.

### General Instructions and Reminders

- Representative fee corrections are returned to the BA for action in Phase I.
- If an update to the MBR is required, the BA should make the correction prior to transmitting the e4345 SW.
- Do NOT cc the Steigerwald class action attorney on any notices that are released in this step.
- Do NOT over-write or change CONVERTED dates in the APPREP or APPFEE data. You may make other corrections as necessary—the CONVERTED dates are established by Systems and used for Systems purposes.
- You may use the “559 Template- Phase I Rep Data” (below) to transmit your information to the BA.
- If an underpayment is released to the Steigerwald BIC in this corrective stage, prior to taking any action in the e4345 SW, do not include the underpayment released as a pre-existing underpayment. It has already been paid, and we don’t need to track it any further.
- If an underpayment is due to a Steigerwald BIC but is posted to the SPA because it cannot be immediately paid, then please do include this underpayment as a pre-existing underpayment in the e4345 SW, along with any other pre-existing underpayment that was already there.
- If an underpayment is due to a non-Steigerwald BIC, do not include it in the e4345 SW. Only pre-existing underpayments due the Steigerwald BIC should be tracked.



**Scenario 1: SSA failed to release all of the authorized fees Example 1****Description:**

After review of the electronic folder, Paperless, and other resources, the CS determines that SSA authorized representative fees of \$4,500.00. However, the fees were unpaid and \$4,500.00 remains withheld in our systems. The CS reviews the folder and finds a letter from the representative requesting payment of the withheld fees.

**Action:**

1. Document your action and provide the BA with the correct authorized fee amounts in the APPREP and APPFEE data.
2. Update the representative's payment information per **Corrective Action: Representative Fee Underpayments**.
3. Provide the BA with the correct authorized fee data and ask the BA to release the \$4,500.00 to the representative. There is no need to re-issue any notices if the notices were issued correctly before. The BA should use the current user fee cap.
4. If the representative is not a current valid rep, terminate the representative's appointment in RASR when the BA returns the case after paying the fees, and then return it to the BA to complete the e4345 SW.

**Scenario 2: SSA failed to release all of the authorized fees Example 2****Description:**

While reviewing a Steigerwald case prior to processing, the BA notices that SSA is withholding unpaid representative fees. HA's fees were paid correctly under the fee agreement process in the amount of \$3,500.00. However, the auxiliary fees were never released. Fees of \$200.00 are withheld for both C1 and C2. The case is sent to the CS for review. The CS sees that this was a normal fee agreement case (no disapproved fee, no protest, etc). The correct fee authorization language was issued for all beneficiaries. There is no letter or RPOC from the representative in either the folder, Paperless, or elsewhere from the representative indicating that the \$400.00 was not paid. Because the case is several years old, the representative is not a current valid representative.

**Action:**

1. Because there is no evidence to the contrary, the CS should assume that the claimant and the representative settled the remaining fees amongst themselves, and the representative was already paid the \$400.00 owed. The CS does not need to contact the claimant or representative.
2. The CS should review the APPREP and APPFEE data to ensure that the correct fee information is present. The BA will use the full AUTHORIZED fee amount for the whole family in the e4345 SW, regardless of what was paid directly.
3. The CS should return the case to the BA to issue each \$200.00 to the each respective auxiliary beneficiary. If either of the aux's are not in current pay, post the underpayment to their SPA. Because HA is the Steigerwald BIC, do NOT include any amount posted to the SPA as a pre-existing underpayment in the e4345 SW.
4. Do not CC any representative on any notice released.

**Scenario 3: The primary BIC's fee was processed correctly, but the auxiliary fees were not**

**Description:**

During case review, the BA notices that HA has a different month of entitlement (MOE) than C1 and C2. It doesn't seem right, so the BA refers it to the CS. The CS reviews the case and determines that C1 and C2 were protected under HA's filing, and all benes should have the same MOE. There will be additional benefits due C1 and C2 and additional fees payable from those benefits.

**Action:**

1. Document your action and provide the BA with an EF101 to correct the benefits for C1 and C2.
2. Provide the BA with the correct authorized fee amounts in the APPREP and APPFEE data. The record should show *what should have been paid* if we had done it correctly.
3. Advise the BA to release the additional benefits due to C1 and C2 if they are in current pay. If they are not in current pay, post the u/p to the SPA. Reduce against any o/p as normal.
4. If the representative is not a current, valid representative, then two notices should be issued. One notice will just have representative fee paragraphs, and the representative should be CC'd on that notice. A separate notice should be issued to the claimants regarding their benefit adjustment. Do not CC the representative on that notice.
5. Follow the additional instructions above in **Corrective Action: Representative Fee Underpayments** to obtain updated fee information from the representative.
6. The BA must remember to return the case to the CS to terminate the representative in RASR if direct payment was issued, to prevent the erroneous release of PII.
7. After all of the corrective actions have been taken, proceed with processing the e4345 SW.

**Scenario 4: SSA paid the authorized fees, but did not release the excess withheld to the claimant**

**Description:**

After review of the electronic folder, Paperless, and other resources, the CS determines that SSA authorized the correct representative fees to the prior representative. However, when SSA released the final authorized fee to the representative, SSA did not release the excess withheld due to the claimant.

**Action:**

1. Document your action and provide the BA with the correct APPREP and APPFEE data.
2. If the claimant is in current pay, release the excess withheld to the claimant. Adjust against any overpayment as normal, if one is present.
3. If the claimant is not in current pay, advise the BA to post the underpayment to the SPA. Adjust against any overpayment as normal. If the BIC with the underpayment is the Steigerwald BIC, then include this as a pre-existing underpayment in the e4345 SW. If it was not for the Steigerwald BIC, then do not include it.
4. Do not CC any representative on any notice that might be released.



**Scenario 5: SSA paid the representative excess fees****Description:**

While reviewing a case, the BA notices that the amount paid to the representative exceeds the amount of authorized fees. The authorized fees, after a fee petition approval were \$8,000.00. SSA had withheld 25%, which was \$10,000.00. Instead of paying \$8,000.00, SSA paid the full \$10,000.00 to the representative. The case is sent to the CS for review. The CS determines that the representative was paid \$2,000.00 in excess fees, and the claimant is owed a refund of \$2,000.00.

**Action:**

1. The CS will document the determination and then follow the steps above in **Corrective Action: Representative Fee Excess payments**.
2. The CS must provide the BA with the correct APPREP and APPFEE data to show the correct authorized fee amount.
3. The BA will refund the \$2,000.00 to the claimant. Do not cc the representative on any notice released.
4. The CS will refer the case to the Steigerwald OSB contact for tracking by the Central Office, pending a determination on excess fees actions for Steigerwald.
5. Do not take any recovery action regarding the excess payment at this time.
6. Complete processing of the Steigerwald case as normal. Do not hold the case.

**Scenario 6: EXCESS PAID overpayment is discovered—Admin Fin involved!****Description:**

While reviewing a case with questionable representative data, a CS sees that SSA refunded too much excess withheld to the primary beneficiary. The representative fee was authorized and paid correctly, but the claimant got too much money back when the excess withheld was released. The initial determination of the excess withheld underpayment amount is over four years ago.

**Action:**

1. The erroneous underpayment is protected by administrative finality. SSA cannot charge the claimant with an overpayment and pursue recovery.
2. Document the administrative finality determination to the record and fill out an SSA 553 to document the determination.
3. Ensure that the APPREP and APPFEE data show the fee amount that was authorized and paid. Also, ensure that the APPREP and APPFEE show the actual EXCESS PAID to the claimant. Please document the SP MSG to account for the discretion.
4. **WORKAROUND:** in order to propagate the info in Step 3 to the MBR, the technician may need to code the FEE TYPE as UNDECIDED. This is due to validation of the dollar amounts when it shows fee agreement, and will bypass the 467 exception that generates. If the workaround is used, also code a SP MSG to the MBR that reads: "APPREP data, FAV DEC XX/XX/XXX, correct FEE TYPE is fee agreement, UNDECIDED used as system workaround".
5. Return the case to the BA, with the correct information in step 3.

**Scenario 7: Downward recalculation involved****Description:**

During initial case review, the BA noticed an AERO pending in Paperless. Normally the CPL can ignore an AERO pending in another PC, but the BA thought it might affect the prior windfall offset period and asked the CS to take a look. The CS reviewed the AERO and determined that a downward recalculation is due. Administrative finality does not protect the rates because they are recent. No appeals are pending on the benefit award and the representative's representation has expired. The change in rates is due to a change in the earnings.

**Action:**

1. Per [GN 02610.036](#), the downward recalculation rates must be used in the e4345 recalculation. However, per [GN 03920.040](#), the past due benefits for purposes of the representative fee and the fee amount will not be changed. SSA will update the new, lower rates to the MBR, but will not alter the representative fee that was originally decided.
2. Provide lower rates to the BA for correction of the MBR and provide paragraphs to explain the downward recalculation. If necessary, advise the BA to issue an overpayment notice under normal rules. Revised representative fee paragraphs are not needed.
3. Ensure that the APPREP and APPFEE data on the MBR use the prior past due benefit amounts and fee that was authorized and paid at that time. Advise the BA NOT to change this data and to use it in the windfall offset computation.
4. Add a SP MSG to the MBR that reads, "Downward benefit recalculation, rep fee determination/data protected from change per GN 03920.040. Do not change."
5. Advise the BA not to CC any representative on the notice.
6. Return the case to the BA for correction.

**Scenario 8: Fee petition case, full representative fee not paid****Description:**

A BA notices some discrepancies involving a fee petition. The fee petition was awarded for \$7,000.00. SSA had withheld \$12,000.00 (which was 25% of the past due benefits). When SSA processed the fees, however, they only paid the representative \$6,000.00. The rest of the fees were released back to the claimant.

**Action:**

1. The CS should review the claims file for any notice from the representative that indicates that they were unable to collect the \$1,000.00 difference from the claimant.
2. If no such indication exists, then SSA will assume that the claimant and the representative worked out the difference on their own. Do not call the representative or claimant to confirm.
3. Ensure that the APPREP and APPFEE data show the authorized fee as \$7,000.00. However, show the actual amount paid as \$6,000.00.
4. Advise the BA to use \$7,000.00 in the windfall offset calculation. For SSI purposes, we must use the full fee petition amount authorized. What was paid or how it was paid is not material for SSI purposes.
5. Return the case to the BA for processing.



**Scenario 9: Auxiliary failure to withhold****Description:**

During case review, the BA notices that representative fees were paid from HA and C1's benefits, but not B2's. All benefits stem from and are protected under the same filing and decision. The fee cap has not been reached. The BA forwards the case to the PC CS to review. It is determined that the agency failed to withhold for a representative fee from B2's benefits.

**Action:**

1. The CS should provide the correct APPREP and APPFEE data for all beneficiaries. The fees should reflect the full amount that *should have been* authorized (if we had done it correctly). In this case, this means providing the authorized fee amounts for B2's APPFEE and updating the APPREP to reflect the full family fees.
2. Issue representative fee paragraphs to the BA for B2. Include the "failure to withhold" language in the notice per [GN 03920.055](#). Follow the guidelines in **SPECIAL INSTRUCTIONS: Notices and Notice Corrections** to determine if the rep can be located to be CC'd on the notice. If the representative cannot be located, do not CC the rep—only send notice to the claimant. Do not address any benefit issues other than representative fees in the notice.
3. Return the case to the BA to update the APPREP and APPFEE data. The BA will use the full authorized fee amount including B2's representative fee in the e4345 SW for the recomputation. (Remember, for SSI purposes, the full authorized fee amount is what is considered—any portion of the fees paid by or assumed to be paid by the claimant are immaterial.)
4. **WORKAROUND:** in order to propagate the APPREP/APPFEE data to the MBR, the technician will need to code the FEE TYPE as UNDECIDED. This is due to validation of the dollar amounts when it shows fee agreement, and will bypass the 467 exception that generates.. When the workaround is used, also code a SP MSG to the MBR that reads: "APPREP data, FAV DEC XX/XX/XXX, correct FEE TYPE is fee agreement, UNDECIDED used as system workaround".

Attached here is a template that can be used for corrections to the representative APPREP and APPFEE data. This can be used when referring cases back to the BA.



When requesting documents from the paper folder, remember to use the IRG request system wherever possible per [GN 01070.600](#) *Retrieving Information and Documents from Stored Folders*.

### Administrative Finality Reminder

- Whether the action taken was or was not an initial determination.
- The date of the notice of initial determination.

For additional guidance on what to correct versus what to refer to the home component, please see [Steigerwald Complex Details: Case Correction and Development \[LINK\]](#).



### Step 3: Record Update (If Necessary)

#### Record Corrections and Development

Some cases will require case corrections beyond just the Steigerwald windfall offset calculation and class action underpayment release. The Steigerwald remediation plan is intended to be a streamlined process. For more information, please see the link to the following chapter:

[Complex Steigerwald Details: Case Correction and Development \[LINK\]](#)

#### Rate Changes in the Original Windfall Period?

Per the Steigerwald class action decision, SSA has agreed to re-assess the windfall offset calculation for class members. This is not a full re-opening. If a technician sees a necessary change to the rates for the original windfall offset period, technicians should follow the standard procedures as described in [GN 02610.036](#). As this POMS instructs, SSA will not adjust the rates used in the original windfall offset computation unless:

- The month of entitlement to title II benefits changes to an earlier month, which changes the beginning date of the offset period; or,
- We lower the title II benefit used in a prior offset computation, which results in a title II overpayment.

**NOTE:** Standard administrative finality rules apply, so technicians should consult [GN 04001.00](#) for further instructions. Generally speaking, adverse adjustments (ie reduced benefits) outside of the four year rule will be protected by administrative finality and would NOT be adjusted.

### Record Corrections prior to Windfall Offset Recalculation

Per the instructions in **Complex Steigerwald Details: Case Correction and Development** [LINK], first determine if any record updates you've identified must be made to the record prior to transmittal of the e4345 in Phase I. If you have identified an update that must occur, then please take necessary action, with the following special instructions:

- Treat any action as an update unrelated to the Steigerwald class action. Standard policies apply to changes made to any retroactive past due period.
- For your notice, abide by the following:
  - Do not include Steigerwald language in the notice
  - Do not CC the Steigerwald attorney
  - Do not CC any prior representative from the original windfall offset period
  - Use standard appeals language
  - For more details please review **Complex Steigerwald Details: Notices** [LINK]
- If you must place your ACR into a hold location following the update, do so using normal procedures.
- **Do not send your ACR to FIN!** The Steigerwald OFFSET STEIGR1 ACR should not go to FIN until the e4345 has been certified and transmitted.



## Step 4: e4345 Initiation

### The Custom e4345 Steigerwald Edition

Due to the high volume and critical nature of the Steigerwald class-action universe, a custom e4345 tool was built especially for working the Steigerwald cases. The new e4345 is based on the old e4345 and uses similar underlying functionality with a modernized user interface.

#### Custom e4345 Steigerwald Edition

- Same case processing rules apply as prior e4345
- Updated interface and navigation
- Custom user inputs for Steigerwald specific information

The basic case processing instructions described in the [e4345 User Guide](#) still apply. What follows here are instructions for the updated and custom Steigerwald screens.

### Initiating the e4345

When ready to initiate the e4345, click on the Create e4345 button from the *Case Details* page.

**Steigerwald Tracking System** - Welcome PHILIP BECK (ROLE: 3 - PSC Management)

Home | Document An Inquiry | **CPL Summary** | Register Summary | Filings | Admin | Help

New Inquiry | Create e4345

**Case Details** SSN: 415- BIC: A

**Case Basics** Expand / Collapse

<b>Name:</b> PATRICIA	<b>Current Status:</b> Not Yet Started	<b>Last Updated:</b> 02/06/2019
<b>Address:</b> 173 ENSLEY	<b>Current Location:</b> CPL - 3	

**Location and History** Expand / Collapse

<b>Start Date:</b> 01/25/2019	<b>Age of Case (days):</b> 15	<b>e4345 Last Updated:</b>
-------------------------------	-------------------------------	----------------------------

**Key Characteristics** Expand / Collapse

<b>Phase 1</b>	
Review Required In Phase 1:	
Pre-Existing Underpayment:	Amount:
Pre-Existing Overpayment:	Amount:
<b>Phase 2</b>	
Atty Fee Used in Final EComps:	
Underpayment Due:	Underpayment Amount:
Class Action Atty Fee Due:	
<b>Phase 3</b>	
Class Action Atty Fee Due:	
Final U/P Amount Due:	
Was The U/P Paid Now:	
Not Paid Reason:	

**Inquiries** Expand / Collapse

For Title 16 case related problems, please post your question to the Steigerwald Title 16 SharePoint.  
For Title 2 case related problems, please post your question to the Steigerwald Title 2 SharePoint.

## Claim Info

The inputs for the Claim Info field are based on the inputs from the prior e4345 and should be familiar.

- Claim number, BIC, BOAN, and name will all appear pre-propagated from the Steigerwald Tracking System.
- Route To and Reply To will also come pre-propagated based on the CPL.
- Dual Entitlement, Recomputation Involved, and the CMA data should all be filled out as normal.
- The CMA for Steigerwald purposes is the MBC the month after the original offset period and the CMA paid month would be the 2nd month after the last S9 month of the original offset period.
- When entering the CMA, be sure to enter the gross amount, which is equal to the MBC.

**e4345** Welcome, PHILIP DECK

New e4345 Entry - Phase 1

Claim Info | Paid vs. Payable | Fees & Remarks | Steigerwald Info | Summary/Certification

\* Required Field

Claim Number: 415- BIC: A BOAN: 415-

Number Holder's Name: PATRICIA

Beneficiary's Name: PATRICIA

Route To: CPL 3 - FO Reply To: CPL 3 - PSC

Dual Entitlement Case: ☐ Yes ☒ No

Recomputation Involved: ☐ Yes ☒ No

☐ No CMA paid. Closed period of offset (e.g., death cases or cases with a closed period of entitlement).

CMA Amount (12345.00 no comma)\* \$ 940.80

CMA Paid Month (mm/yyyy)\* 11/2016

Back to STS Save



## Paid vs Payable

e4345 Welcome, PHILLIP DECK

## New e4345 Entry - Phase 1

Claim Info **Paid vs. Payable** Fees & Remarks Steigerwald Info Summary/Certification

\* Required Field Back to STS Save

Monthly Retro RSDI Withheld For

**Number Holder:** PATRICIA **CMA:** \$940.80

**Claim Number:** 415- A **CMA Paid:** 11/2016

New Entry 


To begin filling out the Paid vs Payable tab, click on New Entry. You will begin filling in your paid vs payable as normal. After you have filled in your Paid Amounts, MBR Begin Months, MBR End Months, and Due Amount, click the Add button to add the data to the table.

**NOTE:** if you need to leave your paid vs payable, remember to click the **Save** button so you do not lose your data.

e4345 Welcome, PHILLIP DECK

## New e4345 Entry - Phase 1


Claim Info **Paid vs. Payable** Fees & Remarks Steigerwald Info Summary/Certification


\* Required Field Back to STS Save 

Monthly Retro RSDI Withheld For

**Number Holder:** PATRICIA **CMA:** \$940.80

**Claim Number:** 415- A **CMA Paid:** 11/2016

New Entry 

Paid Amounts	MBR Begin Month	MBR End Month	Due Amount	
\$ 0.00	07/2016	09/2016	\$ 940.80 	<span>Add</span> <span>Cancel</span>

Paid Amounts	MBR Begin Month	MBR End Month	Due Amount	
\$0.00	08/2014	11/2014	\$926.00	<span>Edit</span> <span>Delete</span>
\$0.00	12/2014	06/2016	\$941.00	<span>Edit</span> <span>Delete</span>

### Rates to Use on the e4345

The BA should use the following steps to determine the rates to be entered on the e4345. For most cases, the rates to be used will be the same as the rates that were certified in the original windfall offset calculation.

Step	Action to Determine Rates
1	Using the Online Retrieval System (ORS), locate the saved MBR from the months relevant to the windfall offset computation.
2	Review the historic MBR(s) to determine the rates that were used in the final certified e4345. <b>NOTE:</b> If necessary, also review the folder for a scanned-in copy of the original e4345 if it exists.
3	Review Paperless and the electronic folder to determine if either of the following benefit adjustments are currently pending an update to the record: <ul style="list-style-type: none"> <li>• The month of entitlement is changed</li> <li>• A downward recalculation of rates in the windfall offset period</li> </ul>
4	If neither of these actions are pending, then use the rates from the windfall offset certification in your recomputation.
5	If either of these adjustments are pending, then take your action to process the adjustment prior to taking your windfall offset recalculation action. (See <b>Step 3: Record Update [LINK]</b> for additional instructions). Use these rates after the adjustment to process your windfall offset recomputation.

#### Question 1: What About Rate Increases?

If there are rate increases that have occurred due to post-entitlement actions since the original windfall offset period, then do NOT include them in your e4345 rates. Current policy does not dictate that these increases are to be incorporated into a recalculation.

#### Question 2: What About HI/SMI Premiums?

Use the rates from the original windfall offset certification, showing what was originally shown for HI/SMI. Per [SI 00830.210](#), the amount that SSI considers is the gross amount, so the SSI technician is already looking for the gross amount including windfall. [SM 03045.910](#) provides guidance for the SSI technician on the \$1.00 tolerance due to rounding.

## Fees and Remarks

Once on the Fees and Remarks tab, you will again notice several fields are propagated for you. On the Fees Tab you will be responsible for entering the following information from the original offset period: T2 Representative Fee Type: (Petition, Agreement or No Fee) and then the T2 Representative Fee Petition-Authorized Fee Amount. You will also see a PSC remarks field on the Fee and Remarks tab, this area will be used to provide any relevant information that the field office might need that is not already represented on the e4345.

**e4345** Welcome, PHILLIP DECK

New e4345 Entry - Phase 1

Claim Info **Fees & Remarks** Steigerwald Info Summary/Certification

Required Field

Claim Number: 415- BIC: A BOAN: 415-  
 Number Holder's Name: PATRICIA  
 Beneficiary's Name: PATRICIA

T2 Representative Fee Type:  
☒ Petition ☐ Agreement ☐ No Fee

T2 Representative Fee Petition-Authorized Fee Amount: \$ 6000.00

PSC Contact Name: PHILLIP DECK PSC Contact Phone: (416) 496-1111

PSC Remarks  
 \*\*Use this field to include any relevant remarks about the case you feel the FO CPL should be aware.\*\*  
 102/1000 characters.

Back to STS Save

## Where to Find the Representative Fee Data

The representative fee data entered on this tab should be the fee that corresponds with the windfall period being entered into the e4345. Consult the following for your fee data.

- The current MBR APPREP data
- Historic MBR APPREP data from ORS
- SPS
- The PHUS record
- The claims folder

**NOTE:** The fee amount to be entered on this screen is the total fee due to the family from the same decision. Thus if additional auxiliary beneficiaries became entitled under the same decision and paid attorney fees from their past due benefits, include these. This should match the APPREP data.



**Steigerwald Info**

The Steigerwald Info tab is where SSA will collect data specific to the Steigerwald class action itself.

**Was PC CS (CA) review required?**

Enter yes if the Phase 1 OFFSET STEIGR1 case was referred to the CA for any matter. If you are not sure, check ACR history in Paperless.

**Pre-existing U/P?**

Enter yes if there was a pre-existing underpayment on the claim, and then enter the amount.

A pre-existing underpayment is any underpayment that was already posted to the SPA field of the MBR before we worked the case. If you performed a record update prior to sending the e4345 that resulted in an underpayment that was posted to the SPA, then that counts as well. Do NOT count the Phase II Steigerwald underpayment.

**Pre-existing O/P?**

Enter yes if there was a pre-existing overpayment on the claim, and then enter the amount.

The screenshot shows the e4345 system interface. At the top, a blue header bar contains the e4345 logo, the text "Welcome, PHILLIP DECK", and a US Department of Justice seal. Below the header, the page title is "New e4345 Entry - Phase 1". A navigation bar includes tabs for "Claim Info", "Paid vs. Payable", "Fees & Remarks", "Steigerwald Info" (which is active), and "Summary/Certification". On the right side of the navigation bar are two buttons: "Back to STS" and "Save". Below the navigation bar, the "Steigerwald Info" section is displayed. It includes a "\* Required Field" label. The section contains three questions, each with "Yes" and "No" radio button options:

- Was CA Review Required in Phase 1? (Yes ☐, No ☒)
- Pre-existing U/P? (Yes ☐, No ☒)
- Pre-existing O/P? (Yes ☐, No ☒)

**e4345 Certification**

After entering all the information in the first 4 tabs, click on the Summary/Certification tab, which shows a summary of everything input. Scroll through and verify that all the information that was input was correct. After verification, click the Green Submit and Complete the e4345 certification button. At this point, the case has now been transferred to the FO CPL for windfall offset calculation, and your Phase 1 steps are complete!

You can now send your Phase 1 OFFSET STEIGR1 ACR to FIN.

e4345
Welcome, PHILLIP DECK

New e4345 Entry - Phase 1

Claim Info
Paid vs. Payable
Fees & Remarks
Steigerwald Info
Summary/Certification

Back to STS

\* Required Field

Review all information below before certifying. If any information needs to be corrected, please use the navigation buttons above to go back to the appropriate screen to make edits.

**Claim Info**

<b>Claim Number &amp; BIC:</b>	415- [REDACTED] A	<b>BOAN:</b>	415- [REDACTED]
<b>Number Holder's Name:</b>	[REDACTED]		
<b>Beneficiary's Name:</b>	[REDACTED]		
<b>Route To:</b>	CPL 3 - FO	<b>Reply To:</b>	CPL 3 - PSC
<b>Dual Entitlement (D/E) Case:</b>	No	<b>DE Claim Number &amp; BIC:</b>	
<b>Recomputation Involved:</b>	No	<b>CMA Paid Month:</b>	11/2016
<b>CMA Amount:</b>	\$940.80		

**Paid vs. Payable - Monthly breakdown of retroactive RSDI Withheld** Total Retro RSDI Withheld: \$24,405.40

Paid Amounts	MBR Month Due	Due Amount	Net Due	Subtotal	SSI Month Received
	08/2014 thru 11/2014	\$926.00	\$926.00	\$3,704.00	09/2014 thru 12/2014
	12/2014 thru 06/2016	\$941.00	\$941.00	\$17,879.00	01/2015 thru 07/2016
	07/2016 thru 09/2016	\$940.80	\$940.80	\$2,822.40	08/2016 thru 10/2016

## Fee &amp; Remarks

**Fee Type:** Petition**T2 Rep Fee Petition-Authorized Amount:** \$5,000.00**PSC Contact Name:** PHILLIP DECK**PSC Contact Phone:** (202) 455-4000**PSC Remarks:** \*\*Use this field to include any relevant remarks about the case you feel the FO CPL should be aware.\*\*

## Steigerwald Info

**Phase 1****CA Review Required in Phase 1:** No**Pre-existing Underpayment:** No**Pre-existing Overpayment:** No

## Certification

Upon certification, an email message (FO) or a Paperless ACR (PC) will be sent to the next servicing component.

**Caution:** If you are not ready to transmit your e4345, then please save and exit from the e4345 application. If you fail to either transmit or save, your e4345 will be lost.

I certify that this is ready to transmit  
**Submit and Complete e4345**



## Steigerwald Phase II (Field Office)

### Field Office Specifications:

The following steps will outline and guide technicians on processing cases specific to the Steigerwald case universe.

Based on the court's decision regarding legal fees, some steps do not follow the normal windfall offset business process.

1. Recomputation/Tools: There will be new electronic tools available for this specific workload (Steigerwald e4345 and tracking tool). The information will follow the same structure where the FO will receive the T2 information from PC counterparts in the CPL. The FO technicians will need to review the recomputation information for accuracy for additional quality.
2. Attorney Fee: The ruling of the plaintiff attorney fee is determined separate from the original decision. Therefore, we will be conducting normal business process for recomputation on the initial decision.
3. Underpayment: Any past due benefits resulting from the recomputation will be paid from T2 per agency decision.
4. Windfall Data: Updated windfall data will NOT be sent to the SSID (both active and terminated). Instead, please follow instructions to post a remark to the SSID and document your determination.
5. Case Processing/Administrative Finality:
  - a. Develop: If the record required a correction to accurately complete the recalculation and both the windfall period AND the correction was within administrative finality.
  - b. Should NOT develop: If the windfall period is outside administrative finality and the corrective action falls within administrative finality, BUT the action does NOT affect the windfall-offset recalculation.
  - c. Should NOT develop: If the windfall period is outside administrative finality and the corrective action is within the windfall period, BUT both are outside administrative finality.

**\*Note:** Normal Administrative Finality Rules apply.
6. Case Processing / Documentation Needed:
  - a. If information is needed from a local FO in order to complete the recalculation, or a referral for action is necessary to the claimant's local FO, make the request through the e562 process.

## Phase II

- Step 1 Retrieve the case from e4345 STEIGER.
- Step 2 Determine the windfall offset period, past-due amount, and monthly breakdown amounts to confirm e4345 data. Refer to GN 02610.022.
- Step 3 Use eComps to recreate the offset (eComp 1) as originally processed by:
- Retrieving only from the SSR
  - Confirming all propagated data on the Claimant Information screen is correct
  - Checking the Windfall Offset box
  - Confirming all propagated income, living arrangement, and payment status screens match the SSR
  - Verifying fees, if any, on the Windfall page match what we used in the offset comp originally
  - Selecting "Compute" (only) and confirming the Windfall Results information is the same as we used originally
  - Saving eComp 1 as "STW – Original Offset"

**Print the Windfall Page displaying the fee used, if any, and the Windfall Offset tab from the Windfall Results menu**

- Step 4 Use eComp "STW – Original Offset" to compute the offset with all applicable fees (eComp 2) by:
- Unlocking and updating the Windfall page and entering the total authorized fee amount
    - If SSA over-authorized a fee, use the total authorized amount – example is AUX fees authorized without regard to SSI fees already authorized
  - Selecting "Save and Compute" and naming eComp 2 "STW – Amended Offset"

**Print the Windfall Page displaying the fee used and the Windfall Offset tab from the Windfall Results menu**

- Step 5 Create a DROC (MSSICS Active) or an SSA-5002 (MSSICS Locked) and include:
- Original Offset amount (s) - both Federal and State
  - Revised Offset amount (s) - both Federal and State
  - The difference(s) between the above, which could be a positive, negative, or zero amount

**Lock DROC or Print the SSA-5002**

If the difference in Step 5 is zero, positive, or negative go to Step 6.

NOTE: If negative balance, please put \$0.00 in the e4345 and put the overpayment amount in the remarks section of the e4345 and indicate it is an overpayment.

#### Step 6 Finalizing Phase 2

- Do not update the SSR RCRD, even if the SSR is active
- Post remarks to the SSR in this format
  - SW FO Processing Complete MM/DD/YY – see DROC and/or e4345 in EF
- Complete the e4345 STEIGER and transmit it to the PC CPL of jurisdiction

#### **Print the e4345 summary**

- Create an SSA-4345 barcode in NDRed (even if eView exists) with a note “Steigerwald” and fax the following in as one document:
  - Certified e4345 sent to the PC CPL
  - Two pages from eComp 1
  - Two pages from eComp 2
  - SSA-5002 (if MSSIC locked)

For more information about FO Processing, here is the training provided to the FO CPL employees in February 2019.

\*Note: Power Point updated on 3/4/19 to consistency with updated Desk Guide instructions.



Steigerwald  
Training\_Rev3-19.pp



## Steigerwald Phase III

### Overview

Once the windfall offset has been recalculated for a Steigerwald case, it is ready to return to the PC for final payment and record update. During Phase III the case will go through the following steps:

- 1) Case Return and Class Action Underpayment:** An overview of characteristics and the two paths for cases that do or don't have a class action underpayment.
- 2) Attorney Fee Review:** Steps and factors for PC CS review of the class action attorney fee.
- 3) Post-Entitlement Issues:** How to handle common post-entitlement issues that affect payment.
- 4) Underpayments Not Immediately Payable:** How to handle common non-payment scenarios.
- 5) Payment Certification:** Payment and release of notice.
- 6) e4345 Close-Out:** Instructions for the final close-out step of the custom e4345 Steigerwald application.

## Step 1: Case Return and Class Action Underpayment

### Case Return

After the windfall offset recomputation is complete in Phase II and the e4345 has been certified, a Paperless TOEL will automatically be generated in Paperless. The TOEL for Steigerwald phase III is:

### OFFSET STEIGR3

You will also be able to pull up your case in the Steigerwald Tracking System. To access the Steigerwald Tracking System follow this link:

### [Steigerwald Tracking System](#)

Once inside the Steigerwald Tracking System, you may access your case by entering the SSN into the search field in the top right of the screen. This will bring you to the case details page for your case.

The screenshot shows the Steigerwald Tracking System interface. At the top, there is a blue header with the system name and a search bar. Below the header, there are navigation tabs: Home, Document An Inquiry, CPL Summary, Rejection Summary, Findings, Admin, and Help. The main content area is titled 'Case Details' and shows the following information:

- Case Basics:** Name: PATRICIA, Address: 173 ENSLEY, Current Status: Not Yet Started, Current Location: CPL - 3, Last Updated: 02/06/2019.
- Location and History:** Start Date: 01/25/2019, Age of Case (days): 15, e4345 Last Updated: [blank].
- Key Characteristics:** Phase 1 Review Required In, Phase 1: Pre-Existing Underpayment: Amount: [blank], Pre-Existing Overpayment: Amount: [blank], Phase 2 Atty Fee Used In Final EComps: Underpayment Due: Amount: [blank], Class Action Atty Fee Due: [blank], Phase 3 Class Action Atty Fee Due: [blank], Final U/P Amount Due: [blank], Was The U/P Paid Now: [blank], Not Paid Reason: [blank].
- Inquiries:** [blank]

At the bottom of the page, there is a footer with the following text: "For Title 16 case related problems, please post your question to the Steigerwald Title 16 SharePoint. For Title 2 case related problems, please post your question to the Steigerwald Title 2 SharePoint."

From here, you can view Case Basics, Location and History, Key Characteristics, and a history of any Inquiries.

## Steigerwald Class Action Underpayment Due?

When a case is returned to the BA in Phase III one key factor will be established for each case: whether or not a prior **windfall offset period recalculation underpayment** (known unofficially as the class action underpayment) is due. Most Steigerwald class action members will be due a class action underpayment after windfall recalculation. However, for some class members the recalculation will match the original calculation, netting \$0.00 underpayment.

Class Action Underpayment & Attorney Fee Responsibilities		
Title XVI FO CS	Title II PC CS	PC BA
Responsible for determining the class action underpayment amount.	Responsible for determining the class action attorney fee after the court's ruling on the percentage is decided.	Responsible for paying the class action underpayment and attorney fee, after considering post-entitlement factors.

When the PC BA receives the case, the class action underpayment amount will be found in the e4345 output. It will also be present on the case details summary page. This is a special, custom data entry for the e4345 Steigerwald application.

Example:

**Steigerwald Tracking System** Version: 1.0.0 (2019-01-15) RULE: 1 - FSC/TechSpec

Home | **Document An Inquiry** | CPL Summary | Region Summary | Listings | Admin | Help

**Case Details** SSN: 243- BIC: A

**Case Basics** Expand / Collapse

Name: LESLIE (Redacted) Current Status: Phase 3 Last Updated: 02/12/2019  
 Address: 351 (Redacted) Current Location: CPL - 6

**Location and History** Expand / Collapse

Start Date: 01/25/2019 Age of Case (days): 18 e4345 Last Updated: 02/12/2019  
 Phase 1: 02/12/2018 Days in Phase 1: 1  
 Phase 2: 02/12/2019 Days in Phase 2: 1

PCACS Location Function: Station: Date: Days in Location

**Key Characteristics** Expand / Collapse

Phase 1  
 Review Required in Phase 1: NO  
 Pre-Existing Underpayment: NO  
 Pre-Existing Overpayment: NO  
 Amount: Amount:

Phase 2  
 Atty Fee Used in Final EComps: \$10,000.00  
 Underpayment Due: YES  
 Class Action Atty Fee Due: YES  
 Underpayment Amount: \$2,500.00

In this example, this Steigerwald class member has the following class action underpayment and attorney fee.

Class Action Underpayment: \$X.XX

Remember, while the Title XVI CS determined the amount of these figures, they have not yet been paid. The BA will issue the payments in Phase III, after considering any potential post-entitlement factors.



Steigerwald Case Action Chart		
Class Action Underpayment <i>Not</i> Due <b>\$0.00</b>	Class Action Underpayment Due <b>+\$X.XX</b>	Class Action Underpayment Due <b>+\$X.XX</b>
	Class action attorney fee percentage known	Class action attorney fee percentage <i>not</i> known
<ol style="list-style-type: none"> <li>1. Review e4345</li> <li>2. Address post-entitlement issues per guidance in <b>Step 3: Post-Entitlement Issues</b></li> <li>3. MACADE only if PE actions require it</li> <li>4. Release the class action close-out notice</li> <li>5. Close out the e4345 Steigerwald Info tab</li> </ol>	<ol style="list-style-type: none"> <li>1. Review e4345</li> <li>2. PC CS Attorney fee review</li> <li>3. Address post-entitlement issues per guidance in <b>Step 3: Post-Entitlement Issues</b></li> <li>4. Update the record via MACADE</li> <li>5. Issue the class attorney fee as instructed by the CS via SPS</li> <li>6. Release the class action notice</li> <li>7. Close out the e4345 Steigerwald Info tab</li> <li>8. Engage any necessary post-effectuation development (SSA 1724s, etc)</li> </ol>	<ol style="list-style-type: none"> <li>1. Review e4345</li> <li>2. PC CS Attorney fee review</li> <li>3. Address post-entitlement issues per guidance in <b>Step 3: Post-Entitlement Issues</b></li> <li>4. Update the record via MACADE</li> <li>5. Hold 20% for class action attorney fee (code PI 30 on ATT screen)</li> <li>6. Release the class action notice</li> <li>7. Engage any necessary post-effectuation development (SSA 1724s, etc)</li> <li>8. Place case in DHF PAY for 30 days pending decision</li> <li>9. PC CS reviews fee after decision made</li> <li>10. Release final attorney fee and remainder to claimant</li> <li>11. Close out the e4345 Steigerwald Info tab</li> </ol>

## Step 2: Attorney Fee Review

### Determining Attorney Fee Data

The PC CS is responsible for reviewing the class action attorney fee and providing the BA with the correct data.

### Attorney Fee Data – Fee Percentage Undecided

Use this chart when the class action fee percentage has not been decided by the time you process the case in Phase III.

Steigerwald Class Action Attorney Fee Data – Fee Percentage Undecided	
Favorable Decision Date	The favorable decision date is 01/25/2019 for all cases. This is the date of the federal court decision. Client PIC: The BIC as identified in the Steigerwald Tracking System (STS) <i>Case Details</i> page.
Benefit Decision Date	The date that the FO CS certified the e4345 in Phase II. (This is the date that the FO CS certified the class action underpayment amount.)
Fee Type	'Court' for all cases.
Fee Status	Blank
Authorized Fee	Blank
Past Due Start	The first MBR month of the windfall offset period used in the recalculation. Use the first month of the windfall period in the e4345 Phase I.
Past Due Stop	The last MBR month of the windfall offset period used in the recalculation. Use the last month of the windfall period in the e4345 Phase I.
Past Due Benefits	The Steigerwald class action underpayment amount, as determined by the FO CS in Phase II. If pre-existing underpayments exist, do not include them in the past due benefits.
Amount Withheld	20% of past due benefits
Fee Amount	Blank

## Attorney Fee Data – Fee Percentage Decided

Steigerwald Class Action Attorney Fee Data – Fee Percentage Decided	
Favorable Decision Date	The favorable decision date is 01/25/2019 for all cases. This is the date of the federal court decision. Client PIC: The BIC as identified in the Steigerwald Tracking System (STS) <i>Case Details</i> page.
Benefit Decision Date	The date that the FO CS certified the e4345 in Phase II. (This is the date that the FO CS certified the class action underpayment amount.)
Fee Type	'Court' for all cases.
Fee Status	Authorized
Authorized Fee	Fee percentage of windfall offset underpayment decided by the court
Past Due Start	The first MBR month of the windfall offset period used in the recalculation. Use the first month of the windfall period in the e4345 Phase I.
Past Due Stop	The last MBR month of the windfall offset period used in the recalculation. Use the last month of the windfall period in the e4345 Phase I.
Past Due Benefits	The Steigerwald class action underpayment amount, as determined by the FO CS in Phase II. If pre-existing underpayments exist, do not include them in the past due benefits.
Amount Withheld	Fee percentage of windfall offset underpayment decided by the court
Fee Amount	Fee percentage of windfall offset underpayment decided by the court



### Determining the Past Due Start and Stop Dates

A special determination was made by Policy regarding the start and stop dates of the past due benefits period for the Steigerwald class action cases. The past due benefits start and stop dates will coincide with the T2 windfall period as reflected in the e4345 in Phase I data.

To find the start and stop dates, first enter your case into the Steigerwald Tracking System (STS), and then click on view e4345.

The screenshot shows the Steigerwald Tracking System (STS) interface. The header is blue with the text 'Steigerwald Tracking System' and a 'Welcome' message. Below the header is a navigation bar with links: Home, Documents, An Inquiry, CPL Summary, Region Summary, and My Cases. Below the navigation bar are two buttons: 'New Inquiry' and 'View e4345'. The 'View e4345' button is circled in red. Below the buttons is a 'Case Details' section with a 'Case Basics' subsection. The 'Case Basics' section contains fields for Name, Address, Current Status, and Current Location. The Current Status is 'Completed' and the Current Location is 'CPL - 5'.

Next, find the first and last months from the Paid vs Payable:

The screenshot shows the e4345 interface. The header is blue with the text 'e4345' and a 'Welcome' message. Below the header is a table with the following data:

Route To:	CPL 5 - FO	Reply To:	CPL 5 - PSC
Dual Entitlement (D/E) Case:	No		
Recomputation Involved:	No		
CMA Amount:	\$969.00	CMA Paid Month:	03/2017

Below the table is a section titled 'Paid vs. Payable - Monthly breakdown of retroactive RSDI Withheld'. The total retro RSDI withheld is \$5,802.00. The table below shows the breakdown:

Paid Amounts	MBR Month Due	Due Amount	Net Due	Subtotal	SSI Month Received
\$0.00	08/2016 thru 11/2016	\$966.00	\$966.00	\$3,864.00	09/2016 thru 12/2016
\$0.00	12/2016 thru 01/2017	\$969.00	\$969.00	\$1,938.00	01/2017 thru 02/2017

The 'MBR Month Due' column shows '08/2016 thru 11/2016' and '12/2016 thru 01/2017', which are circled in red. Below the table is a 'Fee & Remarks' section.

The past due benefits START and STOP dates for this case are 08/16 through 01/17.

### The Steigerwald Class Action Fee Percentage

Per the federal court's decision, the class action attorney will be due a fee from each class action underpayment. This fee will be a percentage, not to exceed 20%, to be decided by the judge at a later date.

When the class action fee has been decided, all CPL technicians will receive notification from OPSOS. Cases effectuated prior to the decision date of the fee will have 20% of the past due benefits withheld for the attorney fee. These cases will be held in DHF PAY. After the fee is decided, the PC CS will decide the fee amount upon initial review—the BA will no longer need to hold 20% and hold the case.

### Steigerwald Class Action Fee Don'ts

#### Steigerwald Class Action Fee Don'ts

- Do not contact the class counsel directly—contact the claimant when necessary
- Do not seek a 1696 from the class counsel – a 1696 is not needed in a federal court case per [GN 03920.060](#)
- Do not add the Steigerwald fee to any earlier representative fees – consider the fees as from separate decisions
- Do not add the user fee to any earlier user fees – consider them separate
- Do not CC or notify the reps from any previous decisions
- Do not release any class action fees to any previous reps – you may need to make sure a prior rep is no longer linked!

### 1695 Instructions

All 1695s for the class action attorney have been loaded into RASR by Systems. While reviewing the case the CS should check to see if the Steigerwald class counsel is listed as the primary attorney. If a prior representative who's representation has expired is still linked in RASR, the CS should de-link this rep using a date that is 60 days after the final entitlement decision.

### Attorney Fee Notice Paragraphs

See [Steigerwald Complex Details: Notices](#) [link].

### ATT Screen Coding (20% Withholding Period)

The BA must code the payment indicator on the ATT screen as “30” during the period when the final fee percentage to be decided by the court is unknown (i.e. withholding 20%). This is to prevent an immediate SPS interface. This is necessary to prevent SPS alerts from generating outside of the CPL.

### Opt-out Class Members and Excess/Multiple Reps Cases

In some opt-out cases and in some rare regular cases a claimant may have appointed their own separate representative on the side. These cases are uncommon. However, the PC CS should be aware of these cases and screen for them when reviewing the case for attorney fee info. For more information please see: [Steigerwald Complex Details: Excess/Mult Reps \[link\]](#) and [Steigerwald Complex Details: Opt-out Cases \[link\]](#).

For more information on Steigerwald class action fees, see the following section:

[Complex Steigerwald Details: Steigerwald and Representative Fees \[LINK\]](#)



### Step 3: Post-Entitlement Issues

#### Overview

The technicians assigned cases through the CPL should not be working post-entitlement issues that do not directly affect their ability to release the prior windfall offset recalculation underpayment. Per the instructions in **Complex Steigerwald Details: Whole Case Processing** [link], the CPL technicians will not pull in pending post-entitlement actions already being addressed by other agency components. Similarly, the CPL technician will send an MDW to notify the home component of a new issue that must be addressed. For more information on development, please see the following section:

**Complex Steigerwald Details: Case Correction and Development** [LINK]

#### Overpayments

Standard rules apply to overpayments that were already posted to the record prior to the Steigerwald class action. Generally, the CPL technician will be able to take action to recover the overpayment, provided a protest is not pending.

##### Pre-existing Overpayment

- Withhold for the class action attorney fee prior to adjusting for any pre-existing overpayment
- Adjust the class action underpayment against the pre-existing overpayment under standard rules (ie no protest pending, etc)
- Use the overpayment adjustment notice language as described in Steigerwald Notices [LINK]
- Enter the adjustment when closing out the e4345

#### Underpayments

For an introduction to the different types of underpayments that may be due in a Steigerwald class action case, refer to:

**Complex Steigerwald Details: Underpayment Types** [LINK]

#### Garnishment

Garnishment cases are also governed by court order and therefore standard rules will apply.

### Step 4: Underpayment Not Immediately Payable

#### Death Underpayments

When the BA encounters an underpayment due a deceased individual, the BA should follow these steps:

Step 1	Review the record for a proper recipient per <a href="#">GN 02301.060 C</a> .
Step 2	If necessary, send the SSA 1724 to the last known address using "To the Family of [Claimant]" in the name field.
Step 3	Place the OFFSET STEIGR3 TOEL into a hold location for 30 days.
Step 4	If a 1724 has been returned after 30 days, effectuate and issue to the proper recipient per the 1724.
Step 5	If no 1724 has been received or if development still pending, effectuate and place the underpayment into the SPA field.
Step 6	SSA must still issue the class action final notice. For a deceased claimant, use the last known address and address it "To the Family of [Claimant]". CC the class action atty. For more on notices, see "Steigerwald Complex Actions: Notices" [LINK]

#### Prisoner and Similar Cases

For cases where the current LAF/RFST is S7 PRISON, S7 MENTAL, S7 PREDTR, S9 FUGFEL, or S9 NOTLAW, do not develop unless there is evidence on the record that suggests that the claimant's status has changed. For example, if upon review of the Paperless file, the BA sees a prison release letter has been scanned in and is pending action, the BA should refer the case to the PC CS to confirm the release dates and process the class action underpayment along with the re-instatement once the PC CS returns it.

For cases where no new evidence/action is pending:

Step 1	Effectuate and place the underpayment into the SPA field.
Step 2	SSA must still issue the class action final notice. Send the notice to the last known address of record. CC the class action atty. For more on notices, see " <a href="#">Steigerwald Complex Actions: Notices</a> " [LINK]

**S6 DEVADD and Similar Cases**

For cases in S6 DEVADD, S9 MISCEL, or other payment status that suggests the current address and bank data may need to be developed:

Step 1	Attempt to contact the claimant to verify the address per <a href="#">GN 02301.020 B2</a> .
Step 2	For S9 MISCEL and similar cases, develop to the USPS and FI per <a href="#">GN 02605.055</a> . Place the case into a hold location for 30 days.  <b>NOTE:</b> For S6 DEVADD cases, do not develop or hold the ACR; SSA has already attempted necessary development. Skip to Step 4.
Step 3	If development is successful, effectuate and issue the class action underpayment.
Step 4	If no response or if development still pending, effectuate and place the underpayment into the SPA field.
Step 5	SSA must still issue the class action final notice. Send the notice to the last known address of record. CC the class action atty. For more on notices, see " <a href="#">Steigerwald Complex Actions: Notices</a> " [LINK]



## Step 5: Payment Certification

### Final Certification Steps

Now that the case has been returned to the PC and the BA has analyzed any pertinent post-entitlement issues, we are almost ready to certify payment of the Steigerwald class action underpayment.

### Address and Bank Data Criteria

Before we can issue a payment and a notice, SSA must determine whether or not valid address and bank data exist on the record. The following chart will help guide the BA to determine if valid data exists.

Address and Bank Data Guidelines		
Claimant in T2 current pay?	Not in pay for T2 but in pay for T16?	Not in current pay
Use address and bank data on MBR	Use the address and bank data from the SSID	Must verify per <a href="#">GN 02301.020B.2</a>

### Notices

For information on the final Steigerwald class action notice, see the following section:

[Complex Steigerwald Details: Notices \[LINK\]](#)

### Key Steigerwald Data Elements

As we prepare to certify payment, the following pieces of case information will be critical to ensuring accurate payment. Some of this information was given to the BA by the FO CS or PC CS. Other pieces of this information will be keyed into the e4345 program by the BA when it is closed out in the next step.

Steigerwald Key Data Elements				
Class Action U/P	Class Action Attorney Fee	Pre-existing U/P or O/P	Final Amount Due	Payment Released or Held in SPA
\$X.XX	\$X.XX	\$X.XX	\$X.XX	Released/Held
Determined by the Title XVI CS in Phase II	Determined by the PC CS in Phase III	Determined by the BA in Phase I	Determined by the BA in Phase III	Determined by the BA in Phase III

The BA will determine the final amount due using the steps below.

**Remember**, while the final amount due may differ from the original class action underpayment amount, we must still know the class action underpayment amount for reporting purposes.

Determining the Final Amount Due	
Step 1	Start with the prior windfall recalculation underpayment (ie the class action underpayment) as determined by the FO CS in Phase II.
Step 2	Deduct the attorney fee. The attorney fee is based on the original class action underpayment—not the final amount after adjustment.
Step 3	Add any pre-existing underpayment; subtract any pre-existing overpayment.
Step 4	The remaining balance is the <b>Final Amount Due</b> .
<p><b>NOTE:</b> Under the updated development and whole case processing instructions, the technician should forward any newly discovered underpayment or overpayment to the home component. Should an adjustment occur anyway (whether u/p or o/p) in Phase III, these adjustments should be posted as a <b>second day action</b> and <b>NOT</b> recorded in the <b>Final Amount Due</b>.</p>	

**Steigerwald Fee Decided vs Undecided**

Payment certification will depend on whether or not the Steigerwald class action attorney fee has been decided. At the time of the judge's initial decision, the fee percentage was not determined. Therefore, SSA will need to withhold 20% of each class member's benefit pending a determination on the fee amount.

<b>Steigerwald Fee Decided vs Undecided Steps</b>	
<b>Class Action Attorney Fee Decided</b>	<b>Class Action Attorney Fee Undecided</b>
<ol style="list-style-type: none"> <li>1. Complete final effectuation of the case via MACADE</li> <li>2. Release all benefits due to the claimant</li> <li>3. Pay the attorney fee per the CS instructions</li> <li>4. Release the Steigerwald class action notice</li> <li>5. Enter the final close-out information into the e4345</li> <li>6. FIN – the case is done!</li> </ol>	<ol style="list-style-type: none"> <li>1. Complete partial effectuation of the case via MACADE</li> <li>2. Withhold 20% of the past due benefits to pay the class action attorney</li> <li>3. Release the currently payable benefits to the claimant</li> <li>4. Release the Steigerwald class action notice indicating the full Steigerwald underpayment amount and the 20% fee withholding</li> <li>5. Place the case into DHF PAY for 30 days</li> <li>6. Every 30 days follow up to see if the class action fee has been decided (all CPL staff will be notified)</li> <li>7. Once decided, refer the case to the PC CS to determine the final attorney fee data</li> <li>8. Update the final attorney fee data to the MBR</li> <li>9. Release any remainder payable back to the claimant</li> <li>10. Pay the attorney fees</li> <li>11. Enter the final close-out information into the e4345</li> <li>12. FIN – the case is done!</li> </ol>



### Updating WOD Data

Before posting the amended WOD data to the MBR, the BA must first determine which DIB period the WOD data represents.

Updating WOD Data	
The MBR has only a current period of DIB and the WOD data currently on the MBR is the original WOD data from the re-calculated windfall period	The MBR has new periods of DIB that have new WOD amounts from a subsequent period of DIB (that came after the Steigerwald period).
Overkey the old WOD data with the new WOD data from the e4345	Do not overkey the WOD data.

### Special Message

After transmitting the final MACADE action and releasing the notice via AURORA, the BA must update the SP MSG field with the following.

STEIGERWALD CLASS ACTION CASE PROCESSED. CLASS ACTION UNDERPAYMENT \$X.XX. FINAL PYMT \$X.XX AFTER ADJUSTMENT.

The BA will replace (\$X.XX) with the class action underpayment amount and final payment amount. The final payment after adjustment is the **Final Amount Due** [link], as defined above.

## Step 6: e4345 Close-Out

### The Final Close-Out!

At long last Phase III is coming to a close. In the normal e4345 process, the e4345 application would already be complete. However, the custom e4345 Steigerwald has a third and final close-out step. In this phase, the BA will record information in the e4345 Steigerwald that will be passed to the Steigerwald Tracking System. This information will be used for case universe tracking and management information purposes.

e4345 Steigerwald Phase III
<ul style="list-style-type: none"> <li>➤ Final close-out step</li> <li>➤ The BA will enter Steigerwald case data</li> <li>➤ The e4345 will be saved and closed</li> <li>➤ The e4345 will NOT be transmitted back to the FO</li> </ul>

### When Is Phase III Complete?

Phase III is complete after all class action underpayments have either been paid or posted to the SPA and the class action attorney fees have been paid. For cases where the underpayment was posted to the SPA, the CPL will not retain jurisdiction after the payment is held, notice released, and attorney fees paid.

Is Phase III Complete or Not?	
No	Yes
<ul style="list-style-type: none"> <li>➤ The Steigerwald underpayment has NOT been paid or posted to the SPA</li> <li>➤ The Steigerwald notice has NOT been released</li> <li>➤ The Steigerwald attorney fee has NOT been paid</li> </ul>	<ul style="list-style-type: none"> <li>➤ The Steigerwald underpayment has been paid or posted to the SPA</li> <li>➤ The Steigerwald notice has been released</li> <li>➤ The Steigerwald attorney fee has been paid</li> </ul>

### Steigerwald Info Tab in the e4345 SW

The only tab that requires an update at the end of Phase III is the Steigerwald Info tab. The windfall recalculation is done, and e4345 will not be passed back to the FO. In this last stage, we are logging Steigerwald specific information that is being tracked for reporting and management information purposes.

#### Class Action Attorney Fee Due?

Enter yes if a class action attorney fee was paid, and then enter how much. The class action attorney fee amount will be provided to the BA by the PC CS after attorney fee review.

#### Final Underpayment Amount Due:

Enter the final underpayment amount issued, *after adjustment for class action attorney fee deductions and pre-existing overpayments or pre-existing underpayments*. If after attorney fees, the entire underpayment was collected against a pre-existing overpayment, enter \$0.00. This amount is the same as the Final Amount Due [link], as described above.


#### Was the Underpayment Paid Now?

Enter yes if you released the underpayment to the claimant.

#### If No, Why?

If you held the underpayment and posted it to the SPA, then click the applicable reason from the dropdown menu.

e4345
Welcome, [Name]



#### Edit e4345 Entry - Phase 3

Steigerwald Info

Summary/Certification

\* Required Field

**Steigerwald Info**

Class Action Attorney Fee Due? ☒ Yes ☐ No

Amount:

Final Underpayment Amount Due:

Was the Underpayment Paid Now? ☒ Yes ☐ No

Back to STS

Save




**e4345 Certification**

After entering all the information in the first 4 tabs, click on the Summary/Certification tab, which shows a summary of everything input. Scroll through and verify that all the information that was input was correct. After verification, click the Green Submit and Complete the e4345 certification button. At this point, the case is now complete!

You can now send your Phase 3 OFFSET STEIGR3 ACR to FIN.

Steigerwald Info			
<b>Phase 1</b>			
CA Review Required in Phase 1:	No		
Pre-existing Underpayment:	No		
Pre-existing Overpayment:	No		
<b>Phase 2</b>			
Attorney Fee Used in Final eComps:	\$1,873.50		
Underpayment Due:	Yes	Amount:	\$359.50
<b>Phase 3</b>			
Class Action Attorney Fee Due:	Yes	Amount:	\$71.90
Final Underpayment Amount Due:	\$287.60		
Was the Underpayment Paid Now?	Yes		

Certification	
Upon certification, an email message (FO) or a Paperless ACR (PC) will be sent to the next servicing component.	
<b>Caution:</b> If you are not ready to transmit your e4345, then please save and exit from the e4345 application. If you fail to either transmit or save, your e4345 will be lost.	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> I certify that this is ready to transmit  <b>Submit and Complete e4345</b> </div> 	

## Complex Steigerwald Details

### Overview

The following sections detail the more complex aspects of Steigerwald case processing.

- 1) Underpayment Types:** An overview of the different types of underpayments that may occur in the Steigerwald class action.
- 2) Case Correction and Development:** Guidelines for when and what to correct related to Steigerwald cases.
- 3) Notices:** Steigerwald notice guidelines.
- 4) Steigerwald and Representative Fees:** The considerations and complexities of representative fees in Steigerwald cases.
- 5) PC Whole Case Processing:** Whole case processing for technicians, with special instructions for technicians not assigned Steigerwald cases via the CPL.
- 6) Excess/Multiple Rep Cases:** Special processing instructions for cases where a claimant hired a non-class counsel rep.
- 7) Opt-out Cases:** Special processing instructions for Steigerwald Opt-outs.
- 6) Fraud Cases:** Special processing instructions for cases involving fraud.

### Class Action Underpayments: Defined

The *Steigerwald vs Berryhill* class action lawsuit's ultimate goal is to provide remediation to the class members by paying any underpayment owed to the class members due to a failure to correctly calculate windfall offset. However, in the course of a case review—especially a case review spanning many years—different varieties of payment adjustment may arise. For example, while reviewing the case, a technician may discover that in addition to the windfall offset underpayment, there might be a second underpayment due. This will explain how these affect each other.

#### Class Action Underpayment Defined

The *prior windfall offset underpayment (ie class action underpayment)* for purposes of the Steigerwald class action is any underpayment due after the recalculation of the SSI windfall offset. This is the underpayment amount transmitted after certification of the Phase II e4345 data.

- |  |  |
|--|--|
| ➤ Underpayment amount after Phase II windfall recalculation. | ➤ Prior to any adjustment for other post-entitlement factor or under/over payment. |
|--|--|

### Underpayment Comparisons

Here is a look at several underpayment scenarios and the factors a technician must consider.

Underpayment Type	Class action atty fee payable from this u/p?
Prior Windfall Offset Recalculation Underpayment (ie class action underpayment)	Yes
Pre-existing Underpayment	No
Newly Discovered Underpayment	No



1. Some class members will be due a *class action underpayment*  
after SSI windfall recalculation ..... **+\$X.XX**
2. Some class members will not be due a *class action underpayment*  
after SSI windfall recalculation ..... **\$0.00**
3. Some class members could be due an unrelated underpayment  
either way ..... **+\$X.XX**

## Case Correction and Development

### Limited Development

The agency's focus while processing Steigerwald remediation actions is to recalculate the windfall offset and pay any resulting underpayment to the class member. CPL technicians should focus on this action and avoid processing actions that are already being processed elsewhere in Operations. Technicians should develop issues that impede the release of the windfall offset recalculation underpayment. Issues that affect the prior windfall offset period should be resolved, or—if they can't be resolved—they should be referred to OPSOS through the local OC OSB Steigerwald person of contact.

### Possible Correction and Development Actions

**In-Process Agency Actions:** These are actions that the agency is already working in one capacity or another. For example, a RATE AERO ACR pending in another PC's Paperless is an in-process agency action. The CPL technician should not pull an in-process agency action into their Steigerwald unless it affects the prior windfall offset period or the representative fee related to that period.

**Newly Discovered Actions:** These are actions discovered by the CPL technician that do not have an in-progress control and have not been acted on by the agency. For example, while reviewing the file, the technician discovers several overpayment remittances that were never processed. The CPL technician should refer newly discovered items that do not affect the prior windfall offset period or the representative fee related to that period to the appropriate home component.

**Issues Affecting Prior Windfall Period:** These are issues that affect either the prior windfall offset period to be recalculated or the related representative fees. For example, the technician sees that the representative fee data on the APPREP field for the prior windfall period representative fee is not recorded correctly. These actions should be corrected inside the CPL where possible. Actions that cannot be immediately resolved should be referred to OPSOS through the technician's local OSB person of contact.

**Actions Affecting Windfall U/P Payment:** These are issues that directly affect the CPL's ability to release the windfall offset recalculation underpayment to the class member. For example, the claimant's benefits are in S6 DEVADD when the technician reviews the case in Phase III. The technician should take action to resolve these situations in Phase III.

### Forwarding Newly Discovered Issues

CPL technicians should not take action on newly discovered issues that do not affect the prior windfall offset period or the related representative fee. These actions should be forwarded to the appropriate home component using an MDW.

#### Technician Action:

- Annotate the discovered action using a 'Generic' form on the OFFSET STEIGR3 ACR.
- Annotate that the action was forwarded to XXXX home component.
- Do not annotate the forwarding action in the Steigerwald Tracking System (STS).
- Send an MDW to the appropriate home component (see example below).
- Process the Steigerwald action the rest of the way to completion.

#### Example:

The technician is processing a case where entitlement began in 2015. The windfall offset period was from 03/15 to 01/16, with a representative fee petition that was delayed in authorization. While reviewing the case, the technician sees that workers compensation is involved. The WC is coded as proven on the MBR and WC datasheet. However, the technician sees WC proofs scanned into the folder 06/18 that have not been acted on. The technician processes the cases per the steps above. The home PC is PC7.

#### Sample MDW to PC7:

"During Steigerwald case processing, unresolved WC action discovered. Please take your NA to process WC proofs in folder dated 06/18. All Steigerwald actions resolved. No need for reply. Thank you!"



### Necessary Corrections: Second Day Action

Should the technician encounter a non-Steigerwald related issue that does not affect the prior windfall offset recalculation period, but nonetheless demands immediate correction—and cannot be forwarded via MDW—these actions should be handled as a second day action (regardless of whether they result in an underpayment, overpayment, or record correction).

**NOTE:** If you believe you have encountered such a rare exception, please first consult your first line local technical expert, and then refer the case to your home component's Steigerwald OSB person of contact.

#### Technician Action:

- Process the Steigerwald action to completion per instructions in the Steigerwald Desk Guide
- Release the final Steigerwald notice, CC'ing the class action attorney
- Close out the Phase III Steigerwald Info in the Steigerwald Tracking System

#### SECOND DAY ACTION

- Ensure that the Steigerwald action has processed correctly first
- Address the remaining issue and update the MBR as necessary
- Send the proper notice for the action taken. Use normal appeals language. Do NOT CC the class action attorney.
- Do NOT withhold class action attorney fees should an underpayment result.

As whole case processing relates closely to the above, please see the following section for more information:

[Complex Steigerwald Details: Whole Case Processing \[LINK\]](#)

## Notices

### Steigerwald versus Non-Steigerwald Notices

Because the Steigerwald class universe goes back many years, it is possible that technicians take actions on a case that are either a direct result of the class action case or are a result of the subsequent review. For example, if a technician discovers a problem and is forced to correct the record prior to working the Steigerwald case, this might prompt a separate notice not related to the Steigerwald action itself. The same could happen if development is necessary.

Because of this, notices will be broken down into two general categories: Steigerwald notices and non-Steigerwald notices.

Steigerwald Notices	Non-Steigerwald Notices
<ul style="list-style-type: none"> <li>➤ Initial notice of class action (sent by plaintiff's counsel)</li> <li>➤ Steigerwald underpayment due – final notice (to claimant)</li> <li>➤ Steigerwald underpayment not due – final notice (to claimant)</li> <li>➤ No payment due</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unrelated record adjustments</li> <li>➤ Development notices (SSA 1724s, etc)</li> <li>➤ Newly discovered overpayments</li> </ul>

Steigerwald notices are only those that relate directly to the class action case and the actions taken by SSA that are directly ordered by the court. The initial notice of class action was already sent by the plaintiff's counsel to all class members. This means that for technicians working the case, the Steigerwald notice is the final notice—the notice we will send when either releasing an underpayment or holding it in the SPA, or no payment due.

Notice of Class Action			
Sent By	Recipients	Appeals Rights	Notes
Plaintiff's Counsel	All class members	Specific to the court	See EM 18044 Not available in ORS

### Steigerwald Paragraph Overview

#### **Steigerwald Class Action Payment Due: Final Amount Equal to Class Action Payment (UTI code pending)**

This is the standard Steigerwald paragraph for a living claimant who is due an underpayment. This paragraph is for cases where the prior windfall offset underpayment (as determined in Phase II) was not adjusted due to a post-entitlement issue.

#### **Steigerwald Class Action Payment Due: Final Amount Adjusted (UTI code pending)**

This is another standard Steigerwald paragraph for a living claimant who is due an underpayment. This paragraph is for cases where the prior windfall offset underpayment (as determined in Phase II) was adjusted due to a non-Steigerwald underpayment or overpayment.

#### **Steigerwald Class Action – No Payment Due (Exhibit notice pending)**

This is the Steigerwald paragraph for a living beneficiary who is not due an underpayment. *Final approval of this UTI still pending.*

#### **Steigerwald Class Action – Beneficiary Deceased – No Payment Due (Exhibit notice pending)**

This is the Steigerwald paragraph for a deceased beneficiary who is not due an underpayment. *Final approval of this UTI still pending.*

#### **Steigerwald Class Action – Beneficiary Deceased – Payment Due (Exhibit notice pending)**

This is the Steigerwald paragraph for a deceased beneficiary who is due an underpayment. *Final approval of this UTI still pending.*

#### **Steigerwald Class Action – Class Action Attorney Fee Withholding (Exhibit notice pending)**

Custom attorney fee withholding language for the Steigerwald class action attorney.



## Steigerwald UTIs

### Claimant Alive – Prior Windfall Underpayment Recalculation Due

*Final instructions to be updated when Steigerwald UTIs are uploaded into the system. In the interim, technicians will use AAA031 dictated text as noted.*

LIS004

PAYC38

ADJ059

AAA031 *Steigerwald paragraph in lieu of ADJ paragraph*

(the technician will use an #AAA031 until the UTI is loaded into AURORA, technician to adjust fill-ins highlighted)

You were previously sent a notice stating that you might be due money as a class member of the Steigerwald v. Berryhill lawsuit. The court has found that we did not properly account for representatives' fees when we calculated past-due benefit payments to class members. We are recalculating class members' past-due benefits because of this lawsuit. We have reviewed your case and determined you are due a payment.

Your payment is \$XXXX.XX.

ATYC01

AAA031 *Custom Steigerwald attorney paragraph*

(the technician will use an #AAA031 until the UTI is loaded into AURORA, technician to adjust fill-ins highlighted)

The court may authorize the class representatives to collect a fee for representing the class in this lawsuit. We will withhold 20% of your payment for fee payment.

We are withholding \$XXXX.XX for fee purposes

COP001

ALSC01

ALS023

CTDO

**Claimant Alive – Prior Windfall Underpayment Recalculation Due – Final Amount Adjusted**

*Final instructions to be updated when Steigerwald UTIs are uploaded into the system. In the interim, technicians will use AAA031 dictated text as noted.*

LIS004

PAYC38

ADJ059

AAA031 *Steigerwald paragraph in lieu of ADJ paragraph*

(the technician will use an #AAA031 until the UTI is loaded into AURORA, technician to adjust fill-ins highlighted)

You were previously sent a notice stating that you might be due money as a class member of the Steigerwald v. Berryhill lawsuit. The court has found that we did not properly account for representatives' fees when we calculated past-due benefit payments to class members. We are recalculating class members' past-due benefits because of the lawsuit. We have reviewed your case and determined you are due a payment.

Your payment is \$ XXXX.XX. However, due to [Dictated Text]\*, we had to adjust this amount. Your final payment amount is \$ XXXX.XX after accounting for all adjustments including class action attorney fees.

ATYC01

AAA031 *Custom Steigerwald attorney paragraph*

(the technician will use an #AAA031 until the UTI is loaded into AURORA, technician to adjust fill-ins highlighted)

The court may authorize the class representatives to collect a fee for representing the class in this lawsuit. We will withhold 20% of your payment for fee payment.

We are withholding \$XXXX.XX for fee purposes

COP001

ALSC01

ALS023

CTDO

**\*Sample Dictated Text**

"... a pre-existing overpayment of \$XXX.XX"  
"... a pre-existing underpayment of \$XXX.XX"

**Non-Steigerwald Notices**

As technicians work Steigerwald cases, occasionally a case require an adjustment or development prior to the final decision. These notices should use standard language and should NOT reference the Steigerwald class action case. The technician should NOT cc the class action attorney or the attorney from the prior windfall offset period.

Non-Steigerwald Notice			
Sent By	Recipients	Appeals Rights	Notes
BA, CS, or CA	Class members requiring record adjustment processed separately from and not related to the Steigerwald recalculation. Generally, this would be from an action taken prior to Phase III that did not otherwise affect the case.	Standard	Do not mention the Steigerwald class action in non-Steigerwald notices. Do not cc the atty.

Development Notice			
Sent By	Recipients	Appeals Rights	Notes
BA, CS, or CA	Class members with open development on the record	NA	Do not cc the atty.



## Steigerwald and Representative Fees

### Steigerwald: A Tale of Two Fees

Representative fees are at the heart of the Steigerwald class action case. The calculation issue that is central to all Steigerwald windfall underpayments is a representative fee issue. For Steigerwald cases that result in an underpayment, these are cases where a fee determination resulted in a different amount than what was used in the original windfall computation. Upon correction—using the correct fee amount—the claimant is due an additional underpayment.

Secondly, in Steigerwald there is a class action attorney fee. This is a fee that will be due as a percentage of each prior windfall offset recalculation underpayment paid as a result of the Steigerwald class action. This fee percentage was not decided at the time of the judge's initial decision. It will be decided at a later date. Thus, SSA must withhold 20% of each underpayment pending the determination of the fee percentage.

**NOTE:** The original windfall period fee and the class action attorney fee will be treated as separate fees for SSA's purposes.

Steigerwald Representative Fees	
Original Windfall Period Fee	Class Action Fee
<ul style="list-style-type: none"> <li>➤ Representative fee from the original windfall period—the period used in the windfall recalculation</li> <li>➤ For cases resulting in an underpayment, should show a revision from the original withholding to the final release</li> <li>➤ More likely to be a fee petition, but may be a fee agreement</li> <li>➤ May involve attorney and non-attorney reps</li> <li>➤ All original documentation should be present (1696, etc)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Involves an attorney who represented the class before the court</li> <li>➤ No 1696 will be present—the attorney is considered to be appointed by the court (see <a href="#">GN 03920.060</a>)</li> <li>➤ Will be due a fee from the Steigerwald class action underpayment (and only the class action underpayment—not any other underpayments that may be present)</li> <li>➤ Involves an attorney only (non-attorney reps cannot be reps in federal court)</li> <li>➤ Fee amount will be decided by the federal court as a percentage of each underpayment</li> <li>➤ Will be paid out of each class action underpayment</li> </ul>

### Reviewing (and possibly updating) the Windfall Period Representative Fee

When reviewing the representative fees from the original windfall offset period, consider the following:

- The representative fees should be fees from the original windfall offset period, as dictated by the Steigerwald class action decision. This is a narrow decision that focuses on cases where SSA failed to correctly account for representative fees while determining the correct windfall offset amount.
- Expect to find Steigerwald class action underpayments in cases where we process the required windfall adjustment using the total authorized fees after we processed the original offset with no fees at all or fees lower than the authorized amounts or in petition cases where the authorized fee was not accounted for in a revised windfall offset computation.
  - For example: A claimant was awarded benefits. SSA withheld \$10,000.00 (25%) pending a fee petition authorization.
  - SSA used the \$.01 as a fee in the windfall offset computation, updated that to the WOD, and removed the \$9 WINFALL and released the past due while still withholding \$10,000 for a potential fee
  - Later, SSA (or a court) approved a fee petition amount of \$6,000.00.
  - SSA paid the representative and issued the excess withheld to the claimant.
  - SSA did not recompute the windfall offset amount to account for the \$6000 fee and did not release the resulting underpayment due the claimant.
  - The court is now ordering us to do that windfall offset recomputation and pay any resulting underpayment.
- When reviewing processing errors found while reviewing the windfall offset period fee, remember to consider [GN 03920.040](#) A1:
  - After the date SSA notifies the claimant and representative of the authorized fee amount, any increase or decrease in the amount of past-due benefits will not change:
    - the past-due benefits withholding amount; or
    - the authorized fee, unless the following exception, and/or one of the situations in GN 03920.040B applies.
- Do not overkey and update the APPREP/APPFEE data from the windfall offset period unless correcting an error. Do not overkey CONVERTED dates in this section, but you may correct dollar amounts.
- Do not add the Steigerwald class action attorney fees to the fees from the windfall offset period. These are separate fees.

## Whole Case Processing: PC CPL Instructions

### PC CPL Technician Instructions

The PC technicians assigned work through the CPLs will use the custom Steigerwald e4345 application to send data to the FO PC technicians, who will perform a windfall offset recalculation and return the e4345. This will determine if an additional underpayment is due. Class action attorney fees will be withheld from these underpayments and paid based on the court's fee ruling.

CPL technicians' instructions include:

- Focus on recalculating the original windfall offset amount
- Develop only issues related to the windfall period or the original attorney fee
- When releasing final payment, develop only issues directly affecting payment of the prior windfall offset period underpayment (ex: address unknown, death underpayment, etc)
- When processing MACADE, only pull in actions directly related to payment

## CPL Examples for PC Technicians

### Example 1: AERO Pending in Other PC

#### Situation

The BA working cases assigned in the CPL receives an OFFSET STEIG3 ACR. While reviewing the case and preparing to release the prior windfall offset period underpayment, the BA sees that there is an AERO ACR pending in another PC.

#### Action

The BA should take the following action:

- Process the Steigerwald Phase III action without delay
- Update the record, process the MACADE action, release the payment and the notice per the instructions in the Steigerwald Desk Guide
- Do not take any action on the AERO alert
- Do not notify the other PC regarding the Steigerwald action
- FIN the OFFSET STEIGR3 ACR if all actions are complete



## Whole Case Processing: Instructions for Handling Non-Steigerwald Related Issues

### Actions that Do Not Affect the Original Windfall Period

PC Technicians who are not assigned Steigerwald cases via the CPL may still encounter one. A non-CPL technician will never be assigned to work a Steigerwald ACR, however the technician may encounter a normal ACR that is marked on the SP MSG as a Steigerwald case. The technician should continue to process actions without interruption, provided that the action does not directly affect the original windfall offset period or attorney/rep fee related to that period. Actions that affect the windfall offset period have special instructions, per below.

#### Actions Unrelated to the Original Windfall Offset Period

- Process action as normal
- Practice whole case processing with any other pending actions except any open Steigerwald ACRs
- Send appropriate notice with standard appeals language
- Do not include any Steigerwald UTIs or CC the Steigerwald attorney
- Do not withhold Steigerwald class action attorney fees from this action
- Do not FIN or move the location of any Steigerwald ACR

### SPECIAL INSTRUCTIONS:

#### Action Affects the Prior Windfall Offset Period

Any post-entitlement action that affects the prior windfall offset period will require special attention and handling. These cases may have bearing on the prior windfall offset underpayment that the court directed to SSA to rework.

#### Special Instructions: Action Affects the Prior Windfall Offset Period

- Work with your designated mod local technical contact (ex: CTE/PETE) to determine if the action does indeed affect the prior windfall offset period
- Consider administrative finality as normal—if it is determined that administrative finality bars adjustment, then document the administrative finality determination to the BEN data and SP MSG and do not make any adjustment or refer the case
- If the case will result in a change to the original windfall offset period, then hold the case in DHF and refer the case to your local Steigerwald OSB contact with a summary of the case

## Examples of Non-Steigerwald Related Actions

### Example 1: STATUS DIBCESS Case

#### Situation

The BA in the PC is assigned a STATUS DIBCESS case via Paperless. The DIBCESS action will not extend into the Steigerwald class action windfall offset period. The BA sees the Steigerwald SP MSG on the MBR and sees that an OFFSET STEIGR1 ACR is active in CPL 3.

#### Action

The BA should take the following action:

- Process the STATUS DIBCESS action to completion without delay
- Post any resulting overpayment to the record
- Issue the required notice
- Do not include Steigerwald UTIs or CC the class action attorney
- If the BA believes there are extenuating circumstances that require clarification, contact first their designated mod technical contact (ex: PETE), and if needed the BA's designated OSB person of contact (POC)

### Example 2: OFFSET WCREDET

#### Situation

The PC CS in a non-CPL is assigned an OFFSET WCREDET ACR. The WCREDET action will not extend into the Steigerwald class action windfall offset period. The CS sees that there is an OFFSET STEIGR1 ACR assigned to the CS in CPL 5 for an attorney fee determination.

#### Action

The CS should take the following action:

- Process the WCREDET under normal procedures
- Verify the current WC/PDB rates using normal procedures and, if needed, hold the ACR under normal procedures
- Process ICF and if necessary refer the case to the BA to update via MACADE
- Post any overpayment or release underpayment under normal rules
- Issue the notice under normal rules; do not include Steigerwald UTIs or CC the class action attorney

### Example 3: Less Favorable on Appeal ALJ Case (Windfall Period Affected)

#### Situation

While working an APPEAL DHEAR, a CS discovers a case that is less favorable on appeal. The original award was in 2016, and it is a Steigerwald case per the SP MSG. The less favorable ALJ decision is going to change the MOE to a later date and will change the windfall offset period with it.

#### Action

The CS should take the following action:

- Place the case into DHF with a comment that reads “Steigerwald case requiring review—do not effectuate until review complete”
- Contact the Steigerwald OSB person of contact (POC) in their own PC with a summary of the case
- The Steigerwald OSB POC will forward the case details to OPSOS for review and guidance
- Continue to hold the case until guidance is received



## Excess/Multiple Reps

### Excess Reps – Multiple Current Representative Appointments – Case Referral

Operations has been made aware that in some rare cases, claimants have remained members of the Steigerwald class action and yet have appointed their own separate representatives on the side. Operations is currently awaiting instruction on how to handle these cases. These have been referred to as excess reps/multiple reps cases.

#### How to Identify an Excess Reps Case

##### **Review Case for Separate Attorney Appointment**

- eView/CFRMS
- RASR
- SSR/MBR Remarks

Looking for SSA-1696 appointment of representative **dated after September 14<sup>th</sup>, 2018.**

#### Case Referral

If an excess reps case is identified, take the following action.

- Effectuate the case as normal, withholding 20% of the past due benefits for release of an attorney fee. Only withhold benefits for the class action attorney.
- After effectuation, report the case to your OSB person of contact.

## Opt-out Cases

### Class Member Opt-Out

As described in EM-18044, the Notice of Class Action issued by the plaintiff's counsel automatically includes members identified in the case universe during the discovery phase of proceedings. However, members identified were given a 60-day period in which to opt out of the Steigerwald class action lawsuit. These former class members are legally free to pursue their own complaint or protest with the agency. They are not considered to be represented by the class counsel and thus will not be required to pay legal fees to the class counsel attorney.

#### Opt-out Member Key Features

- All opt-out members have been removed from the class. This includes being removed from the Steigerwald Tracking System (STS).
- Opt-out members may have hired their own attorney.

### Opt-out Members Processing

CPL technicians should not encounter any opt-out cases during processing. These cases were removed from the STS and will not be processed under CPL guidelines.

If a technician is working a Steigerwald case in the STS, and there is a report of contact where a class member notifies the agency that they are an opt-out member or if they ask questions about opting out, follow these instructions:

- Advise the claimant that questions and concerns about opting out should be directed to class counsel per EM 18044. SSA is prohibited from providing claimants with legal advice.
- Do not hold your case.
- Process the case per normal instructions in the Steigerwald Desk Guide.
- Process the class counsel attorney fees as normal.

## Fraud Cases

### Fraud Cases

Operations is aware that a small number of Steigerwald cases are also involved in one of several fraud investigations. These cases must be tracked and set aside pending an Operations decision on special handling.

### Identifying a Fraud Case

A fraud case can be identified by the SP MSG field on the MBR and the RMRK field on the SSID.

### Case Hold and Forward

If you have identified a fraud case, then take no action. Place your case into the hold file and notify your OSB or regional POC with the case SSN so that the case may be forwarded to OPSOS for tracking and case by case assessment.



## References

[GN 02610.000](#) Title II/Title XVI (Windfall) Offset  
[SI 02006.000](#) Windfall Offset –Effect on Title XVI Payments  
[SM 01320.000](#) Automated Windfall Offset  
[MS 00305.000](#) SSI Windfall Offset Menu  
[GN 03900.000](#) Representation and Representative's Fee  
[GN 03920.000](#) Administering Representatives Fees Provisions  
[GN 03930.000](#) Fee Authorization under the Fee Petition Process  
[GN 03940.000](#) Fee Authorization under the Fee Agreement Process  
[SI 04070.000](#) Administrative Finality - SSI  
[SI 04005.000](#) Administrative Review (Appeals) Process - SSI

### **Training Share Point / Audio File /Power Points:**

<http://sharepoint.ba.ssa.gov/dco/DCO OPSOS/DAPS/Steigerwald/Training%20Audio/Forms/AllItems.aspx>

## STEIGERWALD PHASE I CHECKLIST

Case SSN _____ - _____ - _____	Steigerwald Class Criteria
Steigerwald BIC: _____ Windfall offset period: _____ through _____ Representative fee paid on: ____/____/____ Multiple reps: _____ Auxiliaries involved: Y _____ / N _____ Dual Entitlement: Y _____ / N _____	<ul style="list-style-type: none"> <li>➤ Representative fee paid between 03/13/02 and 10/31/17</li> <li>➤ Rep fees tied to a windfall offset period</li> <li>➤ SSA did not account for all fees in the windfall comp</li> </ul>

Screen-out (Hold) Criteria	
Hold (in locally designated Paperless area ) cases with the following criteria and refer to your OSB SW Contact	
_____ Fraud case	_____ Does not meet class criteria
_____ T9 NOTENT in the windfall period	_____ Other per Desk Guide

CS Referral Criteria
Review the case for the following to determine if Phase I CS action is required
_____ Undecided/disapproved/incorrectly appv'd fee agreement or AUTHORIZED FEE field is blank
_____ Fee agreement-amount of fee does not equal 25% of past due benefits for any bene on record
_____ Amount of payment to Atty/Rep does not equal what is coded in ARA/ARB data
_____ Payment to rep is approved, however it was never paid out
_____ Payment to rep is approved, but was paid more or less than approved amount
_____ Payments total over fee agreement cap when considering SSI atty fee payment
_____ PIA's/Rates are incorrect within the windfall period
_____ Worker's Compensation is not proven within the windfall period
_____ Combined family max issues affecting the windfall period
_____ Court fee cases in which the authorized fee and withheld amounts do not coincide with rates and withholding
_____ Cases in which the auxiliary past due start and stop do not match the HA on record
_____ Multiple Rep issues where the amounts approved via ALJ did not equal what was paid out
_____ Cases in which the APPREP past due period is in question
_____ Multiple ARA occurrences when auxiliaries are involved
_____ The DOE of any claimant appears to be incorrect
_____ Unproven WEP is present affecting the windfall period
_____ Administrative finality determination needed

Pre-windfall Recalculation MBR Update	
Follow instructions in Step 3: Record Update (If Necessary) Desk Guide	
_____ ARB/ARA data correction	_____ Auxiliary corrections
_____ Other _____	

E4345 Data		
CMA Amount \$ _____	Paid vs Payable Start _____	Rep Fee Type:
CMA Paid Month ____/____	Paid vs Payable Stop _____	Petition _____
		Fee Agmt _____
		Fee Amount \$ _____
Pre-existing Underpayment: \$ _____ / Pre-existing Overpayment: \$ _____		

# **EXHIBIT D**



# Windfall Offset Recalculation Process

4/02/2019

# Outline

- Case Summary
- Phase I
- Phase II
- Phase III
- Quality
- Appendix
  - Key Terms

# Case Summary

- **Background**
- On July 18, 2017 a class action lawsuit was filed against the Social Security Administration (SSA), named *Steigerwald v. Berryhill*. The lawsuit alleges that SSA did not properly account for representatives' fees when calculating past-due benefit payments to individuals who were awarded both Old Age Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI). The suit involves concurrent T2/T16 cases that had windfall offset and, primarily, had a fee petition that was delayed in authorization.



# Case Summary

- Steigerwald Case Facts
- Title 2 Disability Case Facts
- The Administrative Law Judge (ALJ) awarded T2 and T16 benefits to Mrs. Steigerwald on July 15, 2014, noting that the Appeals Council remanded this case back to the ALJ ([DI 42010.060](#)).
- The ALJ decision noted that the date claimed filed (DCF) is June 17, 2009 and that the date of disability onset is May 26, 2009.
- For Title II benefits claimants must serve a 5 month waiting period for entitlement, thus giving the claimant a date of entitlement of November 2009 for Title II disability benefits ([DI 10105.070](#))
- In the ALJ decision, the judge did not approve the fee agreement because the fee agreement set a fee that was more than the lesser of 25 percent of the past-due benefits or \$6,000.00.
- SSA adjudicated this claim on October 28, 2014 therefore, the past due benefit period is 11/2009-09/2014 ([GN 03920.030](#)).
- The claimant received her first monthly benefit for November 2014 in December 2014. When we processed the award, the PC did not notify the FO that an appointed representative fee was involved , therefore no diary or alert generated to control the fee petition authorization on the Title 16 record. This allowed the Title 16 system to perform an automated windfall offset without subtracting the approved appointed representative fee.



# Case Summary

- **Title 16 case facts**
- On July 15, 2014, the ALJ awarded Mrs. Steigerwald Title 16 benefits based on her application filed June 17, 2009.
- Per [SI 00601.009](#), Title 16 payments can begin the first month following the date the application is filed; or individual becomes eligible for such benefits.
- Ms. Steigerwald's Title 16 application date is 06/17/2009. She was eligible for payment from July 2009 – November 2014.
- Mrs. Steigerwald's payment of Title 16 benefits from July 2009 – November 2014 overlapped a couple of the months in the Title II retroactive period.
- Per [GN 02610.016](#), windfall offset applies when a beneficiary is entitled to both Title 2 and Title 16 for same period and Title II retroactive benefits are due.
- The FO was not notified of the appointed representative fee so no diary or alert was in place on the Title 16 record, allowing the Title 16 system to perform an automated windfall offset without subtracting the approved appointed representative fee.
- Ms. Steigerwald's Title 16 payments stopped in December 2014 because her Title 2 monthly benefit of \$1201.00 that she received in December 2014 made her ineligible for Title 16 benefits.



# What the agency has done as of 1/25/19:

- SSA started working all Group 1 class members' cases (~37k) in February 2019.
- A preliminary quality review of 58 cases found 65.5 percent accuracy.
  - **Result:**
    - Quality: The Office of Quality Review (OQR) is now reviewing 100% of the cases at key steps in the process for at least ten weeks and will continuously re-evaluate the need for 100% review throughout the ten-week period. Because of capacity constraints, this review affects the case completion rate.
    - Case Rate: The Agency agreed to send all cases that did not have an underpayment released back to Phase I to begin the process again using the updated instructions, updated tool, and quality checklist.
    - System: Software updates are being made to integrate the quality review feedback form into the workload tracking tool, including a comprehensive quality checklist, because the 100% review rendered the paper process inadequate.
    - Note: As this quality initiative restarts the process again for accuracy, this increases more manual functions such as overlaying and keying information. No propagation occurs.
- SSA paid underpayments and released notices for seven cases through March 27, 2019.
- As of March 27, 2019, Operations has completed Phase I for over 3,800 cases, and OQR is in the process of reviewing those cases. As OQR completes each review, the case will either be returned for correction, or move on to Phase II of case processing.



# Overview of Windfall Offset Phases

- ***Phase 1 Summary: PC (Processing Center)***
- The windfall offset calculation is initiated in the PC.
- Primary actions :
  - Review of the case for outstanding items.
    - Outstanding Items:
    - A T2 payment may not have been due because SSA has learned of an unreported issue that should have suspended or ceased the individuals benefits such as
    - Incarceration, Worker's Compensation, Work Suspension, etc.
  - Initiation of the STS e4345 for the revised windfall offset amount.
- Systems accessed: MACADE, Paperless, MBR, eView, PHUS, SPS, CFRMS, RASR, eWork, AURORA.
- The BA creates an e4345 and transmits it. The e4345 contains the following:
  - Basic case info, the CMA amount and paid month, Title II representative info (including fee amount), PC contact info
  - A recomp is indicated by a checkbox and remarks field
  - The BA updates the tracker tool with the phase 1 case data.

# Overview of Phases

- ***Phase II: FO (Field Office)***
- The FO receives the automated STS e4345 from the PC. T16 CS:
  - Screens case for issues that would affect the windfall period
  - Reviews T2 fee information and reconstructs the original offset computation
  - Manually enters information into eComps
    - Recalculation deducts the approved attorney fee from the T2 countable income, which may result in an underpayment due on T2
  - Scans the eComps into eView/NDRED
  - Returns the STS e4345 to the PC, completing Section II "SSI Offset Summary"
    - Included: offset period, federal & state offset amount, non-countable income



# Overview of phases

## *Phase III: PC*

Once the recalculation is completed, the PC uses the revised windfall data to update the MBR and adjust benefits due, as necessary.

- The BA reviews the returned STS e4345
- The BA takes a MACADE action to:
  - Update final WOD data to the MBR
  - Update any new information to the MBR (address, bank, etc.)
  - Release the Title II underpayment (save for 20% withholding based on court ruling)
  - Send a notice
- Plaintiff Attorney fee the PC will:
  - Withhold 20% of the past due benefits.
  - Follow special RASR procedures for the 1695 per [EM 18008 SEN](#)
- If development for next of kin (deceased claimant), address unknown, or other issues, the BA will develop.
- PC CS will provide the attorney fee data, review the record, and then sends the case back to the BA.
- The BA updates the final case data in the tracker tool.



# Disclaimer

- The following slides of this presentation on the in-depth look into the 3 phases is through the lens of relatively clear cut cases.
- Due to several variables, age of the cases, different processing rules for T2 and T16, and systems limitation, not every case is a clear case.
  - *Note:* The older the case is, the more manual it becomes.

## Things to remember:

- *All Phases are dependent upon the preceding phase's information for processing accuracy. Example: Phase 2 depends on Phase 1's T2 information to correctly compute the offset. If Phase 1 information is keyed or calculated wrong, Phase 2 is automatically incorrect.*
- *Even the most clear cut, easiest case, may include over 40 different screens, by multiple technicians in various components. Most of these screens must be manually typed, over keyed, while adding additional screens to incorporate the recomputation and subsequent past due benefit.*



# Phase 1

- Recalculating the windfall offset begins with qualified and experienced technicians in the PC.
- This stage of the recalculation takes at least 30 minutes to complete (this time does **not** including any time required for development that may affect eligibility/benefit amount)
- A specially-trained technician in the PC must use multiple agency systems to review the accuracy of the T2 record, complete any necessary development, identify any other pending actions that may affect the benefit amount or where the payment will be delivered.
  - Example of clear case development: Multiple MBR reviews, Pre-MBR for CMA Sg status, and Current MBR for attorney fee.
  - Additional Development examples: Prisoner suspension, Worker's comp, Whereabouts unknown.
- If necessary development requires requests for information, SSA would attempt to contact the class member or other sources to obtain the needed information. These actions can take up to 90 days due to unsuccessful contacts and repeated follow-up requests for information.

```

FACT   DTE:01/26/19  SSN:          BIC:    DOC:PC3 UNIT:D    PG: 002+
        12/15 $ 941.70 L2K FMAX-$ 1223.100 ELY-14 IME-$1415 YOC-00
        12/16 $ 944.50 L2K FMAX-$ 1226.700 ELY-14 IME-$1415 YOC-00
        12/17 $ 963.30 L2K FMAX-$ 1251.200 ELY-14 IME-$1415 YOC-00
        12/18 $ 990.20 L2K FMAX-$ 1286.200 ELY-14 IME-$1415 YOC-00
APPREP  FAVORABLE DEC-09/09/2016 CLIENT PIC-A
        BENEFIT DECISION-10/07/2016 ESTABLISHED-10/11/2016
        PAST DUE START-08/2014 PAST DUE STOP-09/2016
        AMT WITHHELD- $6101.35 PAST DUE BENS- $24405.40
        FEE TYPE-FEE PETITION FEE STATUS-AUTHORIZED FEE AGMT ¼-00
        FEE AMT- $6000.00 AUTHORIZED FEE- $6000.00
        EXCESS WITHHELD- $101.35 EXCESS PAID-09/26/2017
        EXCESS PAID RSN-SYS W/H MONEY
PAYMENT PIC-A MPA-$990.00 DOC-581 RD-11/20/18 LAP-T SERVICE IND-6
TELE NO  BTN-423-479 8888 BTC1-H CPND-10/2016
PAYEE    PATRICIA A
        PAYEE UPDATED-01/08/2015
ADDRESS  173 ENSLEY RD SE
        ADDR UPDATED-01/08/2015
        SCC-44050 ZDPC-736 SOURCE-X
BANK     RTN-100000000 DAN-100000000 BDCD-04/25/17
BENEFIT  BIC-A PATRICIA A MBR-SB-F DOB-08/01/  Q DOI-08/14
  
```




# Phase 1

- The PC technician manually reviews the original fee information and the MBR to calculate the correct T2 fee amount.
  - Auxiliary Fees, Dual Entitlement, etc.
    - Due to the age of the records, many class members will have multiple windfall-offset period and/or multiple fee awards, or both. The PC must determine the correct periods for recalculation. The FO cannot perform the recalculation without the PC input
- The experienced PC technician finishes the actions necessary for the FO to recalculate the windfall offset.
- The PC technician manually creates and sends notification to the FO providing the T2 information that may affect the evaluation of the T16 record via an e4345.

# Customized tool

- The transfer is done via a specialized tool. The tool:
  - Ensures PC/FO technicians on who needs to take action.
  - Does **NOT** automate the workload
  - Does **NOT** speed up the various manual processes.
  - The screens do **NOT** propagate information. The PC/FO technician must manually key in all information.
    - Note: All the radio buttons listed, which include the dollar amount, the month, the fee amount, the type of fee, etc. must be manually filled in by the technician

e4345 Welcome, 

### New e4345 Entry - Phase 1

Claim Info **Paid vs. Payable** Fees & Remarks Steigerwald Info Summary/Certification

\* Required Field

Claim Number: 415- BIC: A BOAN: 415- [Back to STS](#) [Save](#)

Number Holder's Name: PATRICIA

Beneficiary's Name: PATRICIA

Route To: CPL 3 - FO Reply To: CPL 3 - PSC


Dual Entitlement Case: ☐ Yes ☒ No

Recomputation Involved: ☐ Yes ☒ No

☐ No CMA paid. Closed period of offset (e.g., death cases or cases with a closed period of entitlement).

CMA Amount (12345.00 no comma)\* \$ 940.80

CMA Paid Month (mm/yyyy)\* 11/2016

e4345 Welcome, 

### New e4345 Entry - Phase 1

Claim Info Paid vs. Payable **Fees & Remarks** Steigerwald Info Summary/Certification

\* Required Field [Back to STS](#) [Save](#)

Claim Number: 415- BIC: A BOAN: 415-

Number Holder's Name: PATRICIA

Beneficiary's Name: PATRICIA

**T2 Representative Fee Type:**

☒ Petition ☐ Agreement ☐ No Fee

T2 Representative Fee Petition-Authorized Fee Amount: \$ 6000.00

PSC Contact Name: PSC Contact Phone:

PSC Remarks


**\*\*Use this field to include any relevant remarks about the case you feel the FO CPL should be aware.\*\***

102/1000 characters.



# Phase 1

e4345Welcome,



New e4345 Entry - Phase 1

Claim Info

Paid vs. Payable

Fees & Remarks

Steigerwald Info

Summary/Certification

\* Required Field

Back to STS

Save

Steigerwald Info

Was CA Review Required in Phase 1?

☐ Yes☒ No

Pre-existing U/P?

☐ Yes☒ No

Pre-existing O/P?

☐ Yes☒ No

Fee & Remarks

Fee Type: Petition

T2 Rep Fee Petition-Authorized Amount: \$6,000.00

PSC Contact Name:

PSC Contact Phone:

PSC Remarks: \*\*Use this field to include any relevant remarks about the case you feel the FO CPL should be aware.\*\*

Steigerwald Info

Phase 1

CA Review Required in Phase 1: No

Pre-existing Underpayment: No

Pre-existing Overpayment: No

Certification

Upon certification, an email message (FO) or a Paperless ACR (PC) will be sent to the next servicing component.

Caution: If you are not ready to transmit your e4345, then please save and exit from the e4345 application. If you fail to either transmit or save, your e4345 will be lost.

I certify that this is ready to transmit  
Submit and Complete e4345



# Phase 1

The PC updates the class action tracking tool, also built specifically for these cases, which SSA is using to monitor and track actions on the class members' cases until completed, with annotations and information.

## Class Action Tracking Tool Purpose:

- Tracks case status
- Does not automate or speed up the manual processes
- Ensures that all SSA employees will be able to determine the status of each Class case to respond to inquiries

**Steigerwald Tracking System** Welcome [Name] (ROLE: 1 - PSC Technician)

Home | **Document An Inquiry** | CPL Summary | Region Summary | Listings | Admin | Help

---

**Case Details** SSN: 415- [Redacted] BIC: A

**Case Basics** Expand / Collapse

<b>NAME:</b> PATRICIA [Redacted]	<b>CURRENT STATUS:</b> Not Yet Started	<b>DATE LAST UPDATED:</b> 11/08/2018
<b>ADDRESS:</b> 173 ENSLEY [Redacted]	<b>CURRENT LOCATION:</b> CPL - 3	


**Location and History** Expand / Collapse

<b>CURRENT CPL:</b> 3	<b>LOCATION 1:</b> PROG	<b>LOCATION 2:</b> SYS
<b>DAYS IN CURRENT LOCATION:</b>	<b>DAYS SINCE CASE STARTED:</b>	
<b>CPL HISTORY:</b>	<b>TECHNICIAN HISTORY:</b>	

**Key Characteristics** Expand / Collapse

<b>REVIEW REQUIRED IN PHASE 1:</b> NO	<b>UNDERPAYMENT DUE:</b> NO	<b>ATTY FEE USED IN FINAL ECOMPS:</b>
<b>PRE-EXISTING UNDERPAYMENT:</b> NO	<b>UNDERPAYMENT AMOUNT:</b>	<b>CLASS ACTION ATTY FEE DUE:</b> NO
<b>PRE-EXISTING U/P AMOUNT:</b>	<b>FINAL U/P AMOUNT DUE:</b>	<b>ATTY FEE AMOUNT DUE:</b>
<b>PRE-EXISTING OVERPAYMENT:</b> NO	<b>WAS THE U/P PAID NOW:</b> NO	
<b>PRE-EXISTING O/P AMOUNT:</b>	<b>NOT PAID REASON:</b>	

**Inquiries** Expand / Collapse



# Phase 1

- Upon completion of the first step of the three-step process, SSA's quality reviewers will perform randomized sampling of processed cases, to check for policy compliance and accuracy of the benefit computation. Depending on the outcome of the quality review, the quality reviewer will either return the case to the PC for correction or send the case to the FO employee to complete step two of the three-step process.



## Phase 2

- Experienced FO technicians perform the tasks associated with phase two of this three-step process, which takes over two hours total to complete for each case. The FO technician reviews the information sent from the PC to ensure accuracy.
  - **Note:** Generalists claims specialists receive training on aspects of both titles, and many are able to intake simple applications under both titles. They do not necessarily adjudicate claims or perform records maintenance and corrections for both titles.
- Windfall Offset is a highly technical workload that requires a deep understanding of T16 eligibility and computations, which includes appointed rep policy and system inputs.
  - Becoming proficient at the level needed to accurately process more complex cases such as class members recalculations, requires significant experience with routine cases before progressing to some of the more complex issues.



# Phase 2

## Record Review

- Experienced and qualified FO technicians must manually review the records to determine whether they have sufficient information to perform the recalculation.
- This cross-checking must be completed manually by experienced technicians; there is no automated process.
  - Record Review can include, but not limited to, the following issues:
    - Marital Status changes: If the individual failed to report, they may be due additional benefits under T16.
    - Income: A class member may not have reported working, but SSA may have received information from the Internal Revenue Service regarding wages posted on the class member's record
    - MBR/SSR: Reviewing prior SSR's and MBR for attorney fee information, Windfall Offset Data, PHUS to see if everything matches the T2 data from the e-4345.



# Phase 2

## Record Review

- The technician will assess the individual's eligibility for each month in the retroactive period, which is likely to change more often than a typical case because the period of time often spans years and occurred many years ago.
- Factors to consider:
  - Multiple independent records, so there are often multiple independent records (Example shows 2 records)
    - Note: Each record must be reviewed.
  - Various periods of eligibility
  - Note: The age of many class members' cases and the fact their eligibility for benefits may have changed, the individual's record(s) may be no longer be active in our systems. (Example shows T31-nonactive record)

```
MSG:      DTE:11/06/17 SSID  QN:      RN:02X02 UN:      PG: 001+
CTL FUN:      } CFL:X85  MV:05/03/10-C PFL:391
                        I PSY:T31 TMR:D1 ID:D1 TDA:11/03/17 SEQ:2
CMSC HUN:      RIC:T VER:3 CPD:11/03/17-N CPF:11/03/17 STP:12/15
                        MSI:3-1-07/18/14
CRZD PC:A 07/14
PRSN AP:06/17/09 EXS:C DB:      I-B SX:F AR:A-      - - LPS:ENGLISH
                        LPW:ENGLISH DOE:06/09 IRS:1 MCI:C
AUTH REP DATA FROM ARDB NOT AVAILABLE MAR:N DP:D FST:T AFOC:X85
RCRD EST:07/18/14 XDO:391 IDD:07/18/14 IDDR:08/22/2014 SNV:3 CNV:5 LAF:C
WIN:I-12/09-01/15 WNC:33544.95 WPA:69437.90 WFT:22392.95 WAB:18KU
PCO:7 FS1:N FS2:N
DRDP BCR:      } BCA:      } DDC:08/22/14
ADDR      CTY:      TL:      DIS:391
      ST:      ACD:08/22/14
RADR      CTY:I
DIAR MR-08/22/17
DISB DPC:F SAC:S38 DSA:06/17/09 DDO:06/17/09 WDR:3 DIG:7240-2780 DPM:N
      CDR:5-001-09/26/17
NOTC C/O:Y 04/13/15 -8166 LIS024 2016 PAY217 1952 PAY152 RVWC01 RVW002
      INFC33 CLO035 RPY100 ALS160 REFC01 REF146 SSAS35 -- 01/26/15 -8166
      LIS024 2016 PAY217 1952 PAY152 RVWC01 RVW002 INFC33 CLO035 RPY100
```



## Phase 2

- Since the vast majority of class members T16 records are no longer active, these recalculations are not supported by our systems or any automation available to the agency.
  - **Note:** Processing an **initial** award and performing an initial calculation does not have these system limitations.
- In addition, experienced FO technicians normally could determine the retroactive period(s) in routine windfall offset cases. Due to the age of the records, many class members will have multiple windfall-offset periods and/or multiple fee awards, or both, and the PC must become involved because they are familiar with historical T2 records.
- Additional Complexities example (not limited to):
  - Rebuilding the T16 record: This is a manual process where the FO technician must recode and reconstruct the T16 record. This process normally takes several days due to systems complications. Many of our records can update in our systems only during overnight hours. Reestablishing a T16 record can take multiple days due to system limitations.



## Phase 2

- As these cases are so old, in some instances, the FO will even need to request that SSA's central folder storage location in Missouri pull and mail the T16 paper file folder(s) from the archives, thus taking more time.
  - **Note:** This happens when the technician is unable to reconstruct the original fee. Reconstructing the original fee is a manual process that is common in older cases.
- The FO technician performs an in-depth review of the T16 record(s) for accuracy; identifies any necessary development; and determines other pending actions that may affect the underpayment amount

## Phase 2

- Due to the age of these cases, and because many factors are involved in determining an individual's eligibility for T16, the technician will likely need to contact outside parties and potentially the class member to help develop necessary information related to eligibility. These actions alone normally take several weeks, even when all parties cooperate, and require another in-depth review.



## Phase 2

- When the FO has all the information necessary for the recalculation, the technician must manually calculate the monthly offset amount, monthly benefit amounts, and prior attorney fees paid on the retroactive windfall offset period.
  - The recalculations are not routine due to the age of these cases and additional complicating factors:
    - T16 records are no longer active after 12 months of nonpayment status.
    - Non-active T16 records need to be reconstructed on a case-by-case basis, which must be done manually.
- Due to the nature of the T16 program, it is common for the benefit amount to change multiple times during each period of eligibility, making this recalculation even more complex. Properly executing each step in the recalculation is extremely time-consuming, but very important to ensure accuracy. The FO must also verify and manually update the record(s) in our systems.
- When all T16 actions are complete, the FO responds to the notification from the PC to inform them that the FO's work is complete. The technician in the FO updates the class action tracking tool with annotations and information. The FO also documents the transfer of responsibility back to the PC.



# Phase 2

## Initial Calculation

### Windfall Offset For Claimant

Computation Results Windfall Results **Windfall Offset**

Claimant

eComputations Label	SSR WCMP Segment Acronym	SSR WCMP Segment Field Name
Offset Amount Federal	WFO	Windfall Federal Offset Amount
Offset Amount State	WSO	Windfall State Offset Amount
Negative Offset Amount Federal	WFN	Windfall Federal Negative Offset Amount
Negative Offset Amount State	WSN	Windfall State Negative Offset Amount
Excess Offset Amount Federal	WFX	Windfall Federal Excess Offset Amount
Excess Offset Amount State	WSX	Windfall State Excess Offset Amount

The Offset period is **02/2001** through **05/2004**

**Total Offset Federal Amount:** \$19829.06

**Total Offset State Amount:** \$0.00

**Non-Countable Income:** \$5088.54

Date (MMYY)	Offset Amount		State Code	Negative Offset Amount		Excess Offset Amount	
	Federal	State		Federal	State	Federal	State
02/01	227.06	0.00		0.00	0.00	0.00	0.00
03/01	531.00	0.00		0.00	0.00	0.00	0.00
01/02	545.00	0.00		0.00	0.00	0.00	0.00
01/03	552.00	0.00		0.00	0.00	0.00	0.00
01/04	564.00	0.00		0.00	0.00	0.00	0.00
03/04	0.00	0.00		0.00	0.00	0.00	0.00
04/04	0.00	0.00		0.00	0.00	0.00	0.00

**WIN:F-02/01-05/04 WNC:5088.54 WPA:24917.60 WFT:19829.06**

## Recalculation

### Windfall Offset For Claimant

Computation Results Windfall Results **Windfall Offset** Windfall Offset Summary

Claimant

eComputations Label	SSR WCMP Segment Acronym	SSR WCMP Segment Field Name
Offset Amount Federal	WFO	Windfall Federal Offset Amount
Offset Amount State	WSO	Windfall State Offset Amount
Negative Offset Amount Federal	WFN	Windfall Federal Negative Offset Amount
Negative Offset Amount State	WSN	Windfall State Negative Offset Amount
Excess Offset Amount Federal	WFX	Windfall Federal Excess Offset Amount
Excess Offset Amount State	WSX	Windfall State Excess Offset Amount

The Offset period is **02/2001** through **05/2004**

**Total Offset Federal Amount:** \$15354.00

**Total Offset State Amount:** \$0.00

**Non-Countable Income:** \$9563.60

Date (MMYY)	Offset Amount		State Code	Negative Offset Amount		Excess Offset Amount	
	Federal	State		Federal	State	Federal	State
02/01	0.00	0.00		0.00	0.00	0.00	0.00
03/01	0.00	0.00		0.00	0.00	0.00	0.00
10/01	0.00	0.00		0.00	0.00	0.00	0.00
11/01	531.00	0.00		0.00	0.00	0.00	0.00
01/02	545.00	0.00		0.00	0.00	0.00	0.00
01/03	552.00	0.00		0.00	0.00	0.00	0.00
01/04	564.00	0.00		0.00	0.00	0.00	0.00
03/04	0.00	0.00		0.00	0.00	0.00	0.00
04/04	0.00	0.00		0.00	0.00	0.00	0.00

**Note:** The technician must go through e-Comps two times to input the information to receive the original fee information and the recalculation. Then manually subtract to reveal the past due benefit owed.

## Phase 2

- After the PC's actions, upon the FO's completion of the second step of the three-step process, SSA's T16 quality reviewers will review a sampling of cases and recalculations for policy compliance and payment accuracy. Depending on the outcome of the quality review, the quality reviewer will return the case to the FO for correction or send to the PC to complete the final step of the three-step process.



## Phase 3

- Experienced PC technicians perform the tasks associated with the last phase of this three-step process, which takes over one and a half hours total to complete. Technicians in the PC reviews the information sent from the FO.
  - The PC has an even more integral part in processing these recalculations than would be true for routine windfall offset actions.
- The PC technician compares, month-by-month, what T2 benefits were paid versus what should have been paid to determine the underpayment amount due, if any. Due to the age of these cases and the complex nature of windfall offset, this process for class members will take more time than the usual approximately one hour for a complex case in order to ensure the class members are paid fully and accurately.
- The PC takes necessary actions in our systems to document the underpayment and class counsel's fee. The experienced technician will also manually prepare a notice for the class member to explain the decision and actions.
  - **Note:** For this MACADE action on the next slide, the technician must overlay the information on the Windfall Offset Data line as well as add a new Attorney Fee occurrence to record the new underpayment amount. This is all manual typing.



## Phase 3

MDE 021519 APPOINTED REP ACCOUNT DATA (APPREP) ARA  
SSN: 287-11-4000

\*FAVORABLE DECISION (MMDDCCYY): 01252019 \*CLIENT PIC: A  
BENE DECISION (MMDDCCYY): 02072019 FEE TYPE: C FEE STATUS: A  
AUTHORIZED FEE (\$\$\$\$\$.¢¢): 53.93 FEE AGREEMENT PERCENT: 15  
ESCROW AMT (\$\$\$\$\$.¢¢):

MDE 021519 APPOINTED REP BENEFIT DATA (APPFEE) ARB  
SSN: 287-11-4000 BIC: A

\*FAVORABLE DECISION (MMDDCCYY): 01252019 \*CLIENT PIC: A  
PAST DUE START (MMCCYY): 082016 PAST DUE STOP (MMCCYY): 012017  
PAST DUE BENE (\$\$\$\$\$\$.¢¢): 0000359.50 AMT WITHHELD (\$\$\$\$\$.¢¢): 00071.90  
FEE AMOUNT (\$\$\$\$\$.¢¢): 00053.93

EXCESS WITHHELD (\$\$\$\$\$.¢¢): 00017.97  
EXCESS PAID REASON: 5  
1=DIRECT PAYMENT OF FEE WAIVED 2=FEE WAIVED/NO PETITION FILED  
3=PROTEST APPROVED 4=REDUCED FEE TO LEGAL REP  
5=WITHHELD MORE MONEY THAN AUTH FEE.

# Phase 3

If SSA underpaid the class member, the PC will prepare and release the payment. In cases processed before the percentage of class counsel's fee is known, SSA will withhold 20% of the underpayment for potential attorney fees. This represents the percentage of each class member's past-due benefits that class counsel has asked the Court to approve.

```

MDE  021419          APPOINTED REP ACCOUNT DATA (APPREP)          ARA
SSN:  378-78-4883

*FAVORABLE DECISION (MMDDCCYY): 01252019 *CLIENT PIC: A
BENE DECISION (MMDDCCYY): 02072019 FEE TYPE: C FEE STATUS: A
AUTHORIZED FEE ($$$$$.cc): 00071.90 FEE AGREEMENT PERCENT: 20
ESCROW AMT ($$$$$.cc): _____
  
```

- After the Court determines class counsel's fee amount, the PC will prepare and release class counsel's fee, as well as document our appointed representative database, which is necessary to comply with our IRS reporting obligations. At a later date, PC staff will need to be diverted from their day-to-day public service work to re-examine class members' cases already processed in order to pay the Court ordered fee. If the fee percentage ultimately ordered by the Court is different from the 20% amount withheld from the underpayment, each case will need to be revisited for further manual action, requiring significant additional time to process each case.

```

MDE  021419          APPOINTED REP BENEFIT DATA (APPFEE)          ARB
SSN:  378-78-4883          BIC: A

*FAVORABLE DECISION (MMDDCCYY): 01252019 *CLIENT PIC: A
PAST DUE START (MMCCYY): 082016 PAST DUE STOP (MMCCYY): 012017
PAST DUE BENE ($$$$$$.cc): 0000359.50 AMT WITHHELD ($$$$$.cc): 00071.90
FEE AMOUNT ($$$$$.cc): 00071.90
  
```



# Phase 3

- The qualified PC technician verifies all information and completes the final documentation of the case in our systems.
- The PC performs the final update in the tracking mechanism to document completion of the case.
- Just as the quality reviewers did earlier in the process, our T2 quality reviewers will review a sampling of cases and recalculations for policy compliance and payment accuracy. Depending on the outcome of the quality review, the case is returned to the PC for correction or final preparation for release of payment and notice( s ).
- Note: As of now, the ACR input to pay the attorney fee has been placed on a 30 day hold until the fee is resolved/authorized. This means the PC technician will have to go back to manually code MACADE and annotate the ACR to release payment and finalize the e-4345 with the attorney fee information.

```
MDE 021419          SPECIAL MESSAGE DATA  (SP MSG)          SMG
SSN: 021419
MSG1 : STEIGERWALD CLASS ACTION CASE PROCESSED. CLASS ACTION UNDERPAYMENT $35
       9.50. FINAL PYMT $287.60 AFTER ADJUSTMENT          TRAN DATE: ____
DEL (#): _ STANDARD MSG CODE (?, 01-51): _ DEL DATE (MMYY): ____
```



# Phase 3

**e4345** Welcome, [Name]

Edit e4345 Entry - Phase 3

Steigerwald Info Summary/Certification

\* Required Field

Steigerwald Info

Class Action Attorney Fee Due? ☒ Yes ☐ No

Amount: \$ 71.90

Final Underpayment Amount Due: \$ 287.60

Was the Underpayment Paid Now? ☒ Yes ☐ No

[Back to STS](#) [Save](#)

## Steigerwald Info

### Phase 1

CA Review Required in Phase 1: No  
Pre-existing Underpayment: No  
Pre-existing Overpayment: No

### Phase 2

Attorney Fee Used in Final eComps: \$1,873.50  
Underpayment Due: Yes Amount: \$359.50

### Phase 3

Class Action Attorney Fee Due: Yes Amount: \$71.90  
Final Underpayment Amount Due: \$287.60  
Was the Underpayment Paid Now? Yes

## Certification

Upon certification, an email message (FO) or a Paperless ACR (PC) will be sent to the next servicing component.

**Caution:** If you are not ready to transmit your e4345, then please save and exit from the e4345 application. If you fail to either transmit or save, your e4345 will be lost.

I certify that this is ready to transmit  
**Submit and Complete e4345**

# Quality

- To ensure the accuracy of class members' recalculations and underpayments, SSA's Office of Quality Review will divert 121 employees, full-time, from other targeted, critical quality review workloads. As mentioned in parts 1, 2, and 3 of the recalculation process, quality reviewers will select a random sample of cases from the respective component, PCs or FOs, at each step in the review process.
- In addition to a sample review of cases during all three parts of the recalculation process, to ensure a very high level of case accuracy, SSA's quality reviewers will perform a comprehensive review when we finish the recalculations and payment of the underpayments for the Class.
- As depicted, the process is complex; SSA must use its most qualified employees to ensure accurate payments to the class members.



# Glossary of key terms

- **Windfall Offset**: a reduction of T2 or T16 retroactive benefits to prevent a “windfall” of more T2 or T16 benefits than would have been received had the retroactive T2 benefits or retroactive T16 benefits been paid when regularly due.
- **Title 2 Offset**: a reduction of T2 retroactive benefits. This means SSI benefits are paid in full and retroactive T2 benefits are reduced.
  - Note: Cases in this class action are T2 Offset as they are being paid T2 benefits.



# Glossary of Key terms

- **Current Month Accrual (CMA)**: the first monthly T2 benefit paid timely to the claimant
- **Prior Month Accrual (PMA)**: total retroactive T2 amount payable
- **Offset Period Start Date**: the offset period begins with the month AFTER the month of entitlement to T2 benefits or the SSI date of entitlement (DOE), whichever is later.

# Glossary of Key Terms

- **Automated computation:** An automated computation occurs when the system can determine, compute, and post the windfall offset amounts to the Supplemental Security Record (SSR) for all months in the windfall period.
- **Manual computation:** When the system cannot determine the offset amounts for one or more months in the windfall offset period, the field office (FO) must manually compute the offset amounts. The FO must post the results from the manual offset computation to the SSR. For instructions how to manually compute offset amounts, see [GN 02610.035](#).
- [GN 02610.005](#)



# Glossary of Key terms

- **Fee Agreement:** A fee agreement is a written statement signed by the claimant and his/her representative specifying the fee the representative **expects** to charge and collect, and the claimant expects to pay, for services the representative provides in pursuing the claimant's benefit rights in proceedings before SSA.
  - Lesser of either 25% or \$6000 from past due benefits.
- **Fee Petition:** A fee petition is a written statement signed by the claimant's representative requesting the fee the representative **wants to charge** and collect for services he/she provided in pursuing the claimant's benefit rights in proceedings before SSA.
  - This amount can be greater than \$6000/25% cap.

[GN 03930.001](#)



# Glossary of Key terms

- **Fee Authorization** Fee authorization under the fee petition process is the means by which SSA approves the amount of the fee a claimant's representative may charge and collect for services provided.
- **Noncountable income (NCI)**: The T2 benefits payable for months in the windfall-offset period after the offset amount is subtracted from the T2 retroactive benefits that accrued for months in the windfall offset period.
- **Recalculation**: The 1<sup>st</sup> initial calculation repeated because SSA discovered information that impacts the original calculation (i.e. Fee Authorization)
- **Recomputation**: Action taken on the offset whenever a processing error results in an incorrect offset computation.

# **EXHIBIT E**

# **Steigerwald Review Instructions**

Office of Analytics, Oversight and Review

Office of Quality Review

DT16QSE and DT2QSS

Updated March 2019



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## Overview

The Steigerwald v. Berryhill class action lawsuit alleges that the Social Security Administration (SSA) did not properly account for representatives' fees when calculating past-due benefit payments to individuals who were awarded both Old Age Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) and whose representatives' fees were paid from past-due benefits between March 13, 2002 and October 31, 2017. The lawsuit claims that because SSA did not account for these fees, some individuals were not paid all the benefits they were due, and these individuals may be owed an underpayment.

## Scope of Review

The scope of review for this study is strictly limited to reviewing the sampled claims for proper calculation and release of past-due benefits for the defined windfall offset period. The review of other factors of entitlement or post-entitlement issues not directly affecting the windfall offset period are outside of the scope of review.

This review will involve a **case review only**. The Quality Review Analyst (QRA) will not initiate any contact to beneficiaries or third parties for development.

OQR Field Site Coordinators/Reviewers will review data from all available SSA systems, records, and queries to obtain any necessary information for post-entitlement issues that will affect the re-calculation of benefits during the offset period. Listed below are some of the records and systems we will access to complete the review:

- Electronic 4345 (e4345)
- Online Retrieval System (ORS)
- Claims File User Interface (CFUI) (formerly CFRMS)
- Master Beneficiary Record (MBR)
- Payment History Update System (PHUS)
- Supplemental Security Income Record (SSR)
- Paperless Processing Center System (Paperless)
- Electronic Disability Case Processing Systems (EDCS / eVIEW)

The QRA will assume that other entitlement or eligibility information found within SSA's records to be accurate. The QRA will follow POMS and MSOM policy to determine the accuracy of the screens and benefit computations.

## Review Methodology

OQR Headquarters (HQ) staff will maintain data for the Early Information Study on a Microsoft Excel worksheet shared by T2 and T16 in Sharepoint and track case movement through each phase of the process.

#### **A. General Field Site Procedures (Phase I)**

OQR Field Site Coordinators/Reviewers will conduct a comprehensive review of the initial windfall offset re-calculation action. Within two days of receiving the case, the field site will complete the review (including Program Leader second-level review).

Reviewers will:

- Determine the recalculation offset period,
- Analyze all available agency records or queries for post-entitlement information that affect the rates in the offset period,
- Check available agency records for approved fee agreements, authorized fees, multiple attorneys, fee petitions, or court fees associated with the initial claim,
- Review the e4345 completed by the benefit authorizer (BA) to ensure the appropriate benefit rates and attorney fee information is forwarded to the FO for recalculation,
- Review ORS to ensure appropriate notice(s) are released,
- Determine errors in accordance with POMS procedure,
- Conduct second-level reviews on 100 percent of sampled cases,
- Input findings on a shared Microsoft Excel worksheet in Sharepoint,
- Perform a Program Leader (PL) review of each case, and
- Prepare a review form and feedback form with findings from the review (See [Case Transfer/Workflow](#) section below)

#### **B. General Field Site Procedures (Phase II)**

OQR Field Site Coordinators/Reviewers will conduct a comprehensive review of the initial windfall offset, compute a re-calculation of the offset computation and a second computation with all applicable attorney fees. Within two days of receiving the case, the field site will complete the review (including Program Leader second-level review).

Reviewers will:

- Determine the windfall offset period, past-due amount and monthly breakdown amounts to confirm e4345 data. Check available agency records for approved fee agreements, authorized fees, multiple attorneys, fee petitions, or court fees associated with the initial claim to verify applicable fees,
- Use eComps to recreate the original offset
- Use eComps to compute the offset with all applicable fees
- Compare the original offset amount to the revised offset amount to determine underpayment due
- Compare results with FO findings



- Determine errors in accordance with POMS procedure,
- Conduct second-level reviews on 100 percent of sampled cases,
- Input findings on a shared Microsoft Excel worksheet in Sharepoint,
- Perform a Program Leader (PL) review of each case, and
- Prepare a review form and feedback form with findings from the review (See [Case Transfer/Workflow](#) section below)

### **C. General Field Site Procedures (Phase III)**

The OQR Field Site Coordinator/Reviewer will review all available SSA systems, records and queries to ensure that any underpayments or overpayments have been calculated correctly. Within two days of receipt of the case for review, the Phase III reviewer in the field site will:

- Review the e4345 for windfall recalculation data
- Check available agency records to certify attorney fee data
- Review MBR to ensure proper annotation or recalculation data on the WOD and HST data fields
- Complete a payment worksheet to verify any overpayment or underpayment data calculated by the BA
- Check available agency records for proper documentation of overpayment determinations or release of underpayments
- Check PHUS for payment of attorney fee
- Conduct a second-level review of 100 percent of sampled cases
- Complete their review (including PL second-level review) in 2 days
- Prepare a review form and feedback form with findings from the review

## **Steigerwald Case Basics**

The members of the Steigerwald class action will have certain key characteristics in common that field site reviewers will need to be aware of when reviewing cases.

### **A. Windfall Offset**

All Steigerwald cases are concurrent T2/T16 cases that had a windfall offset calculation performed. SSA will recalculate the initial windfall offset to determine if additional benefits are due after accounting for the corrected attorney fees.

### **B. Retroactive Windfall Period**

The windfall offset period for corrective action is the windfall period from the initial claim.

### **C. Attorney/Representative Fees**

The representative fees for Steigerwald cases are situations where a final fee authorization was delayed. Many will be fee petitions, but some delayed fee agreement cases will be present. When reviewing the e4345, the Phase I reviewer should ensure that the BA only included the claimants' representative fees from the initial windfall offset period. Steigerwald class action attorney fees will not be addressed in Phase I. We will review the Steigerwald class action attorney fees in Phase III.

#### **D. Class Action Attorney Fees**

Cases that result in an underpayment will have a fee paid from them to the class action attorney. The fee amount is decided by the court, and for SSA purposes this is considered a federal court fee. On the Title II end, SSA will pay this fee separately from any previously paid attorney fees, and list it with its own APPREP data under a separate favorable decision. For Title XVI purposes, these additional class action fees will be lumped in with the prior representative fees. Therefore, these fees will already be incorporated into the windfall offset numbers when the BA gets the e4345 back in Phase III.

#### **E. WOD Data**

After the windfall offset is recalculated, some cases will result in an adjustment to the WOD data that will result in an additional underpayment. Not all cases will result in an adjustment, but SSA agreed to re-assess the offset of all cases identified in the class. The reviewer must determine if the BA updated the WOD data correctly using the revised offset information provided by the FO.

#### **F. Notices**

The Steigerwald class action involves a number of different types of notices. Some notices will be common to all cases, while others will only pertain to specific case types. The appeal rights for these different notices will vary.

The reviewer must look in ORS or CFUI for any notice that corresponds to the Steigerwald action. There are three potential notices that a reviewer may encounter:

- Pre-effectuation notice
- Development notice
- Final underpayment notice

The reviewer will view ORS or CFUI for pre-effectuation and development notices during Phase I and final underpayment notices during Phase III of the review.

Pre-effectuation Notice			
Sent By	Recipients	Appeal Rights	Notes
BA	Class members requiring adjustment prior to e4345 recalculation	Standard	Should <b>NOT</b> mention the Steigerwald class action
Development Notice			
Sent By	Recipients	Appeal Rights	Notes
BA, CS or CA	Class members with open development on the record	N/A	N/A
Final Underpayment Notice			
Sent By	Recipients	Appeal Rights	Notes
BA	Class members with an underpayment	<p>Appeal rights for the underpayment and any other adjustments</p> <p>No appeal rights for the class action attorney fee – they must take that to the court</p>	

## Phase I Review Determination

Begin reviewing a case by retrieving a current MBR to ensure that the selected case meets the parameters for Steigerwald. In addition to the key characteristics listed under the [Steigerwald Case Basics](#) section, each MBR will contain a special message with the following language, “**Steigerwald Court Case – Special Handling – Follow EM-18044 SEN.**” Each case will also contain a Processing Case Action Control System (PCACS) Listing Code of **\*750 Steigerwald**.

After the reviewer analyzes the facts of the case, he or she must determine the retroactive windfall offset period, verify benefit rates, review the e4345 and record the results of the review in the Excel Spreadsheet.

### A. Determining the Retroactive Windfall Period

Determining the retroactive windfall offset period is the first step in determining what period to use when preparing the e4345. However, because constant updates to the record can affect the retroactive period, the analyst must be aware of any action or transaction that affects the windfall retroactive period.

The retroactive windfall offset period is the same windfall offset period from the initial claim. The reviewer should take the following steps to verify the retroactive windfall offset period:



1. Review a prior MBR by accessing the RT MBR Activity Film/Fiche (MBR RTUT MFR) in [ORS](#). (Folder #9)

**Online Retrieval System**

FOLDER LIST ★ ADD FAVORITE

FOLDER NAME	FOLDER DESCRIPTION
1 ACCESS BY SSN	NOTICES BY SSN
2 ACCESS NOTICE BY BNC	NOTICES BY BNC (CONVERT BNC TO SSN)
3 ACCESS NOTICE BY UID	ACCESS NOTICE BY UID
4 AERO DOCUMENTATION	Historical AJS1 Category 1 Output/ AERO T2R Bypass Datasheet
5 EMPLOYR ID DUNS	NOTICE BY DUNS
6 EMPLOYR ID FEIN	NOTICES BY EIN
7 EMPLOYR WAGE	E-FILE/MRN/RLN/EDCOR NOTICES
8 MASS MAIL	EXAMPLES OF MASS MAILINGS
9 MBR RTUT MFR	RT MBR ACTIVITY FILM/FICHE
10 PRISONERS	PRISONER/INCAR FACILITY NUMBER
11 RECON IRS SSA	CUSTOMIZED EARNINGS RECONCILIATION NOTICES

2. Input the Claim SSN and Search dates between the date of entitlement (DOE) and the current operating month (COM)

**Online Retrieval System**

SEARCH CRITERIA (MBR RTUT MFR) ★ ADD FAVORITE ? ORS Help Logoff

FOLDER LIST: - MBR RTUT MFR

SSN Equal To [ ] \*

LAST UPDATE (MM/YY) Between [ 05/16 ] \* [ 02/19 ] \*

\* Required Fields

**Search**

3. View the prior MBR with an LMM date closest to and prior to the Benefit Decision Date

APPREP FAVORABLE DEC-03/27/2018 CLIENT PIC-A

→ BENEFIT DECISION-04/11/2018 ESTABLISHED-04/12/2018

PAST DUE START-05/2016 PAST DUE STOP-03/2018

AMT WITHHELD- \$3747.00 PAST DUE BENS- \$14988.00

FEE TYPE-APPD FEE AGMT FEE STATUS-AUTHORIZED FEE AGMT %-25

FEE AMT- \$3747.00 AUTHORIZED FEE- \$3747.00

Online Retrieval System

SEARCH RESULTS

13 RESULTS FOUND

FOLDER LIST: - MBR RTUT MFR

View

<input type="checkbox"/> Select All	SSN	LMM (MM/YY)	POSTING DATE
<input type="checkbox"/> 1	58-43-9980	01/19	01/25/2019
<input type="checkbox"/> 2	258-43-9980	12/18	12/16/2018
<input type="checkbox"/> 3	58-43-9980	11/18	11/17/2018
<input type="checkbox"/> 4	58-43-9980	10/18	10/26/2018
<input type="checkbox"/> 5	18-43-9980	09/18	09/26/2018
<input type="checkbox"/> 6	158-43-9980	07/18	07/27/2018
<input type="checkbox"/> 7	18-43-9980	05/18	05/25/2018
<input type="checkbox"/> 8	258-43-9980	05/17	04/26/2018
<input type="checkbox"/> 9	58-43-9980	04/17	05/25/2017

4. The History data line on the prior MBR will alert the reviewer to the initial offset period (Review all months with an RFD code of 9 and RFST code of WINFAL)

WOD	WIN-L WTA-\$14988.00	WSD-06/16	WED-04/18						
DED/ADD	COM MTH	UPDATED	TYPE	SOURCE	AMOUNT	START	STOP	ITEM	
	04/2018	04/12/2018	RCMA	MCS	\$ 663.00	04/2018	04/2018	010	
	04/2018	04/12/2018	RCMA	MCS	\$ 134.00			420	
	04/2018	04/12/2018	RCMA	MCS	\$ 529.00			999	
	04/2018	04/12/2018	MBP	MCS	\$ 663.00	05/2018		010	
	04/2018	04/12/2018	MBP	MCS	\$ 134.00	05/2018		420	
	04/2018	04/12/2018	MBP	MCS	\$ 529.00			999	
	04/2018	04/13/2018	TF REV	T2	\$ 134.00			800	
	04/2018	04/13/2018	RCMA	T2	\$ 663.00	04/2018	04/2018	010	
	04/2018	04/13/2018	RCMA	T2	\$ 134.00			420	
	04/2018	04/13/2018	RCMA	T2	\$ 529.00			999	
	04/2018	04/13/2018	MBP	T2	\$ 663.00	05/2018		010	
	04/2018	04/13/2018	MBP	T2	\$ 134.00	05/2018		420	
	04/2018	04/13/2018	MBP	T2	\$ 529.00			999	
HISTORY	05/16	\$ 648.90	\$ 0.00	900 900	WINFAL	\$ 648.00			
	12/16	\$ 650.80	\$ 0.00	800 900	WINFAL	\$ 650.00			
	12/17	\$ 663.80	\$ 0.00	800 900	WINFAL	\$ 663.00			
	04/18	\$ 663.80	\$ 134.00	800 01	S	\$ 663.00			

## B. Verifying the Benefit Rates

Ensure all post-entitlement issues that affect the benefit rates in the windfall offset period are resolved. Follow standard procedures in [GN 02610.036 Recomputations of Title II Offset](#) when determining if rates should be updated on the MBR. Run the Informational/Certified Earnings Record System (ICERS) query to verify the benefit rates during the offset period.

## C. Verify the Attorney Fee Amount

Review the Authorized Fee field on the MBR APPREP data line to verify the attorney fee amount. Check eView and/or CFUI for the attorney fee authorization. Review all

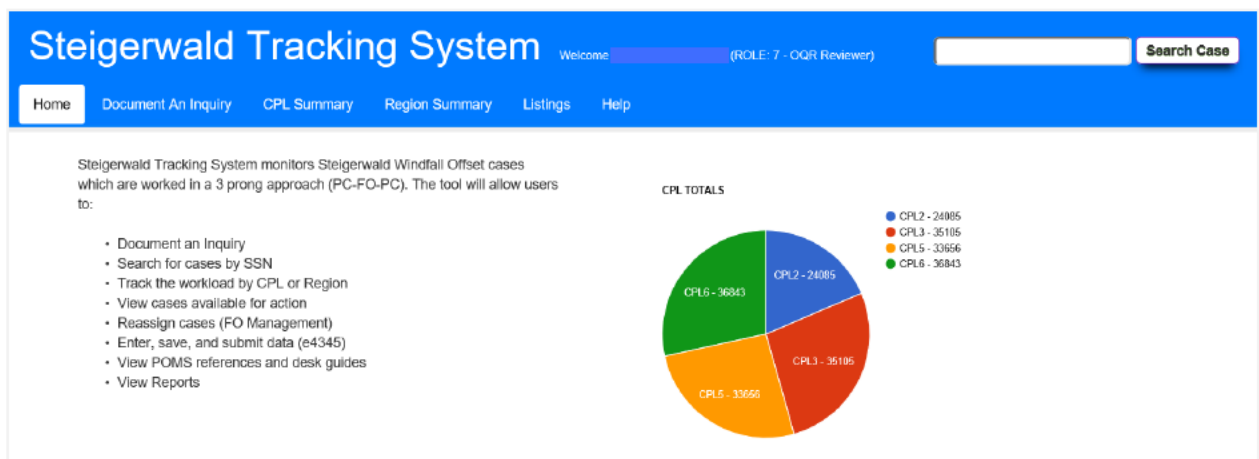
documents in the electronic file to ensure the amount posted to the APPREP data field was coded properly.

APPREP	FAVORABLE DEC-03/27/2018 CLIENT PIC-A
	BENEFIT DECISION-04/11/2018 ESTABLISHED-04/12/2018
	PAST DUE START-05/2016 PAST DUE STOP-03/2018
	AMT WITHHELD- \$3747.00 PAST DUE BENS- \$14988.00
	FEE TYPE-APPD FEE AGMT FEE STATUS-AUTHORIZED FEE AGMT %-25
	FEE AMT- \$3747.00 AUTHORIZED FEE- \$3747.00

#### D. Review the e4345

After gathering the information above, access the Steigerwald Tracking System to review the entries on the e4345. The information reviewed on the e4345 will be essential to the completion of the Review Form.

- To access the Steigerwald Tracking System, go to <http://chcf.ch.ad.ssa.gov/Steigerwald/Presentation/index.cfm> **NOTE:** Your name and Role will appear at the top of the home page. To view the e4345, your Role must be 7 – OQR Reviewer.



- Enter the claim number in the “**Search Case**” box.

Steigerwald Tracking System

Welcome (ROLE: 7 - OQR Reviewer)


Search Case

- The *Case Details* page will display. Click on the “**View e4345**” button to review the pending e4345.



**Steigerwald Tracking System** Welcome (ROLE: 7 - OQR Reviewer)  **Search Case**

Home Document An Inquiry CPL Summary Region Summary Listings Help

**New Inquiry** **View e4345** 

Case Details SSN:  BIC: A

4. A Summary of the e4345 entries will be displayed.

Details - Phase 2 Back to STS

**Claim Info**

<b>Claim Number &amp; BIC:</b>	300- A	<b>BOAN:</b>	300-
<b>Number Holder's Name:</b>			
<b>Beneficiary's Name:</b>			

<b>Route To:</b>	CPL 5 - FO	<b>Reply To:</b>	CPL 5 - PSC
------------------	------------	------------------	-------------

<b>Dual Entitlement (D/E) Case:</b>	No		
<b>Recomputation Involved:</b>	Yes		
<b>CMA Amount:</b>	\$678.60	<b>CMA Paid Month:</b>	04/2004

**Paid vs. Payable - Monthly breakdown of retroactive RSDI Withheld** Total Retro RSDI Withheld: \$24,917.60

Paid Amounts	MBR Month Due	Due Amount	Net Due	Subtotal	SSI Month Received
\$0.00	01/2001 thru 11/2001	\$639.00	\$639.00	\$7,029.00	02/2001 thru 12/2001
\$0.00	12/2001 thru 11/2002	\$656.00	\$656.00	\$7,872.00	01/2002 thru 12/2002
\$0.00	12/2002 thru 11/2003	\$665.00	\$665.00	\$7,980.00	01/2003 thru 12/2003
\$0.00	12/2003 thru 01/2004	\$679.00	\$679.00	\$1,358.00	01/2004 thru 02/2004
\$0.00	02/2004 thru 02/2004	\$678.60	\$678.60	\$678.60	03/2004 thru 03/2004

**Fee & Remarks**

**Fee Type:** Agreement

**T2 Rep Fee Agreement-Fee Amount:** \$5,300.00

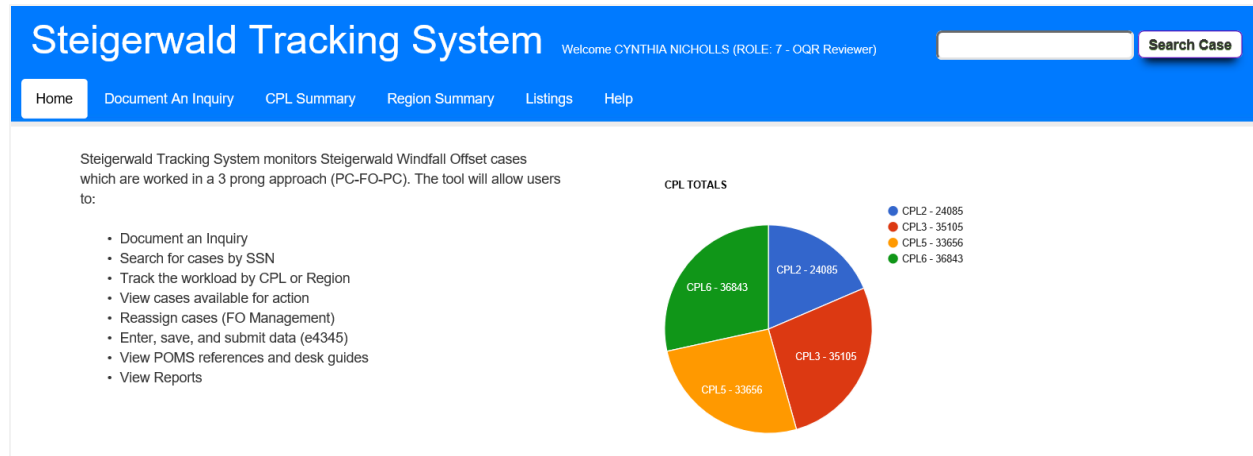
**T16 Rep Argeement Fee:** \$0.00

## Phase II Review Determination

Access the Steigerwald Tracking System

<http://chcf.ch.ad.ssa.gov/Steigerwald/Presentation/index.cfm>

To view the e4345, your role must be 7-OQR Reviewer



## Steigerwald Tracking System

Welcome CYNTHIA NICHOLLS (ROLE: 7 - OQR Reviewer)

[Home](#)
[Document An Inquiry](#)
[CPL Summary](#)
[Region Summary](#)
[Listings](#)
[Help](#)

Enter the SSN and click “search case”

## Steigerwald Tracking System

Welcome CYNTHIA NICHOLLS (ROLE: 7 - OQR Reviewer)

[Home](#)
[Document An Inquiry](#)
[CPL Summary](#)
[Region Summary](#)
[Listings](#)
[Help](#)

SSN: 300-64-1490 BIC: A

Click on view e4345.

## Review of Phase II e4345

Fee & Remarks			
<b>Fee Type:</b> Agreement			
<b>T2 Rep Fee Agreement Fee Amount:</b> \$5,300.00			
<b>T16 Rep Agreement Fee:</b> \$0.00			
<b>PSC Contact Name:</b> Steven Buik		<b>PSC Contact Phone:</b> (866) 299-3777	
<b>PSC Remarks:</b> STEIGERWALD 84345, PLEASE PROVIDE SSI OFFSET WINFALL, THANK YOU!			
Offset Info			
<b>T2 Offset Applied (2001 to Case E applied)</b>			
<b>Offset Period:</b> 02/2001 - 05/2004			
<b>Federal Offset Amount:</b> \$15,354.00		<b>State Offset Amount:</b>	
<b>Non Countable Income:</b> \$9,563.00		<b>State Code:</b>	
Steigerwald Info			
<b>Phase 1</b>			
<b>CA Review Required in Phase II:</b>		No	
<b>Pre-existing Underpayments:</b>		No	
<b>Pre-existing Overpayments:</b>		No	
<b>Phase 2</b>			
<b>Attorney Fee Used in Final Comp:</b>		\$5,600.00	
<b>Underpayment Due:</b>		Yes	<b>Amount:</b> \$4,475.06

Refer to GN 02610.022 to verify the windfall offset period, past due amount, and monthly breakdown amounts.

Review the e4345 and confirm information provided by the PSC using systems queries (MBR,SSR,ORS). Refer to Steigerwald Case Basics, Phase I Review Determination steps and GN 02610.022 to verify the windfall offset period, past due amount and monthly breakdown amounts to confirm e4345 data.

Consult the following to verify the representative fee data:

Current MBR APPREP data, Historic MBR APPREP data from ORS, PHUS record, claims folder.

Recreate the original offset using eComps (Access through IMAIN, SSI HOME)

### Begin Computation

Enter the HUN (Housed Under Number) for the claimant and:

- choose "Start New Computation" to begin a new computation, or
- choose "Update Saved Computation" to begin updating a saved computation for the HUN.

Note: If you begin a computation without entering a HUN, you will not be able to retrieve mainframe data or to save the computation.

Housed Under Number:

Select Action:

### Begin Computation

\* indicates required fields

#### Computation Period

For continuing dates use 0000.

\*Date From:  (mmyy) Budget Month Factor:

\*Date To:  (mmyy)

#### Data Retrieval

- \*Retrieve: ☐ SSR Data  
☒ SSR and MBR Data

\* At least one Title II Claim Number required for SSR and MBR retrieval.

Title II Claim Number:

Spouse Title II Claim Number:

☐ None

For help with completing computations, use "eComp Help" in eComps.



**Claimant Information**

\* indicates required fields

Claimant Name: \_\_\_\_\_

\* Birth Date: (mmddccyy)

Death Date: (mmddccyy)

\* Application Date: (mmddyy)

\* Filing Date: (mmddyy)

\* Month of Eligibility: (mmyy)

\* Category: ☐ Aged  
☐ Blind  
☒ Disabled

Select all that apply: ☐ 1974 Conversion Data  
☐ Months of Ineligibility  
☐ Special Veterans Benefits  
☒ Windfall Data

- Confirm the propagated data
- Ensure that the Windfall Data box is checked

**Windfall for** (Read only)

Title II Claim Number: \_\_\_\_\_

Attorney Fees: ☒ No

Windfall Period Begin (MMYY): 02/01  
Windfall Period End (MMYY): 05/04  
Total Title II Withheld: \$24917.60

**Title II Offset Income**

Title II Offset "Date From" and "Date To" are when Title II would have been paid.

Date From (MMYY)	Date To (MMYY)	Monthly Amount
02/01	12/01	\$639.00
01/02	12/02	\$656.00
01/03	12/03	\$665.00
01/04	02/04	\$679.00
03/04	03/04	\$678.60
04/04	05/04	\$0.00

Unlock and Update

**F-02/01-05/04 WNC:5088.54 WPA:24917.60 WFT**

#### Windfall Offset For Claimant

Computation Results | Windfall Results | **Windfall Offset**

Claimant

eComputations Label	SSR WCMP Segment Acronym	SSR WCMP Segment Field Name
Offset Amount Federal	WFO	Windfall Federal Offset Amount
Offset Amount State	WSO	Windfall State Offset Amount
Negative Offset Amount Federal	WFN	Windfall Federal Negative Offset Amount
Negative Offset Amount State	WSN	Windfall State Negative Offset Amount
Excess Offset Amount Federal	WFX	Windfall Federal Excess Offset Amount
Excess Offset Amount State	WSX	Windfall State Excess Offset Amount

Offset period is 02/2001 through 05/2004

Total Offset Federal Amount: \$19829.06

Total Offset State Amount: \$0.00

Non-Countable Income: \$5088.54

Date (MMYY)	Offset Amount		State Code	Negative Offset Amount		Excess Offset Amount
	Federal	State		Federal	State	
02/01	227.06	0.00		0.00	0.00	0.00

The windfall offset tab shows the initial recalculation eComp results. The results match what was shown on the SSR.

Save the eComp using the naming convention: OQR Recalculation-Last name and last four of SSN

## Perform the second eComp Using Attorney Fees

**Windfall for (Read only)**

Title II Claim Number:  
Attorney Fees: No

Windfall Period Begin (MM/YY): 02/01  
Windfall Period End (MM/YY): 05/04  
Total Title II Withheld: \$24917.60

**Title II Offset Income**

Title II Offset "Date From" and "Date To" are when Title II would have been paid

Date From (MM/YY)	Date To (MM/YY)	Monthly Amount
02/01	12/01	\$630.00
01/02	12/02	\$656.00
01/03	12/03	\$665.00
01/04	02/04	\$679.00
03/04	03/04	\$678.60
04/04	05/04	\$0.00

Unlock and Update

Previous Page Continue

**Windfall for**

Title II Claim Number:  
Attorney Fees: ☐ Collect Attorney Fees

Title II Approved Fee Amount: \$ 138.00  
Title XH Approved Fee Amount: \$  
Title XH Approved Fee Amount: \$  
Monthly Fee Amount: \$  
Out of Pocket Expenses: \$

Windfall Period Begin (mm/yy):  
Windfall Period End (mm/yy):  
Total Title II Withheld: \$ 24917.60

**Title II Offset Income**

Title II Offset "Date From" and "Date To" are when Title II would have been paid

Date From (mm/yy)	Date To (mm/yy)	Monthly Amount	Details
02/01	12/01	\$ 630.00	Details
01/02	12/02	\$ 656.00	Details
01/03	12/03	\$ 665.00	Details
01/04	02/04	\$ 679.00	Details
03/04	03/04	\$ 678.60	Details
04/04	05/04	\$ 0.00	Details

Previous Page Continue

Click on unlock and update. Add all applicable fees. If SSA over-authorized a fee, use the total authorized amount – example is AUX fees authorized without regard to SSI fees already authorized. Click continue.

**Windfall Offset For Claimant**

Computation Results | Windfall Results | **Windfall Offset** | Windfall Offset Summary

Claimant

eComputations Label	SSR WCMP Segment Acronym	SSR WCMP Segment Field Name
Offset Amount Federal	WFO	Windfall Federal Offset Amount
Offset Amount State	WSO	Windfall State Offset Amount
Negative Offset Amount Federal	WFN	Windfall Federal Negative Offset Amount
Negative Offset Amount State	WSN	Windfall State Negative Offset Amount
Excess Offset Amount Federal	WFX	Windfall Federal Excess Offset Amount
Excess Offset Amount State	WSX	Windfall State Excess Offset Amount

The Offset period is 02/2001 through 05/2004

**Total Offset Federal Amount:** \$15354.00  
**Total Offset State Amount:** \$0.00  
**Non-Countable Income:** \$9563.60

Date (MM/YY)	Offset Amount		State Code	Negative Offset Amount		Excess Offset Amount	
	Federal	State		Federal	State	Federal	State
02/01	0.00	0.00		0.00	0.00	0.00	0.00
03/01	0.00	0.00		0.00	0.00	0.00	0.00
10/01	0.00	0.00		0.00	0.00	0.00	0.00
11/01	531.00	0.00		0.00	0.00	0.00	0.00
01/02	545.00	0.00		0.00	0.00	0.00	0.00
01/03	552.00	0.00		0.00	0.00	0.00	0.00
01/04	564.00	0.00		0.00	0.00	0.00	0.00

Save the second eComp using the naming convention: OQR Recalculation New Atty fee – last name and last four of SSN.

Difference in Computations													
<p>The Offset period is 02/2001 through 05/2004</p> <table> <tr> <td>Total Offset Federal Amount:</td><td>\$19829.06</td></tr> <tr> <td>Total Offset State Amount:</td><td>\$0.00</td></tr> <tr> <td>Non-Countable Income:</td><td>\$5088.54</td></tr> </table>	Total Offset Federal Amount:	\$19829.06	Total Offset State Amount:	\$0.00	Non-Countable Income:	\$5088.54	<p>The Offset period is 02/2001 through 05/2004</p> <table> <tr> <td>Total Offset Federal Amount:</td><td>\$15354.00</td></tr> <tr> <td>Total Offset State Amount:</td><td>\$0.00</td></tr> <tr> <td>Non-Countable Income:</td><td>\$9563.60</td></tr> </table>	Total Offset Federal Amount:	\$15354.00	Total Offset State Amount:	\$0.00	Non-Countable Income:	\$9563.60
Total Offset Federal Amount:	\$19829.06												
Total Offset State Amount:	\$0.00												
Non-Countable Income:	\$5088.54												
Total Offset Federal Amount:	\$15354.00												
Total Offset State Amount:	\$0.00												
Non-Countable Income:	\$9563.60												
<p>Original WFT: 19829.06 Revised WFT: 15354.00</p> <p>The difference of <u>4475.06</u> is the underpayment</p>													

Compare the original (first eComp) total offset amount (both Federal and State) to the second eComp total offset amount (both Federal and State). The difference is the underpayment amount due to the recipient.

Scan the eComps into eView/NDRED and save to REVDOC 93-SSA-93 Review Documents. Input Remarks: "OQRWOecomps."

See instructions for completing the review coding form (Phase II Review Form) and Phase II Early Information Feedback Form.

## Completing the Review Coding Form (Excel Spreadsheet)

The Steigerwald Review Form is a Microsoft Excel worksheet used to capture the Steigerwald case review results. The form is housed on the [Steigerwald Sharepoint](#) site.

### A. Phase I Review Form

Click on the document titled "**Steigerwald Review Form Phase I**".



<b>SSN</b>	<b>000-00-0000</b>	
<b>Central Processing Location (CPL)</b>		
<b>Title II Phase I Question 1 - Are all Post Entitlement issues that affect the W/O period resolved?</b>		
<b>Title II Phase I Question 2 - Was development and proper documentation complete for all PE issues?</b>		
<b>Title II Phase I Question 3 - Was the attorney fee calculated correctly? (E)</b>		
<b>Title II Phase I Question 4 - Was the attorney fee annotated on the e4345 properly?</b>		
<b>Title II Phase I Question 5 - e4345 MBR Begin/End Months correct?</b>		
<b>Title II Phase I Question 6 - e4345 MBR Due Amounts correct?</b>		
<b>Title II Phase I Question 7 - e4345 Total Retro RSDI Withheld correct? (E)</b>		
<b>Date Phase I Review Completed</b>		
<b>Region Conducting Review</b>		
<b>Reviewer Name</b>		
<b>PL Reviewer Name</b>		

Complete the *Phase I Early Information Form* as follows:

Field	Input
SSN	Enter the Claim SSN
CPL	Enter the Central Processing Location that completed the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>• 2 – Mid-Atlantic PSC 2 (Philadelphia)</li> <li>• 3 – Southeastern PSC 3 (Birmingham)</li> <li>• 5 – Western PSC 5 (San Francisco)</li> <li>• 6 – Mid-America PSC 6 (Kansas City)</li> </ul>
<i>Title II Phase I Question 1 - Are all Post Entitlement issues that affect the W/O period resolved?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase I Question 2 - Was development and proper documentation complete for all PE issues?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase I Question 3 - Was the attorney fee calculated correctly?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase I Question 4 - Was the attorney fee</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> </ul>

<i>annotated on the e4345 properly?</i>	<ul style="list-style-type: none"> <li>No</li> </ul>
<i>Title II Phase I Question 5 - e4345 MBR Begin/End Months correct?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Yes</li> <li>No</li> </ul>
<i>Title II Phase I Question 6 - e4345 MBR Due Amounts correct?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Yes</li> <li>No</li> </ul>
<i>Title II Phase I Question 7 - e4345 Total Retro RSDI Withheld correct?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Yes</li> <li>No</li> </ul>
<i>Date Phase I Review Completed</i>	Enter the date the reviewer completes the review and feedback forms.  Format: MM/DD/YYYY
<i>Region Conducting Review</i>	Enter the Field Site location that is conducting the review of the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>NY – New York</li> <li>PHI – Philadelphia</li> <li>CHI – Chicago</li> <li>ATL – Atlanta</li> <li>SF – San Francisco</li> <li>KC – Kansas City</li> </ul>
<i>Reviewer Name</i>	Enter the name of the OQR reviewer
<i>PL Reviewer Name</i>	Enter the name of the PL conducting the second-level review

After the reviewer completes the *Review Form*, save the form by clicking “File” in the top left corner, then “Save As”. **NOTE:** Save a copy of the form to your P: drive. **DO NOT SAVE IN SHAREPOINT.**





After saving the Excel worksheet, click the “X” at the top right-hand corner to close the document.



## B. Phase II Review Form

The Phase II Review Form is located in the Steigerwald SharePoint website. Click on the document titled “Steigerwald Review Form Phase II.”



<b>SSN</b>	000-00-0000	
<b>Central Processing Location (CPL)</b>		
Title XVI Phase II Question 1 - Is there an eComps for the windfall underpayment recalculation in eView/NDRED?		
Title XVI Phase II Question 2 - Is there an eComps for the windfall recalculation based on the new attorney fee in eView/NDRED?		
Title XVI Phase II Question 3 - Was e4345 correctly updated in section II with changes to offset period, fed and state amount, NCI, etc?		
Title XVI Phase II Question 4 - Were any items that could affect the calculation missed?		
Title XVI Phase II Question 5 - Is the intial recalculation correct?		
Title XVI Phase II Question 6 - Is there a T2 underpayment Due?		
Title XVI Phase II Question 7 - Was the new attorney fee calculated correctly based on the initial recalculation?		
Title XVI Phase II Question 8 - Was the second windfall recalculation correct based on the new attorney fee?		
Documentation Deficiency?		
Documentation Deficiency Type NO DOLLAR ERROR CASE?		
Documentation Deficiency	O/P Dollar Amount	\$ -
Documentation Deficiency	Dollar U/P Amount	\$ -
Attorney Fee Deficiency?		
Attorney Fee Deficiency	Dollar O/P Amount	\$ -
Attorney Fee Deficiency	U/P Dollar Amount	\$ -
Other Dollar Deficiency? (incorrect benefit amounts, dates in offset period)		
Other Deficiency	O/P Dollar Amount	\$ -
Other Deficiency	U/P Dollar Amount	\$ -
Revised Offset Amount (Windfall Offset Amount from FO eComp)		\$ -
Date Phase II Review Completed		
Date Sent to CPL		
Region Conducting Review		
Reviewer Name		
PL Reviewer Name		

Type of Documentation Deficiency	Choose "XXXX" for all that apply.
eComps recalculation not in file	
eComps new attorney fee not in file	
e4345 not updated	
Items affecting calculation missing	
eComps recalculation not in file AND eComps new attorney fee not in file	
eComps recalculation not in file AND e4345 not updated	
eComps recalculation not in file AND items affecting calculation missing	
eComps new attorney fee not in file AND e4345 not updated	
eComps new attorney fee not in file AND items affecting calculation missing	
e4345 not updated AND items affecting calculation missing	
eComps recalculation not in file AND eComps new attorney fee not in file AND e4345 not updated	
eComps recalculation not in file AND eComps new attorney fee not in file AND items affecting calculation missing	
eComps recalculation not in file AND e4345 not updated AND items affecting calculation missing	
eComps new attorney fee not in file AND e4345 not updated AND items affecting calculation missing	
eComps recalculation not in file AND eComps new attorney fee not in file AND e4345 not updated AND items affecting calculation missing	

Complete the *Phase II Early Information Form* as follows:

Field	Input
SSN	Enter SSN
CPL	Enter the Central Processing Location that completed the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>2 – Mid-Atlantic PSC 2 (Philadelphia)</li> <li>3 – Southeastern PSC 3 (Birmingham)</li> <li>5 – Western PSC 5 (San Francisco)</li> <li>6 – Mid-America PSC 6 (Kansas City)</li> </ul>
Title XVI Phase II Question 1- Is there an eComps for the windfall underpayment recalculation in eView/NDRED?	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Yes</li> <li>No</li> </ul>
Title XVI Phase II Question 2-Is there an	Select response from the drop-down list:

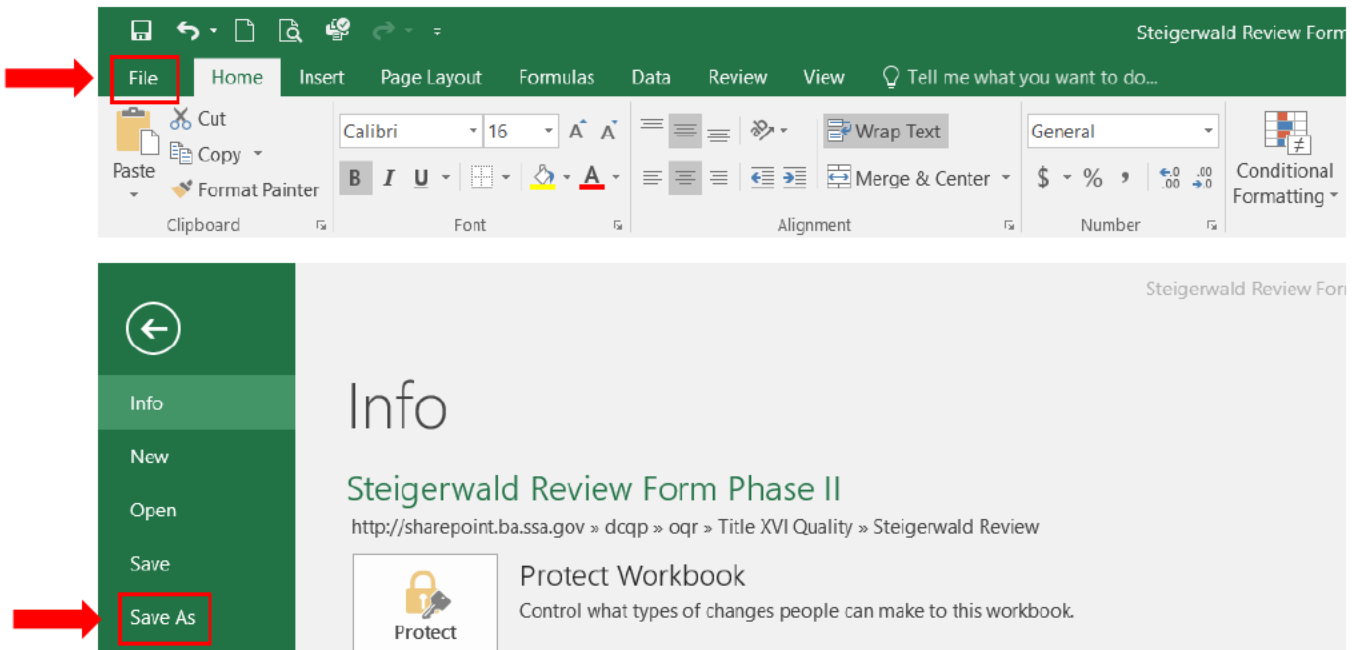
<i>eComps for the windfall recalculation based on the new attorney fee in review/NDRED?</i>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 3-Was e4345 correctly updated in section II with changes to offset period, fed and state amount, NCI, etc?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 4- Were any items that could affect the calculation missed?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 5- Is the initial recalculation correct?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 6- Is there a T2 underpayment Due?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 7-Was the new attorney fee calculated correctly based on the initial recalculation?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title XVI Phase II Question 8-Was the second windfall recalculation correct based on the new attorney fee?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Documentation Deficiency?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Documentation Deficiency Type NO DOLLAR ERROR</i>	Select response from drop down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• NO</li> </ul> NOTE: If you select Yes, complete page 2 after completing the questions below.
<i>Documentation Deficiency Dollar U/P Amount</i>	Enter O/P Dollar Amount or N/A
<i>Attorney Fee Deficiency ?</i>	Enter U/P Dollar amount or N/A



<i>Attorney Fee Deficiency Dollar O/P Amount</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Attorney Fee Deficiency U/P Dollar Amount</i>	Enter O/P Dollar Amount or N/A
<i>Other Dollar Deficiency? (Incorrect benefit amounts, dates in offset period)</i>	Enter U/P Dollar Amount or N/A
<i>Other Deficiency O/P Dollar Amount</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Other Deficiency U/P Dollar Amount</i>	Enter O/P Dollar Amount or N/A
<i>Revised Offset Amount</i>	Enter U/P Dollar Amount or N/A
<i>Date Phase II Review Completed</i>	Enter Revised Offset Amount or N/A
<i>Date Sent to CPL</i>	Enter the date the reviewer completes the review for Phase III processing.  Format: MM/DD/YYYY
<i>Region Conducting Review</i>	Enter the Field Site location that is conducting the review of the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>• NY – New York</li> <li>• BOS – Boston</li> <li>• PHI – Philadelphia</li> <li>• CHI – Chicago</li> <li>• ATL – Atlanta</li> <li>• KC – Kansas City</li> <li>• DAL- Dallas</li> <li>• DEN – Denver</li> <li>• SEA – Seattle</li> <li>• SF – San Francisco</li> </ul>
<i>Reviewer Name</i>	Enter the name of the OQR reviewer
<i>PL Reviewer Name</i>	Enter the name of the PL conducting the second-level review
<b>PAGE 2</b> <i>Type of Documentation Deficiency</i>	Select response from the drop-down list: <ol style="list-style-type: none"> <li>1. eComps recalculation not in file</li> <li>2. eComps new attorney fee not in file</li> <li>3. e4345 not updated</li> <li>4. items affecting calculation missing</li> </ol>

	<ol style="list-style-type: none"> <li>5. eComps recalculation not in file And eComps new attorney fee not in file.</li> <li>6. eComps recalculation not in file and e4345 not updated</li> <li>7. eComps recalculation not in file And items affecting calculation missing</li> <li>8. eComps new attorney fee not in file And e4345 not updated</li> <li>9. eComps new attorney fee not in file And items affecting calculation missing</li> <li>10. e4345 not updated And items affecting calculation missing</li> <li>11. eComps recalculation not in file And eComps new attorney fee not in file And e4345 not updated</li> <li>12. eComps recalculation not in file And eComps new attorney fee not in file And items affecting calculations missing</li> <li>13. eComps recalculation not in file and e4345 not updated And items affecting calculation missing</li> <li>14. eComps new attorney fee not in file And e4345 not updated And items affecting calculation missing</li> <li>15. eComps recalculation not in file And eComps new attorney fee not in file And e4345 not updated And items affecting calculations missing</li> </ol> <p>Note: You can choose as many options that are applicable by selecting XXXX.</p>
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After the reviewer completes the *Review Form*, save the form by clicking “File” in the top left corner, then “Save As”. **NOTE:** Save a copy of the form to your P: drive. **DO NOT SAVE IN SHAREPOINT.**



After saving the Excel worksheet, click the “X” at the top right-hand corner to close the document.



**Remember:** Do not save the form back onto the Share Point site. See [Case Transfer/Workflow](#) for how and where to save the document.

### C. Phase III Review Form

The Phase III Review Form is housed on the Steigerwald SharePoint website. Click on the document titled “**Steigerwald Review Form Phase III**”.

<b>SSN</b>	<b>000-00-0000</b>	
<b>Central Processing Location (CPL)</b>		
<b>Title II Phase III Question 1 - Was the Title II Overpayment or Underpayment calculated correctly? (E)</b>		
<b>O/P Dollar Deficiency Amount</b>		
<b>U/P Dollar Deficiency Amount</b>		
<b>Title II Phase III Question 2 - Was the Class Action attorney fee updated to the APPREP data field on the MBR?</b>		
<b>Title II Phase III Question 3 - Was the correct Class Action attorney fee established in SPS? (E)</b>		
<b>Title II Phase III Question 4 - Were special RASR procedures for the 1695 followed?</b>		
<b>Title II Phase III Question 5 - Was MBR updated for address/bank data?</b>		
<b>Title II Phase III Question 6 - Was a notice prepared with the correct information?</b>		
<b>Title II Phase III Question 7 - Was the WOD data field updated on the MBR?</b>		
<b>Title II Phase III Question 8 - Was the tracker tool updated?</b>		
<b>Date Phase III Review Completed</b>		
<b>Date Sent to CPL</b>		
<b>Region Conducting Review</b>		
<b>Reviewer Name</b>		
<b>PL Reviewer Name</b>		

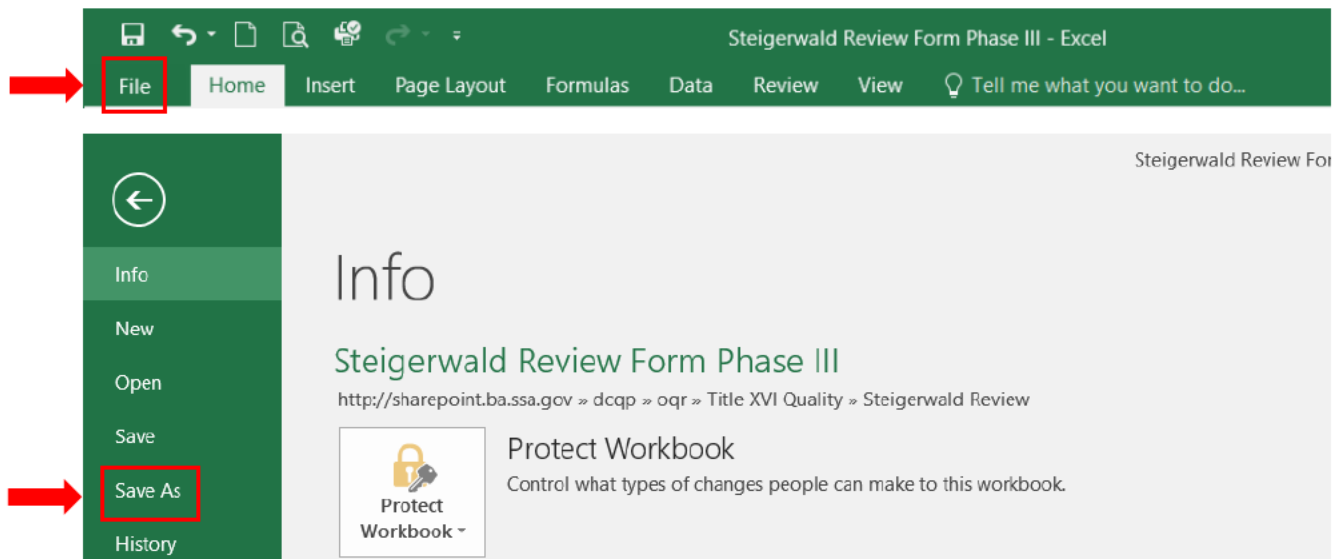


Complete the *Phase III Early Information Form* as follows:

Field	Input
Case SSN	Enter the Claim SSN
CPL	Enter the Central Processing Location that completed the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>• 2 – Mid-Atlantic PSC 2 (Philadelphia)</li> <li>• 3 – Southeastern PSC 3 (Birmingham)</li> <li>• 5 – Western PSC 5 (San Francisco)</li> <li>• 6 – Mid-America PSC 6 (Kansas City)</li> </ul>
<i>Title II Phase III Question 1 – Was the Title II Overpayment or Underpayment calculated correctly?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>O/P Dollar Deficiency Amount</i>	Enter the amount of O/P that would result if the error was left unchecked.
<i>U/P Dollar Deficiency Amount</i>	Enter the amount of O/P that would result if the error was left unchecked.
<i>Title II Phase III Question 2 – Was the Class Action attorney fee updated to the APPREP data field on the MBR?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase III Question 3 – Was the Class Action attorney fee established correctly in SPS?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase III Question 4 – Were special RASR procedures for the 1695 followed?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase III Question 5 – Was MBR updated for address/bank data?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Title II Phase III Question 6 – Was a notice prepared with the correct information?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul> <p>Note: Refer to <a href="#">Steigerwald Case Basics</a> Section F</p>
<i>Title II Phase III Question 7 – Was the WOD data field updated on the MBR?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>

<i>Title II Phase III Question 8 – Was the tracker tool updated?</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
<i>Date Phase III Review Completed</i>	Enter the date the reviewer completes the review and feedback forms. Format: MM/DD/YYYY
<i>Date Sent to CPL</i>	Enter the date the case is sent to the CPL for Phase II processing. Format: MM/DD/YYYY
<i>Region Conducting Review</i>	Enter the Field Site location that is conducting the review of the case. Select response from the drop-down list: <ul style="list-style-type: none"> <li>• NY – New York</li> <li>• PHI – Philadelphia</li> <li>• CHI – Chicago</li> <li>• ATL – Atlanta</li> <li>• SF – San Francisco</li> <li>• KC – Kansas City</li> </ul>
<i>Reviewer Name</i>	Enter the name of the OQR reviewer
<i>PL Reviewer Name</i>	Enter the name of the PL conducting the second-level review

After the reviewer completes the *Review Form*, save the form by clicking “File” in the top left corner, then “Save As”. **NOTE:** Save a copy of the form to your P: drive. **DO NOT SAVE IN SHAREPOINT.**



After saving the Excel worksheet, click the “X” at the top right-hand corner to close the document.



## Completing the Feedback Form (PDF)

Each case selected for review will require the completion of an Early Information Feedback form. The form is accessible on the [Steigerwald Sharepoint](#) website. There are three separate feedback forms – one for each phase of the review.

### A. Phase I Feedback Form

To access the Phase I Feedback form on the SharePoint website, click on the document titled “**Steigerwald Early Information Feedback Form Phase 1**”. The form is two pages – Page 1 contains fields that the reviewer will input and Page 2 contains fields for Operations to respond to the review data. Before entering any case identifying information, the reviewer will be required to input the Date of the Review at the top of the form.

STEIGERWALD EARLY INFORMATION FEEDBACK FORM
DATE OF REVIEW: <input style="width: 100px;" type="text"/>

Field	Input
<i>Date of Review</i>	Click the arrow next to the input box and use the calendar icon to select the date the reviewer initially completes the feedback form  Format: MM/DD/YYYY

### 1. Claimant's Identifying Information

CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input style="width: 100%;" type="text"/>
NAME:	<input style="width: 100%;" type="text"/>
ADDRESS:	<input style="width: 100%;" type="text"/>

Complete the *Claimant's Identifying Information* as follows:

Field	Input
-------	-------



<i>SSN</i>	Enter the 9-digit claim number for the case (without dashes)
<i>Name</i>	Enter the Steigerwald claimant's name
<i>Address</i>	Enter the mailing address for the selected claimant

## 2. Office of Quality Review

OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW: <b>STEIGERWALD PHASE 1</b>	
REVIEWING OFFICE/EMAIL:	CHOOSE AN ITEM.
CENTRAL PROCESSING LOCATION (CPL):	CHOOSE AN ITEM.

Complete the *Office of Quality Review* section as follows:

Field	Input
<i>Type of Review</i>	Propagated Field: STEIGERWALD PHASE 1
<i>Reviewing Office/Email</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Atlanta – <a href="mailto:DCARO.QQR.ATL@SSA.GOV">DCARO.QQR.ATL@SSA.GOV</a></li> <li>Boston – <a href="mailto:DCARO.QQR.BOS@SSA.GOV">DCARO.QQR.BOS@SSA.GOV</a></li> <li>Chicago – <a href="mailto:DCARO.QQR.CHI@SSA.GOV">DCARO.QQR.CHI@SSA.GOV</a></li> <li>Dallas – <a href="mailto:DCARO.QQR.DAL@SSA.GOV">DCARO.QQR.DAL@SSA.GOV</a></li> <li>Denver – <a href="mailto:DCARO.QQR.DEN@SSA.GOV">DCARO.QQR.DEN@SSA.GOV</a></li> <li>Kansas City – <a href="mailto:DCARO.QQR.KCY@SSA.GOV">DCARO.QQR.KCY@SSA.GOV</a></li> <li>New York – <a href="mailto:DCARO.QQR.NYC@SSA.GOV">DCARO.QQR.NYC@SSA.GOV</a></li> <li>Philadelphia – <a href="mailto:DCARO.QQR.PHI@SSA.GOV">DCARO.QQR.PHI@SSA.GOV</a></li> <li>San Francisco – <a href="mailto:DCARO.QQR.SFO@SSA.GOV">DCARO.QQR.SFO@SSA.GOV</a></li> <li>Seattle – <a href="mailto:DCARO.QQR.SEA@SSA.GOV">DCARO.QQR.SEA@SSA.GOV</a></li> </ul>
<i>Central Processing Location (CPL)</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>CPL 2 MID-ATLANTIC PSC</li> <li>CPL 3 SOUTHEASTERN PSC</li> <li>CPL 5 WESTERN PSC</li> <li>CPL 6 MID-AMERICA PSC</li> </ul>

## 3. Discussion of Findings and Necessary Action

DISCUSSION OF FINDINGS	
<p>THE OFFICE OF QUALITY REVIEW SELECTED THIS RECORD FOR REVIEW.</p> <p>OQR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR) : <span style="border: 1px solid black; padding: 2px;">CHOOSE AN ITEM.</span></p> <div style="border: 1px solid black; height: 120px; margin-top: 10px;"></div>	
<p>NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE) : <span style="border: 1px solid black; padding: 2px;">CHOOSE</span></p> <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>	
ATTACHMENTS:	<div style="border: 1px solid black; height: 20px;"></div>
REFERENCES:	<div style="border: 1px solid black; height: 20px;"></div>

Complete the *Discussion of Findings* and *Necessary Action* as follows:

Field	Input
<i>OQR Findings</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Attorney Fee Error</li> <li>• Informational</li> <li>• Multiple Errors (Explain)</li> <li>• No Error</li> <li>• Retro RSDI Error</li> </ul>
<i>OQR Findings Remarks</i>	Use this field to summarize the case review results. Enter a summary of actions taken, incorrect amount(s) annotated on the e4345, and an explanation of all errors cited.
<i>Necessary Action/Response Required</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> </ul>

	<ul style="list-style-type: none"> <li>No</li> </ul> <p>If your response is yes, provide a summary of all corrective actions</p>
<i>Attachments</i>	List the documents you are providing along with the feedback form
<i>References</i>	Provide POMS procedures that support your corrections for error(s) cited. No response is required if the case is correct.

After the reviewer completes the Feedback Form, Save a copy of the document using naming convention **FB\_Phase I\_CPL#\_Last four digits of SSN** (Example: FB\_Phase I\_CPL3\_6789) and attach it to an email for transmittal to the CPL.

If corrective action is required, Page 2 of the Feedback Form provides space for Operations to complete three fields:

- Operations Response
- Corrective Action Taken
- Disagreement

## B. Phase II Feedback Form

To access the Phase II Feedback form on the SharePoint website, click on the document titled “**Steigerwald Early Information Feedback Form Phase 2**”. The form is two pages – Page 1 contains fields that the reviewer will input and Page 2 contains fields for Operations to respond to the review data. Before entering any case identifying information, the reviewer will be required to input the Date of the Review at the top of the form.

### STEIGERWALD EARLY INFORMATION FEEDBACK FORM

DATE OF REVIEW:

Field	Input
<i>Date of Review</i>	<p>Click the arrow next to the input box and use the calendar icon to select the date the reviewer initially completes the feedback form</p> <p>Format: MM/DD/YYYY</p>



**1. Claimant's Identifying Information**

CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input type="text"/>
NAME:	<input type="text"/>
ADDRESS:	<input type="text"/>

Complete the *Claimant's Identifying Information* as follows:

Field	Input
SSN	Enter the 9-digit claim number for the case (without dashes)
Name	Enter the Steigerwald claimant's name
Address	Enter the mailing address for the selected claimant

**2. Office of Quality Review**

OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW:	STEIGERWALD PHASE 2
REVIEWING OFFICE/EMAIL:	<input type="text" value="CHOOSE AN ITEM."/>
SAMPLED FIELD OFFICE:	<input type="text"/>
CENTRAL PROCESSING LOCATION (CPL):	<input type="text" value="CHOOSE AN ITEM."/>

Complete the *Office of Quality Review* section as follows:

Field	Input
Type of Review	Propagated Field: STEIGERWALD PHASE 2
Reviewing Office/Email	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Atlanta – <a href="mailto:DCARO.QQR.ATL@SSA.GOV">DCARO.QQR.ATL@SSA.GOV</a></li> <li>Boston – <a href="mailto:DCARO.QQR.BOS@SSA.GOV">DCARO.QQR.BOS@SSA.GOV</a></li> <li>Chicago – <a href="mailto:DCARO.QQR.CHI@SSA.GOV">DCARO.QQR.CHI@SSA.GOV</a></li> <li>Dallas – <a href="mailto:DCARO.QQR.DAL@SSA.GOV">DCARO.QQR.DAL@SSA.GOV</a></li> <li>Denver – <a href="mailto:DCARO.QQR.DEN@SSA.GOV">DCARO.QQR.DEN@SSA.GOV</a></li> <li>Kansas City – <a href="mailto:DCARO.QQR.KCY@SSA.GOV">DCARO.QQR.KCY@SSA.GOV</a></li> <li>New York – <a href="mailto:DCARO.QQR.NYC@SSA.GOV">DCARO.QQR.NYC@SSA.GOV</a></li> <li>Philadelphia – <a href="mailto:DCARO.QQR.PHI@SSA.GOV">DCARO.QQR.PHI@SSA.GOV</a></li> <li>San Francisco – <a href="mailto:DCARO.QQR.SFO@SSA.GOV">DCARO.QQR.SFO@SSA.GOV</a></li> </ul>

	<ul style="list-style-type: none"><li>• Seattle – <a href="mailto:DCARO.QQR.SEA@SSA.GOV">DCARO.QQR.SEA@SSA.GOV</a></li></ul>
<i>Sample Field Office</i>	Enter FO code
<i>Central Processing Location (CPL)</i>	Select response from the drop-down list: <ul style="list-style-type: none"><li>• CPL 2 MID-ATLANTIC PSC</li><li>• CPL 3 SOUTHEASTERN PSC</li><li>• CPL 5 WESTERN PSC</li><li>• CPL 6 MID-AMERICA PSC</li></ul>

**3. Discussion of Findings and Necessary Action**

DISCUSSION OF FINDINGS

THE OFFICE OF QUALITY REVIEW SELECTED THIS RECORD FOR OFFSET REVIEW.

DOLLAR ERROR AMOUNT:  ISSUE: **WINDFALL OFFSET**

OQR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR) :

NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE) : **CHOOSE**

ATTACHMENTS :

REFERENCES :

Field	Input
<i>Dollar Error Amount</i>	Enter Dollar Amount
<i>Issue</i>	Propagated Field: Windfall Offset
<i>OQR Findings</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Attorney Fee Deficiency</li> <li>• Documentation Deficiency</li> <li>• Informational</li> <li>• Multiple Deficiencies (Explain)</li> <li>• No Error</li> <li>• Other Dollar Deficiency</li> </ul>
<i>OQR Remarks</i>	Use this field to summarize the case review results. Enter a summary of actions taken, incorrect amount(s) annotated on the e4345, and an explanation of all errors cited.
<i>Necessary Action/Response Required</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul> If your response is yes, provide a summary of all corrective actions
<i>Attachments</i>	List the documents you are providing along with the feedback form
<i>References</i>	Provide POMS procedures that support your corrections for error(s) cited. No response is required if the case is correct.

After the reviewer completes the Feedback Form, Save a copy of the document using naming convention **FB\_Phase II\_CPL#\_Last four digits of SSN** (Example: FB\_Phase II\_CPL3\_6789) and attach it to an email for transmittal to the CPL.



If corrective action is required, Page 2 of the Feedback Form provides space for Operations to complete three fields:

- Operations Response
- Corrective Action Taken
- Disagreement

### C. Phase III Feedback Form

To access the Phase II Feedback form on the SharePoint website, click on the document titled “**Steigerwald Early Information Feedback Form Phase 3**”. The form is two pages – Page 1 contains fields that the reviewer will input and Page 2 contains fields for Operations to respond to the review data. Before entering any case identifying information, the reviewer will be required to input the Date of the Review at the top of the form.

#### STEIGERWALD EARLY INFORMATION FEEDBACK FORM

DATE OF REVIEW:

Field	Input
<i>Date of Review</i>	Click the arrow next to the input box and use the calendar icon to select the date the reviewer initially completes the feedback form  Format: MM/DD/YYYY

### 1. Claimant's Identifying Information

CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input type="text"/>
NAME:	<input type="text"/>
ADDRESS:	<input type="text"/>

Complete the *Claimant's Identifying Information* as follows:

Field	Input
SSN	Enter the 9-digit claim number for the case (without dashes)
Name	Enter the Steigerwald claimant's name

<i>Address</i>	Enter the mailing address for the selected claimant
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**2. Office of Quality Review**

OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW: <b>STEIGERWALD PHASE 3</b>	
REVIEWING OFFICE/EMAIL:	CHOOSE AN ITEM.
SAMPLED FIELD OFFICE:	
CENTRAL PROCESSING LOCATION (CPL):	CHOOSE AN ITEM.

Complete the *Office of Quality Review* section as follows:

Field	Input
<i>Type of Review</i>	Propagated Field: STEIGERWALD PHASE 3
<i>Reviewing Office/Email</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>Atlanta – <a href="mailto:DCARO.QQR.ATL@SSA.GOV">DCARO.QQR.ATL@SSA.GOV</a></li> <li>Boston – <a href="mailto:DCARO.QQR.BOS@SSA.GOV">DCARO.QQR.BOS@SSA.GOV</a></li> <li>Chicago – <a href="mailto:DCARO.QQR.CHI@SSA.GOV">DCARO.QQR.CHI@SSA.GOV</a></li> <li>Dallas – <a href="mailto:DCARO.QQR.DAL@SSA.GOV">DCARO.QQR.DAL@SSA.GOV</a></li> <li>Denver – <a href="mailto:DCARO.QQR.DEN@SSA.GOV">DCARO.QQR.DEN@SSA.GOV</a></li> <li>Kansas City – <a href="mailto:DCARO.QQR.KCY@SSA.GOV">DCARO.QQR.KCY@SSA.GOV</a></li> <li>New York – <a href="mailto:DCARO.QQR.NYC@SSA.GOV">DCARO.QQR.NYC@SSA.GOV</a></li> <li>Philadelphia – <a href="mailto:DCARO.QQR.PHI@SSA.GOV">DCARO.QQR.PHI@SSA.GOV</a></li> <li>San Francisco – <a href="mailto:DCARO.QQR.SFO@SSA.GOV">DCARO.QQR.SFO@SSA.GOV</a></li> <li>Seattle – <a href="mailto:DCARO.QQR.SEA@SSA.GOV">DCARO.QQR.SEA@SSA.GOV</a></li> </ul>
<i>Sample Field Office</i>	Enter FO code
<i>Central Processing Location (CPL)</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>CPL 2 MID-ATLANTIC PSC</li> <li>CPL 3 SOUTHEASTERN PSC</li> <li>CPL 5 WESTERN PSC</li> <li>CPL 6 MID-AMERICA PSC</li> </ul>

**3. Discussion of Findings and Necessary Action**

DISCUSSION OF FINDINGS	
The Office of Quality Review selected this record for offset review.	
DOLLAR ERROR AMOUNT:	<input type="text"/>
OQR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR) :	<input type="text" value="CHOOSE AN ITEM."/> 
<div style="border: 1px solid red; height: 130px; width: 100%;"></div>	
NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE) :	
<div style="border: 1px solid red; height: 120px; width: 100%;"></div>	
ATTACHMENTS:	<input type="text"/>
REFERENCES:	<input type="text"/>

Complete the *Discussion of Findings* and *Necessary Action* as follows:

Field	Input
OQR Findings	Select response from the drop-down list: <ul style="list-style-type: none"><li>Attorney Fee Deficiency</li><li>Documentation Deficiency</li><li>Informational</li><li>Multiple Deficiencies (Explain)</li><li>No Error</li><li>Other Dollar Deficiency</li></ul>
OQR Findings Remarks	Use this field to summarize the case review results. Enter a summary of actions taken, incorrect amount(s) annotated on the e4345, and an explanation of all errors cited.



<i>Necessary Action/Response Required</i>	Select response from the drop-down list: <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul> If your response is yes, provide a summary of all corrective actions
<i>Attachments</i>	List the documents you are providing along with the feedback form
<i>References</i>	Provide POMS procedures that support your corrections for error(s) cited. No response is required if the case is correct.

After the reviewer completes the Feedback Form, Save a copy of the document using naming convention FB\_PhaseIII\_CPL#\_SSN(last 4 digits) and attach it to an email for transmittal to the CPL.

If corrective action is required, Page 2 of the Feedback Form provides space for Operations to complete three fields:

- Operations Response
- Corrective Action Taken
- Disagreement

## Case Transfer / Workflow

OQR will review approximately 300 cases and provide early information feedback at each of the three Phases of the project. OQR and the CPL staff will use the Share Point site and designated e-mail addresses for each Phase to transfer cases and feedback. OQR will review different cases at each Phase, rather than following the same cases through the entire project. Reviewed cases will not move to the next Phase until OQR has reviewed and cleared the case. However, cases not subject to OQR review will not be held pending the outcome of the early information feedback. OQR will remain in constant contact with the CPLs and if we uncover any trends or significant recurring errors requiring retraining or a temporary halt, we will notify them immediately so that the situation can be rectified. OQR will send Early Information Feedback Forms for all reviewed cases in each phase – not just those cases where we found errors.

### A. Phase I

Phase I cases are complete once any required claims specialist (CS) actions are completed and the benefit authorizer (BA) completes and submits the E-4345 for T16 processing. Therefore, OQR must receive the case prior to that point in order to undertake an inline review of the case.

Reviews will take place as follows:

- CPL will flag every tenth SSN for possible OQR review
- CPL will notify OQR HQ of which cases have been flagged – either by
  - Sending an e-mail to [DCARO.OQR.DT2QSS.SW.PHASE1@SSA.GOV](mailto:DCARO.OQR.DT2QSS.SW.PHASE1@SSA.GOV) or
  - [Annotating an Excel spreadsheet on the Share Point site designed for this purpose](#)

Upon receiving the SSN list OQR HQ will:

- Determine which cases to review;
- Assign the cases to a specific Region and notify the [Steigerwald Coordinator](#) and the Branch Chief; AND
- Notify the CPL of the cases that will not be reviewed in Phase 1

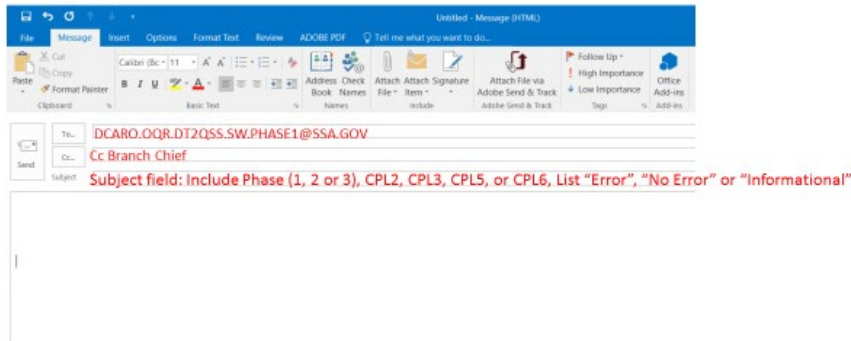
Reviewers in the six collocated AIPQB sites will:

- Review the cases
- Perform a program leader (PL) review of each case
- Complete a separate Review Form for each case. The form is located on the Steigerwald Share Point site. Double click to open and complete the form. **Do not save the form back onto the Share Point site.**
  - You must use the following naming convention for each case: Save as, SW Review Form Phase I\_CPL#\_Reviewing Office Code\_last four of SSN

**EXAMPLE: *SW Review Form Phase I\_CPL6\_R70\_6789***

**NOTE:** The Review Form must remain an Excel document

- Forward the completed Steigerwald Review Form Phase I and a Steigerwald Early Information Feedback Form Phase 1 to:  
[DCARO.OQR.DT2QSS.SW.PHASE1@SSA.GOV](mailto:DCARO.OQR.DT2QSS.SW.PHASE1@SSA.GOV) with a cc to BC as soon as they finish reviewing the case.

**EXAMPLE:**

- You may save the Feedback form in your P: drive or follow local procedures for saving the forms, but **do not** save the completed form back onto the Share Point site.
- You must use the following naming convention for each case: Save as, FB\_Phase I\_CPL#\_Last four of SSN

**EXAMPLE: *FB\_Phase I\_CPL6\_6789***

**NOTE:** The Feedback Form must be in .pdf format. Please do not change the document type.

Upon receiving the Steigerwald Phase I Review Form and Feedback Form, OQR HQ will:

- Save the Review Forms to the "N" Drive;
- Forward the Feedback Forms to [^DCO.OPSOS.STEIGERWALD@SSA.GOV](mailto:DCO.OPSOS.STEIGERWALD@SSA.GOV)
- with a cc to the BC.

If the case results in an error, the CPL will take the corrective action and forward the case for the Phase II - Title 16 processing. CPL processing of the other review cases will continue while technicians make the necessary corrections on the error case.

**B. Phase II**

Designated Title 16 staff will receive the E-4345 and re-compute the SSI windfall offset and send the results to the CPL.



CPL staff will notify OQR HQ of the cases available for review by:

- annotating the Title 16 workflow document on the Share Point site or
- Sending an Excel spreadsheet to OQR HQ via the [DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV](mailto:DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV) mailbox.

Upon receiving the SSN list, OQR HQ will:

- Eliminate cases previously reviewed in Phase 1 of the sample;
- Notify the CPL which cases OQR will not be reviewing
- Send case list via email to each [Steigerwald Coordinator](#) and a cc to the Branch Chief and [DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV](mailto:DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV) (All ten of the regional AIPQB staffs will participate in the project.)
- Coordinators will assign the cases to AIPQB T16 Staff.

Staff in the ten AIPQB sites will:

- Review the Title 16 aspects of the cases;
- Perform a PL review of each case;
- Complete a separate Phase II Review Form for each case. The form is located on the Steigerwald Share Point site. Double click to open and complete the form. **Do not save the form back onto the Share Point site.**

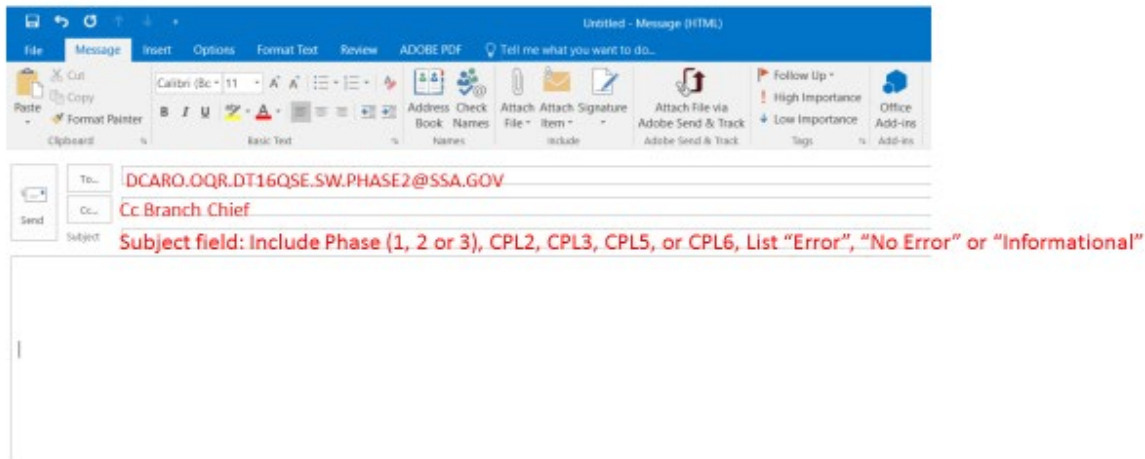
- You must use the following naming convention for each case: Save as, SW Review Form Phase II\_CPL#\_last four of SSN

**EXAMPLE: SW Review Form Phase II\_CPL6\_6789**

**NOTE:** The Review Form must remain an Excel document.

- Forward the Steigerwald Phase II Review Form and a Steigerwald Early Information Feedback Form Phase 2 to [DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV](mailto:DCARO.OQR.DT16QSE.SW.PHASE2@SSA.GOV) and cc the Branch Chief as soon as you finish reviewing the case.

**EXAMPLE:**



- You may save the Feedback form in your P: drive or follow local procedures for saving the forms, but **do not** save the completed form back onto the Share Point site.
- You must use the following naming convention for each case: Save as, FB\_Phase II\_CPL#\_Last four of SSN

**EXAMPLE: *FB\_Phase II\_CPL6\_6789***

**NOTE: The Feedback Form must be in .pdf format. Please do not change the document type.**

Upon receiving the Steigerwald Phase II Review Form and Feedback Form, OQR HQ will:

- Save the Review Forms to the "N" Drive;
- Forward the Feedback Forms to [^DCO.OPSOS.STEIGERWALD@SSA.GOV](mailto:DCO.OPSOS.STEIGERWALD@SSA.GOV)
- with a cc to the BC.

## C. Phase III

Once the Title 2 staff in the CPL receives the completed Phase II case.

The Title 2 staff will:

- Compute any underpayment or overpayment,
- Withhold for the class action attorney fee,
- Complete the necessary screens in MACADE but leave the case on MACADE HOLD pending review AND
- Prepare notices outside of the Aurora system – which OQR staff does not have access to – for OQR review.

CPL will notify OQR HQ of which flagged Phase III cases are ready for review by sending an e-mail to [DCARO.OQR.DT2QSS.SW.PHASE3@SSA.GOV](mailto:DCARO.OQR.DT2QSS.SW.PHASE3@SSA.GOV)

OQR HQ will:

- Eliminate the cases reviewed at either Phase I or Phase II
- Determine which cases to review; and
- Assign the cases to a specific Region and notify the [Steigerwald Coordinator](#) and the Branch Chief.

Staff in the six collocated AIPQB sites will:

- Assign each case to a specific reviewer
- Review the case
- Perform a PL review of each case
- Complete a separate Phase III Review Form for each case. The form is located on the Steigerwald Share Point site. Double click to open and complete the form.  
**Do not save the form back onto the Share Point site.**
  - You must use the following naming convention for each case: Save as, SW Review Form Phase III\_CPL#\_Reviewing Office Code\_last four of SSN

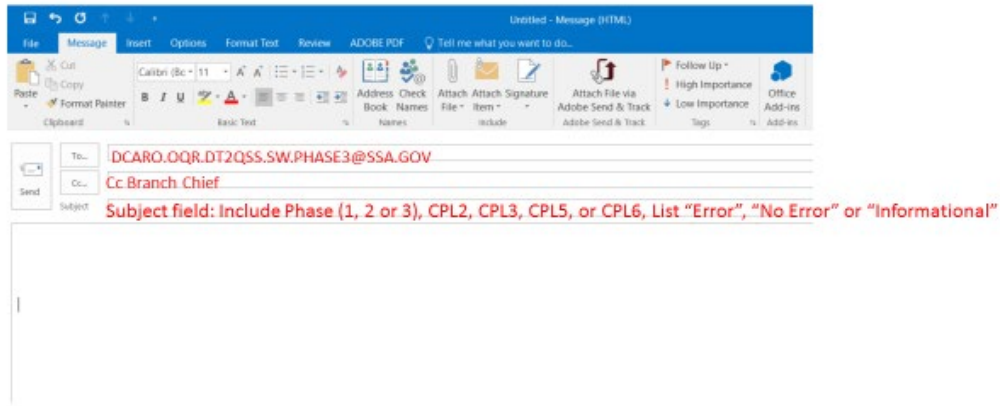
**EXAMPLE:** *SW Review Form Phase III\_CPL6\_R70\_6789*

**NOTE:** The Review Form must remain an Excel document.

- Forward a Steigerwald Phase III Review Form and Steigerwald Early Information Feedback Form Phase 3 to [DCARO.OQR.DT2QSS.SW.PHASE3@SSA.GOV](mailto:DCARO.OQR.DT2QSS.SW.PHASE3@SSA.GOV) and cc to BC as soon as you finish reviewing the case.



EXAMPLE:



- You may save the Feedback form in your P: drive or follow local procedures for saving the forms, but **do not** save the completed form back onto the Share Point site.
- You must use the following naming convention for each case: Save as, FB\_Phase III\_CPL#\_Last four of SSN

**EXAMPLE: *FB\_Phase III\_CPL6\_6789***

**NOTE:** The Feedback Form must be in .pdf format. Please do not change the document type.

Upon receiving the Steigerwald Phase III Review Form and Feedback Form, OQR HQ will:

- Save the Review Forms to the "N" Drive;
- Forward the Feedback Forms to [DCO.OPROS.STEIGERWALD@SSA.GOV](mailto:DCO.OPROS.STEIGERWALD@SSA.GOV)
- with a cc to the BC.

The CPL will:

Take corrective action and process the case to completion.

## Exhibits

### A. Steigerwald Review Coding Form (Sample)

#### 1. Phase I

<b>SSN</b>	<b>000-00-0000</b>	
<b>Central Processing Location (CPL)</b>		
<b>Title II Phase I Question 1 - Are all Post Entitlement issues that affect the W/O period resolved?</b>		<b>Yes</b>
<b>Title II Phase I Question 2 - Was development and proper documentation complete for all PE issues?</b>		<b>Yes</b>
<b>Title II Phase I Question 3 - Was the attorney fee calculated correctly? (E)</b>		<b>Yes</b>
<b>Title II Phase I Question 4 - Was the attorney fee annotated on the e4345 properly?</b>		<b>Yes</b>
<b>Title II Phase I Question 5 - e4345 MBR Begin/End Months correct?</b>		<b>Yes</b>
<b>Title II Phase I Question 6 - e4345 MBR Due Amounts correct?</b>		<b>Yes</b>
<b>Title II Phase I Question 7 - e4345 Total Retro RSDI Withheld correct? (E)</b>		<b>Yes</b>
<b>Date Phase I Review Completed</b>		
<b>Date Sent to CPL</b>		
<b>Region Conducting Review</b>		
<b>Reviewer Name</b>		
<b>PL Reviewer Name</b>		

**2. Phase II**

<b>SSN</b>	000-00-0000	
<b>Central Processing Location (CPL)</b>		
Title XVI Phase II Question 1 - Is there an eComps for the windfall underpayment recalculation in eView/NDRED?		
Title XVI Phase II Question 2 - Is there an eComps for the windfall recalculation based on the new attorney fee in eView/NDRED?		
Title XVI Phase II Question 3 - Was e4345 correctly updated in section II with changes to offset period, fed and state amount, NCI, etc?		
Title XVI Phase II Question 4 - Were any items that could affect the calculation missed?		
Title XVI Phase II Question 5 - Is the intial recalculation correct?		
Title XVI Phase II Question 6 - Is there a T2 underpayment Due?		
Title XVI Phase II Question 7 - Was the new attorney fee calculated correctly based on the initial recalculation?		
Title XVI Phase II Question 8 - Was the second windfall recalculation correct based on the new attorney fee?		
Documentation Deficiency?		
Documentation Deficiency Type NO DOLLAR ERROR CASE?		
Documentation Deficiency	O/P Dollar Amount	\$ -
Documentation Deficiency	Dollar U/P Amount	\$ -
Attorney Fee Deficiency?		
Attorney Fee Deficiency	Dollar O/P Amount	\$ -
Attorney Fee Deficiency	U/P Dollar Amount	\$ -
Other Dollar Deficiency? (incorrect benefit amounts, dates in offset period)		
Other Deficiency	O/P Dollar Amount	\$ -
Other Deficiency	U/P Dollar Amount	\$ -
Revised Offset Amount (Windfall Offset Amount from FO eComp)		\$ -
Date Phase II Review Completed		
Date Sent to CPL		
Region Conducting Review		
Reviewer Name		
PL Reviewer Name		



Type of Documentation Deficiency	Choose "XXXX" for all that apply.
<b>eComps recalculation not in file</b>	
<b>eComps new attorney fee not in file</b>	
<b>e4345 not updated</b>	
<b>Items affecting calculation missing</b>	
<b>eComps recalculation not in file AND eComps new attorney fee not in file</b>	
<b>eComps recalculation not in file AND e4345 not updated</b>	
<b>eComps recalculation not in file AND items affecting calculation missing</b>	
<b>eComps new attorney fee not in file AND e4345 not updated</b>	
<b>eComps new attorney fee not in file AND items affecting calculation missing</b>	
<b>e4345 not updated AND items affecting calculation missing</b>	
<b>eComps recalculation not in file AND eComps new attorney fee not in file AND e4345 not updated</b>	
<b>eComps recalculation not in file AND eComps new attorney fee not in file AND items affecting calculation missing</b>	
<b>eComps recalculation not in file AND e4345 not updated AND items affecting calculation missing</b>	
<b>eComps new attorney fee not in file AND e4345 not updated AND items affecting calculation missing</b>	
<b>eComps recalculation not in file AND eComps new attorney fee not in file AND e4345 not updated AND items affecting calculation missing</b>	

## 3. Phase III

<b>SSN</b>	<b>000-00-0000</b>	
<b>Central Processing Location (CPL)</b>		
<b>Title II Phase III Question 1 - Was the Title II Overpayment or Underpayment calculated correctly? (E)</b>		
<b>O/P Dollar Deficiency Amount</b>		
<b>U/P Dollar Deficiency Amount</b>		
<b>Title II Phase III Question 2 - Was the Class Action attorney fee updated to the APPREP data field on the MBR?</b>		
<b>Title II Phase III Question 3 - Was the correct Class Action attorney fee established in SPS? (E)</b>		
<b>Title II Phase III Question 4 - Were special RASR procedures for the 1695 followed?</b>		
<b>Title II Phase III Question 5 - Was MBR updated for address/bank data?</b>		
<b>Title II Phase III Question 6 - Was a notice prepared with the correct information?</b>		
<b>Title II Phase III Question 7 - Was the WOD data field updated on the MBR?</b>		
<b>Title II Phase III Question 8 - Was the tracker tool updated?</b>		
<b>Date Phase III Review Completed</b>		
<b>Date Sent to CPL</b>		
<b>Region Conducting Review</b>		
<b>Reviewer Name</b>		
<b>PL Reviewer Name</b>		

## B. Steigerwald Feedback Form (Sample)

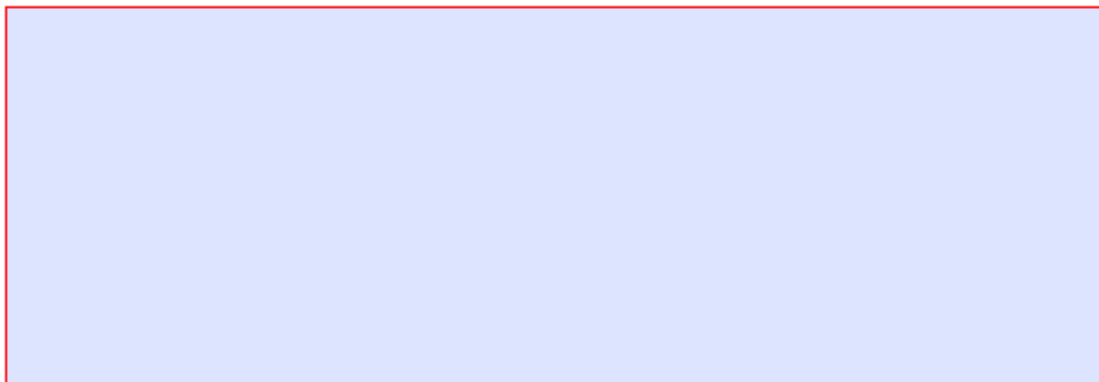
### 1. Phase I

STEIGERWALD EARLY INFORMATION FEEDBACK FORM	
DATE OF REVIEW:	<input type="text"/>
CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input type="text"/>
NAME:	<input type="text"/>
ADDRESS:	<input type="text"/>
OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW: STEIGERWALD PHASE 1	
REVIEWING OFFICE/EMAIL:	<input type="text" value="CHOOSE AN ITEM."/>
CENTRAL PROCESSING LOCATION (CPL):	<input type="text" value="CHOOSE AN ITEM."/>
DISCUSSION OF FINDINGS	
THE OFFICE OF QUALITY REVIEW SELECTED THIS RECORD FOR REVIEW.	
OQR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR): <input type="text" value="CHOOSE AN ITEM."/>	
<input type="text"/>	
NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE): <input type="text" value="CHOOS"/>	
<input type="text"/>	
ATTACHMENTS:	<input type="text"/>
REFERENCES:	<input type="text"/>

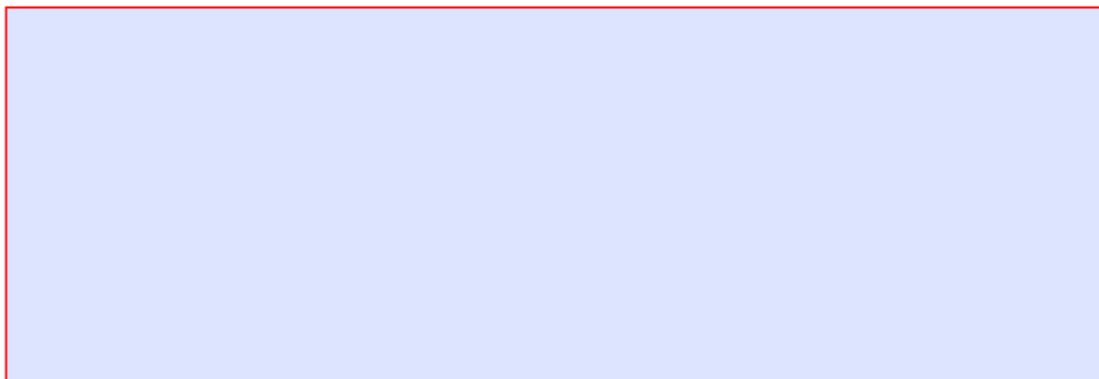


STEIGERWALD EARLY INFORMATION FEEDBACK FORM

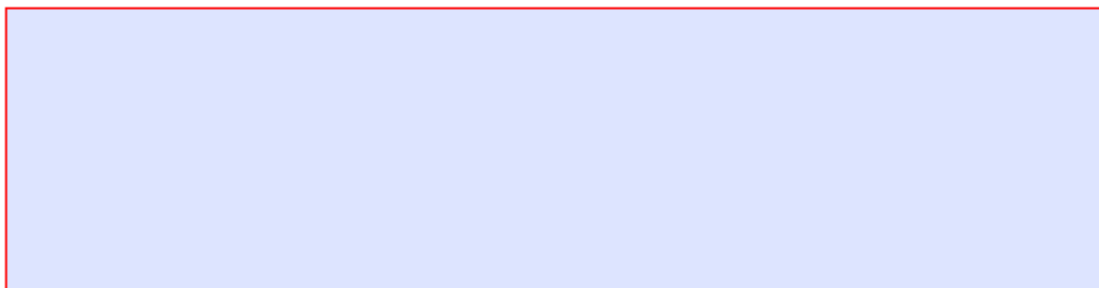
PHASE 1 OPERATIONS RESPONSE:

A large, empty rectangular box with a light blue background and a red border, intended for the Phase 1 Operations Response.

CORRECTIVE ACTION TAKEN:

A large, empty rectangular box with a light blue background and a red border, intended for the Corrective Action Taken.

DISAGREEMENT:

A large, empty rectangular box with a light blue background and a red border, intended for the Disagreement section.

**2. Phase II**

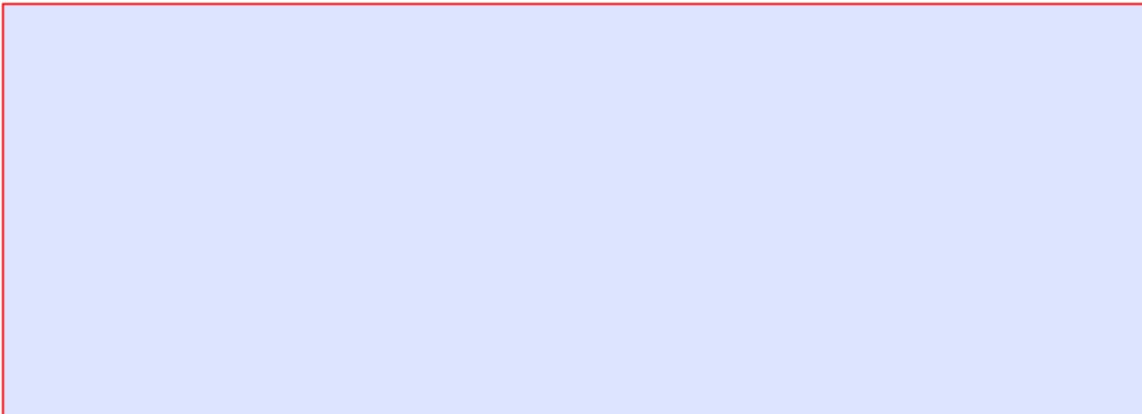
STEIGERWALD EARLY INFORMATION FEEDBACK FORM	
DATE OF REVIEW: <input type="text"/>	
CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input type="text"/>
NAME:	<input type="text"/>
ADDRESS:	<input type="text"/>
OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW: STEIGERWALD PHASE 2	
REVIEWING OFFICE/EMAIL:	<input type="text" value="CHOOSE AN ITEM."/>
SAMPLED FIELD OFFICE:	<input type="text"/>
CENTRAL PROCESSING LOCATION (CPL):	<input type="text" value="CHOOSE AN ITEM."/>
DISCUSSION OF FINDINGS	
THE OFFICE OF QUALITY REVIEW SELECTED THIS RECORD FOR OFFSET REVIEW.	
DOLLAR ERROR AMOUNT:	<input type="text"/> ISSUE: WINDFALL OFFSET
OQR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR): <input type="text" value="CHOOSE AN ITEM."/>	
<input type="text"/>	
NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE): <input type="text" value="CHOOS"/>	
<input type="text"/>	
ATTACHMENTS:	<input type="text"/>
REFERENCES:	<input type="text"/>

STEIGERWALD EARLY INFORMATION FEEDBACK FORM

PHASE 2 OPERATIONS RESPONSE:

A large, empty rectangular box with a light blue background and a red border, intended for the Phase 2 Operations Response.

CORRECTIVE ACTION TAKEN:

A large, empty rectangular box with a light blue background and a red border, intended for the Corrective Action Taken.

DISAGREEMENT:

A large, empty rectangular box with a light blue background and a red border, intended for the Disagreement section.



### 3. Phase III

STEIGERWALD EARLY INFORMATION FEEDBACK FORM	
DATE OF REVIEW:	<input type="text"/>
CLAIMANT'S IDENTIFYING INFORMATION	
SSN:	<input type="text"/>
NAME:	<input type="text"/>
ADDRESS:	<input type="text"/>
OFFICE OF QUALITY REVIEW	
TYPE OF REVIEW: STEIGERWALD PHASE 3	
REVIEWING OFFICE/EMAIL:	<input type="text" value="CHOOSE AN ITEM."/> ▼
SAMPLED FIELD OFFICE:	<input type="text"/>
CENTRAL PROCESSING LOCATION (CPL):	<input type="text" value="CHOOSE AN ITEM."/> ▼
DISCUSSION OF FINDINGS	
The Office of Quality Review selected this record for offset review.	
DOLLAR ERROR AMOUNT:	<input type="text"/>
QOR FINDINGS (e4345/MBR REVIEW/HOW THE ERROR OCCURRED/SOURCE OF ERROR):	<input type="text" value="CHOOSE AN ITEM."/> ▼
<input type="text"/>	
NECESSARY ACTION/RESPONSE REQUIRED (IF YES, DESCRIBE):	
<input type="text"/>	
ATTACHMENTS:	<input type="text"/>
REFERENCES:	<input type="text"/>

STEIGERWALD EARLY INFORMATION FEEDBACK FORM

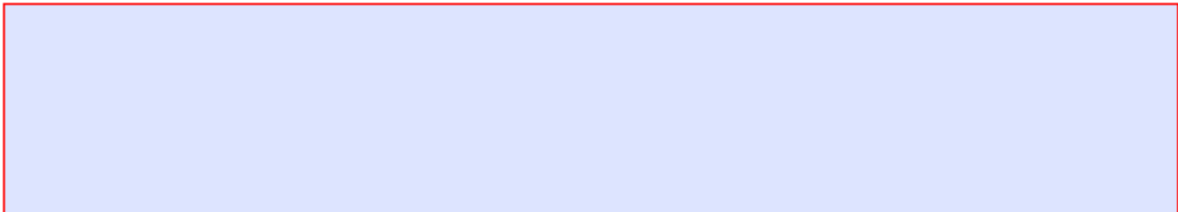
PHASE 3 OPERATIONS RESPONSE:

A large, empty rectangular box with a light blue background and a red border, intended for the Phase 3 Operations Response.

CORRECTIVE ACTION TAKEN:

A large, empty rectangular box with a light blue background and a red border, intended for the Corrective Action Taken.

DISAGREEMENT:

A large, empty rectangular box with a light blue background and a red border, intended for the Disagreement section.

**C. e4345 (Sample)**

Details - Phase 2

[Back to STS](#)

## Claim Info

<b>Claim Number &amp; BIC:</b>	300- A	<b>BOAN:</b>	300-
<b>Number Holder's Name:</b>			
<b>Beneficiary's Name:</b>			
<hr/>			
<b>Route To:</b>	CPL 5 - FO	<b>Reply To:</b>	CPL 5 - PSC
<hr/>			
<b>Dual Entitlement (D/E) Case:</b>	No		
<b>Recomputation Involved:</b>	Yes		
<b>CMA Amount:</b>	\$678.60	<b>CMA Paid Month:</b>	04/2004

## Paid vs. Payable - Monthly breakdown of retroactive RSDI Withheld

Total Retro RSDI Withheld: \$24,917.60

Paid Amounts	MBR Month Due	Due Amount	Net Due	Subtotal	SSI Month Received
\$0.00	01/2001 thru 11/2001	\$639.00	\$639.00	\$7,029.00	02/2001 thru 12/2001
\$0.00	12/2001 thru 11/2002	\$656.00	\$656.00	\$7,872.00	01/2002 thru 12/2002
\$0.00	12/2002 thru 11/2003	\$665.00	\$665.00	\$7,980.00	01/2003 thru 12/2003
\$0.00	12/2003 thru 01/2004	\$679.00	\$679.00	\$1,358.00	01/2004 thru 02/2004
\$0.00	02/2004 thru 02/2004	\$678.60	\$678.60	\$678.60	03/2004 thru 03/2004

## Fee &amp; Remarks

Fee Type: Agreement

T2 Rep Fee Agreement-Fee Amount: \$5,300.00

T16 Rep Agreement Fee: \$0.00

PSC Contact Name:

PSC Contact Phone:

PSC Remarks: STEIGERWALD E4345. PLEASE PROVIDE SSI OFFSET WINFALL THANK YOU!

## Offset Info

## T2 Offset Applied (WIN B, C, or E applies)

Offset Period: 02/2001 - 05/2004

Federal Offset Amount: \$15,354.00

Non Countable Income: \$9,563.60

State Offset Amount:

State Code:

## Steigerwald Info

## Phase 1

CA Review Required in Phase 1: No

Pre-existing Underpayment: No

Pre-existing Overpayment: No

## Phase 2

Attorney Fee Used in Final eComps: \$5,600.00

Underpayment Due: Yes

Amount: \$4,475.06

Class Action Attorney Fee Due:



## Steigerwald Review Form - Phase I

<b>SSN</b>	<b>000-00-0000</b>	
<b>Central Processing Location (CPL)</b>		
<b>Date Review Completed</b>		
<b>Case Cleared to go to Phase 2?</b>		
<b>Title II Phase I Question 1 - Are all Post Entitlement issues that affect the W/O period resolved?</b>		
<b>Title II Phase I Question 2 - Was development and proper documentation complete for all PE issues?</b>		
<b>Title II Phase I Question 3 - Was the attorney fee calculated correctly? (E)</b>		
<b>Title II Phase I Question 4 - Was the attorney fee annotated on the e4345 properly?</b>		
<b>Attorney Fee Issues Noted on Review</b>		
<b>Title II Phase I Question 5 - e4345 MBR Begin/End Months correct?</b>		
<b>Title II Phase I Question 6 - e4345 MBR Due Amounts correct?</b>		
<b>Title II Phase I Question 7 - e4345 Total Retro RSDI Withheld correct? (E)</b>		
<b>Necessary Action(s)</b>		
<b>OQR REVIEWER</b>		
<b>OQR REVIEWING OFFICE</b>		
<b>OQR REVIEWER'S PHONE NUMBER</b>		

## STEIGERWALD PHASE 2 REVIEW SHEET

## Class Action Identification Screen

1-1 CPL 1-2 FO/Region 1-3 Bene First N 1-4 Bene Last Name  
*Usual T16 propagated info*

## Preliminary Case Analysis Screen

## 2-1 Does OQR agree with the e4345 data as posted by Phase I

YES / NO If YES go to 2-2  
 If NO - Select reason for disagreement  
☐ WF Offset Period Incorrect (Return to FO with feedback email/form(?))  
☐ Past Due amount incorrect (Return to FO with feedback email/form(?))  
☐ Wrong Attorney authorization used (Return to FO with feedback email/form(?))  
☐ Other - Explain

## eComp Screen

## 3-1 Did the FO recreate eComp1, STW-Original Offset, correctly from data from the SSR

YES / NO If YES go to 3-2  
 If NO, EXPLAIN / Possible Payment Error Offset Deficiency Required

## 3-2 Did the FO use the correct total Authorized fee amount to perform eComp2 - STW - Amended Offset?

YES / NO If YES go to 2-6  
 If NO go to 2-4 Offset Deficiency Required

3-3 Did the FO use the correct offset period? Offset Deficiency Required

3-4 Did the FO use the correct T2 monthly amounts? Offset Deficiency Required

## Attorney Fee Screen

2-4 What fee amount did the FO use? \$ .

2-5 Actual Authorized amount \$ . \*\*\*If different amounts then Attorney Fee error

2-6 Is there a T16 Attorney Fee error?

YES / NO

2-7 If Yes is the attorney UP or OP? \*\*\*Attorney Fee error and send informational (???)

Underpaid or Overpaid

2-8 What is the revised offset amount computed by the FO?

2-9 What is the revised offset amount computed by OQR?

## Documentation Screen

## 2-8 Did the FO create a DROC/5002 as instructed per the Steigerwald Desk Guide?

YES / NO If YES go to 2-9, If NO, \*\*\* If NO, Documentation Deficiency and go to 2-10

## 2-9 If Yes, Did it include (select all included)

- ☐ Original Offset Amount \*\*\*If missing, Doc Def  
☐ Revised Offset Amount \*\*\*If missing, Doc Def  
☐ \$ difference between the Original Offset and the Revised \*\*\*If missing, Doc Def

2-10 If the \$ difference between the Original and Revised Offset amount is negative, Did the FO put \$0.00 in the e4345 and the OP amount in the REMARKS section of the e4345 and indicate it was an OP?

YES / NO \*\*\* If NO, Documentation Deficiency

## 2-11 Did the FO post remarks to the SSR in the correct format?

YES / NO \*\*\* If NO, Documentation Deficiency

## 2-12 Did the FO complete the e4345 and transmit it to the PC CPL?

YES / NO \*\*\* If NO, Documentation Deficiency

## 2-13 Did the FO create the STEIGERWALD Documents and scan into NDRED:

- |   |                                  |
|---|----------------------------------|
| <input type="checkbox"/> Certified e4345 sent to the PC CPL | YES or NO ***If missing, Doc Def |
| <input type="checkbox"/> Two pages from eComp 1             | YES or NO ***If missing, Doc Def |
| <input type="checkbox"/> Two pages from eComp 2             | YES or NO ***If missing, Doc Def |
| <input type="checkbox"/> SSA-5002 (if MSSIC locked)         | YES or NO ***If missing, Doc Def |

## Case Determination Screen

Case Results - Check all that apply

Selection List with multiple selections allow (No Error, Attorney Fee Error, Windfall Offset Error) Deficiency Required for any Error

## Deficiencies

List all deficiencies that apply to this case

Selection list with multiple allowed





STEIGERWALD PHASE 1 REVIEW SHEET				
<b>Class Action Identification Screen</b>				
1-1 CPL	1-2 PCOC	1-3 BIC	1-4 Bene First Name	1-5 Bene Last Name
Propagated	Propagated	Propagated	Propagated	Propagated
<b>Preliminary Case Analysis Screen</b>				
2-1 Were there any post-entitlement events detected that could possibly reduce the WTA?				
YES / NO If YES, 2-2 MANDATORY				
2-2 Did the CPL Take the Proper Development Action?				
YES / NO If YES, 2-3 MANDATORY				
2-3 Explain				
Freeform 250 Characters				
2-4 Were All Such Events Documented in the Electronic Record with a RPOC, 5002, or other Document?				
YES / NO				
2-5 Were the Evidentiary Documents Obtained Scanned into NDRED?				
YES / NO				
2-6 Is Dual Entitlement Involved?				
YES / NO If YES, 2-7 MANDATORY				
2-7 Enter Dual Entitlement SSN and BIC				
Formatted for T2 CAN and BIC				
<b>Attorney Fee Referral Screen</b>				
3-1 Should the Case Have Been Referred to a CA / CS / SCPS for an Attorney Fee Determination or Development?				
YES / NO If YES, 3-2 MANDATORY				
3-2 Was the Case Referred?				
YES / NO				
<b>E4345 Fee &amp; Remarks Screen</b>				
4-1 Is the Fee Type Correct in the Fee & Remarks Section?				
YES / NO If NO, Attorney Fee Deficiency Required				
4-2 Is the Fee Amount Correct?				
YES / NO If NO, Attorney Fee Deficiency Required				
4-3 Fee Posted by CPL				
Accounting format \$,\$,\$,\$.cc				
4-4 Actual Authorized Fee (If none show \$0.00)				
Accounting format \$,\$,\$,\$.cc				
4-5 If Remarks Present, are they accurate, clear, and appropriate for the issues in this case?				
YES / NO IF NO, 4-6 MANDATORY If NO, Attorney Fee Deficiency Required				
4-6 Explain the Issue(s) With the Remarks				
Freeform 250 Characters				
4-7 Are the APPREP and APPFEE Fields Correct on the MBR?				
YES / NO If NO, Attorney Fee Deficiency Required				
<b>Windfall Offset Data Screen</b>				
5-1 Is the CMA Amount Correct?				
YES / NO If NO, WTA Deficiency Required				
5-2 Is the CMA Paid Month Correct?				
YES / NO If NO, WTA Deficiency Required				
5-3 Is Total Retro RSDI Withheld Correct?				
YES / NO If NO, WTA Deficiency Required				
5-4 Are All Months in MBR Month Due Correct?				
YES / NO If NO, WTA Deficiency Required				
5-5 Are All Dollar Amounts in Due Amount and Net Due Correct?				
YES / NO If NO, WTA Deficiency Required				
<b>Case Determination Screen</b>				
6-1 Case Results - Check All That Apply				
Selection list with multiple selections allowed - (No Error, Attorney Fee Error, WTA Error) Deficiency required for any error				
6-2 Are Informational Changes Required?				
YES / NO If YES, 6-3 MANDATORY				
6-3 Informational Changes Remarks				
Freeform 100 Characters				
<b>Deficiencies</b>				
7-1 List all deficiencies that apply to this case				
Selection list with multiple selections allowed - (ATTY001, ATTY002, ATTY003, ATTY004, WTA001, WTA002, WTA003, WTA004, WTA005)				

is the windfall offset period correc  
yes/no if no offset deficiency requ  
are the T2 amounts correct?  
yes/no if no offset deficiency requ

# **EXHIBIT F**

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**From:** Kasdan, Ira  
**Sent:** Tuesday, April 30, 2019 6:08 PM  
**To:** 'Brizius, Erin E. (USAOHN)'; 'Bailey, Kate (CIV)'; 'Asher, Ruchi (USAOHN)'; 'Sandberg, Justin (CIV)'  
**Cc:** Wilson, Joseph D.; 'Jon Ressler'; 'Diane Shriver'; Stern, Bezalel  
**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors  
**Attachments:** SSA Friday April 19.pdf; SSA Saturday April 20.pdf; SSA Monday April 22.pdf; SSA Tuesday April 23.pdf; SSA Thursday April 25.pdf; SSA Friday April 26.pdf; SSA Saturday April 27.pdf; SSA Monday April 29.pdf; SSA Tuesday April 30.pdf

**Importance:** High

Erin,

Once again, I am compelled to write to you to let you know that the Agency is continuing to send me letters apparently (if not obviously) unrelated to the Steigerwald case.

As you know, sending these letters to me violates the Agency's own purported policy. See SSA2019-0196 (Steigerwald guide explaining: "Due to PII restrictions, SSA is barred from disclosing information to the class counsel that is not directly related to the windfall offset recalculation and the attorney fees withheld from this underpayment." (Emphasis added)).

**To date, since March 15<sup>th</sup>, I have received approximately 155 non-Steigerwald related letters regarding Class Members.** My assistant has been forced to spend countless hours dealing with letters and calls I am receiving on issues unrelated to the Steigerwald Class Action – both from the Agency and from Class Members, who have been told by SSA employees to contact us regarding non-Steigerwald related matters. While only some – but not even all – of my time on dealing with SSA's inability to rectify the problem is reflected in the time sheets we provided to you last week, none of the time my assistant has spent dealing with these calls is so recorded, notwithstanding the inordinate daily amount of time she devotes to these issues.

As you know, we wanted to ask Ms. Walker at her 30(b)(6) deposition why these problems keep happening, and when and how they would be rectified. See Doc. 110-2 at 6 (Initial Topic 4 was "The source of the 'anomaly' by which Ira T. Kasdan has been and is continuing to receive correspondence from SSA unrelated to this case, and/or by which SSA has mis-identified Ira T. Kasdan as counsel for Class Members on matters unrelated to this case, per Defendants' counsels' March 20, 2019 email."). You objected to this topic. We relented when Justin and you told me on April 12 during our discussion regarding the potential 30(b)(6) topics that the problem was being worked on. Yet, despite your assurances, these errors of your client keep occurring. With this email, I am attaching yet the latest round of letters (in password protected format) I received over the last week or so (while I was away from the office) that apparently are all unrelated to the Steigerwald case. The passwords will come in the next email.

\*\*\*\*\*

As you know, we have repeatedly asked you for a contact person within SSA that we could refer these matters to. See, for example, my email to you of March 19, where I stated: "While I understand and appreciate Kate's email from yesterday (see below), it might be appropriate for someone from SSA – perhaps in-house counsel - to be appointed for us to be able to communicate with directly to deal with the issues that I have raised. Indeed, direct communications with the agency through in-house counsel is precisely what SSA agreed to in the Greenberg case and which was very helpful in coordination of that case."

The Agency has consistently refused to provide such an individual, and you have told us to refer the matters directly to you. We will continue to do so, although doing so is both time-consuming and should be the



responsibility of SSA to have finally put the problems to rest. But more importantly, the Agency (through you) has not been responsive.

The following are just some of the issues and specific cases that I have raised with you for which we have received no or an insufficient follow-up response:

- On March 15 I asked you to provide information regarding Class Members [REDACTED] and [REDACTED], and to confirm that SSA's records have been corrected regarding these individuals and that I am no longer listed as their counsel for non-Steigerwald related matters. I have not received a response from you regarding these individuals.
- On March 18, I provided you with an additional letter from the Agency that should not have been sent to me as well as a description of a phone call I received from the Agency regarding [REDACTED] -- the SSA employee on the phone told someone in my office that I represented [REDACTED] in a Title II disability case. As you know, I do not. I asked you whether we could have a phone call to discuss this issue. You did not respond to this request.
- Later on March 18, I let you know I received two more calls from SSA similar to the one described above, regarding two different Class Members and assertions that I represented them in non-Steigerwald matters.
- On March 19 I provided you with a letter I received from the Southeastern Program Service Center in Alabama, and asked you whether the letter was related to the Steigerwald Class Action. You did not respond.
- On April 1, I asked you to "Please explain what SSA has done to date and intends to do in the immediate future to correct its errors, and please assure me that steps are taken to correct the files for each person mentioned in each letter that I have in the past forwarded and that I am forwarding today." You have not responded to these requests.
- The list goes on and on . . . See, e.g., my emails below dated April 3, 5, 10, 16 citing a total of 11 individual cases/instances that I specified needed follow up and for which I have not received any confirming information that the Agency has taken any action (*let alone remedial ones*). Your April 16<sup>th</sup> response -- "I have forwarded all emails to SSA, and they are addressing the issues raised. I will get back to you when I have additional information to provide" -- is insufficient as another two weeks have gone by with nothing from you or the Agency, other than a new slew of errant letters.

**Accordingly, please review the emails I have sent as found below, and promptly provide the information that I have requested regarding the specific cases and issues that I have raised, and explain what the Agency is doing to finally put these problems to rest.**

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Kasdan, Ira  
**Sent:** Tuesday, April 16, 2019 1:23 PM  
**To:** 'Brizius, Erin E. (USAOHN)' ; Bailey, Kate (CIV) ; Asher, Ruchi (USAOHN) ; Sandberg, Justin (CIV)  
**Cc:** Wilson, Joseph D. ; 'Jon Ressler' ; 'Diane Shriver' ; Stern, Bezalel  
**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Erin -- thank you for your response.

While I appreciate the fact that you are forwarding my emails to SSA, unfortunately it is apparent that SSA is not following through -- certainly not in all (if any of the) cases. Thus, see the email below from my assistant documenting three new calls from SSA representatives about class members making inquiries not (at least apparently) related to the Steigerwald class action. You will see that at least in one case the SSA representative has called three times.

Please ensure that SSA actually does something to respond to these inquiries and the continuing errant letters and mistakes that I have catalogued below. [Indeed, a new batch of errant letters arrived today which I will forward to you later.] I might even suggest that you personally call these SSA representatives given your representation of the agency, so that we both can be assured that they are properly notified and you can so confirm . . .

## Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

**From:** Arevalo, Marvila  
**Sent:** Tuesday, April 16, 2019 12:54 PM  
**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>  
**Subject:** SSA/Steigerwald - SSA Representative Calls

1. [REDACTED] (sp) re [REDACTED] – he wants to know if she had medical records or when her last doc appt was – please call at [REDACTED]
2. [REDACTED] (sp) calling for the third time re a 1695/1696/fee agreement for [REDACTED] – please call at [REDACTED]
3. [REDACTED] calling for [REDACTED] please call [REDACTED] ext. [REDACTED]

## MARVILA S. AREVALO

Legal Assistant to Ira T. Kasdan and Joseph D. Wilson  
**Kelley Drye & Warren LLP**  
Washington Harbour  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Tel: (202) 945-6654

WWW.KELLEYDRYE.COM

[marevalo@kelleydrye.com](mailto:marevalo@kelleydrye.com)



---

**From:** Brizius, Erin E. (USAOHN) [<mailto:Erin.E.Brizius2@usdoj.gov>]  
**Sent:** Tuesday, April 16, 2019 12:40 PM  
**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>  
**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Ira,

Thank you for your emails this week and last. I have forwarded all emails to SSA, and they are addressing the issues raised. I will get back to you when I have additional information to provide.

Please follow the previous procedure (sending a check made out to SSA with the claimant's name in the note line) to return the funds issued for [REDACTED].

Best,  
Erin

Erin E. Brizius  
Assistant U.S. Attorney  
United States Courthouse  
801 West Superior Avenue, Suite 400  
Cleveland, Ohio 44113  
Direct: (216) 622-3670  
Fax: (216) 522-4982  
[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)

***SENSITIVE UNITED STATES ATTORNEY COMMUNICATION***

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**From:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>  
**Sent:** Monday, April 15, 2019 12:57 PM  
**To:** Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>  
**Subject:** [Not Virus Scanned] [Not Virus Scanned] RE: Steigerwald v Berryhill - SSA's continuing errors

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This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

And still more letters . . . Please confirm that these are not related to Steigerwald. I am assuming they are not but please let me know one way or another. In addition, we received \$489.95 in the Steigerwald account for [REDACTED]. Please advise.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira  
**Sent:** Monday, April 15, 2019 12:52 PM  
**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>  
**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver'



**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

More letters . . .

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Thursday, April 11, 2019 7:33 PM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel – another day and yet more errant letters from SSA not dealing with Steigerwald class action. See attached (password protected).

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Wednesday, April 10, 2019 3:34 PM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel – [REDACTED] called with the same problem that [REDACTED] described: [REDACTED] called SSA in TN who told him to call me even though I do not represent [REDACTED] other than in the class action. [See password protected ss number for him as attached.]

Please look into [REDACTED]' situation as well and get back to me so that I can get back to him.

And please notify the SSA personnel in TN about their continuing error in the above regards.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Wednesday, April 10, 2019 1:40 PM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver'

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel – I received a call yesterday from [REDACTED] whose ss number is in the password protected attachment. He apparently has had his benefits cut and was told when he called SSA that I represent him. Today I called the SSA office whose number he gave me in TN – 800-772-1213. However, the representative would not verify for me whether [REDACTED]'s cut-off was related to the class action and would not explain if my name in the system as the person's representative was for anything other than the class action.

Please check into [REDACTED]'s case and let me know if his loss of benefits (that he claims) is related to the class action or otherwise. He has asked that I get back to him with an answer.

Additionally, this morning we received calls and messages from the following SSA personnel in connection with the individuals listed below. Please contact the SSA offices/personnel and let them know about SSA's error in listing me as a representative for anything other than the class action and confirm that you (or someone from SSA) has done so:

1. [REDACTED] from TX office: 877-445-0831 ext. [REDACTED] – he did not indicate which claimant he was calling about
2. [REDACTED] from Kentucky office: 866-269-3993 ext. [REDACTED] – she did not indicate which claimant she was calling about
3. [REDACTED] from the Disability Office called re Form 1696 for [REDACTED]: 800-342-2065 ext. [REDACTED]
4. [REDACTED] from Hartford Conn. Office called re [REDACTED]: 866-931-2878 (no ext. #)
5. [REDACTED] from TN office called re [REDACTED]: 866-303-2986 ext. [REDACTED]

Finally, this afternoon we received an additional four errant letters unrelated to the class action. These letters are also attached and password protected. SSA's continuing inability to straighten out these errors is disconcerting, to say the least.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Monday, April 08, 2019 4:27 PM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel – Attached are more errant letters covering an additional 10 non-Steigerwald cases. Please note the letter to [REDACTED] in particular and direct it properly as it mentions an appointment for a psychiatrist set up by MADDS.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

**From:** Kasdan, Ira

**Sent:** Monday, April 08, 2019 11:26 AM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel – and yet another two errant letters.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Monday, April 08, 2019 10:23 AM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel - Attached are two more errant (password protected) non-Steigerwald related letters addressed to me from SSA.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira

**Sent:** Friday, April 05, 2019 10:16 AM

**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's continuing errors

Counsel -- Attached are additional errant letters to me for Social Security to rectify. In particular see the one for [REDACTED] since it appears that SSA is withholding a sizeable amount of money for her representative. Please ensure that SSA does not, once again, improperly send money to the account set up for the Steigerwald case.

Thank you.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Brizius, Erin E. (USAOHN) [<mailto:Erin.E.Brizius2@usdoj.gov>]

**Sent:** Wednesday, April 03, 2019 4:13 PM



To: Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Bailey, Kate (CIV) <[kate.Bailey@usdoj.gov](mailto:kate.Bailey@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
Cc: Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>  
Subject: RE: Steigerwald v Berryhill - SSA's continuing errors

Ira,

Thank you for continuing to bring these issues to our attention. As we previously stated, SSA has identified the problem, which resulted from the procedures necessary to withhold a percentage of any underpayments due to class members for payment of attorney fees. SSA is working to mitigate these problems. While we will not be providing information about SSA's internal procedures, SSA is addressing the matter and taking steps to correct any issues that have arisen in the cases you have identified for us.

Regarding the funds deposited into your account, please return those funds via check to the following address:

Mid-Atlantic Program Service Center  
300 Spring Garden Street  
Operations Analyst Section, 7<sup>th</sup> Floor  
Philadelphia, PA 19123  
ATTN: NICHOLAS STEFFNEY  
DO NOT OPEN IN MAILROOM

For accounting purposes, a check for each individual noting the individual's name is the preferred method. Return via wire transfer is not possible. I understand from your previous emails that you have not received a notice from SSA regarding the three individuals for whom you have received funds and do not have their SSNs. To the extent, however, that you may have that information, please provide it with the checks as well.

Additionally, we have been informed that you recently contacted an SSA office with an inquiry about the results of a class member's recalculation. To the extent you have questions about issues in this litigation in your capacity as class counsel, please continue to direct those to us at DOJ. If, however, you will be representing a class member on an issue outside of the litigation, you will need to file a Form 1696 with SSA or provide SSA with another written appointment as counsel.

Thank you,

Erin E. Brizius  
Assistant U.S. Attorney  
United States Courthouse  
801 West Superior Avenue, Suite 400  
Cleveland, Ohio 44113  
Direct: (216) 622-3670  
Fax: (216) 522-4982  
[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)

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**From:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>

**Sent:** Monday, April 1, 2019 11:30 AM

**To:** Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Subject:** [Not Virus Scanned] [Not Virus Scanned] RE: Steigerwald v Berryhill - SSA's continuing errors

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Counsel –

As we continue to wait for answers to our questions below regarding the number of Subtraction Recalculations completed by the agency, etc. – all the while since last Tuesday that you remain in the “process of following up with the agency and expect to have further information from them soon” and promise that you “will get back with [us] as soon as possible ” -- I must inform you of the continuing number of letters I have received relating to Class Members (presumably) that have nothing to do with the *Steigerwald* case. To wit, see the (password protected) attachments of letters that arrived by mail on Friday and Saturday addressed to me by SSA offices in Pennsylvania, Kentucky, North Carolina, Virginia, Iowa and West Virginia if not elsewhere as well. In at least one instance, SSA writes: “On March 16, 2019, you, IRA KASDAN, provided the following information to support [\_\_\_\_ name deleted \_\_\_\_]'s request for reconsideration” – which of course is incorrect, as I have not provided any such information.

Apart from my personal annoyance in continuing to receive these letters and the agency's inability to correct the situation, what is much more important is the prejudice caused by SSA to these persons whose cases are affected: By making these mistakes in stating that I represent the individuals in matters unrelated to the *Steigerwald* case, SSA is injecting erroneous information into their files and thereby hindering their rights to get the proper attention they deserve, and, in many instances, obtain the prompt benefits to which they may be entitled.

It is obvious that whatever step SSA is purporting to take in order to correct its gross errors as I have described in this and emails below, is not working. This situation needs immediate, competent attention and rectification by the agency. Please explain what SSA has done to date and intends to do in the immediate future to correct its errors, and please assure me that steps are taken to correct the files for each person mentioned in each letter that I have in the past forwarded and that I am forwarding today.

Thank you.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Tuesday, March 26, 2019 5:05 PM

**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver'

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

Thank you for your email, Ira. We are in the process of following up with the agency and expect to have further information from them soon. We will get back with you as soon as possible.

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

---

**From:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>

**Sent:** Monday, March 25, 2019 5:03 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[JSandber@civ.usdoj.gov](mailto:JSandber@civ.usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** [Not Virus Scanned] [Not Virus Scanned] RE: Steigerwald v Berryhill - SSA's (continuing) error

**Importance:** High

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This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

Counsel – We continue to receive letters from Social Security offices despite your representation that the agency is “taking steps to mitigate [the problems] expeditiously, [so] that Kelley, Drye & Warren will receive correspondence related only to *Steigerwald*.” Attached are six new (password protected) letters received today that have nothing to do with the *Steigerwald* case. At the same time, we have not received a single new letter related to *Steigerwald* beyond the seven that we previously forwarded.

Kate, with all due respect, your email below from Friday is non-responsive to our requests, made twice since March 15, for specific information about SSA's progress to date. To say that “the agency is working to complete these complex recalculations as expeditiously as possible, and will continue to send you directly letters relating to class recalculations” is insufficient and, as you know, frankly evasive.

The Judge will decide your Rule 59(e) motion when he does. However, even accounting for your request for 24 months to abide by Judge Gwin's January 25 Order, the agency should have by now completed approximately 10,806 Subtraction Recalculations: 129,656 Class Members divided by 24 = 5403/month times 2 months (since January 25) = 10,806. Even if that number is high, for whatever reasons, it certainly is more than the seven cases about which we have been informed.

Accordingly, we ask one last time that the agency respond to the following questions promptly:

1. Has the Agency performed more than seven (7) Subtraction Recalculations for Class Members?
2. If so, how many Subtraction Recalculations has the Agency performed to date?



3. Please provide the Class Members' names, addresses, amounts awarded, and the amounts set aside for attorneys' fees for all Subtraction Recalculations the Agency has performed for Class Members.

We look forward to a good faith, prompt response from you and the agency.

**Ira Kasdan**

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Friday, March 22, 2019 5:52 PM

**To:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

Counsel,

Thank you for this additional information. As you are aware, Defendants' motion to alter/amend judgment under Rule 59(e) is fully briefed and currently pending. That motion demonstrates the agency's inability to process all 130,000 class member recalculations in less than two years. Nevertheless the agency is working to complete these complex recalculations as expeditiously as possible, and will continue to send you directly letters relating to class recalculations. As you also are aware, in our motion we suggested filing periodic status reports throughout the two-year period to provide updates on the agency's progress. We anticipate that the court's ultimate ruling on our motion may include such a provision.

Best,

**Kate Bailey**

Trial Attorney  
United States Department of Justice  
Civil Division – Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20005  
202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

---

**From:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>

**Sent:** Thursday, March 21, 2019 4:08 PM

**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[JSandber@civ.usdoj.gov](mailto:JSandber@civ.usdoj.gov)>

**Cc:** Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** [Not Virus Scanned] [Not Virus Scanned] RE: Steigerwald v Berryhill - SSA's (continuing) error

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This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

Counsel,

Ira received the attached letter in the mail today. This letter is worded a bit differently than the ones circulated earlier. The password to the letter will be the sent in the next email. Additionally, I took a call today from an SSA employee in Arkansas, who was requesting information as to Ira, who she said was representing a claimant in a non-*Steigerwald* related matter. I told the SSA employee that SSA should be figuring out this issue.

As you know, the Fees Hearing is two weeks from today. As of this date, we have received only seven (7) letters confirming that SSA has performed only seven (7) Subtraction Recalculations pursuant to the Court's January 25 Order. Please promptly let us know how many Subtraction Recalculations have been performed since the Court issued that Order, including the Class Members' names, addresses, amounts awarded, and the amounts set aside for attorneys' fees. Assuming there have been more than seven (7) cases processed to date (which we do assume, given the attestations in Ms. Walker's Declaration), please forward all of the outstanding letters confirming such performance promptly.

Bez

## BEZALEL STERN

Senior Associate  
Kelley Drye & Warren LLP  
Office: (202) 342-8422  
Cell: (301) 922-5039  
bstern@kelleydrye.com

---

**From:** Kasdan, Ira

**Sent:** Wednesday, March 20, 2019 1:13 PM

**To:** 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; 'Sandberg, Justin (CIV)' <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: *Steigerwald v Berryhill* - SSA's (continuing) error

Counsel:

No sooner than after having written and sent my below email to Kate, I was handed the two attached SSA letters (password protected) from AL and TN which arrived by in the afternoon mail. These letters inform me of the revocation of my representation of the two individuals named. As I never represented them to begin with other than in connection with the *Steigerwald* Class Action, and on the assumption that SSA will take care of the fees issue at the appropriate time if these Class Members receive money as a result of the litigation and we are awarded fees by Judge Gwin, I am refraining from responding to the letters or from filling out and returning the forms that came with the letters.

I also received another call from a representative in SSA's (West) Atlanta office regarding [REDACTED]. I will not be returning this call.

Unless you otherwise desire, I will stop sending you information about the specific calls I receive, and certainly not on a one by one basis, but will continue to forward letters received by mail -- especially to the extent that they (like the newly attached ones) are different from the ones I previously forwarded. I will, regardless, continue to inform you of any new money that may be deposited.

Please advise. Thank you.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Kasdan, Ira

**Sent:** Wednesday, March 20, 2019 12:35 PM

**To:** 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

Kate - Thank you for your email.

Regarding your request that we continue to update you, I can report that we received a call from an SSA representative in CT who left a message regarding [REDACTED], and stating that the agency needs paperwork for [REDACTED] (fee agreement and representative form). In light of your email, I will refrain from returning the call. I also spoke to SSA personnel in Albuquerque N.M. and explained the various problems. In light of your email, I have asked the person I last spoke with there to hold off for now in bringing the problems to the attention of others up the line.

We will await further information from you per your email below and my prior emails to you and your co-counsel. And, of course, we will continue to hold the money we received from SSA pending your further instructions.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Wednesday, March 20, 2019 12:07 PM

**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

Ira,

Thank you for providing this additional information. I write to provide an update on the issues you raised below.

We have determined the cause of the non-*Steigerwald*-related notices and communications you have received. In all situations other than this litigation, a Form 1695 is used to establish a relationship between a claimant and her representative. Because of the anomaly present here, in which Kelley, Drye & Warren does not have a Form 1695 on file for each class member, the agency must create an association between class members and counsel. This appears to have resulted in some situations in which your firm has received communications unrelated to *Steigerwald*. SSA has identified the source of the problem and is taking steps to mitigate it expeditiously, so that Kelley, Drye & Warren will receive correspondence related only to *Steigerwald*. As for your question below regarding an internal agency email, we have not identified any such email and do not believe that to be the source of the communications.

For the same reason, your firm has received direct deposits of moneys unrelated to *Steigerwald*. As you know, the agency is withholding 20% from class-member recalculations pending a determination on your fee petition, but that money is being held by the agency. The deposits you have received do *not* derive from 406(b) withholding of class-



member recalculations, which is the reason you have not received recalculation notices along with those funds. We expect to provide you further instructions regarding those funds promptly, and appreciate that you are not disbursing them at this time.

Additionally, please note that class members' disability determinations are not being re-opened in the process of completing recalculations. As stated above, the communications and funds you have received are unrelated to the recalculations.

We expect to receive, and promptly provide you, further information on these matters. Thank you for bringing these issues to our attention so we may address them; please continue to do so.

**Kate Bailey**

Trial Attorney  
United States Department of Justice  
Civil Division – Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20005  
202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

---

**From:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>

**Sent:** Tuesday, March 19, 2019 4:38 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[JSandber@civ.usdoj.gov](mailto:JSandber@civ.usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** [Not Virus Scanned] [Not Virus Scanned] RE: Steigerwald v Berryhill - SSA's (continuing) error

**Importance:** High

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Counsel –

I am attaching another (password protected) letter received this afternoon from the Southeastern Program Service Center in Alabama, dated only yesterday. Is this letter related to the Class Action?

I am also receiving conflicting “reports” from Class Members who call SSA: at least one was told that the agency has no information about the case while others have been told that, after the SSA looks their name up on some list, that SSA has already decided that they are not “eligible” after SSA has completed the first of three “phases” in reviewing her file, and/or will not receive any money. Has SSA compiled lists of Class Members who are or are not “eligible”? If so, please forward those lists and names promptly.

Thank you.

**Ira Kasdan**

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

**From:** Kasdan, Ira

**Sent:** Tuesday, March 19, 2019 10:27 AM

**To:** 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

**Importance:** High

Counsel –

Please be advised that \$1,131.69 was deposited into our bank account in this case as fees for a “[REDACTED],” a Class Member listed by SSA in Category 2. As with the other deposits noted in my email from Friday below, I have received no letter explaining whether the money is related to the Steigerwald case or otherwise. As with the other such deposits, we are keeping the money in the account and making no disbursements at this time.

While I understand and appreciate Kate’s email from yesterday (see below), it might be appropriate for someone from SSA – perhaps in-house counsel -- to be appointed for us to be able to communicate with directly to deal with the issues that I have raised. Indeed, direct communications with the agency through in-house counsel is precisely what SSA agreed to in the Greenberg case and which was very helpful in coordination of that case. I again invite a phone call among counsel where we can discuss this proposal or any other ideas that you may have that could help.

Ira Kasdan

Kelley Drye & Warren LLP

(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Monday, March 18, 2019 4:14 PM

**To:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>; Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>

**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error

Ira,

Thank you for your emails today and for providing this additional information.

The agency began investigating the issues you raised shortly after we received your email late Friday afternoon. They are working to provide us information in response to your questions as expeditiously as possible but, unfortunately, will require more than one business day to determine the cause of the issues you have raised. We don’t yet have information to pass along but expect to be in a position to address your concerns soon, hopefully by the middle of this week. We will follow up with you as soon as we receive information from SSA.

Thank you again,

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

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**From:** Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>  
**Sent:** Monday, March 18, 2019 3:41 PM  
**To:** Brizius, Erin E. (USAOHN) <[EBrizius@usa.doj.gov](mailto:EBrizius@usa.doj.gov)>; Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Asher, Ruchi (USAOHN) <[RAsher@usa.doj.gov](mailto:RAsher@usa.doj.gov)>; Sandberg, Justin (CIV) <[JSandber@civ.usdoj.gov](mailto:JSandber@civ.usdoj.gov)>  
**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>  
**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error  
**Importance:** High

Counsel -- I spoke to an SSA employee in Alabama who called with [REDACTED] – see point 3 in my Friday email – on the line. The employee said that he believed that he had received an email about the Steigerwald class action. Please forward a copy of any such email(s) relating to the case that were sent to the various SSA offices so that we can understand, and correct, the confusion that the email(s) apparently is/are generating.

Thank you.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Kasdan, Ira  
**Sent:** Monday, March 18, 2019 1:39 PM  
**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; 'Sandberg, Justin (CIV)' <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>  
**Subject:** RE: Steigerwald v Berryhill - SSA's (continuing) error  
**Importance:** High

Counsel -- We continue to get phone calls from across the country. I just got off the phone with SSA's disability office in Honolulu. I have urged the lady I spoke with to call you directly. I might add that from my understanding of what is happening, one of the problems here is that the agency is not following Judge Gwin's Order only to do the Subtraction Recalculation and pay out any underpayments due, but appears to be insisting on re-opening cases that people have not asked to be re-opened.

I suggest a phone call among counsel to see how this issue can be rectified, promptly. We are available for a call today or tomorrow morning. Please let us know your availability as soon as possible.

Thank you.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

---

**From:** Kasdan, Ira  
**Sent:** Monday, March 18, 2019 11:21 AM



**To:** 'Brizius, Erin E. (USAOHN)' <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; 'Asher, Ruchi (USAOHN)' <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; 'Sandberg, Justin (CIV)' <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>  
**Subject:** RE: Steigerwald v Berryhill - SSA's error  
**Importance:** High

Counsel – to keep you and your client further informed: we received two more similar calls from SSA to the one described below, one from Iowa and one from CT.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Kasdan, Ira  
**Sent:** Monday, March 18, 2019 11:03 AM  
**To:** Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>  
**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>; 'Diane Shriver' <[dshriver@rooselaw.com](mailto:dshriver@rooselaw.com)>  
**Subject:** Steigerwald v Berryhill - SSA's error  
**Importance:** High

Counsel –

Please see the internal KDW email below regarding a call received from SSA today, as well as the letter also received today in the attached (password protected) PDF. Both the call and letter represent the same problem I wrote about on Friday (see point 3 in Friday's email copied at end below) regarding SSA's apparent ubiquitous error in listing me as a counsel for class members in matters apparently not connected to the class action, Steigerwald v. Berryhill. Please note that I called the SSA number below found in the immediately following email-- 888-748-7691, ext. [REDACTED] – and left a message.

Your prompt attention to correcting this matter is appreciated.

Ira Kasdan

Kelley Drye & Warren LLP  
(202) 342-8864 | [ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)

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**From:** Halzel, Abby  
**Sent:** Monday, March 18, 2019 10:33 AM  
**To:** Arevalo, Marvila <[MArevalo@KelleyDrye.com](mailto:MArevalo@KelleyDrye.com)>; Kasdan, Ira <[IKasdan@KelleyDrye.com](mailto:IKasdan@KelleyDrye.com)>  
**Subject:** Phone Message

Hi Ira and Marvila,

A call from the Social Security Administration came into reception and was directed to me to assist. They were asking whether or not you, Mr. Kasdan, are still representing [REDACTED]. They said you represented her in a Title II disability case. Her claim is under a review and if you still represent her, they will list you as the contact as opposed to [REDACTED].

The number to call is 888-748-7691, ext. [REDACTED]. I spoke to Mr. [REDACTED] but it sounds like anyone can assist.

Thank you,  
Abby

## ABBY HALZEL

Recruiting & Professional Personnel Manager

### Kelley Drye & Warren LLP

Washington Harbour  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Tel: (202) 342-8425  
Cell: (202) 731-8594

WWW.KELLEYDRYE.COM

ahalzel@kelleydrye.com



**From:** Kasdan, Ira

**Sent:** Friday, March 15, 2019 2:51 PM

**To:** Brizius, Erin E. (USAOHN) <[Erin.E.Brizius2@usdoj.gov](mailto:Erin.E.Brizius2@usdoj.gov)>; Asher, Ruchi (USAOHN) <[Ruchi.Asher@usdoj.gov](mailto:Ruchi.Asher@usdoj.gov)>; 'Bailey, Kate (CIV)' <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>; Sandberg, Justin (CIV) <[Justin.Sandberg@usdoj.gov](mailto:Justin.Sandberg@usdoj.gov)>

**Cc:** Stern, Bezalel <[BStern@KelleyDrye.com](mailto:BStern@KelleyDrye.com)>; Wilson, Joseph D. <[JWilson@KelleyDrye.com](mailto:JWilson@KelleyDrye.com)>; 'Jon Ressler' <[jressler@rooselaw.com](mailto:jressler@rooselaw.com)>

**Subject:** Re: SSA correspondence - Steigerwald v, Berryhill

**Importance:** High

Counsel,

We are writing to you now for a number of reasons, all of which are highly important and time sensitive.

1. In Ms. Walker's Declaration, she stated that the Social Security Administration (SSA) "anticipate[s] issuing the first underpayments to eligible Class members in February 2019." Doc. 96-2 at ¶ 72. POMS NL 00601.010(A)(4) states that an award notice must be sent to counsel following issuance of a payment.

It is now mid-March. To date, we have received only seven (7) letters from SSA regarding underpayments in this case. All of those letters are dated March 6, 2019 or later. Copies of the letters are attached hereto in a password protected format.

Please forward letters for which underpayments related to the Steigerwald class action, if any, were made in February 2019 (or earlier). Please also let us know whether any additional underpayments have been made to Class Members for which we have not received letters. Please include in that information the Class Member's name, address, the amount awarded and the amount set-aside for attorneys' fees.

2. Over the past week, SSA deposited money into the bank account we dedicated to this case (per the form we previously sent you) in the amounts of \$325.00 and \$28.72 for two Class Members, respectively, [REDACTED] (Category 1) and [REDACTED] (Category 2). Please note that according to the lists that we received from you there are two individuals named [REDACTED] found in Category 2 (and none in Category 1). Because we have not received letters regarding these payments, we do not know which [REDACTED] this money may be related to. Additionally, in the absence of any letters, we do not know whether the money received even is related to the Steigerwald class action.

As you are aware, the Court has not yet ruled on the percentage of fees appropriate in this case. As a consequence, and also because we are not sure if the money is related to the Steigerwald class action, we have not disbursed the money out of the bank account. Please let us know if you want us to return the amounts received, and if so to whom. Otherwise, assuming that the money is related to the Steigerwald class action, we will retain the money in the account until the Court rules, and make any adjustments and return any funds as may be necessary at that time.

3. Today I received a letter from the Southeastern Program Service Center in Birmingham, Alabama related to [REDACTED]. Although [REDACTED] is a Category 1 Class Member, the letter neither references the Steigerwald class action nor seems to have any relationship to it. In addition, I was contacted two days ago by another Category 1 Class Member named [REDACTED] who resides in Alabama. He was given by his local SSA office and then forwarded to me a letter addressed to me (but which I have never received from SSA) which also on its face does not appear to relate to the Steigerwald class action. Yesterday I called [REDACTED] – the SSA employee in Alabama with whom [REDACTED] told me he had been dealing. [REDACTED] has not returned my call yet. Both the [REDACTED] and [REDACTED] letters are attached in a password protected format. [Bez will forward the passwords separately.]

It appears that at least in Alabama, SSA has my name as a representative for Class Members in matters unrelated to the Steigerwald class action. Please immediately look into this matter, remedy it, and confirm that SSA's records have been corrected in this regard, as I and the other Kelley Drye attorneys represent the Class Members specifically and solely with regard to the Steigerwald class action. Additionally, given these apparent errors, please ensure that my name and Kelley Drye are properly entered for contact and payment purposes in SSA's computer systems as the Class Counsel for all Class Members with regard to the Steigerwald class action.

I look forward to your prompt response. Thank you and have a nice weekend.

**Ira Kasdan**

Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW, Washington, DC 20007  
o: (202) 342-8864 | fax: (202) 342-8451  
[ikasdan@kelleydrye.com](mailto:ikasdan@kelleydrye.com)  
Website – [www.kelleydrye.com](http://www.kelleydrye.com)

This message is subject to Kelley Drye & Warren LLP's email communication policy.

[KDW-Disclaimer](#)

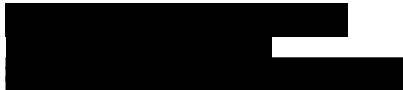


# **EXHIBIT G**

M6

**Social Security Administration**  
**Retirement, Survivors, and Disability Insurance**  
Important Information

Mid-America Program  
Service Center  
601 East Twelfth Street  
Kansas City, Missouri 64106-2817  
Date: April 22, 2019  
BNC#: [REDACTED]



We are writing to give you new information about the disability benefits which you receive on this Social Security record.

You were previously sent a notice stating that you might be due money as a class member of the Steigerwald v. Berryhill lawsuit. The court has found that we did not properly account for representatives' fees when we calculated past-due benefit payments to class members. We are recalculating class members' past-due benefits because of the lawsuit. We have reviewed your case and determined you are due a payment.

Your payment is 2,443.35. However, due to due to a prior overpayment of \$2,990.92 we had to adjust this amount. Your adjusted payment amount is \$0.00 after accounting for all adjustments including class attorney fees.

**Your Benefits**

We used \$1,954.68 of your benefits to recover part of an overpayment on this record.

The total amount of the overpayment is \$1,036.24.

**Information About Representative's Fees**

The court may authorize the representatives to collect a fee for representing the class in this lawsuit. We will withhold 20% of your payment for fee payment.

We are withholding \$488.67 for fee purposes.

We are sending a copy of this notice to your representative.

SEE NEXT PAGE

1000028 • 0302VHMEC000274 • CTR&PI 190417 0000000000000000

## Do You Think We Are Wrong?

If you do not agree with this decision, you have the right to appeal. We will review your case and look at any new facts you have. A person who did not make the first decision will decide your case. We will review the parts of the decision that you think are wrong and correct any mistakes. We may also review the parts of our decision that you think are right. We will make a decision that may or may not be in your favor.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.
- You must have a good reason if you wait more than 60 days to ask for an appeal.
- You can file an appeal with any Social Security office. You must ask for an appeal in writing. Please use our "Request for Reconsideration" form, SSA-561-U2. You may go to our website at [www.socialsecurity.gov/online/](http://www.socialsecurity.gov/online/) to find the form. You can also call, write, or visit us to request the form. If you need help to fill out the form, we can help you by phone or in person.

## Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

## If You Have Questions

We invite you to visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-855-722-3497. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY  
2038 DAVIE AVE  
STATESVILLE, NC 28625-9260

SEE NEXT PAGE



If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

*Social Security Administration*



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# **EXHIBIT H**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEPHANIE STEIGERWALD,	)	CASE NO.: 1:17-CV-1516-JG
	)	
<i>Plaintiff,</i>	)	JUDGE JAMES S. GWIN
	)	MAGISTRATE JUDGE DAVID RUIZ
v.	)	
	)	
NANCY A. BERRYHILL, ACTING	)	
COMMISSIONER OF SOCIAL	)	
SECURITY, ET AL.	)	
	)	
<i>Defendants.</i>	)	

**DEFENDANTS' OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S FOURTH SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendants hereby provide their objections and responses to Plaintiff's Fourth Set of Interrogatories.

**OBJECTIONS AND RESPONSES TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to the definition of the term "Instructional Material" in Definition No. 12 to the extent its reference to "drafts" would require the disclosure of information protected by the deliberative process privilege, attorney-client privilege, or work product doctrine.
2. Defendants object to the definition of the terms "SSA," "you" and "your" in Definition No. 18 because it includes, among other things, "all . . . attorneys" acting on behalf of Defendants, which implicates the attorney-client privilege or the work product doctrine, or both.
3. Defendants object to Definition No. 19 as overbroad and irrelevant to the extent it purports to include any individual whose representatives' fees were known prior to the date of the initial windfall offset determination, rather than those, like Plaintiff, who claim that SSA did



not do a recalculation of their windfall offset determination when the amount of representatives' fees became known after the initial windfall offset determination. Such a broader definition would encompass information that is irrelevant to Plaintiff's claims, as such information would relate to individuals who have not been injured as Plaintiff claims to have been, and who she therefore could not (and should not) be appointed to represent as a class representative in this action.

4. Defendants object to Instruction No. 7 to the extent that it purports to require the disclosure of information protected by the attorney-client, work product, or deliberative process privileges.

5. Defendants object to Instruction No. 9 insofar as it purports to require Defendants to support any claims of privilege beyond the requirements of Federal Rule of Civil Procedure 26(b)(5).

6. Defendants object to Instruction No. 11 to the extent it purports to require Defendants, where they "do not know the precise information requested," to provide their "best estimate" regarding the information requested. Defendants object that the term "best" is highly subjective as used in this context and therefore unduly vague, and on the further ground that "best estimate" is subject to multiple meanings, including perhaps meaning "the best estimate that could be made," which itself would be objectionable because it would seem to seek information that is likely not in the possession, custody, or control of Defendants.

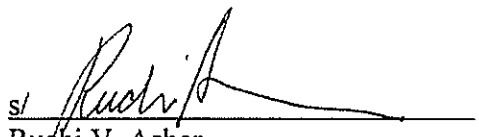
7. Defendants object to Instruction No. 12 insofar as it is inconsistent with the parties' agreement as to the production of electronically stored information ("ESI"). The Parties have agreed to the following production format: discoverable ESI will be produced in either its native format or PDF in the first instance. Where feasible, such PDFs shall be electronically

created, rather than scanned, and accompanied by a load file with header information (e.g., from, to, cc, bcc, date sent, time sent, and subject) if available. If ESI produced in PDF is not reasonably usable, upon request, the producing party shall re-produce the information in a reasonably usable form to the extent practicable.

8. Defendants object to Instruction No. 14 to the extent that it purports to require Defendants to supplement their discovery responses beyond the requirements of Federal Rule of Civil Procedure 26(e). In particular, Defendants object to the terms “continuing” and “promptly” as vague and potentially in excess of the scope of Rule 26(e)’s requirement that necessary supplementation be made in a “timely manner.”

9. Defendants object to Instruction No. 15 as overbroad, disproportionate to the needs of the case, and unduly burdensome insofar as it purports to require Defendants to produce information from “January 1, 2002 to the present.” SSA policies, procedures, and systems for performing the recalculation of the windfall offset to account for subsequently authorized representatives’ fees have been revised since that time. To the extent Plaintiff relies on the *Willis* case, a case that was resolved to the satisfaction of the court and the parties involved, and where the court found that the SSA had taken the actions to comply with the settlement agreement in that case, Plaintiff provides no basis to believe that the issues raised in *Willis* began re-occurring immediately after being resolved to the court’s satisfaction. Plaintiff provides no other relevant evidence or cogent argument to support a time-period going back to 2002. Accordingly, and unless otherwise specified, Defendants decline to respond to Plaintiff’s Interrogatories with information predating those relevant to Plaintiff’s claims.

As to the Objections:

  
s/ Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

### **RESERVATION OF OBJECTIONS**

The foregoing objections to Definitions and Instructions and the following specific objections are based upon (a) Defendants' interpretation of the specific requests posed by Plaintiff and (b) information available to Defendants as of the date of this document. Defendants reserve the right to supplement these objections based upon (a) information that Plaintiff purports to interpret the requests differently than Defendants and/or (b) the discovery of new information supporting additional and/or amended objections.


### **INTERROGATORIES**

(1) What is the total dollar amount of underpayments due for: Category (1)(a)(i) beneficiaries and Category (1)(a)(ii) beneficiaries as reported in your Response to Interrogatories 1-3 to Plaintiff's First Set of Interrogatories.

#### **RESPONSE:**

Defendants object on the basis that determining the total dollar amount of underpayments due for Category (1)(a)(i) and Category (1)(a)(ii) beneficiaries is unduly burdensome and disproportionate to the needs of the case. Determining the total amount of underpayment, if any, for a single beneficiary is a complex and time-consuming process, and the burden of performing such calculations is disproportionate to any relevance of that information.

As to the Objections:

  
s/ Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

Subject to and without waiving the foregoing objection, the Defendants respond as follows:

In accordance with the Parties' agreement, Defendants are providing the results of recalculations of any underpayments owed for 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First set of Interrogatories. The results will not necessarily be statistically representative of the data set requested in this interrogatory. Defendants intend to supplement with the results of recalculations of any underpayments owed for an additional 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First set of Interrogatories by April 23, 2018.

(2) What is the total dollar amount of underpayments due for beneficiaries as to which you have agreed to report from September 1, 2012 to July 17, 2016, excluding the dollar amount provided in response to Interrogatory One above?

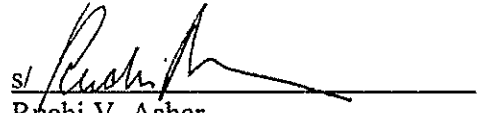
**RESPONSE:**

Defendants object on the basis that determining the total dollar amount of underpayments due for each beneficiary denied as responsive to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories, from September 1, 2012 to July 17, 2016, excluding the dollar amount provided in response to Interrogatory One above, is unduly burdensome and disproportionate to the needs of the case. Determining the total amount of underpayment, if any, for a single



beneficiary is a complex and time-consuming process, and the burden of performing such calculations is disproportionate to any relevance of that information.

As to the Objections:

  
Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

Subject to and without waiving the foregoing objection, the Defendants respond as follows:

In accordance with the Parties' agreement, Defendants are providing the results of recalculations of any underpayments owed for 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First set of Interrogatories. The results will not necessarily be statistically representative of the data set requested in this interrogatory. Defendants intend to supplement with the results of recalculations of any underpayments owed for an additional 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First set of Interrogatories by April 23, 2018.

Respectfully submitted,


CHAD A. READLER  
Acting Assistant Attorney General

JUDRY L. SUBAR  
Assistant Director, Federal Programs Branch

KATE BAILEY (Member, MD Bar)  
EMILY S. NEWTON (VA Bar # 80745)  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave. NW  
Washington, DC 20530  
(202) 305-8356 (phone)  
(202) 616-8470 (fax)  
Kate.bailey@usdoj.gov  
emily.s.newton@usdoj.gov

JUSTIN E. HERDMAN  
United States Attorney

By:

  
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RUCHI V. ASHER (#0090917)  
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801 West Superior Avenue, Suite 400  
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(216) 622-3670 (Brizius)  
(216) 622-3718 (Asher)  
(216) 522-4982 (Facsimile)  
erin.e.brizius2@usdoj.gov  
ruchi.asher@usdoj.gov  
Attorneys for Defendants

**CERTIFICATION**

I, Vera Bostick Borden, am Associate Commissioner for the Office of Quality Review. I believe, based on reasonable inquiry, that the foregoing response to Interrogatories 1 and 2 are true and correct to the best of my knowledge, information and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: 04/09/2018

By: /s/ Vera Bostick-Borden  
Vera Bostick Borden  
Associate Commissioner for the Office of  
Quality Review  
Social Security Administration

**CERTIFICATE OF SERVICE**

I certify that, on this 9th day of April, 2018, a copy of the foregoing was served via electronic mail upon the following:

Ira T. Kasdan  
Joseph D. Wilson  
Bezalel Stern

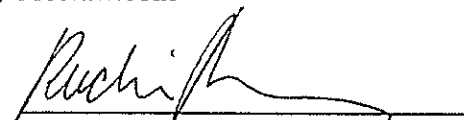
KELLEY DRYE & WARREN LLP  
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Telephone: (202) 3442-8400  
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ikasdan@kelleydrye.com  
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*Attorneys for Plaintiff*

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Jon Ressler

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Facsimile: (440) 985-1026 kroose@rooselaw.com

*Attorneys for Plaintiff*

  
Ruchi V. Asher  
Assistant U.S. Attorney



U/P Amount
\$110.50
\$488.67
\$2,364.00
\$32.00
\$0.00
\$1,281.31
\$735.00
\$1,834.00
\$0.00
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\$0.00
\$0.00

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEPHANIE STEIGERWALD,	)	CASE NO.: 1:17-CV-1516-JG
	)	
<i>Plaintiff,</i>	)	JUDGE JAMES S. GWIN
	)	MAGISTRATE JUDGE DAVID RUIZ
v.	)	
	)	
NANCY A. BERRYHILL, ACTING	)	
COMMISSIONER OF SOCIAL	)	
SECURITY, ET AL.	)	
	)	
<i>Defendants.</i>	)	

**DEFENDANTS' OBJECTIONS AND SECOND SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S FOURTH SET OF  
INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendants hereby provide their objections and responses to Plaintiff's Fourth Set of Interrogatories.

**OBJECTIONS AND RESPONSES TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to the definition of the term "Instructional Material" in Definition No. 12 to the extent its reference to "drafts" would require the disclosure of information protected by the deliberative process privilege, attorney-client privilege, or work product doctrine.
2. Defendants object to the definition of the terms "SSA," "you" and "your" in Definition No. 18 because it includes, among other things, "all . . . attorneys" acting on behalf of Defendants, which implicates the attorney-client privilege or the work product doctrine, or both.
3. Defendants object to Definition No. 19 as overbroad and irrelevant to the extent it purports to include any individual whose representatives' fees were known prior to the date of

the initial windfall offset determination, rather than those, like Plaintiff, who claim that SSA did not do a recalculation of their windfall offset determination when the amount of representatives' fees became known after the initial windfall offset determination. Such a broader definition would encompass information that is irrelevant to Plaintiff's claims, as such information would relate to individuals who have not been injured as Plaintiff claims to have been, and who she therefore could not (and should not) be appointed to represent as a class representative in this action.

4. Defendants object to Instruction No. 7 to the extent that it purports to require the disclosure of information protected by the attorney-client, work product, or deliberative process privileges.

5. Defendants object to Instruction No. 9 insofar as it purports to require Defendants to support any claims of privilege beyond the requirements of Federal Rule of Civil Procedure 26(b)(5).

6. Defendants object to Instruction No. 11 to the extent it purports to require Defendants, where they "do not know the precise information requested," to provide their "best estimate" regarding the information requested. Defendants object that the term "best" is highly subjective as used in this context and therefore unduly vague, and on the further ground that "best estimate" is subject to multiple meanings, including perhaps meaning "the best estimate that could be made," which itself would be objectionable because it would seem to seek information that is likely not in the possession, custody, or control of Defendants.

7. Defendants object to Instruction No. 12 insofar as it is inconsistent with the parties' agreement as to the production of electronically stored information ("ESI"). The Parties have agreed to the following production format: discoverable ESI will be produced in either its

native format or PDF in the first instance. Where feasible, such PDFs shall be electronically created, rather than scanned, and accompanied by a load file with header information (e.g., from, to, cc, bcc, date sent, time sent, and subject) if available. If ESI produced in PDF is not reasonably usable, upon request, the producing party shall re-produce the information in a reasonably usable form to the extent practicable.

8. Defendants object to Instruction No. 14 to the extent that it purports to require Defendants to supplement their discovery responses beyond the requirements of Federal Rule of Civil Procedure 26(e). In particular, Defendants object to the terms “continuing” and “promptly” as vague and potentially in excess of the scope of Rule 26(e)’s requirement that necessary supplementation be made in a “timely manner.”

9. Defendants object to Instruction No. 15 as overbroad, disproportionate to the needs of the case, and unduly burdensome insofar as it purports to require Defendants to produce information from “January 1, 2002 to the present.” SSA policies, procedures, and systems for performing the recalculation of the windfall offset to account for subsequently authorized representatives’ fees have been revised since that time. To the extent Plaintiff relies on the *Willis* case, a case that was resolved to the satisfaction of the court and the parties involved, and where the court found that the SSA had taken the actions to comply with the settlement agreement in that case, Plaintiff provides no basis to believe that the issues raised in *Willis* began re-occurring immediately after being resolved to the court’s satisfaction. Plaintiff provides no other relevant evidence or cogent argument to support a time-period going back to 2002. Accordingly, and unless otherwise specified, Defendants decline to respond to Plaintiff’s Interrogatories with information predating those relevant to Plaintiff’s claims.



As to the Objections:

s/ Ruchi V. Asher

Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

### **RESERVATION OF OBJECTIONS**

The foregoing objections to Definitions and Instructions and the following specific objections are based upon (a) Defendants' interpretation of the specific requests posed by Plaintiff and (b) information available to Defendants as of the date of this document. Defendants reserve the right to supplement these objections based upon (a) information that Plaintiff purports to interpret the requests differently than Defendants and/or (b) the discovery of new information supporting additional and/or amended objections.


### **INTERROGATORIES**

(1) What is the total dollar amount of underpayments due for: Category (1)(a)(i) beneficiaries and Category (1)(a)(ii) beneficiaries as reported in your Response to Interrogatories I-3 to Plaintiff's First Set of Interrogatories.

#### **RESPONSE:**

Defendants object on the basis that determining the total dollar amount of underpayments due for Category (1)(a)(i) and Category (1)(a)(ii) beneficiaries is unduly burdensome and disproportionate to the needs of the case. Determining the total amount of underpayment, if any, for a single beneficiary is a complex and time-consuming process, and the burden of performing such calculations is disproportionate to any relevance of that information.

**As to the Objections:**

s/   
Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

Subject to and without waiving the foregoing objection, the Defendants respond as follows:

In accordance with the Parties' agreement, on April 9, 2018, Defendants provided recalculations of any underpayments owed for 50 randomly chosen beneficiaries identified in Category 1 of Defendant's Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories. Defendants are now supplementing their response by providing the results of recalculations of any underpayments owed for an additional 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories. The results will not necessarily be statistically representative of the data set requested in this interrogatory.


(2) What is the total dollar amount of underpayments due for beneficiaries as to which you have agreed to report from September 1, 2012 to July 17, 2016, excluding the dollar amount provided in response to Interrogatory One above?

**RESPONSE:**

Defendants object on the basis that determining the total dollar amount of underpayments due for each beneficiary denied as responsive to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories, from September 1, 2012 to July 17, 2016, excluding the dollar amounts

provided in response to Interrogatory One above, is unduly burdensome and disproportionate to the needs of the case. Determining the total amount of underpayment, if any, for a single beneficiary is a complex and time-consuming process, and the burden of performing such calculations is disproportionate to any relevance of that information.

As to the Objections:

s/   
Ruchi V. Asher  
Assistant U.S. Attorney  
Office of the U.S. Attorney, Northern  
District of Ohio

Subject to and without waiving the foregoing objection, the Defendants respond as follows:

In accordance with the Parties' agreement, Defendants provided recalculations of any underpayments owed for 50 randomly chosen beneficiaries identified in Category 1 of Defendant's Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories. As indicated in Defendant's Objections and Responses to Plaintiff's Fourth Set of Interrogatories, Defendants are now supplementing their response by providing the results of recalculations of any underpayments owed for an additional 50 randomly chosen beneficiaries identified in Category 1 of Defendants' Responses to Plaintiff's Interrogatories 1-3 of Plaintiff's First Set of Interrogatories. The results will not necessarily be statistically representative of the data set requested in this interrogatory.

Respectfully submitted,

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Acting Assistant Attorney General

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Assistant Director, Federal Programs Branch

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United States Attorney

By:

*s/ Ruchi Asher*

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Attorneys for Defendants



**CERTIFICATION**

I, Vera Bostick Borden, am Associate Commissioner for the Office of Quality Review. I believe, based on reasonable inquiry, that the foregoing response to Interrogatories 1 and 2 are true and correct to the best of my knowledge, information and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: 04/23/2018

By: /s/ Vera Bostick-Borden  
Vera Bostick Borden  
Associate Commissioner for the Office of  
Quality Review  
Social Security Administration

**CERTIFICATE OF SERVICE**

I certify that, on this 23rd day of April, 2018, a copy of the foregoing was served via electronic mail upon the following:

Ira T. Kasdan  
Joseph D. Wilson  
Bezalel Stern

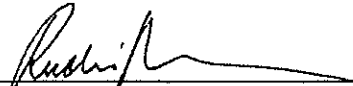
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*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Ruchi V. Asher  
Assistant U.S. Attorney

<b>U/P Amount</b>
\$0.00
\$552.50
\$3,112.50
\$2,427.35
\$986.80
\$0.00
\$0.00
\$1,129.00
\$0.00
\$954.01
\$2,884.00
\$3,167.50
\$977.34
\$3,168.00
\$577.00
\$0.00
\$786.00
\$488.67
\$1,420.02
\$0.00
\$9,343.26
\$0.00
\$0.00
\$2,403.35
\$177.50
\$599.83
\$2,199.00
\$2,932.02
\$2,932.02
\$3,390.00
\$977.34
\$0.00
\$3,658.72
\$0.00
\$0.00
\$939.38
\$2,932.02
\$0.00
\$2,403.35
\$1,821.00
\$4,126.00
\$0.00
\$4,718.00
\$1,148.56
\$5,728.40
\$2,556.28
\$2,411.35
\$0.00

\$454.50
\$0.00



As of 04/19/2018 3:15pm

How many cases are finished?	50		
How many have zero underpayments?	15		
How many have underpayments?	35	Total UP Amount:	\$80,482.57

Do underpayments take less time?	Total Time	Average Time	Total Time	Average Time
Total number of hours spent on ## No U/P cases	18:48:00	1:15	18.80	1.25
Total number of hours spent on ## U/P cases	57:38:00	1:38	57.63	1.65

Are time frames consistent among regions?

Per State	Time	#Cases	Decimal Time
KY	0:40	1	0.6667
KS	0:50	1	0.8333
WI	0:50	1	0.8333
NC	1:00	1	1
WV	1:00	1	1
TN	1:05	2	1.0833
MS	1:16	1	1.2667
LA	1:30	1	1.5
NV	1:50	2	1.833
MI	2:00	1	2
SC	2:00	2	2
MD	2:30	2	2.5
NH	2:30	1	2.5
IL	3:00	2	3
AR	3:28	3	3.4667
PA	3:30	1	3.5
MA	3:37	2	3.6167
VA	4:00	1	4
GA	4:04	3	4.0667
CA	4:16	3	4.2667
MO	4:55	3	4.9167
AL	5:15	4	5.25
OH	5:15	3	5.25
FL	7:13	4	7.2167
TX	8:52	4	8.8667

Are there types of cases that required more time?

Are there any outliers?

Do we notice any trends or oddities in the data?