
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**IMPROPERLY TITLED BANK ACCOUNTS
FOR BENEFICIARIES WITH
REPRESENTATIVE PAYEES**

March 2011

A-01-09-19055

AUDIT REPORT



Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

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- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
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SOCIAL SECURITY

MEMORANDUM

Date: March 31, 2011

Refer To:

To: The Commissioner

From: Inspector General

Subject: Improperly Titled Bank Accounts for Beneficiaries with Representative Payees
(A-01-09-19055)

OBJECTIVE

Our objective was to determine whether beneficiaries with representative payees had benefits deposited in improperly titled bank accounts.

BACKGROUND

Some individuals are not able to manage their finances because of their youth or mental and/or physical impairment. As a result, Congress granted the Social Security Administration (SSA) the authority to appoint a representative payee who receives and manages benefits on behalf of the beneficiary.¹

To protect the beneficiary's funds, SSA recommends that representative payees have benefits directly deposited into a bank account. The representative payee must title the bank account to establish the beneficiary's ownership of the funds but at the same time restrict the beneficiary's direct access to the funds.² The title of the account must also show that the representative payee has only a fiduciary (not personal) interest in the funds. Proper account titling allows Federal Deposit Insurance Corporation (FDIC) protection with FDIC-insured financial institutions and protects beneficiary funds from claims by a representative payee's creditor.³

¹ The *Social Security Act* §§ 205(j) and 1631(a)(2); 42 U.S.C. §§ 405(j) and 1383(a)(2).

² SSA, POMS, GN 02402.055. Any form of account title that the bank recognizes as establishing the beneficiary's ownership of the funds but not direct access to them is acceptable.

³ In determining the amount of insurance available to each depositor, the FDIC shall presume deposited funds are actually owned in the manner indicated on the deposit account records of the insured depository institution. 12 C.F.R. § 330.5.

Each year, SSA asks representative payees to account for the use of benefits received on behalf of their beneficiaries on a form called the Representative Payee Report.⁴ These Reports disclose how the representative payees are using the beneficiaries' funds.

On the Report, the representative payee indicates any amount of savings for the beneficiary as of the end of the reporting period. If there are reported savings, the representative payee must answer the subsequent question asking, "How is the title of the account listed?" He or she can choose between the following options:

- Your Name for Beneficiary's Name
- Beneficiary's Name by Your Name
- Other

If the representative payee selects 'Other,' then a subsequent question asks to "...show the title of the account..." by writing down how the account title appears.

To perform our review, we obtained a file of Old-Age, Survivors, and Disability Insurance (OASDI) beneficiaries and Supplemental Security Income (SSI) recipients with representative payees who were not relatives and whose benefits were directly deposited into a bank account as of August 2009. We selected a random sample of 250 from a single bank for detailed analysis.⁵ For each sampled case, we subpoenaed bank account title information. (See Appendix B for our scope, methodology, and sampling results.)

RESULTS OF REVIEW

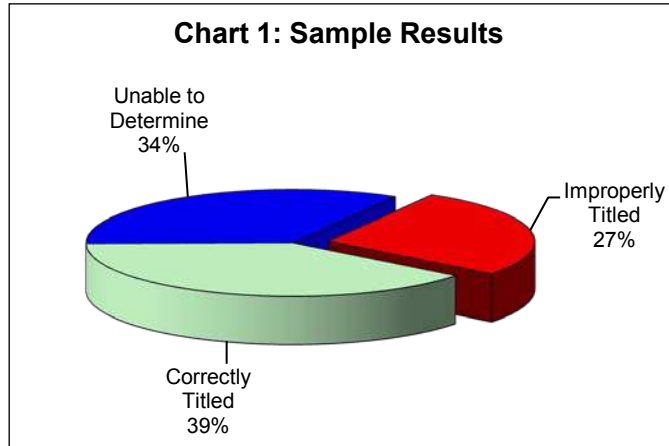
Based on our review, we estimate about 30,822 OASDI beneficiaries and SSI recipients with non-relative representative payees have approximately \$307 million in annual benefits (or nearly \$26 million each month) directly deposited into improperly titled bank accounts. These improper titles (1) allow the beneficiaries to have direct access to their own funds, even though SSA determined they were incapable of managing their own finances; and/or (2) do not authenticate the beneficiaries' ownership of the funds, as well as the representative payee's non-personal interest of the funds. If the beneficiary is not restricted from accessing his/her benefits or allowing other individuals to access the funds, the representative payee may not be managing funds on behalf of the beneficiary's best interests. This may lead to a beneficiary's needs (such as food, clothing, shelter, and medical care) not being met.

⁴ SSA, POMS, GN 00605.001.

⁵ For purposes of this audit, we considered the characteristics and findings observed for the selected bank to be representative of any bank providing services to OASDI beneficiaries and SSI recipients with representative payees.

From the 250 sample cases, we found situations where the bank account titles were not correct, according to SSA guidelines.⁶ Specifically,

- 68 accounts (27 percent) were improperly titled;⁷
- 98 accounts (39 percent) were correctly titled; and
- 84 accounts (34 percent) were unable to be determined.



The 68 improperly titled accounts were set up in various ways based on ownership, as shown in Table 1.

Table 1: Improper Account Title Ownership		
Ownership	Number of Beneficiaries	Percent
Total Beneficiaries With Account Access	21	31%
Individual Account – Beneficiary Only	4	6%
Joint Account – Beneficiary & Representative Payee	17	25%
Total Beneficiaries With No Ownership	25	37%
Individual Account – Representative Payee Only	16	24%
Joint Account – Representative Payee & Third Party	9	13%
Other⁸	22	32%
Total Improper Accounts	68	100%

⁶ SSA, POMS, GN 02402.055. Of the 166 total cases we were able to review, 41 percent was improperly titled.

⁷ Fifty-one (75 percent) of these improperly titled accounts involved beneficiaries with a mental disorder. In addition, six cases (9 percent) were adults over age 61, and five cases (7 percent) were children under age 19. See Table B-3 in Appendix B for more information.

⁸ For example, a case had a bank account title naming the representative payee and a third party as joint trustees for the beneficiary.

Beneficiaries with Account Access

The bank information we received indicated that 21 cases had bank account titles that would allow the beneficiaries to have access to their funds. Of these 21 cases, 4 were solely in the name of the beneficiary, while 17 were established as a joint account between the beneficiary and representative payee.

For example, in March 2008, a beneficiary began receiving OASDI benefits for a mental disorder. In March 2009, SSA appointed the beneficiary a representative payee. According to the bank's records, the bank account listed both the beneficiary and representative payee as joint owners of the account. From March 2009 through July 2010, the representative payee managed benefits totaling \$19,077, to which the beneficiary had access. We referred this case to SSA for development and in July 2010, the bank account was updated.

Beneficiaries with No Ownership

We found 25 cases with bank account titles not indicating the beneficiaries' ownership of the funds. Of these 25 cases, 16 were solely in the name of the representative payee, and 9 were established as a joint account between the representative payee and an unknown third party.

For example, an SSI recipient with a mental disorder started receiving payments in April 2009 through an appointed representative payee. The bank's records indicated a joint account had been established between the representative payee and an individual who was not the recipient. From April 2009 through July 2010, the representative payee managed \$13,693 for the recipient. In this case, the recipient was not recorded as the owner of the funds, yet another person had access to the funds besides the representative payee. Based on our referral, SSA contacted the representative payee and subsequently removed the direct deposit information pending proof of the corrected bank account. The representative payee responded within a short timeframe and provided the necessary verification of the account title.

Actions Taken on Improperly Titled Bank Accounts

For the 68 cases, SSA contacted the representative payees to have the bank account titles corrected. Table 2 shows the actions SSA took on these cases.

Table 2: Actions Taken on Incorrect Bank Account Titles		
Action	Number of Beneficiaries	Percent
Corrected Bank Account Title	46	68%
Removed Direct Deposit	12	17%
Removed/Re-assigned Representative Payee	8	12%
Pending Correction	2	3%
Total	68	100%

On 12 cases, SSA removed the bank information from the beneficiary's record, thereby allowing the representative payee to receive future benefits via paper check as opposed to direct deposit. Either this was done at the request of the representative payee or SSA until such time that proof of a properly titled account was provided.

SSA also determined eight beneficiaries needed new representative payees, or no longer required representative payees because the beneficiaries were able to manage their own funds. In six cases, SSA determined the beneficiaries no longer needed representative payees and instead could receive benefits directly. For the remaining two cases, SSA appointed a new representative payee for the beneficiary.

For example, an individual started receiving SSI payments in April 2004 for a mental disorder. In February 2006, a representative payee was appointed who asked to have the payments direct deposited into a bank account beginning February 2007. From February 2007 through July 2010, the representative payee managed \$29,166 in payments. When we referred this case to SSA, the Agency determined the recipient was able to manage her own financial matters and subsequently removed the representative payee from the recipient's record.

In another example, a representative payee began managing the funds of an SSI recipient in September 2000. In December 2000, the representative payee had the SSI payments direct deposited into a bank account. From December 2000 to July 2010, the representative payee handled \$95,862 on behalf of the recipient. When we referred this case to SSA, the Agency determined another representative payee was more suitable to handle the management of these payments, and subsequently assigned an organizational payee for the recipient.

Review of Representative Payee Reports

For each of the 68 improperly titled cases, we retrieved the latest annual Representative Payee Report submitted to SSA. We then determined how each representative payee responded to the question of how the bank account was titled. The Report instructs the representative payee to answer the account title question only if he or she indicates in a preceding question that some funds were saved. SSA policy requires field offices to follow up on questionable account titles only if the amount of saved funds exceeds \$500.⁹ Table 3 summarizes these results.

⁹ SSA, POMS, GN 00605.068.

Table 3: Representative Payee Report - Response on Account Title		
Response	Number of Reports	Percent
Your Name for Beneficiary's Name	8	12%
Beneficiary's Name by Your Name	6	9%
Other	4	6%
Subtotal	18	27%
Question Not Answered ¹⁰	41	60%
No Report Available	9	13%
Total	68	100%

As illustrated in Table 3, 14 reports (20 percent) answered affirmatively for having a proper account title; however, our analysis determined these answers were incorrect. Four additional reports (6 percent) contained the response of “Other,” which was either not further clarified as to how the account title was actually reflected or could have led SSA to question the account title.¹¹ Of these 18 reports, 4 showed savings over \$500, yet the account titles were not corrected.¹² According to SSA’s policy, the field office should have followed-up on these four cases because they had questionable account titles and savings over \$500. We found no evidence that the field office followed-up on these cases. If the field office had followed-up, it should have identified and corrected the account titles.

Bank Account Titles Unable To Be Determined

We were unable to analyze the bank account title of 84 sample cases, for various reasons.

- In 37 cases, the bank account or representative payee information changed during our analysis. For example, a new representative payee was assigned to a beneficiary shortly before we referred the case to SSA.
- In 31 cases, the bank did not provide account title information, or we were unable to determine the account title from the information provided. For instance, some data we received from the bank (1) displayed the account titles in a vague manner, or (2) included incomplete account titles. When we contacted the bank to verify these account titles, they indicated the information supplied to us correctly reflected their system records.

¹⁰ The 41 reports did not indicate an answer for the question on account title. Only 1 of the 41 reports indicated saved funds of more than \$500.

¹¹ For example, a representative payee answered “Other” on the account title question and for the subsequent section wrote simply “Beneficiary’s Name” as the title of the account.

¹² Since these payees provided incorrect information on the Report regarding account titling, the savings amount reported may also be incorrect and additional cases could have savings over \$500.

- In 16 cases, benefits were no longer paid because of suspension or termination of benefits. For example, the beneficiary went to prison or died. Therefore, we did not determine whether the bank account was titled properly for these cases.

CONCLUSION AND RECOMMENDATIONS

We found situations where the bank account titles were not correct for non-relative representative payees, according to SSA's guidelines. Correct account titling is one control SSA uses to ensure representative payees are properly managing beneficiaries' funds.

Based on our review, we estimate about 30,822 OASDI beneficiaries and SSI recipients with representative payees have approximately \$307 million in annual benefits (or nearly \$26 million each month) directly deposited into improperly titled bank accounts.

If the beneficiary is not restricted from accessing his or her benefits, or other individuals have access to the funds, the representative payee may not be managing the benefits on behalf of the beneficiary's best interests. We recommend the Agency:

1. Issue a reminder on proper bank account titling to staff who appoint representative payees and who assist representative payees to establish/change direct deposit information.
2. Remind SSA employees to adhere to the Agency's policy to follow-up for non-relative representative payees when the Representative Payee Report indicates an improper bank account title and the conserved fund balance is greater than \$500.
3. Consider revising the Representative Payee Report to ask specifically how the bank account is titled (regardless of whether the representative payee saved any of the funds), and/or require that the representative payee include a copy of a bank document as proof of account title.

AGENCY COMMENTS AND OIG RESPONSE

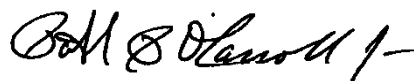
SSA agreed with Recommendations 1 and 3, but disagreed with Recommendation 2. According to SSA, it disagreed because we inaccurately stated its policy by not including the fact that when the payee is a parent, follow-up is only done when the conserved fund balance exceeds \$1,250 (as opposed to the \$500 balance for non-parents). However, we did not include the policy for parents in our report because our review focused only on non-relative payees (that is, none of the payees in our review were parents of the beneficiaries)—as stated in the background section of this report and in Appendix B.

We believe our report demonstrates the need for SSA to follow its own established policies of verifying properly titled bank accounts for non-parents. If a Representative Payee Report discloses an amount of conserved funds greater than \$500 (for a non-

parent), SSA policy instructs the field office to either approve or question the documented bank account title. If the account title is not acceptable, the field office is to contact the representative payee for correction. We believe SSA should follow its policy to mitigate instances of improperly titled bank accounts.

Proper account titling is required under certain SSA policies to protect the beneficiary's funds from possible misuse. In addition, FDIC provides protection to those same funds from any claims made by a representative payee's creditor, provided the account title is accurate.

Despite SSA's disagreement to recommendation 2 in its written comments, the Agency agreed to issue a reminder to employees of the policy on following up with representative payees—for payees who are not parents as well as those who are parents. Therefore, SSA is actually taking corrective action on all three recommendations. (See Appendix C for the Agency's comments.)

A handwritten signature in black ink, appearing to read "Patrick P. O'Carroll, Jr.", with a stylized flourish at the end.

Patrick P. O'Carroll, Jr.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Scope, Methodology, and Sampling Results

APPENDIX C – Agency Comments

APPENDIX D – OIG Contacts and Staff Acknowledgments

Acronyms

C.F.R.	Code of Federal Regulations
FDIC	Federal Deposit Insurance Corporation
OASDI	Old-Age, Survivors, and Disability Insurance
OIG	Office of the Inspector General
POMS	Program Operations Manual System
SSA	Social Security Administration
SSI	Supplemental Security Income
U.S.C.	United States Code

Scope, Methodology, and Sampling Results

To accomplish our objective, we:

- Reviewed applicable sections of the *Social Security Act* and other relevant legislation, as well as the Social Security Administration’s (SSA) regulations, rules, policies, procedures, and relevant reports.
- Reviewed prior Office of the Inspector General reports.
- Obtained a file of 4,278,318 Old-Age, Survivors, and Disability Insurance (OASDI) beneficiaries and Supplemental Security Income (SSI) recipients with individual representative payees and direct deposit as of August 2009. We then removed additional records with
 - ✓ duplicate Social Security numbers,
 - ✓ representative payees related to their respective beneficiaries,
 - ✓ organizational representative payees, and
 - ✓ non-U.S. direct deposit bank information.
- Summarized the remaining population by count of beneficiaries under each bank institution (see Table B-1).

Table B-1: Total Population by Bank		
Bank	Number of Beneficiaries	Percent of All Beneficiaries
Bank A	12,627	11%
Bank B	7,515	7%
Bank C	5,655	5%
Bank D	5,449	5%
Bank E	2,677	2%
Sub-Total (Top 5 Banks)¹	33,923	30%
All Other Banks ²	79,379	70%
Total (All Banks)	113,302	100%

¹ Altogether, these top five banks had about 19,900 banking offices nationwide, with nearly 30 percent belonging to Bank A.

² Each bank had less than 2 percent of the total population of beneficiaries.

- Selected the bank with the highest number of beneficiaries from our population, Bank A, for further review. For audit purposes, we considered the characteristics and findings observed for Bank A to be representative of any bank providing services to the total population.

Of the 12,627 beneficiaries with direct deposit at Bank A, we selected a random sample of 250 for detailed analysis.

For each sampled case, we:

- Subpoenaed bank account title information.
- Examined the account title and identified 82 cases that appeared incorrect.
- Forwarded these 82 cases to SSA for further analysis to verify the bank account titles. The Agency determined 68 were improperly titled. Table B-2 shows the cases by SSA region.³

Table B-2: Cases Determined to be Improperly Titled		
Region	Cases	Percent
1 - Boston	3	4%
2 - New York	7	10%
3 - Philadelphia	5	7%
4 - Atlanta	19	28%
5 - Chicago	1	2%
6 - Dallas	4	6%
7 - Kansas City	3	4%
8 - Denver	0	0%
9 - San Francisco	24	36%
10 - Seattle	2	3%
Total	68	100%

We also reviewed the most recent Representative Payee Reports for the 68 cases and analyzed the section specific to bank account title establishment.

We further analyzed the 68 cases to determine each beneficiary's disability. If a beneficiary was not disabled, we determined whether he or she was a child under age 19 or an adult over age 61 (who was receiving retirement benefits). See Table B-3.

³ SSA's field organization is decentralized into 10 regions nationwide to provide services at the local level.

Table B-3: Disability or Child/Adult Designation		
Disability or Child/Adult	Cases	Percent⁴
Mental	51	75%
Adult (over age 61)	6	9%
Child (under age 19)	5	7%
Neurological	2	3%
Cardiovascular	1	2%
Endocrine	1	2%
Respiratory	1	2%
Unknown ⁵	1	2%
Total	68	100%

We conducted our audit in Boston, Massachusetts, between April and August 2010. We tested the data obtained in our audit and determined them to be sufficiently reliable to meet our objective. The entities audited were SSA's field offices under the Deputy Commissioner for Operations. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

SAMPLE RESULTS AND ESTIMATES/PROJECTIONS

Table B-4: Population and Sample Size	
All OASDI beneficiaries and SSI recipients with non-relative representative payees and direct deposit of benefits as of August 2009	113,302
Population size (OASDI beneficiaries and SSI recipients from above with direct deposit at Bank A)	12,627
Percent of OASDI beneficiaries and SSI recipients with bank accounts at Bank A	11%
Sample size (OASDI beneficiaries and SSI recipients sampled from the population of Bank A customers)	250

⁴ The total percent column equals 102 percent because of rounding.

⁵ An unknown or invalid disability does not have a medical meaning and is not listed in SSA's Program Operations Manual System.

Table B-5: Number of Beneficiaries with Incorrectly Titled Bank Accounts	Results and Projections to Bank A	Estimate to All Banks
Identified in Sample	68	
Point Estimate	3,435	30,822
Projection Lower Limit	2,859	
Projection Upper Limit	4,061	

Note: All projections are at the 90-percent confidence level.

Table B-6: Monthly Benefits Paid to Beneficiaries with Incorrectly Titled Bank Accounts	Results and Projections to Bank A	Estimate to All Banks
Identified in Sample	\$56,468	
Point Estimate	\$2,852,110	\$25,591,967
Projection Lower Limit	\$2,318,533	
Projection Upper Limit	\$3,385,688	

Note: All projections are at the 90-percent confidence level.

Table B-7: Annual Benefits Paid to Beneficiaries with Incorrectly Titled Bank Accounts	Results and Projections to Bank A	Estimate to All Banks
Identified in Sample	\$677,622	
Point Estimate	\$34,225,326	\$307,103,658
Projection Lower Limit	\$27,822,396	
Projection Upper Limit	\$40,628,256	

Note: All projections are at the 90-percent confidence level.

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: March 23, 2011 Refer To: S1J-3

To: Patrick P. O'Carroll, Jr.
Inspector General

From: Dean S. Landis /s/
Deputy Chief of Staff

Subject: Updated Office of the Inspector General (OIG) Draft Report, "Improperly Titled Bank Accounts for Beneficiaries with Representative Payees" (A-01-09-19055)—INFORMATION

Thank you for the opportunity to review the updated draft report. Attached are our revised comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to Chris Molander, Senior Advisor for Audits, at (410) 965-7401.

Attachment

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, “IMPROPERLY TITLED BANK ACCOUNTS FOR BENEFICIARIES WITH REPRESENTATIVE PAYEES” (A-01-09-19055)

We offer the following responses to your recommendations.

Recommendation 1

Issue a reminder on proper bank account titling to staff who appoint representative payees and who assist representative payees to establish/change direct deposit information.

Response

We agree. On January 7, 2011, we published an Administrative Message (AM-11002) to remind employees of our policy regarding proper bank account titling for representative payees.

Recommendation 2

Remind SSA employees to adhere to the agency’s policy to follow-up when the Representative Payee Report indicates an improper bank account title and the conserved fund balance is greater than \$500.

Response

We disagree because you inaccurately state our policy. Our policy requires a follow-up for cases where conserved funds exceed \$500 and the representative payee is a non-parent or an organization. Where the representative payee is a parent, we require follow-up where amounts exceed \$1,250. We will issue an AM to remind employees about our policy for following-up with representative payees.

We suggest you reword the recommendation to read:

Remind employees to adhere to the agency’s policy to follow-up when the Representative Payee Report indicates:

- An improper bank account title, the representative payee is a non-parent, and conserved funds exceed \$500;
- An improper bank account title, the representative payee is a parent, and conserved funds exceed \$1,250.

Comment Pertaining to Recommendation 2

Also, please consider replacing the fourth sentence in the last paragraph on page 5 with the following:

Agency policy requires field offices to follow-up on questionable account titles when saved funds exceed \$500 and the representative payee is a non-parent. If the representative payee is a parent, field offices must follow-up on questionable account titles when savings exceed \$1,250.

We suggest that you also adjust the footnote accompanying this text to cite GN 00605.070, *Reviewing the SSA-623-OCR-SM (08/2007)*, GN 00605.074, *Reviewing the SSA-6234-OCR-SM (08/2007)*, and GN 00605.072, *Reviewing the SSA-6230-OCR-SM (08/2007)*.

Recommendation 3

Consider revising the Representative Payee Report to ask specifically how the bank account is titled (regardless of whether the representative payee saved any of the funds), and/or require that the representative payee include a copy of a bank document as proof of account title.

Response

We agree. We will look into the possibility of revising the Representative Payee Report, while also considering the effect it may have on our resources.

OIG Contacts and Staff Acknowledgments

OIG Contacts

Judith Oliveira, Director, Boston Audit Division

David Mazzola, Audit Manager

Acknowledgments

In addition to those named above:

Chad Burns, Auditor

Kevin Joyce, IT Specialist

David York, Program Analyst

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