

## John McAdams Comments

- A claimant who receives WIB, in most cases, receives no additional benefit from simultaneous enrollment in RIB.

I would correct this to:

A claimant who receives WIB receives no additional benefit from simultaneous enrollment in RIB.

- In most cases, upon reaching age 70, or any time after age 62, the claimant can enroll in RIB and receive a substantially higher benefit due to the VDRCs.

I would correct this to:

In some cases, upon reaching age 70, or any time after Full Retirement Age, the claimant can enroll in RIB and receive a substantially higher benefit due to the VDRCs.

- Despite McAdams' claims, not all beneficiaries are penalized from electing simultaneous RIB and WIB benefits.

I never said all beneficiaries are penalized when receiving simultaneous RIB and WIB benefits. In many cases, there is no effect. In some cases, the claimant loses \$1/month due to rounding. In some cases, the claimant loses much more because of the loss of the option to accumulate DRCs and switch to RIB later on.

- Consequently, the deferred RIB enrollment is not always the preferred option.

I never said it was. But I challenge anyone to come up with a scenario where simultaneous WIB/RIB is the preferred option.

- Due to unique personal situation, the applicant may not wish to defer benefits.

Again, I challenge anyone to come up with a scenario where simultaneous WIB/RIB is the preferred option. At best, it has no effect – it is never correct.

- The training further instructs the Claims Taker not to discuss the “break even” point with the applicant because this approach does not consider the applicant's personal situation or life expectancy.

“Break even” point has no effect on detrimental simultaneous WIB/RIB entitlement. In cases where the claimant is losing \$1/month, the losses will never be made up. In cases where claimants lost the option to apply for DRCs, the loss will be in effect for the rest of their lives – there will NEVER be any advantage to the simultaneous entitlement.

## **EXHIBIT 1**

- Former Senior Claims Processing Specialist Paul Walush

Paul is still a SCPS

- Each time, management told him he was no longer permitted to pursue the cases for reimbursement.

I recently came across another example. I brought it to Paul Walush and asked for a written response specifying how I am to handle it. See following email exchange:

**From:** Walush, Paul  
**Sent:** Thursday, March 30, 2017 1:17 PM  
**To:** McAdams, John <[John.McAdams@ssa.gov](mailto:John.McAdams@ssa.gov)>  
**Subject:** RE: Came across yet another simultaneously dual entitled widow...

I "believe" what you are going to hear is that the TCG's of 11/21/2013 and 12/18/2013 addressed those issues, and that's it.

Since then, someone new is in OAS, so I'm preparing something right now to run it past the current claims analyst. It should in his e-mail by 1:45PM.

Paul

**From:** McAdams, John  
**Sent:** Thursday, March 16, 2017 8:35 AM  
**To:** Walush, Paul <[Paul.Walush@ssa.gov](mailto:Paul.Walush@ssa.gov)>  
**Subject:** RE: Came across yet another simultaneously dual entitled widow...

No, last I heard I wasn't allowed to do that anymore.

**From:** Walush, Paul  
**Sent:** Thursday, March 16, 2017 6:10 AM  
**To:** McAdams, John <[John.McAdams@ssa.gov](mailto:John.McAdams@ssa.gov)>  
**Subject:** RE: Came across yet another simultaneously dual entitled widow...

Do you want to pursue misinformation?

**From:** McAdams, John  
**Sent:** Wednesday, March 15, 2017 3:26 PM  
**To:** Walush, Paul <[Paul.Walush@ssa.gov](mailto:Paul.Walush@ssa.gov)>  
**Cc:** Mucerino, Michele <[Michele.Mucerino@ssa.gov](mailto:Michele.Mucerino@ssa.gov)>; Dippel, William J. <[William.J.Dippel@ssa.gov](mailto:William.J.Dippel@ssa.gov)>  
**Subject:** Came across yet another simultaneously dual entitled widow...

Do I just ignore it?

**From:** McAdams, John  
**Sent:** Monday, April 03, 2017 12:05 PM  
**To:** Banks, Zina <Zina.Banks@ssa.gov>; Walush, Paul <Paul.Walush@ssa.gov>  
**Cc:** Swanljung, Henrik <Henrik.Swanljung@ssa.gov>  
**Subject:** FW: An old issue

AM-14076 B4 says...

“... failure to present a WIB claimant with all options for benefit entitlement, such as the option of electing to receive only WIB while deferring reduced RIB for DRC purposes, constitutes the provision of misinformation...”

I’m taking this to mean I should contact the field office and pursue misinformation when I come across simultaneously entitled A/D claimants. Please let me know if I’m misinterpreting this.

-- John

**From:** Walush, Paul  
**Sent:** Friday, March 31, 2017 7:22 AM  
**To:** McAdams, John <[John.McAdams@ssa.gov](mailto:John.McAdams@ssa.gov)>  
**Subject:** FW: An old issue

**From:** Banks, Zina  
**Sent:** Friday, March 31, 2017 7:08 AM  
**To:** Walush, Paul <[Paul.Walush@ssa.gov](mailto:Paul.Walush@ssa.gov)>  
**Cc:** Swanljung, Henrik <[Henrik.Swanljung@ssa.gov](mailto:Henrik.Swanljung@ssa.gov)>  
**Subject:** RE: An old issue

Hi, Paul. I believe I sent you this AM before. [AM 14076](#) was issued as a reminder to technicians.

[GN 00201.005C](#) – Interviewer responsibilities for explaining the advantages and disadvantages of filing an application – While the interviewer should have explained the disadvantage of filing for RIB (i.e. losing DRCs) this did need to be documented if the filer was FRA. If the filer was under FRA see the GN reference below.

[AM-14076](#) – Deemed Filing Provision Reminder (Section B4 specifically addresses this scenario.) – Was this the reminder that David Leavitt was referencing?

[GN 00204.020E4](#)– Excluding RIB from widow(er) or surviving divorced spouse claims

### **GN 00204.008J4 Misinformation – Applications : When to develop for misinformation**

Develop for misinformation if the issue cannot be resolved by other policies or procedures outlined in [GN 00204.008D.8](#).

Misinformation should be developed in these cases.

I will check with CO to see they intend to issue any further reminders/processing instructions for these cases.

Thanks.

Zina

**From:** Walush, Paul

**Sent:** Thursday, March 30, 2017 1:44 PM

**To:** Banks, Zina <[Zina.Banks@ssa.gov](mailto:Zina.Banks@ssa.gov)>; Swanljung, Henrik <[Henrik.Swanljung@ssa.gov](mailto:Henrik.Swanljung@ssa.gov)>

**Subject:** An old issue

A few years ago (TCG 11/21/13 #4, and 12/18/13 #1) we had an issue with simultaneous A/D claims taken in the D/O, and if we could apply misinformation, as if D benefits were higher, the A would just keep the MBA the same or -\$1.00 MBC due to rounding, and if they waited on the A until age 70, the A would often be higher.

Based on the TCG response, it appeared that misinformation could be given if SSA prevented someone from filing, but not for allowing someone to file.

Over time in some of these cases CA's went out to the d/o's and some CR's did prepare misinformation determinations.

I remember at the time that some sort of reminder was going to be sent to field offices about not taking an A claim with D when the D benefits are higher.

Do you know if anything was ever prepared and sent to the field offices?

The cases come up here and there in the Mod and CA's are again inquiring as to why we would accept taking both claims when the A claim has no advantage.

Back when David was up there he had mentioned something about the Policy people looking at this.

Do you know if this concept is being looked at by anyone in Baltimore? Could / should CA's pursue misinformation determinations? If nothing went out to the D/O's wouldn't it make sense that they should be made aware that they could potentially be costing some widows lots of \$\$\$?

I know this is a particularly sore subject within our Module, but it has to come up in other Mod's. Do you think this subject could get a regional or national look? Thanks. Let me know what you think or if you are aware if this is being looked at. Thanks.

Paul J Walush CTE

Phone: 215-597-5168

Fax: 215-597-5219

**AM-14076 includes...**

**“... failure to present a WIB claimant with all options for benefit entitlement, such as the option of electing to receive only WIB while deferring reduced RIB for DRC purposes, constitutes the provision of misinformation...”**

I have not received any response.

## **EXHIBIT 2**

- McAdams would not provide the name of the employee, but advised he would ask her if he could provide her name to OIG.

I sent an email but never got a response.

- Totaled approximately one hunder

No, it is more like a dozen or so

## **EXHIBIT 3**

No comments

## **EXHIBIT 4**

No comments

## **EXHIBIT 5**

No comments

## **EXHIBIT 6**

- Thompson denied ever making the comment

I believe Mr. Thomopson just doesn't remember making the comment. Regardless, the essence of the statement is true: Simultaneous RIB/WIB is **\*NEVER\*** correct - not always harmful, but never the right way to set up the claim. And in some cases, SSA's mistake costs the claimants a large amount of benefits. SSA owes it to the American public to search for and correct **\*ALL\*** the affected cases, not just the few I accidentally stumble upon.