

**Social Security Advisory Board**  
**Minutes**  
**Board Meeting**  
**February 23, 2015**

**Location:** 400 Virginia Avenue, S.W., Suite 625  
Washington, D.C. 20024

**Time:** 9:00 a.m. – 4:30 p.m.

**SSAB Members:** Henry Aaron, Chair  
Lanhee Chen  
Alan Cohen  
Bernadette Franks-Ongoy  
Barbara Kennelly  
Dorcas Hardy

**Presenters:** **Patrick O’Carroll**, Inspector General, Social Security Administration  
**Ken Nibali**, Associate Commissioner for Disability, Social Security Administration, Retired  
**Arthur Spencer**, Associate Commissioner for Disability Policy, Social Security Administration, Retired  
**Teresa Pfender**, Appeals Officer, Office of Disability Adjudication and Review, Social Security Administration  
**Sam Bagenstos**, Professor of Law, University of Michigan

**SSAB Staff:** Claire Green, Staff Director  
Jackie Chapin, Policy Chief  
Jeremy Elder, Policy Analyst  
Joel Feinleib, Staff Economist  
Sterling Laudon, Policy Attorney  
David Warner, Management Chief  
Bethel Dejene, Associate  
Hong Han, Associate  
Anita Kelly, Detailee  
Ellen Skirvin, Associate

The February Board meeting began with a discussion with Social Security Administration (SSA) Inspector General Patrick O’Carroll. Mr. O’Carroll was invited to discuss recent audits and investigations that the Office of Inspector General (OIG) focused on in 2014, including the high profile fraud cases in New York and Puerto Rico. Audit topics included Administrative Law Judge (ALJ) allowance rates and SSA’s Disability Case Processing System (DCPS) project. In addition to these topics, Mr. O’Carroll

discussed Cooperative Disability Investigations (CDI) units and the OIG's plans to establish more of these units in 2015.

Next, the Board met with Arthur Spencer and Ken Nibali, both retired SSA executives who had worked on and lead projects related to disability. One of those projects was the Disability Redesign Prototype Model, which began in 1997 and tested various combinations of modifications to the disability determination process for select States. These States became known as "Prototype States." One of the most common features of Prototype States is the elimination of step 2 (the Reconsideration step) in the adjudication process. Mr. Nibali and Mr. Spencer were invited to provide some background and historical context of the Reconsideration step, as well as the rationale for and against eliminating it.

During lunch, the Board met with Teresa Pfender, an Appeals Officer at SSA's Office of Disability Adjudication and Review (ODAR). Ms. Pfender provided some background on the disability claims evaluation process. This included an overview of the court system and how the courts can influence the disability process differently depending on which judicial district the appeal is filed in.

Lastly, the Board met with Sam Bagenstos, professor of law at the University of Michigan. Mr. Bagenstos was invited specifically to discuss a recent article he had written entitled *The Disability Cliff*, which was published in the journal *Democracy*. The article featured an overview and legislative history of the disability rights movement in the U.S., including a discussion of the disability "cliff" that young adults with developmental disabilities face when federal special education expires at age 22. Mr. Bagenstos presented initiatives that he believes could provide a smoother transition from education into employment for these individuals.

I certify that the minutes written for the February 23, 2015 meeting of the Social Security Advisory Board are correct.



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Henry J. Aaron

Chairman  
Social Security Advisory Board