



NATIONAL ORGANIZATION OF  
SOCIAL SECURITY CLAIMANTS'  
REPRESENTATIVES  
ESTABLISHED 1979

Social Security Administration  
OLCA  
Attn: Director, Office of Regulations and Reports Clearance  
3100 West High Rise, 6401 Security Blvd.  
Baltimore, MD 21235

*Via regulations.gov, Docket ID Number SSA-2022-0009*

March 10, 2022

Dear Acting Director Lipsky,

Thank you for the opportunity to comment on this emergency request for SSA to begin an information collection for an electronic protective filing tool (ePFT) as described in 87 Fed. Reg. 11111 (February 28, 2022). These comments are from the National Organization of Social Security Claimants' Representatives (NOSSCR), whose thousands of members represent Social Security disability claimants before the Social Security Administration (SSA) and in federal courts. Many NOSSCR members assist people in filing SSI claims, and are familiar with the challenges that currently exist. The lack of an electronic SSI application, challenges with SSA's telephone systems, limited availability of appointments, delays in processing mail and faxes, and a two-year near-total closure of field offices to the public have compounded the myriad issues that SSI claimants already face due to their medical and financial situations.

Therefore, we are in strong support of SSA's plans for an electronic protective filing tool. Such a tool is an important complement to—though not a replacement for—existing methods of protecting the filing date and ensuring that SSI recipients obtain all the benefits for which they qualify.

We appreciate that the electronic protective filing tool can be used either by those who will receive SSI benefits or by others using the tool on their behalf. It is critical that appointed representatives be considered third parties (see POMS SI 00601.012 and GN 00204.003B3) who are allowed to use the tool, so that a loss of benefits does not result. It would be helpful if the choice of "someone else" who is either with or not with the claimant were amended to say "someone else (including an appointed representative)" to clarify that representatives are appropriate third parties for use of this tool.

We are glad to see that confirmation emails will be sent to both "the individual who will be claiming benefits or requesting SSI payments, and, if applicable, to the individuals submitting the appointment request on the claimant's behalf": this is a helpful change discerned during usability testing. In addition, we urge SSA to include a question in the tool asking whether the individual seeking benefits or the individual submitting the appointment request on the claimant's behalf should be contacted to schedule the appointment, and train and monitor its staff so the appropriate person is contacted. Then, once an appointment is scheduled, SSA should not just "send a notification of the date, time, and type of appointment to the individual who will be claiming benefits" as the Federal Register notice indicates, but also to the person who submitted the appointment request. This will allow the submitter to support the claimant in attending the application interview. Future enhancements of this system should allow people to schedule application interviews themselves as part of the tool, rather than awaiting a contact from an SSA employee to schedule the appointment. This will reduce the burden on respondents and the agency, and increase the tool's practical utility.

We encourage SSA to make the “Journey Through SSA.gov to Enter ePFT” (as the document provided in the clearance package describes it) a less arduous one. For example, there could be a button at the top of the SSI page that says “Schedule an Appointment to Apply for SSI” and on the pages for children and people age 18-64, using the ePFT tool should be shown as a coequal option with completing documents online, rather than, for example, requiring people to scroll below the information about completing the child disability form. Knowing that SSI claimants and those who are assisting them face many barriers, the ePFT should be as prominent on each page as possible. The page for people age 65 and older makes the ePFT more obvious than the pages for younger age groups, and should be emulated.

We appreciate SSA’s desire to obtain a phone number for users of the ePFT tool, but since there are people who lack telephones—and these are the same people who would face the highest barriers to scheduling an SSI application interview in other ways—we do not believe the telephone number field should be mandatory. As the ePFT notes on screen 11, users will receive notice of their appointments by mail (and email if they provide an address); there is nothing in the “what can I expect next” section that describes contact by telephone.

The “special circumstances” page should provide a check box for dire need situations. The “visual accommodation” box should provide a parenthetical “(including large print, Braille, or audio notices).”

We do not understand why the ePFT will be unavailable 33.25 hours per week. While system maintenance is important, closing the tool nearly 20% of the time seems excessive and creates a barrier to users, especially those outside of the Eastern time zone. People should not have to fill out the entire form before learning that the tool is closed. If people attempt to use the ePFT during “downtime,” that information, and details of when the tool will next be available, should be on the first screen.

Finally, although we support this tool and wish for it to become available as soon as possible, we have significant concerns with SSA’s use of the emergency request process, both here and in the screening tool for visitors to hearing offices (86 Fed. Reg. 68717, December 3, 2021). Neither situation was a surprise: SSA has been aware of the decrease in SSI filings during 2020 and 2021 essentially since they began to occur, and has had years to prepare for the reopening of hearing offices. Advocates have long requested simplified methods for protecting filing dates and urged SSA to create safe ways for in-person hearings to resume. Just like the agency’s usability testing with 28 first- and third-party respondents revealed the need for changes to the protective filing tool, public comments from a wider audience can help SSA create more effective and less burdensome information collections. This opportunity is lost when the usual Paperwork Reduction Act process is avoided by emergency requests.

Thank you again for this opportunity to comment. NOSSCR staff and board members would be happy to share additional information if it would be helpful.

Sincerely,



Barbara Silverstone  
Executive Director