

**Disability Rights California
Office of Payee Review and Beneficiary Assistance
(OPRABA)**

**Representative Payee Basics
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The Role of the Representative Payee

A representative payee is an individual or organization that receives SS or SSI benefits for someone who cannot manage, or direct someone else to manage, his or her SSI/SSDI money.

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Who are Representative Payees?

-SSA usually selects someone living with the beneficiary to be the representative payee. In most cases, someone who knows the beneficiary asks SSA if she or he can be the payee.

-Organizations, institutions, or agencies also serve as Representative Payees.

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Appointing a Representative Payee

The decision to appoint a representative payee is based on the beneficiary's capability to manage their SS/SSI benefits.

Narrow inquiry! Disability itself is not criteria for appointing rep payee.

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Who must have a Representative Payee (Direct Payment Prohibited)

The following individuals are prohibited from receiving payments directly:

- legally incompetent beneficiaries; and
- individuals under age 18.

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Determining Capability – Adult Beneficiaries

An adult beneficiary is **presumed to be capable** of managing or directing the management of benefits.

- The burden is on the SSA to rebut the presumption.
 - Therefore, keep an eye out for beneficiaries who express desire to become his or her own payee.

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Is A Beneficiary's Capability Ever Reevaluated?

It's important to remember that although SSA may have already determined a beneficiary's capability at some point in the past, capability can always be reevaluated.

- Includes changing to another rep payee such as family member.

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Situations in Which SSA Must Consider Reviewing Capability

If there is an indication that the beneficiary cannot manage or direct the management of his/her benefits.

- Pattern of poor spending
 - Utilities/rent not paid on time etc.

-What about leisure spending?

-Competency/Capacity

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Duties of the Payee

(20 C.F.R. §§ 404.2035 and 416.635, POMs GN 00502.113)

-Only limited to SS/SSI benefits management;

-No conservator or POA authority!

-Meeting with the beneficiary on a regular basis to ascertain his/her current and foreseeable needs;

-Conduit payee practices?

-Not recommended.

-Documentation crucial. IPPs etc.

-Using funds to meet the beneficiary's "current needs", i.e. food and shelter, medical.

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Duties of the Payee (Cont.)

-Conserving and investing benefits not needed for the beneficiary's current needs;

-Can clients request all saved funds? What if client states its for them to pay the bills themselves?

-Keeping detailed and accurate records of how benefits are used in order to provide an accurate report to SSA when requested (rep. payee reviews);

-Watch out for commingling!

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Duties of the Payee (Cont.)

-Reporting changes of address and custody;

- Acting for the beneficiary on matters relating to the beneficiary's claim;
 - Ex. Reconsideration, waiver, redetermination etc.
 - Ex. Debt recovery/garnishments.
- Notifying SSA if the beneficiary no longer needs a payee;

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Duties of the Payee (Cont.)

- Report events to the Social Security Administration (SSA) that may affect the individual's entitlement or benefit payment amount;
- Report any changes in circumstances that would affect their performance as a representative payee;
- Provide SSA an annual Representative Payee Accounting Report to account for benefits spent or saved;

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Duties of the Payee (Cont.)

- Return any payments to SSA to which the beneficiary is not entitled;
- Return conserved funds to SSA when no longer serving as the representative payee for the beneficiary; and
- Be aware of any other income Supplemental Security Income recipients may have and monitor their conserved funds to ensure they do not exceed resource limits.

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Additional Ways The Organizational Payee Can Help The Beneficiary

- Establishing a budget and involving the beneficiary as much as possible by meeting with him/her regularly;
 - Figure out appropriate P & I to meet needs of client.

-Once funds are designated P&I, Rep Payee cannot control its use or demand provision of receipts...That's why it is important to discuss P&I allocation at the onset.

-What if client asks for all saved funds as P&I disbursements?

-Explaining Social Security and/or SSI payments and the beneficiary's expenses to the beneficiary;

-Ensuring that the beneficiary is aware of current and large retroactive payments;

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The Organizational Payee Can Help The Beneficiary (Cont.)

-Helping the beneficiary complete applications for other needed services and cooperating with caseworkers;

-Helping the beneficiary file income tax returns; and

-Recommending an alternate person or agency if they can no longer serve as payee for the beneficiary;

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What to do if the Payee Does not Manage the Money Appropriately

-Contact your local SSA office

<https://secure.ssa.gov/ICON/main.jsp>

-Contact the Office of the Inspector General

-For misuse allegations

<https://oig.ssa.gov/what-abuse-fraud-and-waste/misuse-benefits-representative-payee>

-Contact DRC's OPRABA practice group

-1-800-776-5746

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Resources

-Information about the Rep. Payee Accounting:

[-http://www.socialsecurity.gov/payee/](http://www.socialsecurity.gov/payee/)

-SSA Payee Guide:

[-http://ssa.gov/payee/NewGuide/toc.htm](http://ssa.gov/payee/NewGuide/toc.htm)

-OPRABA:

- 510-267-1266