

Social Security Disability Tip of the Month



Don't Be The Subject of a Social Security Fraud Investigation

The Social Security Administration is becoming more aggressive investigating and prosecuting fraud. If the SSA finds that you knowingly, withheld, misrepresented or lied about any facts pertaining to your claim you can be prosecuted for fraud. And believe it or not you can be prosecuted even if you were DENIED benefits, if you were found to be trying to file a fraudulent claim.

A simple rule is don't misrepresent or omit any facts when dealing with Social Security or discussing your case with your attorney.

Someone convicted of benefit fraud could face:

- A fine of up to \$100,000 or
- A prison sentence, of up to 15 years, or both
- Civil penalties
- A criminal record
- Being named and shamed in the local media.
- Having to pay back all the money they received plus court costs

The SSA relies on material fact to determine the outcome of your claim. You commit fraud if you do any of the following so that you can get SSI or SSDI: lie about a material fact, misrepresent a material fact, or cause anyone else to lie about or misrepresent a material fact. An example is:

- A claimant (applicant) filed for SSI, the program for those with low income and low assets. They owned a small apartment that they rented to a friend. This asset made the claimant ineligible for

SSI. When filing for disability, the claimant withheld this information so that she could qualify for benefits.

The SSA uses your earnings to determine whether you are eligible for SSI or for SSDI. If you lie about your income, or cause anyone else to lie about your income to get benefits, you commit fraud. An example is:

- When the claimant filed for disability, he incorrectly reported that he last worked in March of 2012. Yet he really worked till September 2013. He lied about when he last worked in an attempt to get more back pay for disability benefits

You commit fraud if you hide or fail to report anything that could affect your right to your own disability benefits or to benefits you receive on behalf of someone else. An example is:

- The claimant was receiving both Social Security and Railroad Retirement based on her spouse's work history. When her husband died, she did not report it to the SSA, because she knew that his death would end her dual payments.

A representative payee is a person who has been designated by the SSA to receive disability payments on someone else's behalf. The representative payee has the duty to spend the payments for the benefit of the recipient. A representative payee commits fraud if they use the funds for any other reason than for the benefit of the recipient. An example is:

- A mother was designated as her adult disabled son's representative payee. Instead of using the payments to purchase food and clothing for her son, she used the funds to pay off her credit card debt

Remember
ALL Benefit Fraud is a Crime.

Here is our advice: Always Be Honest When Applying for Disability or Speaking With Your Attorney About Your Claim.

**For Your Free
Consultation**

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