**SOCIAL SECURITY ADMINISTRATION**

Office of Hearings Operations

\*\*[Hearing Office Address

City, State Zip Code]\*\*

Date:  \*\*[ENTER DATE]\*\*

Refer To:

\*\*[First Name Last Name

Address

City, ST Zip Code]\*\*

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Notice of Redetermination

On \*\*[DATE]\*\*, you [protectively] filed a Title II application for a period of disability and disability insurance benefits. You alleged disability beginning \*\*[DATE]\*\*. A decision favorable to you was issued on \*\*[DATE]\*\*.

As explained below, we carefully reviewed the facts of your case and the prior decision an Administrative Law Judge made on \*\*[**ENTER DATE]\*\***.

**Why Your Case Was Reviewed**

Under section 205(u) of the Social Security Act, the Social Security Administration (SSA) must redetermine an individual's entitlement to disability benefits when there is reason to believe fraud or similar fault was involved in the individual’s application for benefits. During the redetermination, we must disregard evidence if there is reason to believe fraud or similar fault was involved in the providing of such evidence.

The New York County District Attorney’s (DA) Office and the Office of the Inspector General of the Social Security Administration conducted an extensive criminal investigation that resulted in the criminal indictment of Raymond Lavallee, Thomas Hale, Joseph Esposito, and John Minerva. Those individuals were charged with making false statements to SSA and they all pleaded guilty to their involvement in the fraudulent scheme. The District Attorney also identified psychiatrists Edward Sodaro, M.D. and Dr. Raymond Pierre-Paul, M.D. as participants in the fraudulent scheme.

Based on information received from the New York District Attorney’s Office DA, SSA is required to disregard any evidence regarding a mental impairment submitted by one of the above-named individuals (Mr. Lavallee, Mr. Hale, Mr. Esposito, or Mr. Minerva) and medical evidence from Dr. Sodaro and Dr. Pierre-Paul.

The DA referred your case to us because, in light of their investigation, indictments, and the plea agreements of the individuals identified above, there is reason to believe fraud or similar fault was involved in your application for benefits. In addition, the evidence in your case [contains evidence regarding a mental impairment submitted by Mr. Lavallee, Mr. Hale, Mr. Esposito, or Mr. Minerva; and/or contains medical evidence from Dr. Sodaro and/or Dr. Pierre-Paul]. By law, we must redetermine your case and disregard the following evidence because there is reason to believe that fraud or similar fault was involved in the providing of this evidence.

[List medical evidence to be disregarded].

\*\*[IF CDR performed, include this paragraph]\*\* Although you [recently] underwent a continuing disability review and we continued benefits, this redetermination began after that review. This redetermination will replace any findings we made during your continuing disability review.

**What Happens Next**

By law, SSA must redetermine your case. This means that we will again decide whether you were disabled as of \*\*[Allowance Date or Date Last Insured]\*\*, the date you were originally awarded benefits \*\*[or, if DLI involved, the date you were last entitled to benefits]\*\*. During this redetermination, we must disregard evidence in your file from [named medical provider(s) and/or co-conspirators] and then decide whether you were disabled at the time we originally allowed your claim.

SSA will consider all the other issues related to your disability claim, and your case will be decided on all evidence that we are not required to disregard.

You may give us new evidence within 30 days after you get this letter. The evidence must show that you were disabled before \*\*[Allowance Date or Date Last Insured]\*\*. SSA will only consider evidence of impairments that you had before \*\*[Allowance Date or Date Last Insured]\*\*. The 30-day period to submit new evidence starts on the day after you get this letter. We will assume you got this letter 5 days after it is dated unless you show us that you did not get it within the 5 days. If you cannot give us the information within 30 days, please let us know before 30 days. You will need to tell us what information you expect to give us and when you expect to give it to us. If you have a good reason for the delay, we will give you more time. You may present evidence and argue that you were entitled to benefits at the time of your original award, but we will not consider arguments that we should accept medical evidence from [named medical provider(s) and/or co-conspirators].

If we do not hear from you within 30 days, we will assume that you do not want to send us new evidence. We will redetermine your case based on the evidence in your file that we are not required to disregard and will send you a notice of our redetermination decision.

If you are entitled to a hearing, you will soon receive a notice about that. If you are not entitled to another hearing, you will receive a new written decision in the mail.

**You Have the Right to Representation**

It is important to understand that while you may have had an appointed representative at the time of your initial allowance, the representation ended after we initially allowed your claim. This means that if you would like the assistance of a representative during the redetermination proceedings, you must appoint a representative to assist you. We will work with this person just as we would work with you. If you decide to have a representative, you should find one quickly so that person can start preparing your case. If you get a representative, you or that person must notify us in writing.

Many representatives charge a fee. Others may represent you for free. Usually, your representative may not charge a fee unless we approve it. Any appointed or previously appointed representative can submit a fee request, and we will evaluate the request.

**If You Have Any Questions**

If you have any questions, please call, \*\*[(ENTER HO PHONE NUMBER)]\*\*, or write this office. For your convenience, our address is on the first page of this notice.

 \*\*[ENTER ALJ’S NAME]\*\*

Administrative Law Judge