**SOCIAL SECURITY ADMINISTRATION**

Office of Disability Adjudication and Review

Hearing Office Address

City, State Zip Code

Date:

Refer To: SSN

First Name Last Name

Address

City, ST Zip Code

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Notice of Redetermination

I carefully reviewed the facts of your case and the prior decision by an Administrative Law Judge made on **ENTER DATE**.

**Why I Reviewed Your Case**

The New York County District Attorney’s Office (DA) 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, and numerous others, were charged with making false statements to the Social Security Administration (SSA). More than one of these individuals has pled guilty to involvement in the fraudulent scheme.

One or more of these indicted individuals provided evidence in your case that we considered in finding that you were disabled. By law, we must redetermine your claim and disregard the evidence from one or more of these sources, as well as the other evidence described below.

**What Actions I Am Taking**

I am disregarding evidence in your case that was used to find you disabled. We cannot consider evidence from a source who was indicted or discredited for giving SSA fraudulent information. We also cannot consider certain evidence from a source that has been discredited based on associations with individuals indicted for giving SSA fraudulent information.

In addition to information provided by the indicted individuals named above, SSA is not allowed to consider:

* Evidence from discredited medical sources, including Dr. Edward Sodaro and Dr. Raymond Pierre-Paul;
* Any of your allegations regarding a mental impairment diagnosed by a discredited doctor; or
* Medical evidence from other sources that is based in whole or in part on your allegations of a mental impairment alleged in your original application for disability benefits.

I carefully reviewed the facts of your case, excluding the evidence tainted by fraud. I found that the prior decision in your case that you are disabled may not be supported. Please read the full explanation in the Decision below.

**What Happens Now**

By law, SSA must redetermine your case, which means that we will again consider whether you were disabled as of [Allowance Date], the date you were originally awarded benefits. However, I must ignore certain evidence in your file in deciding whether you are disabled.

I will consider all the other issues related to your disability claim, and your case will be decided on all evidence that is not required to be excluded. You may submit new evidence that shows you were disabled prior to [Allowance Date], but I will only consider untainted evidence of impairments that you had prior to that date. You may submit arguments that you were entitled to benefits at the time of your original award.

If you are entitled to a hearing on this matter, you will soon receive a notice regarding that right. If you are not entitled to another hearing, you will receive a new written decision in the mail.

**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.

Administrative Law Judge

Enclosures:

Rationale

**SOCIAL SECURITY ADMINISTRATION**

**Office of Disability Adjudication and Review**

**DECISION TO REDETERMINE**

|  |  |  |
| --- | --- | --- |
| **IN THE CASE OF** |  | **CLAIM FOR** |
|  |  |  |
| (Claimant) |  | (Type of claim) |
|  |  |  |
| (Wage Earner) |  | (Social Security Number) |

JURISDICTION AND PROCEDURAL HISTORY

On [DATE], the claimant [protectively] filed a Title II application for a period of disability and disability insurance benefits. The claimant also [protectively] filed a Title XVI application for supplemental security income on [DATE]. In both applications, the claimant alleged disability beginning [DATE]. A decision favorable to the claimant was issued on [DATE].

ISSUES AND APPLICABLE LAW

Under section[s] 205(u) [and 1631(e)(7)] of the Social Security Act, the Social Security Administration (SSA) must immediately redetermine an individual’s entitlement to [disability benefits and/or supplemental security income] when there is reason to believe fraud or similar fault was involved in that individual’s application for benefits. In conducting a redetermination, SSA must disregard any evidence that was submitted by an indicted or discredited source.

The New York County District Attorney’s Office (DA) 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, and numerous others, were charged with making false statements to SSA. More than one of these individuals has pled guilty to involvement in the fraudulent scheme.

In closed cases where an Administrative Law Judge issued a favorable decision that involved evidence from these indicted or discredited individuals, SSA will determine whether the Administrative Law Judge’s decision is supported *after excluding the tainted evidence*. In addition to evidence from these indicted individuals, tainted evidence includes evidence from discredited medical sources Dr. Edward Sodaro and Dr. Raymond Pierre-Paul, any beneficiary allegations regarding a mental impairment diagnosed by an indicted or discredited doctor, and other medical evidence based in whole or in part on the allegations of a mental impairment alleged in the original application for disability benefits. If the Administrative Law Judge’s original decision is not supported, we will issue a new decision.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, the undersigned makes the following findings:

1. **The case contains evidence from [SOURCES], which must be disregarded pursuant to section[s] 205(u) [and 1631(e)(7)] of the Social Security Act.**

[LIST SOURCES AND EXHIBIT NUMBERS. ALSO EXPLAIN IF DISREGARDING BENEFICIARY ALLEGATIONS OF A MENTAL IMPAIRMENT DIAGNOSED BY A TAINTED SOURCE OR OTHER MEDICAL EVIDENCE BASED IN WHOLE OR IN PART ON THE BENEFICIARY’S SUBJECTIVE COMPLAINTS RELATED TO A MENTAL IMPAIRMENT ALLEGED IN THE APPLICATION.]

1. **The prior Administrative Law Judge decision found that the claimant was disabled due to [REASON].**

[EXPLAIN DISABLING RFC OR FINDING OF MET/EQUALS LISTING]

1. **After excluding the tainted evidence, the undersigned finds that the decision is not supported.**

[GIVE FULL EXPLANATION OF EVIDENCE THAT WAS RELIED UPON BY PRIOR ALJ AND WHY THE REMAINING NON-TAINTED EVIDENCE DOES NOT SUPPORT THE PRIOR DECISION]

1. **Because the decision is not supported after removal of the tainted evidence, a new decision must be issued.**

|  |  |
| --- | --- |
|  |  |
|  | Administrative Law Judge |
|  |  |
|  |  |
|  | Date |