**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**

Under section 205(u) of the Social Security Act (Act), the Social Security Administration (SSA) must redetermine an individual’s entitlement to benefits and disregard evidence when there is reason to believe fraud or similar fault was involved in that individual’s application for benefits. The New York County District Attorney’s Office (DA) and the Office of the Inspector General of SSA conducted an extensive criminal investigation that resulted in the criminal indictment and conviction of Raymond Lavallee, Thomas Hale, Joseph Esposito, and John Minerva. Each of these individuals admitted to conducting a scheme to make false statements or other representations to SSA in order to obtain fraudulent benefits for others. Numerous individuals have also been indicted and convicted in connection with the DA’s investigation.

In a letter dated February 25, 2014, (Referral Letter), the DA explained to SSA the convicted individuals’ fraudulent scheme “to fabricate a psychiatric disability” and obtain unauthorized benefits for numerous individuals. The DA referred your case to SSA as one where Mr. Lavallee was your representative and the facts of your case are similar to those involved in the fraudulent scheme. One or more of the convicted individuals provided evidence in your case that we relied upon to find that you were disabled.

**What Actions I Am Taking**

By law, SSA must redetermine your claim and disregard the evidence described below. SSA is not allowed to consider evidence from the following sources when it is dated between January 1, 1988 and December 18, 2013:

* Any evidence regarding a mental impairment submitted by one of the four named individuals;
* Medical evidence from two psychiatrists identified by the DA as participating in the alleged scheme, Dr. Edward Sodaro and Dr. Raymond Pierre-Paul;
* Evidence from you regarding a mental impairment that was diagnosed by Dr. Sodaro or Dr. Pierre-Paul (unless the impairment was independently diagnosed and otherwise substantiated by a medical source other than Dr. Sodaro or Dr. Pierre-Paul using evidence not associated with the fraudulent scheme); or
* Other medical evidence that relies on evidence submitted by those involved in the fraudulent scheme, particularly your allegations regarding mental impairments in your original application, unless the allegations were independently diagnosed and are otherwise substantiated by a medical source other than Dr. Sodaro or Dr. Pierre-Paul using evidence not associated with the fraudulent scheme.

I carefully reviewed the facts of your case, excluding the evidence described above. 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. In doing so, SSA must ignore the evidence described above that is in your file in deciding whether you were disabled at time we originally allowed your claim.

I will consider all other issues related to your disability claim, and your case will be decided on all evidence not excluded by law. You may submit new evidence that shows you were disabled prior to [Allowance Date]. You may submit arguments that you were entitled to benefits at the time of your original award. You are also entitled to review all evidence in your file, including the referral letter and guilty pleas. If you would like to review your file, please notify this office at the telephone number included below.

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** |
|  |  |  |
| (Beneficiary) |  | (Type of claim) |
|  |  |  |
| (Wage Earner) |  | (Social Security Number) |

JURISDICTION AND PROCEDURAL HISTORY

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

ISSUES AND APPLICABLE LAW

Under section 205(u) of the Social Security Act (Act), the Social Security Administration (SSA) must redetermine an individual’s entitlement to disability benefits and disregard evidence when there is reason to believe fraud or similar fault was involved in that individual’s application for benefits. The New York County District Attorney’s Office (DA) and the Office of the Inspector General of SSA conducted an extensive criminal investigation that resulted in the criminal indictment and conviction of Raymond Lavallee, Thomas Hale, Joseph Esposito, and John Minerva. These individuals admitted to conducting a scheme to make false statements or other misrepresentations to SSA in order to obtain fraudulent benefits for others. Numerous individual beneficiaries have also been indicted and convicted in connection with the DA’s investigation.

The DA also referred to SSA numerous other cases for administrative action in a letter dated February 25, 2014 (Referral Letter). In that letter, the DA explained to SSA the scheme coordinated by the individuals listed above “to fabricate a psychiatric disability” and obtain unauthorized benefits for numerous other individuals. The Referral Letter identified for SSA the individual cases at issue, all of which had Mr. Lavallee as an appointed representative and applications and allegations matching those at issue in the fraudulent scheme. This case is being redetermined because the beneficiary was among those referred by the DA. Although the beneficiary has not been indicted for participating in the alleged scheme, the Referral Letter and guilty pleas trigger SSA’s obligation under section 205(u) of the Act to redetermine this case and disregard the evidence identified below.

In closed cases where an Administrative Law Judge issued a favorable decision that involved evidence from the convicted individuals or other evidence submitted by those involved in the fraudulent scheme, SSA will determine whether the Administrative Law Judge’s decision is supportedafter disregarding this evidence. By law, SSA is not allowed to consider evidence from the following sources that is dated between January 1, 1988 and December 18, 2013:

* Any evidence regarding a mental impairment submitted by one of the four named individuals;
* Medical evidence from two psychiatrists identified by the DA as participating in the alleged scheme, Dr. Edward Sodaro and Dr. Raymond Pierre-Paul;
* Evidence from you regarding a mental impairment that was diagnosed by Dr. Sodaro or Dr. Pierre-Paul (unless the impairment was independently diagnosed and otherwise substantiated by a medical source other than Dr. Sodaro or Dr. Pierre-Paul using evidence not associated with the fraudulent scheme); or
* Other medical evidence that relies on evidence submitted by those involved in the fraudulent scheme, particularly your allegations regarding mental impairments in your original application, unless the allegations were independently diagnosed and are otherwise substantiated by a medical source other than Dr. Sodaro or Dr. Pierre-Paul using evidence not associated with the fraudulent scheme.

If the Administrative Law Judge’s decision dated [XXXXX] 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 205(u) of the Social Security Act.**

[LIST SOURCES AND EXHIBIT NUMBERS. ALSO EXPLAIN IF DISREGARDING BENEFICIARY ALLEGATIONS OF A MENTAL IMPAIRMENT DIAGNOSED BY A FRAUDULENT 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 beneficiary was disabled due to [REASON].**

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

1. **After excluding the evidence submitted by those involved in the fraudulent scheme, 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-FRAUDULENT EVIDENCE DOES NOT SUPPORT THE PRIOR DECISION]

1. **Because the decision is not supported by the remaining evidence in the record, a new decision must be issued.**

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