

SOCIAL SECURITY ADMINISTRATION



Refer To:

Beneficiary/Recipient Name

Social Security Administration
Office of Hearings Operations
Special Review Cadre
1718 Woodlawn Drive
Woodlawn, MD 21207

Tel: (844) 698-1703

Fax: (833) 516-0392

Date:

Representative or Beneficiary Name

Appropriate Address

This notice will contain special language, as provided below, under the three sections: “It Is Important That You Attend Your Hearing”, “Submitting More Evidence and Reviewing Your File”, and “Issues I Will Consider.”

Otherwise, the notice will comprise language populated by FIT and approved for general use nationally, including the applicable:

- **Time and place of hearing.**
- **Manner of appearance.**
- **Procedural posture.**
- **Represented status.**

NOTICE OF HEARING

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It Is Important That You Attend Your Hearing

The New York County District Attorney’s Office (DA) and the Social Security Administration’s (SSA) Office of the Inspector General conducted an extensive criminal investigation that resulted in the criminal indictment and conviction of four principal facilitators. Raymond Lavallee, Thomas Hale, Joseph Esposito, and John Minerva pleaded guilty to directing and assisting numerous individuals in creating and submitting fraudulent Social Security Disability Insurance applications from at least January 1, 1988 through December 18, 2013. The four principal facilitators named above directed and assisted numerous individuals on how to

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present false mental impairments and respond to agency questions or examinations in order to obtain benefits based on a mental impairment. The DA also identified psychiatrists Edward Sodaro, M.D., and Raymond Pierre-Paul, M.D., as participants in the fraudulent scheme. Numerous individuals have also been indicted and convicted in connection with the DA's investigation.

In a February 25, 2014 referral letter, the DA outlined the facilitators' coordinated scheme "to fabricate a psychiatric disability" and obtain unauthorized benefits for numerous individuals. The 2014 referral letter identified for SSA the individual cases at issue, all of which had Raymond Lavalley as the appointed representative and applications and allegations in line with those of the fraudulent scheme. Nevertheless, the DA referred your case to SSA as one where Mr. Lavalley was your representative, and the facts of your case are similar to those of the fraudulent scheme.

Under section 205(u) of the Social Security Act (Act), SSA must redetermine an individual's entitlement to or eligibility for disability benefits when there is reason to believe fraud or similar fault was involved in the individual's application for benefits.

The Appeals Council sent your case back to me for a new hearing and a new decision. **OR** Your case is with me for a hearing and a new decision. I have set aside this time for you to tell me about your case. If you do not attend the hearing and I do not find that you have a good reason for not attending the hearing, I will issue a decision based on the evidence in your case file. **[Delete the next three sentences if original award occurred at the hearing level]** Depending on the circumstances, I may also dismiss your request for a hearing and not issue a new decision. If I issue a dismissal, SSA's most recent determination will become final. I may do so without giving you further notice.

[Delete next section regarding ID if it is a telephone or MS Teams Hearing] You **must** bring valid picture identification (ID) to your hearing. Examples of acceptable picture ID include a:

- **Current and valid U.S. State driver's license;**
- **U.S. State-issued identity card;**
- **Current U.S. passport; or**
- **U.S. military ID/dependent military ID.**

If you do not have any of these forms of ID, please bring another form of picture ID with you. Proper ID is also required for your representative (if you have one), a friend, or a member of your family who comes with you to the hearing. Without proper ID, you may not be able to enter the building where your hearing is being held. This could stop or delay your hearing.



Submitting More Evidence and Reviewing Your File

I will consider more evidence if it is new, material, and it is about your condition on or before **[Award Date]**, the date of the prior award.

You are required to inform us about or submit all evidence known to you that relates to whether or not you were blind or disabled on or before [Award Date]. **[Delete next sentence if unrepresented]** Your representative must help you inform us about or submit the evidence, unless the evidence falls under an exception. **If you are aware of or have more evidence, such as records, reports, or evaluations, you must inform me about it or give it to me no later than 5 business days before the date of your hearing. If you do not comply with this requirement, I may decline to consider the evidence unless the late submission falls within a limited exception.**

If you missed the deadline to inform us about or submit evidence, I will accept the evidence if I have not yet issued a decision and you did not inform us about or submit the evidence before the deadline because:

1. Our action misled you;
2. You had a physical, mental, educational, or linguistic limitation(s) that prevented you from informing us about or submitting the evidence earlier, or;
3. Some other unusual, unexpected, or unavoidable circumstance beyond your control prevented you from informing us about or submitting the evidence earlier.

As mentioned above, if you want to review your file before the date of your hearing, contact the office at the phone number above to make arrangements.

Issues I Will Consider

Section 205(u) of the Act requires that evidence in a claim for benefits be disregarded if there is reason to believe that fraud or similar fault was involved in providing that evidence. I will use the procedures outlined in Social Security Rulings 22-1p and 22-2p to determine whether there is reason to believe fraud or similar fault was involved in providing evidence in your case, particularly evidence authored or submitted by you or the individual(s) identified above.

If I find that fraud or similar fault was involved in providing the evidence, I will not consider that evidence in redetermining your case and will make my decision based on the remaining evidence in the file. Before disregarding evidence based on fraud or similar fault, I will consider any objections you have. If I find that fraud or similar fault was not involved in any of the evidence provided in your case, the redetermination will stop. If the redetermination stops, SSA's most recent determination or decision will remain in effect.

After redetermining your case, I may find that there is insufficient evidence supporting your entitlement to benefits on or before [Award Date], the date SSA initially allowed the claim. Our decision may result in the loss of your benefits, and you may be determined to have received an overpayment. If your benefits are terminated, and an overpayment is assessed, the provisions of Subpart F — Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer will apply (20 CFR Ch III Subpart F). You may request that we waive that overpayment, and we will consider such a request under our rules.

Under the Act, I will find you were disabled on or before [Award Date], the date SSA initially allowed the claim, if you had a physical or mental condition(s) that:

- Kept you from doing any substantial gainful work; **and**
- Lasted a continuous period of at least 12 months, could have been expected to last a continuous period of 12 months or could have been expected to result in death.

I will follow a step-by-step process to decide whether you were disabled on or before [Award Date], the date SSA initially allowed the claim. I will stop the process at the first step I can make a decision. The steps in this process look at:

- Any work you did after your condition(s) began;
- The severity of your condition(s);
- Whether you could have done the kind of work you did in the past; and
- Whether you could have done any other kind of work considering your age, education, and work experience.

I will also consider whether you had enough earnings under Social Security to be insured for a Period of Disability and Disability Insurance Benefits. If you did, I must decide whether you became disabled while you were insured.

Our regulations explain the rules for deciding whether you were disabled and, if so, when you became disabled. These rules are in the Code of Federal Regulations, Title 20, Chapter III, Part 404, Subpart B, Subpart P.

If I find that you were disabled, I will also consider whether your disability continued through [Award Date], or whether your condition(s) improved on or before [Award Date], the date SSA initially allowed the claim.

More About the Issues

If I find that you were disabled and that you had a substance use disorder (drug, alcohol, or both), I also will decide whether it was a contributing factor material to the determination of disability. This means I will decide whether you would have been disabled if you were not using drugs or alcohol. If drug addiction or alcoholism is a contributing factor material to the determination of your disability, I will find you were not disabled under Section 223(d)(2) of the Act.



Sincerely,

ALJ Name

Administrative Law Judge