



October 18, 2021

Social Security Administration, OLCA
Attn: Reports Clearance Director
6401 Security Blvd.
Baltimore, MD 21235
Submitted via <https://www.reginfo.gov/public/do/PRAMain>

Re: Docket ID Number [SSA-2021-0029]

To Whom it May Concern:

Each year, Bay Area Legal Aid provides free legal services to roughly 10,000 low-income residents of the San Francisco Bay Area. Oftentimes, the people we help have nowhere else to turn. Our clients come from multiple vulnerable populations: people with disabilities, people experiencing homelessness, people who have survived domestic violence, and many others. This includes helping people get onto and maintain their Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

As you know, after someone has been found to be disabled, no matter what the disabling condition is, they are required to undergo a continuing disability review. This process is very difficult for many of our clients and quite time consuming. One factor contributing to both the complexity of the process and the time it demands is completing the Continuing Disability Review Report, SSA-454-BK. This form is currently 15 pages and our attorneys often spend several hours with clients gathering the information required and going through the form together to complete it. In our experience, this form cannot be completed in 60 minutes, even by experienced attorneys. We believe there are simple ways to shorten this process and make it less daunting for claimants.

The first suggestion we have is to simplify the form itself. There are a couple of sections that could be streamlined in order to do this. In Section 2 – Contacts, it is important to make it clear that listing a person who knows about your condition is optional. Many of our clients simply don't have anyone in their life who would feel comfortable answering questions with the level of detail included in the Third-Party Function report.

Section 4 – Medical Treatment can be replaced with something shorter and more concise, similar to the HA-4631. This document allows the recipient to provide the information DDS needs to gather the medical records. Those records will include the information requested in the current version of section 4 and significantly reduce the time it takes to complete the form.



Additionally, Section 9 – Daily Activities can also be simplified. The first suggestion for this section would be to eliminate it entirely. A continuing disability review should compare a person's condition at the time of the review to their condition at the last time the condition was reviewed. For many of our clients, this means comparing their condition to what it was at the time of application, where this information is not collected. Moreover, a finding of disability does not require a person to be an invalid and completely unable to care for themselves. A person who is able to do the tasks listed could still have a condition that prevents them from being able to work 40 hours a week on a sustained basis. In fact, many times, the fact that a person can do the tasks listed is often erroneously used against our clients by DDS and ALJs, particularly in cases where the disabling condition is a mental health one, not a physical or intellectual disability.

However, if this section remains, we believe that there should be no open-ended questions, such as 9A or 9B. There is not enough room to include an answer with the level of detail the question asks for and again, the answer is at best only indirectly related to the overarching question the CDR is attempting to answer – has the person's medical condition improved such that they are now able to work. There are also a number of disabilities that would prevent a person from handwriting a sufficient answer. Instead, if this section remains, the questions should all be yes or no questions with space to provide an optional further explanation, as it is currently formatted.

The second suggestion we have for simplifying this form would be to translate it into other languages for people who do not speak English. The Language Access Plan from fiscal year 2018-2019 identifies the following goals: delivering services effectively, improving the way SSA does business, and ensuring stewardship. Since this form is only available in English, a person who does not speak English or only speaks limited English will need to get help from another person to be able to read and respond to the form. This is an added layer of difficulty and translation alone can double the amount of time spent completing the document. The Language Access Plan says that the agency regularly reassesses which documents should be translated. Since this form is already in the process of being changed, it is an optimal time to also translate it.

We appreciate having the opportunity to provide feedback on this difficult process and would be happy to provide any further feedback if given the opportunity. If you have any questions, please feel free to call us at (510) 663-4744.

Sincerely,

Jessica Mark
Supervising Attorney
Bay Area Legal Aid

Suzanne Zalev
Senior Attorney
Bay Area Legal Aid