



SOCIAL SECURITY

MEMORANDUM

Date: February 15, 2011

Refer To:

To: The Commissioner

From: Inspector General

Subject: The Social Security Administration's Month of Election Policy for Retirement Benefits (A-08-10-20183)

The attached final report presents the results of our review. Our objective was to determine whether the Social Security Administration's revised policy banned employees from explaining certain month of election information to retirement claimants.

Please provide within 60 days a corrective action plan that addresses each recommendation. If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Patrick P. O'Carroll, Jr.

Attachment

**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**THE SOCIAL SECURITY ADMINISTRATION'S
MONTH OF ELECTION POLICY
FOR RETIREMENT BENEFITS**

February 2011

A-08-10-20183

AUDIT REPORT



Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.**
- Promote economy, effectiveness, and efficiency within the agency.**
- Prevent and detect fraud, waste, and abuse in agency programs and operations.**
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.**
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.**

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.**
- Access to all information necessary for the reviews.**
- Authority to publish findings and recommendations based on the reviews.**

Vision

We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.



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Subject: The Social Security Administration's Month of Election Policy for Retirement Benefits (A-08-10-20183)

OBJECTIVE

Our objective was to determine whether the Social Security Administration's (SSA) revised policy banned employees from explaining certain month of election (MOE) information to retirement claimants.

BACKGROUND

Social Security benefits are part of almost every American's retirement plan. Deciding when to start receiving Social Security retirement benefits is an important and personal decision, which will affect the amount of benefits claimants¹ receive for the remainder of their lives. In making this determination, applicants may consider a number of factors, such as their current or anticipated financial needs and obligations, health and family longevity, plans to work after retirement and/or the availability of other retirement income sources, and the amount of the Social Security benefit. Monthly benefit amounts can differ substantially based on one's retirement age. That is, claimants can elect to retire before their full-retirement age and receive monthly benefit payments that are lower than they would receive if they retire at full-retirement age or later.

SSA offers multiple tools and approaches to assist claimants in making an informed decision on when to begin receiving their retirement benefits. For example, SSA's Website provides retirement planning information that includes a benefit calculator, and the Agency provides field offices with its publication, *When to Start Receiving Retirement Benefits*,² which is shared with individuals who request retirement information. In addition, to ensure the public understands Social Security benefits and the importance of supplementing these benefits with retirement savings, SSA (1) mails

¹ We use the term "claimants" in this report to refer to claimants filing for initial retirement benefits. We do not differentiate between claimants filing under their own or another's Social Security number.

² SSA, Publication No. 05-10147, July 2008.

its annual *Social Security Statement* to current and former workers; (2) promotes the Retirement Estimator on its Website; and (3) is researching and developing other approaches to educate the public further. SSA also includes a publication titled "Thinking of Retiring" in its *Social Security Statement* mailings to those age 55 and older. It provides a variety of information, including an explanation about the monetary effects of taking benefits early, at full-retirement age, and after full-retirement age.

Revised MOE Policy

SSA policy outlines information its employees may provide to individuals applying for retirement benefits. SSA revised its MOE policy in November 2008. Specifically, it amended the instructions regarding what information claims technicians should provide claimants.³ The revised policy provides the following directions to claims technicians for explaining MOE options to claimants.

The interviewing technician should not focus on breakeven points, which is when the total benefits received during a lifetime would be equal if comparing two different MOE. The use of breakeven points is no longer applicable because of changes in life expectancy. Also, this approach does not consider many personal factors that the claimant may need to evaluate when making benefit decisions. The preferred explanation of when to elect benefits should entail the monthly benefit amounts (MBA)s for different start months and other information related to the claimant's filing situation. If breakeven points are requested, the technician should calculate them, answer the questions, and emphasize the many significant factors that should be considered when making a MOE decision. (Emphasis added.)

The policy still requires that technicians screen claimants during the retirement application process to determine their filing situation and provide Social Security program information based on the following.⁴

- Benefits for which a claimant may be eligible.
- Applicability of information to a claimant's situation.
- Information requested by a claimant.

New policy also instructs claims technicians to explain MOE options to claimants. This includes technicians determining claimants' monthly retirement benefit amounts at (1) their earliest possible MOE, (2) full-retirement age (if later than their earliest possible month), (3) age 70, and (4) any other months requested by claimants. According to SSA policy, technicians are to provide any other information related to claimants' filing situation, such as explaining how earnings may change their monthly benefit amount. However, the new policy states that the above information is not required if claimants

³ SSA, Program Operations Manual System, GN 00204.039.

⁴ New policy also removed the requirement that technicians document information discussed with claimants.

have already decided when to begin receiving benefits. New MOE policy further states that contact with claimants may be required for clarification purposes when they file retirement claims through SSA's Internet claim (iClaim)⁵ system.

The revised policy makes clear that the role of the technician is to provide Social Security program information but not to persuade the claimant about benefit decisions.

Union Concerns

In April 2010, the president of the American Federation of Government Employees (AFGE), National Council of SSA Field Operations Locals, testified before the Subcommittee on Social Security, House Committee on Ways and Means, that SSA had banned its employees from explaining MOE choices with claimants. The AFGE president urged members of Congress to direct SSA to eliminate this “gag order.” In response to AFGE's allegations, SSA reported to the Subcommittee, “We have not banned our employees from explaining month of election (MOE) choices. While we do not attempt to influence a claimant's MOE choice, our technicians do provide information about different MOE options.” SSA also responded, “Our employees inform claimants of the amount of their unreduced benefits payable as well as the monthly amounts they would receive if they chose to take benefits earlier or later. Online filers are provided the same information and can get benefit estimates by using the link to the Retirement Estimator included in the application path.”

Scope and Methodology

To accomplish our objective, we contacted an SSA official in the Office of the Associate Commissioner for Income Security Programs regarding SSA's change in MOE policy. We also interviewed operations supervisors⁶ and claims technicians and observed retirement application interviews at SSA field offices and Immediate Claims Taking Units. In addition, we viewed SSA's training video on *Ready Retirement – MOE and Financial Literacy for CRs* [Claims Representative]. See Appendix B for additional information regarding our scope and methodology.

RESULTS OF REVIEW

We do not believe SSA's revised MOE policy *bans* employees from explaining pertinent information—including MOE options—to retirement claimants. Rather, the new policy states that claims technicians should only provide certain procedural calculations when a claimant specifically requests that they do so. Many claims technicians with whom we spoke agreed with limiting some of the information previously provided to retirement applicants, as it was confusing and overwhelming. However, over half of the claims

⁵ SSA's iClaim is a tool that allows Internet users to file electronically for retirement, Medicare only, spouse or disability benefits.

⁶ We also interviewed other managers because not all offices had an operations supervisor position or an operations supervisor was not available for interview.

technicians who responded disagreed with the removal of break-even points. In fact, some continued to provide this information to claimants without a specific request—contrary to the new policy. Although we did not determine whether break-even points were beneficial to claimants, we believe the Agency needs to explain more clearly its rationale to claims technicians if it believes these are no longer relevant for retirement applicants.

Many claims technicians disagreed with other aspects of the new policy as well. For example, the policy states that if a claimant has already determined when to begin receiving benefits, technicians are not required to provide applicants basic information regarding monthly benefit amounts. However, a majority of claims technicians with whom we spoke told us that they believe MOE options should be provided to claimants who have already selected an MOE, and some continue to provide this information. In addition, a few technicians were also concerned about new MOE policy clarity, which we believe may have resulted in them not providing claimants with pertinent information or appropriate follow-up. While we understand SSA's position that claims technicians should not serve as financial advisers, for many individuals, SSA claims technicians are the only source of information applicants will have when making this important decision. As such, we believe that SSA should clarify policy to explain that technicians may provide MOE options even when a claimant has selected a specific MOE.

SSA's MOE Policy

Based on our interviews, observations, and review of SSA's MOE policy (old and new), we do not believe SSA's new policy *bans* claims technicians from providing information to assist claimants in making decisions when applying for retirement. While the new policy removed certain procedural calculations that claims technicians used before the 2008 change, policy still requires that technicians screen claimants during the retirement application process to determine their filing situation and provide Social Security program information. In addition, although new policy states that MOE information is not required if claimants have already decided when to begin receiving benefits, we do not believe this prohibits technicians from providing claimants with MOE options, if they deem it necessary.

To gain a perspective of the changes in MOE policy, we interviewed claims technicians and operations supervisors. We asked whether claimants needed the procedural calculations to make an informed decision when selecting their MOE. Approximately half stated that SSA should explain break-even points to claimants—contrary to provisions in the new policy. As explained by several technicians, claimants usually do not compute or realize the effect of different MOEs. As a result, some technicians continue to voluntarily provide claimants break-even points. However, other technicians with whom we spoke believed that break-even points were not essential to claimants' decision-making process. In fact, one technician told us that current policy makes it less confusing for claimants because the information provided to claimants before the 2008 revision was overwhelming.

We also asked claims technicians and operations supervisors whether claimants who have already selected an MOE should be provided information on different MOEs. The majority of technicians with whom we spoke stated that they believe MOE options should be provided to claimants who have already selected an MOE, and some continue to provide this information. These technicians were concerned that claimants do not always understand they have MOE options or recognize the implications of choosing a particular one. As such, technicians believed these claimants did not always make an informed choice. The majority of operations supervisors we interviewed reiterated the position expressed by technicians. One supervisor stated that SSA was providing a disservice to the public when it did not inform claimants of their MOE options. The supervisor also stated that from their experience, most claimants are “uneducated of their retirement options.” However, technicians and supervisors agreed that the MOE decision belongs solely to claimants. Based on our limited observations of claims technicians conducting retirement interviews, we concluded they provided retirement claimants with information relevant to their filing situation.⁷

Interviewing retirement claimants was not part of this review. As such, for those technicians who provided unsolicited MOE options to claimants, we cannot opine on whether the information they received confused or aided them in making an informed decision. While we recognize that SSA uses multiple approaches to educate the public on retirement options, it cannot always be assumed the public obtained or read the information. As such, we believe that SSA should revisit its new MOE policy language—“This information is not required if the claimant has already decided when to begin receiving benefits,”⁸—and consider revising it. For example, for those claimants who have already decided on their MOE, policy could instruct technicians to ask whether they are aware or would like an explanation of their MOE options. If it is clear an applicant needs additional information and explanation, claims technicians should be instructed to provide it.

SSA’s Explanation of the New MOE Policy

We asked a senior advisor in SSA’s Office of Income Security Programs about the removal of the procedural calculations in MOE policy. He stated that the “8 and 20” and “15 and 12” year rules⁹ and break-even points became antiquated once

⁷ We monitored a limited number of technicians while they conducted in-person and telephone retirement interviews. However, the claims technicians we observed were not always the same technician we interviewed.

⁸ SSA, Program Operations Manual System, GN 00204.039.C.

⁹ Previously, technicians used these “year rules” to illustrate how electing an MOE before full-retirement age affected claimants’ monthly and total benefits received over time. That is, technicians would explain that choosing an MOE before full-retirement age would provide claimants with an initial gain, but the monthly benefit amount received would be reduced for the remainder of their life. Few technicians indicated the “year rules” calculations were pertinent to claimants’ MOE decision.

(1) full-retirement age increased, (2) delayed retirement credits¹⁰ were fully phased in, and (3) life expectancy increased. He also told us that claimants must consider all streams of income when deciding on retirement. As such, break-even points apply only when a claimant's sole source of income is Social Security benefits.

We did not determine whether claims technicians' providing claimants with break-even point information was beneficial. However, among elderly Social Security beneficiaries, 20 percent of married couples and 41 percent of unmarried individuals rely on Social Security for 90 percent or more of their income. Although technicians may be the sole source of information for some claimants, we agree they should not attempt to influence an applicant's decision. As such, if SSA believes break-even points are no longer relevant to this decision, we believe the Agency needs to provide further explanation to its claims technicians regarding this determination—because it appears about half of those we interviewed do not agree, and some continue to provide the calculations to retirement claimants.

Technicians' Concerns with MOE Policy Clarity

Some technicians with whom we spoke expressed a concern with clarity of the new MOE policy. These technicians told us that they were not always sure about how much information to provide claimants or when to contact claimants who filed electronically. In fact, one claims technician told us that he or she was unaware there were instances when they should not provide information to claimants. The following technician statements illustrate how policy clarity can also affect information received by claimants.

- One technician stated he or she only provides information that retirement claimants request. The technician also told us that he or she had not been formally trained on the new MOE policy.
- One technician stated that he or she was unclear on when to contact iClaim claimants.¹¹ That is, should technicians contact iClaim claimants when the MOE selected does not align with their documented decision for selecting that month? As a result, the technician did not follow-up with iClaim claimants when their MOE selection was not "particularly bad."

Based on some technicians' uncertainty about instruction provided in the new MOE policy, we believe that claimants who filed for retirement benefits may not have always received information or been contacted to clarify their iClaim MOE choice. Because information relevant to claimants' filing situations is essential to their retirement decision, we believe SSA should consider clarifying its MOE policy and providing a refresher course to employees, where needed. We realize that SSA cannot ensure

¹⁰ By delaying retirement until after full-retirement age, claimants will receive a higher monthly benefit amount due to the accumulation of delayed retirement credits up to age 70.

¹¹ Some technicians' comments regarding iClaim were unrelated to our audit scope. We provided their comments to the audit team currently reviewing SSA's iClaim process.

100-percent compliance from its employees. Nonetheless, it is the Agency's responsibility to make certain that it provides clear and understandable instructions for, and adequately trains claims technicians on, its new MOE policy.

CONCLUSION AND RECOMMENDATIONS

Social Security benefits are a critical resource for most Americans. As such, claimants need to make an informed decision about when to start receiving benefits. Although SSA uses multiple tools and approaches to educate Americans on retirement, we realize that it is a challenge to reach all Americans and some may not be fully informed of their retirement options when applying for benefits. However, as the Agency that delivers and manages Social Security, it is SSA's responsibility to ensure that claimants who file for retirement benefits are receiving pertinent information relative to their filing situation.

Accordingly, we recommend that SSA:

1. Include a statement in MOE policy better explaining why the Agency believes break-even points are no longer relevant to claimants' retirement decision.
2. Revise MOE policy language to clarify technicians' responsibility when claimants preselect their MOE. For example, for those claimants who have already decided on their MOE, policy should instruct technicians to ask whether they are aware or would like an explanation of their MOE options.
3. Provide training to claims technicians to further explain MOE policy changes.

AGENCY COMMENTS AND OIG RESPONSE

SSA agreed with our recommendations. SSA also provided general and technical comments that we considered and incorporated, where appropriate. The Agency's comments are included in Appendix C.



Patrick P. O'Carroll, Jr.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – Agency Comments

APPENDIX D – OIG Contacts and Staff Acknowledgments

Acronyms

AFGE	American Federation of Government Employees
CR	Claims Representative
iClaim	Internet Claim
MBA	Monthly Benefit Amount
MOE	Month of Election
OIG	Office of the Inspector General
SSA	Social Security Administration

Scope and Methodology

To accomplish our objective, we:

- Reviewed pertinent sections of the Social Security Administration’s (SSA) policies and procedures pertaining to month of election (MOE).
- Visited SSA’s field offices and Immediate Claims Taking Units¹ that were nearest to our audit offices nationwide. These offices are listed in Table B-1.

Table B-1: SSA Offices Visited by Region

	Region	Office Location	Type of Office
1	I	Boston, MA	Field Office
2	II	New York, NY	Field Office
3	III	Alexandria, VA	Field Office
4		Owings Mills, MD	Field Office
5		Philadelphia, PA	Field Office
6	IV	Atlanta, GA	Field Office
7		Birmingham, AL	Field Office
8		Birmingham, AL	Immediate Claims Taking Unit
9	V	Chicago, IL	Field Office
10		Chicago, IL	Immediate Claims Taking Unit
11	VI	Dallas, TX	Field Office
12	VII	Kansas City, MO	Field Office
13		Kansas City, MO	Immediate Claims Taking Unit
14	IX	Richmond, CA	Field Office
15		Richmond, CA	Immediate Claims Taking Unit

¹ We limited the number of Immediate Claims Taking Units we visited. We selected those that had a greater number of claims technicians, but were also near our audit offices.

- Interviewed two relatively new and two experienced claims technicians and one operations supervisor at each office visited. We defined an experienced claims technician as having at least 5 years experience and a relatively new claims technician as having more than 1 year, but less than 2 years, of experience in processing retirement claims. If the SSA office we visited did not have claims technicians that met our definition of experienced or relatively new, then we interviewed any four that were available. We interviewed 60 claims technicians and 15 operations supervisors² nationwide.
- Observed 33 claims technicians conducting retirement application interviews. Of these, 23 worked in field offices and 10 in Immediate Claims Taking Units.
- Interviewed a senior advisor in the Office of the Associate Commissioner for Income Security Programs regarding SSA's change in MOE policy.
- Reviewed the American Federation of Government Employees (AFGE), National Council of SSA Field Operations Locals, April 15, 2010 testimony before the Subcommittee on Social Security, House Committee on Ways and Means.
- Reviewed SSA's response to Congressman Sam Johnson, Subcommittee on Social Security, House Committee on Ways and Means, regarding AFGE allegations.
- Viewed SSA's training video on *Ready Retirement – MOE and Financial Literacy for CRs* [Claims Representatives].

Our scope and review of internal controls was limited to gaining an understanding of MOE policies and procedures and did not include interviewing retirement claimants. The SSA entities audited were the Offices of the Associate Commissioner for Income Security Programs and Deputy Commissioner for Operations. We conducted our review between June and September 2010 in Birmingham, Alabama, and selected field offices and Immediate Claims Taking Units nationwide.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

² We also interviewed other managers because not all offices had an operations supervisor position or an operations supervisor was not available for interview.

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: January 18, 2011

Refer To: S1J-3

To: Patrick P. O'Carroll, Jr.
Inspector General

From: Dean S. Landis /s/
Deputy Chief of Staff

Subject: Office of the Inspector General (OIG) Draft Report, "The Social Security Administration's Month of Election Policy for Retirement Benefits" (A-08-10-20183)--INFORMATION

Thank you for the opportunity to review the draft report. Attached is our response to the report.

Please let me know if we can be of further assistance. You may direct staff inquiries to Rebecca Tothero, Acting Director, Audit Management and Liaison Staff, at (410) 966-6975.

Attachment

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, "THE SOCIAL SECURITY ADMINISTRATION'S MONTH OF ELECTION (MOE) POLICY FOR RETIREMENT BENEFITS" (A-08-10-20183)

We offer the following comments.

RESPONSES TO RECOMMENDATIONS

Recommendation 1

Include a statement in MOE policy better explaining why the agency believes break-even points are no longer relevant to claimants' retirement decision.

Response

We agree. We will clarify our MOE policy on break-even points.

Recommendation 2

Revise MOE policy language to clarify technicians' responsibility when claimants preselect their MOE. For example, for those claimants who have already decided on their MOE, policy should instruct technicians to ask whether they are aware or would like an explanation of their MOE options.

Response

We agree. We will revise and clarify MOE guidance. However, we do not plan to adopt the policy you suggest in your example – that is, “for those claimants who have *already decided* on their MOE” we will not “instruct technicians to ask whether they are aware or would like an explanation of their MOE options.”

Recommendation 3

Provide training to claims technicians to further explain MOE policy changes.

Response

We agree. We will provide additional training.

OIG Contacts and Staff Acknowledgments

OIG Contacts

Kimberly A. Byrd, Director, Atlanta Audit Division

Theresa Roberts, Audit Manager, Birmingham Office of Audit

Acknowledgments

In addition to those named above:

Hollie Calhoun, Senior Auditor

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Social Security Advisory Board

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The Office of the Inspector General (OIG) is comprised of an Office of Audit (OA), Office of Investigations (OI), Office of the Counsel to the Inspector General (OCIG), Office of External Relations (OER), and Office of Technology and Resource Management (OTRM). To ensure compliance with policies and procedures, internal controls, and professional standards, the OIG also has a comprehensive Professional Responsibility and Quality Assurance program.

Office of Audit

OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

Office of Investigations

OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

Office of the Counsel to the Inspector General

OCIG provides independent legal advice and counsel to the IG on various matters, including statutes, regulations, legislation, and policy directives. OCIG also advises the IG on investigative procedures and techniques, as well as on legal implications and conclusions to be drawn from audit and investigative material. Also, OCIG administers the Civil Monetary Penalty program.

Office of External Relations

OER manages OIG's external and public affairs programs, and serves as the principal advisor on news releases and in providing information to the various news reporting services. OER develops OIG's media and public information policies, directs OIG's external and public affairs programs, and serves as the primary contact for those seeking information about OIG. OER prepares OIG publications, speeches, and presentations to internal and external organizations, and responds to Congressional correspondence.

Office of Technology and Resource Management

OTRM supports OIG by providing information management and systems security. OTRM also coordinates OIG's budget, procurement, telecommunications, facilities, and human resources. In addition, OTRM is the focal point for OIG's strategic planning function, and the development and monitoring of performance measures. In addition, OTRM receives and assigns for action allegations of criminal and administrative violations of Social Security laws, identifies fugitives receiving benefit payments from SSA, and provides technological assistance to investigations.