



Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: September 8, 2023

Refer To: 032313

To: Gina Clemons
Deputy Commissioner
Office of Analytics, Review, and Oversight

From: Michelle L. Anderson *Michelle L. Anderson*
Assistant Inspector General for Audit

Subject: Benefits Paid to Spouses Who Do Not Have a Child In-care

We identified 1,111 spouses who were receiving Old-Age, Survivors and Disability Insurance benefits but did not appear to have a child in their care. These spouses may not have been entitled to the benefits they were receiving.¹

In lieu of a report, we are issuing this memorandum to inform the Social Security Administration (SSA) of these beneficiaries. We are not making a formal recommendation for corrective action; the Agency can act in response to this information as it deems appropriate.

BACKGROUND

Spouses of retired, disabled, or deceased numberholders may be paid benefits under Title II of the *Social Security Act* if they:²

1. have a child beneficiary under age 16 over whom they exercise parental control and responsibility;
2. have a mentally disabled child beneficiary age 16 or older over whom they exercise parental control and responsibility;
3. have a physically disabled child beneficiary age 16 or older for whom they perform personal services; or

¹ For purposes of this memorandum, we use the term “spouses” to include beneficiaries receiving: wife’s insurance benefits (42 U.S.C. § 402 (b)); husband’s insurance benefits (42 U.S.C. § 402 (c)); and mother’s and father’s insurance benefits (42 U.S.C. § 402 (g)). This includes surviving spouses and surviving divorced spouses.

² 42 U.S.C. § 402 (b)(1)(B)(ii), (c)(1)(B)(ii), (g)(1)(E).

4. have a physically disabled child beneficiary age 16 or older with secondary mental diagnosis or documented mental impairments and over whom they exercise parental control and responsibility.³

A spouse's entitlement to benefits ends the month before their child attains age 16 or is not disabled.⁴ If the child has a disability, the beneficiary can file a disability report. SSA staff will then determine whether the child is disabled and the spouse meets the requirements to receive benefits.⁵ Each month, SSA's Title II Redesign system⁶ should automatically identify beneficiaries who do not have a child in their care and suspend or terminate their benefits, as appropriate.⁷

SPOUSES WHO ARE POTENTIALLY NO LONGER ENTITLED TO BENEFITS

In March 2023, we identified 1,111 spouses who were receiving benefits but did not appear to have a child in their care. For example, SSA continued paying benefits to two beneficiaries even though their children were 22-years-old and not disabled. One child turned 16-years-old in February 2017, and the other child turned 16 in July 2017. Although we did not complete a detailed review of the two beneficiaries to calculate potential overpayments or determine why SSA did not suspend their benefits, we believe SSA should have terminated their benefits in January and June 2017, respectively. Therefore, SSA may have overpaid benefits to spouses who were not entitled for longer than 5 years.⁸ Our review of these two beneficiaries represents the beneficiaries identified; there could be additional potential overpayments.

CONCLUSION

SSA's review of these beneficiaries could lead to the suspension or termination of benefits and potential assessment of overpayments paid to spouses who no longer have a child in their care.

Our staff can coordinate with your staff and provide information on these beneficiaries. If you wish to discuss this memorandum, please call me or have your staff contact Shirley Todd, Director, Program Audit Division 3.

³ SSA, *POMS*, RS 01310.001 (February 3, 2017).

⁴ 42 U.S.C. § 402(b)(1), (c)(1), (g)(1); 20 C.F.R. §§ 404.332(b), 341(b); SSA, *POMS*, RS 00202.040 A (December 2, 2005); and SSA, *POMS*, RS 00208.030 A (August 7, 2018).

⁵ SSA, *POMS*, DI 11025.010 C and D (July 29, 2020) and SSA, *POMS*, RS 00202.095 B (April 26, 2011).

⁶ SSA's Title II Redesign is a combination of separate systems to provide a single system for processing Title II initial claims and client initiated post-entitlement actions in an online interactive mode.

⁷ We did not conduct a review to determine whether the controls were working effectively.

⁸ SSA coded these beneficiaries as a young wife with a child in their care.