

HAROLD ROGERS  
5TH DISTRICT, KENTUCKY

COMMITTEE ON APPROPRIATIONS

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Congress of the United States  
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Washington, DC 20515-1705

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October 17, 2019

Andrew Saul  
Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

Dear Commissioner Saul:

I write to express my concern surrounding the Social Security Administration's (SSA) continuing refusal to reinstate social security benefits for former clients and victims of disgraced attorney, Eric C. Conn. I personally engaged former Commissioner Colvin on this critical issue and have endeavored to maintain communication with SSA staff throughout this difficult and ongoing process with varying degrees of success. While I am grateful that the SSA, by virtue of court order, has recently reinstated benefits to some 200 former Conn clients, many individuals remain without benefits. The uncertainty and delay surrounding reinstatement continue to add to the injustice experienced by the former clients. I urge the SSA to immediately reinstate all benefits to all former clients, especially those whose redetermination hearings have been ruled unconstitutional.

As you are likely aware, Conn once led the largest social security law firm in Kentucky and promised to help deserving clients receive the disability benefits entitled to them. In fact, he was actually using his influential position to perpetrate one of the largest social security fraud schemes in history. Conn conspired with doctors, administrative law judges, and others to rig the SSA's disability benefit system and defraud the SSA of more than half a billion dollars. He preyed on disabled residents, manipulated their trust, and turned their plights into his own financial gain. He made millions conning his clients under the guise of successful claims. However, his fake evidence and judicial bribery was the reason for his success.

When the SSA learned of his scheme, through the use of mass hearings, it suspended disability benefits to thousands of innocent recipients in eastern Kentucky. This region is one of the most distressed in the nation, and a loss of income is incredibly difficult to recover from, especially for the disabled population. As you can imagine, the victims of Conn's scheme were caught off guard once their benefits were suspended. The financial hardship and lack of alternatives unfortunately even reportedly resulted in suicides. Conn's scheme truly was devastating.

This past November, the 6<sup>th</sup> Circuit Court of Appeals ruled in favor of 12 former Conn clients that their mass hearings were unconstitutional in *Hicks, et al v. Colvin*. Lengthy internal decisions by SSA about whether to request certiorari for a final appeal the U.S. Supreme Court left many former clients in limbo and continuing without benefits. I am pleased that SSA ultimately decided against delaying this saga even further and has reinstated benefits pursuant to the court order to more than 200 former clients. This relief means a great deal to the individuals relying on it. However, there remains uncertainty about the individuals who had unconstitutional mass redetermination hearings but did not or could not keep their appeal active. Additionally, many individuals

are still waiting to receive their reinstated benefits. These individuals have been denied justice, due process, and deserve access to their benefits as soon as possible.

Without a fair and constitutional hearing, SSA should not strip any individual of the disability benefits they rely on. A true humanitarian crisis is unfolding, and the Conn victims continue to be held hostage, despite absolutely no wrong doing of their own. SSA should immediately reinstate all appropriate benefits to all individuals whose hearings were ruled unconstitutional without further delay. I also appreciate your prompt reply to the questions below.

- 1) Even though monetary benefits have been reinstated for some beneficiaries, medical benefits have reportedly not being reinstated for any former clients. Is this the case? If so, when should clients expect reinstatement of those benefits?
- 2) In previous correspondence, SSA signaled that it would prioritize beneficiaries who were not receiving any substitute benefits. When is the agency going to address those beneficiaries who received some substitute benefits but are not getting the full amount to which they are entitled under the remand orders?
- 3) I have been told that the agency is withholding 25% of past-due benefits for attorneys' fees. In my congressional district, there has been an outpouring of support from attorneys offering their services pro bono, thereby waiving these fees. Please provide a description of the withholding policy current in place and if these fees can be returned to beneficiaries who have waiver on file.

I thank you for your past assistance and look forward to all former clients receiving fair and constitutional hearings.

Sincerely,

  
HAL ROGERS  
Member of Congress