

# National Senior Citizens Law Center

1330 Broadway, Suite 525 • Oakland, CA 94612 • 510-663-1055 • Fax: 510-663-1051 • [www.nslc.org](http://www.nslc.org)



## **Did Social Security Stop Your Benefits Because You Had an Arrest Warrant?**

You may be able to start your benefits again. You may also be able to get **thousands of dollars in back benefits**. A class action lawsuit settlement says:

- Social Security cannot deny or stop benefits because of most outstanding arrest warrants.
- Social Security must stop collecting overpayments based on most outstanding warrants.
- For 80,000 people, Social Security must pay back all benefits that they didn't pay or that they collected as overpayments. These benefits may total over \$500 million dollars.

### **Many people can get their benefits back.**

Over 200,000 people could be helped by this lawsuit which is called *Martinez v. Astrue*.

### **These are the benefits you can get back:**

- Social Security
- Supplemental Security Income (SSI)
- Special Veterans Benefits (SVB)

**IMPORTANT:** This case will not help you if:

- You were convicted and sentenced for a crime and violated your probation or parole
- You have an outstanding warrant for flight and/or escape (very rare).

### **Make sure Social Security pays you the back benefits it owes you.**

- Make sure Social Security has your current address.
- People who received Social Security (not SSI or SVB) can update their address online at [www.socialsecurity.gov/changeofaddress](http://www.socialsecurity.gov/changeofaddress).
- If you received SSI benefits, you should visit your local Social Security office and ask them to put your name, address, Social Security number and phone number on the "Martinez list."

The attorneys representing plaintiffs are the National Senior Citizens Law Center, the law firm of Munger, Tolles & Olson LLP, Disability Rights California, the Urban Justice Center, and the Legal Aid Society of San Mateo County.

**For more information, see [www.nslc.org](http://www.nslc.org) or [www.ssa.gov/martinezsettlement](http://www.ssa.gov/martinezsettlement)**

---

## **What benefits do I get, and what do I need to do?**

There are 3 groups of people who can get benefits.

### **Group 1:**

- You are in this group if:
  - Your benefits were suspended (stopped) after January 1, 2007; OR
  - You appealed a suspension of benefits and got an appeal decision after January 1, 2007; OR
  - You filed an appeal of a suspension of benefits and did not get a final decision.
- Most individuals in this group will get all back benefits from the date their benefits were stopped.
- If Social Security made you return benefits, or reduced your benefits, because they said you received overpayments, Social Security will pay that money back to you.
- You will not have to file a new application or have a new disability review.
- If you received Social Security, payment of your benefits should be automatic.
- If you received SSI, you will receive a letter from your local Social Security office asking you to make an appointment to show them that you are still financially eligible.

## National Senior Citizens Law Center

### **Group 2:**

- You are in this group if:
  - You applied for benefits and received a denial notice after January 1, 2007; OR
  - You appealed a denial of benefits and got a decision after January 1, 2007; OR
  - You appealed a denial of benefits and did not get a final decision.
- You will get back all back benefits you would have received if your original application had been granted.
- If you applied for SSI, you will have to show that you met all SSI requirements, but you will not have a new disability determination if you already had one.
- You will receive a notice from Social Security asking you to contact them about your benefits.

### **Group 3:**

- You are in this group if:
  - Your benefits were stopped or denied between January 1, 2000, and December 31, 2006; AND
  - You did not have a pending appeal after January 1, 2007.
- If you are in this group, you will probably need to reapply for benefits. Social Security will send you a notice. The notice will tell you if you have to reapply and how to do it.
- You have 6 months from the date of the notice to reapply.
- If you reapply within 6 months and you are eligible, you will receive back benefits as if you filed on April 1, 2009. You will not get back benefits unless you reapply within the 6 month period.
- If you are already back on benefits, but Social Security has reduced your payments because they said you received overpayments, Social Security will stop collecting the overpayment and start paying you your full monthly benefit going forward. They will not refund any money already collected.

## **When Will You Get Your Benefits Again?**

### **If you are in Group 1:**

- If you received Social Security benefits:
  - You should get a notice in December, 2009.
  - You should start getting your benefits sometime between December 2009 and June 2010.
- If you received SSI benefits:
  - You should get a notice sometime between April, 2010 and September, 2010.
  - If you are still eligible for SSI, you should start getting your benefits sometime between April 2010 and December 2010.

### **If you are in Group 2:**

- If you applied for Social Security benefits:
  - You should get a notice in December, 2009.
  - You should start getting your benefits sometime between December 2009 and June 2010.
- If you applied for SSI benefits:
  - You should get a notice sometime between April, 2010 and September, 2010.
  - If you are still eligible for SSI, you should start getting your benefits sometime between April 2010 and December 2010.

### **If you are in Group 3:**

- You should get a notice from Social Security between April 2010 and December 2010 telling you if you have to reapply for benefits and how to do so.
- Be sure to reapply within 6 months of the date you get the notice.
- Social Security must stop reducing your benefits during this time for overpayments it said you were paid.

## National Senior Citizens Law Center

IMPORTANT: all dates are subject to change based on the Social Security's internal process. If the National Senior Citizens Law Center learns of any significant changes to these time frames, we will post the new schedule on our website.

### **If you think you need help getting your benefits:**

- Call your local Legal Aid office if you cannot afford to pay for an attorney. Look for the number under the Business Listings in your Phone Book.
- If you are over 60, call your local Area Agency on Aging and ask them how to contact the local senior legal services program. These agencies do not charge a fee. Look for the number under the Business Listings in your Phone Book.
- If you are disabled you may be able to get help free of charge from your state's Protection & Advocacy agency. Visit [www.napas.org/aboutus/PA\\_CAP.htm](http://www.napas.org/aboutus/PA_CAP.htm) for the phone number in your state.
- You can also call 1-800-431-2804. This is a group of private attorneys and advocates who help people with Social Security cases and who charge a fee based on a percentage of the back benefits
- The National Senior Citizens Law Center is not able to help with your individual claim for benefits.