**SOCIAL SECURITY ADMINISTRATION**

Social Security Administration

Office of Hearings Operations

Special Review Cadre

5107 Leesburg Pike

Falls Church, VA 22041

Tel: (844) 698-1703 (3 digit #)

Fax: (833) 516-0392

Date:

Refer To:

\*\*[SSN]\*\*



\*\*[First Name Last Name

Address

City, ST Zip Code]\*\*

Dear Claimant’s Name:

The Appeals Council returned your case to us for further action [in accordance with the U.S. District Court’s order in your case and Acquiescence Ruling 19-1(6)/Acquiescence Ruling 19-1(6)]. In *Hicks v. Commissioner of Social Security*, 909 F.3d 786 (6th Cir. 2018), the Court of Appeals for the Sixth Circuit held that the agency must provide a factual basis for the reason to believe fraud or similar fault was involved in providing evidence, and individuals must have a chance to rebut the agency’s finding through a neutral decisionmaker. The agency acquiesced to the Sixth Circuit ruling on February 4, 2020 in Acquiescence Ruling 19-1(6). Accordingly, your claim must be redetermined [again]. You will have the opportunity for a new hearing and the Administrative Law Judge (ALJ) will issue a new decision.

This letter explains the hearing process and things that you should do now to get ready for your hearing. We will send you a notice after we schedule your hearing. We will notify you at least 75 days before the date of your hearing. The notice will provide you with the time and place of your hearing. We generally process requests for hearing by date order, with the oldest receiving priority. However, we expedite cases returned from the Appeals Council. We will schedule your hearing as soon as we can, which may take several months.

[In your original hearing, certain evidence was disregarded because the Office of Inspector General told us it had reason to believe that fraud was involved in its provision.] At your new hearing, the ALJ will determine whether there is reason to believe fraud or similar fault was involved in providing evidence in support of your application for disability benefits. Along with this letter, we are enclosing a copy of an affidavit from the Office of the Inspector General (OIG Affidavit) related to the reason to believe fraud was involved in the provision of evidence in your case. **You may submit written objections to the OIG Affidavit at least 5 business days before the scheduled hearing. If you would like to request the ALJ call an OIG witness to appear at your hearing, you must submit this request to us in writing, and the reason for the request, within 30 days after the date you receive this notice.**

You can also submit evidence that is new, material, and related to the period at issue in your case to us including evidence you obtained from the Receivers previously associated with your file in the office of your former representative, Eric C. Conn.

**Use of Video Teleconferencing (VTC) At Your Hearing**

In certain situations, we hold your hearing by VTC, rather than in person. We will let you know ahead of time if we schedule your hearing by VTC.

If we schedule your appearance by VTC, you and the ALJ will be at different locations during the hearing. A large, color monitor will enable you and the ALJ to see, hear, and speak to each other. The ALJ will also be able to see, hear, and speak to anyone who comes with you to the hearing. This may include your representative (if you have one), a friend, or a family member. We will provide someone at your location to run the equipment and provide any other help you may need.

**You must let us know within 30 days after the date you receive this notice if you do not want to appear at your hearing by VTC.** (We may extend the 30-day period if you show you had good cause for missing the deadline.) **Please let us know by completing and returning the attached form in the envelope we sent you [and your representative *if represented*].** We will arrange for you to appear in person.

If you move before we hold your hearing, we retain the right to decide how you will appear at your hearing, even if you objected to appearing by VTC. For us to consider your change of residence when we schedule your hearing, you must submit evidence proving your new residence.

**The Hearing**

At your hearing, you may present your case to the ALJ who will make the decision on your claim(s). The ALJ will consider the issue(s) you raise, and any evidence related to the period at issue. The Notice of Hearing will list the issues the ALJ plans to consider at the hearing.

Your hearing is the time to explain why you believe the ALJ should decide the issues in your favor.

**Your Right to An Interpreter At Your Hearing**

**You are not required to bring an interpreter.** You **must** request an interpreter so we can provide one an interpreter **free of charge**. When you request an interpreter, tell us what language you prefer (including ASL). An interpreter can be requested by calling our office or sending a letter.

**Submitting Evidence**

We need to make sure that your file has everything that the ALJ will need to decide your case. After the ALJ reviews the evidence in your file, he or she may request more evidence to consider at your hearing.

You are required to inform us about or submit all evidence known to you that relates to whether or not you were blind or disabled during the period at issue. Your representative must help you inform us about or submit the evidence, unless the evidence falls under an exception. You must inform us about or give us evidence no later than five business days before the date of your hearing. The ALJ may choose to not consider the evidence if you fail to provide it timely.

We can help you get evidence. If you need help, contact our office, your local Social Security office, or your representative (if you appoint one) immediately.

If a physician, expert, or other person is not providing documents important to your case, you may ask the ALJ to issue a subpoena. A subpoena is a special document that requires a person to submit documents or to testify at your hearing. The ALJ will issue a subpoena only if he or she thinks the evidence is necessary to decide your case, and the evidence cannot be obtained another way. You must ask the ALJ to issue a subpoena at least 10 days before your hearing date. Send your request in writing to the address at the top of the first page of this letter.

**You May See The Evidence In Your File**

If you wish to see the evidence in your file, you can see it on or before the date of your hearing. If you wish to see your file before the date of your hearing, please call us as soon as you reasonably can at the number at the top of the first page of this letter.

**If You Have Any Questions Or Your Address Changes**

If you have any questions, please call or write us. You must tell us if you change your address. For your convenience, we gave you our telephone number and address on the first page of this letter.

Sincerely,

Hearing Office Director

Enclosures:

HA-55 (Objection to Appear by Video Teleconferencing)

SSA Publication No. 70-067 (Why You Should Have Your Hearing By Video)

SSA Publication No. 05-10075 (Your Right to Representation)

HA-L1 (Important Notice Regarding Representation)

OIG Affidavit

cc: Representative, if any