



  **SENSITIVE - NOT TO BE SHARED WITH PUBLIC**



 Outline


Actions 



**Effective Dates:** 06/09/2023 - Present ([View History](#))

## **SI 00529.020 No Social Security Benefits for Prisoners (NSSBP) Title XVI Field Office (FO) Processing Instructions**


### **A. Identifying current and terminated Title XVI recipients who cannot receive underpayments**

Before taking action to pay an underpayment to any Title XVI recipient, first determine if the NSSBP provisions might apply. Do not pay underpayments to current or terminated recipients whose Supplemental Security Record (SSR) indicates one of the following open issues as explained in [SI 00529.001](#) :

- Prisoner,
- Confined in a public institution based on a court order for a criminal act (CPICO),
- Fugitive felon (FF), or
- Probation or parole violator (PPV).

You can identify any of these open issues by looking in the Current Payment Status Code (PSY) field in the NAME line and Payment Status Code (PS) field in the Computation History Segment Identifier (CMPH) line on the SSR.


Do not use an open prisoner, FF, or PPV issue on the Title II Master Beneficiary Record (MBR) to determine if we can pay a Title XVI underpayment. The Title XVI and Title II prisoner, FF, and PPV suspension provisions are different and require separate determinations.

For Title XVI prisoner, CPICO, FF, and PPV suspension provisions, see [SI 00529.001B](#) .

## 1. Current recipients

Determine whether a current recipient is subject to prisoner, CPICO, FF, or PPV suspension provisions as follows:


### a. Determining prisoner suspension


The recipient is subject to prisoner suspension if the current SSR has a PSY of N22 (prisoner suspension). If you determine the recipient is subject to prisoner suspension, do not pay the underpayment. Add a remark to the SSR and send a NSSBP notice following instructions in [SI 00529.020D.1.b.](#)  in this section.


### b. Determining CPICO suspension

A recipient subject to a CPICO suspension can have a PSY code of N22 or N02 (resident of public institution). If the current SSR has a PSY code of N02, the recipient is currently residing in a public institution and is not currently eligible for payment. However, a PSY code of N02 on the current SSR does not provide enough information to determine if we based the suspension on CPICO. If you are not able to rule out CPICO based on your knowledge of the public institution, review the following records, if available, to determine if we based the recipient's suspension on CPICO:


- Prisoner Update Processing System (PUPS);
- Modernized Supplemental Security Income Claims System (MSSICS);
- Consolidated Claims Experience (CCE);
- Evidence Portal (EP);
- Electronic View (eView); and
- Paper folder.

If you are unable to determine if we based the N02 suspension on a court order for a criminal act (i.e., NGRI or SDP), contact third party sources to establish whether CPICO applies following instructions in [GN 02607.680](#) .

**NOTE:** For Title XVI cases, the requirement for 30 continuous days of confinement mentioned in [GN 02607.680](#)  does not apply, as only confinement throughout a calendar month results in ineligibility.

If you determine the recipient is subject to CPICO suspension, do not pay the underpayment. Add a remark to the SSR and send a NSSBP notice following instructions in [SI 00529.020D.1.b.](#)  in this section.

### **c. Determining FF or PPV suspensions**

The recipient is subject to FF or PPV suspension if the current SSR has a PSY code of N25 (fugitive felon). If you determine the recipient is subject to FF or PPV suspension, do not pay the underpayment. Add a remark to the SSR and send a NSSBP notice following instructions in [SI 00529.020D.1.b.](#)  in this section


## **2. Terminated recipients**



Determine whether a terminated recipient was subject to prisoner, CPICO, FF, or PPV suspension provisions as follows:

### **a. Determining prisoner suspension**

If the most recent terminated SSR or the terminated SSR containing the underpayment has a PS code of N22 in the CMPH field the month prior to the termination month, the prisoner issue is still open on the SSR.

If the PS code the month prior to termination is N07 (cessation of disability) or N08 (cessation of blindness), look at the PS code for the month before the PS code of N07 or N08. If the PS code is N22, the prisoner issue is still open on the SSR.

Query the PUPS record that matches the open issue on the SSR, and determine if the terminated recipient is still subject to the prisoner suspension provisions. For instructions on reviewing PUPS records, see [GN 02607.600](#) .


- If the prior recipient is no longer subject to the prisoner suspension provision, pay the underpayment following instructions in [SI 00529.020D.2.a.](#)  in this section.
- If the prior recipient is still subject to the prisoner suspension provision, withhold the underpayment following instructions in [SI 00529.020D.2.b.](#)  in this section.



### **b. Determining CPICO suspension**

If the most recent terminated SSR or the terminated SSR containing the underpayment has a PS code of N02 in the CMPH field for the month prior to the

termination month, the residency in a public institution issue is still open on the SSR.

If the PS code the month prior to termination is N07 or N08, look at the PS code for the month before the PS code of N07 or N08. If the PS code is N02, the residency in a public institution issue is still open on the SSR.


Determine if the open public institution residency issue, PS N02, is based on CPICO, following instructions in [SI 00529.020A.1.b.](#)  in this section.



- If the PS code of N02 is based on CPICO and the terminated recipient is no longer subject to CPICO suspension provision, pay the underpayment following instructions in [SI 00529.020D.2.a.](#)  in this section.
- If the PS code of N02 is based on CPICO and the terminated recipient is still subject to CPICO suspension provision, withhold the underpayment following instructions in [SI 00529.020D.2.b.](#)  in this section.

### **c. Determining FF and PPV suspension**



If the most recent terminated SSR or the terminated SSR containing the underpayment has a PS code of N25 in the CPMH field for the month prior to the termination month, the FF or PPV issue is still open on the SSR.

If the PS code for the month prior to termination is N07 or N08, look at the PS code for the month before the PS code of N07 or N08. If the PS code is N25, the FF or PPV issue is still open on the SSR.

Query the Fugitive Felon System Control File (FFSCF) record that matches the open issue on the SSR and determine if the terminated recipient is still subject to FF or PPV suspension provisions. For instructions on developing an FFSCF record, see [GN 02613.150](#) .


- If the terminated recipient is no longer subject to FF or PPV suspension provisions, pay the underpayment following instructions in [SI 00529.020D.2.a.](#)  in this section.
- If the terminated recipient is still subject to FF or PPV suspension provisions, withhold the underpayment following instructions in [SI 00529.020D.2.b.](#)  in this section.

### **d. New prisoner, CPICO, FF, or PPV information now available**

If you have information that a terminated recipient, whose SSR does not have an open prisoner, CPICO, FF, or PPV issue, is currently in prison, in a public institution based on a court order for a criminal act, or has an outstanding FF or PPV warrant, develop the new information before paying the underpayment. A terminated recipient is subject to the NSSBP, even though they are not currently a Title XVI recipient, if they now meet the definition of a prisoner, CPICO, or FF as described in [SI 00529.001B](#).  Withhold the underpayment until the terminated recipient is no longer subject to the NSSBP provisions following instructions in [SI 00529.020D.2.b](#).  in this section.



**EXAMPLE :** Mr. Smith is due an underpayment based on Mr. Smith's most recent terminated SSR. There are no open prisoner, CPICO, FF, or PPV issues on the SSR. However, during development you discover that Mr. Smith is in jail and that Mr. Smith currently meets the definition of a Title XVI prisoner. You must withhold the underpayment until the jail releases Mr. Smith.


## **B. Developing initial Title XVI blind (BI) and disability (DI) claims**

We can process Title XVI initial BI or DI claims that require a Disability Determination Service (DDS) medical determination using either deferred development or simultaneous development. For claims processed using simultaneous development, the FO develops non disability factors at the same time DDS is developing the disability factors. Once development of the non disability factors is complete, the FO removes the SSR from deferred development status of PSY H80. Payment is then possible based on input of a DDS medical allowance. For information on the simultaneous development application process, see [SI 00603.004](#) .

If the FO learns of potential prisoner, CPICO, or FF status while a claim is pending at the DDS, and the SSR does not show PSY H80, the FO must immediately place the SSR back in PSY H80. In addition, if non-disability development is not complete and the case is at the DDS, do not remove the PSY H80 once non-disability development is complete. These actions will prevent the release of any current or retroactive payment.

To assist in preventing payment of underpayments to a recipient who may become subject to prisoner, CPICO, or FF suspension provisions, do not remove PSY H80 for a simultaneously developed claim until the DDS makes a determination if the claimant has:

- A PUPS record. For more information on PUPS, see MSOM [PRISON 003.001](#)  ;
- A Fugitive Felon Automated Case Processing (FFAP) exclusion record. For more information on FFAP, see [SI 00530.205](#)  ;

- A FFSCF record with an Office of Inspector General (OIG) verified warrant. For more information on FFSCF, see [GN 02613.100](#)  ;
- A payment status or denial code of N02, N22, N25 on a terminated SSR;
- A PRSNDATA line on the MBR; or
- A FUGITIVE line on the MBR.

Also, do not remove PSY H80 if the claimant alleges:

- Current or future confinement in a correctional or mental health institution, or
- An outstanding arrest warrant for a felony charge of fleeing to avoid prosecution, custody, or confinement (offense codes 4901, 4902, and 4999).

### **1. Document the reason for keeping the claim in PSY H80**

Document in MSSICS the reason the simultaneous development claim is still in PSY H80, if all other non-disability development is complete and the claim is pending a DDS medical determination, by:

- Entering "PRISON", "INSTITUTION", or "FUGFEL" on the issue line and "DEVELOP" on the remarks line on the Development Worksheet page in CCE; and
- Explaining the reason why we excluded the simultaneous development claim from adjudication on the Development Notes page in CCE.


Complete development of the "PRISON", "INSTITUTION", or "FUGFEL" issue only if DDS makes a favorable medical determination.

### **2. Place a simultaneous development claim back into PSY H80 if you receive a report of possible prisoner, CPICO, or FF status**

Place a simultaneous development claim pending a DDS determination back into PSY H80 if we receive a report that the claimant:

- Is confined in a correctional institution or confined in a public institution based on a court order for a criminal act; or

- Has an outstanding arrest warrant for a felony charge of fleeing to avoid prosecution, custody, or confinement.

Document and explain why you placed the claim back into PSY H80 following instructions in [SI 00529.020B.2](#)  in this section.

## **C. Adjudicate BI and DI claims after a DDS determination**

The DDS's medical disability determination controls what actions we need to take to adjudicate the claim.

### **1. Unfavorable determination**


If the DDS make a medical determination that the claimant is not blind or disabled, adjudicate the claim to a medical denial following normal processing instructions.


### **2. Favorable determination**

If the DDS makes a medical determination that the claimant is blind or disabled, develop for current prisoner, CPICO, or FF status as follows:

#### **a. Develop prisoner and CPICO information**

Take the following action:


- Access PUPS to check for a current PUPS report; and
- Develop the current PUPS report following instructions in [GN 02607.460](#) .


If there is a first or third party report of incarceration or CPICO in file that has no corresponding PUPS report, develop following instructions in [GN 02607.460](#) .

#### **b. Develop FF information**

Take the following action:

- Access FFAP to check for an open FFAP exclusion record (form OI-5D) for an outstanding felony warrant; and

- Take action on the FFAP exclusion record following instructions in [SI 00530.205D](#).  





If there is a first or third party report in file of an outstanding felony warrant with no open FFAP exclusions record or corresponding warrant in FFSCF, develop following instructions in [SI 00530.005](#)  .

### **c. Adjudicate based on development**

Document your development findings and either adjudicate the claim as an award or adjudicate the claim as a technical denial if no payment is due following normal processing instructions. However, you may need to withhold any underpayment due for an award if the NSSBP provisions apply.

### **3. Action to prevent payment of an underpayment if prisoner, CPICO, or FF suspension is not applicable for all months**

To prevent the payment of an underpayment to a recipient currently subject to prisoner, CPICO, or FF suspension:


- Add the following remark on the SSR Remarks (CRMK) screen:  
"UNDERPAYMENT HELD NSSBP XX/XX/XX [date NSSBP initial determination notice sent]." Instructions for accessing the CRMK screen are in MSOM [MSSICS 023.003](#)  .
- Select option 1 – Hold Underpayment on the Underpayment Processing (UOUP) screen when adjudicating the claim using Direct SSR Update following the instructions in MSOM [BUSSR 004.018](#)  ; and
- Send the appropriate Title XVI NSSBP initial determination notice located in the Document Processing System (DPS) to the recipient that explains why we cannot pay the back pay. You can locate exhibits of the NSSBP notices in [NL 00756.200](#)  .

Even though the recipient cannot receive the underpayment, still release Interim Assistance Reimbursement (IAR) payments to the State agency or fees to an appointed representative by an Automated One Time Payment (A OTP), if appropriate.


### **D. Determining whether an underpayment can be paid in post-entitlement (PE) situations**

The SSR displays underpayments in the Underpayment Amount Due (UPX) field on the Miscellaneous Payment Data (MPMT) line. An underpayment diary may also be present in the Diary Data (DIAR) line of the SSR.

## 1. Current recipients

Determine if a current recipient is subject to prisoner, CPICO, FF, or PPV suspension provisions following instructions in [SI 00529.020A.1](#)  in this section.


### a. Not subject to NSSBP suspension provisions


Follow normal procedures and pay the underpayment following installment payment procedures in [SI 02101.020](#) , if applicable.

### b. Subject to NSSBP suspension provisions

If the recipient is subject to the NSSBP suspension provisions, take the following action:


- Add the following remark to the SSR:

“UNDERPAYMENT HELD – NSSBP – XX/XX/XX [date NSSBP initial determination notice sent].” Instructions for accessing the CRMK screen are in MSOM [MSSICS 023.003](#) ; and

- Send the appropriate Title XVI NSSBP initial determination notice located in DPS to the recipient explaining why we cannot pay the back pay. You can locate exhibits of the NSSBP notices in [NL 00756.200](#) .

If you are working an underpayment diary and there is already a NSSBP remark, do **NOT** send another NSSBP initial determination notice as it contains appeal rights and the recipient previously received notice of the appeal period.

## 2. Terminated recipients

Determine if a terminated recipient is subject to prisoner, CPICO, FF, or PPV suspension provisions following instructions in [SI 00529.020A.2](#)  in this section.

### a. No longer subject to suspension provisions

If the terminated recipient has an open prisoner, CPICO, FF, or PPV suspension issue on the terminated SSR, and they are no longer subject to the suspension provisions, take the following action to update their record prior to paying the underpayment:

- Document in the paper or electronic file why the recipient is no longer subject to the open suspension issue;
- Update the corresponding PUPS record with the release date or the corresponding FFSCF record with the warrant satisfied date; and
- Add the following remark to the SSR:

“ (fill in) SUSPENSION PROVISIONS NO LONGER APPLY RECIPIENT NOT SUBJECT TO NSSBP – XX/XX/XX [date of remark]”.

Fill-in choice:


PRISONER; or

CONFINEMENT IN PUBLIC INSTITUTION – COURT ORDER; or


FUGITIVE FELON; or


PROBATION/PAROLE VIOLATION.

### **b. Still subject to suspension provisions**

If the terminated recipient is still subject to the suspension provisions, document in the paper or electronic file why we are withholding the underpayment and follow instructions in [SI 00529.020D.1.b.](#)  in this section.


### **3. Paying underpayment to current or terminated recipient no longer subject to NSSBP provisions**

If a current or terminated recipient's underpayment was subject to the NSSBP, but is no longer subject to the prisoner, CPICO, FF, or PPV suspension provisions, follow instructions in [SI 00529.020D.2.a.](#)  in this section.



**NOTE** : If a current or terminated recipient's mailing address is a prison address, use EFT for payment following instructions in [SI 00529.001D.](#) 

#### **4. Paying conserved funds or excess refunds caused by duplicate remittances not subject to the NSSBP provisions**

Follow normal procedures to pay conserved funds or excess refunds if there is an open prisoner, CPICO, FF, or PPV issue on the SSR; as these payments are not underpayments subject to the NSSBP.

**NOTE** : If the recipient's mailing address is a prison address, use EFT for payment following instructions in [SI 00529.001D](#). 

#### **E. Processing underpayments on the record of a deceased recipient to an eligible family member who is a current or terminated recipient**

Determine if a family member is eligible to receive payment of the deceased recipient's underpayment following the guidelines in [SI 02101.003A](#).  Prior to paying an underpayment on a deceased recipient's record to an eligible family member, determine if the Title XVI prisoner, CPICO, FF, or PPV suspension provisions apply to them following instructions in [SI 00529.020A](#).  in this section.

##### **1. Eligible family member is a current or terminated recipient**

###### **a. Not subject to suspension provisions**


If the eligible family member is not subject to current prisoner, CPICO, FF, or PPV suspensions, pay them the deceased recipient's underpayment following normal procedures.

###### **b. Subject to suspension provisions**

If the eligible family member is subject to prisoner, CPICO, FF, or PPV suspension, do not pay them the deceased recipient's underpayment, and take the following action:


- Add a remark to the eligible family member's SSR that includes the deceased recipient's name, Social Security number, and underpayment amount due once the eligible family member is no longer subject to the NSSBP provisions;
- Add a remark to the deceased recipient's SSR that includes the eligible family member's name, social security number, and underpayment amount due once

the eligible family member is no longer subject to the NSSBP provisions; and

- Send the appropriate Title XVI NSSBP initial determination notice located in DPS to the recipient, explaining that we cannot pay the underpayment. You can locate e hibits of the NSSBP notices in [NL 00756.200](#)  .


## **2. Eligible family member a non recipient**

Pay an eligible family member who has never received Title XVI payments the deceased recipient's underpayment, even if we have information indicating they are in prison, CPICO, or a FF.

If the eligible family member address is a prison address, use EFT for payment following instructions in [SI 00529.001D](#). 

## **3. Eligible family member is no longer subject to NSSBP**

Once we determine an eligible family member who is a current or terminated recipient is no longer subject to the prisoner, CPICO, FF, or PPV suspension provisions, we can pay them the deceased recipient's underpayment. Take the following action:

- Update the PUPS record with the release date or the FFSCF record with the warrant satisfied date;
- Delete the remarks on the deceased recipient's and eligible family member's SSRs about withholding the deceased recipient's underpayment based on the NSSBP provision; and
- Pay the deceased recipient's underpayment after applying it towards any outstanding overpayment balances on the eligible family member's record. However, if the mailing address is a prison address, only issue the underpayment using EFT, following instructions in [SI 00529.001D](#). 

For terminated recipients, take the following additional action:

- Document the findings in the paper or electronic file as to why the terminated recipient is no longer subject to the open suspension issue; and
- Add the following remark to the terminated recipient's SSR:

" \_\_\_ (fill-in) \_\_\_ SUSPENSION PROVISIONS NO LONGER APPLY - TERMINATED RECIPIENT NOT SUBJECT TO NSSBP – XX/XX/XX [date of remark]".

Fill-in choice:

PRISONER; or

CONFINEMENT IN PUBLIC INSTITUTION – COURT ORDER; or

FUGITIVE FELON; or

PROBATION/PAROLE VIOLATION.

## Section History

▼ Prior Versions of Section



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