

Disability Determination Services (DDS)

Disability Hearing Unit (DHU) Desk Guide

Purpose: To provide DDS DHU staff with instructions to conduct online video hearings and telephone hearings during the Coronavirus Disease 2019 (COVID-19) national public health emergency.

Section I: DDS Online Video and Telephone Hearing Options and Guidance

- Policy guidance to conduct online video hearings using Microsoft Teams;
- General guidelines to conduct online video hearings;

Section II: Scheduling an Online Video Hearing or Telephone Hearing

- Required Consent and Notice
- Template cover letter and hearing agreement forms;

Section III: Preparing to Conduct Online Video or Telephone Hearings at an Alternate Duty Station (ADS)

- Disability hearing officer (DHO) Requirements
- Electronic Folder Access for Beneficiaries and Appointed Representatives
- Burning a CD
- Electronic Communications
- Microsoft Teams Resources (Internal and External User Guides).

Section IV: Template Script for Confirming Consent to Appear by Online Video

- Template scripts for the DHU to read to beneficiaries or recipients.
- Frequently Asked Questions (FAQ) for DHOs and DHU staff concerning the Privacy Act

Section V: Microsoft Teams Online Video Appointment Email Template

- Template email language for a DHU online video hearing appointment;
- Microsoft Teams hearing link;
- Microsoft Teams external user guide;
- Information about Personally Identifiable Information (PII) and protecting the public's privacy; and
- A full Privacy Act statement.

Section VI: Template Opening Statement for Online Video Hearings or Telephone Hearings

- Template script for a hearing by online video using Microsoft Teams or by telephone.

Section VII: Microsoft Teams Resources

- Additional Microsoft Teams resources and troubleshooting guides for unfamiliar users.

I. DDS Online Video and Telephone Hearing Options and Guidance

Currently, we are unable to conduct disability hearings in person or by video teleconferencing (VTC) at State or Federal facilities due to the COVID-19 national public health emergency. However, DDS may offer a beneficiary or recipient the option of appearing at a disability hearing by online video, using Microsoft Teams, or by telephone. DDS must obtain the beneficiary's or recipient's agreement before conducting a hearing by online video or by telephone.

An online video hearing is a hearing that we conduct by video, over the internet, using Microsoft Teams.

A. Policy Guidance for Conducting Online Video Hearings

1. Disability hearings conducted by online video or by telephone must follow the same format as traditional, in-person hearings ([DI 33015.015](#)). The beneficiary or recipient has the right to appoint a representative, review the record prior to the hearing (e.g. – on an encrypted Compact Disc or as an encrypted email attachment), submit additional evidence, request assistance with obtaining additional evidence, present witnesses, and question any witnesses.
2. If there are witnesses, the online video or telephone hearing must accommodate them by conference call or by other means, so that the beneficiary or recipient and his or her appointed representative (if applicable), are able to hear and respond to all testimony

B. General Guidelines for Conducting Online Video Hearings

1. To appear at an online video hearing, the beneficiary or recipient must have access to email, and must be able to use a personal desktop computer, laptop, or an Android/Apple tablet or phone with a private internet connection.

In addition, the beneficiary's or recipient's device must have a camera, microphone, and speakers.

2. Microsoft Teams is a third-party application, and to participate in an online video hearing using this application, the beneficiary or recipient may be asked to agree to Microsoft's terms of use and privacy policies, which SSA

does not control (for additional guidance refer to Section VII – Microsoft Teams Resources).

3. If the beneficiary or recipient agrees to appear by online video, the DHU will email the Microsoft Teams hearing link and External User Microsoft User Guide prior to the online video hearing with sufficient time to allow the beneficiary or recipient time to review.

II. Scheduling an Online Video Hearing or Telephone Hearing

A. Consent and Notice

1. The DHO or DHU staff must send the DHU hearing agreement form (COVID-19 Remote Hearing Agreement Form) with a cover letter to the beneficiary or recipient upon receipt or assignment of the disability claim in the DHU (attached below).

This correspondence provides the beneficiary or recipient with the full Privacy Act statement for telephone or video and hearings, and includes information about the need to agree to third party (Microsoft) terms in order to participate by video.



DHU Cover
Letter.docx



COVID-19 Remote
Hearing Agreement Form

IMPORTANT: If the DHO or DHU staff elects to contact the beneficiary or recipient by telephone (for any reason related to the DHU hearing), *they must confirm that he/she received the cover letter and written consent form.* However, if collecting personal information over the phone, the DHO or DHU staff must still deliver a Privacy Act statement to the individual prior to the collection of personal information.

If the beneficiary or recipient *has not received that correspondence*, the DHO or DHU staff **MUST** read the summarized version of the Privacy Act statement *and* third party terms disclaimer which are included in the cover letter and attached to the written hearing agreement form, and included in the sample script in Section IV.

2. Prior to scheduling a hearing by online video or telephone, the DHO or DHU staff must have advised the beneficiary or recipient and appointed representative, if applicable, verbally or in writing of the following:
 - a) The beneficiary or recipient has the option of appearing at a hearing by online video using Microsoft Teams or by telephone.

b) The DHO will conduct the telephone or online video hearing from a secure private location, and will take precautions to protect personally identifiable information (PII).

c) The DHO will not conduct a hearing by telephone or online video unless the beneficiary or recipient agrees to appear in that manner, either verbally **or** by submitting a signed statement (COVID-19 Remote Hearing Agreement Form).

3. If the beneficiary or recipient does not agree to appear by online video or by telephone, the DHO will delay scheduling the hearing. When offering a telephone or online video hearing using Microsoft Teams:

NOTE(1): Do not schedule a hearing by Microsoft Teams or telephone until the DHU has a signed statement(s) in the file, or has obtained and documented the beneficiary's or recipient's verbal agreement in the file. We recommend the DHO or DHU staff send a cover letter and COVID-19 Remote Hearing Agreement Form upon case receipt, which we provide in Section I.A1.

NOTE(2): An individual can change his or her mind about agreeing to appear by online video or telephone at any time. If an individual notifies the DHU that he or she no longer agrees to appear by online video or telephone, the DHU must postpone the hearing until its offices reopen to the public.

NOTE(3): The DHO must document any communication(s) with the beneficiary or recipient (or his or her representative) about appearing by online video using Microsoft Teams or telephone in the disability case file ([DI 20503.001](#)).

4. When DDS creates the Disability Hearing Scheduling Notice in the case processing system, the DHO or DDS staff **MUST** attach and mail the full Privacy Act (PA) statement (attached below) with the hearing notice to the beneficiary or recipient.



III. Preparing to Conduct Online Video or Telephone Hearings at an Alternate Duty Station (ADS)

A. DHO Requirements

- When DHOs conduct online video or telephone hearings at their ADSs, they must make reasonable and good faith efforts to ensure that no one else is in the room with them. During the hearing must have disabled all non-Social Security Administration (SSA) approved electronic devices in the home that may be monitoring or recording voices (e.g., smart speakers and devices such as Amazon’s Alexa/Echo, Google Home, Apple’s Siri, and Microsoft’s Cortana) in the area where the hearing is being conducted.
- If anyone is in the same residence, the DHO will take reasonable precautions to ensure that no one, including children or pets, enters the room while a hearing is in progress. If anyone inadvertently enters the room, or there is an emergency requiring the DHO’s attention, the DHO will pause the hearing and wait until the room has cleared before resuming the hearing.
- The agency recognizes the emergency temporary conditions under which hearings from ADSs are taking place, and accordingly expects DHOs to take precautions in protecting PII and following other agency policies (e.g., positioning laptops in areas that prevent unauthorized persons from viewing monitors and not leaving devices unattended at your ADS area, even if you plan to return within a few minutes. ([DI 39567](#); [DDS Administrator’s Letter No. 997](#); and [SSA’s Information Security Policy \(ISP\)](#)).
- DHOs will ask the beneficiary or recipient, appointed representative, and third party participants (e.g., witnesses) to ensure they are in a location without anyone else present. If someone else is present, such as a family member who will testify as a lay witness, or if the beneficiary or recipient and representative are at the same location, please remind everyone that no one can assist anyone else in testifying, including via texting or other personal/private communications during a hearing. Anyone present must identify himself or herself. DHOs will ask all other hearing participants to take the same precautions they are taking themselves to ensure a quiet and private hearing.
- If the record does not contain a signed form SSA-1696 (Claimant’s Appointment of Representative) or other properly signed notice of appointment for an individual assisting the beneficiary or recipient during the hearing and the beneficiary or recipient indicates that he or she wants that particular person to represent him or her, the DHO or DHU staff will:
 - Assess whether the beneficiary or recipient understands basic information about the appointment (e.g., fee and responsibilities) and confirm that the beneficiary or recipient wishes to have the representative who is appearing at the hearing via telephone or online video represent him or her.

- Confirm that the beneficiary or recipient authorizes the agency to disclose his or her personal information to the representative during the hearing and confirm the beneficiary's or recipient's intent to sign a written notice of appointment as soon as possible after the hearing.
- Ask the representative to submit a properly executed notice of appointment as quickly as feasible.
- Inform representative they may submit their notice of appointment using the [Online 1696 portal](#) (a secure, two-way portal to complete the appointment online).
- Inform the beneficiary or recipient and the representative that their oral attestations will be entered into the record, but that the DHO will not make additional post-hearing disclosures or issue a determination until he or she receives a valid notice of appointment. (Section G [EM-20022 REV 2](#))

B. Electronic Folder Access

- [DI 33015.005](#) - Beneficiary (or Recipient) and Representative Review of Claims Folders outlines the procedures for when the beneficiary or recipient and representative requests to review the claims folder.

C. Burning a CD from eView

- [DI 33015.005B2](#) provides instructions for DHO preparation of a claims folder for review by burning a CD of the evidence used to make the medical determination.
- [DI 81001.035](#) Copying a Certified Electronic Folder (CEF) provides more detailed instructions on burning a CD.

D. Electronic Communications

- Refer to attached Encryption to Email Guide for sending a copy of the evidence by encrypted email attachment.

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Encryption to
Email Guide for

IV. Template Script for Confirming Consent to Appear by Online Video

Verify the beneficiary, recipient, or appointed representative's identity consistent with agency policy ([GN 00203.020](#) and [DI 39567.210](#)).

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IMPORTANT: Please see the Privacy Act Frequently Asked Questions (FAQs) below for suggested responses to questions related to the Privacy Act.



Privacy Act FAQ
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V. Microsoft Teams Online Video Appointment Email Template

We are sending you this email because you recently agreed to appear at your hearing by online video using Microsoft Teams.

We have scheduled your hearing for:

XX Date and XX Time.

This email provides basic information about Microsoft Teams to help you prepare for your hearing.

- **Appearing at a Hearing by Online Video Using Microsoft Teams:** Microsoft Teams is a user friendly, web-based technology that allows individuals in different locations to appear at an online video hearing using a computer, tablet, or mobile device with a private internet connection.

Before the hearing, you must download the Microsoft Teams application (app) if you are using a mobile device, or you must access Microsoft Teams from a supported internet browser (Google Chrome or Microsoft Edge) or the Microsoft Teams app if you are using a desktop or laptop. Standard data charges may apply when downloading the Microsoft Teams app. You may access the hearing using the link and instructions we provide below.

[Insert MS Teams hearing link here.]

Once you click this link, you will be redirected to Microsoft Teams and will be subject to Microsoft's policies. Please note that Microsoft Teams is a third-party application, and to

participate in an online video hearing using this application, you may be asked to agree to Microsoft's terms of use and privacy policies, which SSA does not control. If you have concerns about these terms or policies and you no longer agree to appear at your hearing by online video using Microsoft Teams, please let us know by calling [*add appropriate contact information, e.g., the disability hearing office's telephone number*].

- **Appearing at a Hearing by Online Video Using Microsoft Teams User Guide:**



MST External Guide
10.2021.docx

- **Your Privacy:**

While SSA makes every attempt to ensure the safety and security of your privacy and personally identifiable information (PII), it is important to know that Microsoft Teams is a non-government application controlled and operated by a third party. The agency's Internet Privacy Policy does not apply to this third party. As such, by using this application, you may be subject to Microsoft's privacy policies. SSA employees are taking precautions to protect your privacy and PII, such as using a secure headset and computer in a private location. To minimize any risk of access by unauthorized third parties, we recommend that you use a reliable, secured internet connection and ensure no one else enters the room with you during your video hearing.

The PII you share with SSA during your video hearing will be collected and maintained for the purposes of making a determination on your claim. We will disclose/share information you and/or your representative provide during your video hearing without your prior written consent only when we have specific legal authority to do so. If you have concerns about the privacy policies, you may revoke your authorization to appear by video using Microsoft Teams prior to the hearing.

Privacy Act Statement Collection and Use of Personal Information

Sections 205 and 1631 of the Social Security Act, as amended, allow us to collect this information. Furnishing us this information is voluntary. However, failing to provide all or part of the information may prevent an accurate and timely decision on any claim filed.

We will use the information you provide to make a determination regarding the claim for benefits. We may also share the information for the following purposes, called routine uses:

- To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We contemplate disclosing information under this routine use only in

situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records; and

- To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned agency functions.

In addition, we may share this information in accordance with the Privacy Act and other Federal laws. For example, where authorized, we may use and disclose this information in computer matching programs, in which our records are compared with other records to establish or verify a person's eligibility for Federal benefit programs and for repayment of incorrect or delinquent debts under these programs.

A list of additional routine uses is available in our Privacy Act System of Records Notices (SORNs) 60-0044, entitled National Disability Determination Services (NDDS) File, as published in the Federal Register (FR) on January 11, 2006, at 71 FR 1810; 60-0089, entitled Claims Folders System, as published in the FR on October 31, 2019, at 84 FR 58422; and 60-0320, entitled Electronic Disability (eDIB) Claim File, as published in the FR on June 4, 2020, at 85 FR 34477. Additional information, and a full listing of all of our SORNs, is available on our website at www.ssa.gov/privacy.

VI. Template Opening Statement for Online Video Hearings or Telephone Hearings

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VII. Microsoft Teams Resources:

The agency approved the Microsoft Teams platform to conduct online video hearings. This new service will allow beneficiaries, recipients, and their appointed representatives, if applicable, to participate in the hearing from anywhere they have access to a camera-enabled smartphone, tablet, or computer. This secure online platform allows the DHO to see and interact with the beneficiary or recipient and his or her representative similar to an in-person hearing, while maintaining privacy of the individual’s information.

Below, we provide additional resources and user guides for DDS DHOs and external users (e.g. beneficiaries, appointed representatives) who may be unfamiliar with the Microsoft Teams platform.

- Microsoft Teams External User Guide: This guide provides instructions for a beneficiary, recipient, or appointed representative to join a video hearing via Microsoft Teams, and provides audio/video troubleshooting guidance.



MST External Guide
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- Microsoft Teams Internal User Guide: This guide provides instructions for DDS users to join the hearing via Teams, and it provides technical reminders and troubleshooting guidance.



MST User Guide --
Internal Use 10.2021.c

- Microsoft Teams One Pager: This guide is a “quick start” guide for users who may be new to Microsoft Teams. This guide outlines the basics of the Microsoft Teams application.



Teams One
Pager.pdf