

SOCIAL SECURITY & YOU

From The Office of Attorney William Crawford Th

Summer 2015

Message From Attorney Crawford

SSDI INSOLVENCY LOOMS

We've known it's been coming for some time and now it's on our doorstep. Unless Congress acts the Social Security Disability Insurance Trust Fund (DI Trust Fund) will become insolvent late next year and unable to pay full benefits any longer. Millions of Americans who rely on their disability checks for most, if not all, of their income are facing disaster.



In the past when faced with a crisis such as this Congress and the White House have put aside partisanship, rolled up their collective sleeves and gotten to work to solve the problem. Combining the current atmosphere in Washington D.C. with a presidential election year without an incumbent, such an effort seems a long-shot this time.

On January 6, 2015 the House of Representatives adopted procedural rules creating barriers to reallocation unless there are accompanying cuts to Social Security coverage, eligibility or benefits.

Reallocation (it's been done several times in the past) pertains to the formula by which FICA pay roll taxes are allocated between the trust funds: DI Trust Fund & the Old Age Survivors Trust Fund (OAS).

Naturally, several Congressional Committees are holding hearings on the issue. Those include the Senate Budget Committee, House Ways & Means Social Security Subcommittee and House Appropriations Subcommittee.

Acting Social Security Commissioner, Carolyn Colvin, testified before the Senate committee. Her testimony centered on President Obama's reallocation proposal, contained in his Fiscal Year 2016 budget. Under the President's plan a reallocation of FICA taxes would send a greater percentage of tax payments to the DI Trust Fund and fewer dollars to the OAS Trust Fund. The reallocation would take place from Fiscal Year 2016 through Fiscal Year 2020 and would allow both trust funds to stay solvent until 2033.

Senators discussed raising, or even eliminating, the cap on earnings. (In 2015 FICA for Social Security stops coming out of wages after \$118,500 and income over that amount is only taxed for Medicare.) Some Senators & representatives in the House want to tie any solution to other non-related issues.

And there was plenty of discussion about other related issues, such as the rate of favorable decisions by ALJs, the hearing backlog at ODAR, the continuing disability review (CDR) backlog and Field Office closings.

In a related topic, President Obama's proposed 2016 Fiscal Year budget, which doesn't affect benefits but pertains to staff salaries, office space equipment, etc, increases administrative funding by nearly \$1 billion.

It is time for members of Congress to put politics aside and show some real leadership on this issue.

SOCIAL SECURITY COLA 1.7% FOR 2015

The nearly 64 million Americans receiving Social Security and Supplemental Security Income (SSI) benefits receive 1.7% more in their monthly checks this year. The increase is tied to the increase in the Consumer Price Index as determined by the Department of Labor's Bureau of Labor Statistics. The COLA for 2014 was 1.5%

Retirement, Survivor's and Disability Insurance Benefits are based on the recipient's earning record over his or her working years. SSI benefits are need-based. The SSI benefit amount for 2015 is \$733.

VETERAN'S AFFAIRS WAIT TIMES VARY ACROSS MICHIGAN

The Veteran's Affairs Healthcare System got some unwanted attention and publicity last year when irregularities in how appointment wait times were reported in the Phoenix facility came to light. The Associated Press recently did an analysis of wait times at Michigan facilities. The results varied widely.

There are 5 VA Medical Centers in Michigan. They are located in Ann Arbor, Battle Creek, Detroit, Iron Mountain & Saginaw. In addition, there are VA Outpatient Clinics in Hancock, Ironwood, Manistique, Marquette, Menominee & Sault Ste. Marie, as well as 18 community-based clinics.

Of the Michigan VA Medical Centers, the John Dingell Medical Center in Detroit ranked highest with only 0.91% of appointments scheduled with more than 30 day wait times. This ranked the Detroit facility 15th in the nation. The Ann Arbor Medical Center ranked last with 3.39% of appointments exceeding 30 days.

NATIONAL SS FIRM BINDER & BINDER FILES FOR BANKRUPTCY

Any practitioner can confirm that Social Security disability & SSI cases have become more difficult to win over the past couple years. Attention from the media, Congress and pressure from within the Social Security Administration, itself, have led to Administrative Law Judges becoming more conservative and awarding benefits to fewer Claimants.

Last fall the SSA's own inspector general reported that overly generous judges awarded benefits to nearly 25,000 people who should not have received benefits, costing the SSA trust funds \$2 billion.

In addition, the competition for clients has increased as any regular viewer of daytime

television can attest. It seems as though every third ad is for a law firm seeking Social Security cases.

So it comes as no surprise that the giant national SS law firm, Binder & Binder, from New York, filed Chapter 11 bankruptcy protection last fall. With nearly 1,000 employees, most of whom are clerical employees who completed applications for Claimants, Binder & Binder simply became too top heavy when award rates (and their revenues) plummeted.

SSA RESTORES OFFICE HOURS

In fiscal year 2011 the budget allocation for the Social Security Administration was slashed by approximately \$1 billion. The SSA made a number of cuts including closure of some Field Offices, instituting a hiring freeze and cutting hours of service.

Now Congressional approval of the fiscal year 2015 budget is allowing the SSA to restore office hours M, T, TH & F to 9:00 -4:00. On Wednesday offices will still close at noon.

Additionally, the hiring freeze has been lifted allowing staffing losses to be restored. Hopefully, this will help shorten the backlog of work at the Field Office level.

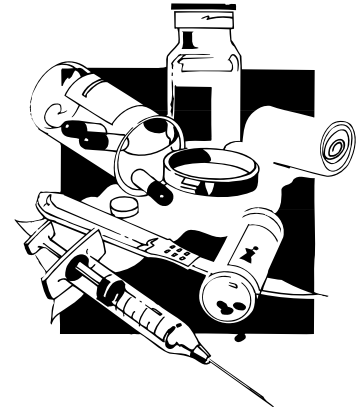
DRUG SHORTAGES GROWING

Many popular prescription medications are in short supply, nationwide, putting the health of thousands, if not millions, of Americans at risk. As a result, healthcare providers are resorting to substituting inferior medications and using medications past their expiration date.

Why is this happening? According to a U.S. Government Accountability Office (GAO) report the reasons are many.

Some are caused by a shortage of raw materials. Some are due to an unexpected surge in demand. But, according to the GAO, most occur when quality control problems cause slow-downs or even stoppages of production. And a few are

due to manufacturers shifting production to other, more profitable, medications.



Sterile injectable drugs are the in the shortest supply, primarily because they are difficult to manufacture. Other than requiring the manufacturers to report potential shortages more quickly, there is little that the U.S. Food & Drug Administration (FDA) can do.

Medications in chronic short supply include IV saline solution, nitroglycerin injections, injectable morphine, injectable epinephrine & injectable Bactrum.

HEARING BACKLOG CONTINUES TO GROW

At the end of Fiscal Year 2012 the average wait time for a hearing at the ODAR was 353 days; just under 1 year. Thanks to the new ODARs serving Michigan in Livonia, Mt. Pleasant and Toledo, OH, hearing wait times in Michigan were even lower; as low as 9 months in a couple of ODARs.

Wait times at the end of Fiscal Year 2014 had grown to an average of 454 days, nationwide. The most recent processing times for Michigan ODARs are as follows: Lansing - 366 days, Detroit - 430 days, Grand Rapids - 402 days, Toledo - 445 days, Livonia - 448 days, Oak Park - 454 days, Mt. Pleasant - 481 days.

Attorney Crowth and his staff have been telling Claimants the past few months that it will take about 14 months for a hearing to be scheduled, on average. As most of his client's cases are in Livonia and Oak Park, Attorney Crowth is going to have revise that estimate upwards to 15 months.

The reason for the increased wait time is not easy to explain. The number of ALJs available to hear cases has decreased from a high of 1,366 in March of 2013 to only 1,264 as of November 2014. But the number of new hearing requests declined, as well, from 851,711 in Fiscal Year 2012 to 811,992 in Fiscal Year 2014.

Senior Attorney Advisor decisions (favorable decisions made by a staff attorney without a hearing) have declined, dramatically, from 37,423 in FY 2012 to only 1,872 in FY 2014.

STUDIES, STUDIES, STUDIES

Here is the latest installment of the most popular feature in *SS&Y*. Interesting studies abound, as usual.

Many new studies have been released in recent months regarding food. We've all heard fish is "brain food" since we were children. A 10 year study reported in last October's issue of the *AARP Bulletin* found that healthy adults who regularly ate any kind of baked or broiled (but not fried) fish once a week had more gray matter in brain regions responsible for memory & cognition.

We've also been told breakfast is the day's most important meal since childhood. 2 studies published last fall in the *American Journal of Clinical Nutrition* contradict this conventional wisdom finding that skipping breakfast doesn't affect weight, cholesterol or resting metabolism.

A Tulane University study found that obese persons on a low-carb diet lost 3 times more weight and had more lean muscle mass and lower cholesterol and triglyceride levels than persons on a low-fat diet.

A Harvard University study found that a handful of nuts (2.4 ounces) a day five or more times per week led to an 11% reduction in deaths due to cancer.

A Florida State University study found that older women (aged 45-65) who ate a cup of blueberries a day for 8 weeks saw a slight

dip in their blood pressure. Researchers believe this is because blueberries contain nitric oxide, a natural compound that helps widen blood vessels.

A study published in the May 2014 *AARP Bulletin* reported that older women who drank 2 or more diet sodas per day were at higher risk for heart attack, stroke or even death. No cause was identified.

A British study reported in the April 2014 *AARP Bulletin* found that people who ate low fat yogurt and/or cottage cheese 4 times per week had a 28% lower risk of getting type 2 diabetes, perhaps because of probiotic bacteria in those foods.

E-cigarettes are marketed as a safer alternative to ordinary cigarettes. A recent Japanese study found that e-cigarettes produce 10 times more carcinogens (cancer causing agents) than ordinary cigarettes.

A study reported in the November 2014 *AARP Bulletin* found that patients who monitored their own blood pressure and adjusted their own medication levels had lower blood pressure than those who relied on their doctor's recommendations, based upon a yearly physical.

A large study reported in the October 2014 *AARP Bulletin* found that low levels of vitamin D increased the risk of developing Alzheimer's Disease by 70% & dementia by 53%.

While there is conflicting information regarding the effectiveness of a daily aspirin in reducing the risk of heart attack in otherwise healthy persons, new research reported in the October *AARP Bulletin* found that adults 50-65 who took 75 milligrams of aspirin for 10 years significantly reduced their risk of developing (or dying from) colon, stomach or esophageal cancer.

We've always heard that a healthy outlook can extend one's life. Now a study released last fall in *JAMA Internal Medicine* found that those who "feel" younger live longer than those who feel older. A study at

the University of Tennessee found that older women who expressed their anger, rather than keeping it bottled up inside, had lower levels of the inflammatory markers linked to cardiovascular disease. And a Keele University study in England found that occasional swearing is a harmless, emotional release.

Money can't buy happiness, right? Not according to University of Michigan public policy researchers who found a strong correlation between income levels and happiness among both the poor & the rich. As income rises so does happiness, according to the study.

Another U of M study seems to make sense. The better a person sleeps the better he or she looks.

And a U of M study found that persons over age 50 who live in a good neighborhood (whatever that means) with trustworthy neighbors had a 48% lower risk of stroke.

A study published last fall in the *American Journal of Public Health* reports care givers who take care of relatives with health problems are happier, have less effects from stress and live longer.

As many know from reading this newsletter over the years, Attorney Crowth's father likely had Alzheimer's disease. (The only definitive diagnosis is made by autopsy and what's the point?) As a result, though, Attorney Crowth has been a close follower of research into this cruel disease and a regular contributor to the Alzheimer's Association. A new study released last fall by researchers at Georgetown University focuses on a malfunction of a key brain protein named "tau". Highly specialized nerve cells in the brain called neurons appear to die when tau malfunctions and fails to clear the cells of toxic proteins.



William Crawforth
-Attorney at Law-
905 W. Eisenhower Circle, Ste. 110
Ann Arbor, MI 48103

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The Center for Disease Control, a federal agency, reported this winter that approximately 6 persons in the U.S. die from alcohol poisoning every day. In the study done for the years 2010- 2012, 76% who died were men and 77% were aged 35-64. Surprisingly, only 5% were ages 15-24, the typical, youthful binge drinking ages.

An Australian study reported in the December 2014 *AARP Bulletin* of men 70 years or older found that those who swam regularly had a 33% less chance of a fall, compared with those did other activities, such as golfing or calisthenics. Researchers believe this is because swimming develops strong, stable core muscles.

WIN ATTORNEY CRAWFORTH'S TIGER TICKETS

The Detroit Tigers got off to a great start sweeping the Minnesota Twins at home & only giving up 1 run in 3 games. They set a new major league record for scoreless innings to start the season in the process.

Now you can enter Attorney Crawforth's contest to win a pair of his upper deck reserved seats directly behind home plate. Simply complete the entry blank and mail it to his office.

***Yes, I would like to enter to win
Tiger Tickets***

Name _____

Address _____

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Mail to:

William Crawforth, Attorney at Law
905 W. Eisenhower Circle
Suite 110
Ann Arbor, MI 48103

