

# The Washington Post

## Social Security to Pay \$500 Million To 80,000 Victims of Database Error

By Annie Gowen  
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The Social Security Administration has agreed to pay more than \$500 million in back benefits to more than 80,000 recipients whose benefits were unfairly denied after they were flagged by a federal computer program designed to catch serious criminals, officials said Tuesday.

According to a preliminary agreement, approved Tuesday by U.S. District Court Judge Claudia Wilken in Oakland, Calif., the Social Security Administration will pay recipients who have been denied benefits since Jan. 1, 2007. In addition, more than 120,000 recipients who were denied benefits before 2007 are eligible to apply for reinstatement.

At issue was a 1996 law, which contained language later nicknamed the "fleeing felon" provision, that said fugitives were ineligible to receive federal benefits. As part of its enforcement, the administration began searching computer databases to weed out people who were collecting benefits and had outstanding warrants.

The preliminary agreement was reached as part of a class-action lawsuit, *Martinez v. Astrue*, which challenged the Social Security Administration's use of the warrant searches.

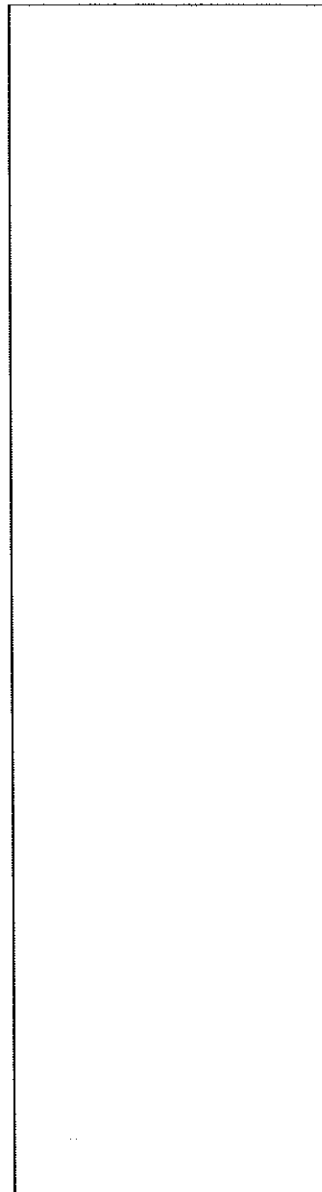
"It's changing a policy which was really devastating for some of the most vulnerable people in the country," said Gerald McIntyre, an attorney with the National Senior Citizens Law Center, one of the organizations representing the plaintiffs.

The searches captured dozens of criminals, including some wanted for homicide. But they also ensnared countless elderly and disabled people accused of relatively minor offenses such as shoplifting or writing bad checks. In some cases, the victims simply shared a name and a birth date with an offender. Often it was difficult for these citizens to appeal their cases.

The lead plaintiff in the class-action suit, Rosa Martinez, 52, of Redwood City, Calif., was cut off from her \$870 monthly disability benefit check in January 2008 because the system had flagged an outstanding drug warrant in 1980 for a Rosa Martinez from Miami. An investigation showed that the warrant was for a different Rosa Martinez. Martinez tried for months to convince officials that she was innocent but failed.

In the last few years, at least eight district court judges across the country have ruled in favor of victims in individual cases, saying that cutting off benefits based solely on the database search was

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illegal. After a federal appeals court in New York ruled the practice illegal in 2005, the Social Security Administration stopped the practice in a three-state area: New York, Connecticut and Vermont. But officials only agreed to suspend the warrant checking process nationwide April 1.

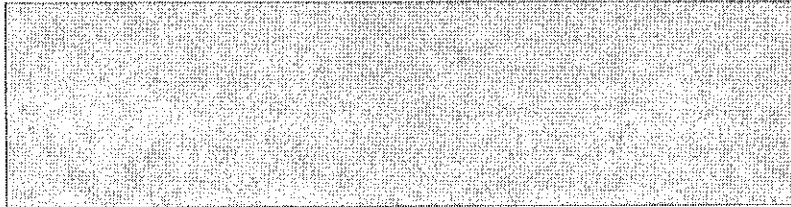
Dan Moraski, a spokesman for the Social Security Administration, said that Tuesday's hearing was preliminary and that the agency would not comment until the settlement is finalized, probably later this year.

Officials said it is difficult to estimate how many Washington area recipients might be affected by the agreement but said the number is fewer than 1 percent nationally. Locally, more than 356,000 households receive some type of Social Security benefits, according to the U.S. Census Bureau.

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