

THE ADVOCATE

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ASSOCIATION OF
DISABILITY
EXAMINERS

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President's Message

Greetings my NADE Family -

I hope everyone had a wonderful holiday season. I am looking forward to 2021 and hopefully some improvement with the pandemic. With that said, the executive board has decided to hold a virtual midyear meeting sometime at the end of February or early March. A date will be set soon for this. We also discussed National Training Conference. With all the uncertainty around the pandemic, vaccine timelines, and limits on gatherings in person, it is not possible to hold the conference in August. Once it's rescheduled, information will be sent out and posted on the website.

Congratulations to THADE, the 1st place winner of National Disability Professionals Week, and ORADE, 2nd place winner. Chapters found creative ways to celebrate despite the limitations of working from home.

As of November, NADE no longer has a Council of Chapter Presidents Chair. If you have any concerns, please contact your Regional Director. Please remember that membership grants are still available for our annual membership drive. With the challenges of teleworking, many chapters have held virtual meetings to remain active. I had the pleasure of greeting THADE members in a virtual meeting last quarter.

NADE has continued to hold quarterly calls with SSA. Many offices have received or will soon receive laptops or single device systems and a Windows 10 upgrade. NADE also has participated in Social Security Advisory Board (SSAB) meetings and forums. I appreciate all the board members who have remained in their roles throughout this challenging time.

I encourage you to remain positive about NADE and share your reasons for joining with others in your office. If you have not renewed your membership, please remember to do that. Please stay safe so that we may be able to see each other soon.

"In a world where you can be anything, be kind!"

Sincerely,

Sara Winn

NADE President

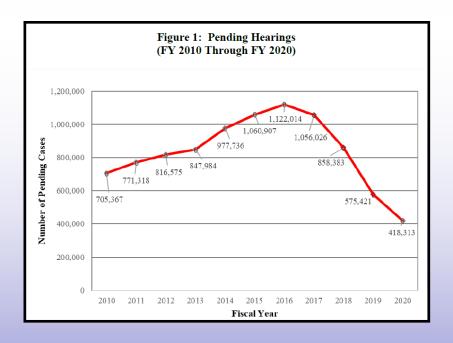


From the Inspector General's Statement on SSA's Major Management and Performance Challenges for FY 2020

SSA continues to face challenges with pending disability hearings and related processing times, and the COVID-19 pandemic renewed challenges with pending disability claims and CDRs. Continued focus is necessary to simplify work incentive regulations and create new opportunities for returning beneficiaries to work.

Before the COVID-19 pandemic began, SSA had reduced both pending initial disability claims and CDRs. SSA reduced the number of initial disability claims pending from almost 708,000 at the end of FY 2012 to almost 594,000 at the end of FY 2019, and eliminated the backlog of full medical CDRs in FY 2018. COVID-19 pandemic responses, such as DDS closures and delayed consultative examinations, posed challenges to the initial disability claims process. From February to September 2020, claims pending levels increased 21 percent to over 763,000. In March 2020, SSA suspended processing medical CDRs that could result in benefit cessation. The number of full medical CDRs SSA processed monthly decreased from over 57,000 in February 2020 to under 19,000 in July 2020, before rising to nearly 41,000 in September 2020.

While SSA has continued to reduce hearings pending levels (see Figure 1), it still has a backlog of pending cases. SSA considers any pending level that keeps the average processing time for hearings above 270 days as a "backlog." As of the end of September 2020, the average processing time for hearings was 355 days.



https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-02-19-50825.pdf

CDB Case Explosion Explained By Korin Gary

For more than a year, analysts across the nation have seen a huge influx in CDB cases cross our desks, with people filing for Childhood Disability Benefits years or even decades after they were approved for SSI. A 38-year-old applying for Childhood benefits? Why now?

The OIG's office conducted an audit last year, summarized in a report submitted in December entitled, "Follow-up on Disabled Supplemental Security Income Recipients Potentially Eligible for Childhood Disability Benefits." It reads:

"The SSI program provides cash assistance to individuals who have limited income and resources and who are age 65 or older, blind, or disabled. The OASDI program provides benefits to qualified retired and disabled workers and their dependents as well as survivors of insured workers. According to Social Security Administration (SSA) policy, SSI "... is intended to be a program of last resort." Therefore, it is important that the Agency assess the other benefit programs for which an individual is eligible.

An SSI recipient may be eligible for CDB as a disabled child on a wage earner's record under the OASDI program when the recipient meets the criteria for benefits.

To conduct our review, we identified 1,017 SSI recipients who were potentially eligible for CDB from 1 of 20 segments in SSA's system. From this population, we selected a random sample of 50 recipients for review.

Similar to our 2012 review, we identified SSI recipients who were eligible for CDB. Our analysis of 50 SSI recipients identified 22 who were potentially eligible for, and 15 potentially technically entitled to, CDB. This occurred because SSA did not always (1) develop and dispose of leads related to CDB and/or (2) identify SSI recipients eligible for CDB during reviews of their non-medical eligibility factors and SSI payment amounts. Separate from our review, SSA has conducted projects, which identify SSI recipients who were potentially eligible for CDB.

Based on the results of our review, we estimate 8,140 SSI recipients were potentially eligible for CDB and may be due underpayments totaling approximately \$18.5 million. If SSA does not take action, we estimate the 8,140 SSI recipients may lose an additional \$3.6 million over a 12-month period.

Furthermore, SSA did not complete action, as reported, for SSI recipients related to a recommendation in our 2012 audit report. In our 2012 report, we referred 14,434 SSI recipients potentially eligible for CDB to SSA for review. SSA reported it took action. Of 14,434 recipients, we identified 630 whom SSA should review to determine potential eligibility for CDB. Of the 630 recipients, we and SSA reviewed 6 and determined 3 were potentially eligible for, and 3 were potentially technically entitled to, CDB. Of the remaining 624 recipients, in May 2020, SSA reported 233 were potentially eligible for CDB, 286 were potentially technically entitled to CDB, and 105 were not eligible."

OIG recommended that SSA instruct their staff in the importance of following up on potential leads to other benefits and assessing eligibility for other programs during redetermination and initial claims. They renewed their recommendation that SSA establish an automated solution that identifies SSI recipients who may be entitled to CDB.

National Disability Professionals Week Celebration

20/20 Vision: A Clear Vision for Wise Disability Decision

By Marcia Golden

As we move forward into a the new year of 2021, let's take a moment to look back at NDPW 2020! Last year brought many changes and showed our flexibility. NADE chapters adjusted quickly to changes last spring a made changes to our normal procedures. While our typical celebration are in June, we adjusted to allow celebrations happening through September to be considered for the Chapter award for the celebration.

Each year, there is a competition to determine the years National Disability Professionals Week's theme. This years willing theme of 20/20 Vision: A Clear Vision for Wise Disability Decision was submitted by THADE.

The NDPW committee would like congratulate THADE for their 1st place victory. THADE found ways to hold activities for their membership even though most were still working remotely. They held daily trivia challenges, a crossword puzzle was sent out for the member as a relaxing activity. There was a highly competitive Family Feud competition that was conducted via Skype. The two teams battled through several rounds that was a fight to the finish. While THADE members missed their annual NDPW potluck luncheon, they held a Chapter Zoom meeting so they could see each other and feel that connections that had been missed over past few months. In support of the theme, "A Clear Vision," the Community Service Committee collected eye glasses to be donated to the Lions Club to support a program for improving vision for the less fortunate. The chapter noted, "While NDPW was much different than those of the past, it was a wonderful time for all of our members to spend time together and enjoy some activities."



THADE's virtual call during NDPW

The committee would also like to congratulate our 2nd place chapter, OrADE. In Oregon, members joined together for a socially distanced Jimmy John's lunch. They also had daily popcorn, and gave out daily gift cards. OrADE hosted BINGO through email chapter-wide and POMS trivia. They set up a photo booth in the office. Participants uploaded photos which were added to a photo frame.

I would like to thank all the Chapters for their willingness to adjust to all the changes that the year brought. I would also like to thank the NDPW committee members: Heidi Burns, Natasha Constance, Elizabeth Prater, Brian Civalier, and Molly Turnbull. You have been a great team to work with, and always will to roll with the changes.

The Oregon Association of Disability Employees Celebrates

By Marjorie Garcia

OrADE, like other chapters, was faced with a lot of challenges this year operating in a remote work environment. Nevertheless, they have carried on and adapted to the changes!

The chapter recently celebrated autumn with a virtual costume contest. Entrants submitted pictures of themselves, which were collected for viewing and votes. The top three vote-getters each received an eGift certificate to a local shop.

This fall event was followed by a successful Toys for Tots Campaign. OrADE organized the DDS to collect toys and monies for the U.S. Marine's Toys for Tots program this year. The combined effort generated over \$400 in cash/toys for the 2020 holiday season. This was followed by a remote Ugly Sweater Contest. It was well attended! Like the costume contest, the top three received eGift certificates to local businesses.





This year's annual membership drive hopes to incorporate the old with the new by sharing the recent video prepared by several esteemed NADE members and organizing a virtual lunch event to introduce prospective members to all the benefits of NADE. And, continue with the long-standing Medical Moments programs, with a minor update...using Microsoft Teams for some and self-directed training through Power Point.

The chapter hopes to continue offering many more opportunities for fun, charitable events and training experiences through a variety of activities to all DDS staff in 2021!

A Day In the Life of a Senior Adjudicator

An interview with Kristina Burbank, Vermont



This is part of our recurring feature, "A Day In the Life," intended to give our readers a view of the different roles our members play in agencies across the country. This month, we're offering you a look into a small office where our members wear many hats!

Q: What's a Senior Adjudicator?

A: In our office, a Senior Adjudicator is a Disability Hearings Officer, trainer, mentor and QA Reviewer. We also carry small caseloads of QDD/CAL and special handling cases. We tend to act as a bridge between the Adjudicators and the MC/PCs as well as the Supervisors. The Senior Adjudicator (SA) position is kind of the "catch-all" for anything operations-wise that is not covered by supervisors or adjudicators. With new training classes ranging from only 2-5 people occurring less frequently than once a year, it doesn't make sense to have an entire unit dedicated to training. The same goes for QA.

Q: How small is your office?

A: Currently we have 56 staff including 3 Senior Adjudicators, 18 Adjudicators at varying levels (1-3) and 15 part-time MC/PCs as well as our incredible support staff, admin and IT. Our yearly production is between 8,000-10,000 cases including initial, recon, CDR, DHU, OHO Assistance Requests, and non-SSA Medicaid claims.

Q: What's great about a small office?

A: I love being in a small office for the same reason I love living in a small state. The atmosphere is friendly and everyone knows everyone else. There is a sense of camaraderie that I've never had working in a larger office. We also have fewer people to accommodate space-wise so (prior to COVID) all adjudicators had their own offices with the exception of the trainees. We have a low attrition rate and the people we hire are smart and capable and care about our claimants.

Q: What are some challenges?

A: In my experience, there is really only one major challenge working in a small office. The responsibility of the workload is spread among fewer people so individual stats greatly affect the stats of the organization as a whole. If you are one adjudicator of 100 or more, one or two mistakes are not going to bring down the stats for the entire office. When you're one of 18, the pressure is on as your individual numbers have a direct and immense impact on the office's overall processing time and accuracy. Our office excels in this and we're generally in the top 5 in the Nation for accuracy and processing time.

Q: Describe a typical day in your position.

A: I start work early, at 6am. I generally take my first two hours to work on my hearings before people start coming in and asking questions. After 8am, my day is pretty much nonstop. We have Skype and Teams and all the adjudicators, support staff and most of the doctors have laptops now so I do consults and answer questions via video call most of the day. In between consults and questions, I do QA and work on my own small caseload. I have to be

flexible with my time because I never know what kind of day I'm going to have!

Q: How has COVID affected your job?

A: COVID has had a huge impact on how I do my work. I'm working from home as mandated for state employees in Vermont. I'm much more isolated. I miss people knocking on my door to discuss a difficult case, or just to vent about an upsetting phone call. I miss passing people in the hall or meeting them in the kitchen and asking them how their lives are going. Training and consults via Skype and now with the laptops, MS Teams, has been a challenge. Headphones and Red Bull have become essential work-from-home tools!

Q: When did you join NADE? What do you appreciate about NADE?

A: I believe I joined NADE in 2007. NADE is important to me. I've made a career at DDS and hope to grow in that career in years to come. I feel that NADE is vital to helping me achieve that goal. In our local chapter, I've served as secretary and president. On the national level, I'm currently the Northeastern Regional Director. The training I've received over the years and the colleagues, now friends, I've met have proven to be invaluable in the work that I do. My connections with NADE have broadened my horizons and given me a sense of belonging to something greater. NADE's advocacy is critical to the work we do as DDS employees and I'm proud to be a part of that.

Not yet a member? Visit https://www.nade.org/join-nade/why-join-nade/ to join today!

A Blast From The Past

As an organization, NADE is always looking forward in search of improvements and innovations for fair, accurate case processing and excellent customer service. In this issue, we decided to take a look back! Here are excerpts from the spring edition of The Advocate in 2011, ten years ago.



A Publication of the National Association of Disability Examiners

Volume 27, Number 2

Spring 2011

NADE's Top Issues for 2011

(This list does not reflect level of importance - all issues have equal importance)

- Continued support for a unified, or single, process for performing disability evaluations across the nation. While NADE does support the Single Decision Maker (SDM) concept and reconsideration process, we feel the most important issue is to have all DDSs using the same methods and procedures as they perform the disability evaluations. With SSA currently equalizing cases from state to state, and utilizing the Extended Service Teams (ESTs) and Federal Disability Processing Units to assist with the current backlog of cases, the differences in how DDSs process claims is becoming more and more apparent. Having a unified process for how the DDSs process claims will ensure that all citizens who apply for disability benefits will be treated fairly and receive the same consideration during the evaluation process.
- Continued support for appropriate level of funding for SSA and DDSs to ensure that sufficient resources, including staffing levels
 and funds to expand SSA's IT initiatives, purchase medical evidence of record (MER) and consultative examinations (CE's), are
 available to process the increasing workloads.
- Continued support for improvements in customer service, including improvements in processing time and significant reductions
 in pending backlogs at the initial, reconsideration and hearing levels. Furloughs of DDS employees should be eliminated as they
 contribute to the backlogs of claims at the initial and reconsideration levels and may also impact on the accuracy and timeliness of
 decision-making.
- Continued support for a national roll-out of the Single Decision-Maker (SDM) model, coupled with the establishment of national standards for qualifications of Disability Examiners to become SDMs. NADE seeks the enhancement of the role of the DDS Medical Consultant as a true consultant, especially on the more complicated disability cases.

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- Continued support for eliminating the need of disability decision makers having to
 consider Step 4 in Sequential Evaluation when the claimant would still be a denial at Step
 5. Continued support for a reduction in the 15 year relevant vocational period. Either and/
 or both of these changes would expedite case processing, save administrative costs, save
 processing time and aid in reducing the backlogs of claims.
- Continued support for Disability Program Integrity initiatives, including revisions in the
 Continuing Disability Review (CDR) process and expansion of the Continuing Disability
 Investigation (CDI) units. The financial impact would produce significant savings in
 administrative and program costs.

Top Issues, continued on page 4



Celebrate NDPW, June 13-17th

During these meetings, the NADE leaders engaged everyone in lengthy discussions and sought to build support for SSA's administrative budget needs and to increase the level of understanding with regard to the expected impact of potential budget cuts. NADE noted the 23% increase in disability claims since 2008 and the 15% growth in retirement claims over the same period. Members of Congress were warned of potential dire consequences that could result from significant budget cuts and how such cuts would impact the workload of the Field Offices, the DDSs and the Administrative Law Judges. The NADE leadership found strong support from SSA and Congress for our proposal to "reverse" Steps 4 and 5 of Sequential Evaluation. Everyone acknowledged this was a work efficiency offering the potential to save significant time and money while having absolutely no impact on the final determination in any case. Likewise, NADE found significant support for a nationwide roll-out of the Single Decision-Maker (SDM) model which would permit Disability Examiners to make final determinations in simple claims so as to reserve the time of the Medical Consultants in the DDSs for those complex cases where their medical expertise is truly needed.

NADE is on record as supporting an enhanced reconsideration appeal step but the NADE leadership discovered an over-riding concern among Members of Congress, the claimant advocate community and others was the question, "Does reconsideration have a future?" After lengthy discussions with SSA, with congressional representatives, and with others who have an interest on this issue, it was agreed NADE should investigate its long-standing position to determine if it was still relevant. The true value and effectiveness of this intermediate appeal step should be the subject of serious study to determine its role in the 21st century.

The week spent by the NADE leadership traversing the SSA and the Halls of Congress proved to be very productive. NADE will continue to pursue its legislative agenda in the months ahead and NADE members are urged to review NADE's Top Issues for 2011 and encourage their congressional representatives to be supportive.



NADE officers met with Congressman Xavier Becerra (third from left), Ranking Minority Member of the Social Security Subcommittee in the House of Representatives.



NADE officers Andrew Martinez, Jeff Price, Tom Ward, and Susan Smith met with Michigan Representative Fred Upton (center), Chairman of the Energy & Commerce Committee in the House of Representatives.

Update on the Disability Case Processing System (DCPS)

bv

Doug Willman, Administrator, Nebraska DDS Thomas E. Paige, Administrator, South Carolina DDS

On Monday morning, Doug Willman and Tom Paige presented a DCPS update. DCPS is a joint SSA-DDS initiative to replace the several current "legacy systems" now used in DDSs with a common system for use by all disability determination components.

The content of the presentation focused on the following key questions.

Why is DCPS being developed?

Disability claims filed currently are processed under one of the five different systems. These "legacy systems" are Iron Data St. Louis (formerly "Levy"), Iron Data Toronto (formerly "VERSA"), MIDAS, the New York independent system, or the Nebraska independent system. But applications maintained by Iron Data St. Louis, Iron Data Toronto, and MIDAS all have so many individual variations, due to state specific customization, that a case can be made for saying that up to 54 systems are currently in use.

The existence of all these systems causes problems including the cost of maintenance, the long delay in implementing nationwide changes, the inefficient collection of management information, difficulty in sharing work among DD Components, and the frequency of transaction failures in moving data among the systems. The current systems are not modern in terms of their appearance to the user, their functionality, and their ability to interact with today's external IT environment.

DCPS aims to be a modern system with a graphical user interface (more like an internet experience) with updated programming language and logic. With DCPS, SSA hopes to replicate and expand all existing functionality, dramatically reduce transaction failures and rollout intervals, introduce on line help including links to policy directives, more easily transfer work among components, and generally produce a more user friendly and efficient IT solution.

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2010-2011

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PROFESSIONAL RELATIONS OFFICERS

SYSTEMS



FRAUDBUSTERS

News from the OIG's website January, 2021



<u>PORTLAND</u>, <u>Maine</u>: A Waldoboro man pleaded guilty yesterday in federal court to Social Security fraud, U.S. Attorney Halsey B. Frank announced.

According to court records, from about February 2000 through May 2018, **Wayne Flaherty**, 53, a recipient of Supplemental Security Income ("SSI"), concealed his receipt of money from another individual to maintain his eligibility to receive benefit payments. Flaherty was reportedly receiving at least \$1,500 per month from this individual at the time he applied for benefits, but the amounts increased over the years, with Flaherty receiving from that person a total of at least \$846,615.18 from February 2012 through July 2017. The person also provided Flaherty with a home in February 2012.

Flaherty did not notify SSA that he was receiving these payments at any point during the time he was receiving SSI payments, despite knowing he was required to report them. At an interview with law enforcement agents, he admitted to concealing this information because he was afraid his benefits would have stopped.

Flaherty faces up to five years in prison and a fine of up to \$250,000, and up to three years of supervised release. He will be sentenced after the completion of a presentence investigation report by the U.S. Probation Office.

SSA's Office of the Inspector General, the Maine Department of Health & Human Services, the Lincoln County Sheriff's Office and the Knox County Sheriff's Office investigated the case.

<u>BANGOR, Maine</u>: A Clinton woman was sentenced today in federal court for Social Security fraud and making false statements, U.S. Attorney Halsey B. Frank announced.

U.S. District Judge John A. Woodcock, Jr. sentenced **Katherine Prosper**, 62, to four years of probation, with a condition of home confinement not to exceed six months. She was also ordered to pay \$89,864.00 in restitution to the Social Security Administration ("SSA"). Prosper pleaded guilty on January 10, 2020.

According to court records, from about August 2006 through March 2019, Prosper, a recipient of Supplemental Security Income ("SSI"), concealed the presence of her husband in her household in order to maintain her eligibility to receive benefit payments. SSI benefits are paid to people with limited income who are blind, disabled or elderly. Prosper's husband had sufficient income to render her ineligible for the benefits she received during that period. In multiple reviews of her eligibility for benefits, she falsely represented to SSA that she was living alone and not receiving help or money from any other person during this time. During an interview with law enforcement agents, she admitted to concealing her living situation from SSA because she knew it would make her ineligible to receive SSI.

Do you love the outdoors?



Oregon's DDS is centrally located in Salem, just an hour away from the coast to the west, mountains to the east and hiking all over!

We've got 15 waterfalls and 25 lakes within half an hour of our office. We've got 15 vineyards, the gorgeous Willamette River and U-pick farmland galore!







Oregon DDS is full of friendly people from all kinds of backgrounds, and from all over the country. We have a dedicated staff of doctors available for consultations and reviews. We have an active professional organization and a Fun Committee that host activities year-round. We offer flexible hours and a great benefits package. We'd love you to join our team!

https://www.oregon.gov/jobs/Pages/Benefits.aspx

Follow this link to apply: <u>Disability Analyst 2</u>

A MESSAGE FROM THE EDITOR

Each of us is absorbed in our own work, dedicated as we are to quick, efficient, accurate determinations. It takes a village to clear a case! It can be hard to see life at DDS from another's perspective.

I plan to make "A Day in the Life" a regular feature in The Advocate. I'd like to highlight a different DDS role in each issue: administrators, support staff, CDIU, medical consultants, etc. Please consider participating! It involves a 20 minute phone interview. After the piece is written but before it goes to print, you'll have an opportunity to review it and make changes. Be aware that some departments may require approval and a separate review before publication.

I also plan to make a collage of smiling NADE members' faces the cover of every issue. One of my favorite aspects of NADE membership is the chance to connect with members across the country. Please submit your photos. Goofy pictures, dress-up days, celebrations and triumphs are all big hits. Your photo could boost someone's morale! Submit one today!

To aspiring writers who've never contributed, please consider writing for The Advocate! It's a publication with a nationwide audience, and not just within the DDS community. Disability attorneys read The Advocate. Senior members in the Social Security Administration read The Advocate, too, and members of Congress! The Advocate is a great credit for your writing resume.

Even if you're not a writer, please consider submitting story ideas. We're gearing up for the next issue already! We welcome topics of interest to any member of NADE, including but not limited to medical topics, office process innovations, morale boosters and success stories.

The more of you we have in our publication, the better The Advocate will be. I want to hear from you!

Korin Gary

Communication Director

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EXECUTIVE PORTFOLIO WITH PAD AND PEN \$25.00

All proceeds to benefit NADE/Non-Dues Revenue http://www.nade.org/join-nade/nade-merchandise/

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