

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES,
1030 15th Street, NW, Suite 500E
Washington DC 20005,

NATIONAL FEDERATION OF THE BLIND,
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DEAF EQUALITY,
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NATIONAL COMMITTEE TO PRESERVE
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MASSACHUSETTS SENIOR ACTION
COUNCIL,
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ELIZABETH ROUSE,
TREVA OLIVERO,
MARTHA HAZEN,
MERRY SCHOCH,
WILLIAM WEISS,
DEJA POWELL,
WILSHAWN TILLER,

Plaintiffs,

v.

LELAND DUDEK,
in his official capacity as Acting
Commissioner of the U.S. Social Security
Administration,
6401 Security Blvd.
Baltimore, MD 21235
THE UNITED STATES OF AMERICA;
via Department of Justice

Civil Action No. 25-cv-977 (APM)

**BRIEF OF AMICUS CURIAE
THE STATES OF
CONNECTICUT, ARIZONA,
CALIFORNIA, COLORADO,
DELAWARE, HAWAII,
ILLINOIS, MAINE,
MARYLAND,
MASSACHUSETTS,
MICHIGAN, MINNESOTA,
NEVADA, NEW JERSEY, NEW
MEXICO, NEW YORK,
OREGON, RHODE ISLAND,
VERMONT, WASHINGTON
AND THE DISTRICT OF
COLUMBIA IN SUPPORT OF
PLAINTIFFS' APPLICATION
FOR A PRELIMINARY
INJUNCTION**

950 Pennsylvania Ave. NW
Washington, D.C. 20530,

SOCIAL SECURITY ADMINISTRATION,
6401 Security Blvd.
Baltimore, MD 21235,

DEPARTMENT OF GOVERNMENT
EFFICIENCY SERVICE,
736 Jackson Place, NW
Washington, DC 20503;

AMY GLEASON,
in her official capacity as Acting
Administrator of the U.S. Department of
Government Efficiency Service,
736 Jackson Place, NW
Washington, DC 20503;

ELON MUSK,
in his official capacity as the De Facto Head
of the U.S. Department of Government
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INTRODUCTION AND INTERESTS OF AMICI CURIAE

The amici States of Connecticut, Arizona, California, Colorado, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia (Amici States) respectfully submit this brief in support of Plaintiffs' Motion for Preliminary Injunction pursuant to Local Civil Rule 7(o)(1).

Social Security benefits are a lifeline for millions of Americans. For the better part of a century, the Social Security Administration (SSA) has always reliably processed benefits applications, paid benefits, and provided other services to the public. Now through their erratic and illegal actions, Defendants have weakened the public's trust in SSA and made it harder – sometimes impossible – for the elderly and disabled to access lifesaving benefits and services they depend on. Defendants' actions jeopardize SSA's ability to perform the core administrative functions Congress assigned it, and in so doing violate federal law and the United States Constitution.

Amici States submit this brief to elaborate on SSA's arbitrary approach and the chaos it has created, and to more fully explain the extent of the harm that SSA's reckless actions are imposing on Amici States and their residents. Amici States have a profound interest in the health and welfare of their residents, especially those who are eligible for state and federal retirement, disability, and healthcare benefits. Since Defendant Dudek has taken control of SSA and effectively given Defendant Department of Government Efficiency Service (DOGE) carte blanche to dictate SSA's policies and procedures, Amici States' residents have suffered an ongoing stream of abrupt changes to core SSA policies and confusing and incomplete communications about them, many of which have caused serious disruptions and delays resulting in the effective denial of benefits. And they have seen SSA's ability to respond and correct these issues hampered through illegal and ill-conceived department eliminations, staffing reductions, and office closures. As Defendants indiscriminately impair SSA's essential functions, Amici States will bear the cost of

residents' increased reliance on state aid programs and the disruption of statutorily mandated state programs that are tethered to SSA determinations and funding.

ARGUMENT

I. SSA PERFORMS VITAL ADMINISTRATIVE FUNCTIONS FOR MILLIONS OF AMERICANS.

A. Social Security administers vital benefit programs for millions of people who rely on that crucial financial support.

Almost a century ago, Congress recognized the need to provide basic income to retired workers and their dependents to lift them out of poverty. Today, millions of Americans receive monthly benefits through Social Security retirement, survivor, and disability benefits.

Congress first created the Social Security retirement program in 1935, which it expanded several years later to include benefits for eligible workers' spouses, minor children, and survivors. P.L. 74-271. Recognizing the need for the federal government to provide basic income to disabled workers, Congress created the Social Security Old Age, Survivors and Disability Insurance (OASDI) program in 1956. P.L. 83-761. The OASDI program provides monthly benefits to qualified retired workers, their dependents and their survivors through Social Security retirement (SS retirement) benefits and to disabled former workers through Social Security Disability Insurance (SSDI) benefits. SS retirement and SSDI eligibility and benefit amounts are determined by the worker's contributions to Social Security made through payroll taxes throughout their lives. These benefits do not have a means test for eligibility, although there are income limits for beneficiaries under the full retirement age.

Congress also recognized the need to provide health care coverage to retired and disabled workers and their dependents through the Medicare program, which extended health care coverage to almost all citizens aged 65 or older, and the Medicaid program, a federal-state partnership providing health care coverage to disabled and low-income individuals. P.L. 89-97. There were

68.4 million people enrolled in Medicare as of March 2025,¹ and 71.8 million people enrolled in Medicaid as of November 2024.²

Congress further recognized that certain individuals need support beyond the OASDI benefits programs and so created the Supplemental Security Income (SSI) program, which provides income support to older adults with little or no income, blind or disabled adults, and children. P.L. 92-603. Unlike OASDI, SSI has a means test for eligibility. 42 U.S.C. § 1382.

In 2023, 71.6 million people received a total of approximately \$1.4 trillion in cumulative benefits from programs administered by SSA. For more than 27 million Americans, Social Security is the only thing standing between them and poverty.³ In one recent survey, 42% of individuals aged 65 and older responded that they would not be able to afford basic living necessities like food, shelter, and healthcare if they did not receive their SS retirement benefits.⁴

Nearly nine out of ten people aged 65 and older were receiving a Social Security benefit as of December 31, 2024. Of those people, approximately 40% received at least half of their income from Social Security. Further, 12% of men and 15% of women rely on Social Security for 90% or more of their income.⁵ More than 50% of SSI beneficiaries still live below the poverty line.⁶

Beneficiary rates in Amici States are consistent with national numbers. For example, in Connecticut in 2023, 20% of the population received SS retirement or SSDI benefits and 1.8%

¹ Centers for Medicare & Medicaid Services, *Medicare Monthly Enrollment* (last visited Apr. 4, 2025), <https://data.cms.gov/summary-statistics-on-beneficiary-enrollment/medicare-and-medicare-reports/medicare-monthly-enrollment>.

² Medicaid.gov, *November 2024 Medicaid & CHIP Enrollment Data Highlights*, <https://www.medicare.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/report-highlights>.

³ E. Shrider., United States Census Bureau, *Poverty in the United States: 2023* (Sept. 10, 2024), <https://www.census.gov/library/publications/2024/demo/p60-283.html>.

⁴ Nat'l Academy of Social Insurance, *Social Security at 90: A Bipartisan Roadmap for the Program's Future*, (Jan. 2025), https://www.nasi.org/wp-content/uploads/2025/01/NASI_SocialSecurityat90.pdf (discussing survey results and related recommendations).

⁵ SSA, *Fact Sheet*, <https://www.ssa.gov/news/press/factsheets/basicfact-alt.pdf>.

⁶ Center for Budget and Policy Priorities (CBPP), *Policy Basics: Supplemental Security Income* (updated Mar. 20, 2024), <https://www.cbpp.org/research/social-security/supplemental-security-income>.

received SSI benefits.⁷ Further, 86.4% of residents aged 65 or older were receiving SS retirement or SSDI benefits.⁸ In Rhode Island, 21.6% of residents received SS retirement or SSDI benefits in 2023, including 88.4% of residents aged 65 or older.⁹ In Washington, 18.6% of residents received SS retirement or SSDI benefits in 2023, including 90% of residents aged 65 or older.¹⁰ Although only 16.4% of California residents received SS retirement or SSDI benefits in 2023, that still included 84.3% of residents aged 65 or older and amounted to approximated 6.3 million people.¹¹

B. Americans have long relied on SSA to process their claims and pay their benefits.

Throughout its history, SSA has been a vital resource for workers preparing to retire, their family members and survivors, and those with disabilities. P.L. 74-271, P.L. 103-296. Meeting the needs of millions of beneficiaries a year is an enormous responsibility that has been challenging even with the support of past Presidential administrations. Yet until now SSA always has performed its Congressionally mandated functions and Americans have never had reason to doubt it would continue processing their claims and paying their benefits.

1. SSA employs tens of thousands of people across hundreds of offices to fulfill its duty to the American people.

SSA has been understaffed in recent years and is thus ill-positioned to absorb the kind of drastic cuts and policy changes Defendants have been implementing. For fiscal year 2024, SSA

⁷ SSA, Office of Research, Evaluation, and Statistics (ORES), *OASDI Beneficiaries by State and County, 2023*, https://www.ssa.gov/policy/docs/statcomps/oasdi_sc/2023/table01.html; SSA, ORES, *SSI Recipients by State and County- Connecticut*, https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2023/ct.html.

⁸ SSA, ORES, *OASDI Beneficiaries by State and County, 2023*, https://www.ssa.gov/policy/docs/statcomps/oasdi_sc/2023/table01.html; SSA, ORES, *SSI Recipients by State and County- Connecticut*, https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2023/ct.html.

⁹ SSA, ORES, *OASDI Beneficiaries by State and County, 2023*, https://www.ssa.gov/policy/docs/statcomps/oasdi_sc/2023/table01.html.

¹⁰ *Id.*

¹¹ *Id.*

employed only 57,148 people.¹² That was the lowest it had been in 50 years, and it has been reduced still further under the current administration.¹³ Even before the reductions at issue here, SSA's low staffing levels impacted its ability to timely process and pay benefit claims.¹⁴

As of December 2024, SSA maintained a headquarters with information technology and other functions and a nationwide network of over 1,500 offices.¹⁵ The field structure was divided into 10 geographic regions containing 1,230 field offices (FOs) in communities throughout the nation.¹⁶ The 10 regional offices were each led by a regional commissioner and had specialized personnel to handle administrative tasks and to assist FOs with operational issues.¹⁷ The 1,230 FOs are the main setting for direct interactions with members of the public. More than 40 million people a year visit SSA FOs.¹⁸

In addition to the regional and field offices, SSA maintains Teleservice Centers, Processing Centers,¹⁹ and Hearing Offices. Teleservice Centers provide a national toll-free service for the public and received 81.2 million in fiscal year 2023.²⁰ The Processing Centers manage a variety of functions, including select disability claims, international claimants, earnings records, ongoing SSI eligibility determinations, FO support, and staffing for the toll-free number.²¹ SSA operates

¹² SSA, *Annual Statistical Supplement to the Social Security Bulletin, 2024* (2024 Supplement), SSA Publication No. 13-11700 (released Dec. 2024), available at

<https://www.ssa.gov/policy/docs/statcomps/supplement/2024/supplement24.pdf>.

¹³ J. Miller, FEDERAL NEWS NETWORK, *SSA wants to reduce workforce by 7,000 through VERA/VSIP* (Feb. 28, 2025), <https://federalnewsnetwork.com/workforce/2025/02/ssa-wants-to-reduce-workforce-by-7000-through-vera-vsip/>.

¹⁴ SSA, Office of the Inspector General (OIG), *The Social Security Administration's Major Management and Performance Challenges During Fiscal Year 2024* (Performance Challenges) (Nov. 5, 2024), <https://www.ssa.gov/finance/2024/The%20Social%20Security%20Administration%E2%80%99s%20Major%20Management%20and%20Performance%20Challenges%20During%20Fiscal%20Year%202024.pdf>.

¹⁵ SSA, *2024 Supplement*, *supra*, note 12.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ SSA, OIG, *Congressional Response Report: The Social Security Administration's Field Office Customer Service* (Jul. 2020), <https://www.oversight.gov/sites/default/files/documents/reports/2020-07/A-08-20-50898.pdf>.

¹⁹ SSA, *Organizational Structure of the Social Security Administration*, <https://www.ssa.gov/org/>.

²⁰ SSA, *2024 Supplement*, *supra*, note 12.

²¹ *Id.*

172 Hearing Offices for appeals of benefit determinations, including 162 hearing offices, five satellite offices, and five national hearing centers.²²

Beyond its own employees and offices, SSA partners with states, including Amici States, to operate Disability Determination Services agencies (DDSs), which SSA relies upon to make initial disability determinations for individuals applying for SSDI or SSI and reviews for continuing eligibility.²³ 42 U.S.C. § 421. In most states, DDSs also make eligibility determinations for Medicaid.²⁴ DDS are fully funded by SSA. 20 C.F.R. §§ 404.1603(b)(3) & 404.1626(a)

There are approximately 15,000 DDS staff nationally,²⁵ who are employed by their state but funded by and accountable to SSA.²⁶ DDSs also use SSA funds to pay for contracted consultants who provide medical, psychological, and other review of disability claims. SSA, *Program Operations Manual System (POMS)*, DI 39518.005 *Staffing Requirements – DDS*.²⁷ In 2024, Congress failed to approve increased SSA funding in its continuing budget resolutions, resulting in a hiring freeze that left many DDSs understaffed.²⁸

2. SSA completes millions of transactions a year, including lengthy disability benefit applications.

SSA receives millions of benefits applications a year. In fiscal year 2023, approximately 6.7 million people applied for retirement and survivor benefits and Medicare programs, 2.1 million

²² *Id.*

²³ SSA, *Understanding Supplemental Security Income Disability Reviews – 2024 Edition*, <https://www.ssa.gov/ssi/text-cdrs-ussi.htm>.

²⁴ SSA, ORES, *State Medicaid Eligibility and Enrollment Policies and Rates of Medicaid Participation among Disabled Supplemental Security Income Recipients*, SS Bulletin, Vol. 76 No. 3 (2016), available at <https://www.ssa.gov/policy/docs/ssb/v76n3/v76n3p17.html>.

²⁵ W. Morton, *Social Security Administration (SSA): Trends in Annual Limitation on Administrative Expenses (LAE) Appropriations* (Sept. 17, 2024), <https://www.congress.gov/crs-product/R47097#:~:text=SSA's%20administrative%20expenses%20are%20traditionally,and%20selected%20other%20administrative%20responsibilities.>

²⁶ SSA, OIG, *Performance Challenges*, *supra* note 14.

²⁷ Available at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0439518005>.

²⁸ A. Bolton, THE HILL, *Social Security beneficiaries at risk of delays amid GOP funding fight* (Dec. 9, 2024), <https://thehill.com/homenews/senate/5027226-social-security-funding-cuts/>.

people applied for SSDI benefits, and 1.6 million people applied for SSI benefits.²⁹ SSA also completes more than 100 million post-entitlement actions and performs approximately 4 million program integrity reviews per year.³⁰ It also processes 18 million Social Security number original and replacement applications and posts more than 304 million earnings items to workers' records per year.³¹

Understaffed as it is, SSA historically has had to work harder to keep up with the increasing number of benefit applications it receives annually.³² This has unfortunately led to longer waits for beneficiaries, with the average time to process disability applications in 2024 over seven months.³³

Individuals applying for Social Security benefits face challenges navigating the application process. Individuals applying for benefits can do so in-person, by phone, or via an online portal called "my Social Security." For retirees and their dependents, once they have applied for benefits the process is simple: SSA determines their eligibility for benefits based on their work history, age, and other factors. 42 U.S.C. § 402.

Individuals applying for disability benefits face a more complicated process. First, SSA (typically through a FO) makes an initial determination whether the applicant meets the non-medical eligibility criteria.³⁴ If they do, the application is forwarded to a state DDS to assess the medical eligibility criteria.³⁵ 42 U.S.C. § 421. The disability determination may involve medical examinations,³⁶ review by a medical, psychological, or speech and language consultant to evaluate

²⁹ W. Morton, *supra*, note 25.

³⁰ *Id.*

³¹ *Id.*

³² SSA, *Annual Performance Report for Fiscal Year 2024* (Jan. 2025), https://www.ssa.gov/agency/performance/materials/2024/SSA_FY24_APR.pdf.

³³ SSA, *Disability determination processing time*, <https://www.ssa.gov/ssa-performance/disability-processing-time>

³⁴ SSA, *Disability Determination Process*, <https://www.ssa.gov/disability/determination.htm>

³⁵ *Id.*

³⁶ *Id.*

the applicant's maximum functionality,³⁷ 42 U.S.C. § 421(h), and a vocational analysis by the claim examiner to see what work, if any, the applicant can perform.³⁸ If the DDS determines that an applicant is disabled, as defined in 42 U.S.C. § 416(i) and related regulations and agency guidelines, the claim is returned to SSA for final review and, if affirmed, calculation of benefits.³⁹

Individuals can challenge a denial of disability determination, including reconsideration by the DDS,⁴⁰ a hearing before an SSA administrative law judge,⁴¹ 42 U.S.C. § 421(d), review by SSA appeals council,⁴² and a case in federal District Court for review of the final agency determination.⁴³ 42 U.S.C. § 421(d). Even under normal circumstances, navigating these steps can be a lengthy process.⁴⁴

II. DEFENDANTS ILLEGALLY SEEK DE FACTO BENEFIT CUTS THROUGH ARBITRARY ACTIONS THAT THEY KNOW WILL MAKE IT HARDER FOR INDIVIDUALS TO FILE CLAIMS OR OBTAIN BENEFITS.

Apparently adopting Musk's move-fast-and-break-things approach, Defendants have "caused 'complete, utter chaos' and are threatening to send the agency into a 'death spiral', according to workers at the agency."⁴⁵ Announcements of changes have been made only to be rolled back days or even hours later.⁴⁶ Offices have been slated for closure only to later be removed

³⁷ *Id.*

³⁸ T. Johns, SSA, *SSA's Sequential Evaluation Process for Assessing Disability*, <https://www.ssa.gov/oidap/Documents/Social%20Security%20Administration.%20%20SSAs%20Sequential%20Evaluation.pdf>.

³⁹ SSA, *Disability Determination Process*, *supra*, note 34.

⁴⁰ SSA, *Disability decision reconsideration time*, <https://www.ssa.gov/ssa-performance/disability-decision-reconsideration-time>.

⁴¹ SSA, *Hearings and Appeals- Hearing Process*, <https://www.ssa.gov/appeals/hearing-process.html>.

⁴² SSA *Hearings and Appeals- Appeals Process*, https://www.ssa.gov/appeals/appeals_process.html.

⁴³ SSA, *Hearings and Appeals- Court Process*, https://www.ssa.gov/appeals/court_process.html.

⁴⁴ SSA, *Disability hearings decision processing time*, <https://www.ssa.gov/ssa-performance/disability-appeals-time>.

⁴⁵ M. Sainato, THE GUARDIAN, *Doge's attack on social security causing 'complete, utter chaos', staff says* (April 6, 2025), <https://www.theguardian.com/us-news/2025/apr/06/musk-doge-social-security>.

⁴⁶ N. Lane & T. Reid, REUTERS, *US Social Security agency delays, rolls back some service cuts after complaint* (Mar. 26, 2025), <https://www.reuters.com/world/us/us-social-security-agency-delays-rolls-back-some-service-cuts-after-complaints-2025-03-26/>.

from the list.⁴⁷ And Defendants are indiscriminately cutting staff without regard for how the cuts will impact SSA's ability to provide core services.⁴⁸ All the while, Defendants have failed to offer any coherent justification for their erratic actions, which has sown confusion and uncertainty in the Amici States.

Defendants' reckless actions violate the Administrative Procedure Act, which forbids agencies from acting arbitrarily and capriciously and requires that agency actions be "reasonable and reasonably explained." *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021). At least three agency actions illustrate the point: SSA's policy changes; staff cuts; and office closures.

A. Misinformation about purported fraud, waste, and abuse in SSA has driven SSA's harmful policy changes.

Since DOGE infiltrated SSA, the agency has changed policy on several fronts in the name of rooting out supposed fraud, waste, and abuse. President Trump,⁴⁹ Musk,⁵⁰ and other administration officials,⁵¹ have repeatedly claimed that "there's a massive amount of fraud" involving Social Security benefits.⁵² In a recent address to Congress, President Trump insisted that

⁴⁷ *Id.*

⁴⁸ A. Kelly & J. Kaplan, BUSINESS INSIDER, *See the list of 41 Social Security offices where DOGE is cutting up to half of workers* (Apr. 9, 2025), <https://www.businessinsider.com/social-security-offices-doge-cutting-most-customer-service-workers-2025-4>.

⁴⁹ B. Berkowitz, AXIOS, *Trump repeats debunked claims on 160-year-olds getting Social Security* (Mar. 4, 2025), <https://www.axios.com/2025/03/05/trump-social-security-160-claims>.

⁵⁰ L. Qiu, NEW YORK TIMES, *Fact Check: Assessing Elon Musk's Misleading Claims About Fraud in Government Spending* (Fact Check) (Mar. 28, 2025), <https://www.nytimes.com/2025/03/28/us/politics/fact-check-elon-musk-government-spending-fraud-claims.html>; L. Qiu, THE NEW YORK TIMES, *Musk Again Misleads on Social Security Fraud* (Musk Again) (Apr. 1, 2025), <https://www.nytimes.com/2025/04/01/us/politics/elon-musk-social-security-fraud.html?searchResultPosition=1>; C. Megerian, AP, *Musk eyes Social Security and benefit programs for cuts while claiming widespread fraud* (Musk eyes SS) (Mar. 10, 2025), <https://apnews.com/article/elon-musk-donald-trump-doge-b21b74f56f30012a6450a629e7232a1a>.

⁵¹ S. Benen, MSNBC, *JD Vance peddles a familiar (and false) claim about the Social Security hotline* (Apr. 3, 2025), <https://www.msnbc.com/rachel-maddow-show/maddowblog/jd-vance-peddles-familiar-false-claim-social-security-hotline-rcna199565>.

⁵² S. Ziv, FORBES, *Social Security Could Stop Payments to 170,000 As Musk Targets Fraud* (Mar. 18, 2025), <https://www.forbes.com/sites/shaharziv/2025/03/18/social-security-may-cut-payments-to-170000-under-musks-crackdown/>.

tens of millions of people over 100 years old were receiving Social Security checks.⁵³ Likewise, Musk has claimed that SSA pays out \$100 billion annually in improper payments,⁵⁴ labeling the benefits program a “Ponzi scheme.”⁵⁵

Yet Defendants have failed to unearth the purported fraud they claim exists.⁵⁶ SSA officials have even contradicted and undermined Defendants’ claims. In August 2024, for example, SSA’s Inspector General’s Office reported that less than 1% of total benefits paid between 2015 through 2022 were improper.⁵⁷ And those improper payments were overwhelmingly due to mistakes or delays rather than recipients falsifying information to obtain undeserved benefits.⁵⁸ For instance, according to a February 2025 Inspector General report, fraud accounted for just 3% of OASDI overpayments between 2020 and 2023 and just 4% of overpayments during the same period were issued to deceased beneficiaries.⁵⁹ And SSA already routinely identifies and reverses overpayments.

Defendant Dudek has also acknowledged that the claim that millions of deceased people are receiving benefits is baseless.⁶⁰ In a February 19, 2025 statement, Dudek correctly explained

⁵³ D. Trump, *Joint Address to Congress* (Mar. 4, 2025), excerpt available at <https://www.youtube.com/watch?v=zSa68GrWmAc>.

⁵⁴ L. Qiu, *Fact Check*, *supra* note 50; L. Qiu, *Musk Again*, *supra* note 50; Chris Megerian, *Musk eyes SS*, *supra*, note 50.

⁵⁵ D. Winkie, USA TODAY, *Elon Musk on Joe Rogan calls Social Security a ‘Ponzi scheme,’ sparking Dem concerns over key benefit* (Mar. 3, 2025), <https://www.usatoday.com/story/news/politics/2025/03/02/elon-musk-joe-rogan-social-security-ponzi-scheme/81060392007/>.

⁵⁶ T. Frankel & H. Natanson, THE WASHINGTON POST, *Why DOGE is struggling to find fraud in Social Security* (Mar. 24, 2025), <https://www.washingtonpost.com/business/2025/03/24/social-security-fraud-doge-cuts-dead/>; D. Gilbert, WIRED, *No, 150-Year-Olds Aren’t Collecting Social Security Benefits* (Feb. 17, 2025), <https://www.wired.com/story/elon-musk-doge-social-security-150-year-old-benefits/>.

⁵⁷ SSA, OIG, *IG Reports: Nearly \$72 Billion Improperly Paid; Recommended Improvements Go Unimplemented* (Aug. 19, 2024), <https://oig.ssa.gov/news-releases/2024-08-19-ig-reports-nearly-72-billion-improperly-paid-recommended-improvements-go-unimplemented/>.

⁵⁸ *Id.*; see also K. Romig, CBPP, *Setting the Record Straight on Social Security* (Feb. 20, 2025), <https://www.cbpp.org/blog/setting-the-record-straight-on-social-security>.

⁵⁹ SSA, OIG, *Overpayments Assessed in Fiscal Years 2020 Through 2023* (Feb. 2025), <https://oig.ssa.gov/assets/uploads/062405.pdf>.

⁶⁰ SSA, *Press Release: Statement from Lee Dudek, Acting Commissioner, about Commitment to Agency Transparency and Protecting Benefits and Information* (Feb. 19, 2025), <https://www.ssa.gov/news/press/releases/2025/#2025-02-19>.

that, although many beneficiaries do not have a date of death on record, “[t]hese individuals are not necessarily receiving benefits.”⁶¹ And recent reporting issued just after Plaintiffs filed this lawsuit demonstrates Dudek was willing to harm SSA recipients to appease one of President Trump’s personal political vendettas. Shortly after President Trump threatened to withhold federal funding from Maine because Maine Governor Janet Mills refused to immediately comply with one of his executive orders, Dudek emailed SSA staff about potentially canceling some of Maine’s contracts with SSA.⁶² SSA staff warned him that “[t]erminating the contracts would result in improper payments and potential for identity theft.”⁶³ Dudek agreed those concerns were valid, but terminated the contracts anyway. He explained, “[w]hile our improper payments will go up, and fraudsters may compromise identities [of Maine residents], no money will go from the public trust to a petulant child,” referring to Governor Mills.⁶⁴ Dudek later issued an apology for cancelling Maine’s contracts and reinstated them,⁶⁵ though he never apologized for his apparent decision to violate his statutory obligations as Acting Commissioner by using SSA as a political weapon at the expense of beneficiaries. Regardless, the cat is out of the bag: Defendants’ stated fraud justification for their sweeping policy changes is mere pretext.

That pretext has come with serious consequences that harm Amici States and their residents. In the name of rooting out fraud, SSA issued a series of communications regarding changes to the services that individuals can access via telephone, leading to confusion for

⁶¹ *Id.*

⁶² U.S. House of Representatives, Committee on Oversight and Government Reform, *Letter to Leland Dudek* (Apr. 1, 2025), <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/evo-media-document/2025-04-01-gec-to-ssa-dudek-re-maine.pdf>.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ SSA, *Press Release: Statement from Lee Dudek, Acting Commissioner: Correcting Recent Decision Impacting People of Maine* (Mar. 7, 2025), <https://www.ssa.gov/news/press/releases/2025/#2025-03-07>.

individuals seeking benefits or wishing to make changes to their information with SSA.⁶⁶ As of April 14, individuals who want to change the bank where their payments are deposited will have to do so in-person at a FO or online rather than by phone,⁶⁷ even though eliminating that phone service threatens access to benefits for many.⁶⁸ In 35 states, more than 10% of seniors must travel over 45 miles to access their nearest FO, with many seniors and disabled persons lacking reliable transportation.⁶⁹ On March 27, SSA imposed a draconian and utterly unnecessary policy that beneficiaries must pay back 100% of any overpayments they received—which are usually the result of SSA’s own errors—before receiving any benefits (the prior rate was 10%). That will leave many already-struggling individuals with no income until that money, which for most has long been spent, is repaid.⁷⁰ And SSA has proposed halting payments to representative payees who do not have a social security number, such as non-citizen parents of disabled child citizens, which could disrupt payments for 170,000 beneficiaries.⁷¹ If this policy were actually motivated by combatting fraud rather than an anti-immigrant animus—a dubious proposition—it would be wholly ineffective. Requiring a social security number for representative payees will do nothing

⁶⁶ A. Tergesen, THE WALL STREET JOURNAL, *Social Security Administration Delays Phone-Service Cut* (Mar. 26, 2025), https://www.wsj.com/livecoverage/stock-market-today-dow-nasdaq-sp500-03-26-2025/card/social-security-administration-delays-phone-service-cut-6H2SwtkcBES84yGG4sm8?mod=article_inline.

⁶⁷ L. Konish, CNBC, *Social Security Administration updates information on new anti-fraud measures for benefit claims* (Apr. 9, 2025), <https://www.cnbc.com/2025/04/09/social-security-updates-anti-fraud-measures-for-benefit-claims.html>.

⁶⁸ K. Romig, CBPP, *Abruptly Eliminating Social Security Phone Services Threaten Access to Benefits* (Apr. 8, 2025), <https://www.cbpp.org/research/social-security/abruptly-eliminating-social-security-phone-services-threatens-access-to->

⁶⁹ C. Zippel & D. O’Connor, CBPP, *Restricting Phone Services for Social Security Will Harm Seniors* (Apr. 8, 2025), <https://www.cbpp.org/research/social-security/restricting-phone-services-for-social-security-will-harm-seniors>.

⁷⁰ SSA, *Social Security to Reinstate Overpayment Recovery Rate* (Mar. 7, 2025), <https://blog.ssa.gov/social-security-to-reinstate-overpayment-recovery-rate/>; A. Picchi, CBS NEWS, *Moneywatch: Social Security’s overpayment policy takes effect today. Experts say it could hurt seniors* (Mar. 27, 2025), <https://www.cbsnews.com/news/social-security-benefits-clawback-overpayment-100-percent-march-27-doge/>.

⁷¹ N. Alms & E. Wagner, GOVERNMENT EXECUTIVE, *SSA weighs axing payments to 170,000 beneficiaries* (Mar. 13, 2025), <https://www.govexec.com/management/2025/03/ssa-weighs-axing-payments-170000-beneficiaries/403740/>; see also SSA, POMS, GN 00502.190 *Processing Manual Representative Payee (Payee) Selections*, <https://secure.ssa.gov/poms.nsf/lnx/0200502190> (examples of when representative payee does not have an SSN include “an undocumented alien parent payee who cannot be assigned a SSN or foreign payee applicant”).

to decrease fraud because representative payees already undergo an extensive vetting process.⁷² Instead it will require SSA to vet alternate representative payees to replace the people it already determined were best to serve in that role, and risk widespread stoppages of benefit payments.⁷³

B. Staff cuts are exacerbating SSA's problems rather than improving its efficiency.

The “series of rapid-fire policy changes” described above “have created chaos for front-line staff,”⁷⁴ whose numbers are rapidly diminishing thanks to DOGE. About 2,800 SSA employees already have retired early or taken buyouts promoted by DOGE.⁷⁵ SSA's initial stated goal was to cut 7,000 employees, reducing its workforce from approximately 57,000 (already a 50-year low for the agency) to 50,000.⁷⁶ But SSA and DOGE are reportedly planning to lay off thousands more staff.⁷⁷ DOGE also is reported to be pushing cuts of 50% or more from departments performing key services, such as technology support.⁷⁸ This is on top of SSA eliminating entire departments including both the Office of Civil Rights and Equal Opportunity and Department of Transformation.⁷⁹

Defendants have given no reasonable explanation for these devastating cuts, and they have none to give. First, any cost savings from these cuts are trivial. SSA's administrative costs make

⁷² *Id.*

⁷³ *Id.*

⁷⁴ L. Rein & H. Natanson, THE WASHINGTON POST, *Long waits, floods of calls, web crashes: Social Security is breaking down* (Mar. 25, 2025), <https://www.washingtonpost.com/politics/2025/03/25/social-security-phones-doge-cuts/>.

⁷⁵ J. Healy et al., THE NEW YORK TIMES, *'Just a Mess': Staff Cuts, Rushed Changes and Anxiety at Social Security* (Apr. 8, 2025), <https://www.nytimes.com/2025/04/08/us/social-security-trump.html>.

⁷⁶ SSA, *Press Release: Social Security Announces Workforce and Organization Plans* (Feb. 28, 2025) <https://www.ssa.gov/news/press/releases/2025/#2025-02-28>

⁷⁷ L. Rein, THE WASHINGTON POST, *Social Security faces thousands more job cuts even as service in tailspin* (Apr. 4, 2025), <https://www.washingtonpost.com/politics/2025/04/04/social-security-layoffs-trump-musk/>.

⁷⁸ J. Healy et al., *supra*, note 75.

⁷⁹ B. Overs, THE BALTIMORE BANNER, *Social Security Administration closes offices, cutting nearly 200 employees* (Feb. 25, 2025), <https://www.thebaltimorebanner.com/economy/social-security-close-civil-rights-doge-A3WNRL67JFBDJABPOQIAUBHYE/>.

up just 0.5% of its budget, which already has been cut by nearly 20% over the past fifteen years.⁸⁰ By operating on less than 1% of its annual benefit payments, SSA already is far leaner than most private insurance companies.⁸¹

Second, “efficiency” implies doing more with less. But early returns show that SSA is doing less with less. Having fewer workers has led to longer lines at FOs and longer wait times on the phone.⁸² In 2025, callers have waited about 50% longer on hold before speaking with an SSA representative than they did in 2024.⁸³ And the percentage of callers who reach an SSA representative has plummeted from 58% in 2024 to 45% in 2025.⁸⁴ SSA’s online services are faring no better: the agency has acknowledged “challenges” after its website crashed several times in recent weeks.⁸⁵ These crashes unsurprisingly come after SSA dissolved its Office of Transformation, which was responsible for managing the agency’s website,⁸⁶ and as it is in the midst of laying off roughly half its information technology staff.⁸⁷ Due to staffing cuts, SSA has announced that it will rely on X, the social media platform owned by Defendant Musk, as its primary method of communicating to the public, even though the majority of seniors do not use

⁸⁰ J. Leibenluft et al., CBPP, *Trump Administration, DOGE Activities Risk SSA Operations and Security of Personal Data* (Apr. 1, 2025), https://www.cbpp.org/research/social-security/trump-administration-doge-activities-risk-ssa-operations-and-security-of#_ftnref41.

⁸¹ SSA, *Testimony by Martin O'Malley Commissioner, Social Security Administration, before the House Committee on Ways and Means Subcommittees on Social Security and Work and Welfare* (Mar. 21, 2024), https://www.ssa.gov/legislation/testimony_032124.html#:~:text=Under%20the%20current%20system%2C%20Social,in%20less%20than%2030%20days.

⁸² J. Healy et al., *supra*, note 75.

⁸³ SSA, *800 number performance*, <https://www.ssa.gov/ssa-performance/800-number-performance>.

⁸⁴ *Id.*

⁸⁵ A. Higham, NEWSWEEK, *Social Security Responds to Website Crash* (Apr. 8, 2025), <https://www.newsweek.com/social-security-responds-ssa-website-crash-2056646>.

⁸⁶ N. Alms, GOVERNMENT EXECUTIVE, *Social Security shuts its civil rights and transformation offices* (Feb. 26, 2025), <https://www.govexec.com/management/2025/02/social-security-shutters-its-civil-rights-and-transformation-offices/403310/>.

⁸⁷ T. Luhby, CNN, *Social Security targets tech team for cuts at a time when systems are under strain* (Apr. 4, 2025), <https://www.cnn.com/2025/04/04/politics/social-security-tech-team-layoffs/index.html>.

social media.⁸⁸ Even more concerning is DOGE's plan to rebuild all 60 million lines of COBOL—SSA's code base—in *a matter of months*, which could lead to a complete system collapse, missed payments, and devastating and irreparable harm for millions of Americans.⁸⁹

Rather than make the agency more efficient, these cuts are preventing SSA from effectively serving the record-high number of Americans applying for and receiving social security benefits.⁹⁰ What is worse, Defendants seemingly have no strategy for distributing cuts evenly across SSA operations in FOs and headquarters, with some FOs losing more than half of their workers and severely impacting their ability to serve the public.⁹¹

C. Defendants' plans to close offices will have devastating effects.

In mid-March, DOGE settled on a list of 800 federal properties it planned to close,⁹² including 47 SSA FOs.⁹³ But even among those, it was not clear when each office would be closed, as just 26 of the offices were assigned closing dates.⁹⁴ In New York State, for example, the White Plains SSA office was scheduled to close on May 31 and the Poughkeepsie SSA office on July 31.⁹⁵

⁸⁸ J. Heckman, FEDERAL NEWS NETWORK, *SSA shifts to X posts for official messaging after cuts to communications staff* (Apr. 11, 2025), <https://federalnewsnetwork.com/agency-oversight/2025/04/ssa-shifts-to-x-posts-for-official-messaging-after-cuts-to-communications-staff/>; M. Faverio, PEW RESEARCH CENTER, *Share of those 65 and older who are tech users has grown in the past decade* (Jan. 13, 2022), <https://www.pewresearch.org/short-reads/2022/01/13/share-of-those-65-and-older-who-are-tech-users-has-grown-in-the-past-decade/#:~:text=Similarly%2C%20those%2065%20and%20older,of%20those%2030%20to%2049.>

⁸⁹ M. Kelly, WIRED, *DOGE Plans to Rebuild SSA Code Base in Months, Risking Benefits and Systems Collapse* (Mar. 28, 2025), <https://www.wired.com/story/doge-rebuild-social-security-administration-cobol-benefits/>.

⁹⁰ SSA, *Social Security Beneficiary Statistics*, <https://www.ssa.gov/oact/STATS/OASDIbenies.html>.

⁹¹ J. Leibenluft et al., *supra*, note 80; A. Kelly & J. Kaplan, *supra*, note 48.

⁹² M. Kinnard, AP POLITICS, *A list of the Social Security offices across the US expected to close this year* (Mar. 19, 2025), <https://apnews.com/article/social-security-offices-closures-doge-trump-b2b1a5b2ba4fb968abc3379bf90715ff>.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

Just a few days later SSA changed course. On March 27, it released a statement denying that it was permanently closing any FOs other than the hearing office in White Plains, New York.⁹⁶ Yet new reporting has revealed that Defendants, contrary to their public statements, continue to make plans to close SSA FOs. According to *Government Executive*, SSA is internally circulating a draft plan that lists “field office consolidation” as a goal for 2026 and beyond.⁹⁷ If Defendants seek to “further reduce [SSA’s] footprint,” as the draft plan reportedly states, the effects would be devastating, particularly for recipients in rural areas and disabled recipients for whom travel is more difficult.⁹⁸ In some states, many seniors lack access to broadband and already live hundreds of miles from their nearest SSA FO. Closing FOs will only make it harder for them to obtain the benefits they are entitled to, especially while SSA’s website is crashing and phone services are cut.

III. SSA’S ERRATIC POLICY CHANGES, STAFFING REDUCTIONS, AND COMMUNICATIONS HARM AMICI STATES AND THEIR RESIDENTS.

Defendants’ illegal and arbitrary actions have already caused, and will continue to cause, substantial harm to millions of Americans who rely on a functioning SSA to receive the life-saving benefits they need. They also will irreparably harm Amici States and their ability to provide critical services to their residents, including making disability determinations and administering Medicaid, bridge programs, and numerous other programs that require a properly functioning SSA to operate.

A. Cuts to SSA will inhibit Amici States from making the timely disability determinations their residents need.

States play an integral role in ensuring their residents receive the Social Security benefits they need. State DDSs share responsibility with SSA for determining applicants’ eligibility for

⁹⁶ SSA, *Press Release: Correcting the Record about Social Security Office Closings* (Mar. 27, 2025), <https://www.ssa.gov/news/press/releases/2025/#2025-03-27-a>.

⁹⁷ E. Wagner & N. Alms, *GOVERNMENT EXECUTIVE, SSA reorg plan contemplates field office closures, contradicting public statements* (Apr. 76, 2025), <https://www.govexec.com/management/2025/04/ssa-reorg-plan-contemplates-field-office-closures-contradicting-public-statements/404369/>.

⁹⁸ K. Romig, *supra*, note 68.

SSDI and SSI by reviewing and investigating an applicant’s medical condition to determine whether they have a disability. 42 U.S.C. § 421(a).⁹⁹ SSA has promulgated detailed regulations prescribing the standards under which DDSs must make their eligibility determinations. 42 U.S.C. § 421(j) and (k); *see* 20 C.F.R. § 404.1603. Nationwide, DDSs processed approximately 2 million disability determinations in fiscal year 2023.¹⁰⁰

But DDSs require an adequately staffed and properly functioning SSA to perform their duties. DDSs rely on SSA for assistance and operational support throughout the disability determination process. SSA “has the responsibility to provide program standards and leadership and to monitor and evaluate [DDS] performance.” SSA POMS: DI 39557.001 (B) and (C)(1). And SSA Regional Offices have “primary responsibility for monitoring and evaluating DDS performance,” with “[r]egular program visits, good communications, and periodic reviews” being “essential to DDS performance management.” *Id.* at (C)(2).

The FOs are also critical. “There are many situations that require FO-DDS communication on a case-related issue.” SSA POMS: DI 10005.010 § A. DDSs may, and frequently do, request information and assistance from the FOs that the DDSs need, such as medical evidence, claimant work activity, a consultative examination, or assistance contacting the claimant or others. *Id.* Timely responses to these inquiries are critical to DDSs’ ability to complete the disability determination process, and FOs are therefore instructed to “[r]espond promptly to all DDS assistance or development requests[.]” *Id.* § B(2)(3).

⁹⁹ *See also* Social Security Advisory Board (Apr. 2023), *Social Security & State Disability Determination Services Agencies: A Partnership in Need of Attention*, at p. 1, <https://s3-us-gov-west-1.amazonaws.com/cg-778536a2-e58c-44f1-9173-29749804ec54/uploads/2023/04/Social-Security-and-State-Disability-Determination-Services-Agencies-A-Partnership-in-Need-of-Attention.pdf>; SSA, *Disability Determination Process*, *supra*, note 34.

¹⁰⁰ W. Morton, *supra*, note 25.

SSA's arbitrary actions will inevitably upend this process. The average time for a disability determination currently is 232 days.¹⁰¹ That number has risen over time and has continued to rise since DOGE took hold in 2025.¹⁰²

And now, SSA has taken action that will overwhelm the already-understaffed FOs and prevent them from providing critical assistance. SSA is now requiring that people who are “flagged for fraud” and those seeking to change direct deposit information verify their identifies in person.¹⁰³ Because many seniors and people with disabilities lack internet service or the technological knowledge to complete their transactions online, limiting the phone service already has flooded the FOs with more people seeking assistance, and demand on FOs will continue to rise if SSA does not reverse this policy. And that will happen just as SSA and DOGE plan massive cuts to SSA staff. The Washington Post reported on April 4 that 7,000 staff have already been eliminated.¹⁰⁴ Thousands of SSA staff have taken buyouts or early retirement offers, many of whom work in FOs.¹⁰⁵ More than three dozen FOs have lost over a quarter of their staff.¹⁰⁶ And DOGE has signaled that it wants even deeper cuts, with a “reduction in force” that could eliminate thousands of additional positions set to begin in the coming weeks. On top of that, SSA has announced plans to reduce the number of Regional Offices from ten to four and reassign many employees to different posts,¹⁰⁷ leaving the FOs with little operational support.

¹⁰¹ SSA, *Disability determination processing time*, *supra*, note 33.

¹⁰² *Id.*

¹⁰³ A. Picchi, CBS NEWS, *Moneywatch: Social Security backtracks on in-person identification policy after outcry. Here's what it means* (Apr. 10, 2025), <https://www.cbsnews.com/news/social-security-phone-identity-verification-reversal-backtrack-doge-cuts/#:~:text=What%20is%20changing%20about%20identity,the%20telephone%2C%20the%20official%20added;L.Konish, supra, note 67>.

¹⁰⁴ L. Rein, THE WASHINGTON POST, *Social Security faces thousands more job cuts even with service in tailspin* (Apr. 4, 2025), <https://www.washingtonpost.com/politics/2025/04/04/social-security-layoffs-trump-musk/>

¹⁰⁵ K. Romig, *supra*, note 68.

¹⁰⁶ J. Healy et al., *supra*, note 75.

¹⁰⁷ SSA, *Press Release: Social Security Announces Workforce and Organization Plans* (Feb. 28, 2025) <https://www.ssa.gov/news/press/releases/2025/#2025-02-28>.

This is already impacting the ability of DDSs in Amici States to make disability determinations. In Connecticut, for example, the local DDS office is seeing delays in getting responses from FOs about critical information it needs to complete the determination process. And while Connecticut's DDS had previously turned to the Regional Office when having difficulty with an FO, it is now unclear who at the Regional Office would rectify the issue, since several of the personnel Connecticut's DDS had previously relied on have been reassigned to other posts.

SSA's chaotic actions have led many people to seek answers directly from FOs. At the FO in Glendale, Arizona, dozens of retirees and people with disabilities recently arrived, some just after sunrise, so they might have a chance to be heard, complaining of having called SSA "for days" without any response, and that they had to travel long distances just to get an answer.¹⁰⁸ Consistent with this reporting, the Arizona Attorney General has received a torrent of disturbing accounts from residents complaining about SSA's recent failures. Likewise, in New York, a 90-year-old man using a walker felt compelled, based on DOGE's baseless claims of fraud, to prove he was still alive so he could receive his benefits.¹⁰⁹ And in California, "older people with disabilities are spending hours taking public buses to get to Social Security offices only to be turned away[.]"¹¹⁰

The impact on DDSs may become catastrophic in the future. DOGE has already suggested that it wants to close nearly 50 FOs. Although SSA has attempted to walk back some of those statements, that is cold comfort. Just last week, an internal SSA memorandum indicates that SSA plans to reduce the number of FOs in the near future.¹¹¹ If SSA succeeds in closing entire FOs, that could grind the disability determination process to a halt in many areas of the country.

¹⁰⁸ J. Healy et al., *supra*, note 75.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ E. Wagner & N. Alms, *supra*, note 97.

The most vulnerable Americans will suffer as a result. Individuals waiting on disability determinations often run up credit card debt, sell their homes, and even file for bankruptcy.¹¹² In 2023, 30,000 people died waiting for their SSA eligibility determination.¹¹³ If the Court does not intervene and put a stop to the reckless dismantlement of SSA, that number will continue to spike and more Americans, including residents of Amici States, will fall into poverty.

B. The delays and dysfunctions at SSA will impede Amici States' residents from receiving Medicaid and Medicare coverage.

The systemic attack on SSA will also disrupt Americans' ability to obtain healthcare coverage because SSI and SSDI are key pathways to eligibility for Medicaid and Medicare. Most states, including several Amici States, have cost-sharing agreements with SSA whereby SSA's eligibility determination for SSI automatically entitles the recipient to Medicaid under the state's Medicaid program—without needing to separately apply for Medicaid. 42 U.S.C. § 1383c; *see* POMS: SI 01715.010.¹¹⁴ In addition, any recipient of SSDI benefits for more than two years is automatically enrolled in Medicare, even if they are under 65 and would not otherwise qualify. 42 U.S.C. § 421 (m)(1). In 2021, 6.5 million people were eligible for Medicaid through SSI. And of the 8.3 million people under the age of 65 who were eligible for Medicare because of a disability, nearly all of them (8.1 million) became eligible through SSDI.¹¹⁵

¹¹² M. Williamson, CENTER FOR AMERICAN PROGRESS (CAP), *Cuts to the Social Security Administration Threaten Millions of Americans' Retirement and Disability Benefits* (Mar. 12, 2025), <https://www.americanprogress.org/article/cuts-to-the-social-security-administration-threaten-millions-of-americans-retirement-and-disability-benefits/>.

¹¹³ SSA, *Testimony of Martin O'Malley Commissioner, Social Security Administration before the House Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies* (Nov. 20, 2024), https://www.ssa.gov/legislation/testimony_112024.html.

¹¹⁴ Available at <https://secure.ssa.gov/poms.nsf/lnx/0501715010>.

¹¹⁵ M. Mohamed et al., KFF, *The Connection Between Social Security Disability Benefits and Health Coverage Through Medicaid and Medicare* (Oct. 24, 2024), <https://www.kff.org/medicare/issue-brief/the-connection-between-social-security-disability-benefits-and-health-coverage-through-medicare-and-medicare/>.

For tens of millions of Americans, Medicare and Medicaid are life-saving sources of financial protection and access to healthcare. Medicaid provides coverage for approximately 41% of all births in the United States and nearly 60% of nursing facility residents.¹¹⁶ It is the largest payer of behavioral health services, including mental health care and substance abuse treatments.¹¹⁷ Medicare provides coverage for inpatient care in hospitals, skilled nursing facilities, and hospice (Medicare Part A) for no premium if the recipient worked and paid Medicare taxes for ten years, and for medical treatments (Part B), typically for a premium dependent on income.¹¹⁸

Defendants' actions will substantially delay disabled Americans from obtaining these coverages. Fewer people with SSDI benefits means fewer people under age 65 will qualify for Medicare. And as people wait longer for eligibility determinations from SSA, their eligibility for coverage under Medicaid and Medicare will be delayed. Individuals seeking Medicare coverage after 24 months of SSDI will have to wait even longer as the initial SSDI eligibility determinations are delayed. Individuals in those states with cost-sharing agreements with SSA may be deprived of the automatic Medicaid coverage they need as they wait on their SSI.

The costs of SSA's reckless conduct on Amici States' residents will be substantial. Studies show that disabled Americans do not have access to alternative employer-based insurance options because they cannot work and will therefore go uninsured while they await confirmation of their Medicare or Medicaid eligibility. Due to the prohibitive costs of many treatments, those individuals will forego receiving the care they need during their uninsured period.¹¹⁹ That leads to exacerbated

¹¹⁶ A. Burns et al., KFF, *10 Things to Know About Medicaid* (Feb. 18, 2025), <https://www.kff.org/medicaid/issue-brief/10-things-to-know-about-medicaid/>.

¹¹⁷ *Id.*

¹¹⁸ SSA, *Medicare* (2025), <https://www.ssa.gov/pubs/EN-05-10043.pdf>.

¹¹⁹ J. Tolbert et al., KFF, *Key Facts about the Uninsured Population* (Dec. 18, 2024), <https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/#:~:text=Uninsured%20adults%20are%20more%20likely,and%2014.2%25%20with%20public%20cover age.>

conditions and worse health outcomes, to say nothing of the stress and indignity all these Americans with disabilities incur.¹²⁰ Even if they are ultimately approved for SSI/SSDI and receive retroactive benefits, those payments will not restore the adverse health effects from their inability to receive care during the uninsured period, which will be prolonged because of Defendants' antics.

Apart from substantially delaying eligibility determinations for Medicaid and Medicare, SSA's actions will also negatively impact SSA's ability to enroll eligible recipients onto those programs—as documented in the amicus brief filed by the Center for Medicare Advocacy and Medicare Rights Center. *See* ECF No. 22-1. The calls to Connecticut's State Health Insurance Assistance (SHIP) Program, which includes a hotline where beneficiaries can obtain free Medicare counseling, have skyrocketed in the past few months as SSA has become increasingly unable to service its customers. Several individuals reported being unable to schedule appointments with SSA to enroll in Medicare for several weeks. Others have reported being terminated from Medicare for not paying premiums, even though they paid their premiums in full. SHIP has struggled to resolve these cases over the past few months because it has been unable to reach the payment center in the Regional Office. Indeed, a number of the individuals SHIP had relied on for assistance with urgent Medicare cases have either left SSA or have been nonresponsive to SHIP's inquiries.

The dysfunction at SSA will impact state Medicaid systems more broadly, too. Most states—including Amici States Arizona, California, Rhode Island, and Vermont—have entered into cost-sharing agreements with SSA under which any resident found eligible for SSI is automatically enrolled on the state Medicaid program. Undue delays in SSI determinations will place added administrative burdens on these states, which will have to take up the cost of separately determining eligibility themselves as their residents increasingly languish in the SSA process and

¹²⁰ *Id.*

seek assistance through other state programs. The impacts on these state systems may be substantial. California, for example, enrolled over 1.1 million residents onto its Medicaid program (Medi-Cal) from March 2023, through March 2024. In Arizona, approximately 2 million residents received benefits under its Medicaid program (the Health Care Cost Containment System, or AHCCCS) in 2024.¹²¹ And in Rhode Island, more than 300,000 residents were enrolled in Medicaid as of January 2025.¹²² If DOGE attempts to break down SSA are allowed to stand and continue, the impacts will compound across state benefits programs.

C. Further delays in SSA eligibility determinations will strain state bridge and other benefit programs.

The Amici States cannot and will not stand idly by while their residents suffer from SSA's reckless actions. Many have interim assistance, or "bridge," programs that provide state benefits to residents while their applications for SSI and SSDI benefits are pending. 42 U.S.C. § 1383(g). For example, Connecticut's Department of Social Services (DSS) operates the State Administered General Assistance (SAGA) program, which provides cash and other benefits, including payments for housing under certain circumstances, to Connecticut residents applying for SSI. Conn. Gen. Stat. § 17b-191. Each applicant executes an assignment of rights under which SSA will retroactively reimburse DSS for the expenses incurred under SAGA, up to the amount of the Social Security benefit. If the cash paid out under SAGA exceeds the Social Security benefit, which typically occurs when SAGA covers housing costs, the State pays the excess, an amount that would continue to increase the longer the delay in an SSI determination. Further, the State continues to incur administrative expenses while claims are pending. In 2024, the program serviced approximately 6,100 Connecticut residents and paid out \$16.7 million in benefits.

¹²¹ KFF, *Medicaid in Arizona* (Aug. 2024), <https://files.kff.org/attachment/fact-sheet-medicaid-state-AZ>.

¹²² Rhode Island, Stay Covered RI: Medicaid Renewals Data Dashboard, <https://staycovered.ri.gov/data-dashboard/medicaid-renewals-data-dashboard>.

Many Amici States administer similar bridge programs.¹²³ In California, for example, counties enter into interim assistance agreements with SSA through the Regional Offices and provide cash and other supports to individuals awaiting SSA determinations.¹²⁴ Between 2024 and 2025, more than 50,000 new applicants enrolled in the county programs, which paid out nearly \$316 million in total benefits.

The substantial delays and confusion stemming from the abrupt, systemic changes at SSA will impose added administrative burdens on these programs, with more claimants receiving benefits for longer periods as they wait on SSA. In Connecticut, because many SAGA beneficiaries are already on the program for between 6-8 months as they await the initial SSI decision (wait times for processing reconsideration requests are even longer), added delays in SSI will inevitably result in many of them receiving benefits for over a year. That may require DSS not only to pay out more than what it otherwise would—particularly if these claimants need coverage for housing costs, which generally exceed the reimbursement amount under SSI—but also to execute additional assignments of rights with beneficiaries to ensure the State can receive reimbursement beyond the initial one-year period.

D. Many other state programs require a properly staffed and functioning SSA.

Other state programs will be impacted by the ongoing structural changes at SSA. For example, California, Connecticut, New York, Rhode Island, Washington, and Wisconsin (among many others) offer supplemental benefits programs that provide additional cash, and sometimes

¹²³ See, e.g., Md. Code Ann. Hum. Servs. §§5-5B-01 to 5-5B-09, COMAR 07.03.05.01 to 07.03.05.18 (MD Temporary Disability Assistance Program); Minn. Stat. § 256D.425 (MN Supplemental Aid); N.Y. Soc. Serv. Law §211 (Interim Administrative Assistance); R.I. Gen. Laws § 40-6-3 (General Public Assistance); Wash. Rev. Code §§ 74.04.600-74.04.630 (WA Interim Assistance).

¹²⁴ CA Dept. of Soc. Serv., *Interim Assistance Reimbursement (IAR)*, [https://www.cdss.ca.gov/inforesources/interim-assistance-reimbursement#:~:text=The%20Interim%20Assistance%20Reimbursement%20\(IAR,of%20purchasing%20essential%20items%20while.](https://www.cdss.ca.gov/inforesources/interim-assistance-reimbursement#:~:text=The%20Interim%20Assistance%20Reimbursement%20(IAR,of%20purchasing%20essential%20items%20while.)

housing, assistance to residents who qualify for Social Security benefits. *See* 42 U.S.C. § 1382e; Cal. Welf. & Inst. Code § 12000 et seq.; Conn. Gen. Stat. § 17b-600; N.Y. Soc. Servs. Law 207 et seq.; R.I. Gen. Laws § 40-6-27; Wash. Rev. Code § 74.04.600; Wis. Stat. §§ 49.77 & 49.775. Because benefits under these programs are contingent on the recipient receiving Social Security benefits, SSA's failure to timely make those eligibility determinations will prevent states from providing these needed benefits to their residents, harming their sovereign interest in the health and welfare of their residents.

Like many states, Arizona's Division of Developmental Disabilities (DDD) can collect up to 70% of SSI funds to reimburse the program for support of a person with a developmental disability in a residential program operated or supported by DDD. Ariz. Rev. Stat. § 36-562(M). Delays or disruption in the receipt of SSI benefits would adversely affect that program by requiring the state to shoulder a greater share of the cost of administering its residential programs.

Finally, many Amici States' child welfare agencies also rely heavily on SSA FOs to ensure that children in the care of DCS receive the survivor benefits to which they are entitled; to update Social Security cards upon adoption; and to establish proper representative payees who can receive the benefits on behalf of the eligible child.

These programs all rely on SSA to carry out its duties in a timely manner with minimal disruptions. SSA's failure to do so harms Amici States and their residents in myriad ways.

CONCLUSION

This Court should grant Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted,

April 15, 2025

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