the earnings record, for example, an investigation is started when one SSA unit asks another unit to obtain additional information or evidence. We will remove or reduce earnings on the record under this paragraph only if we carried out the investigation as promptly as circumstances permitted.

(2) Error apparent on face of records. We may correct an earnings record to correct errors, such as mechanical or clerical errors, which can be identified and corrected without going beyond any of the pertinent SSA records.

(3) Fraud. We may change any entry which was entered on the earnings record as the result of fraud.

(4) Entries for wrong person or period. We may correct errors in SSA records resulting from earnings being entered for the wrong person or period.

(5) Less than correct wages on SSA records. We may enter wages paid to you by an employer for a period if no part of those wages or less than the correct amount of those wages is entered on SSA records.

(6) Wage payments under a statute. We may enter and allocate wages awarded to you for a period as the result of a determination or agreement approved by a court or administrative agency that enforces Federal or State statutes protecting your right to employment or wages.

[44 FR 38454, July 2, 1979, as amended at 55 FR 24891, June 19, 1990]
review and explain your right to judicial review after you have taken all the necessary administrative steps. These procedures apply also to persons claiming certain benefits under title XVIII of the Act (Medicare); see 42 CFR 405.701(c). The administrative review process consists of several steps, which usually must be requested within certain time periods and in the following order:

1. **Initial determination.** This is a determination we make about your entitlement or your continuing entitlement to benefits or about any other matter, as discussed in \(\S\) 404.902, that gives you a right to further review.

2. **Reconsideration.** If you are dissatisfied with an initial determination, you may ask us to reconsider it.

3. **Hearing before an administrative law judge.** If you are dissatisfied with the reconsideration determination, you may request a hearing before an administrative law judge.

4. **Appeals Council review.** If you are dissatisfied with the decision of the administrative law judge, you may request that the Appeals Council review the decision.

5. **Federal court review.** When you have completed the steps of the administrative review process listed in paragraphs (a)(1) through (a)(4) of this section, we will have made our final decision. If you are dissatisfied with our final decision, you may request judicial review by filing an action in a Federal district court.

6. **Expedited appeals process.** At some time after your initial determination has been reviewed, if you have no dispute with our findings of fact and our application and interpretation of the controlling laws, but you believe that a part of the law is unconstitutional, you may use the expedited appeals process. This process permits you to go directly to a Federal district court so that the constitutional issue may be resolved.

\(\S\) 404.901 Definitions.

As used in this subpart:

- **Date you receive notice** means 5 days after the date on the notice, unless you show us that you did not receive it within the 5-day period.

- **Decision** means the decision made by an administrative law judge or the Appeals Council.

- **Determination** means the initial determination or the reconsidered determination.

- **Preponderance of the evidence** means such relevant evidence that as a whole shows that the existence of the fact to be proven is more likely than not.

- **Remand** means to return a case for further review.

- **Substantial evidence** means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

- **Vacate** means to set aside a previous action.

- **Waive** means to give up a right knowingly and voluntarily.

- **We, us, or our** refers to the Social Security Administration.

- **You or your** refers to any person claiming a right under the old age, disability, dependents’ or survivors’ benefits program.

\(\S\) 404.902 Administrative actions that are initial determinations.

Initial determinations are the determinations we make that are subject to