Subpart I—Protecting the Public and Our Personnel To Ensure Operational Effectiveness

AUTHORITY: Sec. 702(a)(4)–(5) of the Social Security Act (42 U.S.C. 902(a)(4)–(5)).
SOURCE: 76 FR 54702, Sept. 2, 2011, unless otherwise noted.

§ 422.901 Scope and purpose.
The regulations in this subpart describe the process we will follow when we decide whether to ban you from entering our offices. Due to increasing reports of threats to our personnel and the public, we are taking steps to increase the level of protection we provide to our personnel and to the public. The purpose of this subpart is to inform the public and our personnel of the conduct that will subject an individual to a ban and the procedures we will follow when banning an individual from entering our offices. We expect that the regulations will result in a safer environment for our personnel and the public who visit our facilities, while ensuring that our personnel can continue to serve the American people with as little disruption to our operations as possible.

§ 422.902 Definition of personnel for purposes of this subpart.
We will construe the term “personnel” broadly to mean persons responsible for or engaged in carrying out the responsibilities, programs, or services of or on behalf of the agency. Personnel includes, but is not limited to, our employees, contractors, consultants, and examiners and State disability determination services (DDS) employees, contractors, consultants, and examiners.

§ 422.903 Prohibited conduct.
We will ban you from entering our offices if you:
(a) Physically or verbally assault our personnel or a member of the public in our occupied space;
(b) Use force or threats of force against our personnel or offices, including but not limited to communicating threats in person or by phone, facsimile, mail, or electronic mail;
(c) Engage in disruptive conduct that impedes our personnel from performing their duties; or
(d) Engage in disruptive conduct that impedes members of the public from obtaining services from our personnel.

§ 422.904 Notice of the ban.
If an agency manager makes a decision in writing that you pose a threat to the safety of our personnel, visitors, office, or the operational effectiveness of the agency, we will send you a notice banning you from our offices. The notice will contain the following information:
(a) Type of restriction. If we ban you from entering our offices, the ban will apply to all of our offices, and you must obtain all future service through alternate means. We will provide you in-person service only if you establish that there are no alternate means available. You must direct your request for in-person service to the manager of the office you are requesting to visit. If we determine that an office visit is warranted, we will schedule an appointment for you and send you a certified letter notifying you of the date, time, and location of the appointment.
(b) Prohibited conduct. We will provide you with specific details of the prohibited conduct that served as the basis for our decision to ban you.
(c) Alternate means of service. If you are banned from entering our offices, you still have several means to receive services:
(1) You may use the online services available through our Web site at http://www.socialsecurity.gov;
(2) You may call your local office. Your notice will include the contact information for your local office. You should ask to speak with the office manager or a supervisor;
(3) You may call our national toll-free number at 1–800–772–1213 between the hours of 7 a.m. and 7 p.m., Monday through Friday. You should not attempt to schedule an in-person appointment through this number. If you
are deaf or hard of hearing, you may call our toll-free TTY number at 1–800–325–0778;
(4) You may write to your local office. You should address all correspondence to the attention of the office manager;
(5) With your written consent, another person may call, write, or visit us to conduct business on your behalf.
(d) Appeal rights. The notice will provide you with information on how to appeal the ban.
(e) Periodic request for review of ban decision. The notice will provide you with information on how to request review of the ban determination every three years from the date of the ban notice, or if you appeal the ban, the date of the appeal decision.

§ 422.905 Appeal rights.

You may appeal our decision to ban you. You must submit your appeal in writing to the address identified in the notice within 60 days of the date of the notice. You should identify your name, address, Social Security number, and the office that issued the notice of the ban. The appeal should clearly state why we should reconsider our decision and provide any supporting documentation. We may allow an additional 10 days for the late filing of an appeal if you show good cause for the late filing. The ban will remain in effect while the appeal is pending. We will notify you of our decision in writing.

§ 422.906 Periodic request for review of ban decision.

You may request review of our ban decision every three years. The three-year cycle to request review will begin on the date we issued notice of the ban, or if you appealed, the date of our appeal decision. You must submit your request for review of a ban decision in writing to the address identified in the original notice of the ban. Your request for review should identify your name, address, Social Security number, and office that issued the notice of the ban. Your request should clearly state why we should lift the ban and provide relevant documentation that supports removal of the restriction, including medical documentation, applicable psychiatric evaluations, work history, and any criminal record. You must prove by a preponderance of the evidence (meaning that it is more likely than not) that you no longer pose a threat to the safety of our personnel or visitors or the operational effectiveness of the agency. We will notify you of our decision in writing.

§ 422.907 Posting requirement.

We will post the regulation in this subpart in a conspicuous place in our offices that serve the public.

PART 423—SERVICE OF PROCESS

Sec. 423.1 Suits against the Social Security Administration and its employees in their official capacities.
423.3 Other process directed to the Social Security Administration or the Commissioner.
423.5 Process against Social Security Administration officials in their individual capacities.
423.7 Acknowledgment of mailed process.
423.9 Effect of regulations in this part.

AUTHORITY: Sec. 701 and 702(a)(5) of the Social Security Act (42 U.S.C. 901 and 902(a)(5)).
SOURCE: 60 FR 18992, Apr. 14, 1995, unless otherwise noted.

§ 423.1 Suits against the Social Security Administration and its employees in their official capacities.
(a) Suits involving claims arising under Titles II, VIII, and/or XVI. In cases seeking judicial review of final Agency decisions on individual claims for benefits under titles II, VIII, and/or XVI of the Social Security Act, summonses and complaints to be served by mail on the Social Security Administration or the Commissioner of Social Security should be sent to the office in the Social Security Administration’s Office of the General Counsel that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. The names, addresses, and jurisdictional responsibilities of these offices are published in the FEDERAL REGISTER, and are available on-line at the Social Security Administration’s Internet site, http://www.socialsecurity.gov.
(b) Other suits. In cases that do not involve claims described in paragraph