The SSI Program and the POMS - Past, Present and Future

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Outline of Today's Presentation

- Introduction to SSA's Program Operations Manual System (POMS)
- Legal foundation and authority
- Organization of the POMS
- Why are the POMS so important and why should I care?
- A Mini Magical Mystery Tour through the POMS
- Changes to the SSI Trust POMS Since the 2018 rewrite
- A Look to the Future – Proposals and The SSI Restoration Act

Introduction

According to the SSA website:

"The Program Operations Manual System (POMS) is a primary source of information used by Social Security employees to process claims for Social Security benefits. The public version of POMS is identical to the version used by Social Security employees except that it does not include internal data entry and sensitive content instructions."

(https://secure.ssa.gov/poms.nsf/Home?readform)

Introduction

To practice before SSA, you must be bi-lingual – you have to speak POMS. You cannot argue the statute, regulations or case law with an SSA Claims Specialist.

There are two issues that may make familiarity with the POMS more difficult.

- First, according to SSA, the POMS encompass about 20,000 pages and covers all programs administered by SSA. I venture that few people have read the entire POMS and that you will learn something new every time you read a section of the POMS.

- Second, the POMS is a living document, an ever-evolving system, with changes being applied nearly every day. While most of the day-to-day changes are clarifications to simplify wording or update annual figures, periodically, entire sections are rewritten and major changes are implemented through a POMS update.

Sources of Law for Supplemental Security Income Program

Statutory – Title XVI **[**42 U.S.C. 1381 et. seq.**]** of the Social Security Act
- Trust provision - Sec. 1613(e) **[**42 U.S.C. 1382b(e)**]**

Regulatory - SSI, in general, 20 CFR Part 416
Income rules - 20 CFR Part 416, Subpart K
Resource rules - 20 CFR Part 416, Subpart L
NOTE: There are currently **no** specific regulations on trusts for the SSI program.
Sub-regulatory - The Program Operations Manual System (POMS) – SI
- Trust POMS – SI 01120.000ff.

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The Program Operations Manual System (POMS)

- Sub-regulatory guidance
- Not promulgated according to the Administrative Procedures Act (Non-legislative rule or guidance.)
- Does not have the force and effect of law.
- No public notice or comment period.

Prior SSA Disclaimer:

The POMS states only internal SSA guidance. It is not intended to, does not, and may not be relied upon to create any rights enforceable at law by any party in a civil or criminal action. Further, by posting the POMS, SSA is not thereby limited from exercising its otherwise lawful prerogatives. If the content of the POMS conflicts with the Social Security Act, another relevant statute, SSA regulations, or Social Security Rulings, those authorities have priority over the POMS.

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Title search: The SSI Program and the POMS - Past, Present and Future

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[Best Practices for Working with the Social Security Administration (2022)](#)

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