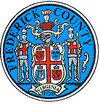
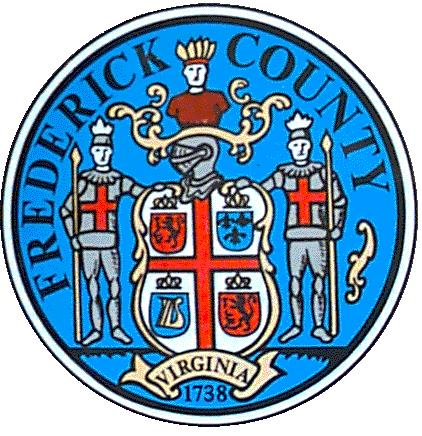
COUNTY OF FREDERICK



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**MEMORANDUM**

TO: Tamara Green

Director, Department of Social Services

FROM: Roderick B. Williams

County Attorney

DATE: February 11, 2015

RE: Social Security Number Information Provided by Certain Benefit Recipients

This is a follow up to my meeting with Social Services Board Chair Joanne Leonardis, Vice Chair Frank Heisey, Linda Gibson, and you on January 16, 2015. We discussed the issue of DSS staff learning from certain recipients of emergency benefits (these are usually short-term benefits for medical services relating to pregnancy and childbirth) that the recipients had used others’ social security numbers to obtain employment. The act of so using others’ social security numbers for such purpose is, of course, a violation of federal law. The question presented is what impact that act and DSS knowledge of that act has on DSS emergency benefit entitlements and the obligations of DSS staff and the DSS Board.

The limited relevance of the social security number, for purposes of the particular DSS benefits at issue, however, relates to the fact of the income received by benefit recipient, namely that the recipient’s DSS benefits would be reduced as a result of having earned income (that is, income earned through use of the social security number). Social security numbers are not required to qualify for the particular benefits at issue. Therefore, any recipient who discloses income earned using another’s social security number is doing so in order not to receive an improper greater benefit.

Accordingly, it does not appear that the social security number itself is a “matter or thing required” or “information required” in order to make application for the particular public benefits, such that the act would constitute the making of a prohibited false application. See Va. Code § 63.2-502 (prohibiting false applications).[[1]](#footnote-1) To the contrary, such an applicant is disclosing the income earned so that the application is not a false application (that is, an application for benefits greater than qualified for). Furthermore, then, in such a limited factual scenario – involving very short-term benefits for which provision of a social security number is not required to receive the benefits – it does not appear that DSS staff or, by extension, the DSS Board, are acting improperly in approving the issuance of these particular benefits.

1. Va. Code § 63.2-502 provides as follows: “Any person who knowingly makes any false application for public assistance or who knowingly swears or affirms falsely to any matter or thing required by the provisions of this title or as to any information required by the Commissioner, incidental to the administration of the provisions of this title, to be sworn to or affirmed, shall be guilty of perjury and, upon conviction therefor, shall be punished in accordance with the provisions of § 18.2-434.” [↑](#footnote-ref-1)