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Outrage: A Mistake of Criminal Proportions

By [Angela Bryant Starke](#) April 9, 2008 - AARP Bulletin Today

"We are writing to tell you that we plan to stop your Social Security benefits."

So began the three-page letter from the Social Security Administration to 75-year-old Dorothy Mayo in October 2006. Three months later, her monthly benefit check of \$450 stopped showing up in her bank account, putting the Sacramento, Calif., grandmother in such financial straits that she was barely able to buy food.



"It was devastating," says Mayo, a retired hospital clerk. "My daughter had to help me."

Mayo didn't know it then, but she was considered to be a "fugitive felon" by the SSA. Thousands of other retirees and disabled people throughout the country have been so designated since the Fugitive Felon Program—originally approved by Congress in 1996—was extended to retiree benefit recipients in 2005. The program aims to help police apprehend fugitives and can lead to the suspension of retirement and disability benefits of Social Security recipients with outstanding felony warrants or probation or parole violations.

By 2006, more than 300,000 people overall had been identified as fugitives under the program, but only 41,000 – 13.6 percent – were actually apprehended by police, according to a recent study by the Urban Justice Center in New York. Also, the program has adversely affected tens of thousands of people who wrongly have been identified as felons fleeing prosecution.

That's what happened to Dorothy Mayo.

Her ordeal began in 1996, when she moved to Sacramento from Hamilton County, Ohio, with her adult son and his young daughter. A few months after the move, she received a call from the FBI.

"The agent told me I had kidnapped my grandchild, even though she was with her father," Mayo says. "I asked them to return to Ohio immediately to clear things up."

Mayo says her son and her granddaughter went back to Ohio, where her son contacted authorities to respond to the kidnapping charges, which were made by the girl's mother. The charges were eventually dropped, and father and daughter remained in Ohio. Mayo says she never heard anything else from the FBI or the police and believed the matter was resolved.

"My granddaughter had been back in Ohio for 10 years when I got that letter" from SSA, Mayo says. "I didn't think I'd done anything wrong."

But the SSA through a computer match showed that Mayo had an outstanding warrant, and therefore was no longer eligible for benefits.

"A lot of people who have warrants issued are not guilty," points out Jennifer Parish, director of criminal justice advocacy at the Mental Health Project of the Urban Justice Center. "They haven't been proven guilty in court. The warrant just represents charges and accusations."

Parish, a co-author of the center's report on the Fugitive Felon Program, says Mayo and thousands of others identified as "fugitive felons" are not fleeing prosecution; they simply don't know about their warrants. In most instances, Parish says, the agency issuing the warrant is no longer interested in extraditing the person. The warrant can be several years old, and the cost to process the case is not worth the effort.

Still, an unsatisfied warrant means that the recipient is being sought, according to SSA spokeswoman Dorothy Clark. The applicant shouldn't receive benefits until he or she is able to show sufficient evidence to reinstate them, Clark says. "We have to follow the law," she adds.

Mayo contacted SSA immediately after her benefits stopped and tried to resolve the issue to no avail. She finally hired a lawyer who contacted Ohio authorities. The warrant was dismissed and all charges were dropped in March 2007 when it was established that Mayo's granddaughter had not ever been kidnapped.

Although Mayo's benefits were reinstated in May 2007, she is trying to recoup the six months of back payments. She is still frustrated by the law and the SSA's attitude.

"They did not work with me," Mayo says. "Some of the people weren't rude, but they didn't help."