United States Senate
WASHINGTON, DC 20510

September 10, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Karol V. Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
Washington, D.C. 20531

Dear Assistant Attorney General Mason:

In 1976, Congress passed the Public Safety Officers' Benefits (PSOB) Act to provide benefits to survivors of certain public safety officers who die in the performance of duty.[1] We write today to ensure that that the PSOB Office within the Justice Department's Office of Justice Programs (OJP) is doing its job on behalf of the families of these fallen officers by processing PSOB applications in a fair and timely manner.

In 2009, the Government Accountability Office (GAO) reported that families of fallen or injured officers waited an average of a year and a half before receiving a determination of their PSOB claim,[2] despite a 2004 Attorney General memorandum that instructed the PSOB Office to make a determination on all claims within 90 days of receiving all necessary information.[3] A 2008 Office of Inspector General (OIG) report noted that legal reviews conducted by OJP's Office of General Counsel caused delays in the claims process.[4] The PSOB program director has acknowledged that calls and e-mails from claimants or agencies are not always returned.[5]

In July 2015, OIG found similar delays in OJP's processing of 2,510 claims filed between Fiscal Year 2008 and FY 2013.[6] According to OIG, more than 25% of those claims remained pending as of July 2013.[7] Moreover, OJP failed to meet its own goal of processing claims within 1 year in 27% of the 1,845 claims that had been determined.[8] In addition, OIG found that the timeliness of another 16.5% of the 1,845 cases could not be ascertained, due to incomplete data.[9]

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[1] Pub. L. No. 94-430, Sept. 29, 1976, 90 Stat. 1346.
[2] GAO, *Public Safety Officers' Benefits Program: Performance measurement Would Strengthen Accountability and Enhance Awareness among Potential Claimants*, GAO-10-5 (October 2009), at 14-15, 21.
[3] *Id.* at 11.
[4] U.S. Department of Justice, Office of Inspector General, *The Office of Justice Programs' Implementation of the Hometown Heroes Survivors Benefits Act 2003,* I-2008-005 (Washington, D.C.: March 2008), at iv.
[5] GAO-10-5, at 22.
[6] U.S. Department of Justice, Office of Inspector General, *Audit of the Office of Justice Programs' Processing of Public Safety Officers' Benefit Programs Claims,* Audit Division 15-21 (July 2015).
[7] *Id.* at i-ii.
[8] *Id.* at i-ii.
[9] *Id.* at ii.

OIG found that these delays were caused in part by (1) inadequate application guidance provided by the PSOB Office to applicants and (2) the PSOB Office not adequately documenting the basis of its initial determinations.[10] OIG recommended four action steps to address these issues and OJP agreed with all four.[11] However, OJP noted that it would not develop new performance metrics pursuant to OIG's fourth recommendation, until the completion of a business process improvement (BPI) review that is being carried out by an outside source.[12]

As of February 28, 2015, there was a total of 734 PSOB death benefit claims that were pending at OJP.[13] As of June 5, 2015, that number was 720.[14] We write today to express our concerns over the continued delays in OJP's processing of PSOB claims and to request a status update on all pending claims. Accordingly, please provide responses to the following:

1. As of the date of this letter, what is the status of all pending PSOB death benefit claims filed on behalf of public safety officers of Iowa, Missouri, and New Hampshire?

2. As of the date of this letter, how many PSOB applications are pending at OJP? Please provide a breakdown by type of application (death benefit, disability benefit, or education benefit), state, and date of filing.

3. Who is conducting OJP's BPI review and what is the status of that review?

4. As of the date of this letter, has OJP finalized an abandonment policy and procedures to administratively close claims, pursuant to OIG's recommendation?

5. As of the date of this letter, have the PSOB Director and PSOB Legal Counsel implemented process changes—such as checklists identifying evidence in the record that was relied upon in making a determination, streamlining reviews, and expediting determinations—pursuant to OIG's recommendation?

Please provide numbered responses to these questions by September 24, 2015. If you have any questions, please contact Jay Lim of Chairman Grassley's staff at (202) 224-5225, Colleen Bell of Senator McCaskill's staff at (202) 224-6154, or Samantha Roberts of Senator Ayotte's staff at (202) 224-3324.

Thank you for your attention to this important matter.

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[10] *Id.*
[11] *Id.* at 30-33.
[12] *Id.* at 31, 33.
[13] Letter from the Hon. Peter J. Kadzik, Assistant Attorney General, U.S. Department of Justice, to Sen. Charles E. Grassley, Chairman, Sen. Comm. on the Judiciary (March 27, 2015).
[14] Letter from the Hon. Peter J. Kadzik, Assistant Attorney General, U.S. Department of Justice, to Sen. Charles E. Grassley, Chairman, Sen. Comm. on the Judiciary (June 26, 2015).

Sincerely,

Charles E. Grassley
Chairman
Senate Committee on the Judiciary

Claire McCaskill
U.S. Senator

Kelly Ayotte
U.S. Senator

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice