



## Registry Matters Podcast

Episode 228

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### Promo

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Andy 00:17

Recording live for FYP studios east and west, with a guest but that's later transmitting across the internet, this is episode 228 of registry matters. Good evening, sir. How are you?

Larry 00:31

Doing awesome, except it's a little bit toasty.

Andy 00:35

Toasty, in what way?

Larry 00:39

The temperature has gotten a little bit on the warm side.

Andy 00:43

Is it in the triple digits or the quadruple digits? Let's start with quadruple.

Larry 00:49

No, it's only 102. That's all.

Andy 00:55

But the percent of humidity is low, so it's very, very, very tolerable.

Larry 01:01

Right.

Andy 01:05

Did you tell me about you went out campaigning with someone there in your state? How did that work out?

Larry 01:14

I did. I went out every almost every weekend. During the spring, the primary was June 7 this past Tuesday. And I spent time campaigning on a particular state legislative race that was of interest to me because I wanted that seat to be in friendly hands. And there were two people running at I worked each weekend for two to three hours driving, I didn't do any door knocking I don't do that anymore. But I do assist in terms of strategy. And in terms of identifying the households from the list, all the candidate has to do is just jump out and try to make contact with a voter. And the results were counted Tuesday. And my candidate won overwhelmingly about a two to one margin.

Andy 02:07

Is that because of your efforts?

Larry 02:11

I wish I could take credit. But it's because of the amazing amount of support the candidate has. And the campaign volunteers were very committed. The candidate believes and volunteers and she believes in door knocking, which I'm not a big fan of anymore

because doors have become like phones. People don't answer them. They can look and see who was at their door. And they don't answer them. So, the engagement rate is very low. So, I was naysaying all through the campaign saying, hey, is this the best use of our time? Is this really the best use of our time? And I was assured it was the best use of our time. And I was like, well if you say so. So, at the end of the election when results were announced, I said I'm gonna have to rethink my, what I thought I knew about campaigns, because clearly the knocking at the doors appears to have been effective.

Andy 03:09

What is the importance then of having a close personal relationship with a did you say? Did you say, senator, or did you just say a representative?

Larry 03:20

A representative. It's crucially important because our state house has gotten to where the influence has not been there that we really need at the State House. We had two years of conservative control. And that was a disaster as far as us having any influence. And then since that, that conservative reign of control was broken. We've had the far liberal, extreme control in the house. And as I've said on this podcast before, it can be equally bad. They just do things for different reasons. But they do the same bad things. You'll have conservatives who are more than willing to abolish the statute of limitations. They abolish it because they believe in law and order and tough penalties. They're really ultra-liberals will also believe in abolishing the statute of limitations, but they will believe in abolishing the statute of limitations because justice shouldn't have an expiration date. And these poor victims need to get their day in court to be made whole. So, you've got your famous bipartisanship where they're doing it for different reasons. But the result is the same day abolish the statute of limitations. You need that center ground at the legislature and that's what I was working towards helping to have some influence in the house, which I haven't really had as much as I'd like over the last few sessions.

Andy 04:50

All right. Well, cool. And this would then be useful information for the PFRs that say the whole system is rigged and they can't do anything. They can't vote. But I believe even as a PFR, if you can make the relationship, I'm assuming that this part goes through that you could help this individual go around and do door knocking, and no one would know you don't have PFR stamped on your forehead.

Larry 05:15

But you're forgetting about the radiation of the hovercraft.

Andy 05:19

Oh, crap. I forgot about that. Okay, yeah. So people when they see the hovercraft, and they would know that there's a PFR, within range of the hovercraft. Larry: Yes, they would know that. Andy: Well, give me a quick rundown on what we're doing tonight, we've been meandering around for too long for that we have too much to cover.

Larry 05:36

It's gonna be a great program, we've got a special guest that's gonna be talking about travel internationally, and cruises. And we're going to be talking about Social Security disability, particularly how it would apply to people who are on the registry. And if this is a popular episode, I intend on making it more regular because Social Security is such an important part of people's lives in this country. So tonight, we're going to start digging in the very fundamentals of Social Security, in particular, the disability program, got a couple of questions, maybe three from listeners. And so, let's roll this train.

Andy 06:15

Very good. Well, let's bring on our guest. Go ahead and turn on your camera there, sir. And so Brian is joining us. He is a longtime patron and a personal friend. And he is going to be our resident expert on international travel. And thank you, Brian, thank you so very much for joining us.

Brian 06:36

Absolutely. Happy to be here.

Andy 06:39

So, a friend of mine calls me we'll call him Rick, totally not his name. But I was thinking, Larry, you probably knew this as as Rick Steves the travel guy on NPR.

Brian 06:48

Of course.

Andy 06:49

Okay. So that's why I'm calling him Rick. This individual is still on probation, as far as I can remember. And he calls me up, and he tells me that his family is going to go on a cruise, and he knows nothing about any of the PFR rules. Why is that, Larry? Because he doesn't do anything to support any of the groups because somehow, if he did any level of advocacy work, this would somehow come back and haunt him, and he would lose access to perhaps like he has access to his kids at this point, and so forth. Anyway, I don't want to really want to go into that very much. We could talk about that at another time that somehow being an advocate would mess him up if he donated \$1 a month. But anyhow So Rick, calls me with several questions about, hey, I'm gonna go on this cruise. I was like, Brian, you are an expert at international travel. So, you can help us out and answering these questions. And I guess we'll just dive right in and say, so does a BFR need a travel permit, not a travel permit? Do they need a passport to travel internationally?

Brian 07:53

Just like everybody else they would need to have they would need to have a passport? Yes.

Andy 07:57

All right. And in my experience, it takes a while three or something months to get a passport. Do you know?

Brian 08:05

There are there are ways to rush it that's more expensive. But given the fact that you're going to be a PFR trying to register? I would count extra time. Andy: Oh, good point. Brian: Three to six

months because there's additional paperwork that you have to send in testifying that you are indeed who you are, so that they can place the appropriate stamp in the passport.

Andy 08:29

You know, thinking about it that way, it would be easier because like they have your DNA, they can find your name on a website, like who's going to volunteer to be the wrong person on the registry? That would make it easier to identify you anyhow. Um, did they ever start putting stamps or notifications or anything like that on your passport?

Brian 08:51

On mine I have so my story is a little bit different. I got a passport prior to the international Megan's Law which required the stamp in the passport. I traveled on that passport prior to the International Megan's Law going into effect. And the last time I tried to travel internationally, which was after International Megan's Law went into effect. I was denied entry into the country that I was going into and a few months after I returned home. I received through a certified letter notifying throughout from the passport office that notifying me that my passport had been canceled or revoked. If I wanted to get a new passport, then I would need to go through the process of registering for a new passport filling up the proper forms and starting over. So, I don't know if that answered your question though. That was my process. Andy: Pretty much pretty much. Brian: So, I don't have I don't I don't have a stamp on my passport because my passport was revoked, but if I go to choose a new passport, which at some point in time, I will Yes, I will have a stamp.

Andy 10:02

I think then the follow up question is Why was your passport revoked? It's because of your PFR status?

Brian 10:09

Well, I, you know, they don't really tell you why it was revoked. They just tell you what revoked. And it's not here's a refund on the money that you paid to get the passport in the first place. It's thank you for the money. And by the way, you your passports is canceled?

Andy 10:22

Well, you did pay for the work for them to go evaluate the passport, they still had to do the work. And I get like a question is it doesn't say your crime, it doesn't say that you are convicted of that. It just says that you were convicted of something of a sexual offense. Larry, that's probably a question more for you than for Brian. Isn't the wording something along those lines?

Larry 10:44

Yes, I don't have the specific wording. But people in the registry have sent it to us. And it says that they are covered in that, that section of law, that they have an offense that's covered in that section of law. That's all it does, and I'm not minimizing but I'm saying it doesn't say you've been convicted of any particular offense. It says you've been convicted within a universe of offenses. And that is what's on the passport. It's really not as obnoxious as it could have been.

Andy 11:13

And so, I just I wanted to point out that it's making a factual statement. It's not any sort of assertion about anything, any sort of assumptions. It's like this, this is the fact of it is a thing.

Larry 11:26

Correct. It's not making any determination about your dangerousness.

Andy 11:33

So, when, when you're going to travel, is there any sort of notification required that you that you need to give to somebody and at what interval is that going to be required?

Brian 11:48

So, you need to have you need to notify your reporting authority. So, where you would go to do normally do your either quarterly or annual registration, you would go to that office and provide them with the notification that you're going to travel. They typically will ask what your itinerary is where you're going? That kind of thing. My understanding is, is what they do with that information is they enter that into the Interpol database, which then Telegraph's that information to the receiving countries so that they have your information on file when you receive when you arrive at that destination.

Andy 12:23

Um, and, Larry, have you heard? Sorry, Brian, have you done a cruise since you've been a PFR?

Brian 12:31

I have. I went on a cruise, which went to Honduras, Belize, and Mexico. I didn't have any problems getting on the cruise. I didn't have any problems in Honduras, I didn't have any problem in Belize. And I didn't get off of Mexico because of the known issues going into Mexico with the PFR. I didn't want to risk it. When we arrived back in port; however, traveling is always an interesting experience internationally, and this was no different. I was met at the demarcation of the cruise ship with security and was escorted directly to the special line to be processed back into the country. You know, the part that kind of sucks is we were leaving with a couple that had no awareness of my offense whatsoever, and it just kind of raises all kinds of weird questions. But fortunately, it wasn't somebody that we were traveling with, and we never really saw them again. But it was interesting that they waited till the end of the cruise to do that operation. I do know that there are people that do plan on going cruises and I have heard of stories where people pay their money to go on the cruise, the cruise lines very happy to take their money. They wait until you show up to get on the cruise and they tell you no, you can't get on the cruise, keep the money.

Andy 14:13

I wonder if somebody had some travel insurance if that would be covered?

Brian 14:20

Well, so the last international travel that I did we my wife and I were trying to go to Jamaica. And we did have travel insurance for that trip because I knew going into it that it was going to be a big maybe that we could get in there. So, we did get some money

back from that, but it still doesn't cover certain losses as part of that. And basically, we wind up being on an airplane for 24 hours to fly to Jamaica and back

Andy 14:49

Without experiencing Jamaica.

Brian 14:52

Correct? Well, I mean the airport's very nice, as well as the security.

Andy 15:00

Larry, then I'm going to push it over that way as a, there have been lots of people that have gone through your channels that have talked about problems with getting on cruise ships and traveling abroad. You want to go into any of that.

Larry 15:15

I hear such a mixture of stories of people not having any problem to people being denied when they show up, similar to what Brian described having extra scrutiny at various points through the through the cruise. And it seems to vary dramatically from cruise line to cruise line. Since I've never been on a cruise, I don't have anything really significant to offer other than it's all over the map.

Andy 15:42

Well add on this though, if we're Americans, and we should be allowed to travel wherever we want, right?

Larry 15:51

Well, as far as I know, you can travel anywhere you want to, you just may not be admitted to the country that you travel to.

Andy 15:57

And why we don't have why why would a sovereign nation have the right to deny us entry? That sounds shitty?

Larry 16:04

Sounds kind of like the same reason the United States as a sovereign nation denies entry to people it deems undesirable.

Andy 16:10

You know, I was just setting all that up, right?

Larry 16:14

Yes, I do. But yes, the United States does not welcome everyone, I would encourage those who believe that Americans should have unlimited rights to enter, that they should encourage that policy on the US side. And what they're going to tell me I already know this. They say, well, Larry, you don't understand. We would like to know before we get there, and I say I don't know how to do to address that issue, because I've not ever traveled internationally. So I don't know what steps you can take. But you just can't assert a right to be there. But the right I think you can assert, which I wish it would be asserted is that an American would have the right to be on an equal opportunity to travel. And if you're not going to be allowed equal opportunity to travel, there should be a very narrowly tailored exception, where they specify a reason why you not a general blanket, but a specifically narrowly tailored reason to why you need this advance notification applied. And there I think with some very focused litigation might get some traction, but it

needs to be very narrowly focused and zero in on the issue that you have, you should have an equal opportunity to travel without any interruption from your government. Unless your government can prove that this is kind of like when you put a health sign on someone's door, you're putting the health sign on their door that they've been downgraded because they've had an Individual Determination of their restaurant, where they may measure the parts per million or whatever it is how they measure to sanitary solution, and the food holding temperatures, when the storage temperatures and all that stuff, they've determined that particular entity is not operating safely. If they can determine on an individual basis that you're not safe to travel, then I think these notices would be more justified and constitutional. So, I think there are some constitutional challenges that can be made. But everybody wants to throw they just want to throw up a big challenge. What is it a class action lawsuit? Just bring down the whole damn thing.

Andy 18:08

I gotcha. I mean, like one of our longtime listeners, his conviction is from like, the early 90s, or something along those lines. And if individualized determination about the crime and then almost like doing instead of a tier structure or categorical that the individuals evaluated and all that stuff, and are you then deemed a threat, maybe there would be some sort of like, I don't want to call it a psychosexual evaluation, but something along those lines to let you have some kind of due process to prove that you're not the problem.

Larry 18:41

I would say that that would be more likely to be constitutional, what they're doing now is not really constitutional, in my view, but people don't want to do the very narrow challenge that I'd like to see done. Because it won't save everybody there will be people under my system that would be denied travel. And they somehow believe they have a right to enter another nation.

Andy 19:06

I gotcha. Um, and we I think we just glanced over it but the website RTAG I don't want to discount that it's there. It's a useful resource. But if I'm not mistaken, and the two of you correct me if I'm wrong, that's self-report stuff that is John Doe traveled to XYZ country and they got in, they didn't get in and then they report that back. Your mileage may vary on either side of that, that you may not get in or you may get an on one that says that you're not going to get into brand.

Brian 19:36

I use RTAG when I'm looking at potential travel. And this is international travel. There's nothing in the states that are totally different issue. And RTAG is my first stop in it's always with a grain of salt or critical eye. There are four if I remember correctly, designations within the RTAG information. One of them is, you know, basically it's like there are SO laws or PFR laws to that country, and then there's other levels to that or layers to that. Basically, if I've got, if I see, four, I think it's either four or five, across the board for particular country, I'm a little bit more confident that I should be able to travel to that country fairly easily. But if there's any one of those turned red, or you know, PFRs have been turned away, then with each number of those being turned, it becomes a greater risk of, you're just not going to

get in. And that's where Jamaica was. They weren't red across the board. They had some green. So, it's like, well, maybe. But yeah, so it's interesting, because most of Europe, minus UK, and Ireland is all fairly open. I have traveled through Germany a couple of times on my passport. And this was before international Megan's Law became really fully in effect, and Germany's snap, I mean, they, they could care less. I mean, okay, they do they do the normal process for most people. I was stopped in Germany one time, but it had nothing to do with my, my reporting needs here in this country. I was a random stop. So, but my theory on that is, is the countries that are colonies there have are potentially also under that, because not all countries are listed under RTAG. So, like, if you're looking to travel to an island somewhere, if they're a colony of like, say, France, which is open. You're probably going to get in there.

Andy 22:06

Okay, I gotcha. I gotcha. It's gonna be the place you start. I hear you. Well, cool. Um, anything you want to follow up with last minute things. And Larry, that goes to you too before we close out of this section?

Larry 22:16

Well, I agree with what Brian said about RTAG and that that is the Registrant Travel Advisory Group, for those who haven't heard that before. It's a good starting point, because it's based on real experience of individuals. But as Brian said, in pre-show prep, past, performance is not indicative of future results. Therefore, the country may have like the Philippines used to be relatively open, and now it isn't. So just because you see that no one has reported a problem you should not assume by any means that you're going to get in without any challenge you may not get in because they may have a person who just doesn't like you, at that particular day.

Andy 22:55

Got it? Very good. Brian, anything before we close out?

Brian 23:01

I don't think so. I mean, it. I haven't done much international trouble since my passport was revoked. But, you know, I'll get back around to it eventually.

Andy 23:09

I gotcha. Well, cool. I really can't thank you enough for coming in kind of short notice. But really, really appreciate a friend, patron and coming on and sharing with us to help us move along on this subject. Thanks so much, man.

Brian 23:23

Absolutely happy to help. Andy: Thanks. Have a great night.

Promo 23:27

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Andy 24:16

All right, Larry, we are going to continue on. And we're going to move over to your silliness of some Social Security stuff, right? You want to talk about Social Security disability and cover some basics of the program. I'm sure you have a elaborate reasons for bringing this up. And what in the world does this have to do with PFR?

Larry 24:36

It has to do with PFR is because the high number of PFRs who have difficulty finding and maintaining employment. And because of the unique these unique challenges, many PFRs seek and some are even approved for Social Security disability benefits.

Andy 24:53

And how much money is someone going to receive? How much can they expect to receive on Security? And are we only in this conversation going to be talking about Social Security disability or Social Security? Otherwise, because there's like four programs aren't there?

Larry 25:11

Yeah, we plan to break this into a few segments. This week we'll discuss the basics of disability determination process. And a following episode, we'll dig into the administrative hearing process and the type of questions to claimant will face and the third segment will focus on the overall Social Security system, including long-term solvency, the efficiency of its operations and possible reforms to improve the system. So, but how much can a person expect to receive? Well, it depends, I'm going to give you an average and this is based on 2021. So, there was a raise at the beginning of 2022. But the average retiree in 2021, received \$1,555. And the average disabled beneficiary received \$1,280. Now there they were 8.1 million people receiving disability and 46.7 million receiving retirement during the average number in 2021. So yes, you're talking about a whopping \$1,280 a month on average.

Andy 26:15

I would think, though, in a lot of the cases of PFRs, that are struggling to find, even beyond basic minimum wage work, that being able to get 1200 bucks a month would be that would improve their lifestyle, perhaps.

Larry 26:28

I'm sure it would.

Andy 26:30

And now that we have established that people are making mega bank while they're getting Social Security disability benefits, let's begin with some very basic stuff about Social Security disability. And I'm sure that you just show up and say I have hangnail, and I should be able to get disability, is it really easy to get disability? Or is it a stringent process to meet the requirements to get it?

Larry 26:54

No, it is not easy. The definition of disability is stringent and difficult to meet. And in my professional life, and my family life both I have processed disability applications, our law practice and

for particular family members, the definition is very difficult to meet.

Andy 27:15

Is it? Is it exceedingly difficult? Should it be easier Do you think?

Larry 27:22

Well, that's a political question, should it be easier? Our country has a lower ratio of disabled people than the Western nations that we compare ourselves to. So that would suggest that Americans are either healthier, or that the disability determination process and criteria would be less stringent in some of the other nations of the world. But it's pretty tough to get disability.

Andy 27:47

And if I'm not mistaken, did you did you just use a term called sustained substantial gainful activity? And what does that mean?

Larry 27:57

So well, let me let me cover the definition of disability. First, the definition for disability if you don't mind. A person to be considered disabled under Social Security. They have to have a medically determinable physical or mental impairment or combination of impairments that prevents him or her from doing any substantial gainful activity and has lasted or is expected to last for a continuous period of at least 12 months or is expected to result in death. And I did use that term substantial gainful activity. I guess now you want to know what it means, right?

Andy 28:32

I do I do. I do.

Larry 28:34

Okay, it's one of the first measurements in the termination process. It's a dollar amount of monthly earnings that determines whether the claimant can move forward with the application for benefits. If you're engaging in substantial gainful activity, it's almost impossible to be approved for disability because that is the fundamental core of the of the decision and the criteria. So, if you can engage in substantial gainful activity, which is defined as the ability to earn \$1,350 a month, then you're not likely to be found to be disabled.

Andy 29:15

So, if you're making \$7 an hour, seven times four is 280. 280 times four is like around \$1,200 a month. So, this is that benefit amount is approximately minimum wage before taxes are taken out.

Larry 29:32

That's not your benefit amount, your benefit amount could be less. This is an amount that determines if you are able, the \$1,350 is what's called substantial gainful activity SGA. That is one of the first tests that they apply to you. When you're when you're seeking disability, they will ask you, what work you're doing, how much you're earning, and if you're earning greater than 1350.00, that's considered above SGA limits. And you're not gonna get approval for disability if you're engaging in substantial gainful activity. Andy: So, so if your earnings go into if you're earning. Larry: Yeah, yeah, go ahead with your question.

Andy 30:17

Yeah. So if you're earning something more than \$100,000 a year, working in the Permian Basin for the last 20 years and has a medical episode that prevents them from doing that job. The person, they're going to have to, they're earning more than 1350 a month, they're not eligible for disability.

Larry 30:38

That is correct. You do not have the right to be deemed disabled, because you can't earn at the level you previously earned. So, you take that \$100,000 earner, and they are significantly impaired. And all they can do is sit for four hours a day, if that four hour of sitting will pay them at least \$1,350 a month, they're out of the ballgame from the get go because they're able to engage in substantial gainful activity.

Andy 31:08

I sort of understand I'm thinking though, I've heard I'm thinking about we talked about this a couple of days ago, when Reagan said something on, maybe he was given like a State of the Union address, and they're going to revamp Social Security. And there's the Social Security lady receiving a dozen checks, you hear all the time that people receive Social Security money, nut checks, whatever, all the stuff that how do you respond to that?

Larry 31:39

Well, it's really nonsense and political theater. The Social Security system has been able to determine for a very long time, since actually, since the very beginning, a benefit is tied to a worker's contribution. And if there's no worker record to support that, so it's either the worker in the case of disability it's the worker, but in the case, there's survivors benefits for disabled people. There's for retirees, there's a number of dependent benefits that can flow from a Social Security worker, but there has to be an underlying record. And the that's just theater, nobody had nine different identities that they collected Social Security under. But it sounds like you're a little confused about the substantial gainful activity. So, you're earning \$100,000 a year. And you have a medical episode, you get crashed from behind, and you can't go work on the oil platform anymore. So, you run down to the Social Security office. And even though you were earning \$100,000 a year, you have a need for money, because very few people saved 100,000, they spend it. So they go take a job that pays them \$1,200 A month, they're earning \$300 a week. Well, that would be under substantial gainful activity, their application might can go through. But if they get a job that's pegged them \$400 a week, that's \$1,600 a month. So, when they put in their application to Social Security administration one of the things is are you currently working? What is your salary? Well, if you're earning \$1,600 a month, and you said, well, I just can't make it on that, you know, I was earning \$112,000 a year. That's not relevant. That's not a part of the disability termination process. You are engaging in substantial gainful activity. Social Security is not an insurance program to put you back at the level that you were earning before you got crashed from behind. And you can no longer work in the oil platform. It is it is a program that insures you against total disability, practically \$1,300 A month isn't much in terms of but if you can earn more than \$1,350 a month, you're not disabled.

Andy 33:50

And that would be one of the frauds would be people working under the table. So, it's not reportable income.

Larry 33:56

That would be correct. And of course, that happens.

Andy 33:59

Of course, of course. And when this person the 100, and something thousand a year oilfield worker person comes they have to complete a very comprehensive application for benefits either online or paper form. At least we have the internet these days. They have to describe the impairment or impairments and list their medical providers. What happens after that?

Larry 34:20

Well, once they fill out the application, the application is sent to what's called a Disability Determination service or DDS in the person's state of residence for further development. And it only it only gets to the DDS after all the non-medical requirements have been cleared. Meaning that you have to be a covered worker, you have to have sufficient earnings to be eligible for Social Security benefits. It's not a wide open program that anybody can receive. So it will go to DDS after the non-medical hurdles have been cleared.

Andy 34:58

And so you're saying that the Social Security office person doesn't make the decision.

Larry 35:05

That is correct. I'm afraid that that's not the way it happens. So, like I say, once it's been determined that the claimant needs to non-medical criteria, which means that they have worked sufficiently then they will send this claim over to Disability Determination Service, and it will be developed from there.

Andy 35:24

Would you do me a favor and clarify all that is included in DDS. I'm thinking that this is my dental, something service. But that's not what we're talking about.

Larry 35:35

Though, DDS is an agency within the state government that Social Security has contracted with, but yes, they will work the claim in terms of making an initial determination. And we'll get more into it further down in the interview, where we go into the DDS but it's a state agency and they receive funding from the federal government. These entities assist the Social Security Administration by processing the initial claims from their jurisdictions. And when the application gets accepted by the DDS the determination goes forward. Well, I think we've kind of jumped ahead, but that process of DDS is very comprehensive, they will go through your medical folder, they will compare it against what's known as the listings of acceptable disabilities, they will seek what's called a consultative evaluation, if they don't have enough medical evidence, and then they will render the decision. But the Social Security Administration does not make that decision itself. It's goes it goes to a state agency that makes the decision.

Andy 36:39

Now, if we were listening to Tucker Carlson, I bet you that everyone that applies for this program gets it 95%, or more of the people that apply, you just basically sign your name, and they start throwing big fat checks your way. So, what percentage do you think are approved?

Larry 36:58

Well, it's not anything like that. It's, it depends on the state that the personal lives, but roughly about a third of the applications are approved at that first level of determination at DDS. And so that means about two thirds are denied. 65% of the people in 2016 were denied at initial application. And then there's a, there's a, an internal review, within the DDS process, you can ask for a reconsideration. And the DDS that made the decision with a different examiner, but the DDS will make a decision again, at about nine or maybe 10% of the time of those of those who asked for that reconsideration, they come up with a different decision than what the first examiner came up with. So, you're looking at a very low rate of approval, you know, you got to 1/3 initial consideration, and then roughly 10% of those who asked, excuse me, I misspoke. 1/3 initial application, and then about 10%, who asked to be reconsidered. So, you're getting, you're getting a very small number of approvals at that level. And then there's another level of appeal where you can go beyond that if you're not satisfied, and you couldn't ask for a hearing before an Administrative Law Judge.

Andy 38:24

And at the lower level of the process, if so, you like less than 50% of the claimants succeed, what does the person do next? I guess that's where you were just saying the Administrative Law Judge of what percentage of those?

Larry 38:36

Yes, they will they request a hearing to be conducted by an Administrative Law Judge. And using the same year of data that I used above from 2016. It hasn't really changed much. It's actually gone up slightly, but not much. The people request of those the same year of 2016 12,535 decisions were made at ALJ disability hearings, with 5826 approvals, which comes out to an approval rate of 46%. So, if you're persistent, you've got nearly a 50-50 chance of the Administrative Law Judge will award you benefits. And while the number of hearings is not nearly as high as at the reconsideration stage, because that was at the state agency level, there's a greater ratio of people succeeding. But some people they just decide to discontinue their pursuit of disability benefits because they thought it was worthwhile to try and they don't go through the Administrative Law Judge process. They just give up. But there's another level called the Appeals Council and they review if you don't like the Administrative Law Judge, and they grant about 10 to 13%. They overturn and then you have the right to file a claim in the United States District Court. And of those people about 40% of those that go to court, actually win their disability but this drags on and on and on this process takes a long time. And we had some chat last week where a person said, you know, hey, you just, this is just a breeze, it isn't. If everything, goes beautiful, when you file your application, the initial steps are going to take three months with everything go on beautiful, well, from the time you file your application for benefits, because they have to get medical. The DDS has to develop the case, they have to

build your medical file, they have to seek a consultative exam, if they don't have enough information in the file to make a decision. And then they have to render a decision. And then you have to ask for that reconsideration. And that takes so you added another two months, when you ask for reconsideration, that's going to be 45 days to two months. So, everything going beautiful, you're six months into it already. And then now, if you ask for an Administrative Law Judge, depending on which, which region of the country you're in, you've got another six months to maybe 18 months to wait for the Administrative Law Judge. And it typically takes them about three months to turn around their decision. After they've had the hearing, conducted the hearing which we're going to do an episode on the hearing process. It takes them another three months. And it takes Social Security anywhere from 30 to 90 days to put you in payment status. So, you're talking about a very, very long process.

Andy 41:27

So, you mentioned though, that the approval rate is varying by state and isn't Social Security than a federal program. How does the exact same definition be interpreted differently across 50 states?

Larry 41:41

Well, it's a great question. It's because of the human condition. Remember, it's a state agency that makes the determination for Social Security. And due to this, the average percentage of approvals can also vary wildly from state to state. And especially at each stage of the of the appeals. For example, Hawaii and Utah have the highest approval rate at administrative logic hearings, while Alaska and Kansas have by far the lowest approval rating, approvals. Many factors go into the to this, you're dealing with humans. I know in your perfect ideal world; the computer would make the decision, but the computer doesn't make the decision. Andy: Yes. These are people who look at the medical evidence, they look at the listings, they look at your statements that you've made in your application. And they look at your doctor's statements in terms of how this disability impairs you. And they do the best they can. And at the hearings level, they bring in vocational experts to testify and they'll have a vocational expert that will opine what type of work you can do despite your disability. These are very complicated. This is a very complicated program. So, it varies dramatically from state to state, because people's outlook on how they feel about disability varies widely. You've got people who believe I worked all my life, and I got up and I done it, and you can to.

Andy 43:03

Tell me, I'm going to tell you something that I heard on a podcast once and you will probably be able to fill in some of the gaps. It's been a long time. And this will, I believe, apply to PFRs as the way that the scenario plays out. I heard a story about a woman and this is some time ago. Like I said the details are fuzzy. She was not advanced age, but she wasn't 20. So maybe she was in her 50s and her whole life she had worked at something of a maybe like a hog processing chicken processing some kind of very manual labor like that. And she is having all kinds of physical problems doing it. And she lives in some little podunk town in you know, Mississippi, Alabama, somewhere in that ballpark. And in through that whole process of seeing the doctors and like trying to figure out what she could do at the Disability Office, or even I guess the Department of

Labor, the like, what kind of job do you see yourself doing? She just says I'd like a job where I sit down. And they determined that she would qualify for disability because there were no jobs in her town that were where she was qualified for. So, no office skills or anything like that. And she couldn't continue doing the physical labor at the main industry in the town. Does that? Is there anything that I need to get cleared up in that scenario?

Larry 44:21

Oh, that's absolutely a great description of how it works. A person who, when they're determining your disability, your impairment, they're looking at your age, your education, your vocational training, if you have any. They're looking at how your medical condition impairs your ability to do so a person with a limited education, they're looking at limited work options. And then there's a there's a favorable, less stringent, it's more favorable for a person who's older as it used to be 50. Now they're trying to push it up to 55 but a worker between 50 Did 55 has a much easier time, considerably easier time in qualifying because they realize that the training it would take to resurrect your ability and redirect you to something else is very costly at your age. So, there's a little easier criteria for the older worker. If the person was obese, that's a factor. And I know, obesity, according to some is something that that you can choose to deal with. But if you're there's a level of obesity, I don't remember the terms because we haven't done this practice in 20 years, almost 20 years, but there's their levels of obesity. And without using a politically incorrect term, there's a level of obesity that has a significant impact on your ability to work. And that would be a consideration. If she had no education, no real training, really there was no sit-down jobs, and the it has to be a job that exists in significant numbers into national economies, the way the wording of it is. And the national economy is really local. I mean, when the Disability Determination Services looking at it, they're looking at what jobs are within some reasonable proximity of her they don't expect her to drive from Birmingham, Alabama, to Wilmington, North Carolina to work, they don't expect you to relocate either. So, it's very possible.

Andy 46:20

Not even a relocation option either?

Larry 46:24

So yes, that sounds like a very, very reasonable outcome, that she would have been found to be disabled. And they don't fight as hard on the older workers because the longevity of the claim. This is potentially a lifetime benefit. If you are awarded disability, as long as you meet the medical, continue to meet the medical requirements, that you could conceivably draw benefits from age 25 to your retirement age. And therefore, it is a lot of scrutiny as a younger worker and an older worker is going to get a lot more slack because they've been paying into it for 40 years, and they're getting to the finish line. But if you're 25 years old, and we kind of skip that section, about how easy it is to qualify for disability, what it takes to qualify. And there was a section here about the younger workers, and I forgot where it was. But I know I wrote some stuff up about younger workers. Did you pull this out earlier before I had that section in there? Because there was quite a question in there about age. It says, how much does it how much does a person need to have worked in order to be eligible for disability payments, and I said, Well, it depends on the person's age. A young person needs only to have worked half the time since their

21st birthday. For example, a 25-year-old would need to have worked enough to have earned a total of eight credits. Because think of think of quarters rather than credits, but they call it they refer to them as credits, you can earn four quarters or four credits per year. And to receive a credit for 2022, you have to earn \$1,510. To get a credit, if you earn 1510 times four, you can earn that all in the first month of the year, you will receive four credits. Well, a person who's 25 years old, half the time since they were 21 would be two years because there's four years between 21 and 25. So if they have eight credits, they would be eligible for a disability payment, and that disability payment could go on for the rest of their life. And so Social Security takes a very critical look at that that person because they don't want to pay that person for 40 years of disability benefits.

Andy 48:32

What do you think, though, about we have so many people that they may be qualified to do a job, but none of the employers in the area will hire them based on PFR status. Like we played that video, what a year or two years ago where the person went through the drive thru at the Popeyes chicken and said, You got a PFR working here. I don't want it if he going to touch my food? I mean, this makes our people potentially unemployable. Can they does this turn into a situation where a PFR could qualify for disability because they're unemployable based on the PFR status?

Larry 49:09

Not officially, but unofficially, as I mentioned, the human condition can kick in when decisions you know, the computer wouldn't be able to take this into account as easy. But some examiners will take that into the equation and even some Administrative Law Judges will. They won't publish that they're not going to tell you I mean, that would be a disastrous PR thing, if that got out. But the ability to be employed if a person's not employable. And I will tell you, it was not a PFR. But there was a person that I knew quite well. And they were in Georgia and the Department of Labor I think where you go look for jobs, the Employment Assistance Service Center, they certified they, told Social Security this person is not employable and there's absolutely nothing that this person can do. And the person did have significant medical issues, but not being employable was the deciding factor and that claim went right through. Now, if you get into graphic description about why the person's side employable, then you might end up having a backfire. But humans, there are some who make these decisions that have a lot of compassion, and they want to find a way to award the benefits. But they want to do it in a way that they can document something because they have these listings of impairments that they have to go by. They are given these guidelines. Congress set the broad definition of disability that I read earlier, about the impairment having to be significant and last 12 months or longer and prevents you from engaging in substantial gainful activity or result in your death. Congress does not compose that list of impairments. That is done by the Social Security Administration. That has been delegated to them, you know, that famous delegation that people hate, that has been delegated to, to the Social Security Administration. Congress could never keep the list up to date, because impairments evolve. We have impairments that we think are disabling, and people were given benefits. And we learned that there's medical, as the advances in medical treatments, that these impairments are no

longer disabling. I don't think they did hip replacements in 79, do you? I don't think they were able to do that.

Andy 51:34

I don't think they were. It was probably much later than that.

Larry 51:39

Okay, well, if you had, if you had a bad hip and 79, it needed a replacement, you were in chronic pain, you would have probably been allowed, they won't do that now, because the hip replacement can be done. And they're fairly What 90 Something percent successful. AIDS was a disability that evolved out of the listings that was automatically an approval, if you had diagnosed aids back in the 80s, your expectancy of life was gonna be usually 12 months or less. And that was an impairment that there were there was an immediate allowance for it. Congress could not keep the list up to date, because it changes too quickly as medical science evolves. And so all of you who think that you don't want it a delegation, if you want Congress to make the list of every disability, just be careful what you ask for. Because without the delegation to the Social Security Administration, we could never have a system like the Social Security disability program, it would never be able to operate.

Andy 52:38

I'm thinking a whole bunch of people would want to bring down the whole administrative state, and they would want Congress to do all of those things to.

Larry 52:47

Well it would be the people who thinks that's what they want. But they only want to bring down the administrative state on things that they disapprove off most people approve of Social Security, it would be, they would want to bring down the Occupational Safety and Health Administration, because they just spew out all these garbage regulations that cause businesses not to be able to operate, or they would want to get rid of things that they don't agree with. But things that they agree with. They would be infuriated if they applied for disability, and the Social Security office said, Well, you know, the listings haven't been updated since 2019. And yes, you probably can't work, but we can't we're not allowed to award you benefits, because that is not on the list. They would be righteously indignant at that point. Yeah. So you got to understand people think they're for things that they're not. And they think they're against things that they're not, because they don't think it through very carefully. You couldn't operate a complex government that we have without delegation. Because Congress cannot make the decisions.

Andy 53:50

They can't make them fast enough. They're not they're not designed to be that. What's the word I'm looking for? Nimble, I guess is a word but they wouldn't be able to adapt and adjust to this condition or that condition where you need some level of the executive director of that organization that makes determinations about what they will be covering inside of that program.

Larry 54:11

Correct and the EPA will be another one like OSHA that they would hate now they, they would love to be able to do the EPA, because they're putting all these god-awful regulations that cause

businesses just untold heartache, and Congress is the only one that can make these laws. And I don't want nobody sitting behind a bureaucracy behind the desk, making Law By golly and that people say that, but did on something like this magically, they would flip flop, because there's no way this agency could operate without being allowed to make decisions and have the delegation that they've been given by Congress to make the decisions on terms of what actually each individual disability is.

Andy 54:54

Now I have an opinion question for you. Where do you think the whole notion of all of the fraud in cybersecurity comes from does it just literally come from media outlets telling them, they find the one off case where something was going awry. And then people then transpose that to being the whole system is corrupt?

Larry 55:15

Yes, that is what happens. There's fraud in Social Security. There's not just a disability programs, but in the college students, the survivors of workers, there's deceased workers where they put grandma in the freezer, and don't notify anybody that she's died. Of course, it's the human condition. But the disability programs are so good, and so well managed right now. And we'll get more into this later. I'm sure we're running out of time. But the disability rolls have dropped by about a million people. Since 2013-14. While the population of the United States has gotten older and sicker, the number of people receiving disability benefits has gone down. The number of applications for disability benefits have gone down. They conducted rigorous reviews, rigorous reviews of people who are on disability, by law, Congress has decided this if you receive disability benefits, you will be reviewed periodically no less than every seven years. So, the Social Security Administration within that directive has decided that they will review you based on, they diary your case, whether they look at your condition as medical improvement, unlikely, medical improvement possible, or merit medical improvement, likely. And of course, you can figure out that the medical improvement likely cases are going to be scheduled for more frequent examination, and a medical condition, unlikely to improve will still get a review no less than every seven years. So, every seven years, every one year, every three years, you're having to deal with the Social Security Disability determination process. And you have to answer their questions, you have to go through this process. Now you don't have to prove you're disabled all over again. They have to show medical improvement, that that your condition either by evolution of treatment techniques, is not as disabling as what they thought it was the diagnostic techniques, I should say they have decided that that the diagnosis is not as disabling as they thought, or that you committed fraud originally, they can they can take your benefits away at any time if they've if they show that your medical evidence was fraudulently obtained, that they made and relied on the decision. But when you go through this process, it is extensive and exhaustive. You get this questionnaire about your daily activities, who your doctors are, have you been making your doctor's appointments, has your condition changed? They want to hear from your medical treatment providers, what is going on in your life. You just don't have a ticket to lifetime benefits. So, this is a myth about all this fraud, because they are constantly looking at you. And just keep in mind that you're also watching your social media. So, when you are claiming that you have agora phobia, I think it is. And you're in a group of 1000 people taking selfies and

posting them on your social media. That might not bode well for your disability reexamination. And same thing if you're out waterskiing, and you're telling them that you're that you have such chronic pain that you can barely get out of bed, that might not look very good on your medical review. So, I suggest you don't do that.

Andy 58:25

I gotcha. I was just in how this applies to PFR as though that they could be in a situation particularly more like a smaller town. Everybody knows everybody. No one wants to be the business that hires the PFR. All the PFR haters go around, and they go through the drive thru and they say I don't want that PFR touching my food or whatever. I think that could make a PFR unemployable and potentially disabled.

Larry 58:55

You're gonna need some medical impairment as well. Unemployable by itself was not going to do it by itself I don't believe in my opinion. But if you have some medical impairment, depending on your age, it's, it's easier and easier as you go through life's journey to have medical impairments as you as you're aging. You see, so a 50-year-old is going to have more likely something medically going wrong with them. But just to go in and say I can't find a job because nobody hired me. That is not going to fly from the get-go.

Andy 59:26

Okay, that seems like okay, I'm disabled because I'm now starving to death because I can't find a job. And I also then don't have any income to buy food. So now I'm malnourished, does that then qualify as a disability?

Larry 59:38

Well, you know, I haven't talked about that one. But if you if you go if you go in and say, no one will hire me. That's different than going in and saying I have. It's easy for people to PFR list to have mental impairments because it's an extremely stressful existence. Extremely stressful. So, if you've gotten any treatment in the way of psychiatric psychological help, that is a that is a disability, depending on what treatment you've gotten and how it's impaired your ability to function. If you say that nobody will hire, that's different than saying, I'm so terrified with anxiety attacks and panic attacks that I can't go out.

Andy 1:00:21

I gotcha. All right. Well, let's, uh, let's wrap that up. And we're going to quickly go over some questions and then wrap up the program. And I have a new very, very, very funny, who's that speaker this week. Shall we do that?

Larry 1:00:32

All right. All right. Who's that? Speaker? I love it.

Andy 1:00:36

Yep. All right. Well, this one comes to NARSOL and this person is an inmate at the Louisiana State Penitentiary. I'm currently serving a life and 25-year sentence. How do you get 25 plus life you've already done the life part Larry, for a crime, a first degree and third degree rape. There was no evidence such as DNA rape kit or hospital report. In neither case, I was computed. I was a convicted

with only testimonial evidence, just a brief review of the facts of the case would prove that not only am I innocent, but the witnesses in something committed perjury, and falsely accused me of these heinous crimes. Is it possible May I receive any help or advice from this organization?

Larry 1:01:20

The reason why I put this in here is because Louisiana had was one of the two states that had non unanimous jury verdicts. What he didn't say is whether or not he went to know whether he went to trial. He didn't say whether this case was resolved by plea, but there's an implication that he went to trial. If he went to trial, he might want to try to find out what the jury what the makeup of the jury was in terms of what the vote was, because if he got convicted by a non-unanimous jury verdict, he may be able to go back and reopen on that, because they've changed the law. And whether or not it was made retroactive, I'm not a practitioner in, Louisiana. This would be more like a King Alexander question. But he might have some recourse. So that's why this case fascinated me. He may be at a group of people that would be able to get relief because of the non-unanimous jury verdict system that they had in Louisiana.

Andy 1:02:14

I gotcha. All right. Well, then let's move on to this next one. Dear Andy and Larry. I'm interested, because I want to find out the latest news for New York, but I actually live in California. Which states are the least restrictive? God, this question again? What counties are best to live in? No County? Oh, that's countries, I'm sorry. Which countries are the best where no registration is required? Please send me info for a year's subscription. And then thank you. So, we could for that part that middle one that we would just tell them to go visit Registrant Travel Action Group, like if they're if you're trying to leave the country, then you need to go talk about the individual country, and we're not really an international thing?

Larry 1:02:55

Well, that's kind of the answer I was gonna give in terms of what countries don't require registration. The US is really on the extreme in terms of registration requirements, even countries that have registration systems are generally far less than what the US requires. So, But having said that, what country is going to take you with a sex offense conviction? That I don't know. And I don't know if he's going to be leaving with any supervision requirements. But what are the best to live in? I don't know what states are the least restrictive. We try to get away from that. But since he says that he is actually living in California, I'll tell you that New York would be a better state to live in than California as a, as I understand it to be in terms of the registry is less onerous in New York than it is in California.

Andy 1:03:53

And from one of the people that we talked about, repeatedly, they moved from New York to Georgia, and boy, oh, boy, I cannot get away from hearing the person tell me about how effed up Georgia is at every turn this guy comes up with. Well in New York, I didn't have to... Man Look, I don't want to hear all that you chose to move down here. And I understand that you wanted to be closer to family, but and I don't find Georgia to be really that bad. But your mileage may vary. If you go pick, super you're under their

thumb County in Georgia that maybe life is pretty rough. But back to the country part. Go follow the common sense laws YouTube channel and see what's going on with them in Germany, and maybe that would feed you in a direction that you can figure out how to go overseas to a place that would work for you.

Larry 1:04:46

He may have some difficulty at MidState Corrections Center in Marcy New York doing that but that is an option for someone on the outside if he has that resource to look out for him.

Andy 1:04:55

I gotcha. I clipped off the part on this one to know where the person? Like I tried to not put names and addresses and phone numbers when we send these out on YouTube. So I wasn't able to see all that part. And then do we have time to hit the one you said the more complicated one? Or should we say that?

Larry 1:05:14

We should punt that one because it'll take more time than I want to spend if you don't mind?

Andy 1:05:19

No, that's totally fine. So, we didn't have a who's that speaker last week. But we do have this week, I found I found this one, Larry, I find this to be so funny. So, this is who's that speaker this week? And here we go.

Unknown Speaker 1:05:32

I would think that some of the bills that have been suggested such as not carrying a loaded weapon, on a city street, or in town, this might certainly be a good one. There is absolutely no reason why out on the street. Today, civilians should be carrying a loaded weapon.

Andy 1:05:49

I find that to be hilarious. And if you know who that is, send me a who's that speaker subject line on an email message to registry matters cast@gmail.com for Episode 228, and let me know who you think that is any ideas, Larry?

Larry 1:06:05

Oh, I know who that is. But I think it's hilarious, because there will be people who will have to just contort themselves to all sorts of twists to explain why that comment was made. But and how it was then, and this is now but yeah, that's a great one. And then I want I want to ask why no one can identify my fiancée. That's very disappointing. I'm marrying one of the most famous women in America, and no one has told me who that is.

Andy 1:06:33

I am with you. And I'm trying to find where I had that picture. And I cannot remember where I had it to put it up on the screen again. So, you're just gonna have to tell us who it was. It was a very attractive blonde haired lady as I recall.

Larry 1:06:50

Yes, that is the host of the PBS program called Firing Line. And her name is Margaret Hoover. And she's the I think the great great

granddaughter of President Herbert Hoover, who was one of my favorite presidents I have studied extensively. And Margaret and I will be getting married in September.

Andy 1:07:13

Oh, fantastic. Does she know about this?

Larry 1:07:18

She'll know about it soon enough.

Andy 1:07:19

Okay, very good, very good. Um, that one final thing that I want to tell everyone is that you need to make sure that you go over and press the like and subscribe button and the bell notification all that happy, fun stuff to make sure that you get notified and tell the algorithm that you liked this content so I'll share it with other people. And that would help us immensely. I'll see you everybody at the conference next week. And please make sure you come by and find the frazzled person that's running cameras and doing tech stuff and come say hi, we will be recording a podcast live at the conference next weekend, probably Saturday night after the banquet, and I have a panel of people coming by that we're going to going to throw down and cuz i Is it safe to say what's up with you next week?

Larry 1:08:05

Well, I will probably not leave the state of my domain.

Andy 1:08:10

Very good. Okay. So, Larry will not be in attendance unless something happens. And so I have assembled a far reaching expert panel of people to discuss registry issues. And I think that's going to be a hoot. And that's about it, man. Any closing parting words before you melt?

Larry 1:08:28

We look forward to seeing you the week after next at the same time. And we'll if this Social Security information was valuable to people let us know in the YouTube comments or in whatever way you communicate with us. We would love to do more of this if it's useful information.

Andy 1:08:47

Very good. Well, thank you, sir Larry. And without that, without further ado, oh, show notes over at a registry matters.co and FYP education.org and registrymatterscast@gmail.com 747-227-4477 and patreon.com/registry matters. Thank you, sir. Have a great night and I will talk to you soon. Larry: Good night.

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