

April 1, 2025

The Honorable Leland Dudek  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Acting Commissioner Dudek,

We write to you concerning an issue related to the *Social Security Fairness Act* (Public Law No: 118-273). Over the past few weeks, several constituents have contacted our offices regarding the retroactivity of their spousal benefits under the *Social Security Fairness Act*. The law provides for retroactivity to the year the bill was introduced, first being applied to the January 2024 payment. These spouses, including widows and widowers, have shared with me that when they contacted the Social Security Administration (SSA) years ago inquiring into spousal benefits, they were told by SSA employees that their spousal benefits would be reduced to \$0 due to the Government Pension Offset; and therefore, there was no need to file an application for spousal benefits. Now, these same spouses are being told to file a claim for spousal benefits yet are only being granted a maximum of six months retroactivity from their most recent date of contact with the SSA. According to SSA policy, GN00204.010A5 if the spouse was protected on the worker's application and never properly closed out, the protective filing remains open indefinitely. Subsequently, per GN00204.025B1, the claimant should be given the opportunity to elect the earlier filing date to allow for maximum retroactivity.

As noted, we have assisted spouses who have contacted our offices questioning the retroactivity. They have shared that even if they question the retroactivity with the SSA employees during their recent appointment to apply for benefits, the applicants are only granted six-months retroactivity from the most recent contact date. We ask SSA to review the agency's policy and grant maximum retroactivity payments to all spouses who were protected on prior applications and wrongly advised by employees of SSA not to apply for spousal benefits when they first inquired.

Thank you for taking the time to address this important matter. We appreciate your swift implementation of the law and SSA's progress in adjusting more than 2 million records to date. We look forward to continuing to work together on behalf of those who have been affected by this error.

Sincerely,

*Susan M Collins*

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Susan M. Collins  
United States Senator

*Bill Cassidy, M.D.*

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Bill Cassidy, M.D.  
United States Senator

*John Cornyn*

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John Cornyn  
United States Senator

*John Fetterman*

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John Fetterman  
United States Senator