

Social Security Administration

§ 416.1404

to the administrative review process provided by this subpart and they are not subject to judicial review. These actions include, but are not limited to, an action about—

- (1) Presumptive disability or presumptive blindness;
- (2) An emergency advance payment (as defined in § 416.520(b));
- (3) Denial of a request to be made a representative payee;
- (4) Denial of a request to use the expedited appeals process;
- (5) Denial of a request to reopen a determination or a decision;
- (6) The fee that may be charged or received by a person who has represented you in connection with a proceeding before us;
- (7) Disqualifying or suspending a person from acting as your representative in a proceeding before us (see § 416.1545);
- (8) Denying your request to extend the time period for requesting review of a determination or a decision;
- (9) Determining whether (and the amount of) travel expenses incurred are reimbursable in connection with proceedings before us;
- (10) Denying your request to readjudicate your claim and apply an Acquiescence Ruling;
- (11) Determining whether an organization may collect a fee from you for expenses it incurs in serving as your representative payee (see § 416.640a);
- (12) Declining under § 416.351(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 416.351(f) are not met;
- (13) Transition to eligibility for special SSI cash benefits (§ 416.262) in a month immediately following a month for which you were eligible for regular SSI benefits;
- (14) Transition to eligibility for regular SSI benefits in a month immediately following a month for which you were eligible for special SSI cash benefits (§ 416.262);
- (15) The determination to reduce, suspend, or terminate your federally administered State supplementary payments due to a State-initiated mass change, as defined in § 416.1401, in the levels of such payments, except as provided in § 416.1402(n);

(16) Termination of Federal administration of State supplementary payments; and

(17) Findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure. (See § 416.583).

(b) We send some notices of actions that are not initial determinations:

(1) If you receive an emergency advance payment or presumptive disability or presumptive blindness payments, we will provide a notice explaining the nature and conditions of the payments.

(2) If you receive presumptive disability or presumptive blindness payments, we shall send you a notice when these payments are exhausted.

(3) If there is a termination of Federal administration of State supplementary payments.

[45 FR 52096, Aug. 5, 1980, as amended at 51 FR 8809, Mar. 14, 1986; 55 FR 1020, Jan. 11, 1990; 55 FR 4423, Feb. 8, 1990; 57 FR 23058, June 1, 1992; 59 FR 41405, Aug. 12, 1994; 59 FR 43039, Aug. 22, 1994; 59 FR 44928, Aug. 31, 1994; 62 FR 49440, Sept. 22, 1997]

§ 416.1404 Notice of the initial determination.

(a) We shall mail a written notice of the initial determination to you at your last known address. Generally, we will not send a notice if your benefits are stopped because of your death, or if the initial determination is a redetermination that your eligibility for benefits and the amount of your benefits have not changed.

(b) The written notice that we send will tell you—

- (1) What our initial determination is;
- (2) The reasons for our determination; and
- (3) What rights you have to a reconsideration of the determination.

(c) If our initial determination is that we must suspend, reduce or terminate your benefits, the notice will also tell you that you have a right to a reconsideration before the determination takes effect (see § 416.1336).

[45 FR 52096, Aug. 5, 1980, as amended at 51 FR 305, Jan. 3, 1986]