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## Social Security Administration issues Emergency Message Decision Regarding Trust Fund Management Lawsuits.

Fredericks Peebles & Morgan, LLP a national law firm serving Indian tribes and tribally related interests, was recently informed by the Social Security Administration that it has issued an Emergency Message Decision. The decision states that the Social Security Administration would exclude distributions of tribal trust fund settlements from a member's countable income and resources for purposes of determining eligibility for SSI or Medicare Part D.

In 2005, the Ute Indian Tribe represented by Fredericks Peebles & Morgan, LLP filed suit against the United States for mismanagement of the Tribe's trust assets and when the Tribe received the settlement funds in March 2012, it distributed the settlement funds on a per capita basis to each of its tribal members. The settlement funds were awarded to the Tribe to settle ongoing litigation against the United States regarding the government's mismanagement of tribal trust assets.

Ute Indian Tribe Chairwoman Irene Cuch stated, "I am very pleased that we have been able to secure this decision for the benefit of our tribal members, who will no longer have to worry about losing their Social Security or Medicare benefits as a result of the per capita distribution of these monies from the Tribe's trust mismanagement case...this is a huge relief for our Tribe and all the tribes that have received a settlement and provided it to their members."

In order to ensure the distribution did not affect the eligibility of those who were receiving income-based public assistance, such as Medicare and Supplemental Social Security the Ute Indian Tribe took action to address this issue immediately after tribal members petitioned for a complete per capita distribution of the settlement funds. In May of 2012, the Ute Indian Tribe advocated for an exemption of these funds from program eligibility with the Social Security Administration, the State of Utah, Utah state agencies, and several other federal agencies, on the basis that a one-time per capita distribution should not affect public assistance currently received by the most vulnerable members of the Tribe's community.

Chairwoman Cuch added, "The Social Security Administration decision is a tremendous victory for all Tribes who have settled or will settle trust mismanagement cases with the United States and relieves the most vulnerable tribal members that receive assistance from federal need-based programs from the worry that accepting a one-time distribution would deprive them of crucial, sometimes life-saving, medical and income benefits."



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This decision has been largely brought about through the direct intervention and quick advocacy of the Ute Indian Tribe of the Uintah and Ouray Reservation and other Tribes who have engaged the IRS and other federal agencies in a discussion on the potential impacts of the recent tribal settlements. The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own tribal government and oversees approximately 1.3 million acres of trust land which contains significant oil and gas deposits. The Tribal Business Committee is the governing council of the Tribe.