

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Davis v. Bowen

825 F.2d 799 (4th Cir. 1987) · Decided August 13, 1987

SUMMARY

The Fourth Circuit affirmed dismissal of an incarcerated felon’s challenge to the suspension of his Social Security retirement benefits under 42 U.S.C. § 402(x). The court held that applying the statute’s rehabilitation exception only to disability-benefit claimants, and thereby suspending retirement benefits for otherwise eligible prisoners, was rationally related to Congress’s legitimate goal of conserving Social Security resources and did not violate due process or equal protection.

CASE DETAILS

|                       |                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Fourth Circuit                                                                                                                                                                |
| WRITING FOR THE COURT | Wilkins, Circuit Judge; Phillips; Widener; Wilkins                                                                                                                                                                   |
| JURISDICTION          | Federal                                                                                                                                                                                                              |
| DECIDED               | August 13, 1987                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Appeal from dismissal of an action challenging suspension of Social Security retirement benefits under 42 U.S.C. § 402(x) on due process, equal protection, cruel-and-unusual-punishment, and ex post facto grounds. |
| STANDARD OF REVIEW    | The court reviewed the constitutional sufficiency of the statutory classification under rational-basis review and reviewed the district court's dismissal based on the allegations in the complaint.                 |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                       |
| PARTIES               | Edward Collins Davis v. Bowen, Secretary of Health and Human Services                                                                                                                                                |

TOPICS

- administrative law
- statutory interpretation
- due process
- equal protection
- civil rights

PRACTICE AREAS

- social security
- constitutional law
- administrative law
- civil rights

## QUESTIONS PRESENTED

1. Whether 42 U.S.C. § 402(x), as applied to an otherwise qualified incarcerated felon receiving retirement benefits, violates the Fifth Amendment's due process guarantee.
2. Whether § 402(x)'s rehabilitation exception, as interpreted by the Secretary to apply only to disability benefits, creates a classification lacking a rational justification and therefore violates equal protection under the Fifth Amendment.

## HOLDINGS

1. Section 402(x)'s suspension of retirement benefits for otherwise qualified prisoners does not violate due process or equal protection because the classification is rationally related to the legitimate governmental objective of conserving Social Security resources when prisoners' basic economic needs are supplied by other public sources.
2. The Secretary reasonably interpreted the rehabilitation exception to apply only to prisoners entitled to benefits on the basis of disability, thereby effectively suspending retirement benefits for otherwise qualified prisoners.

## KEY QUOTATIONS

*“Suspension of benefits is unconstitutional “only if the statute manifests a patently arbitrary classification, utterly lacking in rational justification” and not rationally related to legitimate goals.” (800)*

*“This blanket suspension is consistent with the statutory grant of discretion and rationally promotes the legitimate underlying congressional policy goal of conserving scarce social security resources where a prisoner’s basic economic needs are provided from other public sources.” (801)*

## FACTUAL BACKGROUND

Davis had been imprisoned since 1974 following a felony conviction. He applied for and received Social Security retirement benefits beginning on his sixty-second birthday, December 16, 1981. Congress amended the Social Security Act in 1983 to suspend disability and retirement benefits for prisoners convicted of felonies, subject to a rehabilitation-program exception; the Secretary interpreted that exception as applying only to disability-based benefits, resulting in suspension of Davis's retirement benefits.

## PROCEDURAL HISTORY

Davis, an incarcerated felon, was awarded Social Security retirement benefits effective December 16, 1981. The benefits were suspended effective May 1, 1983 under § 402(x); an administrative law judge and the Appeals Council upheld the suspension. Davis then filed suit in district court, which dismissed the action on the Secretary's motion. On appeal, Davis abandoned his ex post facto and Eighth Amendment challenges and pursued his due process and equal protection arguments.

## DISPOSITION

affirmed

## CASES CITED

- *Flemming v. Nestor*, 363 U.S. 603, 611 (1960)
- *Weinberger v. Salfi*, 422 U.S. 749, 769 (1975)
- *Peeler v. Heckler*, 781 F.2d 649 (8th Cir. 1986)
- *Jones v. Heckler*, 774 F.2d 997 (10th Cir. 1985)
- *Jensen v. Heckler*, 766 F.2d 383 (8th Cir. 1985)
- *Washington v. Secretary of Health and Human Services*, 718 F.2d 608 (3d Cir. 1983)
- *Zipkin v. Heckler*, 790 F.2d 16 (2d Cir. 1986)
- *Buccheri-Bianca v. Heckler*, 768 F.2d 1152 (10th Cir. 1985)

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