



IMPACT ON THE SUSPENSION AND CANCELLATION OF RETIREMENT BENEFITS DUE TO PERMANENT DISABILITY: ANALYSIS OF THE CONSTITUTIONALITY OF THE PROCEDURES¹



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ABSTRACT

In this study, we examine the impact of the analyses carried out by the National Institute of Social Security on retirement benefits for permanent disability with the objective of ensuring the fundamental rights of beneficiaries. I faced as a central issue the potential violation of rights during the stages of suspension and termination of benefits. The main focus of this analysis is to evaluate the constitutionality of these analytical practices and highlight the most sensitive points to propose measures that guarantee the security of beneficiaries. Our approach involves the combination of documentary research with practical case studies focused on the decisions made by the Federal Regional Court of the 1st Region. We analyzed previous pertinent studies to understand the patterns adopted in the review of judicial operations and their impacts on benefit recipients. The data gathered suggest that, even considering the favorable points of operational practices in relation to the saving of public resources, there is a substantial risk of injustices occurring when there is no adequate respect for the rights of the beneficiaries involved. The decisions handed down by the Federal Regional Court of the 1st Region point to an inclination to protect the rights of the insured as long as there is proof through expert evaluations of their conditions. Furthermore, changes that involve establishing direct forms of communication between the National Institute of Social Security and the insured, in addition to investing in the constant training of experts in the area. We conclude that it is crucial to harmonize the supervision of benefits with the defense of the rights of beneficiaries, ensuring social justice through an individualized analysis based on solid arguments.

Keywords: Fine-tooth Comb. Suspension. Cancellation. Benefits. Permanent Disability.

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INTRODUCTION

The issue of the suspension and cancellation of disability retirement benefits is of notable importance in the Brazilian legal and social context, given its close relationship with the protection of the fundamental rights of citizens who depend on these benefits for the maintenance of their livelihood and dignity. A careful and careful analysis of the processes involving such decisions is essential to ensure that they are fully aligned with constitutional principles, especially those that protect the dignity of the human person and social security, pillars of the Democratic Rule of Law.

In a country marked by social and economic inequalities, the effectiveness of the social security system plays a central role in promoting social justice and protecting the most vulnerable segments of the population, making the issue in question deserve specialized and multidisciplinary attention.

The purpose of this study is to evaluate, in depth, the consequences of the suspension and cancellation of retirement benefits due to permanent disability, especially with regard to the legality and fairness of the administrative processes adopted for this purpose. Thus, it seeks to identify possible violations of the essential rights of beneficiaries, who often face situations of extreme fragility, and to propose ways to improve inspection mechanisms, in order to ensure strict compliance with the constitutional precepts that govern the matter.

The investigation is based on the understanding that the granting of social security benefits is one of the most concrete expressions of the State's commitment to social welfare, and that not only its correct destination must be ensured, but also the preservation of the rights of those who depend on them.

The protection conferred by social security is a structuring element of the welfare state, intended to support individuals who, due to permanent illnesses or disabilities, are unable to perform their usual work activities. However, the suspension or cancellation of these benefits, when carried out without due respect for constitutional principles, can have serious and irreparable consequences for beneficiaries, putting at risk not only their material subsistence, but also their dignity and right to social protection.

Such a scenario imposes a critical reflection on the administrative and legal procedures that guide these decisions, in order to ensure that the inspection does not overlap with the fundamental rights guaranteed by the Federal Constitution. In Brazil, social security is the object of growing attention and concern, due to the intrinsic complexity of the system and the increasing need for control and inspection of activities related to it.

The challenge is to balance administrative efficiency and the fight against fraud with ensuring fair and respectful treatment of policyholders. In this context, it is essential to assess whether the processes adopted for the suspension and cancellation of benefits respect constitutional principles, especially due process, which encompasses the rights to an adversarial hearing and a full defense, as provided for in Article 5 of the Federal Constitution. In addition, Article 194 of the Constitution defines social security as an integrated set of actions aimed at guaranteeing rights related to health, social security, and social assistance, reinforcing the State's duty to protect beneficiaries in a broad and effective manner.

In the specific context of the suspension and cancellation of retirement benefits due to permanent disability, it is essential that administrative procedures be conducted with transparency, technical rigor and observance of constitutional rights. The abrupt or unjustified interruption of benefits, without adequate notification and opportunity for defense, may constitute a violation of due process and compromise the dignity of the human person, a basic constitutional principle that should guide all state actions.

The absence of clear guidelines and the lack of objective and uniform criteria for reviewing these benefits further aggravate the legal uncertainty of the insured, who often find themselves helpless in the face of adverse administrative decisions. In view of this scenario, this article proposes to deepen the study of the impacts of the operations known as "fine-tooth comb" on retirement benefits for permanent disability, with special attention to the protection of the fundamental rights of beneficiaries, in the light of the jurisprudential understanding consolidated by the Federal Regional Court of the 1st Region.

The focus is on the analysis of the constitutionality of the suspension and cancellation procedures, seeking to identify possible violations and point out measures to improve control mechanisms, thus ensuring greater legal certainty and respect for social rights.

The methodology adopted includes the mapping of the main normative procedures that govern fine-tooth comb operations, the critical analysis of the TRF-1's jurisprudence in the recent period and the proposition of improvements in the administrative processes related to the suspension and cancellation of permanent disability benefits. Thus, the study intends to contribute to the improvement of the Brazilian social security system, fostering the necessary balance between the efficient inspection of benefits and the protection of the social rights of the insured, ensuring that the constitutional principles are fully observed.

In summary, the present work seeks to highlight the importance of a social security system that reconciles the essential need to control and combat fraud with the guarantee of

the fundamental rights of beneficiaries, promoting an environment of social justice, dignity and legal security. The reflection proposed here thus intends to collaborate to strengthen public policies and the legal system, ensuring that citizens who depend on retirement due to permanent disability can fully exercise their rights and live with dignity.

DEEPENING THE ANALYSIS OF THE SUSPENSION AND CANCELLATION OF BENEFITS AND THE IMPACT OF THE FINE-TOOTH COMB

The suspension and cancellation of social benefits in Brazil have become increasingly relevant topics today. The concern with controlling and inspecting public spending and managing resources efficiently has encouraged the regular reviews known as "fine-tooth comb", carried out by the National Institute of Social Security (INSS). However, this procedure has generated intense discussions about its legality and the effects on the lives of beneficiaries.

The detailed analysis carried out by the INSS involves a series of measures to verify and control social security and assistance benefits, aiming to find any irregularities and cases of fraud. The main practices adopted include:

Beneficiaries of Permanent Disability Retirement (Sickness Benefit) and Permanent Disability Retirement (Disability Retirement) are being called to undergo new medical evaluations in order to confirm whether they are still unable to work.

The INSS analyzes the documents provided by beneficiaries - such as medical reports and proof of income - in order to confirm the veracity of the information presented.

- Cross-checking of information: the INSS makes use of computerized systems to compare data from various sources, such as the Federal Revenue Service and the National Registry of Social Information (CNIS), in order to detect any divergences;
- The investigation of complaints is conducted by the INSS to verify possible irregularities and fraud; This may involve home visits and interviews with beneficiaries.

The requirements for determining who will be entitled to benefits and how they will be granted are set out by specific regulations and laws that vary depending on the type of benefit in question. When it comes to benefits such as Permanent Disability Retirement (Disability Retirement), for example, it is necessary to prove total and permanent incapacity to perform work activities to receive and maintain these benefits, a process that involves evaluation by medical experts.

IMPACTS OF THE "FINE-TOOTH COMB" ON THE LIVES OF BENEFICIARIES

The thorough review of the INSS has caused relevant consequences in the routine of beneficiaries who rely on these benefits to support themselves. Some of the most notable effects include:

Beneficiaries who really need the benefits may have their payments interrupted or cut due to wrong evaluations or inadequate criteria. Financial problems can arise when benefits are suspended or canceled, and this can result in lost income and difficulty covering essential expenses.

- Health damage can arise when benefits are interrupted; This can create obstacles to accessing essential medical care and medicines, and negatively affect the health of those who receive the benefits.

The psychological impact of not knowing and the fear of losing the advantages can cause stress, anxiety and other psychological problems. It is extremely important that the INSS's thorough analysis is carried out with meticulous care to ensure the right to an adversarial defense of the beneficiaries in a transparently justified manner. In addition, it is essential that the evaluation parameters are explicit, in order to avoid arbitrary or unfair decisions.

In the pursuit of an efficient administration of public resources, the safeguarding of citizens' rights – especially those in vulnerable conditions – cannot be neglected: it is essential to balance the necessary supervision with the protection of basic rights, ensuring that social programs play their role as social support.

By considering these specific aspects mentioned above, it is feasible to carry out a more in-depth and analytical reflection on the subject in question, which can contribute significantly to finding alternatives that ensure the preservation of the beneficiaries' guarantees and the optimization in the administration of public funds.

It is worth mentioning that "Operation Fine-Tooth Comb" is a procedure that must be carried out in strict compliance with the fundamental rights of the insured, especially with regard to the right to an adversarial hearing and to a full defense, before any suspension or cancellation of the benefit. The understanding of the Federal Regional Court of the 1st Region (TRF-1) regarding the subject in question provides:

TRF1 — The suspicion of irregularity in the granting of social security benefits does not give rise to its suspension or cancellation, it depends on the administrative action of the investigation of the alleged irregularities in a regular administrative procedure, under the scrutiny of the adversarial and ample defense, in which the observance of administrative appeals is required. (TRF-1 - AMS: 10002058120184013309, Rapporteur: FEDERAL JUDGE SÔNIA DINIZ VIANA, Judgment Date: 04/28/2021, FIRST SECTION, Publication Date: PJe 04/28/2021 PAG PJe 04/28/2021 PAG).

In this way, it is feasible to observe that the understanding of the TRF-1 represents an important milestone in the protection of the rights of beneficiaries. Consequently, the judicial control over the procedures for suspension and cancellation of benefits corroborates the effectiveness of copyright.

ANALYSIS OF THE CASE LAW OF THE TRF-1

It is important to emphasize that court decisions demonstrate that even with the thorough investigations in progress, there is attention focused on ensuring the right of beneficiaries to receive what really belongs to them.

In the current context, we will thoroughly examine three important rulings handed down by the Federal Regional Court of the 1st Region (TRF-1) regarding the thorough inspections of permanent disability retirement benefits. These sentences offer an overview of the legal interpretations on the defense of the rights of beneficiaries in the face of evaluations carried out by the National Institute of Social Security (INSS).

DECISION 1:

The decision analyzed by the Federal Regional Court of the 1st Region (TRF-1) addresses several relevant issues, especially in the context of the "fine-tooth comb" operation carried out by the National Institute of Social Security (INSS), which aims to review and, in many cases, cancel social security benefits that present evidence of irregularities. Below:

PENSION. RETIREMENT BY CONTRIBUTION TIME. SUSPENSION. ABSENCE OF EVIDENCE OF IRREGULARITY. REQUIREMENT OF PRESENTATION OF DOCUMENTS THAT INSTRUCTED THE ADMINISTRATIVE PROCEEDING BY THE INSURED. IMPOSSIBILITY. DUTY OF THE INSS TO KEEP THE DOCUMENTATION PRESENTED AT THE TIME OF GRANTING THE BENEFIT. PRESUMPTION OF GOOD FAITH OF THE INSURED. IRREGULARITIES AND BAD FAITH MUST BE DEMONSTRATED BY THE INSS TO SUSPEND THE BENEFIT ONCE GRANTED. APPEAL PARTIALLY GRANTED.

(...) It is not at all reasonable to expect that an insured has the duty to keep, indefinitely, all the documentation he presented at the time of granting the benefit. 3. It is the obligation of the Social Security Authority to keep such documents so that, in their verification, it has an interest and revisional motivation. It is not credible that, from time to time, under the so-called "fine-tooth comb operations", the beneficiaries of social security are called upon to prove what they have already proven in the past, under the most varied lucubrations about indications of irregularities. 4. If the benefit was granted by the Social Security Authority and remained active for 4 years, a sphere of security and legitimacy was created in the granting that could only be relativized by irrefutable proof of irregularity or fraud in the perception of the benefit. Furthermore, good faith is presumed and bad faith must be proven.

The decision emphasizes the presumption of good faith of the insured, establishing that bad faith must be proven by the INSS. This means that, in order to suspend or cancel a benefit, the agency must present irrefutable evidence of irregularity or fraud. Jurisprudence highlights that good faith is a universally accepted principle, according to the thesis established by the Superior Court of Justice (STJ) in repetitive theme 243.

This presumption is crucial to protect policyholders from arbitrary cancellations of their benefits. It should be noted that the ruling clarifies the INSS's obligation to keep the documentation presented by the insured at the time the benefit is granted. This is because such a requirement aims to prevent the insured from being repeatedly asked to prove information that has already been submitted and accepted previously. As shown:

In this sense, it is the excerpt from the thesis established by the STJ in the judgment of its repetitive theme 243: "1.3. The presumption of good faith is a universally accepted general principle of law, being millennial *parêmia*: good faith is presumed; bad faith is proven." 5. It is clear that signs of irregularity must always be verified, as it stems from a legal/moral obligation of the State. However, it is not possible to suppress rights in the face of only evidence, as in the case in question. It was the responsibility of the Social Security Authority to keep the documentation presented by the insured at the time of granting the benefit in order to then confront it with other information when pointing out irregularities.

That said, the decision criticizes the "fine-tooth comb" operations for requiring beneficiaries to prove again what has already been proven, without a solid basis of evidence of irregularity. It should be noted that the decision reiterates the importance of due process, highlighting that the suspension of a benefit can only occur after the conclusion of the administrative review process and the assessment of all appeals filed.

6. Thus, the presumption of legitimacy of the act of concession remains unscathed until proven otherwise, and the benefit must be reinstated since the undue suspension, paying the past installments since then, with their due legal counterparts. In addition, I accept an excerpt from the appealed judgment as a reason for deciding: "In this context, the suspension of the plaintiff's benefit could only have happened after the conclusion of the administrative review process, with the assessment of the last appeal filed, which in the case of the present case has not been heard of its appreciation, under penalty of non-observance of the principle of full defense". 7. Regarding the appellant's allegation that there was moral shock, the sentence does not deserve redress. In fact, the Public Administration has the power-duty to audit and investigate any irregularities and, in the specific case, the suspension of the benefit did not cause offense to the subjective honor of the insured in such a way that the duty to pay past installments, with interest and monetary adjustment, transcended to a duty to indemnify him for moral damages. 8. As for the reciprocal loss, the judgment does not deserve repair, since, according to the jurisprudence of the Superior Court of Justice (AgInt no REsp: 1718122 RO 2018/0004816-0, Rapporteur: Justice PAULO DE TARSO SANSEVERINO, Judgment Date: 05/25/2020, T3 - THIRD PANEL, Publication Date: DJe 05/28/2020), the procedural costs and attorneys' fees must be reciprocally and proportionally distributed, which occurred in the case under study. 9. Appeal partially granted, only so that the unduly terminated benefit is reinstated from the date of termination (and not from the date of the final decision of dismissal of its appeal by the last administrative instance), paying the past installments to the plaintiff with interest and monetary adjustment, under the terms of the Manual of

It is indisputable that the "Fine-Tooth Comb Operations" is an essential procedure to ensure that the rights of the insured are respected, in accordance with the principle of adversarial and full defense, enshrined in article 5, item LV, of the Federal Constitution. The court determined that, in the absence of concrete evidence of irregularity, the benefit must be reinstated from the date of the undue suspension, with the payment of the retroactive installments duly corrected.

However, the decision did not recognize the right to moral damages, stating that the suspension of the benefit, by itself, does not constitute an offense to the subjective honor of the insured, especially when the insured delayed seeking judicial redress.

In this way, the decision offers a case study on the application of constitutional principles in benefit review procedures. Since, it shows how the judiciary acts to balance the need for INSS inspection with the protection of the rights of the insured. Based on this assumption, the importance of well-founded administrative procedures that respect due process is highlighted, in addition to reinforcing the presumption of good faith of the insured.

This decision by the TRF-1 is a significant example of how Brazilian jurisprudence has treated the revisions of social security benefits under the "fine-tooth comb" operation. Therefore, the need for the INSS to act based on concrete evidence and respect constitutional principles is highlighted, ensuring that the rights of the insured are preserved throughout the review process.

DECISION 2:

It is important to note, in the first place, that the decision of the Federal Regional Court of the 1st Region (TRF-1) addresses crucial issues related to the reinstatement of permanent disability benefits, highlighting the inadequacy of the use of the writ of mandamus for this purpose, the jurisprudence is relevant to the issue with regard to the appellant's search for the reinstatement of her disability retirement.

CIVIL PROCEDURE. PENSION. WRIT OF MANDAMUS. BENEFIT FOR DISABILITY. REESTABLISHMENT. EVIDENTIARY DELAY. INADEQUACY OF THE CHOSEN ROUTE. APPEAL DISMISSED.

(...) The appellant maintains, in summary, that the requirements for the reinstatement of the permanent disability benefit were demonstrated. He pleads for the reform of the sentence so that the disability retirement is reinstated, with the payment of the installments due since the DCB; that the INSS refrain from terminating the benefit; the condemnation of the INSS in moral damages in the amount of R\$ 20,000.00, due to the cessation of the benefit and the condemnation

of costs and attorneys' fees. 4. In the present case, the appellant states that she was the holder of the disability retirement benefit from 08/04/2000 until 04/30/2018, when the benefit was administratively suspended, in the "fine-tooth comb" operation due to the verification of the absence of incapacity to work. It explains that later the benefit was granted judicially, but terminated by court order on 06/30/2020. He also claims that the examinations and medical reports prove his total and permanent incapacity and the impossibility of professional rehabilitation. 5. In the present case, there is a possible occurrence of *lis pendens* or *res judicata*, since the plaintiff tried to rediscuss a matter already postulated in court. 6. Furthermore, the content of the provisions of Precedent No. 268 /STF, "The writ of mandamus is not an adequate way to review a final and unappealable judicial decision." 7. The performance of a medical examination is an indispensable procedure to prove the necessary requirements for granting/reinstating the disability benefit, and is incompatible with the writ of mandamus procedure. Previous. 8. Appeal not granted.

(AMS 1065184-94.2023.4.01.3400, FEDERAL JUDGE ANTONIO OSWALDO SCARPA, TRF1 - NINTH PANEL, PJe 09/25/2024 PAG.)

In the case in question, the plaintiff's benefit had been suspended during the "fine-tooth comb" operation. The decision emphasizes the need for proof through medical expertise, a procedure incompatible with the summary rite of the writ of mandamus. In addition, the decision highlights the possibility of *lis pendens* or *res judicata*, since the matter had already been discussed in court.

This case law is highly relevant to the subject of the article, which analyzes the impact of fine-tooth comb operations on permanent disability retirement benefits. The TRF-1 decision illustrates the challenges faced by beneficiaries in trying to reestablish their rights through the judiciary, highlighting the importance of choosing the appropriate procedural route for the protection of these rights. The case highlights how the fine-tooth comb operation can lead to complex litigation, where the choice of the correct procedure is essential for the protection of the rights of the insured.

It demonstrates that, despite the inappropriate choice of the writ of mandamus as her appeal, the appellant was a beneficiary of permanent disability retirement from the year 2000 until its suspension in 2018. Even after proof and recognition of disability, the benefit was still terminated. The correct choice of judicial procedure is indeed essential, but the protection of the fundamental rights of the insured must prevail.

DECISION 3:

The case under review is an appeal filed by the National Institute of Social Security (INSS) against the sentence that determined the reinstatement of the benefit, previously terminated after an administrative medical examination. See:

PENSION. CIVIL PROCEDURE. RETIREMENT DUE TO DISABILITY. BENEFIT GRANTED JUDICIALLY. ADMINISTRATIVE REEVALUATION. SUSPENSION. POSSIBILITY. APPEAL GRANTED. 1. Appeal filed by the INSS against the judgment rendered in the records of the present ordinary action that granted the

request for reinstatement of disability retirement to a special insured. The benefit in question had been judicially granted in a judgment previously rendered in the records, and the plaintiff pleaded for compliance with the judgment after the annulment of the benefit by the social security agency. 2. Law No. 13,457/2017 - by amending article 43 of Law No. 8,213/91, including paragraph 4 - determined that "the insured person retired due to disability may be summoned at any time to assess the conditions that gave rise to the leave or retirement, granted judicially or administratively". 3. In this case, the plaintiff informs that after a medical examination carried out by the INSS on 09/05/2018, his benefit was terminated, as stated in the decision communication sent by the agency (ID 238289548 fl. 14). There was no illegality in the conduct of the administration, nor injury to the adversary or to the ample defense in the administrative proceeding that culminated in the cancellation of the plaintiff's benefit, since he was duly notified of the acts, and the necessary medical expertise was even carried out. 4. The sentence handed down is not in line with the jurisprudence by recognizing as illegal the performance of periodic expert examination by the INSS to verify the maintenance of the requirements that led to the granting of the benefit, even if it has been judicially carried out. Precedents of this court: AC 0013899-21.2018.4.01.9199. Federal Judge Carlos Augusto Pires Brandão. 1st Panel. E-DJF1 07/11/2018 and AC 0003923-09.2000.4.01.3803 / MG, Rel. FEDERAL JUDGE MURILO FERNANDES DE ALMEIDA, 1st REGIONAL SOCIAL SECURITY CHAMBER OF MINAS GERAIS, e-DJF1 of 18/04/2017 5. The attorney's fees must be set at 10% (ten percent) of the value of the case, to be paid by the plaintiff to the INSS, and the execution of this command is suspended by virtue of free legal aid, under the terms of article 98, paragraph 3 of the CPC. 6. Appeal by the INSS granted to reform the sentence and dismiss the initial request.

(AC 1019013-07.2022.4.01.9999, FEDERAL JUDGE JOÃO LUIZ DE SOUSA, TRF1 - SECOND PANEL, PJe 04/12/2024 PAG.)

The understanding of the TRF-1 is based on the legislative change promoted by Law No. 13,457/2017, which included paragraph 4 to article 43 of Law No. 8,213/91, establishing that the insured retired due to permanent disability, even with the granting of the benefit by judicial decision, may be summoned at any time to assess the conditions that gave rise to his retirement.

In this sense, the court recognizes the legitimacy and importance of the periodic reassessment carried out by the social security agency through fine-tooth comb operations. The importance of carrying out a medical examination is highlighted, to verify the maintenance of the requirements that justified the granting of the retirement benefit for permanent disability.

In this context, the TRF-1 clarifies that there was no violation of the principles of adversarial proceedings, full defense, or any fundamental right, since the insured was duly summoned and submitted to medical expertise, ensuring the regularity of the administrative process that resulted in the suspension of the benefit. In addition, the decision is in accordance with precedents of the court itself, which consolidate the understanding that the public administration has the duty and the right to promote periodic reviews, which aim to prevent fraud, thus ensuring the correct allocation of public resources.

To this end, the understanding of the TRF-1 highlights the balance sought between the necessary inspection of social security benefits and the protection of the fundamental

rights of beneficiaries. Thus, the decision reinforces even when granted judicially, the suspension of the benefit is possible as long as the constitutional principles are observed and the procedural rights of the insured are guaranteed. Therefore, the understanding of the TRF-1 contributes to the legitimacy of fine-tooth comb operations, as long as they are conducted with transparency, respect for individual rights and adequate technical grounds, essential aspects to avoid arbitrariness and ensure social justice in the field of social security.

PROPOSAL FOR IMPROVEMENT IN FINE-TOOTH COMB OPERATIONS

In view of the considerations presented, in order to improve the procedures for suspension and cancellation of permanent disability benefits, it is important to promote a legislative review that reinforces the guarantee of the fundamental rights of beneficiaries. Furthermore, the legislative revision must clearly and thoroughly establish the minimum deadlines for notification and defense, ensuring the beneficiary the right to an adversarial hearing and a full defense.

Likewise, the legislation must require the mandatory performance of medical examinations as an indispensable condition for the suspension and cancellation of the benefit. Such measures should be adopted only on the basis of technical, impartial and up-to-date evidence. Likewise, the aspects of the technical investigation must cover both medical evaluation and documentary analysis, in order to avoid errors and arbitrary decisions that may harm the beneficiaries, leading to the suspension and cancellation of benefits.

For the same reasons, it is recommended to form continuous and specialized training programs for INSS employees, as well as training programs that emphasize the constitutional rights of the insured, the dignity of the human person and the guarantees of the adversarial and full defense. The inclusion of periodic audits and evaluation of the performance of civil servants ensures that beneficiaries have greater transparency and efficiency in the Brazilian social security system.

In view of the above, it reinforces the need to create internal control and supervision mechanisms within the scope of the INSS. In addition, a detailed and individualized analysis of the cases is necessary, underlining the importance of ensuring that review operations do not result in procedural injustices or violations of fundamental rights.

METHODOLOGY

This study is qualitative in nature and aims to explore and analyze the impact of the suspension and cancellation of permanent disability retirement benefits, particularly in the context of the "fine-tooth comb". Based on the assumption, the documentary research was chosen for the analysis of jurisprudence, focusing on judicial decisions that address the constitutionality and the effects of these procedures on beneficiaries.

Thus, the main source of data for this study will be the case law of the Federal Regional Court of the 1st Region (TRF1), specifically the decisions rendered between January and December 2024. The selection of judgments will be carried out through a systematic search on the official TRF1 portal, using keywords such as "suspension of social security benefit", "fine-tooth comb", and "retirement due to permanent disability". The analysis of these decisions will allow us to understand how the court has interpreted and applied constitutional principles in the context of benefit review procedures.

In addition, in order to complement the analysis, a review of the specialized literature on Social Security Law will be carried out. Under this bias, the review will seek to offer a solid theoretical basis on the rights of beneficiaries and the legality of review procedures, exploring reference works that discuss social security rules and applicable constitutional principles.

In addition, academic articles and publications in legal journals will be used to enrich the theoretical discussion, ensuring a comprehensive understanding of the legal and social issues related to the suspension and cancellation of permanent disability retirement benefits.

Additionally, the data collected will be analyzed through a hermeneutic approach, which seeks to interpret the meanings and implications of judicial decisions. The hermeneutic analysis will allow the identification of legal standards and principles applied in decisions, with a special focus on how courts interpret the rights to due process, adversarial and full defense in the context of "fine-tooth comb" procedures.

Similarly, the analysis will focus on identifying the practical impacts of these decisions on the lives of beneficiaries, including issues related to loss of income, access to healthcare, and personal dignity. Emblematic cases that illustrate the consequences of suspensions and cancellations of benefits will be highlighted, as well as the judicial responses to these situations.

The results obtained will be discussed in an integrated way, correlating the effectiveness of legal guarantees with the judicial practices observed. The discussion will

address the challenges faced in protecting the rights of beneficiaries and propose strategies to improve review procedures, ensuring compliance with constitutional principles.

The conclusion will summarize the findings of the research, highlighting the adequacy of legislation and jurisprudence in the context of the protection of beneficiaries' rights and best practices to ensure justice and equity in "fine-tooth comb" procedures.

This methodology aims to provide a comprehensive and in-depth analysis of the impact of the procedures for suspension and cancellation of benefits, contributing to the advancement of knowledge in the area and to the defense of the rights of beneficiaries of social programs.

CONCLUSION

Furthermore, the analysis of the fine-tooth comb operations in retirement benefits for permanent disability reveals a complex interaction between the need for inspection and the protection of the fundamental rights of beneficiaries. The decisions of the Federal Regional Court of the 1st Region, especially the Judicial Section of Maranhão, highlight the importance of meticulous and fair procedures, in which expert evidence and adequate documentation play crucial roles in ensuring the correct assessment of work incapacity.

Medical expertise, as a technical and impartial instrument, should be valued as the essential basis for any decision that implies the suspension or cancellation of the benefit, avoiding arbitrariness that may compromise the right to social security.

It should be noted that, despite the legitimate objective of the so-called "Fine-Tooth Comb Operations" — namely, to curb fraud and ensure the correct allocation of public resources — it is imperative that such revisions do not compromise the legal certainty and dignity of the insured who truly need the benefits.

The abrupt or unjustified interruption of the benefit can cause severe damage to the livelihood of the beneficiary and his family, and may even violate social rights enshrined in the Federal Constitution, such as the right to health, social assistance and the dignity of the human person. In this context, the Judiciary has acted as a guardian of social security rights, interpreting and applying the legislation in order to ensure that the search for administrative efficiency does not result in undue and unfair losses to beneficiaries.

In addition, it is essential that the effectiveness of fine-tooth comb operations be continuously evaluated and improved, considering the particularities and specificities of each specific case. The excessive standardization of procedures can disregard the individual conditions of the insured, resulting in decisions that do not reflect the factual reality of work incapacity.

Therefore, reform proposals should contemplate the expansion of transparency in administrative processes, the creation of direct and effective communication channels between the National Institute of Social Security and the insured, as well as the improvement of the technical criteria adopted in medical examinations. Such measures are essential to ensure a fair balance between the legitimate need to combat fraud and the indispensable protection of the social rights of insured persons.

Finally, strengthening the dialogue between the administrative and judicial spheres is essential for the construction of a fairer and more effective social security system. Greater dialogue between the INSS and the Judiciary can contribute to the standardization of understandings and the reduction of litigation, in addition to providing faster and more adequate responses to the demands of the insured.

In this way, it is possible to ensure respect for the constitutional principles of human dignity, social protection and access to justice, meeting in an equitable and respectful manner the needs of citizens who depend on retirement due to permanent disability for their survival and quality of life.

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