



Office *of the* Inspector General

SOCIAL SECURITY ADMINISTRATION

Informational Report

Characteristics of Claimants in the
Social Security Administration's
Pending Hearings Backlog

A-05-16-50207 | September 2016

OIG Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: September 29, 2016

Refer To:

To: The Commissioner

From: Acting Inspector General

Subject: Characteristics of Claimants in the Social Security Administration's Pending Hearings Backlog (A-05-16-50207)

The attached final report presents the results of the Office of Audit's review. The Office reviewed information on the volume and age of pending hearing cases, the characteristics of the claimants awaiting a decision, and the status of pending cases.

If you wish to discuss the final report, please call me or have your staff contact Rona Lawson, Assistant Inspector General for Audit, at 410-965-9700.


Gale Stallworth Stone

Attachment

Characteristics of Claimants in the Social Security Administration's Pending Hearings Backlog

A-05-16-50207



September 2016

Office of Audit Report Summary

Background

We are issuing this report to provide information on the volume and age of pending hearing cases, the characteristics of the claimants awaiting a decision, and the status of pending cases.

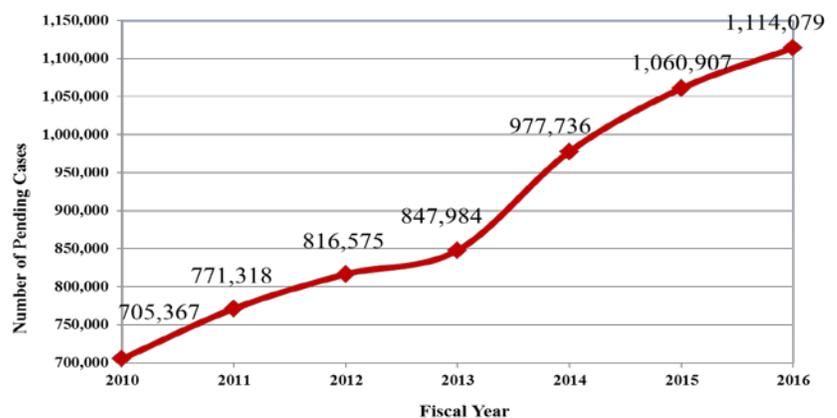
The Office of Disability Adjudication and Review (ODAR) administers the Social Security Administration's (SSA) hearings and appeals program. Individuals who are dissatisfied with the Agency's reconsideration decision (or, after the initial decision, in those States where there is no reconsideration step) have the right to request a hearing.

SSA's pending hearings workload has increased 58 percent since Fiscal Year (FY) 2010. As of March 2016, about 1.1 million claimants were awaiting a hearing decision, and the average processing time for a claim was about 518 days.

In January 2016, SSA developed the *Compassionate And REsponsive Service* (CARES) plan to address this backlog and reduce average processing time to 270 days by 2020. The CARES plan calls for additional administrative law judges (ALJ) to be hired and contains numerous initiatives to address ODAR workloads.

Summary

As of March 2016, ODAR had about 1.1 million pending claims awaiting a hearing decision with the average age of 318 days, measured as the time from the date of the hearing request. The volume and age of pending hearing cases has increased since FY 2010.



With respect to the claims awaiting a decision, we found

- claimants' average age was 45, and about 6 percent of pending claims involved claimants under age 19;
- about 45 percent of hearing requests nationwide awaited assignment for pre-hearing preparation; and
- approximately 7,400 claimants were deceased.

We found wide variations in workloads by hearing office nationwide. For instance, the average pending cases per ALJ ranged from 502 in the Boston Region to 972 in the New York Region. We also found that the proportion of individuals awaiting a decision in Georgia as related to the number of disability beneficiaries in the State was three times higher than that in Massachusetts.

ODAR continues focusing its efforts on processing the oldest cases in the pending backlog first with limited exceptions for cases that require special processing, such as critical cases and remands. ODAR has established a variety of initiatives to increase available resources and place them where they are most needed.

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ABBREVIATIONS

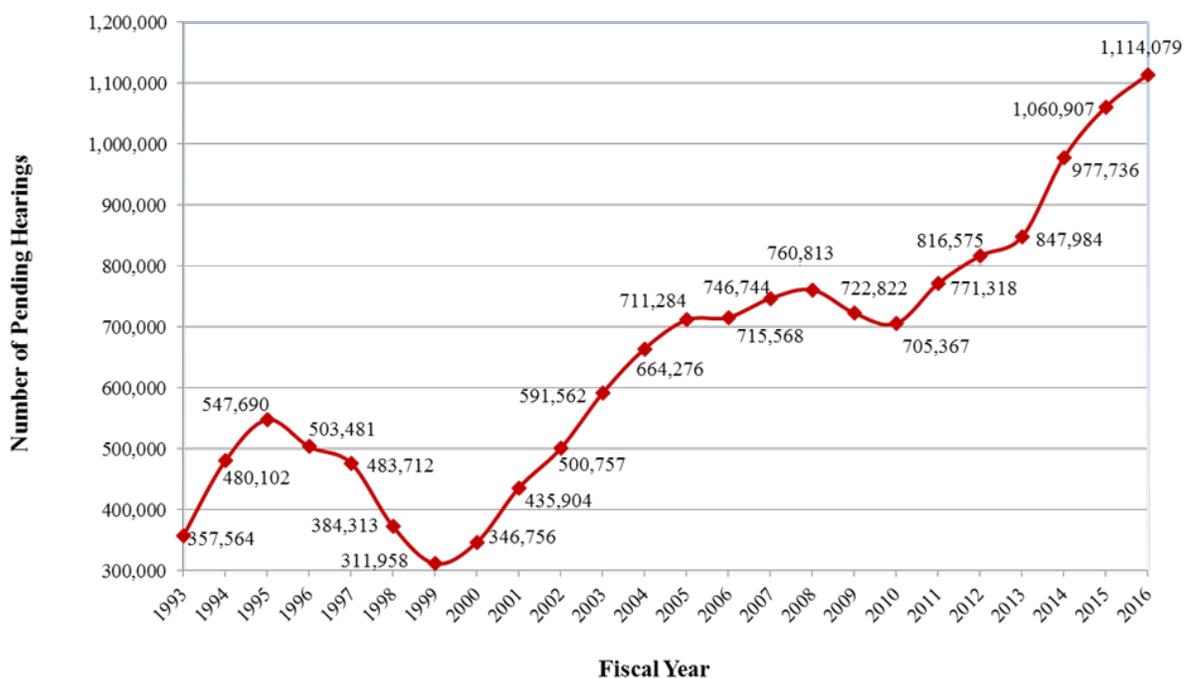
AC	Appeals Council
ALJ	Administrative Law Judge
CARES	<i>Compassionate And REsponsive Service</i>
C.F.R.	Code of Federal Regulations
CPMS	Case Processing and Management System
FY	Fiscal Year
HALLEX	Hearings, Appeals and Litigation Law manual
ODAR	Office of Disability Adjudication and Review
OIG	Office of the Inspector General
SSA	Social Security Administration

BACKGROUND

The Office of Disability Adjudication and Review (ODAR) administers the Social Security Administration's (SSA) hearings and appeals program. By regulation, individuals who are dissatisfied with the Agency's reconsideration decision (or, after the initial decision, in those States where there is no reconsideration step) have the right to request a hearing.

SSA's pending hearings workload has increased 58 percent since Fiscal Year (FY) 2010.¹ At the end of March 2016, 1,114,079 claimants were awaiting a hearing decision (see Figure 1), and the average processing time² for a claim was about 518 days (see Figure 2).³

Figure 1: Number of Pending Hearings for FY 1993 Through March 2016



Source: SSA, ODAR, Case Processing and Management System (CPMS) management information and electronic *Key Workload Indicators* reports for FY 1993 through 2016 as of March 25, 2016.

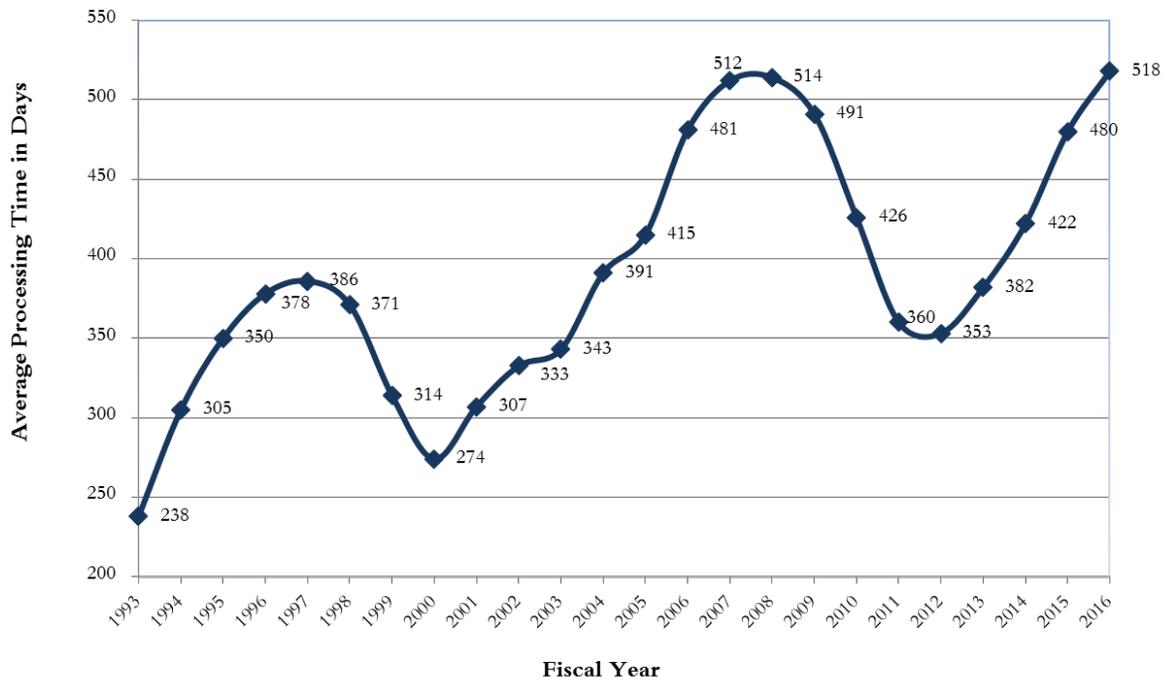
¹ In a 2015 report, we identified four factors that contributed to the change in the pending hearings backlog: (1) an increase in hearing requests, (2) a decrease in administrative law judge (ALJ) productivity, (3) a decrease in senior attorney adjudicator decisions, and (4) a recent decrease in the number of available ALJs. See SSA, OIG, *The Social Security Administration's Efforts to Eliminate the Hearings Backlog* (A-12-15-15005), September 2015, pp. 1 and 3-5.

² The Agency defines average processing time as the average number of calendar days from the hearing request date to the disposition date for all dispositions in a report period.

³ In August 2016, the number of claimants awaiting a hearing increased to 1,121,301, and average processing time increased to 540 days. The pending hearing data used in this report were from March 2016.

In January 2016, SSA issued the *Compassionate And REsponsive Service (CARES)* plan to address the growing number of pending hearing-level cases and increasing wait times.⁴ The CARES plan outlines initiatives intended to reduce the average processing time to 270 days by 2020.⁵ The Agency defines the hearings backlog as “. . . the number of pending cases that push the average wait time over 270 days.”⁶ SSA considers the backlog eliminated when the national average processing time for a hearing decision is 270 days, which ODAR last approached in FY 2000 (see Figure 2).

Figure 2: Average Processing Time for FY 1993 Through March 2016



Source: SSA, ODAR, CPMS management information and electronic *Key Workload Indicators* reports for FYs 1993 through 2016 as of March 25, 2016.

We are issuing this report to provide information on the volume and age of pending hearing cases, the characteristics of the claimants awaiting a decision, and the status of pending cases. We obtained data on pending claims at the hearing level from CPMS on March 10, 2016 to

⁴ SSA, ODAR, *Leading the Hearings and Appeals Process in the Future: A Plan for Compassionate And Responsive Service*, January 13, 2016.

⁵ We are reviewing the CARES plan. See SSA, OIG, *Compassionate And REsponsive Service Plan to Reduce Pending Hearings* (A-05-16-50167), which we plan to issue in 2016.

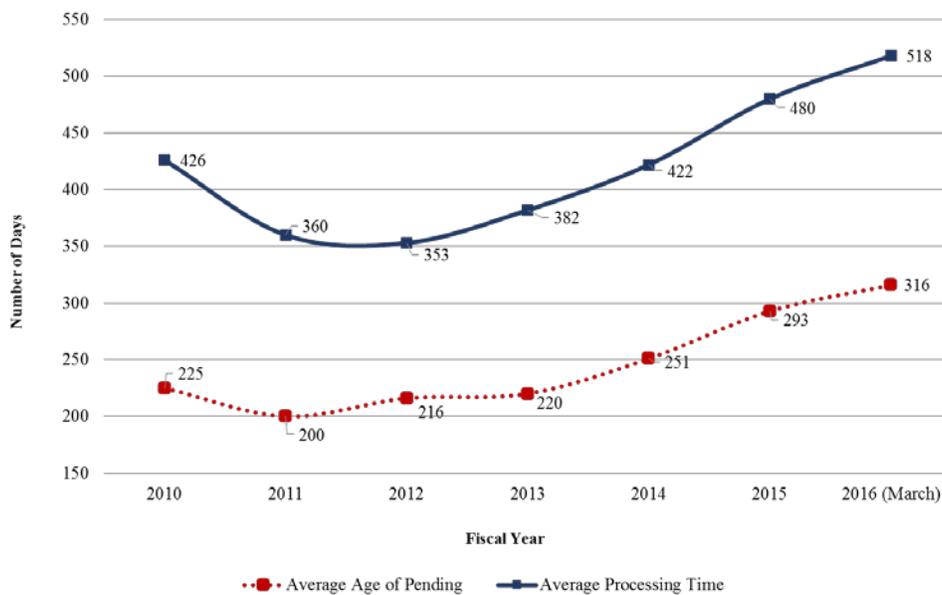
⁶ SSA, ODAR, *Leading the Hearings and Appeals Process in the Future: A Plan for Compassionate And Responsive Service*, January 13, 2016, p. 3. This plan used average wait time and average processing time interchangeably.

conduct our analysis. We also analyzed ODAR’s management information reports from CPMS as of March 25, 2016 for the end of the month report cycle. In addition, we used death information from SSA’s Numident file⁷ and reviewed ODAR’s CARES plan as well as SSA’s 2014 annual statistical reports. We also met with ODAR representatives to discuss information in CPMS used to characterize pending hearing claims. Please see Appendix A for our scope and methodology.

Aging of Claims Awaiting a Decision

As of March 10, 2016, the average age of the approximately 1.1 million pending claims awaiting a hearing decision was 318 days, measured as the time from when SSA receives the hearing request. As shown in Figure 3, the average age of pending cases has increased in recent years, similar to the average processing time.^{8,9}

Figure 3: Average Age of Pending Compared to Average Processing Time FY 2010 Through March 2016



Source: SSA, ODAR, CPMS management information for FYs 2010 through 2016 as of March 25, 2016.

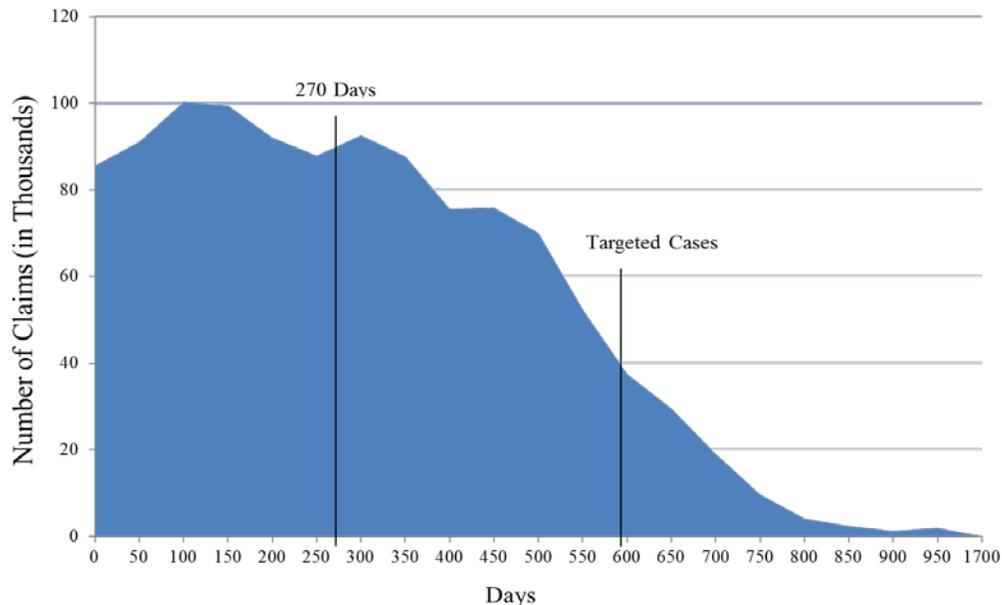
⁷ SSA’s Numident records information taken from an individual’s application for an original Social Security number and applications for replacement Social Security number cards. The system also contains records of death.

⁸ The Agency defines average age of pending as the average number of calendar days a case has been pending, calculated from the hearing request date to the present. Average processing time should exceed the average age of pending because the Agency generally prioritizes processing of the oldest cases first.

⁹ Figure 3 shows 316 days for March 2016 since it is based on the period ending March 25, 2016.

As of March 10, 2016, about 611,000 pending claims (55 percent) were still awaiting a decision after more than 270 days (see Figure 4). While ODAR generally processes cases on a first-in, first-out basis,¹⁰ it also has an aged-case goal to ensure the oldest cases are processed timely.¹¹ At the beginning of FY 2016, ODAR’s aged case goal for the hearings level was to close more than 99 percent of all cases that were at least 430-days-old at the beginning of the year. These cases would have been 800-days-old or more at the end the year if not closed.¹²

Figure 4: Age of Pending Hearing Claims (as of March 2016)



Note: Cases that began the year at 430 days were 591 days old on March 10, 2016, when we obtained the pending data.

Source: SSA, ODAR, CPMS pending hearing cases as of March 10, 2016.

The percent of cases over 270-days-old varied by region. For example, 43 percent of the Boston Region’s workload was over 270-days-old, while 60 percent of the New York Region’s workload was over 270-days-old (see Appendix B). We found similar variances among hearing offices in the same region. For example, while about 44 percent of the Dallas Region’s workload was over 270-days-old, the percent of cases over 270-days-old ranged from 25 percent in the Shreveport, Louisiana, Hearing Office to 76 percent in the McAlester, Oklahoma, Hearing Office.

¹⁰ We discuss case processing later in this report.

¹¹ In FY 2007, SSA began the Aged Claim initiative with an emphasis on processing the oldest claims in the backlog. In a 2009 report, we found that the Aged Claim initiative had successfully targeted aged claims and focused hearing offices’ efforts on this workload. SSA, OIG, *Aged Claims at the Hearing Level* (A-12-08-18071), September 2009.

¹² SSA, ODAR, *FY 2016 Aged Case Initiative Report* (through April 2016).

STATUS OF PENDING CLAIMS

ODAR tracks a hearing request's progress from the date it is filed to the date the final disposition notice is sent to the claimants—using about 50 distinct categories. We grouped the categories into the following three stages to distinguish between cases that had yet to be prepared, claim development that was underway, and case activity after a hearing was held or a decision letter was pending.¹³

- **Master Docket and Unassigned:** Hearing requests received and awaiting assignment for pre-hearing preparation.¹⁴
- **Pre-Hearing Case Development:** Case activity before the hearing, including case preparation and scheduling.¹⁵
- **Post-Hearing Development, Writing, and Disposition:** Case activity after the hearing, including decision issuance and mailing of the decision.¹⁶

As of March 2016, about 45 percent of hearing requests nationwide was in the Master Docket and Unassigned category (see Figure 5), approximately 47 percent was in the Pre-Hearing Case Development category, and about 9 percent was in the Post-Hearing Development, Writing, and Disposition category.¹⁷

¹³ If a hearing is conducted, it occurs between the Pre-Hearing Case Development and the Post-Hearing Development, Writing, and Disposition stages. The hearing process ends with a final disposition.

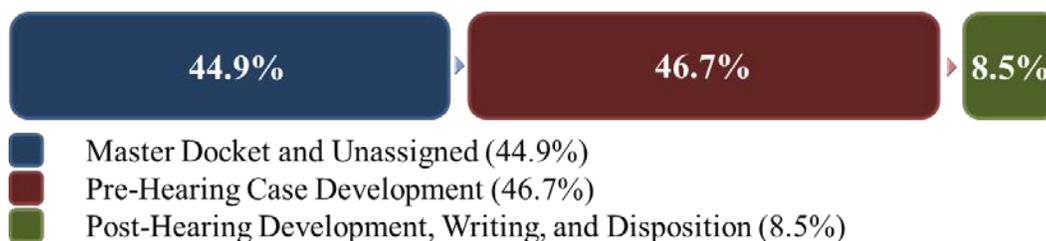
¹⁴ This category includes cases (1) established in CPMS but in which docketing is not yet completed or a case had a prior claim pending at the Appeals Council, (2) awaiting assignment for review by senior attorney or ALJ, (3) pending receipt of pre-hearing development (if necessary), and (4) awaiting assignment for work up.

¹⁵ This category includes cases (1) worked up for hearing; (2) reviewed or researched by decision writer, senior attorney, or ALJ; (3) with completed work up and not assigned to a decision maker or ALJ; (4) reviewed by ALJ before the hearing to determine necessary action (excludes cases already scheduled); (5) where all actions before scheduling have been completed, including documenting participants for the hearing (ALJ, Verbatim Hearing Recorders, Medical Examiner, Vocational Expert, Interpreter); (6) where scheduling event has been placed on hold to perform case work up; and (7) in scheduled status (with a hearing date and time) until a hearing has been held or postponed.

¹⁶ This category includes cases (1) developed after the hearing or reviewed by an ALJ after the hearing to determine necessary actions to render decision; (2) awaiting assignment to decision writer; (3) assigned to an ALJ who is drafting the decision; (4) assigned to a decision writer who is drafting the decision; (5) pending with ALJ for decision review; (6) identified as a dismissal and ready to be written by any employee including a legal assistant, decision writer, or ALJ; (7) awaiting assignment for decision typing by non-ALJ/non-writer staff or non-ALJ/non-writer staff corrects an ALJ decision; (8) pending review by a supervisor or mentor or undergoing final review and signature by ALJ or senior attorney; (9) decided/dismissed and waiting to be mailed; or (10) waiting for mailing or in preparation for mailing and disposition of cases in progress.

¹⁷ The figures do not add to 100 percent because of rounding.

Figure 5: National Workload Status of Pending Hearing Claims (as of March 2016)



Note: The figures do not add to 100 percent because of rounding.

Source: SSA, ODAR, CPMS management information for FY 2016 as of March 25, 2016.

The status of claims varied between the regions. For instance, about 60 percent of the New York Region’s workload was at the Master Docket and Unassigned stage, while about 23 percent of the Boston Region’s cases was at this same stage at that date (see Figure 6).

Figure 6: Regional Workload Status of Pending Hearing Claims (as of March 2016)



Region	Master Docket and Unassigned	Pre-Hearing Case Development	Post-Hearing Development, Writing, and Disposition
New York	59.9%	33.1%	7.0%
Boston	22.8%	66.0%	11.2%

Source: SSA, ODAR, CPMS management information for FY 2016 as of March 25, 2016.

Other Characteristics of Cases Awaiting a Hearing Decision

We reviewed various characteristics of the cases awaiting a hearing, such as the claimants’ age, the type of claim, cases with priority processing, and cases associated with deceased claimants.

Ages of Claimants Awaiting a Hearing Decision

As of March 10, 2016, the average age of claimants awaiting a hearing decision was 45. As Table 1 shows, about 6 percent of claimants awaiting a hearing decision was under age 19 while 89 percent was between ages 19 and 62. The remaining 5 percent of claimants was over age 62.

Table 1: Ages of Claimants Awaiting a Hearing Decision (as of March 2016)

Age	Number	Percent
Under 19	64,608	6
19 and over, but less than 40	260,029	23
40 and over, but less than 62	734,393	66
62 and over	57,538	5

Source: SSA, ODAR, CPMS pending hearing cases as of March 10, 2016.

Type of Appeal

The types of benefits claimants sought were divided about equally among Old-Age, Survivors and Disability Insurance (35.6 percent), Supplemental Security Income (28.8 percent), and concurrent (35.5 percent).¹⁸ Additionally, about 81 percent of the claims awaiting decision involved the claimant's first application for disability benefits. About 16 percent had at least their second or subsequent hearing request pending, and about 2 percent involved claims remanded by the Appeals Council (AC) or Federal Court to ALJs for a new decision.¹⁹

Cases with Priority Processing

The Hearing Office Chief ALJs generally assign cases to ALJs on a rotational basis, with the earliest (that is, oldest) request receiving priority unless there is a special situation that expedites case processing, such as critical cases and remands.²⁰

Critical Cases

Critical cases require special processing based on (1) terminal illness, (2) a 100 percent permanent and total disability compensation rating from the Department of Veterans Affairs, (3) Military Casualty/Wounded Warrior classification,²¹ (4) the Agency's Compassionate

¹⁸ Concurrent claims refer to beneficiaries who filed for Old-Age, Survivors and Disability Insurance and Supplemental Security Income. The figures do not add to 100 percent because of rounding.

¹⁹ We discuss remands later in this report. The remaining 1 percent included other types of appeals.

²⁰ SSA, HALLEX I-2-1-55—*Assignment of Service Area Cases to Administrative Law Judges*. Some situations allow a case to be processed earlier than others, including, but not limited to, (1) various specific Federal Court and AC remands, (2) Supplemental Security Income non-disability cases, (3) cases that appear to meet the criteria for dismissal, (4) cases in which the claimant has waived the right to an oral hearing, or (5) cases in which the claimant has waived the right to regular advance notice of hearing.

²¹ This classification involves any current or former member of a military service who sustained an illness, injury, or wound; is alleging a physical or mental impairment, regardless of how the impairment occurred, or where it occurred (that is, United States or on foreign soil); and sustained the impairment while on active duty status on or after October 1, 2001. See SSA, HALLEX I-2-1-40—*Critical Cases*.

Allowance initiative,²² (5) dire financial need, or (6) an indication that the claimant may be potentially suicidal, homicidal, and/or violent.²³ In March 2016, we identified approximately 23,000 critical cases among the pending cases—about 2 percent of the pending hearings (see Table 2).

Table 2: Critical Case Claimants Awaiting a Hearing Decision (as of March 2016)

Critical Case	Number of Cases	Average Age of Pending (Days)
Terminal Illness	1,090	189
Potentially Suicidal	5,817	174
Potentially Homicidal	762	198
Other	15,373	269

Note: Some individuals may qualify for more than one critical case type.

Source: SSA, ODAR, CPMS pending hearing cases as of March 10, 2016.

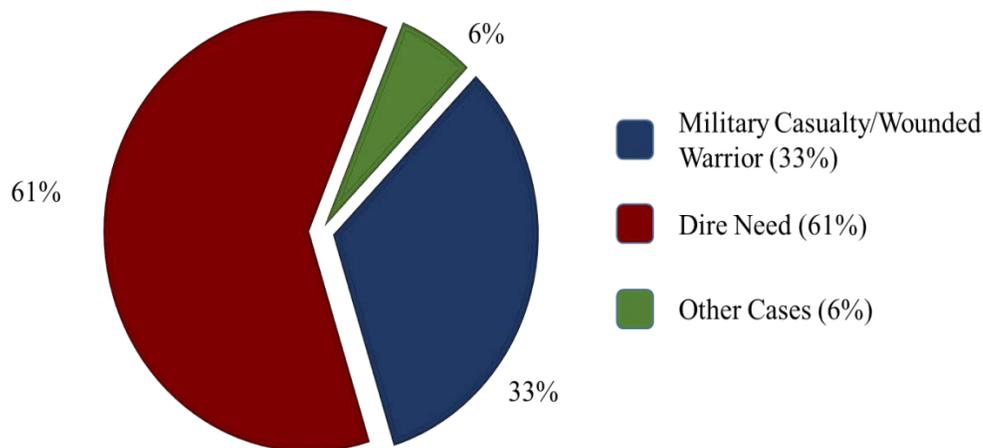
The data we obtained from the Agency’s system lacked specific indicators for us to identify every type of critical case involved. Therefore, we reviewed a sample of 100 “Other” cases to learn more about the reason for the critical case designation (see Figure 7). We found that 33 percent of the cases involved a 100-percent permanent and total disability compensation rating from the Department of Veterans Affairs or Military Casualty/Wounded Warrior classification, and 61 percent involved claimants in dire need situations. A dire need exists when claimants lack resources to satisfy basic needs, such as food, shelter, or medicine and medical treatment.²⁴ In one example, an individual who, at the time of our review, had waited over 343 days for a hearing, requested “dire need” expedited processing because she was already 6 months behind on her rent, and the property owner had begun the eviction process. An ALJ held a hearing with the claimant in April 2016 and issued a favorable decision in May 2016.

²² The Compassionate Allowances initiative is designed to quickly identify diseases and other medical conditions that invariably qualify under the Listing of Impairments based on minimal, but sufficient, objective medical information. See SSA, Program Operations Manual System DI 11005.604— *Processing Compassionate Allowances in the Field Office*. Most Compassionate Allowance cases are identified at the initial level of adjudication, but a new condition that develops later can also qualify for Compassionate Allowance processing. See SSA, HALLEX I-2-1-40—*Critical Cases*.

²³ Although not classified as critical cases, hearing office staff must give high priority to inquiries received from Members of Congress and their staff. SSA, HALLEX I-1-6-1—*Congressional Inquiries at Hearing Offices*. We found that about 13,000 pending hearing cases involved Congressional interest.

²⁴ SSA, HALLEX I-3-1-5—*Critical Case Procedures*.

Figure 7: Sample of 100 “Other” Pending Critical Cases



Note: Some individuals may qualify for more than one critical case type.

Because of the change in priority order, we found that individuals who had a critical case designation experienced shorter wait times. The average age of pending for this workload was 240 days, 78 days shorter than the average age of pending for all pending cases.

Remands

About 26,000 of the pending cases were AC and Federal Court remands, of which approximately 18,000 cases were initiated at the AC level, and the remaining 8,000 were initiated at the Federal Court level. These cases were returned to the ALJs for further review. When a claimant asks the AC to review an ALJ decision, the AC can deny, dismiss, or grant the request. If the AC grants the request, it will (1) issue a decision that affirms, modifies, or reverses the ALJ decision or (2) remand the case to the ALJ with instructions for further review.²⁵ The Agency uses the remand date as a new starting point to determine the age of the case. As a result, the average waiting time for remands was 220 days—lower than the overall average waiting time. However, these individuals had already waited an average 1,197 days when we considered the time from the original hearing request filed date.

Deceased Claimants

Our match of the pending hearings cases to the Agency’s Numident death records identified about 7,400 claims (0.7 percent of the pending hearings) where the individual awaiting a hearing

²⁵ A claimant who disagrees with the AC decision may file an appeal with a Federal district court. The court may (1) dismiss the case; (2) affirm, modify, or reverse the AC’s decision; or (3) remand the case for further review.

passed away before a decision was issued.²⁶ We found ODAR had not identified 564 of these deceased individuals. In 29 percent of these cases, the Agency had death information in its records for over 1 year.²⁷

The deceased claimants' average age at death was 50-years-old, and the average wait time was 403 days. As of March 2016, these claimants had been deceased for an average of 270 days, as counted from the date of death posted to the Agency's records.²⁸

Individuals who pass away while awaiting a hearing do not receive expedited case processing status because of death, unless their case already had a critical case indicator.²⁹ The hearing process will continue in regular fashion whenever there is an appropriate substitute party, such as the claimant's spouse or other allowed relative, or even a State that issued assistance to the claimant awaiting a hearing before his/her death. If no substitute party exists, the case is dismissed.

Geographic Distribution

To understand the distribution of hearing cases nationwide, we reviewed pending cases per ALJ at the regional level as well as pending cases as a percentage of disability beneficiaries in each State.

Pending Per Administrative Law Judge

The Agency monitors the pending cases per ALJ in its *National Ranking Reports*. In March 2016, the number of pending hearings per ALJ ranged from 502 cases in the Boston Region to 972 in the New York Region. While the New York Region had about twice the number of available ALJs as the Boston Region, the New York Region had four times as many pending cases.³⁰ The average wait time between these two regions ranged from 266 in the Boston Region to 359 days in the New York Region.³¹

²⁶ The *Social Security Act* defines disability as the “. . . inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.” See 42 U.S.C. §§ 423(d)(1) and 1382c(a)(3)(A). See also C.F.R. §404.1505 – *Basic Definition of Disability*; Code of Federal Regulations §416.905 – *Basic Definition of Disability for Adults*; C.F.R. §416.906 – *Basic Definition of Disability for Children*.

²⁷ On average, it took SSA 31 days to annotate its Numident records with death information.

²⁸ The deceased claimants we identified and shared with the Agency had died an average of 284 days earlier.

²⁹ While some critical indicators may still be appropriate after the claimant dies, such as dire need, others would not be appropriate, such as the terminal indicators. For instance, we found that 63 of the deceased still had a terminal indicator.

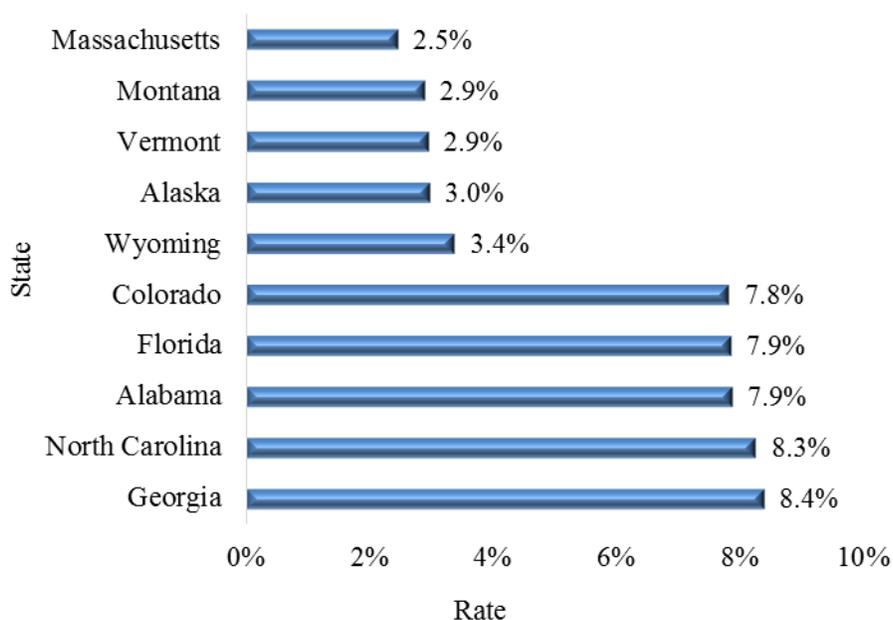
³⁰ ODAR can adjust resources to assist backlogged hearing offices and regions. We discuss this in the next section.

³¹ See Appendix B for more regional statistics.

Pending Case Level Variations by State

To understand pending case levels by State, we obtained State pending case data and compared it to each State's disabled population.³² Among the States, the rate of pending claims to disabled beneficiaries ranged from 2.5 percent in Massachusetts to 8.4 percent in Georgia (see Figure 8). Additionally, we found that four of the five States with the highest rates were in the Atlanta Region (see Appendix C).^{33,34} Overall, the national average of pending claims to the population of disability beneficiaries was 6.2 percent.³⁵

Figure 8: States with the Lowest/Highest Rate of Pending Appeals as a Percentage of Disability Benefits Received



Note: Of the 10 states, SSA did not have hearing offices in Vermont and Wyoming.

³² ODAR management information reports provide pending case data at the national, regional, and hearing office levels, but not the State level. To calculate a metric that identified variances in pending claims at the State level, we compared the number of pending hearing appeals in a State as of March 2016 to the number of individuals collecting SSA disability benefits using the Agency's December 2014 statistical data (the latest available data at the time of our analysis). We determined the State by using the claimant's address. Disability benefits include those paid under the Social Security Disability Insurance program and those paid to disabled recipients receiving Supplemental Security Income.

³³ The rate for States in the Atlanta Region ranged from 6.2 to 8.4 percent, at or above the national average. We provide additional regional statistics in Appendix B.

³⁴ We did not review factors that may play into State workload variations, such as disability determination services workloads as well as staffing and workload issues at hearing offices.

³⁵ The national median rate was 5.6 percent.

Agency Backlog Initiatives

We have highlighted ODAR's efforts to address the pending workload in prior reviews. For example, initiatives the Agency established to address the pending hearings backlog include

- National Hearing Centers to adjudicate cases via video conferencing;³⁶
- Regional and National Case Assistance Centers to assist with writing and case assembly;³⁷
- virtual ALJs who can assist backlogged offices from other hearing offices;³⁸ and
- case transfers between hearing offices within the region and from other regions.³⁹

ODAR is also addressing this challenge in its CARES plan in a variety of ways, including (1) hiring ALJs, (2) obtaining temporary assistance from other Agency components to assist with writing and adjudication, and (3) greater use of technology to expedite case processing.⁴⁰ In addition, at the time of our review, ODAR was reviewing plans to modify the field structure by combining existing hearing office as well as establishing new hearing offices.

³⁶ SSA, OIG, *The Role of National Hearing Centers in Reducing the Hearings Backlog* (A-12-11-11147), April 2012.

³⁷ SSA, OIG, *Hearing Office Average Processing Times* (A-05-15-50083), September 2015.

³⁸ SSA, OIG, *Workload Review of the Miami Hearing Office* (A-12-15-50041), June 2016.

³⁹ SSA, OIG, *Workload Review of the Dover Hearing Office* (A-12-15-50040), December 2015.

⁴⁰ SSA, ODAR, *Leading the Hearings and Appeals Process into the Future: A Plan for Compassionate And Responsive Service*, January 13, 2016.

SUMMARY

The number of claims awaiting a hearing decision has increased 58 percent in the last 5 years and now exceeds 1.1 million pending cases. ODAR's hearings process has focused on eliminating the oldest cases first, unless there is an exception, such as a critical or remanded case. However, we found wide variances among regions and hearing offices related to the status of cases, pending per ALJ, and available ALJs. We also found variances in the pending case levels per State. For instance, the proportion of individuals awaiting a decision in Georgia, as related to the number of disability beneficiaries in the State, was three times higher than that in Massachusetts. ODAR has established a variety of initiatives to increase available resources and place them where they are most needed to assist with backlogged cases.



Rona Lawson
Assistant Inspector General for Audit

APPENDICES

Appendix A – SCOPE AND METHODOLOGY

To complete our review, we:

- Reviewed applicable Agency policies and procedures.
- Reviewed the January 2016 *Compassionate And REsponsive Service* plan.
- Reviewed prior Office of the Inspector General reports related to Agency initiatives to eliminate the hearings backlog and hearing office average processing times.
- Interviewed Agency representatives in the Social Security Administration’s Office of Disability Adjudication and Review to discuss information in the Case Processing and Management System (CPMS) used to characterize pending hearing claims.
- Analyzed CPMS management information and electronic *Key Workload Indicators* reports for Fiscal Years 1993 through March 2016 on claims pending at the hearing level and workload status.
- Obtained a CPMS data extract of 1,116,568 claims pending at the hearing level as of March 10, 2016. We analyzed the data to assess the age of claimants, type of benefits claimed, the use of critical case indicators, and the number of remanded cases.
- Reviewed a random sample of 100 pending claims with unclear critical case indicators to learn more about the reason for the critical case designation.
- Obtained death information from the Agency’s Numident file to identify claimants with pending hearing claims who had died.
- Obtained data from the Agency’s *SSI Annual Statistical Report, 2014* and *OASDI Beneficiaries by State and County, 2014* report to identify the States with the most individuals who collected disability benefits in 2014. To calculate a metric that identified variances in pending claims at the State level, we compared the number of pending hearing appeals among the States as of March 2016 to the number of individuals collecting disability benefits using SSA’s December 2014 statistical data (the latest available data at the time of our analysis). We determined the State by using the claimant’s address in the CPMS data extract.

We found the CPMS data and death information used in this review to be sufficiently reliable to meet our objective. We conducted our review between April and July 2016 in Chicago, Illinois. We conducted our review in accordance with the Council of the Inspectors General on Integrity and Efficiency’s *Quality Standards for Inspection and Evaluation*.

Appendix B – REGIONAL OFFICE WORKLOADS

Regional Office	Pending Workload	Percent of National Pending	Percent Over 270 Days Old	Pending Hearings per ALJ	Number of Available ALJs	Fiscal Year 2016 Daily Dispositions Per Available ALJ
Region 1: Boston	28,640	2.6%	43%	502	48	1.99
Region 2: New York	119,585	10.7%	60%	972	106	1.75
Region 3: Philadelphia	125,296	11.2%	59%	841	133	1.88
Region 4: Atlanta	310,392	27.9%	56%	802	346	1.89
Region 5: Chicago	169,031	15.2%	50%	715	208	1.88
Region 6: Dallas	107,476	9.6%	44%	640	152	2.09
Region 7: Kansas City	49,592	4.5%	52%	670	62	1.84
Region 8: Denver	29,923	2.7%	53%	746	35	1.91
Region 9: San Francisco	120,181	10.8%	55%	780	142	1.89
Region 10: Seattle	34,894	3.1%	55%	658	48	1.72
National Hearing Centers	18,499	1.7%	83%	327	48	1.99
National Total/Average	1,114,079	100%	54%	745	1,327	1.91

Note: The high percentage of cases over 270 days old at the National Hearing Centers is consistent with their role to assist hearing offices with aging backlogs.

Source: Various *Case Analysis Reports* and *National Ranking Report* from the Social Security Administration, Office of Disability Adjudication and Review's Case Processing and Management System, Fiscal Year 2016 as of March 25, 2016.

Appendix C – STATE PENDING APPEALS AS A PERCENTAGE OF DISABILITY BENEFITS RECEIVED

State	Appeals Pending Decision	Individuals Receiving Disability Benefits	Percent
Alabama	35,879	455,890	7.9%
Alaska	776	26,062	3.0%
Arizona	19,599	291,865	6.7%
Arkansas	14,248	280,044	5.1%
California	94,735	1,776,648	5.3%
Colorado	14,974	191,520	7.8%
Connecticut	7,920	155,032	5.1%
Delaware	2,925	47,928	6.1%
District of Columbia	2,056	41,321	5.0%
Florida	86,695	1,103,738	7.9%
Georgia	48,632	579,900	8.4%
Hawaii	1,624	47,359	3.4%
Idaho	4,047	82,740	4.9%
Illinois	33,826	595,388	5.7%
Indiana	26,749	377,699	7.1%
Iowa	7,269	141,061	5.2%
Kansas	5,927	137,321	4.3%
Kentucky	26,901	434,950	6.2%
Louisiana	17,957	365,142	4.9%
Maine	3,895	108,512	3.6%
Maryland	18,858	258,048	7.3%
Massachusetts	10,296	418,994	2.5%
Michigan	43,936	694,368	6.3%
Minnesota	13,768	237,943	5.8%
Mississippi	19,334	281,008	6.9%
Missouri	27,483	404,351	6.8%
Montana	1,440	49,805	2.9%
Nebraska	3,286	76,622	4.3%
Nevada	4,845	114,317	4.2%
New Hampshire	2,781	79,980	3.5%
New Jersey	24,289	393,965	6.2%
New Mexico	6,096	133,892	4.6%

State	Appeals Pending Decision	Individuals Receiving Disability Benefits	Percent
New York	87,632	1,168,211	7.5%
North Carolina	50,804	615,419	8.3%
North Dakota	833	24,212	3.4%
Ohio	40,508	727,042	5.6%
Oklahoma	12,571	246,376	5.1%
Oregon	15,920	204,204	7.8%
Pennsylvania	65,698	847,061	7.8%
Rhode Island	2,628	75,485	3.5%
South Carolina	24,169	326,341	7.4%
South Dakota	1,285	36,545	3.5%
Tennessee	30,863	477,146	6.5%
Texas	56,527	1,270,081	4.5%
Utah	6,871	88,577	7.8%
Vermont	1,254	42,529	2.9%
Virginia	22,929	395,354	5.8%
Washington	17,606	346,847	5.1%
West Virginia	11,632	190,058	6.1%
Wisconsin	18,144	308,030	5.9%
Wyoming	748	22,155	3.4%
Puerto Rico	14,600	234,115	6.2%
National	1,116,268	18,029,201	6.2%

Note: The Supplemental Security Income program does not cover Puerto Rico.

Source: Social Security Administration, *SSI Annual Statistical Report, 2014, OASDI Beneficiaries by State and County, 2014*, and management information on pending cases from the Office of Disability Adjudication and Review's Case Processing and Management System, Fiscal Year 2016 as of March 25, 2016.

Appendix D – PENDING HEARINGS PER ADMINISTRATIVE LAW JUDGE

Hearing Office	State	Region	Pending Hearings per ALJ
Akron	Ohio	5	765
Albany	New York	2	706
Albuquerque	New Mexico	6	881
Alexandria	Louisiana	6	552
Anchorage	Alaska	10	385
Atlanta Downtown	Georgia	4	980
Atlanta North	Georgia	4	577
Baltimore	Maryland	3	533
Billings	Montana	8	613
Birmingham	Alabama	4	776
Boston	Massachusetts	1	450
Bronx	New York	2	769
Brooklyn	New York	2	573
Buffalo	New York	2	879
Charleston	South Carolina	4	918
Charleston	West Virginia	3	1,405
Charlotte	North Carolina	4	1,314
Charlottesville	Virginia	3	520
Chattanooga	Tennessee	4	565
Chicago	Illinois	5	562
Cincinnati	Ohio	5	824
Cleveland	Ohio	5	429
Colorado Springs	Colorado	8	732
Columbia	Missouri	7	649
Columbia	South Carolina	4	1,212
Columbus	Ohio	5	899
Covington	Georgia	4	1,039
Creve Coeur	Missouri	7	729
Dallas Downtown	Texas	6	715
Dallas North	Texas	6	517
Dayton	Ohio	5	801
Denver	Colorado	8	675

Hearing Office	State	Region	Pending Hearings per ALJ
Detroit	Michigan	5	499
Dover	Delaware	3	1,283
Elkins Park	Pennsylvania	3	772
Eugene	Oregon	10	1,075
Evanston	Illinois	5	469
Evansville	Indiana	5	933
Fargo	North Dakota	8	920
Fayetteville	North Carolina	4	962
Flint	Michigan	5	737
Florence	Alabama	4	689
Fort Myers	Florida	4	545
Fort Smith	Arkansas	6	471
Fort Wayne	Indiana	5	610
Fort Worth	Texas	6	717
Franklin	Tennessee	4	660
Fresno	California	9	1,011
Ft. Lauderdale	Florida	4	843
Grand Rapids	Michigan	5	1,038
Greensboro	North Carolina	4	965
Greenville	South Carolina	4	774
Harrisburg	Pennsylvania	3	837
Hartford	Connecticut	1	625
Hattiesburg	Mississippi	4	932
Honolulu	Hawaii	9	841
Houston North	Texas	6	529
Houston-Bissonnet	Texas	6	1,032
Huntington	West Virginia	3	1,534
Indianapolis	Indiana	5	928
Jackson	Mississippi	4	588
Jacksonville	Florida	4	968
Jersey City	New Jersey	2	797
Johnstown	Pennsylvania	3	927
Kansas City	Missouri	7	472
Kingsport	Tennessee	4	768
Knoxville	Tennessee	4	459

Hearing Office	State	Region	Pending Hearings per ALJ
Lansing	Michigan	5	686
Las Vegas	Nevada	9	725
Lawrence	Massachusetts	1	469
Lexington	Kentucky	4	639
Little Rock	Arkansas	6	683
Livonia	Michigan	5	504
Long Beach	California	9	1,595
Long Island	New York	2	1,186
Los Angeles Downtown	California	9	801
Los Angeles West	California	9	737
Louisville	Kentucky	4	1,000
Macon	Georgia	4	629
Madison	Wisconsin	5	916
Manchester	New Hampshire	1	501
McAlester	Oklahoma	6	280
Memphis	Tennessee	4	922
Metairie	Louisiana	6	504
Miami	Florida	4	828
Middlesboro	Kentucky	4	518
Milwaukee	Wisconsin	5	1,156
Minneapolis	Minnesota	5	981
Mobile	Alabama	4	665
Montgomery	Alabama	4	666
Moreno Valley	California	9	1,063
Morgantown	West Virginia	3	868
Mt. Pleasant	Michigan	5	806
Nashville	Tennessee	4	631
New Haven	Connecticut	1	589
New Orleans	Louisiana	6	812
New York	New York	2	941
Newark	New Jersey	2	895
Norfolk	Virginia	3	948
Norwalk	California	9	996
Oak Brook	Illinois	5	611
Oak Park	Michigan	5	589

Hearing Office	State	Region	Pending Hearings per ALJ
Oakland	California	9	661
Oklahoma City	Oklahoma	6	490
Omaha	Nebraska	7	695
Orange	California	9	845
Orland Park	Illinois	5	555
Orlando	Florida	4	1,094
Paducah	Kentucky	4	821
Pasadena	California	9	526
Peoria	Illinois	5	857
Philadelphia	Pennsylvania	3	1,045
Philadelphia East	Pennsylvania	3	773
Phoenix	Arizona	9	906
Phoenix North	Arizona	9	759
Pittsburgh	Pennsylvania	3	770
Ponce	Puerto Rico	2	2,813
Portland	Maine	1	440
Portland	Oregon	10	799
Providence	Rhode Island	1	412
Queens	New York	2	942
Raleigh	North Carolina	4	953
Reno	Nevada	9	397
Richmond	Virginia	3	742
Rio Grande	Texas	6	1,579
Roanoke	Virginia	3	1,002
Rochester	New York	2	1,102
Sacramento	California	9	660
Salt Lake City	Utah	8	991
San Antonio	Texas	6	568
San Bernardino	California	9	1,075
San Diego	California	9	698
San Francisco	California	9	638
San Jose	California	9	425
San Juan	Puerto Rico	2	1,842
San Rafael	California	9	791
Santa Barbara	California	9	562

Hearing Office	State	Region	Pending Hearings per ALJ
Savannah	Georgia	4	798
Seattle	Washington	10	612
Seven Fields	Pennsylvania	3	846
Shreveport	Louisiana	6	748
South Jersey	New Jersey	2	1,445
Spokane	Washington	10	517
Springfield	Massachusetts	1	608
Springfield	Missouri	7	784
St. Louis	Missouri	7	605
St. Petersburg	Florida	4	596
Stockton	California	9	864
Syracuse	New York	2	1,129
Tacoma	Washington	10	477
Tallahassee	Florida	4	671
Tampa	Florida	4	717
Toledo	Ohio	5	449
Topeka	Kansas	7	740
Tucson	Arizona	9	947
Tulsa	Oklahoma	6	681
Tupelo	Mississippi	4	1,365
Valparaiso	Indiana	5	1,118
Washington	District of Columbia	3	896
West Des Moines	Iowa	7	810
White Plains	New York	2	815
Wichita	Kansas	7	796
Wilkes Barre	Pennsylvania	3	963
National			746

Note: In Fiscal Year 2015, the Office of Disability Adjudication and Review (ODAR) began realigning offices in West Virginia (from the Philadelphia Region) and Kentucky (from the Atlanta Region) to the Kansas City Region. However, we did not find these changes reflected in ODAR's management information, so our data reflects the status of the hearing offices before the Fiscal Year 2015 realignment.

Source: Social Security Administration, ODAR, *National Tracking Report*, Fiscal Year 2016 as of March 25, 2016.

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