



Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

October 26, 2023

The Honorable Drew Ferguson
Chairman
Subcommittee on Social Security
Committee on Ways and Means
United States House of Representatives
1139 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Ferguson:

In anticipation of the Subcommittee's hearing on *One Million Claims and Growing: Improving Social Security's Disability Adjudication Process*, I would like to inform the Subcommittee of the work my office has been conducting on the Social Security Administration's (SSA) administration of its disability programs. Federal Inspectors General are required to summarize and assess the most serious management and performance challenges facing their agencies and the agencies' progress in addressing those challenges.¹ Since Fiscal Year 2002, my office has considered SSA's administration of its disability programs to be one of the major challenges facing the Agency.

We recently completed three reviews² that I believe should be brought to the Subcommittee's attention. First, in a September 2023 review, we determined whether the Office of Hearing Operations' (OHO) Compassionate And REsponsive Service (CARES) Plan initiatives had reduced the hearings backlog and average processing times.

In January 2016, SSA issued its CARES Plan to reduce its pending hearings backlog. At that time, more than 1 million people were awaiting hearings decisions, and the average processing time was 543 days. SSA updated its CARES Plan in 2017, when the average processing time peaked at 605 days, and updated it again in 2019. Three CARES Plans contained 45 total initiatives.

While the hearings backlog and average processing times generally decreased between Fiscal Years 2016 and 2022, we could not determine whether the CARES Plan initiatives reduced the hearings backlog and average processing times. Of the 45 CARES Plan initiatives, 42 lacked sufficient measurements or metrics to support their correlation to reducing the hearings backlog or average processing times.

¹ The *Reports Consolidation Act of 2000* (Pub. L. No. 106-531).

² SSA OIG, [The Social Security Administration's Hearings Backlog and Average Processing Times](#) (A-05-22-51159), September 2023, [The COVID-19 Pandemic's Effect on Disability Determination Services' Processing of Disability Claims](#) (A-01-20-50963), June 2023; and [Comparing the Social Security Administration's Disability Determination Services' Workload Statistics During the COVID-19 Pandemic to Prior Years](#) (A-01-21-51038), December 2021.

SSA could not provide documentation showing a direct link on how each initiative helped reduce the backlog or average processing times. This occurred because SSA did not establish formal measurements to help determine how each initiative affected the hearing process. OHO believed the initiatives could not always be measured using traditional metrics.

OHO leadership set general expectations of timelines and metrics needed for each initiative. The project lead meetings were oral with no documentation. As a result, neither OIG auditors nor SSA could determine whether the CARES initiatives—or a reduction in reconsideration determinations—were the reasons the hearing backlog and average processing times decreased from Fiscal Years 2016 to 2022. Since claims denied after the requests for reconsideration are the source of claims that may be appealed to the hearings level, fewer claims would potentially flow to OHO.

In addition to our review of OHO, we also analyzed disability determination services (DDS) data. In December 2021, we reported that, although receipts for initial disability claims, reconsiderations, and continuing disability reviews (CDR) decreased, processing times and the number of pending cases for these workloads increased.³ This indicates claimants were waiting longer for state disability determination services (DDS) to make medical determinations because the DDSs could not keep pace with the workloads received.

Then in June 2023 we determined how the COVID-19 pandemic affected DDS' processing of disability claims.⁴ On March 11, 2020, the World Health Organization declared COVID-19 a pandemic. On March 17, 2020, SSA closed its offices to the public and suspended or canceled all in-person consultative examinations (CE). On May 29, 2020, SSA informed the DDSs they could resume in-person CEs—prioritizing scheduling CEs for claims pending at either the initial or reconsideration level. SSA left it up to each DDS to manage how it reinstated CEs.

While SSA received fewer initial claims during the pandemic, it took the DDSs longer to process them than the year before. Before the pandemic, DDS' average processing time for an initial claim was 95.5 days. This increased to 139.4 days and 135.5 days, respectively, during the first and second years of the pandemic. Numerous factors contributed to this, including CEs, DDS staffing and training, telework and communication with claimants, and policies and procedures.

The number of CEs performed during the pandemic decreased as SSA suspended in-person CEs for a period of time. About 4,000 DDS employees resigned or retired and, although the DDSs hired new staff, a newly hired disability examiner takes an average of 2 years to become proficient at processing most initial claim workloads. Most DDS employees teleworked during the pandemic, so the DDSs needed to adjust to how they processed certain workloads. SSA provided the DDSs with basic cellular telephones to communicate with claimants, but claimants were wary of answering the calls as the telephones' caller identification did not show the incoming call was from a state agency. Finally, during the pandemic, SSA updated policies and procedures on how the DDS should operate. The updates included combined instructions with the field office, which confused some DDS employees about what pertained

³ SSA, OIG [Comparing the Social Security Administration's Disability Determination Services' Workload Statistics During the COVID-19 Pandemic to Prior Year](#) (A-01-21-51038), December 2021.

⁴ SSA OIG, [The COVID-19 Pandemic's Effect on Disability Determination Services' Processing of Disability Claims](#) (A-01-20-50963), June 2023.

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specifically to DDS processes. DDSs will continue various best practices they implemented during the pandemic, including scheduling tele-health CEs, when possible; telework; and holding video meetings.

To address this long-term challenge, SSA needs to maintain its focus on reducing and eliminating the initial disability claims, reconsideration, and medical continuing disability review backlogs, along with other important steps, including continuing to partner with DDSs to address staffing shortages caused by attrition and hiring challenges. SSA also needs to encourage all DDSs to share best practices to improve disability operations nationwide.

Please contact me if you would like any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gail S. Ennis".

Gail S. Ennis
Inspector General