

The Social Security Administration's Appeals Council Workloads A-12-20-50986



June 2022

Office of Audit Report Summary

Objectives

To (1) update our 2014 report on request for review workloads at the Appeals Council and (2) describe the efforts the Social Security Administration's (SSA) Office of Appellate Operations is taking to improve the timeliness and quality of the Appeals Council's actions and address the reversal and remand rates from the Federal courts.

Background

The Appeals Council is the final level of administrative adjudicatory review for individuals who appeal hearing-level administrative law judge (ALJ) decisions under the Old-Age, Survivors and Disability Insurance and Supplemental Security Income programs.

A claimant can submit a request for review of an ALJ's denial or dismissal of his/her claim. Appeals Council adjudicators can deny or dismiss a request for review or grant review and issue a favorable, partially favorable, or unfavorable decision or remand the case to an ALJ for a new decision.

A claimant also has the right to file a civil action requesting judicial review ". . . after any final decision by the Commissioner of Social Security is made after a hearing." If the Agency defends the case, the court may dismiss the case or it may affirm, modify, reverse, or remand the SSA decision for further proceedings.

Every Fiscal Year (FY) from 2014 to 2020, the Appeals Council received over 125,000 requests for review and fewer than 20,000 court receipts.

Findings

Since our 2014 report, the Appeals Council has taken a number of steps to improve customer service by reducing pending levels and processing times of its request for review workload. The Appeals Council maintained a consistent number of adjudicators, provided employee training, and implemented business process improvements and system enhancements that enabled it to reduce pending levels to approximately 57,000 cases in FY 2020 (down 62 percent from 150,383 in FY 2014) and average processing time (APT) to less than 270 days (down 29 percent from 374 days).

Indicator	2014	2015	2016	2017	2018	2019	2020
Receipts	155,843	149,767	134,147	128,303	153,130	172,111	129,973
Disposition	162,280	150,673	154,402	160,776	155,959	144,193	191,734
Pending	150,383	149,147	128,585	94,471	91,400	119,185	57,327
APT	374	386	364	342	256	246	264

SSA's Office of Appellate Operations implemented our prior recommendations by formalizing parts of its existing quality review process to ensure relevant adjudicative actions in its request for review workloads were covered. The quality reviews now include adjudicator denials and remands as well as analysts' actions and recommendations.

From FYs 2014 to 2020, Federal court reversal rates averaged 2 percent; however, court-remand rates averaged 48 percent. The court-remand rate has remained around 50 percent for decades. Four remand reasons were among the top 5 reasons from FYs 2016 to 2020 and accounted for over 24 percent of the total remand reasons.

To address the court remand rate, SSA created a strategic initiative in FY 2022 to undertake an evidence-based analysis of court remands and identify actionable improvements in its policies and processes. SSA established a Steering Committee to oversee this process. The Committee includes staff from the Offices of Analytics, Review, and Oversight; General Counsel; Hearings Operations; and Retirement and Disability Policy.