



## SOCIAL SECURITY

August 8, 2008

The Honorable Michael R. McNulty  
Chairman, Subcommittee on Social Security  
Committee on Ways and Means  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am pleased to provide you with the enclosed report addressing your December 18, 2007 request that we provide information related to administrative law judge (ALJ) and hearing office performance. This report contains information related to

- statistics of ALJ dispositions;
- statistics of ALJ and hearing office processing times;
- factors that affect ALJ and hearing office performance;
- an identification and assessment of the management tools used by Office of Disability Adjudication and Review officials to oversee ALJ performance; and
- management initiatives to support increases in ALJ productivity.

If you have any questions or would like to be briefed on this issue, please call me or have your staff contact Jonathan Lasher, Deputy Chief Counsel for External Relations, at (410) 965-7178.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick P. O'Carroll, Jr.'.

Patrick P. O'Carroll, Jr.  
Inspector General

Enclosure

cc:  
Michael Astrue  
Representative Johnson



## SOCIAL SECURITY

August 8, 2008

The Honorable Sam Johnson  
Ranking Member, Subcommittee on Social Security  
Committee on Ways and Means  
House of Representatives  
Washington, D.C. 20515

Dear Representative Johnson:

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Patrick P. O'Carroll, Jr.  
Inspector General

Enclosure

cc:  
Michael Astrue  
Chairman McNulty

# ***CONGRESSIONAL RESPONSE REPORT***

## ***Administrative Law Judge and Hearing Office Performance***

***A-07-08-28094***



August 2008

## **Mission**

**By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.**

## **Authority**

**The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:**

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.**
- Promote economy, effectiveness, and efficiency within the agency.**
- Prevent and detect fraud, waste, and abuse in agency programs and operations.**
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.**
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.**

**To ensure objectivity, the IG Act empowers the IG with:**

- Independence to determine what reviews to perform.**
- Access to all information necessary for the reviews.**
- Authority to publish findings and recommendations based on the reviews.**

## **Vision**

**We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.**

# Executive Summary

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## OBJECTIVE

The objective of our review was to address the requests of Congressmen Michael R. McNulty and Sam Johnson regarding administrative law judge (ALJ) and hearing office performance. Specifically, the Congressmen requested information on (1) factors that affect ALJ and hearing office performance, (2) Office of Disability Adjudication and Review (ODAR) management tools, and (3) Social Security Administration (SSA) initiatives to increase ALJ productivity.

## RESULTS OF REVIEW

SSA is facing the highest number of pending cases and highest average case processing times since the inception of the disability programs. As of April 2008, there were over 755,000 cases awaiting a decision at the hearings level. Further, Fiscal Year (FY) 2008 ALJ processing times averaged 505 days, as of April 2008. While the average number of cases processed per ALJ has increased from FY 2005 to FY 2007, some ALJs continue to process cases at levels below Agency expectations.

We interviewed the Chief ALJ, 9 Regional Chief ALJs, 143 ALJs, and 146 hearing office staff members to identify factors that may impact ALJ and hearing office productivity and processing times. Specifically, at each of 49 hearing offices, we interviewed a lower or higher producing ALJ, the Hearing Office Chief ALJ, one additional mid-producing ALJ, the Hearing Office Director, a Senior Attorney Advisor, and a Senior Case Technician. Our interviews disclosed that ALJs have varying levels of productivity (both high and low productivity) for internalized reasons, such as motivation and work ethic. However, we also identified factors that can impact ALJ and hearing office productivity and processing times that are part of the case adjudication process. These factors relate to disability determination services (DDS) case development, staff levels, hearing dockets, favorable rates, individual ALJ preferences, and Agency processes. However, we did not determine whether these factors impacted the legal sufficiency of ALJs' dispositions as it was beyond the scope of this review.

Chief ALJs use management tools and practices to oversee ALJ performance. While SSA can take disciplinary actions against ALJs, the actions taken in the past 3 years have been primarily related to conduct rather than performance. However, there are actions pending against ALJs on issues related to performance.

SSA has undertaken 37 initiatives to eliminate the backlog and prevent its recurrence. Many of these initiatives directly relate to the factors identified during our interviews as impacting ALJ productivity and processing times. Specifically, the announcement of a productivity expectation, hiring ALJs and staff, new automation, remanding cases to DDSs, and quality assurance improvements will impact the productivity and efficiency of ALJs and hearing offices.

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## OBJECTIVE

The objective of our review was to address the requests of Congressmen Michael R. McNulty and Sam Johnson regarding administrative law judge (ALJ) and hearing office performance. Specifically, the Congressmen requested information on (1) factors that affect ALJ and hearing office performance, (2) Office of Disability Adjudication and Review (ODAR) management tools, and (3) Social Security Administration (SSA) initiatives to increase ALJ productivity.

## BACKGROUND

Under the leadership of SSA's Deputy Commissioner for ODAR, the Office of the Chief ALJ (OCALJ) is responsible for management oversight of SSA's national hearing operation. OCALJ has a workforce of over 6,000, including over 1,100 ALJs. With 10 regional offices led by Regional Chief ALJs (RCALJ) and over 140 hearing offices led by Hearing Office Chief ALJs (HOCALJ), SSA's hearing operation conducts due process hearings and issues decisions on appealed determinations involving Retirement, Survivors, Disability, and Supplemental Security Income. With over 500,000 decisions issued each year, ODAR is considered one of the largest administrative judicial systems in the world.

SSA's disability programs have grown significantly over the last 5 years and will continue to do so at an increasing rate as aging baby boomers reach their most disability-prone years. As a result, backlogs of disability cases have formed, particularly at the ALJ hearing level. The number of cases awaiting a decision from an ALJ has risen from over 463,000 at the end of Fiscal Year (FY) 2002 to over 755,000 at the end of April 2008.<sup>1</sup>

In a December 18, 2007 letter, the Chairman and Ranking Member of the House of Representatives' Committee on Ways and Means, Subcommittee on Social Security, requested the Office of the Inspector General (OIG) review factors related to ALJ and hearing office performance. Specifically, the Congressmen requested (1) ALJ case disposition statistics, (2) ALJ and hearing office processing time statistics, (3) specific reasons disposition numbers and processing times vary among ALJs, (4) an identification and assessment of management tools used to oversee ALJ performance, including disciplinary actions against ALJs, and (5) management initiatives SSA has taken or intends to take to support increases in ALJ productivity. See Appendix B for the Scope and Methodology of our review.

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<sup>1</sup> All references to dispositions and cases in this report pertain to SSA cases and not Medicare cases.

# Results of Review

This review presents statistics on ALJ and hearing office dispositions and processing times. Further, we present various factors that can impact hearing office and ALJ productivity and processing times. We also present information on the management tools ODAR uses to oversee ALJ performance along with recent disciplinary actions taken against ALJs. Finally, we present the status of initiatives SSA has in-process or planned to help reduce the backlog of disability cases and prevent its recurrence.

## CASE DISPOSITIONS

The average number of case dispositions issued per ALJ increased 13 percent from FY 2005 to FY 2007 (see Appendix C, page C-5 for dispositions per ALJ in FYs 2005 through 2007). Specifically, in FY 2005, ALJs issued an average of 421 dispositions each, while in FY 2007, ALJs issued an average of 474 dispositions each.<sup>2</sup> According to the Commissioner of Social Security, for most of this decade, SSA has created rules and incentives focused solely on the most prominent metric for measuring the backlog – total cases pending.<sup>3</sup> Therefore, ALJs have been focused on issuing more dispositions each year to reduce the backlog. ODAR issued 547,951 dispositions in FY 2007.<sup>4</sup> These dispositions were issued by 1,155 ALJs.<sup>5</sup> These ALJs issued case dispositions ranging from a low of 1 per year to a high of 2,592 per year (see Table 1).

Number of Cases	Number of ALJs
100 or Fewer	48
101-200	47
201-300	85
301-400	190
401-500	291
501-600	263
601-700	123
701-800	59
801-900	15
901-1,000	17
More than 1,000	17
<b>Total</b>	<b>1,155</b>

<sup>2</sup> These averages include dispositions issued by all ALJs each year, regardless of whether the ALJ was full-time, part-time, new, or on extended leave or retired, separated, resigned, or died in FY 2007.

<sup>3</sup> Statement of Michael J. Astrue, Commissioner of Social Security, testimony before the House Ways and Means Committee, April 23, 2008.

<sup>4</sup> The 547,951 dispositions issued in FY 2007 include cases remanded to Disability Determination Services (DDS) with final dispositions issued in FY 2007 (see page 21 of this report for a discussion of the Informal DDS Remand Project). Further, the 547,951 dispositions issued in FY 2007 does not include cases adjudicated by Senior Attorney Advisors because Senior Attorneys did not begin issuing dispositions until November 2007 (see Appendix H, page H-1 for a description and status of the Adjudication by Attorney Advisors initiative).

<sup>5</sup> ODAR's workload reports identify ALJ full-time equivalents. However, for our review, we did not use ALJ full-time equivalents. Rather, we obtained a data file from ODAR's Case Processing and Management System of case dispositions issued. This data file identified the number of ALJs that issued case dispositions each year. For example, the FY 2007 ODAR workload reports identified ALJ full-time equivalents as 1,082.46. However, the data file identified 1,155 ALJs as issuing the 547,951 case dispositions in FY 2007.

## CASE PROCESSING TIMES

Average times for case processing have increased 16 percent from 443 days in FY 2005 to 512 days in FY 2007 (see Appendix C, Page C-5 for average processing times during FYs 2005 through 2007). SSA attributes the increased processing times to increased hearing requests and insufficient resources. In FY 2007, the average processing time for individual ALJs ranged from a low of 63 days to a high of 1,220 days (see Table 2).

Of ODAR's 141 hearing offices, there were 22 hearing offices (16 percent) with average processing times that exceeded the national average of 512 days by 100 days or more in FY 2007 (see Appendix C for average processing times of all hearing offices). ODAR ranked 15 (68 percent) of these 22 hearing offices in the lower half of all hearing offices for dispositions issued per ALJ per day in FY 2007, meaning that these offices had lower productivity as compared to other hearing offices in the nation.

Processing Time (Days)	Number of ALJs
100 or Fewer	1
101-200	5
201-300	35
301-400	222
401-500	376
501-600	297
601-700	151
701-800	51
801-900	13
901-1,000	2
More than 1,000	2
<b>Total</b>	<b>1,155</b>

## FACTORS THAT IMPACT PRODUCTIVITY AND PROCESSING TIMES

There are factors that can impact the number of dispositions ALJs and hearing offices issue. For example, of the 1,155 ALJs who issued dispositions in FY 2007, 95 ALJs issued fewer than 200 dispositions (see Table 1 on page 2 of this report). Of these 95 ALJs, 1 was the Deputy Chief ALJ<sup>6</sup> and 5 were RCALJs who perform management functions in addition to case adjudication; 13 were part-time, new, or on extended leave; and 54 retired, separated, resigned, or died. The remaining 22 ALJs were full-time and worked during all of FY 2007. We interviewed 21 of these 22 ALJs to identify possible factors that may have impacted their productivity.<sup>7</sup> To ensure we interviewed ALJs in each of ODAR's 10 regions, we also interviewed 8 additional ALJs who were among the lowest producers in their region.<sup>8</sup> These 8 ALJs issued between 206 and 386 dispositions in FY 2007.

<sup>6</sup> The Deputy Chief ALJ issued nine dispositions as a RCALJ in early FY 2007 prior to becoming the Deputy Chief ALJ.

<sup>7</sup> We did not interview 1 of the 22 ALJs because of an ongoing OIG investigation being conducted at the hearing office where this ALJ was located.

<sup>8</sup> These eight ALJs were not RCALJs, new, part-time, or on extended leave in FY 2007 and did not retire, separate, resign, or die in FY 2007.

In addition to the 29 lower producing ALJs, we also interviewed 31 higher producing ALJs.<sup>9</sup> Specifically, we interviewed 21 ALJs who were the highest producers in FY 2007. These ALJs issued between 974 and 2,592 dispositions in FY 2007. To ensure ALJs were interviewed in each of ODAR's regions, we interviewed 10 ALJs that were among the highest producers in their region. These ALJs issued between 702 and 928 dispositions in FY 2007.

Finally, we interviewed the Chief ALJ, 9 RCALJs,<sup>10</sup> 48 mid-producing ALJs, and 146 hearing office staff. Specifically, at each of 49 hearing offices where we interviewed either a lower or higher producing ALJ, we interviewed the HOCALJ, one additional mid-producing ALJ, the Hearing Office Director, a Senior Attorney Advisor,<sup>11</sup> and a Senior Case Technician.<sup>12,13</sup>

Our interviews disclosed that some ALJs had varying levels of productivity (both high and low) for internalized reasons, such as motivation and work ethic. However, we also identified factors that can impact ALJ and hearing office productivity and processing times that are part of the case adjudication process. These factors relate to DDS, staff, hearing dockets, favorable rates, individual ALJ preferences, and Agency processes.<sup>14</sup> However, we did not determine whether these factors impacted the legal sufficiency of ALJs' dispositions as it was beyond the scope of this review.

## Internal Factors

Our interviews disclosed that ALJs have varying levels of productivity due to factors such as motivation and work ethic. In fact, our interviews with RCALJs disclosed that motivation and work ethic were one of the main factors that contributed to higher or lower productivity. In fact, one RCALJ we interviewed stated a lower producing ALJ was not motivated to process more cases despite oral and written counseling, written

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<sup>9</sup> Of these 31 high producing ALJs, 13 were HOCALJs.

<sup>10</sup> There are 10 regional ODAR offices; however, at the time of our interviews, the Region 8 RCALJ was also the Acting RCALJ for Region 7.

<sup>11</sup> A Senior Attorney Advisor renders advice and assistance to ALJs in preparation of cases for hearing; conducts formal conferences with claimant representatives; analyzes, researches, and develops cases; and prepares comprehensive written decisions.

<sup>12</sup> A Senior Case Technician provides legal and technical support to ALJs in the processing of cases and develops a request for hearing from its receipt in the office to its completion, independently performing a wide range of case development actions.

<sup>13</sup> We interviewed 48 HOCALJs, 48 Hearing Office Directors, and 48 additional mid-producing ALJs because 1 hearing office did not have a HOCALJ, 1 office did not have a Hearing Office Director, and 1 office did not have an additional mid-producing ALJ available for us to interview. See Appendix B for the Scope and Methodology of our review.

<sup>14</sup> See Appendix D for a summary of the factors that impacted the higher and lower producing ALJs we interviewed.

directives, and reprimands. SSA is currently taking action to suspend this ALJ.<sup>15</sup> However, given that these factors are internal to individual ALJs, we could not easily measure the impact motivation and work ethic had on ALJ and hearing office productivity and processing times.

## **Disability Determination Services**

ALJs and Hearing Office staff at all levels stated DDS allowance rates and the quality of case development from DDSs can impact ALJ and hearing office productivity and processing times. For example, hearing offices likely have more requests for hearing if they are located in states with DDSs that deny more initial claims. As a result, ALJs in these hearing offices may have higher favorable rates.<sup>16</sup> Further, the length of time ALJs spend reviewing cases prior to a hearing may be impacted by the extent that the DDS developed the case.<sup>17</sup> Despite the comments from ALJs and hearing office staff, we did not have data to evaluate the extent that the practices of individual DDSs had on the performance of ALJs and hearing offices.

## **Staff**

ALJs are supported by hearing office staff who conduct initial case screening and preparation, maintain a control system for all hearing office cases, conduct pre-hearing case analysis, develop additional evidence, schedule hearings, and prepare notices and decisions for claimants.<sup>18</sup> Based on our interviews and analysis, it appears that support staff ratios may be one factor that impacts ALJ and hearing office productivity and processing times.<sup>19</sup>

When comparing the staff ratios of the 49 hearing offices where we conducted interviews to the FY 2007 ODAR national average staff ratio of 4.46 staff members per ALJ, we found that the higher producing ALJs were more likely to be located at hearing offices with staff ratios above the national average. Specifically,

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<sup>15</sup> See page 18 of this report for a discussion of Disciplinary Actions and Appendix E for a list of recent disciplinary actions against ALJs.

<sup>16</sup> See page 8 of this report for a discussion of Favorable Rates.

<sup>17</sup> See page 9 of this report for a discussion on Time Spent Reviewing Cases.

<sup>18</sup> See HALLEX, Chapter I-2-0-5 C.

<sup>19</sup> We made this observation in our March 2005 audit *The Effects of Staffing on Hearing Office Performance* (A-12-04-14098) where we recommended that SSA consider developing an ideal national staff ratio (<http://www.ssa.gov/oig/ADOBEPDF/A-12-04-14098.pdf>).

- 16 (52 percent) of the 31 higher producing ALJs we interviewed were located at hearing offices with staff ratios above the national average and<sup>20</sup>
- 5 (17 percent) of the 29 lower producing ALJs we interviewed were located at hearing offices with staff ratios above the national average.<sup>21</sup>

Our interviews with hearing office staff also identified staffing levels as a factor that impacts ALJ and hearing office productivity and processing times.<sup>22</sup> In fact, all 48 of the Hearing Office Directors we interviewed stated that staff ratios had a significant impact on productivity and processing times. Further, hearing office staff in 39 of the 49 offices where we conducted interviews stated that additional staff was needed.

When comparing the staff ratios of all 141 hearing offices to the FY 2007 ODAR national average staff ratio of 4.46, we found that the hearing offices that ODAR ranked in the top half for productivity were much more likely to exceed the national average staff ratio than hearing offices ranked in the lower half for productivity. Specifically,

- 63 percent of the hearing offices ranked in the top half for productivity had a staff ratio greater than 4.46 and
- 38 percent of the hearing offices ranked in the lower half for productivity had a staff ratio greater than 4.46.

The number of staff needed to fully support an ALJ will be impacted by the various management initiatives SSA has planned to reduce the disability backlog (see page 18 of this report for a discussion of these initiatives).<sup>23</sup> Further, our interviews disclosed that, in addition to an adequate number of staff, the quality and composition of the staff can also impact productivity. For example, an office may have an ideal staff ratio, but if it does not have enough writers to prepare decisions or if the writers do not prepare quality decisions, the hearing office's productivity may be impacted negatively.

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<sup>20</sup> See Appendix D, Table 2 for the higher producing ALJs we interviewed who were located at hearing offices with staff ratios below the national average in FY 2007.

<sup>21</sup> See Appendix D, Table 1 for the lower producing ALJs we interviewed who were located at hearing offices with staff ratios below the national average in FY 2007.

<sup>22</sup> We interviewed 146 hearing office staff, which included 48 Hearing Office Directors, 49 Senior Attorney Advisors, and 49 Senior Case Technicians.

<sup>23</sup> *Supra* note 3.

## Hearing Dockets

An ALJ's docket refers to the number of hearings an ALJ has scheduled during a given timeframe.<sup>24</sup> ALJs inform hearing office staff of the number of hearings they want scheduled during a month along with the specific days and times to schedule the hearings.<sup>25</sup> The requested number of hearings is typically provided to the staff about 3 months in advance so they can identify the cases that are ready for hearings.

Our interviews disclosed that 16 (55 percent) of the 29 lower producing ALJs sometimes did not have as many hearings scheduled as they had requested. Further, 11 of these 16 lower producing ALJs (39 percent of the 29 lower producing ALJs interviewed) stated that this was a regular occurrence (see Appendix D, Table 1). Eight of these 11 ALJs were located in offices where we interviewed other ALJs who expressed the same concern. The hearing offices listed in Table 3 had at least two ALJs inform us that they regularly did not have as many hearings scheduled as they had requested.

Hearing Office	Region	Staff Ratio
Charlotte	4	4.26
Denver	8	4.49
Houston	6	4.29
Kansas City	7	4.20
Oklahoma City	6	3.52
Pasadena	9	3.63
Portland	10	3.73
San Diego	9	3.91

During our interviews, ALJs stated the main reason not enough hearings were scheduled was because of insufficient support staff to prepare cases. Our analysis of staff ratios confirmed the lack of support staff may have impacted the ability of these eight hearing offices to schedule as many hearings as the ALJs requested. Specifically, in FY 2007, seven of these eight offices had staff ratios less than the 4.46 national average (see Table 3).

Only 7 (23 percent) of the 31 higher producing ALJs stated they regularly did not have as many hearings scheduled as they requested (see Appendix D, Table 2). However, only three of these seven ALJs were located in offices where we interviewed other ALJs who expressed this concern (Fort Wayne, Indiana; Knoxville, Tennessee; and Oklahoma City, Oklahoma). These three ALJs also stated that the main reason enough hearings were not scheduled was because of insufficient support staff to prepare cases. In fact, the staff ratios for the Knoxville and Oklahoma City Hearing Offices were below the 4.46 national average.

<sup>24</sup> For the purposes of this report, we refer to this as a hearing docket. However, an ALJ's docket may also refer to the number of cases assigned to the ALJ at any point in time, regardless of what stage of case processing each case is in.

<sup>25</sup> The Commissioner plans to issue a Notice of Proposed Rulemaking that will change Parts 404 and 416 of 20 CFR to state that SSA, rather than the individual ALJ, will set the time and place for a hearing. The intent of this change is to give hearing offices greater flexibility in scheduling hearings and is part of SSA's plan to increase efficiency in the hearing process and reduce the backlog of cases.

Our interviews with Hearing Office Directors and Senior Case Technicians also identified that there were times when ALJs did not have as many hearings scheduled as requested. In fact, 27 of the 48 Hearing Office Directors and 31 of the 49 Senior Case Technicians we interviewed stated this concern. Further, 22 of these individuals stated this was a regular occurrence. Like the ALJs, the Hearing Office Directors and Senior Case Technicians stated the main reason not enough hearings were scheduled was because of insufficient support staff to prepare cases.

## Favorable Rates

Our analysis found that higher producing ALJs had higher favorable rates than lower producing ALJs. Specifically, the higher producing ALJs we interviewed had an average favorable rate of 72 percent whereas the lower producing ALJs we interviewed had an average favorable rate of 55 percent (see Table 4).

Our comparison of the favorable rates of the ALJs we interviewed to the FY 2007 ODAR national average favorable rate of 62 percent found that the higher producing ALJs were the most significant contributors to ODAR's favorable rate. Specifically,

- 20 (65 percent) of the 31 higher producing ALJs we interviewed had favorable rates above the national average and<sup>26</sup>
- 9 (31 percent) of the 29 lower producing ALJs we interviewed had favorable rates above the national average (see Table 4).<sup>27</sup>

The higher producing ALJs achieved a higher favorable rate through on-the-record (OTR) decisions.<sup>28</sup> In fact, the higher producing ALJs had an average OTR rate of 35 percent while the lower producing ALJs had an average OTR rate of 11 percent (see Table 4).

Cases that are decided OTR take less time because the decision should be more obvious and does not require a hearing. Higher producing ALJs

ALJ Production Level	Average Favorable Rate	Percent of ALJs with Favorable Rate 62 Percent or Higher	Percent of On-the-Record Decisions
Higher	71.50	64.52	34.97
Lower	54.73	31.03	11.21

<sup>26</sup> See Appendix D, Table 2 for the higher producing ALJs we interviewed who had favorable rates below the national average in FY 2007.

<sup>27</sup> See Appendix D, Table 1 for the lower producing ALJs we interviewed who had favorable rates below the national average in FY 2007.

<sup>28</sup> OTR decisions occur when the claimant has waived the right to a hearing or when an ALJ or staff member has determined that a decision can be issued without holding a hearing. OTR decisions are generally favorable. Of the 547,951 dispositions issued by all ALJs in FY 2007, 84,800 (15 percent) were OTR, of which 81,602 (96 percent) were favorable.

issued more OTR decisions because they were more proactive in screening cases for OTR decisions than were lower producing ALJs. ODAR management encourages ALJs to screen cases, which involves reviewing cases where the files have not been worked up to determine whether an OTR decision can be made.<sup>29</sup> Of the 31 higher producing ALJs we interviewed, 20 (65 percent) stated they regularly screen cases to identify OTR decisions. However, only 10 (34 percent) of the 29 lower producing ALJs we interviewed stated they regularly perform this screening.

## **Individual ALJ Preferences**

During our interviews, the ALJs expressed individual preferences for processing cases. We found that ALJs with certain preferences were more likely to be higher producing, which can impact hearing office performance. These preferences include the amount of time spent reviewing cases, the number of hearings scheduled, scheduling hearings before case work-up, the length of hearings, the length of time to make decisions, use of bench decisions, use of rocket dockets, and amount of edits to decision drafts.

### *Time Spent Reviewing Cases*

ALJs review cases before holding hearings to determine the need for expert opinions or additional evidence and become familiar with the case facts. Our interviews disclosed that 30 of the 31 higher producing ALJs spent an average of 1 hour or less to review a case.<sup>30</sup> However, 22 of the 29 lower producing ALJs took more than 1 hour (see Appendix D, Table 1), with 7 (24 percent) of the 29 lower producing ALJs taking from 3 to 8 hours. Of the 48 mid-producing ALJs we interviewed, 44 took up to 2 hours to review a case before the hearing. Therefore, the amount of time the lower producing ALJs spent reviewing cases was a contributing factor for fewer dispositions.<sup>31</sup>

### *Number of Hearings Scheduled*

ALJs inform hearing office staff of the number of hearings they would like to hold in a given timeframe. We found that higher producing ALJs requested more hearings to be scheduled. Specifically, the higher producing ALJs we interviewed requested between

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<sup>29</sup> To work up a case file, a hearing office employee must organize medical documents chronologically, number documents, remove duplicate documents, ensure all pertinent documents are appropriately labeled, and prepare an exhibit list of pertinent documents.

<sup>30</sup> See Appendix D, Table 2 for the higher producing ALJ we interviewed who took more than 1 hour to review a case before the hearing.

<sup>31</sup> ODAR and SSA's Office of Quality Performance are currently evaluating hearing-related task times. However, as of May 2008, they had not determined what constitutes a reasonable amount of time for an ALJ to review a case file before a hearing.

10 and 50 hearings per week. However, the lower producing ALJs requested between 2 and 30 hearings per week (see Table 5).<sup>32</sup>

Of the 48 HOCALJs we interviewed, 41 expected each ALJ to schedule at least 10 to 20 hearings per week. All of the higher producing ALJs we interviewed met or exceeded the HOCALJs' expectations for the number of hearings per week.<sup>33</sup> However, only 15 (52 percent) of the 29 lower producing ALJs we interviewed met this expectation.<sup>34</sup>

Interestingly, seven HOCALJs we interviewed who had lower producing ALJs did not have an expectation for the number of hearings each ALJ should schedule per week. One HOCALJ stated, "I cannot hold ALJs accountable for a certain number of hearings per week."

<b>Table 5 Number of Hearings Requested per Week by Higher and Lower Producing ALJs Interviewed</b>		
<b>Number of Hearings Requested per Week</b>	<b>Number of Higher Producing ALJs</b>	<b>Number of Lower Producing ALJs</b>
1-4	0	3
5-9	0	8
10-14	7	7
15-19	9	4
20-24	4	1
25-29	3	2
30-34	3	1
35-39	2	0
40-44	0	0
45-49	2	0
<b>Total<sup>33, 34</sup></b>	<b>30</b>	<b>26</b>

### *Scheduling Hearings Before Work Up*

Based on our interviews, higher producing ALJs are more likely to schedule hearings before the case files are worked up.<sup>35</sup> Hearings must be scheduled at least 20 days in advance because SSA policy requires the ALJ or hearing office staff to send the notice of the scheduled hearing to the claimant at least 20 days before the hearing.<sup>36</sup> Of the 31 higher producing ALJs we interviewed, 22 (71 percent) will allow cases to be

<sup>32</sup> Some ALJs do not hold hearings every week. For these ALJs, we provided an average number of hearings requested per week. For example, if an ALJ requested 20 hearings every other week, we reported that this ALJ requested 10 hearings per week.

<sup>33</sup> None of the higher producing ALJs we interviewed requested fewer than 10 hearings per week (see Appendix D, Table 2). One higher producing ALJ did not request a specific number of hearings.

<sup>34</sup> See Appendix D, Table 1 for the lower producing ALJs that requested fewer than 10 hearings per week. Three lower producing ALJs did not request a specific number of hearings.

<sup>35</sup> To work up a case file, a hearing office employee must organize medical documents chronologically, number documents, remove duplicate documents, ensure all pertinent documents are appropriately labeled, and prepare an exhibit list of pertinent documents.

<sup>36</sup> HALLEX I-2-3-15.

scheduled for hearing before the case files are worked up.<sup>37</sup> However, only 5 (17 percent) of the 29 lower producing ALJs we interviewed will allow cases to be scheduled for hearing before the case files are worked up.<sup>38</sup>

While ALJs would prefer to have case files worked up before hearings are scheduled, this practice can have a positive impact on ALJ and hearing office productivity and processing times because hearings can be scheduled sooner. Further, once the hearings are scheduled, hearing office staff knows which cases to prepare for hearings. Also, scheduling cases for hearing before work-up could alleviate ALJs not conducting as many hearings because an insufficient number of cases were prepared.

### *Length of Hearings*

Our interviews disclosed that higher producing ALJs held shorter hearings. The higher producing ALJs we interviewed stated that hearings typically lasted less than 1 hour.<sup>40</sup> However, the lower producing ALJs we interviewed stated their hearings lasted from 30 minutes to over 1.5 hours (see Table 6). Of the 48 HOCALJs we interviewed, 33 (69 percent) expected hearings to last less than 1 hour.<sup>41</sup> The ALJs who held shorter hearings could hold more hearings and had more time to review cases and prepare decisions.<sup>42</sup>

<b>Table 6 Length of Hearings of Higher and Lower Producing ALJs Interviewed</b>		
<b>Typical Length of Hearings</b>	<b>Number of Higher Producing ALJs</b>	<b>Number of Lower Producing ALJs</b>
Less than 30 minutes	7	0
30 minutes – 1 hour	23	12
1 hour – 1.5 hours	0	15
1.5 – 2 hours	0	2
<b>Total<sup>39</sup></b>	<b>30</b>	<b>29</b>

<sup>37</sup> See Appendix D, Table 2 for the higher producing ALJs we interviewed who did not allow cases to be scheduled for hearing before the case files were worked up.

<sup>38</sup> See Appendix D, Table 1 for the lower producing ALJs we interviewed who did not allow cases to be scheduled for hearing before the case files were worked up.

<sup>39</sup> One higher producing ALJ stated that the length of hearings depended on the complexity of the issue and did not feel comfortable providing an average length of hearings.

<sup>40</sup> None of the higher producing ALJs we interviewed stated their hearings typically lasted longer than one hour (see Appendix D, Table 2).

<sup>41</sup> See Appendix D, Table 1 for the lower producing ALJs we interviewed whose hearings typically lasted longer than 1 hour.

<sup>42</sup> The length of hearings may be related to the use of medical and vocational experts. See page 14 of this report for a discussion on the Use of Experts.

### *Length of Time to Make Decisions*

Our interviews disclosed that some ALJs had more difficulty making decisions on cases after the hearings than other ALJs, which increases case processing times. Of the 31 higher producing ALJs we interviewed, 18 (58 percent) spent minimal time on cases after the hearing, typically taking less than 1 hour to review the case and make a decision. However, only 7 (24 percent) of the 29 lower producing ALJs we interviewed made this statement. Further, 25 (52 percent) of the 48 mid-producing ALJs we interviewed stated they spent minimal time on cases after the hearing. One higher producing ALJ and 9 lower producing ALJs we interviewed stated they spent at least 1 hour on cases after the hearing, with 1 lower producing ALJ taking up to 10 hours to make decisions (see Appendix D).<sup>43</sup> The ALJs who spent minimal time on cases after the hearing stated they reviewed the file carefully before the hearing and made notes during the hearing so they could quickly make a decision and write instructions to the decision writers.<sup>44</sup>

### *Bench Decisions*

ALJs can issue bench decisions when they have sufficient evidence to support a fully favorable decision at the hearing. ALJs who choose to make fully favorable decisions at hearings are required to include a prescribed checksheet in the administrative record. The checksheet sets forth the key data, findings of fact, and narrative rationale for the decision. The checksheet is entered as an exhibit in the record when the ALJ announces the fully favorable decision at the hearing. After the hearing, the ALJ issues a written notice of the oral decision that incorporates by reference the findings of fact and the reasons stated at the hearing. Bench decisions can be made on initial adult disability cases for Title II or XVI; claims for disability benefits as a disabled widow, widower, or surviving divorced spouse; or claims for Title XVI benefits by a child under age 18.<sup>45</sup>

Four (14 percent) of the 29 lower producing ALJs we interviewed issued bench decisions in FY 2007 (ranging from 1 to 18 bench decisions during the year).<sup>46</sup> However, 18 (58 percent) of the 31 higher producing ALJs we interviewed issued bench

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<sup>43</sup> There were 12 higher producing ALJs and 13 lower producing ALJs who did not specify the amount of time they spent on cases after the hearing.

<sup>44</sup> As of May 2008, ODAR and Office of Quality Performance had not determined what constitutes a reasonable amount of time for an ALJ to make a decision after a hearing. However, ODAR has a benchmark of 7 days for ALJs to move cases to the next stage of case processing after a hearing has been held.

<sup>45</sup> HALLEX I-5-1-17.

<sup>46</sup> See Appendix D, Table 1 for the lower producing ALJs we interviewed who did not issue bench decisions in FY 2007.

decisions (ranging from 1 to 421 bench decisions during the year).<sup>47</sup> Five of the higher producing ALJs and six of the lower producing ALJs who preferred not to issue bench decisions stated that bench decisions do not save time and they believe it is faster to prepare instructions for a decision writer.

### *Rocket Docket*

Our interviews disclosed that some ALJs who held rocket dockets had higher productivity. A rocket docket refers to scheduling several cases of unrepresented claimants at the same date and time for the same ALJ since these cases are likely to be dismissed or postponed.<sup>48</sup> For example, since unrepresented claimants are typically less likely to appear at their hearings, rocket dockets allow ALJs to dismiss those cases more timely, thus reducing the number of cases waiting to be scheduled for hearing. The unrepresented claimants that do come to the hearing often decide during the hearing that they want representation. Rocket dockets allow ALJs to postpone these hearings for a later date once the claimant secures representation. ODAR does not provide national implementation instructions for rocket dockets. Rather, each hearing office uses rocket dockets according to their specific needs. One high producing HOCALJ we interviewed stated that rocket dockets were one of the main reasons the backlog in his hearing office was reduced. However, no data are maintained to indicate whether rocket dockets are effective in managing caseloads.

### *Amount of Time Editing Decisions*

The amount of time ALJs spend editing decision drafts prepared by decision writers appeared to have an impact on productivity. Specifically, the lower producing ALJs we interviewed were more likely to have substantial edits to the decision drafts than the higher producing ALJs we interviewed. In fact, 12 (41 percent) of the 29 lower producing ALJs we interviewed stated they had substantial edits to over 50 percent of the decision drafts prepared by the decision writers (see

<b>Table 7 Decisions Requiring Substantial Edits by ALJs Interviewed</b>			
<b>Percent of Decisions With Edits</b>	<b>Number of Higher Producing ALJs</b>	<b>Number of Mid- Producing ALJs</b>	<b>Number of Lower Producing ALJs</b>
None	3	5	1
1-25	26	30	12
26-50	1	7	3
51-75	0	4	5
76-100	0	1	7
<b>Total<sup>49</sup></b>	<b>30</b>	<b>47</b>	<b>28</b>

<sup>47</sup> See Appendix D, Table 2 for the higher producing ALJs we interviewed who did not issue bench decisions in FY 2007.

<sup>48</sup> HALLEX I-2-3-15 requires the ALJ or hearing office staff to send the notice of the scheduled hearing to the claimant at least 20 days before the hearing.

<sup>49</sup> One higher and one lower producing ALJ would not comment on the percentage of decisions requiring substantial edits due to the varying abilities of the decision writers in their hearing offices. Also, one mid-producing ALJ did not have edits to decision drafts because the ALJ wrote all of his own decisions.

Table 7 and Appendix D, Table 1). Conversely, none of the higher producing ALJs had edits to more than 50 percent of their decisions (see Appendix D, Table 2).

The time ALJs spend editing draft decisions can take away from their time reviewing other case files and holding hearings. The extent of edits on decision drafts may be impacted by the individual ALJ's preferences for written decisions. For example, in one hearing office, we interviewed a higher and lower producing ALJ along with one mid-producing ALJ who all used the same group of decision writers. According to our interviews, the lower producing ALJ had substantial edits on 95 percent of the decision drafts while the higher producing ALJ had substantial edits to less than 25 percent of decision drafts. The mid-producing ALJ in this office had substantial edits on between 25 and 50 percent of drafts. Obviously, these ALJs had differing levels of expectations for the decisions written in this office.<sup>50</sup>

## Agency Processes

There are certain aspects of the hearing process that an ALJ and hearing office staff may not have as much control over but can impact ALJ and hearing office productivity and processing times. These factors include the use of experts in hearings and postponements of hearings.<sup>51</sup>

### *Use of Experts*

SSA policy requires that ALJs review all the evidence before a hearing to determine whether a medical or vocational expert opinion is needed. ALJs must obtain the opinion by requesting the medical or vocational expert either testify at a hearing or provide answers to written interrogatories.<sup>52</sup> ALJs are given the discretion to determine when to obtain a medical expert opinion unless one of the following applies, in which case ALJs are required to obtain a medical expert opinion.

- The Appeals Council or Court orders a medical expert opinion.

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<sup>50</sup> The Findings Integrated Templates (FIT) Decision Writing System was designed to improve the timeliness and accuracy of written decisions. We did not identify whether FIT was used to prepare the decisions requiring substantial edits by ALJs we interviewed. However, at the end of FY 2007, approximately 90 percent of decision writers nationwide were using FIT. See Appendix H for a description and current status of the FIT initiative (page H-5) and the Continuing Decision Writer Productivity Improvement initiative (page H-9).

<sup>51</sup> The request from the Congressmen inquired as to whether travel to remote hearing sites is a factor that impacted ALJ productivity and processing times. However, our analysis did not disclose that travel to remote sites had a measurable impact on productivity or processing times.

<sup>52</sup> HALLEX I-2-5-30.

- The ALJ needs to evaluate and interpret background medical test data.<sup>53</sup>
- The ALJ is considering a finding that the claimant's impairment(s) medically equals a medical listing.<sup>54</sup>

Although ALJs were given discretion on when to use medical experts in many cases, some ALJs used medical experts at nearly all their hearings. In fact, 6 (21 percent) of the 29 lower producing ALJs we interviewed used medical experts in over half their hearings in FY 2007 (see Appendix D, Table 1), which likely resulted in longer hearings (see Table 8). However, only 2 (6 percent) of the 31 higher producing ALJs we interviewed used medical experts in more than half their hearings (see Appendix D, Table 2).

As with medical experts, ALJs are required to obtain a vocational expert opinion when directed by the Appeals Council or Court. However, in all other circumstances, ALJs have the discretion to obtain a vocational expert opinion.<sup>55</sup> All but one of the ALJs we interviewed used vocational experts in their hearings to some extent.<sup>56</sup> In fact, 21 (72 percent) of the 29 lower producing ALJs we interviewed used vocational experts in over half their hearings in FY 2007 (see Appendix D, Table 1), which likely resulted in longer hearings (see Table 8). However, only 10 (32 percent) of the 31 higher producing ALJs used vocational experts in more than half their hearings (see Appendix D, Table 2).

<b>Table 8</b>						
<b>FY 2007 Expert Use in Hearings by ALJs Interviewed</b>						
	Use of Medical Experts			Use of Vocational Experts		
Percent of Experts Used in Hearings	Number of Higher Producing ALJs	Number of Mid-Producing ALJs	Number of Lower Producing ALJs	Number of Higher Producing ALJs	Number of Mid-Producing ALJs	Number of Lowering Producing ALJs
None	4	3	6	0	0	1
1-25	25	32	14	12	10	3
26-50	0	7	3	9	6	4
51-75	2	5	3	8	22	16
76-100	0	1	3	2	10	5
<b>Total</b>	<b>31</b>	<b>48</b>	<b>29</b>	<b>31</b>	<b>48</b>	<b>29</b>

<sup>53</sup> HALLEX I-2-5-14 D. ALJs may request background medical test data when a medical report provided by treating or other medical sources raises a question about the accuracy of the medical test results. Examples of background medical test data include actual x-ray films that support radiologists' reports of x-rays or answer sheets or drawings that support a psychological test report. ALJs' requests for background medical test data should be rare.

<sup>54</sup> HALLEX I-2-5-34 B.

<sup>55</sup> HALLEX I-2-5-50 B. According to SSA, management information shows the use of vocational experts correlates with legal sufficiency.

<sup>56</sup> One lower producing ALJ we interviewed issued four dispositions during FY 2007, but none involved hearings. However, during our interview, we learned that this ALJ would use vocational experts in hearings if required.

## *Postponements*

ALJs are required to postpone hearings if the claimant or their representative objects to the time and place of the hearing. Specific circumstances where an ALJ must postpone hearings include the following.

- The claimant or representative objects to appearing by video teleconferencing.
- The evidence supports one of the following
  - The claimant or representative is unable to attend or travel to the scheduled hearing because of a physical or mental condition, incapacitating injury, or death in the family.
  - If severe weather conditions make it impossible to travel to the hearing.<sup>57</sup>

ALJs may postpone hearings under other circumstances if the claimant shows “good cause.” In considering whether the claimant has shown “good cause,” the ALJ must consider the reason for the requested postponement, the facts supporting the request, and the impact of the proposed postponement on the efficient administration of the hearing process. Examples of circumstances where an ALJ may postpone hearings if good cause is shown include the following.

- The claimant attempted to obtain a representative but needs additional time;
- The representative was appointed within 30 days of the scheduled hearing and needs additional time to prepare for the hearing;
- The representative has a prior commitment in court or at another administrative hearing;
- A witness is unable to attend the scheduled hearing, and the evidence cannot be otherwise obtained;
- Transportation is not readily available to the claimant; and
- The claimant is unrepresented and unable to respond to the notice of hearing due to a physical, mental, educational, or linguistic limitation.<sup>58</sup>

Although most of the ALJs we interviewed stated that less than 25 percent of their hearings were postponed, we found that lower producing ALJs had more hearings postponed. In FY 2007, 15 (52 percent) of the 29 lower producing ALJs we interviewed had 25 percent or more of their hearings postponed while only 10 (32 percent) of the 31 higher producing ALJs we interviewed had 25 percent or more of their hearings postponed (see Appendix D).

Postponements of hearings can lead to lower productivity and higher processing times for ALJs and hearing offices. Postponements impact processing times because they add to the overall time the case is awaiting a decision. Further, postponements can

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<sup>57</sup> 20 C.F.R. 404.936(e) and 416.1436(e).

<sup>58</sup> 20 C.F.R. 404.936(f) and 416.1436(f). See also HALLEX I-2-3-10 E.2 and G.

impact productivity when offices or ALJs do not have cases ready to be processed in place of postponed cases. In October 2007, the Chief ALJ sent a letter to ALJs encouraging them to "...hold hearings unless a good reason exists to cancel or postpone the hearing."

## **MANAGEMENT OF ALJ PERFORMANCE**

Chief ALJs at all levels use management tools and practices to oversee ALJ performance. While SSA can take disciplinary actions against ALJs, the actions taken in the past 3 years have been primarily related to conduct rather than performance. However, there are actions pending against ALJs on issues related to performance.

### **Management Tools**

The most prevalent tool used by management to oversee ALJs is ODAR's Case Processing and Management System (CPMS). CPMS includes numerous reports that allow management to identify for each ALJ the number and types of dispositions issued, the number of cases pending, the number of cases that exceed benchmarks, the current status of each case, processing times, etc. The RCALJs and HOCALJs we interviewed speak individually with ALJs to address concerns resulting from their review of CPMS reports and offer assistance when needed. Further, the RCALJs and HOCALJs periodically meet with ALJs to discuss management initiatives and office goals.

HOCALJs monitor the performance of the ALJs in their offices but to varying degrees. Most of the HOCALJs we interviewed monitored the number of hearings each ALJ scheduled and will meet with ALJs who schedule fewer than the HOCALJ expects. In fact, five HOCALJs stated they actually approve the number of hearings ALJs schedule. It appears this practice is beneficial since ODAR ranked 4 of these 5 HOCALJs' offices in the top 30 hearing offices for productivity. However, less than half the HOCALJs we interviewed monitored the number of OTR decisions or bench decisions per ALJ, which are factors we identified as having an impact on productivity and processing times. The HOCALJs that do not perform this monitoring stated that it would intrude on an ALJ's decision-making process.

Interestingly, many of the hearing office staff we interviewed identified ALJ and staff performance as an important case adjudication issue.<sup>59</sup> Specifically, the staff indicated they were supportive of performance accountability. In fact, staff at 24 of the 49 offices where we conducted interviews stated that ALJs and staff need to be held accountable for their performance.

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<sup>59</sup> *Supra* note 22.

## Disciplinary Actions

The HOCALJs we interviewed acknowledged they can recommend disciplinary actions against ALJs to RCALJs. In turn, RCALJs can take limited actions, such as written counseling, but must recommend further disciplinary actions to the Chief ALJ. The Chief ALJ can reprimand ALJs, but more significant disciplinary actions, such as suspension and removal, typically must be approved by the Merit Systems Protection Board (MSPB).<sup>60</sup>

Only a few HOCALJs indicated they would make recommendations for disciplinary actions based on performance issues, such as low productivity. Two HOCALJs and an RCALJ stated that taking disciplinary actions against ALJs for any reason is difficult and time-consuming. For example, one HOCALJ stated that it took 6 months to get a reprimand for an ALJ who used profanity toward hearing office staff.

SSA initiated 31 disciplinary actions against 30 ALJs from FY 2005 to June 2008 (see Appendix E). Most of these actions are primarily for conduct-related issues because SSA had not yet identified sufficient support to take actions against an ALJ for performance issues. However, two actions pending with the MSPB and one recent reprimand involve performance-related issues.

Further, Chief ALJs at all levels provided oral and written counseling to ALJs, but ODAR did not maintain centralized records documenting these actions. However, during our interviews, we learned of specific instances where RCALJs and HOCALJs provided counseling to ALJs for both conduct- and performance-related issues. Again, most of the counseling was provided to ALJs for conduct issues. However, RCALJs stated they were beginning to address performance issues more than they had in the past. One RCALJ stated that the current Chief ALJ has been more supportive of taking actions against ALJs for performance than were previous Chief ALJs.

## MANAGEMENT INITIATIVES

In his testimony before Congress on May 23, 2007, the Commissioner outlined a four-pronged plan to eliminate the backlog and prevent its recurrence.<sup>61</sup> The plan was based on

1. compassionate allowances,
2. improving performance,
3. increasing adjudicatory capacity, and
4. increasing efficiency with automation and business processes.

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<sup>60</sup> 5 U.S.C. §7521(a).

<sup>61</sup> Statement of Michael J. Astrue, Commissioner of Social Security, testimony before the Senate Finance Committee, May 23, 2007.

SSA has undertaken 37 initiatives to achieve each of the 4 aspects of the Commissioner's plan.<sup>62</sup> Many of these initiatives directly relate to the factors identified during our interviews as impacting ALJ productivity and processing times. Specifically, the announcement of a productivity expectation, hiring ALJs and staff, new automation, remanding cases to DDSs, and quality assurance improvements will impact the productivity and efficiency of ALJs and hearing offices.

### **Productivity Expectation**

The most direct initiative to improve ALJ productivity was the Chief ALJ's request that ALJs issue between 500 and 700 dispositions per year. The Chief ALJ communicated this request to all ALJs in October 2007. As of April 2008, 49 percent of the ALJs were on track to meet this expectation in FY 2008.<sup>63</sup>

### **Hiring ALJs and Staff**

SSA was precluded from hiring ALJs because of an MSPB decision in 1999 that closed the ALJ register. Other than a one-time exception in September 2001, SSA was precluded from hiring ALJs until late 2003. When the register was closed, ODAR lost almost 200 ALJs through normal attrition.

SSA has increased efforts to hire ALJs. In FY 2007, SSA hired 4 ALJs from other agencies who all had prior SSA experience, 12 part-time senior ALJs, and 4 rehired annuitant (full-time) ALJs. In February 2008, SSA hired 133 new ALJs (see Appendix F). According to the Commissioner, the hearing offices where these ALJs will be located were based, in part, on the correlation between the number of incoming case receipts per ALJ and the number of cases pending.<sup>64</sup> In fact, 69 percent of the hearing offices with both case receipts and cases pending per ALJ above the national averages received at least one new ALJ (see Appendix G). ODAR has authority to hire 56 additional ALJs, resulting in a total of 189 additional ALJs for FY 2008.

In addition to hiring ALJs, SSA must hire additional staff to support the ALJs. ODAR is filling 230 staff positions, which will include management and support staff. According to ODAR, the additional staff will be provided in phases as losses in the hearing offices occur throughout FY 2008. Staffing allocations will be made to balance staffing needs in each Region.

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<sup>62</sup> See Appendix H for the current status of these initiatives.

<sup>63</sup> According to ODAR, some ALJs who are not on track to meet the 500-case expectation may be a result of Union activities, extended leave, or special projects.

<sup>64</sup> *Supra* note 3.

- In Phase I, ODAR Regional Offices were allocated 92 hires for immediate selection.
- In Phase II, SSA distributed an additional 138 hires for immediate selection to backfill management losses to ALJ ranks, fill vacant management positions, and balance staff to ALJ ratios. To allow for maximum flexibility, each Region has identified critical staffing needs and SSA will target these hearing offices.

The Commissioner has stated that the number of staff needed to support a disposition will change as SSA fully implements initiatives to reduce the backlog, but that number is difficult to project with any certainty. Automating many clerical functions will reduce the amount of time staff spend on more routine tasks and allow them to absorb additional workloads. SSA is also working to standardize business processes, which should result in additional staff efficiencies. The Commissioner stated he will continue to monitor the appropriate staff to ALJ ratio as new processes are implemented.<sup>65</sup>

### **New Automation: Electronic Folder**

In FY 2007, ODAR transitioned from processing hearings using paper folders to processing hearings using electronic folders. According to SSA, ODAR began FY 2007 with 56,000 fully electronic folders. At the end of FY 2007, the volume of fully electronic folders had grown to over 400,000 cases and, as of March 2008, about 73 percent of ODAR's pending disability workload at the hearing level was electronic. Transition to the electronic folder involved training for hearing office employees, a learning curve associated with mastering a new process, working in a dual environment with paper and electronic folders, and a labor-intensive certification process that impacted all positions in the hearing office. At the same time, claimant representatives, vocational and medical experts, and hearing reporters were introduced to the electronic process.

ALJs stated that the electronic folder has slowed case processing. While some ALJs indicated the slowdown is a result of the learning curve associated with the electronic folder, other ALJs assert that processing cases with the electronic folder will always be slower than with paper files. Specifically, some ALJs stated that it is faster to page through a paper file than navigate through the screens and documents attached in the electronic folder. ODAR has confirmed that there are general intermittent systems performance issues, such as limited bandwidth causing periods of slow response times. However, because the problems are intermittent, documentation of these occurrences was not available from ODAR. Information was not available for us to determine the impact the electronic folder has had on case processing times.

### **New Automation: ePulling**

Our interviews with ALJs disclosed that there had been times when they could not hold as many hearings as they would have liked because staff did not work up enough case files. SSA is attempting to address this issue with its ePulling initiative. The electronic

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<sup>65</sup> *Supra* note 3.

folder containing case documents requires manual sorting, reordering, and data entry of information to support the hearing office's business process. The information must be manually examined and organized in a manner that is useful to those reviewing the cases and to the ALJs hearing the cases. The goal of the ePulling project is to help reduce hearing office backlogs by automating the case preparation process in the electronic folder.

The ePulling initiative involves the use of customized software that can identify, classify, and sort page level data, reorganize images after classification, and identify duplicates. The software is being refined and integrated with SSA's systems. A pilot of the software began in June 2008 in the Model Process Test Facility in Falls Church, Virginia. The pilot is being expanded to the Tupelo, Mississippi; Mobile, Alabama; Richmond, Virginia; Minneapolis, Minnesota; and St. Louis, Missouri, Hearing Offices and National Hearing Center in Falls Church, Virginia. Implementation of ePulling to all hearing offices is anticipated in FY 2009, depending on the performance of the software at the pilot locations.

ODAR estimates that it currently takes 3.5 hours to manually prepare an electronic folder. However, ODAR estimates that with ePulling, it will take 2 hours to prepare a folder, an average time savings of 1.5 hours per case. Even with ePulling, staff is required to verify documents that the software flagged for manual review because the software cannot extract data from handwritten documents. Additional activities required by the staff include clarification of images, moving evidence to the exhibit list as proposed exhibits for the hearing, developing the case for any required medical evidence, arranging consultative exams, or other ALJ-requested evidentiary development. Staff will be responsible for preparation of case summaries and additional analysis for the ALJ. Staff will also continue to monitor for new electronic submissions of evidence throughout the process until disposition of the case.<sup>66</sup>

### **DDS Informal Remand Project**

SSA is attempting to increase ODAR's adjudicatory capacity and reduce paper case backlogs by having State DDSs review certain cases based on profiles established by OQP. Using these profiles, paper cases that have not been worked up by hearing office staff are screened and remanded back to a DDS to determine whether a favorable decision can be issued without a hearing.

Using overtime, DDSs review cases remanded by ODAR. If the DDS can make a fully favorable determination, cases will return to the SSA field office where adjudication will occur. If the claimant does not wish to pursue their request for hearing, ODAR will issue a dismissal on the claim. If the DDS is not able to make a fully favorable decision, the DDS will prepare the case for hearing and return the file to the hearing office. The hearing office will give these cases priority for scheduling the hearings.

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<sup>66</sup> We plan to conduct a separate review of ePulling to assess the results of the initiative.

According to SSA, in FY 2007, DDSs processed over 16,000 remands, 54 percent of which were favorable decisions. From October 2007 to April 2008, DDSs received over 28,000 remands, concentrated in the States with the largest backlogs of paper cases: New York, Georgia, North Carolina, Kansas, Michigan, Indiana, Florida, and Ohio. DDSs have issued favorable determinations on 33 percent of these cases. At the end of April 2008, there were approximately 4,000 remands pending at DDSs.

The results of this initiative continue to be analyzed to determine which of the profiled cases resulted in the most favorable decisions. SSA has made the changes necessary to allow fully electronic cases to be remanded to DDSs. Ten states have begun to test the processing of electronic remands and some electronic cases were remanded to DDSs in the third quarter of FY 2008.

### **Quality Assurance**

SSA intends to develop and implement a quality assurance program for the hearing process that will provide in line review of the claim file, the scheduling process, and decision drafting to ensure that hearing offices provide timely and legally sufficient hearings and decisions. The goals of the new quality assurance initiative are as follows.

1. Ensure all offices follow SSA policy.
2. Review selected cases before the hearing to ensure the process is in place to hold timely and legally sufficient hearings.
3. Review selected cases once a decision is drafted to ensure the decision and the case file support a timely and legally sufficient decision.
4. Provide feedback to management to make corrections in the processing of case files, to provide information for performance management, and to assist in identifying training needs.
5. Develop and maintain a standardized business process that ensures timely and legally sufficient hearings and decisions.

Regional Office personnel will be charged with the additional responsibility of overseeing the quality assurance program. This initiative will be rolled out in three phases: a review of Attorney Adjudicator decisions,<sup>67</sup> a review of decision drafts, and a review of cases with a hearing scheduled but not yet held. Files will be reviewed for certain criteria and appropriate recommendations made to management for correction. Reports will be made and trends tracked for training purposes.

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<sup>67</sup> See Appendix H, Page H-1 for a discussion of the Attorney Adjudicator initiative.

SSA is reviewing a sample of Senior Attorney Adjudicator decisions. According to SSA, the first sample included 111 cases taken from decisions issued in November 2007. Reviewers assessed the legal sufficiency of the written decisions and found that 95 percent were accurate. SSA is developing review sheets to capture data from the reviews and serve as a means to track the information for trends and possible training initiatives. SSA is also working on a formula for selecting cases for review.

## Conclusions

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SSA is facing the highest number of pending cases and highest average case processing times since the inception of the disability programs. As of April 2008, there were over 755,000 cases awaiting a decision at the hearings level. Further, FY 2008 ALJ processing times were averaging 505 days, as of April 2008. While the average number of cases processed per ALJ has increased from FY 2005 to FY 2007, some ALJs continue to process cases at levels below agency expectations.

Our review identified factors that can impact the performance and processing times of ALJs and hearing offices. Interviews with ALJs and hearing office staff disclosed the factors impacting productivity included internalized reasons, such as motivation and the personal work ethic of the ALJ. Further, there are other factors that impact ALJ and hearing office productivity and processing times, such as DDS case development, support staff ratios, the hearing offices' ability to fill ALJ hearing dockets, and individual ALJ preferences for processing cases. The Agency certainly needs to continue to look at these factors and take actions to address those within their power.

The Commissioner of Social Security has been proactive in developing a plan to improve many parts of the hearings process from employee performance to improvements in processes. For example, ALJs have been given an expectation to produce 500 to 700 cases per year. Further, initiatives are in process or planned for improving automation within the hearings process. Finally, the Agency is taking a more concerted approach to addressing performance problems through disciplinary actions.

# *Appendices*

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## Acronyms

ALJ	Administrative Law Judge
ARPS	Appeals Review Processing System
C.F.R.	Code of Federal Regulations
CPMS	Case Processing and Management System
DCO	Deputy Commissioner of Operations
DDS	Disability Determination Services
ERE	Electronic Records Express
FIT	Findings Integrated Templates
FY	Fiscal Year
HALLEX	Hearings, Appeals, and Litigation Law Manual
HOCALJ	Hearing Office Chief Administrative Law Judge
MSPB	Merit Systems Protection Board
NHC	National Hearing Center
OCALJ	Office of the Chief Administrative Law Judge
ODAR	Office of Disability Adjudication and Review
OIG	Office of the Inspector General
OQP	Office of Quality Performance
OTR	On-the-Record
RCALJ	Regional Chief Administrative Law Judge
SSA	Social Security Administration
U.S.C.	United States Code

### Scope and Methodology

To answer the Congressmen's questions related to administrative law judge (ALJ) and hearing office performance, we:

- Reviewed applicable Federal laws and regulations and pertinent parts of the Hearings, Appeals, and Litigation Law Manual related to ALJ hearings.
- Reviewed prior Office of the Inspector General, Government Accountability Office, and Social Security Advisory Board reports related to the ALJ hearings process.
- Reviewed Social Security Administration (SSA) status reports to gain an understanding of initiatives to eliminate the backlog and prevent its recurrence.
- Obtained data extracts from the Office of Disability Adjudication and Review's (ODAR) Case Processing and Management System of 519,359 dispositions issued by ALJs in Fiscal Year (FY) 2005; 558,978 dispositions issued by ALJs in FY 2006; and 547,951 dispositions issued by ALJs in FY 2007.
- Interviewed the Chief ALJ in ODAR's Office of the Chief ALJ (OCALJ).
- Interviewed the permanent or acting Regional Chief ALJs in all 10 ODAR regions.
- Interviewed 143 ALJs and 146 staff members at 49 hearing offices nationwide.<sup>1</sup>
  - We interviewed 29 ALJs who were considered lower producing ALJs. Specifically, we selected 21 ALJs who were the lowest producers in FY 2007. These ALJs issued between 4 and 195 dispositions in FY 2007. In addition, to ensure ALJs were interviewed in each of ODAR's 10 regions, we selected 8 ALJs that were among the lowest producers in their region. These ALJs issued between 206 and 386 dispositions in FY 2007.
  - We interviewed 31 ALJs who were considered higher producing ALJs. Specifically, we selected 21 ALJs who were the highest producers in FY 2007. These ALJs issued between 974 and 2,592 dispositions in FY 2007. In addition, to ensure ALJs were interviewed in each of ODAR's regions, we selected 10 ALJs that were among the highest producers in their region. These ALJs issued between 702 and 928 dispositions in FY 2007.

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<sup>1</sup> We ensured the ALJs we interviewed were available to be interviewed and did not include ALJs that ODAR identified were part-time, new, on extended leave, retired, separated, resigned, or died.

- We interviewed 48 additional mid-producing ALJs. Specifically, we selected an ALJ who was neither the highest nor lowest producing ALJ at each hearing office we visited.<sup>2</sup> These ALJs issued between 259 and 664 dispositions in FY 2007.
- We interviewed the Hearing Office Chief ALJs (HOCALJ) at 48 of the hearing offices we visited.<sup>3</sup> We interviewed 35 HOCALJs that were not identified as higher producing ALJs and 13 HOCALJs that were identified as higher producing.
- We interviewed 146 hearing office staff members at the offices we visited. Specifically, we interviewed 48 Hearing Office Directors,<sup>4</sup> 49 Senior Attorney Advisors, and 49 Senior Case Technicians.

The entity reviewed was OCALJ in ODAR. Our work was conducted at the Office of Audit in Kansas City, Missouri; ODAR in Falls Church, Virginia; ODAR's 10 Regional Offices; and various hearing offices nationwide during January through April 2008. We conducted our review in accordance with the President's Council on Integrity and Efficiency's *Quality Standards for Inspections*.

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<sup>2</sup> We visited 49 hearing offices, but one office did not have an additional mid-producing ALJ to select. In this office, we interviewed a lower producing ALJ and the HOCALJ. The two other ALJs that issued dispositions in this office in FY 2007 had retired.

<sup>3</sup> The Colorado Springs Hearing Office did not have a HOCALJ at the time our interviews were conducted.

<sup>4</sup> The Sacramento Hearing Office did not have a Hearing Office Director at the time our interviews were conducted.

## Average Dispositions per Administrative Law Judge per Hearing Office by Fiscal Year<sup>1</sup>

Hearing Office	Fiscal Year 2005				Fiscal Year 2006				Fiscal Year 2007			
	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)
Albany, NY	3,640	6	607	335	3,209	6	535	398	3,034	6	506	483
Albuquerque, NM	5,738	11	522	383	6,480	12	540	492	5,887	10	589	525
Alexandria, LA	4,975	9	553	418	5,279	10	528	431	5,207	10	521	512
Atlanta, GA	3,547	11	322	686	3,502	12	292	791	4,334	13	333	900
Atlanta, GA (North)	3,452	11	314	532	4,152	12	346	655	4,470	12	373	751
Baltimore, MD	5,228	11	475	347	5,671	11	516	449	5,478	11	498	520
Billings, MT	2,570	7	367	386	2,845	6	474	402	2,462	5	492	417
Birmingham, AL	8,315	16	520	456	7,891	17	464	499	8,241	15	549	557
Boston, MA	4,766	13	367	418	5,591	13	430	442	5,509	13	424	376
Bronx, NY	3,367	7	481	636	3,533	7	505	572	4,145	7	592	594
Brooklyn, NY	4,927	12	411	554	5,457	11	496	548	6,052	11	550	506
Buffalo, NY	4,503	13	346	655	4,535	13	349	623	5,073	13	390	670
Centralized Screening Unit <sup>2</sup>	2,716	2	1,358	102	952	3	317	154	81	1	81	367
Charleston, SC	4,123	9	458	365	4,571	9	508	431	4,146	7	592	476
Charleston, WV	4,770	11	434	328	4,898	10	490	384	4,400	8	550	311
Charlotte, NC	3,654	9	406	499	3,905	10	391	548	4,633	11	421	627
Charlottesville, VA	2,966	7	424	348	3,501	6	584	385	2,789	6	465	334
Chattanooga, TN	3,924	11	357	341	4,294	11	390	418	4,657	10	466	428
Chicago, IL	4,015	11	365	523	4,372	12	364	516	4,351	12	363	563
Cincinnati, OH	4,998	12	417	519	5,224	10	522	542	4,642	10	464	600
Cleveland, OH	4,897	18	272	616	5,298	15	353	584	5,284	12	440	599
Colorado Springs, CO	3,170	5	634	496	2,949	5	590	492	2,825	5	565	480
Columbia, SC	3,997	9	444	465	3,882	9	431	508	4,396	9	488	527
Columbus, OH	3,741	10	374	603	4,456	11	405	674	3,930	11	357	774
Creve Coeur, MO	7,360	11	669	334	7,030	11	639	344	5,768	10	577	404

<sup>1</sup> We conducted interviews at the 49 highlighted hearing offices. See Appendix B for the Scope and Methodology of our review.

<sup>2</sup> Employees in the Centralized Screening Unit screen cases from across the country for on-the-record decisions, with priority given to hearing offices with receipts and pending levels above the national average and support staff levels below the national average.

Hearing Office	Fiscal Year 2005				Fiscal Year 2006				Fiscal Year 2007			
	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)
Dallas, TX (Downtown)	5,402	13	416	361	5,633	11	512	411	6,122	12	510	462
Dallas, TX (North)	5,331	14	381	488	6,034	14	431	537	5,616	13	432	605
Dayton, OH	3,071	7	439	507	3,064	7	438	599	2,828	6	471	677
Denver, CO	5,868	13	451	400	5,504	10	550	428	4,711	11	428	467
Detroit, MI	4,188	10	419	609	3,866	10	387	625	5,342	11	486	632
Dover, DE	1,800	5	360	311	1,989	5	398	458	1,641	4	410	479
Downey, CA	1,732	5	346	441	2,217	6	370	517	2,040	5	408	469
Elkins Park, PA	5,820	12	485	345	6,062	12	505	413	4,891	11	445	426
Eugene, OR	2,657	7	380	504	3,350	6	558	507	3,075	6	513	485
Evanston, IL	3,931	10	393	487	4,497	11	409	472	3,878	11	353	418
Evansville, IN	2,660	6	443	397	2,014	4	504	446	2,153	4	538	567
Fargo, ND	2,571	6	429	381	2,717	6	453	397	2,321	6	387	434
Flint, MI	3,147	6	525	599	3,344	6	557	625	3,967	6	661	668
Florence, AL	4,346	8	543	440	3,764	7	538	419	3,937	7	562	423
Fort Lauderdale, FL	4,978	13	383	507	5,112	14	365	448	4,852	12	404	431
Fort Smith, AR	2,034	5	407	323	2,600	6	433	404	2,878	5	576	412
Fort Wayne, IN	3,646	7	521	556	4,001	7	572	636	4,034	7	576	640
Fort Worth, TX	4,040	8	505	387	4,495	8	562	449	4,351	8	544	429
Fresno, CA	2,378	9	264	442	3,717	9	413	519	3,221	7	460	494
Grand Rapids, MI	3,539	9	393	458	4,019	7	574	562	3,900	7	557	674
Greensboro, NC	4,236	9	471	460	4,833	10	483	539	5,017	10	502	605
Greenville, SC	4,163	8	520	455	4,490	9	499	488	4,527	10	453	571
Harrisburg, PA	5,640	7	806	315	5,722	7	817	299	5,229	7	747	265
Hartford, CT	2,240	6	373	414	2,352	5	470	487	2,133	4	533	461
Hattiesburg, MS	3,752	9	417	444	3,783	9	420	477	3,267	6	545	447
Honolulu, HI	619	1	619	266	586	1	586	339	639	2	319	421
Houston, TX (Bissonnett)	4,314	11	392	437	5,074	12	423	521	5,262	11	478	564
Houston, TX (Downtown)	3,300	7	471	439	3,690	7	527	489	4,184	9	465	477
Huntington, WV	3,681	7	526	367	4,103	7	586	403	4,228	7	604	389
Indianapolis, IN	5,534	13	426	483	5,131	13	395	546	4,996	12	416	714
Jackson, MS	3,480	10	348	619	3,579	8	447	581	3,708	7	530	641
Jacksonville, FL	4,993	13	384	562	5,813	13	447	564	5,922	14	423	557
Jericho, NY	4,630	8	579	368	4,556	8	570	402	3,548	8	444	458
Johnstown, PA	3,185	8	398	354	3,590	8	449	422	3,394	7	485	408
Kansas City, KS <sup>3</sup>	3,288	11	299	485	4,224	13	325	536	4,305	13	331	637
Kingsport, TN	4,247	7	607	285	5,019	8	627	331	4,869	8	609	358

<sup>3</sup> The Kansas City, Kansas Hearing Office is now located in Kansas City, Missouri.

Hearing Office	Fiscal Year 2005				Fiscal Year 2006				Fiscal Year 2007			
	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)
Knoxville, TN	3,599	10	360	424	4,458	9	495	465	4,412	9	490	499
Lansing, MI	2,720	7	389	548	2,995	7	428	626	3,180	7	454	696
Las Vegas, NV	1,473	3	491	423	1,482	3	494	514	1,458	3	486	491
Lexington, KY	4,333	10	433	393	4,427	10	443	439	4,571	10	457	464
Little Rock, AR	6,294	14	450	448	6,781	12	565	464	6,692	12	558	486
Long Beach, CA	2,452	6	409	399	3,004	6	501	424	2,443	5	489	378
Los Angeles, CA (Downtown)	2,266	7	324	376	3,220	6	537	456	2,725	6	454	426
Los Angeles, CA (West)	3,401	9	378	396	3,900	9	433	459	3,895	9	433	498
Louisville, KY	3,741	7	534	340	3,943	7	563	386	3,940	8	493	397
Macon, GA	3,872	7	553	476	3,583	6	597	442	3,906	8	488	451
Madison, WI	838	2	419	477	945	2	473	547	1,014	2	507	610
Manchester, NH	2,605	7	372	403	3,130	6	522	416	2,886	6	481	388
Mayaguez, PR	1,210	2	605	553	730	3	243	653	990	1	990	686
McAlester, OK	1,008	3	336	333	1,584	4	396	496	1,021	3	340	465
Memphis, TN	5,185	10	519	373	5,041	9	560	410	4,509	10	451	444
Metairie, LA	3,844	7	549	423	1,022	4	256	525	2,469	2	1,235	554
Miami, FL	2,502	10	250	667	2,732	11	248	773	3,052	11	277	741
Middlesboro, KY	2,301	5	460	373	2,624	5	525	338	2,411	4	603	291
Milwaukee, WI	4,373	14	312	528	5,689	14	406	594	5,805	13	447	601
Minneapolis, MN	5,054	11	459	460	5,586	12	466	506	5,767	11	524	531
Mobile, AL	4,814	13	370	410	5,955	13	458	475	5,857	11	532	478
Montgomery, AL	4,362	8	545	405	4,140	8	518	451	3,871	7	553	527
Morgantown, WV	3,395	6	566	314	3,107	6	518	320	3,071	5	614	357
Nashville, TN	5,141	10	514	544	4,207	9	467	495	4,389	9	488	524
New Haven, CT	1,670	6	278	476	2,237	6	373	501	2,130	6	355	432
New Orleans, LA	3,093	9	344	348	2,750	6	458	506	3,380	5	676	514
New York, NY	5,510	12	459	497	7,145	12	595	420	6,383	11	580	395
Newark, NJ	4,379	10	438	415	5,065	12	422	459	4,668	10	467	492
Norfolk, VA	2,810	6	468	352	3,331	6	555	409	2,890	6	482	358
Oak Brook, IL	2,243	9	249	539	3,616	10	362	547	3,974	9	442	609
Oak Park, MI	5,435	11	494	558	5,319	10	532	606	5,013	10	501	655
Oakland, CA	2,344	8	293	438	2,600	8	325	512	2,681	8	335	492
Oklahoma City, OK	4,329	11	394	449	4,296	13	330	482	5,188	12	432	443
Omaha, NE	2,241	5	448	377	2,551	5	510	456	2,555	5	511	536
Orange, CA	2,507	8	313	410	2,434	5	487	434	2,200	5	440	438
Orland Park, IL	3,058	10	306	362	4,511	8	564	405	4,238	7	605	542
Orlando, FL	7,026	16	439	479	7,322	14	523	450	6,633	12	553	423

Hearing Office	Fiscal Year 2005				Fiscal Year 2006				Fiscal Year 2007			
	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)
Paducah, KY	2,275	6	379	325	2,887	6	481	403	2,678	5	536	430
Pasadena, CA	1,858	8	232	433	2,198	8	275	515	2,266	8	283	548
Peoria, IL	2,973	8	372	529	2,934	9	326	503	3,244	8	406	603
Philadelphia, PA	3,458	9	384	402	3,974	9	442	437	3,488	8	436	408
Philadelphia-E, PA	4,704	9	523	351	4,697	9	522	458	4,292	9	477	481
Phoenix, AZ	2,659	8	332	454	3,617	9	402	510	4,141	10	414	492
Pittsburgh, PA	5,667	14	405	434	6,441	14	460	540	7,236	14	517	557
Ponce, PR	864	1	864	487	1,058	2	529	535	940	2	470	500
Portland, ME	2,303	6	384	352	2,501	8	313	429	2,493	6	416	409
Portland, OR	3,515	9	391	501	3,882	10	388	527	3,791	10	379	633
Providence, RI	2,693	6	449	437	2,965	6	494	423	2,889	7	413	419
Queens, NY	2,513	8	314	662	2,823	7	403	681	3,093	6	516	632
Raleigh, NC	5,540	11	504	559	5,336	12	445	516	5,792	13	446	498
Richmond, VA	2,500	6	417	390	2,094	5	419	445	1,729	4	432	427
Regional Offices <sup>4</sup>	10	1			20	1			133	1		
Roanoke, VA	3,396	9	377	442	4,224	9	469	441	3,430	8	429	375
Sacramento, CA	5,749	13	442	373	5,763	12	480	472	4,833	10	483	489
Salt Lake City, UT	3,264	7	466	424	3,542	7	506	434	3,367	8	421	447
San Antonio, TX	6,179	18	343	497	7,110	18	395	527	6,916	17	407	537
San Bernardino, CA	3,085	9	343	363	3,849	8	481	468	3,544	8	443	475
San Diego, CA	3,587	10	359	384	4,378	10	438	452	3,096	9	344	522
San Francisco, CA	2,053	6	342	429	2,639	7	377	547	2,832	7	405	611
San Jose, CA	2,803	6	467	327	2,517	5	503	395	1,977	4	494	509
San Juan, PR	4,291	11	390	575	4,785	10	479	630	5,000	9	556	618
San Rafael, CA	1,382	5	276	361	1,807	5	361	508	1,875	6	313	641
Santa Barbara, CA	1,177	3	392	455	1,242	3	414	459	1,086	3	362	477
Savannah, GA	3,023	6	504	461	4,242	8	530	556	4,406	8	551	567
Seattle, WA	6,466	15	431	586	7,131	16	446	565	6,538	15	436	584
Shreveport, LA	3,474	8	434	396	3,565	7	509	425	3,355	6	559	423
Spokane, WA	3,086	7	441	460	3,495	7	499	499	3,755	7	536	525
Springfield, MA	1,996	7	285	345	3,190	7	456	326	2,757	6	460	354
Springfield, MO	2,519	6	420	399	2,528	6	421	428	2,203	6	367	534
St. Louis, MO	4,904	9	545	386	4,759	9	529	439	5,247	9	583	514
Stockton, CA	2,660	6	443	389	2,795	6	466	416	3,264	6	544	460
Syracuse, NY	3,665	11	333	394	3,836	10	384	374	3,965	11	360	488

<sup>4</sup> Staff and ALJs, including Regional Chief ALJs, in the Office of Disability Adjudication and Review Regional Offices will process cases to assist hearing offices in the region when necessary. Since these figures include various Regional Offices, Dispositions per ALJ and Processing Times were not calculated.

Hearing Office	Fiscal Year 2005				Fiscal Year 2006				Fiscal Year 2007			
	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)	Number of Dispositions	Number of ALJs	Dispositions per ALJ	Processing Time (Days)
Tampa, FL	7,546	18	419	522	7,558	16	472	577	7,717	15	514	633
Tucson, AZ	2,569	5	514	362	3,154	6	526	429	2,862	5	572	430
Tulsa, OK	4,520	9	502	353	4,538	8	567	462	4,101	7	586	456
Tupelo, MS	3,287	7	470	456	3,069	7	438	476	3,568	7	510	409
Voorhees, NJ	3,257	7	465	445	3,352	7	479	417	2,975	6	496	468
Washington, D.C.	3,044	7	435	401	3,517	7	502	458	2,798	6	466	417
West Des Moines, IA	2,970	7	424	487	3,320	7	474	457	2,570	6	428	537
White Plains, NY	2,901	8	363	490	3,118	7	445	421	3,008	6	501	412
Wichita, KS	2,163	4	541	381	2,079	5	416	437	3,060	5	612	506
Wilkes-Barre, PA	3,583	10	358	366	4,966	10	497	463	4,594	8	574	434
<b>National</b>	<b>519,359</b>	<b>1,233</b>	<b>421</b>	<b>443</b>	<b>558,978</b>	<b>1,217</b>	<b>459</b>	<b>483</b>	<b>547,951</b>	<b>1,155</b>	<b>474</b>	<b>512</b>

## Factors That Impact Productivity

Our interviews with administrative law judges (ALJ) and hearing office staff disclosed factors that may impact ALJ productivity. Table 1 below shows these factors and the number of the 29 lower producing ALJs we interviewed who may have been impacted by each factor.<sup>1</sup> Table 2 on page D-3 shows these factors and the number of the 31 higher producing ALJs we interviewed who may have been impacted by each factor.

**Table 1**  
**Factors That May Have Impacted Productivity of Lower Producing ALJs Interviewed**

Lower Producing ALJs Interviewed	Located at Hearing Office with Staff Ratio Below National Average	Hearing Office Regularly Unable to Fill Hearing Docket	Favorable Rate Below National Average	Individual ALJ Preferences						Agency Processes			
				More Than One Hour to Review Case Before Hearing	Requested Fewer Than 10 Hearings Per Week	Did Not Schedule Hearings Before Work Up	Hearings Lasted More Than One Hour	Spent More Than One Hour on Case After Hearing <sup>2</sup>	Did Not Issue Bench Decisions	Substantial Edits to Over 50 Percent of Decisions	Medical Experts in Over Half of Hearings	Vocational Experts in Over Half of Hearings	25 Percent or More Hearings Postponed
1				X	X	X	X		X				
2			X	X	X	X		X	X	X			X
3	X		X	X		X	X		X				X
4	X		X	X	X	X	X		X	X		X	
5	X		X	X	X	X	X	X	X			X	X
6	X		X		X	X	X				X	X	
7	X					X	X	X	X		X	X	X
8	X					X	X			X	X	X	X
9	X	X			X	X	X		X			X	
10	X		X	X		X	X		X	X		X	X
11	X	X	X	X					X			X	
12	X			X		X	X	X	X			X	X
13	X	X	X	X		X	X	X	X		X	X	X
14			X	X	X	X		X	X				X

<sup>1</sup> In addition to the factors listed in the tables, we also identified that internal factors, Disability Determination Services case development, and the use of rocket dockets may impact productivity. However, we did not identify how these factors may have impacted the productivity and processing times of the individual ALJs we interviewed.

<sup>2</sup> All ALJs we interviewed did not provide a specific amount of time they spent on cases after hearings. Therefore, additional ALJs may have spent more than one hour on cases after hearings than reported in these tables.

**Table 1  
Factors That May Have Impacted Productivity of Lower Producing ALJs  
Interviewed**

Lower Producing ALJs Interviewed	Individual ALJ Preferences								Agency Processes				
	Located at Hearing Office with Staff Ratio Below National Average	Hearing Office Regularly Unable to Fill Hearing Docket	Favorable Rate Below National Average	More Than One Hour to Review Case Before Hearing	Requested Fewer Than 10 Hearings Per Week	Did Not Schedule Hearings Before Work Up	Hearings Lasted More Than One Hour	Spent More Than One Hour on Case After Hearing <sup>2</sup>	Did Not Issue Bench Decisions	Substantial Edits to Over 50 Percent of Decisions	Medical Experts in Over Half of Hearings	Vocational Experts in Over Half of Hearings	25 Percent or More Hearings Postponed
15	X	X			X	X			X			X	
16	X	X	X	X					X	X	X	X	
17	X	X	X	X		X	X		X	X	X	X	X
18	X	X		X		X			X			X	
19	X		X	X		X	X	X	X	X		X	
20	X		X	X	X	X	X	X	X			X	X
21	X		X	X		X		X	X	X			X
22	X	X	X	X		X			X	X		X	
23	X	X	X		X								X
24	X		X	X	X	X	X		X			X	
25	X		X	X		X	X		X	X		X	
26	X			X			X		X	X			X
27			X	X					X	X			
28	X	X	X	X		X			X			X	X
29		X				X						X	

**Table 2  
Factors That May Have Impacted Productivity of Higher Producing ALJs  
Interviewed**

Higher Producing ALJs Interviewed	Located at Hearing Office with Staff Ratio Below National Average	Hearing Office Regularly Unable to Fill Hearing Docket	Favorable Rate Below National Average	Individual ALJ Preferences							Agency Processes		
				More Than One Hour to Review Case Before Hearing	Requested Fewer Than 10 Hearings Per Week	Did Not Schedule Hearings Before Work Up	Hearings Lasted More Than One Hour	Spent More Than One Hour on Case After Hearing <sup>2</sup>	Did Not Issue Bench Decisions	Substantial Edits to Over 50 Percent of Decisions	Medical Experts in Over Half of Hearings	Vocational Experts in Over Half of Hearings	25 Percent or More Hearings Postponed
1	X		X			X						X	X
2	X	X						X	X				
3													
4		X	X						X			X	X
5													X
6													
7	X					X			X				
8	X								X				
9	X		X			X			X			X	
10									X				X
11	X					X			X				
12													
13	X								X			X	
14													
15			X			X						X	
16		X											
17	X												
18	X	X											
19	X		X										
20			X			X			X				
21	X		X										X
22	X	X				X					X	X	
23													
24			X								X	X	X
25		X							X			X	
26	X		X			X						X	X
27	X			X					X				X
28						X							
29													
30	X		X						X				X
31		X	X						X			X	X

## Administrative Law Judge Disciplinary Actions<sup>1</sup>

<b>ALJ Disciplinary Actions Fiscal Years 2005 Through June 2008</b>		
	Reason for Action	Action Taken or Proposed
1	Intoxication at work.	Suspension (7 days)
2	Misconduct toward a fellow employee.	Reprimand
3	Misuse of a handicapped parking placard at work.	Suspension (5 days)
4	Failure to follow management directives and multiple time and attendance violations.	Reprimand
5	Inappropriate use of Government computer.	Suspension (1 day)
6	Misuse of Government computer.	Suspension (60 days)
7	Criminal activities in a former position.	Termination
8	Leave without pay issues over 5-year period.	Termination action filed, settled for administrative law judge's (ALJ) retirement
9	Failure to follow management directives.	Suspension (15 days) not served, ALJ deceased
10	Failure to follow management directives.	Suspension (15 days) not served, pending appeal
11	Failure to follow management directives.	Suspension (15 days) not served, pending appeal
12	Insubordination and time and attendance violations.	Reprimand
13	Refusal to cooperate in an Equal Employment Opportunity hearing.	Suspension (14 days)
14	Worked full-time for Social Security Administration and another agency at the same time.	Termination
15	Misconduct toward other employees.	Termination proposed
16 <sup>2</sup>	Failure to process assigned workload timely and multiple time and attendance violations.	Reprimand issued, Suspension proposed (14 days)
17	Failure to process assigned workload timely and falsified documents.	Suspension proposed (30 days)

<sup>1</sup> Highlighted disciplinary actions are those that involve performance-related issues.

<sup>2</sup> This ALJ also received a reprimand (see action number 4).

<b>ALJ Disciplinary Actions Fiscal Years 2005 Through June 2008</b>		
	<b>Reason for Action</b>	<b>Action Taken or Proposed</b>
18	Failure to follow management directives.	Suspension proposed (7 days)
19	Arrested for criminal activities.	Termination proposed
20	Arrested for criminal activities.	Termination proposed
21	Failure to follow management directives.	Suspension proposed (5 days)
22	Inappropriate distribution of Agency information.	Case under development
23	Misused official title and inappropriate use of Government computer.	Termination proposed
24	Inappropriate political activity and use of Government computer.	Suspension (10 days)
25	Inappropriate use of Government computer.	Suspension (5 days)
26	Inappropriate use of Government computer.	Suspension (1 day)
27	Failure to process assigned workload timely.	Reprimand
28	Misconduct toward other employees.	Reprimand
29	Misconduct during hearings.	Reprimand
30	Time and attendance violations.	Reprimand
31	Inappropriate distribution of Agency information.	Reprimand

## Location of New Administrative Law Judges

Location <sup>1</sup>	Number of ALJs
Albany, NY	2
Mayaguez, PR	1
New York, NY	3
Newark, NJ	2
Ponce, PR	1
Queens, NY	2
San Juan, PR	3
Syracuse, NY	3
<b>Region 2 Total</b>	<b>17</b>
Charleston, WV	1
Huntington, WV	3
Johnstown, PA	1
Morgantown, WV	2
Seven Fields, PA	3
Wilkes-Barre, PA	4
<b>Region 3 Total</b>	<b>14</b>
Atlanta, GA	5
Atlanta, GA (North)	1
Birmingham, AL	1
Charleston, SC	4
Chattanooga, TN	1
Columbia, SC	1
Fort Lauderdale, FL	2
Greenville, SC	3
Hattiesburg, MS	4
Jackson, MS	3
Knoxville, TN	2
Louisville, KY	1
Macon, GA	2
Mobile, AL	4
Montgomery, AL	1
Nashville, TN	2
Orlando, FL	2
Paducah, KY	1
Raleigh, NC	1
Tupelo, MS	1
<b>Region 4 Total</b>	<b>42</b>

Location	Number of ALJs
Cincinnati, OH	4
Cleveland, OH	6
Columbus, OH	2
Dayton, OH	1
Evansville, IN	1
Flint, MI	1
Grand Rapids, MI	2
Indianapolis, IN	1
Milwaukee, WI	4
Oak Park, MI	2
Peoria, IL	2
<b>Region 5 Total</b>	<b>26</b>
Alexandria, LA	1
Fort Smith, AR	2
Little Rock, AR	1
Metairie, LA	5
New Orleans, LA	3
Shreveport, LA	3
<b>Region 6 Total</b>	<b>15</b>
Creve Coeur, MO	1
Springfield, MO	1
West Des Moines, IA	4
Wichita, KS	2
<b>Region 7 Total</b>	<b>8</b>
Billings, MT	1
Fargo, ND	1
<b>Region 8 Total</b>	<b>2</b>
Downey, CA	1
Fresno, CA	2
Sacramento, CA	2
San Bernardino, CA	1
San Jose, CA	1
<b>Region 9 Total</b>	<b>7</b>
Seattle, WA	1
Spokane, WA	1
<b>Region 10 Total</b>	<b>2</b>
<b>Grand Total</b>	<b>133</b>

<sup>1</sup> None of the 133 new administrative law judges are to be placed in Region 1.

## Fiscal Year 2007 Daily Receipts and Pending Cases per Administrative Law Judge<sup>1</sup>

Hearing Office	Number of New ALJs	Daily Receipts Per ALJ	Daily Receipts per ALJ Rank <sup>2</sup>	Pending Cases Per ALJ	Pending Cases per ALJ Rank <sup>3</sup>
Boston, MA	0	1.17	135	249	3
Hartford, CT	0	2.53	60	485	42
Manchester, NH	0	1.05	139	165	1
New Haven, CT	0	0.79	140	238	2
Portland, ME	0	1.90	110	317	11
Providence, RI	0	2.15	87	377	22
Springfield, MA	0	1.34	129	255	4
<b>Region 1 Total</b>	<b>0</b>	<b>1.45</b>	<b>-</b>	<b>284</b>	<b>-</b>
Albany, NY	2	4.79	1	1,671	140
Bronx, NY	0	3.18	19	991	114
Brooklyn, NY	0	1.92	108	432	33
Buffalo, NY	0	2.57	54	1,129	122
Jericho, NY	0	3.00	26	879	105
Mayaguez, PR	1	2.78	39	1,322	132
New York, NY	3	1.86	112	390	24
Newark, NJ	2	2.04	97	593	62
Ponce, PR	1	3.43	10	715	89
Queens, NY	2	1.79	113	438	34
San Juan, PR	3	1.56	120	409	31
Syracuse, NY	3	3.38	12	1,186	126
Voorhees, NJ	0	2.00	102	653	74
White Plains, NY	0	1.61	119	400	28
<b>Region 2 Total</b>	<b>17</b>	<b>2.35</b>	<b>-</b>	<b>717</b>	<b>-</b>

<sup>1</sup> Highlighted hearing offices are those with both daily receipts per administrative law judge (ALJ) and pending cases per ALJ above the national averages of 701.83 and 2.32, respectively, in Fiscal Year (FY) 2007 and also received new ALJs in FY 2008.

<sup>2</sup> The Office of Disability Adjudication and Review (ODAR) ranked hearing offices 1 through 140 for receipts per ALJ per day in FY 2007. The hearing office with a rank of 1 had the most daily receipts per ALJ while the hearing offices ranked 140 had the fewest daily receipts per ALJ. There were 141 hearing offices; however, the New Haven, Connecticut and San Francisco, California offices had the same number of daily receipts per ALJ so these offices were both ranked 140.

<sup>3</sup> ODAR ranked hearing offices 1 through 141 for cases pending per ALJ in FY 2007. The hearing office ranked 1 had the fewest cases pending per ALJ while the hearing office ranked 141 had the most cases pending per ALJ.

Hearing Office	Number of New ALJs	Daily Receipts Per ALJ	Daily Receipts per ALJ Rank <sup>2</sup>	Pending Cases Per ALJ	Pending Cases per ALJ Rank <sup>3</sup>
Baltimore, MD	0	2.39	72	651	72
Charleston, WV	1	2.35	75	363	19
Charlottesville, VA	0	2.14	89	351	17
Dover, DE	0	2.78	38	493	44
Elkins Park, PA	0	2.33	78	596	63
Harrisburg, PA	0	3.80	6	610	67
Huntington, WV	3	2.67	47	575	59
Johnstown, PA	1	2.33	78	568	58
Morgantown, WV	2	3.37	14	662	78
Norfolk, VA	0	1.29	131	338	15
Philadelphia, PA	0	1.69	117	478	41
Philadelphia-E, PA	0	1.79	113	410	32
Pittsburgh, PA	0	2.74	41	686	83
Richmond, VA	0	2.19	83	441	36
Roanoke, VA	0	2.04	97	400	28
Seven Fields, PA <sup>4</sup>	3	-	-	-	-
Washington, D.C.	0	2.10	92	439	35
Wilkes-Barre, PA	4	2.57	54	657	76
<b>Region 3 Total</b>	<b>14</b>	<b>2.37</b>	<b>-</b>	<b>525</b>	<b>-</b>
Atlanta, GA	5	2.12	91	962	111
Atlanta, GA (North)	1	3.22	17	1,469	136
Birmingham, AL	1	2.77	40	955	109
Charleston, SC	4	2.44	68	747	94
Charlotte, NC	0	2.72	42	922	106
Chattanooga, TN	1	2.29	81	614	68
Columbia, SC	1	2.35	75	685	103
Florence, AL	0	2.53	60	739	92
Fort Lauderdale, FL	2	1.55	121	308	9
Greensboro, NC	0	2.91	31	1,226	129
Greenville, SC	3	2.68	46	1,742	141
Hattiesburg, MS	4	2.62	49	679	81
Jackson, MS	3	3.41	11	1,269	130
Jacksonville, FL	0	1.92	108	577	60
Kingsport, TN	0	1.89	111	363	20
Knoxville, TN	2	2.14	89	742	93
Lexington, KY	0	2.10	92	554	53
Louisville, KY	1	3.38	12	748	95
Macon, GA	2	2.01	101	498	45
Memphis, TN	0	2.34	77	688	84
Miami, FL	0	1.45	126	502	46
Middlesboro, KY	0	2.85	36	487	43

<sup>4</sup> The Seven Fields Hearing Office is a new office that did not process cases until FY 2008.

Hearing Office	Number of New ALJs	Daily Receipts Per ALJ	Daily Receipts per ALJ Rank <sup>2</sup>	Pending Cases Per ALJ	Pending Cases per ALJ Rank <sup>3</sup>
Mobile, AL	4	2.56	56	773	98
Montgomery, AL	1	3.29	16	982	113
Nashville, TN	2	2.58	53	749	96
Orlando, FL	2	2.51	63	622	69
Paducah, KY	1	2.56	56	563	57
Raleigh, NC	1	2.93	27	951	108
Savannah, GA	0	1.94	105	652	73
Tampa, FL	0	2.41	70	1,022	118
Tupelo, MS	1	2.55	58	520	50
<b>Region 4 Total</b>	<b>42</b>	<b>2.44</b>	<b>-</b>	<b>789</b>	<b>-</b>
Chicago, IL	0	1.79	113	605	66
Cincinnati, OH	4	2.87	33	1,002	117
Cleveland, OH	6	3.93	4	1,630	139
Columbus, OH	2	2.92	28	1,158	125
Dayton, OH	1	3.16	20	1,126	121
Detroit, MI	0	3.15	22	1,048	119
Evanston, IL	0	1.40	127	342	16
Evansville, IN	1	3.52	9	1,306	131
Flint, MI	1	3.92	5	1,454	135
Fort Wayne, IN	0	3.12	23	1,134	124
Grand Rapids, MI	2	4.19	2	1,399	133
Indianapolis, IN	1	2.49	65	1,133	123
Lansing, MI	0	2.82	37	1,192	127
Madison, WI	0	2.19	83	969	112
Milwaukee, WI	4	2.65	48	1,000	116
Minneapolis, MN	0	2.62	49	819	101
Oak Brook, IL	0	1.07	138	546	52
Oak Park, MI	2	3.60	8	1,607	138
Orland Park, IL	0	2.51	63	995	115
Peoria, IL	2	2.05	96	803	100
<b>Region 5 Total</b>	<b>26</b>	<b>2.74</b>	<b>-</b>	<b>1,042</b>	<b>-</b>
Albuquerque, NM	0	2.54	59	669	80
Alexandria, LA	1	2.69	45	665	79
Dallas, TX (Downtown)	0	2.31	80	599	64
Dallas, TX (North)	0	1.70	116	460	39
Fort Smith, AR	2	3.11	24	718	90
Fort Worth, TX	0	2.03	100	507	48
Houston, TX (Downtown)	0	1.36	128	336	14
Houston, TX (Bissonnett)	0	1.99	103	655	75
Little Rock, AR	1	2.92	28	726	91
McAlester, OK	0	2.86	34	764	97
Metairie, LA	5	4.05	3	1,408	134
New Orleans, LA	3	2.25	82	625	70

Hearing Office	Number of New ALJs	Daily Receipts Per ALJ	Daily Receipts per ALJ Rank <sup>2</sup>	Pending Cases Per ALJ	Pending Cases per ALJ Rank <sup>3</sup>
Oklahoma City, OK	0	1.53	122	381	23
San Antonio, TX	0	1.53	122	471	40
Shreveport, LA	3	3.20	18	603	65
Tulsa, OK	0	2.60	52	661	77
<b>Region 6 Total</b>	<b>15</b>	<b>2.19</b>	<b>-</b>	<b>577</b>	<b>-</b>
Creve Coeur, MO	1	2.89	32	865	104
Kansas City, KS <sup>5</sup>	0	2.36	73	1,054	120
Omaha, NE	0	2.62	49	958	110
Springfield, MO	1	3.74	7	1,514	137
St. Louis, MO	0	2.49	65	679	82
West Des Moines, IA	4	3.16	20	1,206	128
Wichita, KS	2	3.11	24	940	107
<b>Region 7 Total</b>	<b>8</b>	<b>2.79</b>	<b>-</b>	<b>974</b>	<b>-</b>
Billings, MT	1	2.52	62	705	88
Colorado Springs, CO	0	2.92	28	700	87
Denver, CO	0	2.70	44	697	85
Fargo, ND	1	2.36	73	699	86
Salt Lake City, UT	0	1.93	106	364	21
<b>Region 8 Total</b>	<b>2</b>	<b>2.49</b>	<b>-</b>	<b>610</b>	<b>-</b>
Downey, CA	1	2.44	68	558	54
Fresno, CA	2	2.19	83	503	47
Honolulu, HI	0	3.32	15	581	61
Las Vegas, NV	0	2.18	83	409	30
Long Beach, CA	0	1.93	106	302	8
Los Angeles, CA (Downtown)	0	1.99	103	398	27
Los Angeles, CA (West)	0	1.19	134	327	12
Oakland, CA	0	1.24	133	309	10
Orange, CA	0	2.10	92	454	38
Pasadena, CA	0	1.25	132	294	7
Phoenix, AZ	0	1.31	130	453	37
Sacramento, CA	2	2.15	87	533	51
San Bernardino, CA	1	2.86	34	561	56
San Diego, CA	0	1.09	137	335	13
San Francisco, CA	0	0.79	140	280	5
San Jose, CA	1	2.71	43	559	55
San Rafael, CA	0	1.11	136	396	26
Santa Barbara, CA	0	1.46	125	359	18
Stockton, CA	0	1.65	118	393	25
Tucson, AZ	0	1.51	124	280	5
<b>Region 9 Total</b>	<b>7</b>	<b>1.68</b>	<b>-</b>	<b>402</b>	<b>-</b>

<sup>5</sup> The Kansas City, Kansas Hearing Office is now located in Kansas City, Missouri.

Hearing Office	Number of New ALJs	Daily Receipts Per ALJ	Daily Receipts per ALJ Rank <sup>2</sup>	Pending Cases Per ALJ	Pending Cases per ALJ Rank <sup>3</sup>
Eugene, OR	0	2.09	95	508	49
Portland, OR	0	2.41	70	820	102
Seattle, WA	1	2.04	97	649	71
Spokane, WA	1	2.47	67	776	99
<b>Region 10 Total</b>	<b>2</b>	<b>2.22</b>	<b>-</b>	<b>691</b>	<b>-</b>
<b>National Total</b>	<b>133</b>	<b>2.32</b>	<b>-</b>	<b>702</b>	<b>-</b>

## Social Security Administration Initiatives<sup>1</sup>

Initiative	Description	Status
<b>Compassionate Allowances</b>		
Compassionate Allowances	The compassionate allowances initiative seeks to identify cases where the disease or condition is so consistently devastating that the Social Security Administration (SSA) can presume the claimant is disabled once a valid diagnosis is confirmed. By deciding more cases based on medical evidence alone, SSA hopes to reduce the number of claims that require further review.	SSA has been developing and expanding the use of automated screening tools to identify the types of cases that fall under the compassionate allowances initiative. SSA is also refining its rules, regulations, and listing codes to reflect current advances in medical science.
<b>Improve Performance</b>		
Reduce Aged Cases	In Fiscal Year (FY) 2007, the Office of Disability Adjudication and Review (ODAR) defined aged cases as those that would be 1,000-days-old by the end of the FY. ODAR redefined aged cases as those that would be 900-days-old by the end of FY 2008. Working down this inventory of aged cases will improve public service and provide decisions to claimants who have waited long periods of time.	ODAR reduced the backlog of 1,000-day-old cases to just over 100 cases by the end of FY 2007. At the beginning of FY 2008, there were over 135,000 cases that were or would become 900-days-old or older by the end of the FY. As of April 2008, the number of these aged cases was reduced to less than 40,000 cases. ODAR is on target to eliminate these cases by the end of FY 2008.
Adjudication by Attorney Advisors	This initiative allows certain attorney advisors to issue fully favorable on-the-record (OTR) decisions to expedite the decisions and conserve administrative law judge (ALJ) resources for the more complex cases and cases that require a hearing.	As of April 2008, there have been over 12,000 Senior Attorney dispositions since the inception of the initiative in November 2007. A final rule was published in the Federal Register in March 2008 indicating that "These procedures will remain in effect for a period not to exceed 2 years..."

<sup>1</sup> SSA prepares semiannual updates to the initiatives in its *Plan to Eliminate the Backlog and Prevent Its Recurrence* [http://mwww.ba.ssa.gov/appeals/Backlog\\_Reports/Semiannual\\_Report\\_FY08.pdf](http://mwww.ba.ssa.gov/appeals/Backlog_Reports/Semiannual_Report_FY08.pdf).

Initiative	Description	Status
<b>Increase Adjudicatory Capacity</b>		
Streamlined Folder Assembly	ALJs have indicated they would schedule more cases for hearing if more cases could be prepared. Under this initiative, paper folders are prepared for hearing by simply numbering the pages in each section of the folder. Duplicates are not purged and evidence is not ordered chronologically. These cases are made available to ALJs who are willing to schedule and hear cases prepared by this method.	From October 2007 through April 2008, over 21,600 paper cases were prepared by streamlined folder assembly. In February 2008, ODAR extended the use of the voluntary streamlined folder assembly to electronic folders.
Deputy Commissioner of Operations (DCO) Overtime	DCO employees will assist designated hearing offices on overtime with various tasks, which include folder assembly, associating paper mail with the folder, application and query printing, photocopying, scanning, alphabetizing, mailing decisions, filing closed files, folder audit or inventory, creating barcodes, and filing ALJ folders.	From June 2007 through September 2007, DCO employees used over 30,500 hours of overtime on almost 295,000 workload activities. From October 2007 through the beginning of May 2008, DCO employees worked over 38,600 additional hours of overtime on more than 466,000 hearing office workload activities.
Remand Cases to Disability Determination Services (DDS)	Using profiles developed by SSA's Office of Quality Performance (OQP), unworked paper cases from the ODAR backlog of cases are screened and remanded to DDSs who, using overtime, determine whether a favorable decision can be issued without a hearing.	From October 2007 through April 2008, DDSs received more than 28,000 remands. DDSs issued favorable determinations on more than 8,000 of these cases and returned approximately 16,000 cases to ODAR without making a decision, for a reversal rate of 33 percent.
Implement Medical Screening Process	Before assignment to an ALJ, cases profiled by OQP are routed to a medical expert to complete a set of interrogatories. Cases that can be allowed OTR are routed to a non-ALJ adjudicator in ODAR for review and decision. Cases that cannot be allowed include the medical expert's response in the record and are routed to an ALJ for normal processing.	ODAR developed three interrogatory templates using OQP profile scores to determine whether impairments meet or equal a listing and, if not, the limitations imposed by the impairment(s). In March 2008, the Chief ALJ announced the hearing office procedures for using the newly developed interrogatories. ODAR anticipates this initiative will result in an increase in Attorney Adjudicator OTR dispositions.

<b>Initiative</b>	<b>Description</b>	<b>Status</b>
Open National Hearing Center (NHC)	The NHC reports directly to the Office of the Chief ALJ (OCALJ). All hearings will be held using video hearing equipment in each ALJ office. As a result, there is no conflict in scheduling hearings due to the unavailability of hearing rooms. Each ALJ at the NHC will supervise one or more attorneys, thereby eliminating unnecessary hand-offs of the decision and it is expected that there will be increased communication between the ALJ and the attorney which should lead to an improved decisional outcome.	The NHC opened in October 2007. Workloads from heavily backlogged hearing offices are being transferred to this facility. The first 100 cases were received from the Cleveland Hearing Office. After an initial period of training, attorneys and legal assistants began working from this location in November 2007. As of April 2008, there were six ALJs in the NHC. Approximately 120 new cases are received monthly from the Cleveland, Atlanta, and Detroit Hearing Offices.
ALJ Hiring	SSA was precluded from hiring ALJs due to a Merit Systems Protection Board decision in 1999 that closed the ALJ register. Other than one exception in 2001, SSA was precluded from hiring ALJs until late 2003. During the time the register was closed, ODAR lost almost 200 ALJs through normal attrition. In October 2007, a new register for ALJs was established.	During February 2008, ODAR made 144 selections and received 133 acceptances for 64 locations (see Appendix F). The new ALJs entered on duty in three groups. The first group of 43 ALJs entered on duty in April 2008. The next groups entered on duty in May, June, and July 2008. ODAR has received authority to hire 56 additional ALJs.
Improve ALJ Productivity	In October 2007, the Chief ALJ issued a memo to all ALJs with a request for each ALJ to issue 500 to 700 dispositions per year.	According to data provided by ODAR, 64 percent of ALJs were on track to issue 500 dispositions for FY 2008, as of April 2008.
<b>Increase Efficiency with Automation and Business Processes</b>		
Transition to the Electronic Folder	In FY 2007, ODAR transitioned from processing hearings using paper folders to using electronic folders.	As of March 2008, ODAR had over 550,000 electronic cases, comprising 73 percent of the pending workload.
ePulling - Electronic File Assembly	This initiative involves the development of customized software that has the potential to identify, classify, and sort page level data, reorganize the images after classification, and identify duplicates.	The pilot began in June 2008 at ODAR's Model Process Test Facility. The pilot is being expanded to 5 hearing offices and the NHC. Rollout to additional hearing offices is dependent on the performance of the software at the pilot locations.
eScheduling	eScheduling is an automated calendaring function that will incorporate scheduling of experts, hearing sites and hearing rooms, equipment, and ALJ availability.	ODAR is working with SSA's Office of Systems to identify possible vendors who could provide customized software.

Initiative	Description	Status
Electronic Records Express (ERE)	ERE offers electronic options for submitting health and school records to related disability claims. This initiative will expand access to ERE to allow outside end-users (claimant representatives and expert witnesses) the ability to view the electronic folder online and to receive notices electronically.	ODAR is currently working with the Office of Systems and other SSA components to establish authorization and authentication requirements to provide representatives access to the electronic folder via a secure website. This will be piloted with selected representatives beginning in July 2008.
Increase Amount of Data Propagated to the Hearing Office Case Processing System	This initiative aims to expand the current functionality and propagation of additional information into ODAR's Case Processing and Management System (CPMS) from other SSA systems.	Enhancements in the February 2008 systems release simplified the process for generating a barcode. Enhancements scheduled for July 2008 will include data propagation from the SSA-831 (Disability Determination and Transmittal) into CPMS.
Provide the Ability to Sign Decisions Electronically	The electronic signature will give ALJs the ability to sign decisions electronically and the ability for the ALJs to allow the Hearing Office Chief ALJ to sign on their behalf.	The Office of Systems completed the first phase of the e-Signature initiative in February 2008 and ODAR is piloting this new process as well as developing training for ALJs. The ability for ALJs to sign cases electronically is expected to be in place in July 2008.
Centralize Printing and Mailing	This initiative will provide high speed, high volume printing for all ODAR offices. Documents will be sent electronically from the individual hearing offices to a print server for mailing by a contractor.	A pilot in four hearing offices, which began in February 2008, tested this functionality with the Request for Hearing Acknowledgement Letter. This functionality was expanded to include 31 additional hearing offices and 3 more notices in March 2008. During April 2008, over 20,000 notices were produced. Plans are to expand in July 2008 to include 56 more hearing offices and 6 more notices. Plans are to implement this functionality in all remaining offices by October 2008.
Provide Shared Access to the Electronic Folder	This initiative will provide the ability to temporarily transfer cases for workload assistance among hearing offices, allowing full functionality to both the original and receiving hearing office.	The systems release in February 2008 included the ability to provide shared jurisdiction allowing temporary transfer of electronic cases for pulling and decision writing assistance.

Initiative	Description	Status
Enhance Hearing Office Management Information	The hearing office system currently has an extensive management information application. However, additional methods are needed to monitor task times, more closely monitor workloads, and track the progress of backlog reduction initiatives.	In FY 2008, new reports were developed to track aged cases, informal remands, Senior Attorney Adjudicator dispositions, the Medical Expert Screening Initiative, ALJ productivity, and NHC workloads. A report to assist in tracking the cases involved in the Service Area Realignment is currently being developed.
Provide Additional Video Hearing Equipment	The goal of this initiative is to expand the number of video hearings, decrease ALJ travel, and increase ALJ productivity. Video hearings can be held in hearing rooms with the use of large, flat panel video monitors and with desktop video units.	<p>FY 2007 funds were used to acquire 158 new video units which are being installed in hearing rooms. As of April 2008, 86 of the new units (54 percent) have been installed with sites required by the service area alignment initiative being given priority.</p> <p>ODAR has begun testing desktop video units. Test sites include ODAR executive offices in Falls Church and Baltimore, the NHC, four hearing offices, and one SSA field office in Cleveland, Ohio. The hearing offices have already held several hearings using the new equipment. The ALJs' feedback has been very positive. The pilot will run until September 2008.</p>
Mandate Findings Integrated Templates (FIT) Decision Writing System	FIT is an initiative designed to improve the quality and consistency of ALJ decisions by including the most common decisional outcomes in decision writing templates. FIT includes more than 1,700 templates covering a variety of issues.	From October through March 2008, FIT was used for 92 percent of decision drafts. There are categories for which FIT templates have not been created; therefore, FIT usage is as close to 100 percent as possible. Based on Appeals Council reviews of cases from October 2007 to January 2008, decisions drafted with FIT continue to demonstrate better quality than cases not written with FIT.

Initiative	Description	Status
Streamlined Fully Favorable Decision Format	An ALJ must prepare instructions for the decision, and then a decision writer must read the file and these instructions to integrate the two into a fully favorable decision using FIT templates. With this initiative, ALJs can draft more of their own decisions using a FIT template to create instructions, which are used to generate the rationale of the decision. The decision and appropriate notice are automatically generated, eliminating the need for decision writer assistance.	The new templates were downloaded in October 2007 and are now available to all users.
Update Hearing Office Systems Infrastructure	New updates were needed to support electronic folder processing. Specifically, updates were needed to increase the capacity of the infrastructure underlying the electronic folder and provide equipment required to support new automation initiatives for ODAR.	SSA spent approximately \$1 million in FY 2008 to update the hearing office systems infrastructure. Specifically, the Office of Systems purchased and installed servers, video teleconferencing equipment, and telecommunications equipment in hearing offices. Systems staff also supported the relocation of 10 hearing offices and a central office component.
Provide Support to Send Additional Documents to the Electronic Folder	This initiative will allow documents such as earnings records and queries to be sent directly to the electronic folder, eliminating the need for hearing office employees to print them and scan them into the electronic folder.	This initiative is in the planning and analysis stage and will continue in FY 2008.
Automated Noticing	This initiative will give CPMS the ability to automatically produce the appropriate notice based on stored data.	The resource needs for this initiative are being assessed.
Develop a New Case Processing and Management System for the Appeals Council	The Office of Systems designed and built the Appeals Review Processing System (ARPS) which allows the Appeals Council to process electronic folder cases. Another major benefit of this new system includes SSA-wide access to the case control system.	Validation of ARPS took place in December 2007. Staff and managers were trained in January 2008. Conversion to the new system took place in March 2008.

Initiative	Description	Status
Extend Cooperation Between SSA Components that Process Disability Cases – “One SSA”	Communication and cooperation between all components involved in the disability process is necessary to ensure that the needs of all are considered and met when adopting business processes and policies.	A national workgroup made up of representatives from DCO and ODAR was formed to encourage regional and local initiatives for enhanced communication and cooperation. There have been a number of successful initiatives on the regional level, including RCALJs attending SSA Executive Staff Meetings, SSA Regional Commissioners speaking at ODAR meetings, hearing office and field office exchange visits, temporary promotions and details of field office employees to ODAR, SSA policy experts and OQP staff providing assistance to ALJs on non-disability issues, and OQP providing training to ODAR.
Establish a Standardized Electronic Business Process	The goal of this initiative is to facilitate timely and legally sufficient decisions by achieving and maintaining effective, efficient, and consistent case processing methods and office organizational structures through ODAR. This will maximize the quality of ODAR’s operation by improving accuracy, timeliness, productivity, cost-efficiency, and service to the public.	Teams of employees from ODAR and OQP visited at least six hearing offices between September and December 2007 to gather information about the hearing process and to identify best practices. Based on these visits, a review team submitted a proposed standardized electronic business process description to OCALJ in February 2008. OCALJ has solicited comments from Regional Offices. The Downey, California and Grand Rapids, Michigan Hearing Offices have been selected to serve as a test sites.
Implement Quality Assurance Program for Hearing Process	ODAR is developing a quality assurance program for the hearing process that will provide in line review of the claim file, scheduling process, and decision drafting to ensure timely and legally sufficient hearings and decisions. Regional Office personnel will be charged with the responsibility of overseeing the quality assurance program.	The quality assurance initiative is being developed in conjunction with the standardized electronic business process. ODAR is working with OQP to develop review sheets to capture data and track information. ODAR is also working on a formula to select cases for review. OQP found an initial sample of decisions issued by Attorney Adjudicators to be 95 percent accurate.

Initiative	Description	Status
Expand OQP Review of Reconsideration Denials Using Profiles	Historically, the national reconsideration denial accuracy rate averaged around 90 percent. The goals of this initiative are to detect and correct erroneous denial determinations, provide feedback to DDSs, make recommendations, and reduce the volume of hearing requests. OQP will review approximately 14,000 reconsideration denial determinations drawn randomly during 1 year from 15 DDSs that have low accuracy.	OQP has completed its review of cases from the first group of five DDSs and is waiting for the DDSs to return cases that were cited in their review. As soon as all data is collected and analyzed, OQP will release a report on its findings.
Provide Improved Training to Hearing Office Management Teams	ODAR will use the latest information, tools, and methodologies to develop an effective, dynamic, and challenging training curriculum for newly promoted ODAR management officials. This training will consist of a three-phase approach involving orientation, distance learning, and hearing operation specific classroom training.	The first Hearing Office Director and two Group Supervisor classes were held in July and August 2007. The Hearing Office Chief ALJ class was held in July 2007. The Leadership and Training cadres continuously update a training website. The site provides a guide for all three phases of training and contains links to many valuable resources.
Co-locate Remote Hearing Sites with Field Offices	ODAR has a variety of sites to hold hearings, including temporary space in hotels, courthouses, schools, and conference centers. ODAR also established many permanent remote sites which were not connected to the SSA network. The goal of this initiative is to develop a plan to co-locate hearing sites with SSA field offices, create national standards and requirements for remote hearing sites, and address security concerns.	A joint workgroup was formed with ODAR's Office of Management and OCALJ and Operations members. The workgroup has reviewed current remote site data, pending workloads, and the feasibility of co-locating hearing sites with field offices. In March 2008, the workgroup presented a plan to the Commissioner. Plans are to look at co-location opportunities as leases expire.
Effectuate Temporary Service Area Realignments and Continue Interregional Case Transfers	This initiative is designed to prevent cases from aging by assisting the most heavily impacted hearing offices with processing their workloads. It is a two-pronged initiative, which in the first phase will include permanent inter-regional case transfers. The second phase will involve realignment of targeted hearing office service areas.	In December 2007, OCALJ presented the Commissioner a Service Area Realignment Plan. The plan is designed to move workloads from regions with high receipts and pendings (Chicago and Kansas City) to regions with lower receipts and pendings (Boston and San Francisco). In February 2008, OCALJ explained the plan to Regional Chief ALJs and provided procedures for the transfer of cases. ODAR continues to monitor these transfers for possible refinements.

Initiative	Description	Status
Continue Decision Writer Productivity Improvement Initiative	Hearing offices continue to use the decision writer statistical index report introduced in the beginning of FY 2007 to assess decision writer productivity.	In FY 2008, ODAR conducted a decision writer training class for the NHC and plans to conduct five more sessions for paralegals and attorneys to ensure that all decision writers are fully trained.
Use Weekly Workload Reporting and Monitoring	Traditionally, management information for the hearing operation has been reported on a monthly basis. While reasons exist for this approach, it may result in delays in case processing as employees process more cases at the end of the month to meet monthly goals.	In FY 2007 and continuing into FY 2008, the Chief ALJ has been strongly encouraging managers to monitor workload processing data on a weekly basis and ODAR continues to develop workload reports to monitor hearing office performance this way.
Have Appeals Council Issue Final Decisions when Possible to Reduce Remands	Some requests for review that come before the Appeals Council contain minor technical errors that may compromise the support of the decision in court, but do not affect the conclusion on entitlement to benefits. Typically, the Appeals Council remands most of these cases to the hearing level to address the deficiency. Under this initiative, if the case does not require a hearing or more development, the Appeals Council will consider issuing a new decision with the technical issue corrected. This should reduce overall processing time for the claimant and the number of remands.	From October 2007 to April 2008, Appeals Council decisions were 2.9 percent of all actions while remands were 22.9 percent. The Appeals Council estimates that from July 2007 to April 2008, the combination of this initiative with the expanded use of FIT resulted in 2,910 fewer cases remanded to hearing offices.
Improved Public ALJ Alleged Misconduct Complaint Process	The goal of this initiative is to make the ALJ complaint process both fair and effective for SSA, the ALJs, and the American people.	The Office of the General Counsel, OCALJ, Office of Appellate Operations, and Office of Labor Management and Employee Relations had a series of meetings to formulate improvements under current rules and to clarify the complaint process for claimants. ODAR is now in the process of putting those improvements into place.

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## **Overview of the Office of the Inspector General**

The Office of the Inspector General (OIG) is comprised of an Office of Audit (OA), Office of Investigations (OI), Office of the Counsel to the Inspector General (OCIG), Office of External Relations (OER), and Office of Technology and Resource Management (OTRM). To ensure compliance with policies and procedures, internal controls, and professional standards, the OIG also has a comprehensive Professional Responsibility and Quality Assurance program.

### **Office of Audit**

OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

### **Office of Investigations**

OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

### **Office of the Counsel to the Inspector General**

OCIG provides independent legal advice and counsel to the IG on various matters, including statutes, regulations, legislation, and policy directives. OCIG also advises the IG on investigative procedures and techniques, as well as on legal implications and conclusions to be drawn from audit and investigative material. Also, OCIG administers the Civil Monetary Penalty program.

### **Office of External Relations**

OER manages OIG's external and public affairs programs, and serves as the principal advisor on news releases and in providing information to the various news reporting services. OER develops OIG's media and public information policies, directs OIG's external and public affairs programs, and serves as the primary contact for those seeking information about OIG. OER prepares OIG publications, speeches, and presentations to internal and external organizations, and responds to Congressional correspondence.

### **Office of Technology and Resource Management**

OTRM supports OIG by providing information management and systems security. OTRM also coordinates OIG's budget, procurement, telecommunications, facilities, and human resources. In addition, OTRM is the focal point for OIG's strategic planning function, and the development and monitoring of performance measures. In addition, OTRM receives and assigns for action allegations of criminal and administrative violations of Social Security laws, identifies fugitives receiving benefit payments from SSA, and provides technological assistance to investigations.