

Claimant Representatives Who Were Sanctioned by the Social Security Administration

A-12-14-14086



June 2018

Office of Audit Report Summary

Objective

Our objective was to determine whether the Social Security Administration (SSA) appropriately processed cases in which claimant representatives violated the *Rules of Conduct and Standards of Responsibility for Representatives (Rules of Conduct)*.

Background

If a representative violates the *Rules of Conduct*, SSA can suspend or disqualify (that is, sanction) the representative from practicing before SSA.

A representative has 30 days to respond to the *Notice of Intent to Sanction*, which is issued by SSA's Office of the General Counsel (OGC). If OGC does not take action to withdraw the charges within 15 days after the representative files an answer, it will request that SSA's Office of Hearings Operations (OHO) designate a hearing officer and proceed with a hearing. OHO should make every possible attempt to issue a sanction decision within 120 days of the *Notice of the Hearing*.

During Calendar Years (CY) 2014 through 2016, 25 representatives were sanctioned after OGC referred the cases to OHO for the hearing stage of the sanction process.

Findings

SSA appropriately processed cases in which claimant representatives violated the Agency's *Rules of Conduct*. Specifically, SSA

- notified the representatives of the charges,
- provided the representatives with an opportunity to respond to the charges, and
- notified the representatives of their appeal rights.

SSA took, on average, 277 days to complete the sanction process—ranging from 84 to 540 days. Since representatives continued serving existing and new claimants while the charges were pending, it is in the public's interest to resolve the sanction cases quickly. However, SSA did not have definitive timeframes for processing the sanction cases.

Recommendations

We recommend that:

1. OGC develop specific timeframes for referring sanction cases to OHO.
2. OHO provide training to hearing officers to issue a decision in sanction cases within 120 days of the *Notice of the Hearing*.

SSA agreed with the recommendations.