

Administrative Law Judge Allowance Rates, Quality, and Length of Service

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Office of Audit Report Summary

Objective

To analyze Fiscal Year (FY) 2015 allowance and agree rates in relation to an administrative law judge's (ALJ) length of service.

Background

The ALJ decisional allowance rate has fluctuated from a high of 75.2 percent in FY 1994 to a low of 53.5 percent in FY 2015. The 53.5-percent decisional average allowance rate in FY 2015 was the lowest rate in 23 years.

The agree rate represents the Appeals Council's conclusion that the ALJ decisions were supported by substantial evidence and contained no error of law or abuse of discretion justifying a remand or reversal. The national goal for the agree rate is 85 percent.

The Office of Disability Adjudication and Review (ODAR) employs more than 1,400 ALJs, and their length of service ranges from fewer than 5 years to longer than 48 years.

Results of Review

In FY 2015, the most experienced ALJs had, on average, higher allowance rates than ALJs who had fewer years' experience. Also, on average, ALJs who had more experience had agree rates of about 84 percent—about 6 percent lower than the ALJs who had less than 5 years' experience.

We did not see a link between the amount or type of training an ALJ received and the high allowance and low agree rate pattern. The Agency also had no information on any pattern regarding a relationship between an ALJ's years of service and his/her quality and amount or type of training received. Therefore, we did not make any recommendations.

