

Report Summary

Social Security Administration Office of the Inspector General

August 2010



Objective

To identify the impairments of initial disability cases most frequently allowed at the Office of Disability Adjudication and Review's (ODAR) hearing level and evaluate the characteristics of these cases.

Background

A person who disagrees with an initial determination by the State disability determination services (DDS) may request an appeal. The levels of appeal are reconsideration at the DDS and an administrative law judge (ALJ) hearing and Appeals Council review at ODAR.

To view the full report, visit
http://www.ssa.gov/oig/ADO_BEPDF/A-07-09-19083.pdf

Disability Impairments on Cases Most Frequently Denied by Disability Determination Services and Subsequently Allowed by Administrative Law Judges

(A-07-09-19083)

Our Findings

We identified the four impairments that were most often denied by DDSs in Calendar Years 2004 through 2006, appealed to the hearing level, and subsequently allowed. These impairments were Disorders of Back; Osteoarthritis and Allied Disorders; Diabetes Mellitus; and Disorders of Muscle, Ligament, and Fascia. Our analysis of cases with these four impairments disclosed

- Claimant age impacted disability determinations.
- Determinations of claimants' ability to work resulted in differences at the DDS and hearing levels.
- Claimant representation was more prevalent in cases allowed at the hearing level than in cases decided at the DDS level.
- Cases were allowed at the hearing level based on a different impairment than that on which the DDS made its determination.
- States had both DDS denial rates and hearing level allowance rates above the national averages.
- ODAR regions, hearing offices, and ALJs had wide variations in allowance rates.

Our Recommendations

We recommended, and the Social Security Administration agreed to:

1. Collect information related to claimant representation at the DDS level to determine whether representation results in more allowances at the DDS level.
2. Consider conducting a targeted review of disability determinations made in the six States we identified as having higher than average DDS denial rates and hearing level allowance rates for the four impairments we analyzed.
3. Consider analyzing variances between the hearing offices and ALJs with high and low allowance rates for the four impairments we analyzed to determine whether factors are present that support the variances.