

# Report Summary

Social Security Administration Office of the Inspector General

July 2010



## Objective

To address the request of Senator Claire McCaskill regarding Office of Disability Adjudication and Review (ODAR) hearing request dismissals. Specifically, we examined dismissal rates and determined whether ODAR followed applicable policies and procedures in dismissing hearing requests.

## Background

In an August 4, 2009 letter, Senator McCaskill requested that we review dismissals of hearing requests to ensure disabled individuals are afforded the rights and protections required by law and regulations. The Senator also requested we determine whether there are any unusual dismissal trends by individual administrative law judges (ALJ) or by regions.

To view the full report, visit <http://www.ssa.gov/oig/ADO/BEPDF/A-07-10-21049.pdf>

## ***Congressional Response Report: Office of Disability Adjudication and Review Hearing Request Dismissals (A-07-10-21049)***

### Our Findings

We reviewed three dismissal types to determine whether ODAR followed applicable policies and procedures in dismissing hearing requests. First, we analyzed ALJ dismissals for untimely hearing requests, as requested by Senator McCaskill. In addition, we reviewed the two most prevalent dismissal types: abandonment and withdrawal.

We found that there were areas where improvements could be made for dismissing hearing requests to better ensure claimants are afforded their legal rights and protections. Improvements were needed most in the area of untimely hearing request dismissals.

- For untimely hearing requests, our review disclosed cases where dismissals were not (1) appropriate, (2) supported by ODAR requests for claimants' explanations for untimely filing, (3) supported by an ALJ rationale, or (4) processed timely.
- For abandonment dismissals, we found cases where the dismissals were issued without the necessary attempts to contact claimants documented in the case folders.
- For withdrawal dismissals, we found one case where the claimant's case folder did not contain evidence the claimant or the claimant's representative asked that the hearing request be withdrawn.

Our analysis of dismissal rates identified wide variances among ODAR regions, hearing offices, and ALJs. ODAR stated that scientific or statistical data did not exist to support an explanation of dismissal rate variances. Although ODAR stated economic and demographic factors might explain the variances, it did not expand on those factors or how they impact variances in dismissal rates.

We will issue a separate report to the Commissioner of the Social Security Administration with recommendations to correct the problems with hearing request dismissals found during this review.