

Administrative Law Judge/Public Alleged Misconduct Complaints System A-05-11-01131



July 2013

Office of Audit Report Summary

Objectives

To determine whether the Office of Disability Adjudication and Review's (ODAR) Administrative Law Judge/Public Alleged Misconduct Complaints (ALJ/PAMC) system was properly identifying and tracking all ALJ complaints to resolution. We also sought to determine whether the system was operating as intended.

Background

Claimants and their advocates or representatives may file a complaint against an ALJ if they believe the ALJ was biased or engaged in improper conduct. ODAR's Division of Quality Service (DQS) reviews and resolves these complaints with the assistance of ODAR's regional office (RO) staff, as appropriate. In February 2010, SSA announced it was establishing a new system of records to track ALJ complaints. According to the public notice, SSA designed the new ALJ/PAMC system to provide the Agency with information to (1) manage and respond to complaints; (2) process, review, or investigate complaints; (3) identify the parties to the complaint, including the names of the claimants and the ALJs who allegedly committed misconduct; and (4) document, monitor, and track ALJ complaints to identify patterns of improper behavior requiring further action.

Our Findings

DQS closed 1,490 ALJ misconduct complaint cases in Fiscal Year (FY) 2011. Using the information in the ALJ/PAMC system, we determined the overall ODAR median processing time for complaints was about 894 days, and DQS median processing time was about 400 days. Moreover, the ALJ/PAMC system did not have sufficient milestones to identify processing delays, though DQS started developing such milestones during our review.

Of the complaints closed in FY 2011, DQS substantiated about 4 percent of the cases. DQS closed approximately 11 percent of the cases because the ALJ left SSA before DQS completed a full review of the complaint. About 5 percent of the decision fields was left blank in the system. DQS determined the remaining 80 percent of the cases was unsubstantiated.

We also found the ALJ/PAMC system was not capturing key data to assist Agency managers responsible for addressing ALJ complaints and improving customer service. In addition, the Agency could improve outreach to the public to ensure the public was aware of all the options for filing a complaint against an ALJ to identify improper behavior, including racial discrimination. We also could not determine the reliability of the ALJ/PAMC system because DQS did not have documentation to support some of the data, initial data input was not uniform, and some key data fields were left blank. Finally, at the time of our review, DQS was not sharing ALJ/PAMC system management information with internal or external parties, though DQS was planning to share more information with the ROs as well as grant them access to the system.

Our Recommendations

We made a number of recommendations related to written procedures, system modifications, public notices, management information, and data quality issues.

SSA agreed with all of our recommendations.