

# Report Summary

Social Security Administration Office of the Inspector General

February 2012



## Objective

To identify the administrative law judges (ALJ) who were significant outliers in terms of either their productivity or their decisional allowance rates, examine factors that may account for variances, and determine the effectiveness of management controls over ALJ adherence to the Social Security Administration's (SSA) policies and procedures.

## Background

In a June 16, 2011 letter, members of the Social Security Subcommittee requested the Inspector General provide information on ALJs who are significant outliers either in terms of their productivity or their decisional outcomes. For those ALJs identified, the Subcommittee asked that we determine what factors may account for any variance in decisional allowances rates and productivity as well as provide information regarding the allocation and related hearings on these cases.

To view the full report, visit <http://oig.ssa.gov/audits-and-investigations/audit-reports/A-12-11-01138>

## *Congressional Response Report: Oversight of Administrative Law Judge Workload Trends (A-12-11-01138)*

### Our Findings

In Fiscal Year (FY) 2010, 1,398 ALJs issued between 1 and 3,620 dispositions. The majority of these ALJs met or exceeded the Agency's 500- to 700-case disposition benchmark. Additionally, while the average decisional allowance rate for ALJs in FY 2010 was 67 percent, it ranged from a low of 8.6 percent to a high of 99.7 percent nationwide.

We reviewed the workload trends of the 24 ALJs with the highest and lowest allowance rates to better understand potential causes for these variances. We also visited the hearing offices associated with these ALJs to discuss workload processing. In our discussions with ODAR managers and visits to hearing offices, we learned that the variances in allowances can be attributed to many factors, most notably ALJ decisional independence and the demographics of claimants served by the hearing office, such as their age, education, and available work. Qualified judicial independence means that ALJs must be impartial in deciding each case and be free from agency pressure or pressure by a party to decide a case in a particular way. We also found that ODAR established a new control to ensure proper case rotation, though we identified a number of case rotation exceptions at the hearing offices related to dismissals, on-the-record decisions, and frequency of claimant representation.

While ODAR managers monitored ALJ performance, this monitoring was limited to their progress in meeting established productivity benchmarks. We found only one instance in the last 5 years where the Agency had initiated disciplinary action related to an ALJ's workload performance, though SSA had taken other disciplinary actions against ALJs for insubordination of direct orders or directives to timely process hearing cases. We believe greater Agency attention is needed to ensure outliers in ALJ performance, be it high or low, are monitored and the underlying work processes are periodically reviewed.