

Report Summary

Social Security Administration Office of the Inspector General

May 2012



Objective

To evaluate the availability and use of vocational experts (VE) at the Social Security Administration's (SSA) hearings offices.

Background

Administrative law judges (ALJ) may request witnesses, such as VEs, to testify at hearings. The ALJ decides whether to receive the VE opinion at the hearing, by telephone, by videoconference, or in response to written interrogatories. While the *Social Security Act* does not require that the ALJ obtain VE testimony, it requires consideration of matters within the VE's expertise, such as whether the claimant can engage in substantial gainful activity in the national economy. As part of the disability process for adults, an ALJ may request a VE's opinion when determining a claimant's disability at Steps 4 and 5 of SSA's 5-Step Sequential Evaluation Process.

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Availability and Use of Vocational Experts (A-12-11-11124)

Our Findings

Approximately 76 percent of all SSA hearings in Fiscal Year 2010 involved VEs. However, we also found that regional and hearing office use of VE services varied widely. For instance, regional use of VE services ranged from 35 to 94 percent, while hearing office use varied from 4 to 99 percent. Some of this variance related to Federal Court decisions on remanded cases, which can cause hearing offices to use VE services at hearings to avoid remanded cases. Our analysis identified VE rotation problems at hearing offices, which the hearing office managers stated were related to availability of VEs and related scheduling difficulties. We also found that the Office of Disability Adjudication and Review (ODAR) tracked VE contracts but not individual VEs, making it difficult to identify potential availability problems at hearing offices. Moreover, ODAR did not have a uniform national VE advertisement program to address potential shortages. Finally, while VE contract rates increased in 2009, SSA had no process to ensure the VE rates were set at a level to avoid potential shortages and ensure sufficient quality. We also identified a number of payment processing issues that management should address to improve the accountability of the VE program.

Our Recommendations

1. Modify the regulations to allow VE telephone testimony at hearings.
2. Improve advertising for VE services, which could include assisting regions or developing a national campaign.
3. Periodically determine whether VE fees are appropriate to obtain the required level of VE services, which could include benchmark studies with VE fees paid in the national economy or VE fees paid by other Government entities.
4. Remind ALJs about the proper procedures for signing the VE call order.
5. Ensure future upgrades to the Case Processing and Management System include batch editing for processing VE invoices.
6. Communicate with VEs about invoicing issues that may delay payments, which may include a Website, mailings, or similar outreach efforts. The outreach efforts should also clearly identify SSA points of contact to timely address and resolve future payment issues.

SSA agreed with our recommendations.