

# On-the-Record Favorable Decisions Processed at Hearing Offices Within 100 Days of Receipt

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Office of Audit Report Summary

### Objective

To assess the characteristics of fully favorable on-the-record (OTR) decisions issued by administrative law judges (ALJ) and senior attorney adjudicators (SAA) within 100 days of receipt at the hearing level.

### Background

When an individual applies for disability benefits from the Social Security Administration (SSA), a State disability determination services (DDS) reviews the individual's medical and other related evidence. When the DDS denies a claim, the individual can request a review of the case by an adjudicator at the Agency's Office of Disability Adjudication and Review (ODAR).

While most ODAR cases are decided after a hearing with the claimant, an adjudicator can make an OTR decision when the merits of the case support a decision without a hearing with the claimant. In 2007, the Agency allowed SAAs to make favorable OTR decisions on cases, primarily as part of an early screening process of incoming cases at hearing offices.

OTR decisions have become a smaller part of ODAR's dispositions, peaking at about 16 percent of total dispositions in Fiscal Year (FY) 2010 and dropping to approximately 4 percent in FY 2014.

### Findings

We reviewed 100 OTR decisions issued in FY 2013 by ALJs and SAAs within 100 days of receipt at a hearing office. We determined SAAs issued 80 of these OTR decisions, and ALJs issued the remaining 20 decisions.

We found that 50 of the 100 OTR decisions in our sample contained no new medical evidence at the hearings level. These decisions had the following characteristics that may be of interest to Agency managers (some cases overlap into more than 1 category):

- 46 cases where ODAR adjudicators determined the individual had little or no ability to work in the economy;
- 9 cases where medical evidence was posted at the DDS level after a decision had been rendered on the case; and
- 8 cases where ODAR adjudicators noted obesity as a contributing factor in the claimant's impairment, though obesity was not cited at the DDS level.

The treatment of a claimant's ability to work and obesity may relate to differences in approach and related training at the DDS and ODAR. In FY 2008, SSA's Unified Disability Training Workgroup recommended the Agency develop training that follows an individual through the entire disability process. However, the Agency ended the Unified Disability Training effort after creating only one training class.

### Recommendations

1. Consider re-establishing the Unified Disability Training Workgroup model to identify and create multi-component training for all disability adjudicators.
2. Consider conducting quality reviews that focus on a sample of cases at each step in the disability process, from the initial to hearings level, to identify any inconsistencies in practices, including factors discussed in our report.

The Agency agreed with our recommendations.