

# Effects of the Senior Attorney Adjudicator Program on Hearing Workloads

## A-12-13-23002



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Office of Audit Report Summary

### Objective

To determine the effect the Senior Attorney Adjudicator (SAA) Program has had on productivity and the timeliness of hearing-level workloads.

### Background

As part of the Social Security Administration's (SSA) appellate process, administrative law judges (ALJ) and SAAs screen claimants' files to determine whether they can issue an on-the-record (OTR) decision. OTR decisions do not require a hearing because the documentary evidence alone supports a fully favorable decision.

SSA implemented the SAA Program in November 2007 to issue high quality, fully favorable OTR decisions while maintaining the current level of ALJ decision writing support. By having SAAs issue fully favorable OTR decisions, SSA would be able to conserve ALJ resources for the more complex cases and cases that require a hearing. SSA originally included a provision to end the program on August 10, 2009, but it extended the Program twice through August 2013. As of the end of our audit period, SSA had not stated its intent to extend the program for another 2 years.

### Our Findings

The SAA Program has contributed to both an increase in adjudicative capacity and improved average processing time. However, the number of SAA OTRs peaked in FY 2010, and the decline continued through the first 5 months of FY 2013. Overall, SAA and ALJ OTRs have been decreasing since FY 2008, consistent with ODAR management's predictions. In addition, in an FY 2012 quality review, the Office of Quality Performance noticed a significant drop in its decisional agreement rate on SAA OTRs, though the Agency did not have sufficient data to determine whether the issue was specific to SAAs or more broadly related to OTRs. Finally, hearing office managers were interested in additional training and greater duties for their SAAs. Given the expected decline in SAA OTRs, which was the primary purpose of the SAA Program, SSA should decide before any future extension of the program, or expansion of the SAA corps, whether the program needs to be modified to address future hearing office workload needs.

### Our Recommendations

1. Evaluate the benefits of conducting focused quality reviews on ALJ and SAA OTR decisions using a consistent set of criteria so results are comparable. In this way, common OTR issues can be identified and appropriate training developed.
2. Ensure additional training is available to SAAs in those areas identified in our report, including mentoring for attorneys and paralegal specialists, as appropriate.
3. Consider expanding SAAs' duties to assist hearing offices with case processing, such as adjudicating non-disability cases and dismissals.
4. Align existing SAA positions with predicted workloads and related duties before making additional promotions to the SAA position.

The Agency agreed with the recommendations.