

Reasons for Hearing-related Delays

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Office of Audit Report Summary

Objective

To answer questions from the Chairman, House of Representatives, Social Security Subcommittee, regarding Social Security Administration (SSA) hearing office no-show and postponement rates. Specifically, he requested that we provide information on the (1) hearing scheduling process; (2) volume, location, and reasons for claimant delays; (3) role of the Pre-Hearing Conference Initiative pilot in reducing claimant delays; and (4) steps the Agency could take to reduce such delays.

Background

On November 17, 2016, we received a letter from the Chairman of the Subcommittee on Social Security, House Ways and Means Committee, asking how claimants who fail to appear or postpone scheduled hearings affected SSA's hearings backlog. The Chairman had seven specific questions. The Chairman also noted that claimants who fail to appear or postpone their scheduled hearings without good reason not only delay the processing of their own cases, they use scarce resources. As of March 2017, about 1.1 million claimants were awaiting a hearing decision.

Conclusions

SSA had policies in place to ensure consistency in the hearing scheduling process and handle hearing no-show and postponement requests. For hearings scheduled May 1, 2017 or later, hearing offices send a notice of hearing to the claimant and representative at least 75 days before the date set for the hearing (20 days previously). According to SSA, for the 573,450 hearings held in Fiscal Year (FY) 2016, an average of 76 days elapsed between the hearing scheduled date and the hearing held date.

In FY 2016, the national hearing no-show rate was 9 percent. The New York, New York, Hearing Office had the highest no-show rate at 15.9 percent while the Franklin, Tennessee, Hearing Office had the lowest no-show rate at 1.2 percent.

In FY 2016, the national postponement rate was 8 percent. The Anchorage, Alaska, Hearing Office had the highest postponement rate at 20.4 percent while the Ponce, Puerto Rico, Hearing Office had the lowest postponement rate at 2.7 percent.

Our interviews with office managers representing hearing offices with the highest no-show and postponement rates identified a large number of unrepresented claimants and a transient clientele as reasons for no-shows and postponements.

The objective of the Pre-Hearing Conference Expansion pilot was to expand the use of pre-hearing conferences that explain the hearing process to unrepresented claimants and better prepare them for their hearings. In January 2017, the Office of Disability Adjudication and Review (ODAR) suspended the pilot to focus on the decision-writing backlog. Our interviews with ODAR management provided mixed reviews on the pilot's success in reducing claimant delays.

Finally, hearing office managers we interviewed suggested steps SSA could consider to reduce delays caused by claimant postponements or no-shows, including using stronger language in the hearing notice to show the consequences for failing to appear at the hearing and requiring claimants to decide whether they want representation before scheduling a hearing.