

Factors Related to Decreased Administrative Law Judge Productivity

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Office of Audit Report Summary

Objective

To examine the factors that have led to a decrease in administrative law judge (ALJ) productivity.

Background

The Office of Disability Adjudication and Review (ODAR) administers the Social Security Administration's (SSA) disability hearings and appeals program. ALJs issue decisions at hearing offices nationwide. To assist the ALJs, hearing offices employ decision writers who draft and write ALJ decisions and support staff who prepare and schedule cases.

At the end of Fiscal Year (FY) 2016, ODAR's pending hearings backlog had increased to over 1.1 million cases, average processing times had worsened to over 540 days, and ALJ productivity had decreased nationwide since FY 2011. ALJ productivity is defined by dispositions per day per available ALJ. ALJs produced an average of 2.42 dispositions per day in FY 2011, but that decreased to 1.9 dispositions per day in FY 2016. While there were 139 more ALJs in FY 2016, total ALJ dispositions decreased about 14 percent from FY 2011 levels.

ODAR created the Compassionate And REsponsive Service plan to address the hearings backlog based on two essential components—people and quality—and this review examined both of these components.

Findings

- At the end of April 2017, decision writer-to-ALJ ratios had decreased 22 percent, hearing office staff-to-ALJ ratios had decreased 22 percent, and ALJ productivity had decreased by 22 percent from FY 2011 levels. In April 2017, decision-writing backlogs increased 182 percent, and cases in ready-to-schedule status had decreased 30 percent from FY 2015 levels.
- ODAR conducts pre-decision and post-quality reviews to ensure ALJs produce policy-compliant and legally sufficient decisions. Also, after the fraudulent scheme in the West Virginia hearing office was uncovered, in June 2011, ODAR's Chief ALJ issued a memorandum reminding all Hearing Office Chief ALJs and directors about Agency policy over ALJ case assignments and case rotations. This focus on quality caused ALJs to look more closely at their cases and spend more time reviewing the medical evidence, which slowed ALJ productivity.

Other factors related to decreased ALJ productivity were (a) a change in regulations that led to an increase in medical evidence claimants must submit for their hearing and (b) an increase in cases being denied at the hearing level because denials typically take longer to process since the denial decision must be fully developed in case of future appeals.

Recommendation

We recommend SSA consider ODAR staffing ratio goals when hiring decision writers and support staff in hearing offices. SSA agreed with the recommendation.