

*Initiatives to Eliminate the Social Security Administration Hearing
Backlog
Status as of June 27, 2008*

Introduction

In his testimony to Congress on 5/23/07, Commissioner Astrue reported that the Social Security Administration (SSA) has developed a four-pronged plan to eliminate the backlog of requests for hearings and prevent its recurrence, based on (1) compassionate allowances; (2) improving performance; (3) increasing adjudicatory capacity; and (4) increasing efficiency with automation and business processes. The Office of Retirement and Disability Policy is responsible for initiative number one. The Office of Disability Adjudication and Review's (ODAR) is responsible for the development and implementation of initiatives number two, three and four.

Improving Hearing Performance

- **Reduce Aged Cases** – In Fiscal Year 2007 (FY 07) the aged case initiative focused on cases that were 1,000 days old or older. For FY 08, the aged case workload was redefined as cases that would be 900 days old or older by 9/9/08. Entering FY 08, there were 135,160 cases in this category. Between 10/1/07 and 6/27/08, ODAR reduced the number of aged cases to 20,025 cases 900 days old or more.
- **Study Authorization of Senior Attorney Adjudicators** – An interim final rule was published 8/8/07, providing certain attorney advisors the ability to adjudicate fully favorable decisions. This initiative was implemented on 11/1/07, with the release of a Chief Judge Bulletin. The final regulation was published in the Federal Register on 3/3/08, indicating that, “These procedures will remain in effect for a period not to exceed two years from the effective date of this final rule, unless we terminate or extend them by publication of a final rule in the Federal Register.” From 11/1/07 to 6/27/08, there were a total of 17,254 decisions adjudicated by attorney advisors.
- **Hire Additional Administrative Law Judges (ALJs)** – ODAR was given authority to hire 189 new ALJs in FY 08. As of 6/27/08 there were 133 ALJs reporting for duty. The new hire ALJs entered on duty in three groups: April 13, May 11 and June 22. The first two groups have completed formal training. The third group is scheduled for training July 6 – August 1. Also in June, an additional 42 ALJs were selected and will enter on duty in July. ODAR anticipates the selection of the remaining ALJs in July. The final session of formal training will be August 4 – 29.

Increase Adjudicatory Capacity

- **Fill ALJ Dockets to Capacity** – We are continuing the successful Deputy Commissioner for Operations (DCO) overtime initiative throughout FY 08. As of 6/27/08, DCO employees have worked over 47,000 hours of overtime in hearing offices. In addition, ODAR is continuing the successful streamlined folder assembly process for pending-paper cases. On 2/1/08 a Chief Judge Bulletin was released to extend the voluntary streamlined folder assembly process to electronic cases. As of 6/27/08, there were 33,316 cases identified as being prepared by streamlined folder

assembly. Of these cases, 9,465 were prepared by DCO employees. ODAR continues to encourage ALJs to use this method of case preparation to keep hearing dockets filled.

- **Improve ALJ Productivity** – Chief Administrative Law Judge (CALJ) Cristaudo issued a letter to all ALJs on 10/31/07 asking them to issue 500 – 700 legally sufficient decisions each year; move cases out of ALJ controlled categories on a timely basis; and hold scheduled hearings absent a good reason to cancel or postpone hearings.
- **Remand Cases to the Disability Determination Services (DDS)** – From the beginning of FY 08 through June, the DDS offices have receipted over 43,000 Informal Remands, concentrating on the states with the largest backlog of paper cases. As of 6/27/08 DDS offices have issued favorable determinations on over 10,200 of these cases and have returned approximately 21,000 cases to ODAR as "No Decision" for a reversal rate of 32.7%. There are approximately 12,223 Informal Remands from FY 08 pending at the DDS level. In the third quarter of FY 08, "electronic" Informal Remands began flowing into DDS offices. Ten states have begun to test the processing of electronic Informal Remands. Data from this initiative continues to be analyzed using several different sources of management information.
- **Implement Medical Expert (ME) Screening Process** – ODAR implemented this initiative on 3/17/08 by issuance of a Chief Judge Bulletin. At the direction of the Hearing Office Chief Administrative Law Judge (HOCALJ) and before case assignments are made to an ALJ, profiled cases are routed to an ME to complete a brief set of interrogatories. If the case can be allowed on the record, the case will be routed to an adjudicator for review and decision. For the cases that cannot be decided favorably, the ME response will be included in the record and the case routed to an ALJ for normal processing.
- **National Hearing Center (NHC)** – As of 6/27/08, six ALJs have reported to the NHC. These ALJs are conducting hearings for the Cleveland, OH, Atlanta, GA, and Detroit, MI Hearing Offices. While only a few claimants have rejected video hearings, the NHC continues to monitor claimant reaction. During the month of June, the NHC received 467 cases, held 263 hearings and processed 346 dispositions. Plans are proceeding to open the Albuquerque NHC. We are in the process of working with the General Services Administration and the lessor on the construction timeline. Phase II of the Falls Church NHC facility is expected to be completed by late August or early September in 2008.

Increasing Efficiency with Automation and Improved Business Process

- **Develop a New Case Processing and Management System for the Appeals Council** – Validation of the new Appeals Review Processing System (ARPS) was completed in December 2007. Training of the Appeals Council staff and managers began 1/14/08, and continued through February. Conversion to the new system took place on March 3. The major benefits of this new system include SSA-wide access to

the case control system and the ability of the Appeals Council to work on electronic folder cases.

- **Increase Amount of Data Propagated to the Hearing Office Case Processing System** – The mid-February 2008 systems release, which included Case Processing and Management System (CPMS) enhancements, provided the ability to suppress the “To Do” alert when generating a barcode. Enhancements scheduled for July 2008 include data propagation from the Disability Determination and Transmittal (SSA-831) to CPMS.
- **Provide the Ability to Sign Decisions Electronically** – The Office of Systems (OS) completed the first phase of the e-Signature initiative in late February 2008. ODAR has been piloting this new process and plans to implement e-Signature with the systems release in late July. A Video on Demand (VOD) has been posted to the Office of Training website. Training materials and an implementation memo will be released shortly.
- **Centralize Printing and Mailing** – In February 2008, a pilot began in four hearing offices to test this functionality of using centralized printing and mailing. The Request for Hearing Acknowledgement Letter was the first notice to be sent. There are currently 35 hearing offices piloting the five notices available for centralized printing and mailing. From February through the end of June, there were 74,354 notices produced using centralized printing and mailing. Feedback has been very encouraging. The July 25 systems release will add 41 additional offices for a total of 91 offices utilizing centralized printing and mailing functionality. All remaining hearing offices will begin using centralized printing and mailing by the end of FY 08.
- **Enhance Hearing Office Management Information** – ODAR continues to develop tracking mechanisms and data sheets to provide support to management at all levels. New Disability Adjudication Reporting Tools (DART) reports have been developed for tracking aged cases, informal remands, senior attorney adjudicator dispositions, ALJ productivity, National Hearing Center workloads and the ME screening initiative. ODAR has recently added DART reports to assist with scheduling and identifying transfer cases. Modifications to several reports have been implemented to address jurisdictional issues in transfer cases with representatives and claimants.
- **Provide Support to Send Additional Documents to the Electronic Folder -** Analysis and planning for this initiative are ongoing.
- **Provide Shared Access to the Electronic Folder** – The systems release in mid-February 2008, included CPMS enhancements which allow shared jurisdiction of cases among hearing offices. These enhancements facilitated and simplified the temporary transfer of electronic cases for pulling and decision writing assistance.
- **Expand Internet Support for Representatives** – With additional Electronic Records Express (ERE) functionality, representatives will be able to view folders

electronically through a secure website. Plans are to pilot ERE functionality with nine representatives. The representatives train in Falls Church the week of July 21 prior to the start of the pilot.

- **Provide Additional Video Hearing Equipment** – The 158 new video units acquired with FY 07 funds are now being installed. As of 6/27/08, there were 111 new video units (70%) installed, with priority given to sites designated by the service area realignment initiative. The Desktop Video Unit (DVU) Project began in April 2008 and has been very successful. DVUs are being used in the Albany NY, Tampa FL, Evanston IL, and Denver, CO Hearing Offices. They are also being used by two ALJs in the NHC. So far, 415 hearings have been conducted using DVUs. Feedback from the judges has been very positive. The pilot will run until the end of FY 08.
- **Update Hearing Office Systems Infrastructure** – Approximately one million dollars has been spent in FY 08 to update the hearing office systems infrastructure. OS has purchased and installed servers, video teleconferencing equipment and telecommunications equipment in the hearing offices in support of the hearing and appeals workloads, including the Electronic Case Preparation (e-Pulling) project and the DVU pilot. In addition, OS staff assisted in the relocation of 10 hearing offices and a central office component. These updates facilitate the electronic folder processing by increasing the capacity of the infrastructure underlying the electronic folder and by providing equipment required for new automation initiatives for ODAR. This initiative will continue throughout FY 08.
- **Electronic File Assembly (e-Pulling)** – The e-Pulling software was put into production on 6/7/08. Testing took place from June 9 – 20 in the Model Process Test Facility (MPTF) in Falls Church using cases from the Tupelo, MS Hearing Office. During the week of June 28, training was conducted at the Tupelo, MS Hearing Office and feedback was very positive. Senior case technicians report they are saving time pulling cases and, ALJs are using the “sort” functionality for case reviews. The pilot is scheduled to be rolled out in the St. Louis, MO and the Mobile, AL Hearing Offices beginning June 28. The roll-out will continue in the Minneapolis, MN, Richmond, VA Hearing Offices and the Falls Church NHC beginning August 11.
- **Implement e-Scheduling** – Planning and analysis for software to automate the scheduling of hearings is underway and will continue throughout FY 08. ODAR has been conducting market research to identify vendors as well as defining and documenting the business process and technical requirements.
- **Transition to the Electronic Folder** – During FY 07, ODAR implemented a major change in its business process that involved a shift from processing hearings using paper folders to processing hearings using electronic folders. As of 6/27/08, 81% of our pending workload is electronic, with 613,757 pending electronic cases and 147,285 pending paper cases.

- **Have Appeals Council Issue Final Decisions when Possible to Reduce Remands –** In FY 07, Administrative Appeals Judges (AAJs) met with their staffs to discuss ways to identify appropriate cases and provide guidance for issuing final decisions. During the period of July 2007 – June 2008 there has been a consistent decrease in the number of remands sent back to hearing offices. The Appeals Council estimates that the combination of the effect of this initiative and the expanded use of the Findings Integrated Templates for decision drafting resulted in 3,729 fewer cases remanded to hearing offices. This estimate is based on comparing the pre-initiative percentages of remands with the post initiative percentage of remands.
- **Mandate Findings Integrated Templates (FIT) Decision Writing System –** The use of FIT by decision writers continues to increase. In the month of June 2008, FIT was used to write 95% of decisions. Even though there are template categories not yet developed for FIT (e.g., overpayments, Title XVI income and resources) FIT usage is as close as possible to 100% at this time.
- **Provide Improved Training to Hearing Office Management Teams –** The presenters for the 2008 Hearing Office Director (HOD) and Group Supervisor Leadership and Management Phase III classroom training met the week of May 19, in Philadelphia to update the training modules and other presentation materials, classroom exercises, agendas, and to develop feedback questionnaires for Phase III classroom training. Letters have been sent to all 2008 training participants urging them to complete specific portions of the distance learning training to be better prepared for the classroom training. Approximately 60 new group supervisors will attend classroom training in two classes scheduled for the weeks of July 28 and August 4. Approximately 30 new HODs will attend classroom training the week of August 18. A Phase II feedback form was developed by the cadre to be completed by those who have either finished or are in the process of completing the Phase II distance learning. The cadres will again use the feedback from the Phase III classroom training and the Phase II distance learning to continuously improve on the ODAR Leadership and Management training for new managers.
- **Extend Cooperation Between Hearing Offices and Field Office/Area Director Offices –** On 11/11/07, the Associate Commissioner for Public Service and Operations Support issued a memo to all Regional Commissioners with suggestions to expedite the transfer of appeals to hearing offices. The memo resulted from a national workgroup made up of representatives from DCO and ODAR to encourage regional and local initiatives for enhanced communication and cooperation. During FY 07 and continuing into FY 08, there have also been a number of successful initiatives between ODAR, the Office of Quality Performance (OQP) and DCO at the regional and local levels. ODAR continues to meet cooperatively with other SSA components to address areas of mutual concern.
- **Establish a Standardized Electronic Business Process and Conduct Manual Time Allocation Studies –** The Downey, CA and Grand Rapids, MI Hearing Offices have been selected as the two beta sites that will test the draft standardized electronic

business process which has been developed by ODAR with the assistance of OQP. An implementation team, consisting of representatives from ODAR and OQP, participated in orientation and training in Falls Church during the first week of June 2008. The Implementation Team introduced the business process at the HOCALJ/HOD Summit in Phoenix the week of June 16. An informational notice was sent to the unions on June 30, and on July 1, the draft business process description was posted to the Office of the Chief Administrative Law Judge (OCALJ) website. CALJ Cristaudo created a Video on Demand (VOD), which has been posted to the Office of Training website.

Implementation at the first beta site, in Downey CA, will begin the week of July 7. Following one week of training, ODAR and OQP representatives will remain on site for a second week to ensure successful implementation. Training will be conducted for the Regional Coordinators during the week of August 11 in Falls Church and then implementation will begin in the second beta site in Grand Rapids MI, during the week of September 9. The process description will remain in draft form until the beta sites have been fully implemented. Changes will be made to the process description as needed, based upon experiences at the beta sites and the roll-out of the pilot offices in FY 09.

- **Implement Quality Assurance (QA) Program for Hearings Process** – ODAR is working with OQP to develop an in-line quality review procedure for the hearing office business process. A draft process has been approved by OCALJ and position descriptions have been developed for quality assurance reviewers who will be ODAR Regional Office employees. The in-line quality process will include reviews of attorney adjudicator decisions, decision drafts, and scheduled cases. ODAR and OQP are currently developing review sheets to capture data from the reviews as well as a formula for selecting cases for review. This process is being developed in conjunction with the Standardized Electronic Business Process. CPMS status codes are in place for the review process and a request has been submitted to the Information Technology Advisory Board (iTAB) for enhancements to CPMS which will allow automated selection of the cases for review. System enhancements to CPMS will not occur before FY 09. A specific date has not yet been set for implementation of the in-line quality review process.

OQP began a post-adjudicative review of attorney adjudicator decisions in January 2008. The first feedback on this post-adjudicative review was received on March 4. OQP has reviewed 111 cases from the November 2007 report month and found a 95% support rate for these decisions.

- **Expand OQP Review of Reconsideration Denials Using Profiles** – This review began in September 2007 and will continue throughout FY 2008 in an effort to reduce the volume of hearing requests. OQP has reviewed 14,000 reconsideration denial determinations prior to effectuation to provide feedback to DDS and SSA management, to make recommendations for addressing problems. OQP expects to issue a report on the initial group of states reviewed by early July.

- **Continue Decision Writer Productivity Improvement Initiative** – Hearing offices continue to use the decision writer statistical index report introduced in the beginning of FY 07 to assess decision writer productivity. In FY 08, ODAR conducted a Decision Writer training class for the NHC and is in the process of conducting five more sessions for paralegals and attorneys to ensure that all decision writers are fully trained.
- **Effectuate Temporary Service Area Realignments/Interregional Case Transfers** – OCALJ presented a Service Area Realignment Plan to Commissioner Astrue on 12/10/07 to assist in the balance of pending workloads on a national level. This plan was designed to move workloads from regions with high receipts and high pendings (Chicago and Kansas City Regions) to regions with lower receipts and lower pendings (Boston, Philadelphia and San Francisco Regions). New receipts and unscheduled cases from hearing office service areas covered by remote sites were given to hearing offices with the capacity to help. The plan also involved some permanent case transfers from the Chicago and Kansas City Regions to the Philadelphia and San Francisco Regions. On 2/6/08, CALJ Cristaudo issued a memo to the Regional Chief ALJs announcing the FY 08 plan for service area realignment and permanent case transfers. The memo included procedures for transferring cases and requested that case transfers be completed by 4/28/08. OCALJ is continuing to analyze workload data to determine if further adjustments are necessary.
- **Use Weekly Workload Reporting and Monitoring** – CALJ Cristaudo continues to strongly encourage managers to monitor workload processing data on a weekly basis and ODAR continues to develop workload reports to monitor hearing office performance.
- **Co-locate Remote Hearing Sites with SSA Field Offices** – A joint workgroup composed of representatives from ODAR and DCO has developed a plan for co-locating hearing offices with field offices. The plan was presented to Commissioner Astrue on 4/17/08. ODAR and DCO will continue to review future co-location opportunities as building leases expire.
- **Improved Public ALJ Alleged Misconduct Complaint Process** – The Office of the General Counsel, Office of the Chief Administrative Law Judge, Office of Appellate Operations and Office of Labor Management and Employee Relations had a series of meetings to formulate improvements under current rules and to clarify the complaint process for claimants. ODAR is now in the process of working with the Office of Publications and Logistics Management and the Office of Communications, if necessary, to arrange for the printing of a revised poster and fact sheet which explains to claimants how to file an unfair-treatment complaint. The SSA web site will be similarly updated.