

Plan to Eliminate the Hearing Backlog *and Prevent Its Recurrence*



Semiannual Report Fiscal Year 2008



*Social Security Administration
Office of Disability Adjudication and Review*

Plan to Eliminate the Hearing Backlog and Prevent Its Recurrence

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Introduction

In his testimony to Congress on May 23, 2007, the Commissioner of Social Security, Michael J. Astrue, announced that the Social Security Administration (SSA) had developed a plan to eliminate the backlog of hearing requests and prevent its recurrence. The Commissioner's plan focuses on (1) compassionate allowances, (2) improving hearing office procedures, (3) increasing adjudicatory capacity and (4) increasing efficiency with automation and improved business processes.

Since the Commissioner's presentation of his plan, the Office of Disability Adjudication and Review (ODAR) has taken an aggressive approach to implementing the numerous initiatives focused on improving hearing office procedures, increasing adjudicatory

capacity and increasing efficiency with automation and improved business processes. Between June 2007 and September 2007, ODAR made significant progress in implementing some initiatives and laying the groundwork for implementation of many more in Fiscal Year (FY) 08. In FY 08, ODAR has been challenged by new receipts for hearings that continue to rise above FY 07 levels and the loss of experienced Administrative Law Judges through attrition. This report covers the first six months of FY 08, October 2007 – March 2008, and demonstrates ODAR's continued commitment to implementing and developing the Commissioner's initiatives in order to eliminate the backlog of hearing requests and prevent its recurrence.

Executive Level Steering Committee

In June 2007, a Steering Committee at the Senior Executive Level of the Social Security Administration was formed to facilitate implementation of the Commissioner's plan to address the hearing backlog. Meetings were held frequently in FY 07, weekly from June 2007 through August 2007 and bi-weekly in August and September. In FY 08, as staff members from ODAR and the various SSA components continued to work together cooperatively on implementing the initiatives, Steering Committee Meetings have occurred on an as needed basis.

FY 08 Steering Committee members include:

- Frank A. Cristaudo, Chief Administrative Law Judge (co-chair)
- Roger McDonnell, Assistant Deputy Commissioner for Operations (co-chair)
- Gwen Jones Kelley, Acting Associate General Counsel for Program Law, OGC
- Jerry Berson, Assistant Deputy Commissioner, OS
- Diane B. Garro, Assistant Deputy Commissioner, OLCA

- Phil Gambino, Assistant Deputy Commissioner, OCOMM
- Ron Raborg, Assistant Deputy Commissioner, OQP
- Milt Beever, Associate Commissioner, OLMER
- Glenn Sklar, Associate Commissioner, ODP, ORDP
- Eileen McDaniel, Associate Commissioner for Management, ODAR
- Bill Taylor, Executive Director, OAO, ODAR
- Nancy Griswold, Deputy Chief Administrative Law Judge
- Larry Miller, Director, OB/OAB, DCBFM
- Bill Newton, Senior Advisor, OQP
- Marilyn Hull, Project Director, ODAR



Compassionate Allowances

The Office of Retirement and Disability Policy (ORDP) has been developing and expanding the use of automated screening tools such as the Quick Disability Determination (QDD) process. ORDP

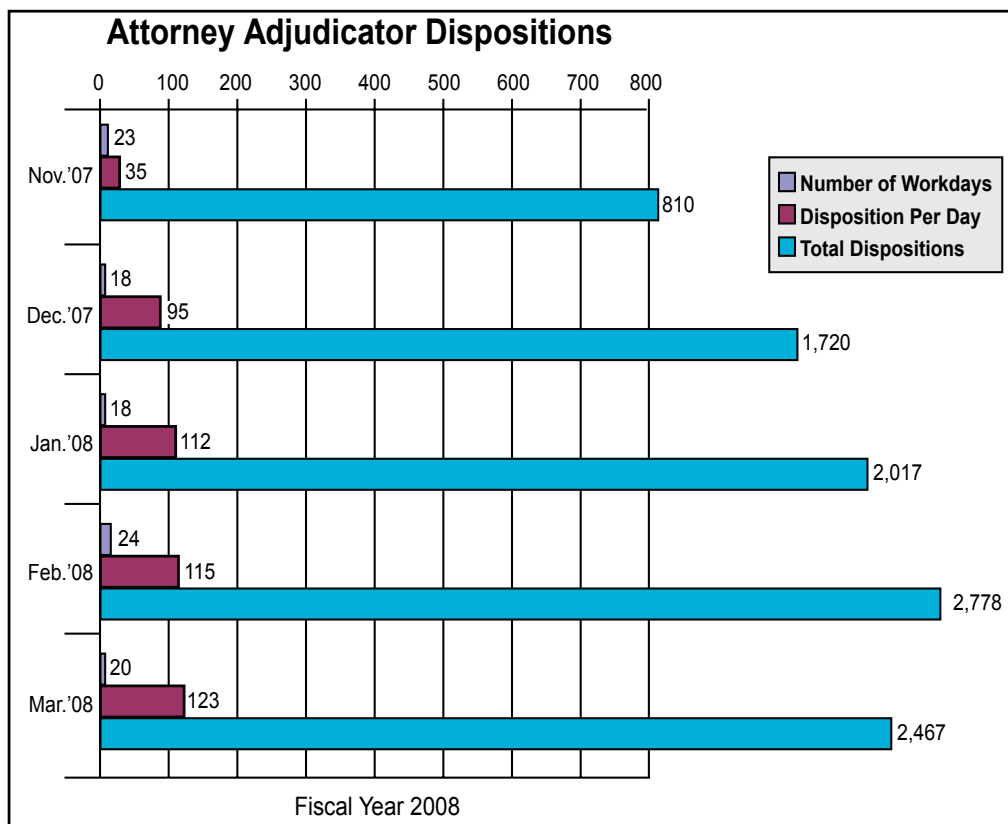
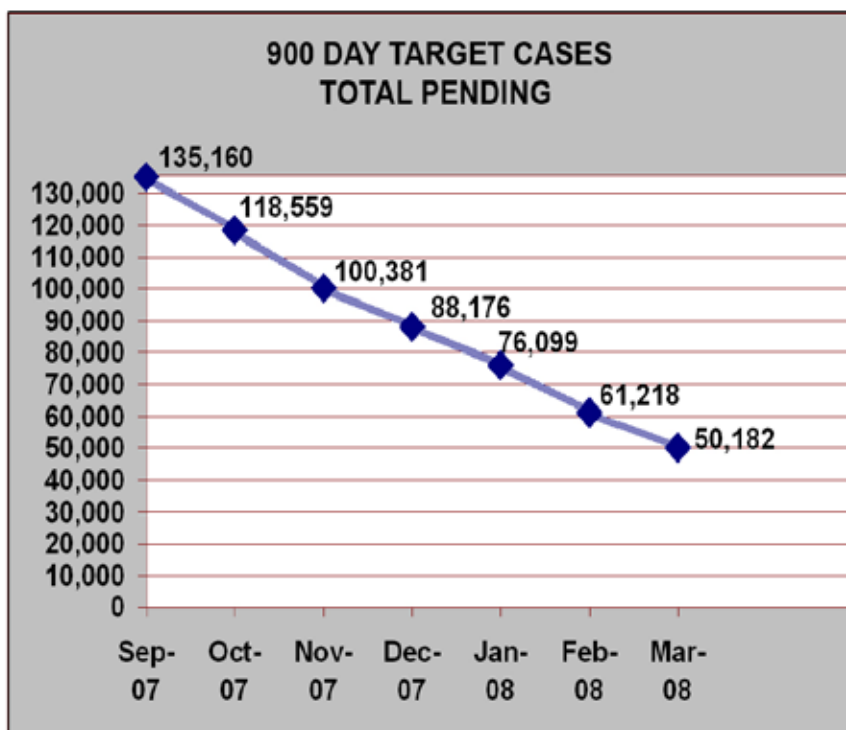
is also continuing to refine and update SSA's rules, regulations and listing codes to reflect current advances in medical science.



Improving Hearing Office Procedures

Reduce Aged Cases

In Fiscal Year (FY) 2007, ODAR focused on eliminating the backlog of aged cases which would be 1000 days old or older by 09/28/07. ODAR successfully reduced the number of aged cases pending from 63,770 to 108 by the end of the fiscal year. In FY 08, ODAR redefined aged cases as cases that would be 900 days old or older by 09/26/08. ODAR began FY 08 with 135,160 cases in the 900 day category. Continuing and building on the successful strategies used in FY 07, ODAR has reduced the backlog to 50,182 cases as of 03/28/08 and is on target to eliminate this backlog by 09/26/08.



Adjudication by Senior Attorneys

The purpose of this initiative is to allow certain attorney advisors to issue fully favorable on-the-record decisions to expedite the decisions and conserve Administrative Law Judge (ALJ) resources for the more complex cases and cases that require a hearing. The interim final rule which provided adjudicatory authority was published in the Federal Register on 8/9/07. In the months that followed, ODAR developed procedures to implement this initiative and designed a new streamlined Findings

Integrated Template (FIT) for fully favorable decisions. ODAR also developed a new FIT template for an Order of Dismissal to be used with these cases. The new templates were downloaded to the Document Generation System (DGS) on 10/31/07 and on 11/01/07, the Office of the Chief Administrative Law Judge (OCALJ) implemented this initiative by issuing a Chief Judge's Bulletin and conducting a conference call with the regional offices. For the remainder of November, conference calls were held weekly to answer questions that arose and ensure successful implementation. As the hearing offices and attorney adjudicators became familiar with the new procedures and templates, the number of attorney adjudicator decisions continued to rise. There are

currently 369 Senior Attorney Adjudicators. In late March 2008, ODAR increased the allocation to 450. There are an additional 170 Attorney Adjudicators, mostly supervisors and managers who also perform attorney adjudicator duties on a limited basis. From 11/01/07 – 03/28/08, attorney adjudicators issued 9,792 decisions. The final regulation was published in the Federal Register on 03/03/08 indicating that "These procedures will remain in effect for a period not to exceed 2 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."



Increase Adjudicatory Capacity

Filling ALJ Hearing Dockets to Capacity

In FY 07, ODAR developed a streamlined folder assembly process for pending paper cases and coordinated use of additional overtime to be worked by Deputy Commissioner of Operations (DCO) employees. Both these initiatives were highly successful and have continued in FY 08.

- Streamlined Folder Assembly - Paper folders are prepared for hearing by simply numbering the pages in each section of the folder. Duplicates are not purged and evidence is not ordered chronologically. These cases are made available to ALJs who are willing to schedule and hear cases prepared by this method. Effective 02/01/08 ODAR issued a Chief Judge's Bulletin to extend voluntary streamlined folder assembly to electronic cases. From 10/01/07 – 03/28/08, there were 17,162 cases identified as being prepared by streamlined folder assembly.
- DCO Overtime – DCO employees continue to work overtime to assist hearing offices with various tasks including streamlined folder assembly, burning

CDs, associating paper mail, creating barcodes, scanning, expert witness photocopying, ALJ folder preparation, mailing decisions, filing closed files and performing folder audit and inventory. From 10/01/07 – 03/28/08, DCO employees worked over 29,000 hours of overtime and completed over 313,000 tasks including preparing 4,106 files using the streamlined folder assembly method. Additional systems access was provided to these employees in March so they have access to the Case Processing and Management System (CPMS) and can help with additional hearing office work tasks.

Remand Cases to Disability Determination Services

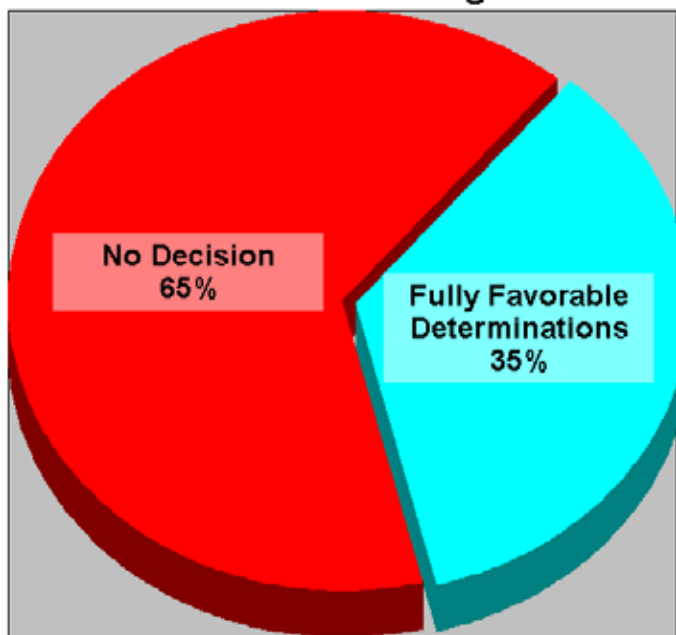
The DDS informal remand initiative was developed to increase ODAR's adjudicatory capacity and to reduce the paper case backlog by having DDSs look at re-opening certain cases based on scoring profiles established by the Office of Quality Performance (OQP). Using overtime, DDSs review cases, and if they are able to make a fully favorable determination, cases are returned to the SSA field offices for

adjudication. If the claimant does not contact the Agency within 30 days of the date of the DDS notice of revised determination to pursue the hearing, ODAR dismisses the hearing. FY 07 results were very positive and exceeded expectations.

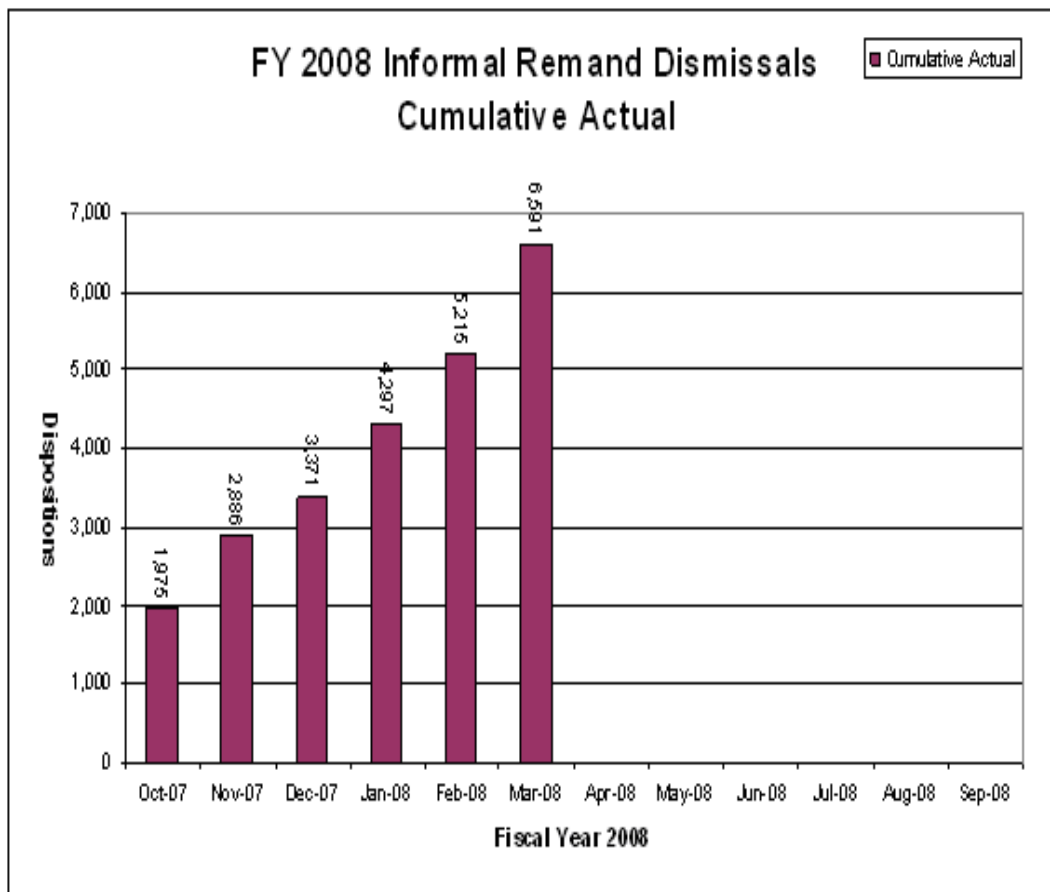
The DDSs agreed to review approximately 20,000 informal remands in FY 07. It was estimated that approximately 20% of the remanded cases would be reversed. By the close of FY 07, 8,714 favorable determinations had been issued by the DDSs and 7,413 cases were returned as “No Decision” by the DDS, for a 54% reversal rate. Through the first half of FY 08, the DDSs have reversed an additional 1,048 cases from FY 07, bringing the total to 9,762.

The DDSs agreed to look at approximately 51,000 cases in FY 08 and it was estimated that approximately 10% of the remanded cases would be reversed. In the first six months of FY 08, DDSs received 27,753 informal remands from the states with the largest backlog of paper cases. DDSs made favorable determinations on 7,022 of these cases through the first half of FY 08, and returned 13,059 cases to ODAR as “No Decision” for a reversal rate of 35%. ODAR has issued 6,591 Informal Remand dismissals in FY 08 (some from FY 07 cases). There are 7,672 informal remands from FY 08 pending at the DDSs as of 03/28/08. Additional cases will be sent during the remaining months of FY 08. The data from this initiative continues to be analyzed using several

**FY 08 Informal Remands
DDS Clearances Through 3/28/08**



**FY 2008 Informal Remand Dismissals
Cumulative Actual**



different sources of management information. ODAR anticipates expanding the informal remand initiative to electronic folders after testing that the functionality allowing for transfer and processing is working.

Implement Medical Screening Process

Under this initiative, before assignment to an ALJ, cases profiled by OQP are routed to a Medical Expert (ME) to complete a brief set of interrogatories. If the case can be allowed on the record, the case is routed to a non-ALJ adjudicator for review and decision. For cases that cannot be allowed, the ME's response is included in the record and the case routed to an ALJ for normal processing. ODAR finalized the business process and implemented this initiative by issuing a Chief Judge's Bulletin on 03/14/08. ODAR anticipates that this initiative will result in an increase in Attorney Adjudicator dispositions.

Open National Hearing Center (NHC)

The National Hearing Center (NHC) is a part of the Agency's strategy to address the historic hearings backlog and reduce case processing time by increasing adjudicatory capacity and efficiency with a focus on the electronic hearing process. The cases being transferred into the NHC are coming from areas of the country with the largest backlogs. All hearings conducted at the NHC are done by using video conferencing equipment. The NHC opened early in FY 08 with staggered reporting dates for the ALJs in order to allow new support staff to gradually develop the necessary skills to prepare and schedule cases. The following timeline describes the rollout of the NHC:

October 2007

- Staff reports for training on 10/15

November 2007

- Cleveland Hearing Office begins to transfer cases to the NHC staff for workup and scheduling
- NHC attorneys assist other hearing offices with decision writing

December 2007

- Acting NHC Chief Judge L. Zane Gill reports to

the NHC

- Regular case transfers are arranged from Cleveland, Atlanta and Detroit
- Video hearing units are installed in the NHC the week of 12/10
- Chief ALJ Frank Cristaudo conducts the first NHC hearing on 12/17
- Judge L. Zane Gill conducts Cleveland hearings the week of 12/17

January 2008

- Two SSA ALJs who have transferred from other SSA hearing offices report to the NHC. Cases transferred with them are processed (hearings scheduled and held, decisions issued)
- NHC ALJ training is conducted the week of 1/28

February 2008

- Another SSA ALJ reports to the NHC
- Staff receives supplemental training
- Hearings are being scheduled for Atlanta and Detroit
- Cleveland hearings are being conducted and decisions are being issued

March 2008

- Hearings are held for claimants in the Atlanta, Detroit and Cleveland areas
- Legal Assistant supervisor reports to the NHC

So far in FY 08, a total of 1,899 cases have been transferred into the NHC, 277 hearings have been held and 228 decisions issued. Another ALJ will report for duty in April.

ALJ Hiring

On 10/30/07 OPM established a new register for ALJs. The Office of the Chief Administrative Law Judge (OCALJ) completed the workload assessment and identified locations for placement of new ALJs. On 11/16/07, the Chief Administrative Law Judge submitted a request to the Office of Personnel Management for a certificate of eligible candidates in anticipation of hiring 150 ALJs. An intercomponent workgroup consisting of employees from the Office of Personnel, Office of General Counsel, Office of Acquisitions and Grants and OCALJ completed the

acquisition process and made an award to an outside contractor to conduct background investigations on all ALJ candidates. In addition, this workgroup developed interview questions.

ODAR interviewed 421 candidates in January and February. Interviews were conducted by teams of ALJs using standardized interview questions. During the last week of February, ODAR made 144 selections (including three interagency transfers) and received 133 acceptances. The new ALJs will enter on duty in three groups on April 13th, May 11th and June 22nd. New ALJs will report to their hearing offices for two weeks orientation before reporting to Baltimore for four weeks of formal training.

In January 2008, ODAR received authority to hire 25 additional ALJs this fiscal year. After analysis

to identify locations for additional ALJs, ODAR requested a second certificate from OPM. ODAR anticipates hiring another 40 ALJs which will bring the total new ALJ hires in FY 08 to 175.

Improve ALJ Productivity

On 10/31/07, the Chief Administrative Law Judge issued a letter to all ALJs 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. During the first six months of FY 08, hearing receipts continued to rise and the number of ALJs declined due to attrition but the number of hearings held per ALJ increased.



Increasing Efficiency with Automation and Improved Business Process

Transition to the Electronic Folder

In FY 07, ODAR implemented a major change in its business process which involved transition from processing hearings using paper folders to processing hearings using electronic folders. At the close of FY 07, ODAR had 409,427 electronic cases. As of 03/28/08, that number has grown to 552,676 electronic folders comprising 73% of the pending workload. During FY 08, ODAR continues to focus on eliminating the backlog of paper files as well as continuing to streamline processes within the electronic folder environment.

ePulling – Electronic File Assembly

The ePulling initiative involves the development of customized software that has the potential to classify documents, extract page level data, identify potential duplicates and sequentially number pages in a document. Use of this software is expected to result in significant time saving for hearing office staff. A contract was awarded to EComplex in September

2007 to develop this software. Subject matter experts from hearing offices came to ODAR Headquarters in November 2007 to work on the software knowledge base. Work is currently being done to integrate the new software into SSA's mainframe architecture and to evaluate the performance of the software. Currently, a pilot of this functionality is scheduled to begin in May 2008 in the Model Process Test Facility in Falls Church, Virginia. Rollout to a few hearing offices is scheduled to begin in late June. Rollout to additional hearing offices is dependent on performance of the software which is still being tested, evaluated and refined.

eScheduling

The eScheduling initiative envisions an automated calendaring function that will incorporate scheduling of experts, hearing sites and hearing room equipment, and ALJ availability. Planning and analysis for software to automate scheduling of hearings is underway and will continue throughout FY 08. So

far in FY 08, ODAR has been conducting market research to identify vendors as well as defining and documenting the business process and technical requirements.

Electronic Records Express

With additional Electronic Records Express (ERE) functionality, representatives will be able to view folders electronically through a secure website. ODAR is currently working with the Office of Systems and other SSA components to establish authorization and authentication requirements to provide this expanded access to representatives via a secure website. Plans are to pilot ERE expansion with select representatives beginning in July 2008.

Increase Amount of Data Propagated to the HO Case Processing System

The mid-February systems release included Case Processing and Management System (CPMS) enhancements which simplify the process for generating a barcode. Enhancements scheduled for July 2008 include data propagation from the SSA-831 (Disability Determination and Transmittal) into CPMS.

Provide the Ability to Sign Decisions Electronically

The Office of Systems completed the first phase of the e-Signature initiative in late February and ODAR is now piloting this new process as well as developing a Video On Demand for training ALJs. The ability for ALJs to sign cases electronically is expected to be in place in July 2008.

Centralize Printing and Mailing

This initiative provides high speed, high volume printing for all ODAR offices. Documents generated in the Document Generation System (DGS) are sent electronically from the individual hearing office to a print server for mailing by a contractor. A pilot began in four hearing offices in February 2008 to test this functionality. The Request for Hearing Acknowledgement Letter was the first notice to be sent

using centralized printing and mailing. Results have been very positive and this functionality was expanded on March 22nd to include 31 additional hearing offices and three more notices. As of 04/02/08, 14,632 notices have been produced using Centralized Printing and Mailing. Plans are to implement centralized printing and mailing in an additional 15 hearing offices in July 2008 and to include six more notices. Implementation in remaining hearing offices should be by the end of the fiscal year. Additional notices will be included after Centralized Printing and Mailing has been implemented in all hearing offices.

Provide Shared Access to the Electronic Folder

The systems release in mid February included CPMS enhancements which allow shared jurisdiction of cases among hearing offices. This has simplified temporary transfer of electronic cases for pulling and decision writing assistance.

Enhance Hearing Office Management Information

ODAR continues to develop tracking mechanisms and data sheets to provide support to management at all levels. New DART (Disability Adjudication Reporting Tools) reports have recently been developed for tracking aged cases, informal remands, Senior Attorney Adjudicator dispositions, the Medical Expert Screening Initiative, ALJ productivity and workloads in the National Hearing Center. A report to assist in tracking the cases involved in the service area realignment is currently being developed. The CPMS release in mid February 2008 included additional reports to support the Senior Attorney Adjudicator program as well as new functionality for workload listing reports.

Provide Additional Video Hearing Equipment

The 158 new video units acquired with FY 07 funds are now being installed. As of the end of March, over one-third of the 158 units will be operational. Sites required by service area realignment have been given priority. ODAR has also begun testing desktop video units. Test sites include executive offices in Baltimore, Maryland and Falls Church,

Virginia as well as the Model Process Test Facility (MPTF) in Falls Church, hearing offices, the National Hearing Center and the SSA field office in Cleveland. Installations began in March and are continuing. One of the judges in the National Hearing Center has already started to conduct hearings using the desktop video unit.

Mandate Findings Integrated Templates (FIT) Decision Writing System

FIT usage during the past 6 months has remained high. From the beginning of FY 08 to the end of March 2008, FIT was used for 92% of the decision drafting. For the month of March 2008, FIT usage was 94%. As there are template categories not yet developed for FIT (e.g., overpayments, Title XVI income and resources) FIT usage is as close to 100% as is possible at this time.

In addition, from October 2007 to January 2008, the rate at which the Appeals Council granted review for FIT cases was less than for non-FIT cases. The grant review rate is the rate at which the Appeals Council grants the claimant's request for review by either remanding the case to the hearing office, or issuing its own decision. For FIT cases, the grant review rate was 24.5% and for non-FIT cases, it was 34.3%. Thus, decisions drafted with FIT continue to demonstrate better quality than cases not written with FIT.

Streamlined Fully Favorable Decision Format

In FY 07, ODAR completed systems requirements for the FIT streamlined fully favorable decision. The Office of Systems completed programming the template in late September. After validation, the new template was downloaded to the Document Generation System (DGS) on 10/31/2007 in time to be used in conjunction with the Senior Attorney Adjudicator initiative. ALJs should be able to use the streamlined fully favorable decision template to produce a decision in approximately the same time it would have taken to write decision writer instructions and edit the case.

Update Hearing Office Systems Infrastructure

Approximately one million dollars has been spent in FY 08 to update the hearing office systems infrastructure. The Office of Systems has purchased and installed servers, video teleconferencing equipment and telecommunications equipment in the hearing offices to support hearing and appeals workloads, including the Electronic Case Preparation (ePulling) project and the Desktop Video Unit pilot. Systems staff also supported the relocation of 10 hearing offices and a central office component. These updates support electronic folder processing by increasing the capacity of the infrastructure underlying the electronic folder and by providing equipment required to support new automation initiatives for ODAR. This initiative will continue throughout FY 08.

Provide Support to Send Additional Documents to the Electronic Folder

This initiative is in the planning and analysis stage and will continue in FY 08. Documents such as earnings records and queries will eventually be able to be sent directly to the electronic folder, eliminating the need for hearing office employees to print them and scan them into the electronic folder.

Automated Noticing

The ability to automatically produce the appropriate notice based on data stored in CPMS is currently in the planning stage and will continue throughout FY 08. We are currently in the process of determining what systems resources are needed for this initiative.

Develop a New Case Processing and Management System for the Appeals Council

The Office of Systems, in collaboration with staff from the Office of Appellate Operations (OAO), designed and built the Appeals Review Processing System (ARPS) which allows the Appeals Council to process electronic folder cases. Validation of the new Appeals Review Processing System (ARPS) was done in December 2007. Training of staff and managers in OAO began 1/14/08 and continued through February.

Conversion to the new system took place on 3/3/08. 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.

Extend Cooperation Between SSA Components that Process Disability Cases - "One SSA"

This initiative explores existing policies and regional initiatives, identifies and/or develops best practices and tools, and shares these results in order to devise strategies to gain consistency and prevent delays within the disability process.

A national workgroup made up of representatives from DCO and ODAR was formed to encourage regional and local initiatives for enhanced communication and cooperation. On 11/19/07, the Associate Commissioner for Public Service and Operations Support (OPSOS) issued a memo to all Regional Commissioners with suggestions to expedite the transfer of appeals to Hearing Offices (HOs). Many of the suggestions were based on national or regional procedures that were already in effect. This memo demonstrates that DCO is making a significant effort to expedite the transfer of appeals to our HOs and to clarify processing instructions concerning Field Office (FO) to HO transfers. The memo has been shared with the regions and the ODAR eDib Coordinators who were asked to share it with all hearing offices.

On 12/10/07 the Deputy Commissioner for Operations and the Deputy Commissioner for Disability Adjudication and Review and members of their staffs met to further identify problems related to transfers of hearing cases from FOs to HOs and discuss possible solutions, including suggestions for systems changes.

On the regional and local levels, many successful ongoing initiatives have continued and expanded including:

- periodic HO/FO/DDS Meetings
- HO/FO/DDS exchange visits
- HO/DDS cooperation to expedite Consultative Exam (CE) requests

- HOs working with FO liaisons appointed by the Area Director
- temporary promotions and details of FO employees to ODAR
- cooperation between Regional Office (RO), HO and FO staff in briefing representative staffs and congressional staffs on the electronic folder process

Some new initiatives in FY 08 include:

- Area Directors assisting HOs by utilizing automated systems to match pending ODAR disability case lists with listings showing claimants who have died, are in prison, have work activity after the onset date, have a change of address or have gone into a current pay status
- HO representatives meeting with members of the Regional Commissioner's Disability Systems Team to discuss FO procedures for documenting substantial gainful activity determinations, disability work cessations and Supplemental Security Income determinations in an electronic environment.
- ODAR Regional Offices assisting the Center for Disability Programs with its business process for utilizing Electronic Records Express (ERE).
- RO Center for Disability Programs Medical Consultants screening electronic folders for potential on-the-record favorable decisions and faxing recommendation to the hearing offices.

Office of Quality Performance (OQP) has also been extremely helpful in providing ODAR with training and workload assistance including:

- OQP providing Toolbar training to ODAR hearing office staff
- OQP employees providing help in pulling, screening, and drafting on the record decisions

Establish a Standardized Electronic Business Process

The purpose of this initiative is to facilitate timely and legally sufficient hearings and decisions by achieving and maintaining effective, efficient and consistent case

processing methods and office organizational structure throughout ODAR. This should maximize quality by improving accuracy, timeliness, productivity, cost-efficiency and service to the public. In cooperation with Office of Quality Performance (OQP), teams of employees from ODAR and OQP visited hearing offices to gather information about the hearing process and to identify best practices. The first site visit was conducted in early September and the information gathered during that visit was used to develop criteria and procedures for subsequent visits. Five more visits were conducted in November and December and information was obtained on best practices, concerns and suggestions regarding electronic case processing. The data from these visits was compiled and entered into a database owned by OQP to facilitate analysis. On February 29, a review team comprised of ODAR and OQP employees submitted a proposed standardized electronic business process description (BPD) for ODAR hearing offices to the Office of the Chief Administrative Law Judge. Briefings are planned for the Chief ALJ and ODAR's Deputy Commissioner. Selection of a hearing office to serve as the "beta office" test site is expected shortly.

Implement Quality Assurance Program for Hearings Process

A quality assurance (QA) program for the hearing process will be based on an in-line review of the claims file to ensure that ODAR is providing timely and legally sufficient hearings and decisions. The QA initiative is being developed in conjunction with the Standardized Electronic Business Process. ODAR is working with OQP to develop review sheets which will capture data and also serve as a means to track the information for trends and possible training initiatives. OCALJ and ODAR are also working on a formula for selecting cases for review. In February 2008, three new status codes were added to CPMS to accommodate the QA processes. Files will be flagged and reviewed once a hearing has been scheduled and again once a draft of a decision has been prepared. In addition to these two processes the QA process will

also involve an in-line review of the Senior Attorney Adjudicator process.

OQP is currently performing a post adjudicative review on a sample of attorney adjudicator decisions. The first sample, taken from decisions rendered in November 2007, looked at 111 cases. Reviewers applied the preponderance of evidence standard and assessed the legal sufficiency of the written decision (FIT). The support rate for these decisions was 95%.

Expand Office of Quality Performance (OQP) Review of Reconsideration Denials Using Profiles

The purpose of this initiative is to detect and correct erroneous reconsideration denial determinations prior to their effectuation; to provide timely feedback both to the State DDSs being reviewed and to SSA management; to make recommendations for addressing identified problems; and ultimately to reduce the volume of hearing requests. OQP will review approximately 14,000 reconsideration denial determinations drawn at random over the course of one year. The sample will be drawn from 15 State DDSs that have low accuracy. OQP will review the states consecutively in groups of five, with each group being reviewed for 4 months. This review began in September 2007 and will continue throughout FY 08. OQP will issue a report as soon as it has collected all data on the first group of states.

Provide Improved Training to Hearing Office Management Teams

The purpose of this initiative is to use the latest information, tools and methodologies to develop an effective, dynamic and challenging training curriculum for newly promoted ODAR management officials and to deliver this training on a timely basis. New course curriculum for Hearing Office Directors, Group Supervisors and Hearing Office Chief ALJs was delivered in the summer of 2007. Training included orientation, distance learning and onsite classroom training for hearing specific tasks. New managers are assigned a mentor and complete the orientation phase

of management training within a few weeks of their report date. The distance learning phase is completed within 12 months. The classroom phase of training will be offered annually to newly selected managers. A link to the management training website was posted to the OCALJ website in December 2007. The site provides a guide for all three phases of training. It also contains links to many valuable resources. The Leadership and Training Cadres continuously review and update the training website. They have also developed a feedback form to be completed by the trainees currently working on distance learning. An agenda is being developed for the classroom training scheduled in July and August 2008 based on the feedback received from the class of 2007.

Co-locate Remote Hearing Sites with Field Offices

In the past, ODAR has used a variety of sites to hold hearings. These sites included temporary space in hotels, courthouses, schools, and conference centers. ODAR also established many permanent remote sites which were not connected to the SSA Local Area Network (LAN) system. In order to effectively conduct hearings in the electronic environment, permanent space with LAN connectivity is needed. In FY 07, a national workgroup composed of representatives from ODAR and DCO began work on a plan to co-locate hearing remote sites with field offices. The workgroup reviewed current remote site data, pending workloads and the feasibility of co-locating hearing sites with DCO field offices. On March 17, 2008, the workgroup presented a plan to the Commissioner. Plans are to look at co-location opportunities as leases expire.

Effectuate Temporary Service Area Realignments and Continue Interregional Case Transfers

The purpose of this initiative is to assist the most heavily impacted hearing offices with processing their workloads, prevent cases from aging, and to bring balance to the national workload. It is a two-pronged initiative, which includes permanent interregional case transfers and temporary service area realignments. In October 2007, 2,400 pending

cases were transferred from the Kansas City Hearing Office to the San Francisco Region. Also, the Joplin Missouri permanent remote site was realigned from the Springfield Missouri hearing office to the San Francisco region, with approximately 2,000 pending cases and 1,200 annual receipts transferred.

OCALJ presented a Service Area Realignment Plan to the Commissioner on December 10, 2007. This plan will begin to balance pending workloads on a national basis. It is designed to move workloads from regions with high receipts and high pendings (Chicago and Kansas City) to regions with lower receipts and lower pendings (Boston, Philadelphia and San Francisco). New receipts and unscheduled cases from hearing office service areas covered by remote sites will be given to hearing offices with the capacity to help. The plan also includes some permanent case transfers from the Chicago and Kansas City Regions to the Philadelphia and San Francisco Regions. On February 6, 2008 OCALJ 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 the transferring of cases and requested that case transfers be completed by March 28, 2008.

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 National Hearing Center and plans to conduct five more sessions for paralegals and attorneys to ensure that all decision writers are fully trained.

Use Weekly Workload Reporting and Monitoring

Traditionally, management information for the hearing operation has been reported on a monthly basis. While reasons exist for this approach, it may result in delays in case processing as employees process more cases at the end of the month to meet monthly goals. In FY 07 and continuing into FY 08, the Chief Administrative

Law Judge has been strongly encouraging managers to monitor workload processing data on a weekly basis and ODAR continues to develop workload reports to monitor hearing office performance this way.

Have Appeals Council Issue Final Decisions when Possible to Reduce Remands

The purpose of this initiative is to reduce hearing level receipts by having the Appeals Council (AC) make technical corrections and issue decisions whenever possible instead of remanding them to the hearing level. Some cases that come before the Appeals Council contain relatively minor technical deficiencies which could compromise the support of the decision in court, but which do not affect the correctness of the ultimate conclusion on entitlement to benefits. Under normal circumstances, the Appeals Council would remand most of these cases to the hearing level for further action and to address the decisional defect. Under this initiative, if the case does not require a hearing or additional development, the Appeals Council will consider granting the request for review to issue a new decision with the technical issue corrected. Doing so, where appropriate, should reduce overall processing time for the claimant and reduce the number of cases remanded to the hearing level. Since July 2007, Administrative Appeals Judges (AAJs) have been meeting with their staffs to discuss ways to identify appropriate cases and provide guidance for issuing final decisions. During the period July

through September of FY 07 and continuing into FY 08 there has been a consistent decrease in the number of remands sent back to hearing offices. The Appeals Council estimates that in FY 07 from July 07 – September 07, the combination of the effect of this initiative in addition to the expanded use of the Findings Integrated Templates for decision drafting resulted in 832 fewer cases remanded to the hearing offices. So far in FY 08, the Appeals Council estimates that 1,702 fewer cases were remanded. These estimates are based on comparing the pre-initiative percentages of remands with the post initiative percentage of remands.

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 implementing those improvements, including updated letters to claimants and representatives, updated poster and website information and drafting a system of records to track complaints received and resolutions. The goal is to make the ALJ complaint process both fair and effective for SSA, the ALJs and the American people.



Summary

ODAR, with the assistance of other SSA components, has worked diligently in FY 08 to continue building on successful initiatives as well as implementing new ones. Accomplishments for the first half of FY 08 include:

- Reduction of aged cases based on a more aggressive approach which focuses on cases 900 days and older
- Continued success with the Informal Remand Initiative with over 27,000 cases receipted by the DDS
- Implementation of the Senior Attorney Adjudicator Initiative on November 1, 2008 and an OQP support rate of 95% for these decisions
- Implementation of the Medical Expert Screening Initiative on March 14, 2008.
- Issuance of a FIT streamlined fully favorable template on October 31, 2007
- Consistent usage of the Findings Integrated Templates in 92% of cases
- Continued success with the DCO overtime and streamlined case pulling initiatives
- Enhanced systems access for DCO employees working overtime in hearing offices
- Opening of the National Hearing Center which is initially providing assistance to the Cleveland, Atlanta and Detroit Hearing Offices
- Hiring of 133 ALJs for 64 locations from the first OPM Certificate for eligible candidates and work underway on a second certificate to hire an additional 40 ALJs.
- Transition to the Electronic Folder – 73% of ODAR's pending workload is electronic
- Implementation of the Appeals Review Processing System (ARPS) on March 3, 2008
- Implementation of automation initiatives to provide enhancements to CPMS including increased data propagation and shared access for transferring and assisting hearing offices
- Implementation of Centralized Printing and Mailing in pilot offices with the February 2008 systems release and staggered rollout to hearing offices proceeding on schedule
- Systems enhancements to allow electronic signature for ALJs and implementation of a pilot to test this new process
- Implementation of the Desktop Video Pilot in executive offices and the National Hearing Center, hearing offices and the Cleveland SSA field office
- Development of numerous Management Information reports to assist in tracking the backlog initiatives
- Continued update of hearing office system infrastructure
- Issuance of a memo from DCO to field offices to expedite the transfer of cases to hearing offices based on the efforts of a cooperative workgroup and increased cooperative initiatives with DCO, the DDSs and OQP at the national, regional and local levels.
- Development of a proposal for a standardized electronic business process including plans for testing and implementation.
- Development of an OCALJ management training website and updated classroom and distance learning training based on feedback from participants
- Implementation of a service area realignment plan coupled with inter-regional case transfers to begin to balance ODAR workloads across the country
- Sustained improvement in the reduction of Appeals Council cases being remanded to the hearing offices
- Presentation of a plan for co-location of remote hearing sites with field offices to the Commissioner on March 17, 2008.

ODAR, with the assistance of other SSA components, continues to work on the following initiatives, many of which are scheduled to be implemented by the end of FY 08:

- Pilot for ePulling scheduled to begin in May 2008
- Pilot for Electronic Records Express expansion to allow representatives to view the electronic folder

planned to begin in July 2008

- Planning and analysis for additional automation initiatives including eScheduling and Automated Noticing
- Development of the business process for an in-line quality review process which is being developed in conjunction with the Standardized Electronic Business Process
- OQP Review of Reconsideration Denials – first report is expected shortly
- Plans to expand the successful Informal Remand Initiative to include electronic folders

The progress that has been made on the Commissioner’s plan to eliminate the hearing backlog and prevent its recurrence demonstrates the dedication and commitment of all Social Security Administration employees to provide improved service to the American people. ODAR is confident that this dedication and commitment will continue to bring success in the future.





*Social Security Administration
Office of Disability Adjudication and Review*