

Report Summary

Social Security Administration Office of the Inspector General

December 2010



Objective

To provide the Social Security Administration (SSA) with recommendations to correct the weaknesses we identified during our review *Congressional Response Report: Office of Disability Adjudication and Review Hearing Request Dismissals* (A-07-10-21049).

Background

In an August 4, 2009 letter, Senator McCaskill requested that we review dismissals of hearing requests to ensure disabled individuals are afforded the rights and protections required by law and regulations. The Senator also requested we determine whether there are any unusual dismissal trends by individual administrative law judges (ALJ) or by regions. We issued our report entitled *Office of Disability Adjudication and Review Hearing Request Dismissals* (A-07-10-21049) to Senator McCaskill on July 14, 2010.

To view the full report, visit
http://www.ssa.gov/oig/ADO_BEPDF/A-07-10-20171.pdf

Office of Disability Adjudication and Review Hearing Request Dismissals (A-07-10-20171)

Our Findings

We found that there were areas where improvements could be made for dismissing hearing requests.

- For untimely hearing requests, our review disclosed cases where dismissals were not (1) appropriate, (2) supported by the Office of Disability Adjudication and Review (ODAR) requests for claimants' explanations for untimely filing, (3) supported by an ALJ rationale, or (4) processed timely.
- For abandonment dismissals, we found cases where the dismissals were issued without the necessary attempts to contact claimants documented in the case folders.
- For withdrawal dismissals, we found one case where the claimant's case folder did not contain evidence the claimant or the claimant's representative requested the hearing request be withdrawn.

In addition, our analysis of dismissal rates identified wide variances among ODAR regions, hearing offices, and ALJs.

Our Recommendations

We recommended and SSA agreed to

1. Remind hearing office employees to send claimants a letter requesting an explanation for late filing, when required, and document in the claimant's case folder that the letter was sent.
2. Remind ALJs to ensure hearing request dismissals are supported by complete rationales explaining why the ALJ found that the claimant had not shown good cause for late filing.
3. Establish controls to ensure hearing requests that appear to meet the criteria for dismissal are assigned to ALJs immediately for timely action.
4. Remind hearing office employees to attempt to contact claimants who do not acknowledge receipt of the hearing notice, as required, and document in the claimant's case folder all attempts to contact the claimant.
5. Consider reminding hearing office employees to document in the claimant's case folder that the claimant wanted to withdraw the hearing request.
6. Determine whether factors are present that explain variances in dismissal rates among ODAR's regions, hearing offices, and ALJs.