

Audit Report

Workload Review of the Office of
Hearings Operations' Atlanta and
New York Regions

A-12-18-50285 / May 2018

MEMORANDUM

Date: May 2, 2018 **Refer To:**

To: The Commissioner

From: Acting Inspector General

Subject: Workload Review of the Office of Hearings Operations' Atlanta and New York Regions (A-12-18-50285)

The attached final report presents the results of the Office of Audit's review. The objective was to review the hearing office performance and regional management support for two Office of Hearings Operations regions that had a disproportionate number of the lowest-ranking hearing offices in terms of average processing time.

If you wish to discuss the final report, please call me or have your staff contact Rona Lawson, Assistant Inspector General for Audit, 410-965-9700.

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Attachment

Workload Review of the Office of Hearings Operations' Atlanta and New York Regions

A-12-18-50285



May 2018

Office of Audit Report Summary

Objective

To review the hearing office performance and regional management support for two Office of Hearings Operations (OHO) regions that had a disproportionate number of the lowest-ranking hearing offices in terms of average processing time.

Background

The Social Security Administration (SSA) has divided the country into 10 regions, and each OHO regional office is responsible for all matters involving the hearing process in that region. Each OHO regional office provides direction, leadership, management, and guidance to the regional office staff and the hearing offices in the region. It is responsible for the regional implementation of national policies—such as the Compassionate And REsponsive Service (CARES) plan—and formulates policies and objectives for the administrative law judges and support staff in the region.

OHO's Atlanta Regional Office provides oversight and support to 37 hearing offices in Alabama, Florida, Georgia, Kentucky, Mississippi, North and South Carolina, and Tennessee.

OHO's New York Regional Office provides oversight and support to 16 offices in New York, New Jersey, and Puerto Rico.

Findings

The hearing offices in both regions with high average processing times (APT) had below-average staffing levels, low morale, and issues with telework, claimant representatives, and the quality of the support staff's work. Other factors, such as administrative law judge performance issues, difficulty scheduling expert witnesses, and a large number of supplemental hearings/postponements also contributed to high APT. In the New York Region, local office management issues and State filing requirements were also negative factors. In the Atlanta Region, an insufficient number of decision writers and information technology problems were negative factors.

In the New York Region, several interviewees cited their Regional Office as a negative factor that contributed to higher APT and lower productivity. The issues that interviewees cited included Regional Office micromanagement, excessive time and oversight devoted to minor issues, goals not agreeing with real capabilities, negative messaging/tone, and frequent changes implemented with little notice or input.

The New York Regional Office generally agreed with our findings but explained that a few offices require closer regional level oversight for a variety of reasons, including inexperienced or underperforming managers, failure to follow established policy and procedures, and employee conduct or performance matters. Some interviewees in the Atlanta Region cited similar issues with their Regional Office, though the feedback was more mixed.

Recommendation

We recommend that SSA work with the New York and Atlanta Regional Offices and their hearing offices to address the issues identified in this report that affected processing times.

We did not include specific recommendations for issues identified in this report that SSA is working on as part of its CARES plan. We also did not include specific recommendations related to adequate support staff numbers and telework that SSA is still addressing from prior Office of the Inspector General reports.

SSA agreed with the recommendation.

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ABBREVIATIONS

ALJ	Administrative Law Judge
APT	Average Processing Time
CARES	Compassionate And REsponsive Service
C.F.R.	Code of Federal Regulations
FY	Fiscal Year
HALLEX	Hearings, Appeals and Litigation Law Manual
HOCALJ	Hearing Office Chief Administrative Law Judge
IT	Information Technology
ME	Medical Expert
NCAC	National Case Assistance Center
NTEU	National Treasury Employees Union
OHO	Office of Hearings Operations
OIG	Office of the Inspector General
RO	Regional Office
SSA	Social Security Administration
VE	Vocational Expert

OBJECTIVE

Our objective was to review the hearing office performance and regional management support for two Office of Hearings Operations (OHO) regions that had a disproportionate number of the lowest-ranking hearing offices in terms of average processing time (APT).

BACKGROUND

The Social Security Administration's (SSA) OHO¹ directs a nation-wide field organization staffed with administrative law judges (ALJ) who conduct impartial hearings and make decisions on appealed determinations involving Old-Age, Survivors and Disability Insurance benefits and Supplemental Security Income payments.

OHO's Atlanta Regional Office (RO) provides oversight and support to 37 hearing offices in Alabama, Florida, Georgia, Kentucky, Mississippi, North and South Carolina, and Tennessee.² OHO's New York RO provides oversight and support to 16 hearing offices in New York, New Jersey, and Puerto Rico.³

Each hearing office has a management team that includes the Hearing Office Chief ALJ (HOCALJ) and Hearing Office Director who supervise, plan, organize, and control hearing office operating activities. Decision writers assist ALJs by drafting and writing ALJ decisions. Support staff assists ALJs by conducting initial case screening and preparation, maintaining a control system for all hearing office cases, conducting pre-hearing case analysis, developing additional evidence, scheduling hearings, and preparing notices.⁴

Each OHO RO, under the direction of the Regional Chief ALJ, is responsible for executing the hearings process within the region. It provides direction, leadership, management, and guidance to RO staff and the regional hearing offices. The RO is responsible for the regional implementation of national policies, procedures, and objectives and formulates policies and objectives for the ALJs and support staff in the region. It is responsible for labor/management relations at the regional level.

¹ As of October 1, 2017, SSA's Office of Disability Adjudication and Review was renamed the Office of Hearings Operations.

² The Atlanta RO also provides oversight and support to 2 decision-writing units, 1 pulling unit, 51 permanent remote sites, 30 claimant-only video sites, and 17 judge-only video sites.

³ The New York RO also provides oversight and support to one regional case assistance center.

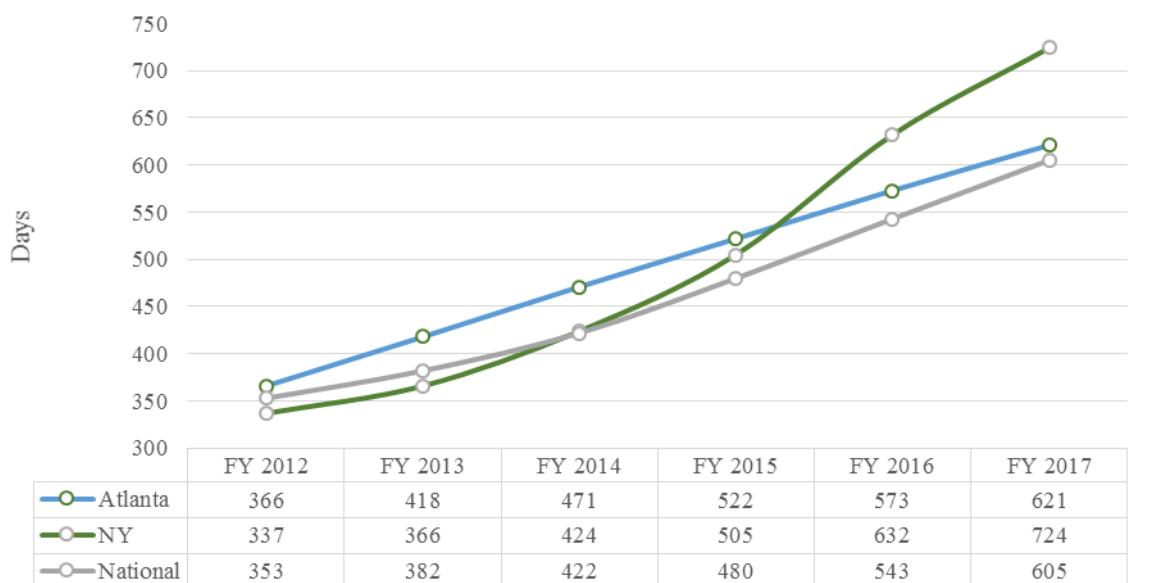
⁴ Support staff includes case technicians, case intake assistants, receptionists, and contact representatives.

In 2016, OHO created the Compassionate And REsponsive Service (CARES) plan for processing hearing office workloads and addressing the hearings backlog. At the end of Fiscal Year (FY) 2016, OHO's pending hearings backlog had increased to over 1.1 million cases, APT had worsened to over 540 days, and ALJ productivity had decreased nationwide since FY 2012. In FY 2017, APT increased, the backlog slightly decreased, and ALJ productivity increased. SSA updated the CARES plan in 2017 to build on the tactical initiatives laid out in the 2016 Plan, incorporate lessons learned, and introduce new initiatives.

A disproportionate number of hearing offices in the New York and Atlanta Regions were among those with the highest APT. In FY 2016, the 13 offices with the highest APT were in either the New York or Atlanta Regions (see Appendix A). In FY 2016, 14 (88 percent) of the 16 offices in the New York Region had an APT above the national median, and 24 of the 37 offices in the Atlanta Region (65 percent) had an APT above the national median.⁵ This trend continued through FY 2017.

From FYs 2012 to 2017, national APT for a hearing increased 71 percent from 353 to 605 days (see Figure 1). In the same 6-year period, the Atlanta Region saw a similar increase in APT, from 366 to 621 days—a 70-percent increase. The New York Region had a sharper increase in APT, from 337 to 724 days—a 115-percent increase (see Appendix A for more details).

Figure 1: Average Processing Time (Days) in the Atlanta and New York Regions Compared to the National Average



⁵ The median is the middle number in an ordered set of values, below and above which there is an equal number of values.

As of FY 2017, claimants in the New York Region were waiting 119 days longer, on average, for a hearing decision than claimants nationwide. Claimants in the Atlanta Region were waiting 16 days longer, on average, than claimants nationwide.

We reviewed and analyzed data from OHO workload management systems and management information reports as well as relevant SSA policies, procedures, actions, initiatives, strategies, future plans, and resource projections. We interviewed 96 individuals in 6 New York and 6 Atlanta Region hearing offices. We also asked three individuals in each of the two ROs to describe why they thought there was a disproportionate number of hearing offices with high APT in their respective region. We included offices with the highest and lowest APTs in each Region. We also interviewed regional OHO and hearing office managers, ALJs, and staff (see Appendix B for position descriptions of various support staff positions). In the New York Region, we conducted interviews in the Albany, Bronx, Buffalo, New York—Varick,⁶ Queens, and Syracuse hearing offices. In the Atlanta Region, we conducted interviews in the Atlanta Downtown, Atlanta North, Florence, Franklin, Macon, and Nashville hearing offices. We provided our preliminary results to management in both regions and incorporated their feedback, where appropriate (for more information on our scope and methodology, see Appendix C).

RESULTS OF REVIEW

We found similar factors that affected performance in the New York and Atlanta Region hearing offices with the highest APTs. Interviewees said each regional office contributed to higher processing times and lower productivity in their offices. Additionally, interviewees in offices with higher APTs made suggestions on what would help them, and interviewees in offices with lower APTs had best practices they could share with other hearing offices (see Appendix D for a regional breakdown of the top responses).⁷

Factors for High-APT Offices

Hearing offices in both regions with high APTs had below-average staffing levels, low morale, and issues with telework, claimant representatives, and the quality of the support staff's work. Other factors, such as ALJ performance issues, difficulty scheduling expert witnesses, and a large number of supplemental hearings/postponements also contributed to high APT. In the New York Region, local office management issues and State filing requirements were also negative factors. In the Atlanta Region, an insufficient number of decision writers and information technology (IT) problems were negative factors.

⁶ The NY—Varick office serves field offices in the Brooklyn, New York area.

⁷ See Appendix E and Appendix F for other interview responses beyond the top responses described in the body of this report for the New York and Atlanta regions.

Insufficient Support Staff

The top factor cited for increased processing time was insufficient support staff, with 64 of 96 hearing office interviewees identifying it as a negative factor. They stated insufficient support staff led to increased workloads, increased pressure on existing support staff, lower quality of work and neglect of some duties, low morale, and high staff turnover.

A New York regional manager told us his office needed more support staff to develop cases⁸ before hearings. The New York Regional Chief ALJ stated that some offices in the region had especially low support staff-to-ALJ ratios. One ALJ stated his office only had 10 senior case technicians⁹ for 9 ALJs, which was below OHO's target of about 2.65 to 2.75 support staff per ALJ.¹⁰ One hearing office manager noted the hearing office did not have enough senior case technicians and IT support staff. A support staff member we interviewed described the staff as "burned out."

Figure 2 shows overall support staff (including decision writers)-to-ALJ ratios in the New York Region as compared to the regional APT. When the support staff ratio was higher from FYs 2012 to 2015, APT was lower, and when the ratio sharply decreased in FY 2016, APT increased correspondingly. OHO's staff ratio target, including decision writers, is about 4.40 to 4.60 staff per ALJ.¹¹ In the last 2 FYs, the region has been significantly below the target.

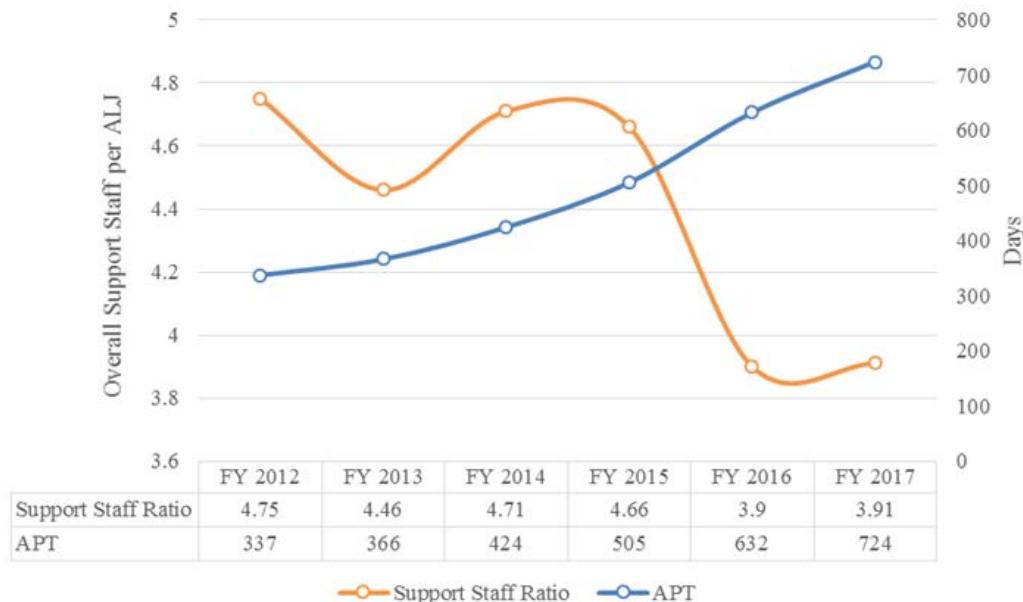
⁸ Development of medical and other evidence to establish whether the claimant is disabled or blind, and if needed, the dates disability began and ended.

⁹ Senior case technicians prepare case summaries that reflect information from all documents that reflect the medical history and evidence.

¹⁰ This target ratio is for support staff, excluding decision writers.

¹¹ This 4.40 to 4.60 ratio includes decision writers with the support staff count. OHO's target for its decision writer-to-ALJ ratio is 1.75 to 1.85 decision writers-per-ALJ, while OHO's target ratio for other support staff-to-ALJs is 2.65 to 2.75 per ALJ.

Figure 2: Overall Staff Ratio and APT—New York Region



An Atlanta regional management official said that 25 of the 37 hearing offices in the region were below the optimal staff-to-ALJ ratio and said the region had high staff turnover. One office manager said their office experienced high staff turnover because it did not have enough support staff, and the existing support staff were overworked. Another manager cited the low pay scale ceiling for not having enough support staff and said that “good employees usually move on to other positions.” A judge said they do not have enough support staff for ALJs, and the office had not had new support staff in 1 year. A manager said the support staff ratio was so low that some support staff had to support two judges. Our interviews indicated that insufficient support staff affected each hearing office in different ways. One office lacked contact representatives to work at the front desk, one lacked staff to schedule hearings, one lacked staff to monitor the master docket,¹² and another lacked staff to pull cases.¹³ One manager said they did not have enough support staff to screen for critical cases.¹⁴

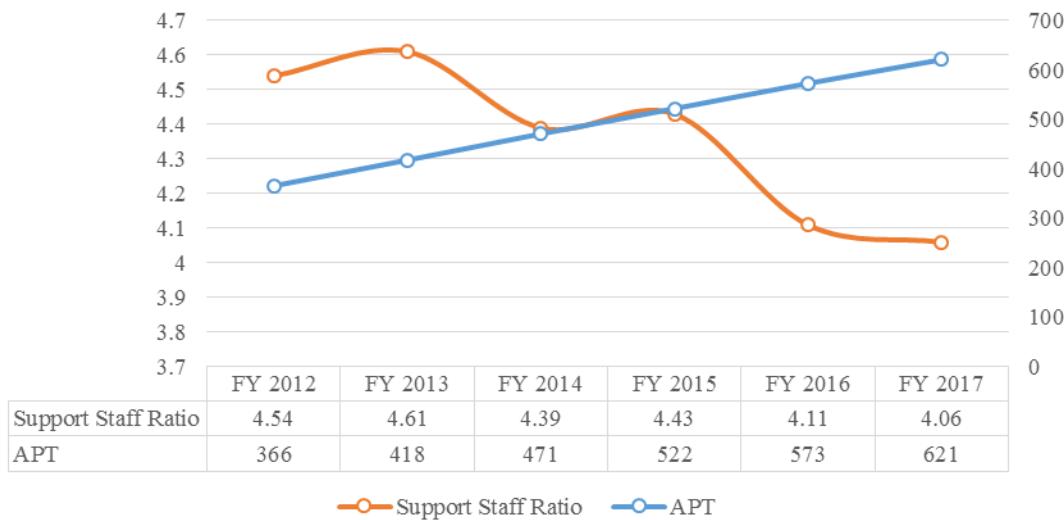
We looked at the support staff-to-ALJ ratios in the Atlanta Region (see Figure 3). As in the New York Region, we found a general correlation between the support staff ratio and APT.

¹² OHO hearing offices maintain a master docket system that contains all requests for hearings and remanded claims.

¹³ “Pulling” or “work-up” is the process of preparing a disability case file for a hearing. Hearing office staff reviews the electronic folder, identifies the relevant documents, and organizes those documents for the ALJ to consider in making a decision.

¹⁴ OHO defines a case as “critical” in the following situations: (1) terminal illness; (2) veterans with permanent and total disability rating from the Department of Veterans Affairs; (3) military casualty/wounded warrior case; (4) compassionate allowances for diseases and conditions that qualify under the Listing of Impairments; (5) dire need case; and (6) potentially violent (SSA, HALLEX, vol. I, ch. I-2-1, sec. I-2-1-40 (May 1, 2017)).

Figure 3: Overall Staff Ratio and APT—Atlanta Region



A 2005 Office of the Inspector General (OIG) audit¹⁵ found that hearing office staffing ratios may be a good indicator of hearing office performance, especially in hearing offices with low staffing ratios, and OHO might improve its productivity if it based its staffing allocations on hearing office staffing ratios. A 2017 audit¹⁶ recommended, and SSA agreed to, consider OHO staffing ratio goals when hiring decision writers and support staff in hearing offices.

Also, SSA's 2017 updated CARES plan included three initiatives related to staffing.¹⁷

- *FY 2017 Support Staff Hiring:* Hire additional critical support staff to schedule hearings, organize and complete files, and draft ALJ decisions. This initiative was ongoing as of February 2018.
- *Create Falls Church National Case Assistance Center (NCAC):* Created a new NCAC by re-assigning 48 full-time employees from the Office of Appellate Operations to the Office of the Chief ALJ for hearing-level decision writing.
- *All Hands on Deck Writing Assistance:* Assigned headquarters, regional, management, and quality review staff with decision-writing experience to assist temporarily with the writing backlog.

¹⁵ SSA, OIG, *The Effects of Staffing on Hearing Office Performance*, A-12-04-14098 (March 2005).

¹⁶ SSA, OIG, *Factors Related to Decreased Administrative Law Judge Productivity*, A-12-18-50289 (September 2017).

¹⁷ SSA, *2017 Updated CARES and Anomaly Plan*, pp. 10 and 11.

Low Morale

Low morale was a factor in increased APT and decreased productivity, with 30 interviewees citing the factor. Interviewees attributed low morale in their offices to such issues as

- lack of accountability for poor performers;
- lack of career development opportunities;
- lack of support from management;
- RO micromanagement;
- insufficient staff;
- overwork/excessive pressure;
- telework decreasing teamwork and camaraderie; and
- unfair allocation of telework.

One manager described morale in the hearing office as poor and said the office “receives more work than can feasibly be done.” A manager described a similar situation and said that support staff was “asked to do more and more but without help” and mentioned that “there are not many promotion opportunities for [support staff].” A support staff employee said that the office “has shrunk from 22 to 7 senior case technicians.” Another support staff employee described “a lack of accountability for poor performers, so management can then rely too much on good performers.” A decision writer described morale as “the lowest it has been since 2004.”¹⁸

Telework

In February 2015, 2,592 (30 percent) of the 8,752 eligible OHO employees were participating in the Agency’s telework program. As of January 2017, this number had increased to 5,541 (64 percent). ALJs are eligible to telework up to 8 days per month, with the expectation that they schedule, on average, 50 hearings per month. Most hearing office employees are eligible to telework up to 3 days per week. However, beginning October 31, 2016, SSA’s agreement with the National Treasury Employees Union (NTEU) authorized decision writers in the NCACs, National Hearing Centers, and Regional Writing Units to telework up to 4 days per week. Additionally, beginning in October 2017, up to two eligible NTEU decision writers per hearing office may telework up to 4 days per week. For all teleworkers, management has the right to suspend telework temporarily and recall teleworkers to their official duty station to ensure an office is adequately staffed or conduct training and meetings.

¹⁸ A 2016 review of the Miami Hearing Office in the Atlanta Region found the office struggled with low morale caused, in part, by high management turnover (SSA, OIG, *Workload Oversight in the Miami Hearing Office*, A-12-15-50041 [June 2016]).

Thirty-eight interviewees from both the Atlanta and New York regions cited issues with telework as one of the top factors leading to longer processing times. These issues included

- confusion about who is teleworking and who is in the office;
- difficulty of properly supervising employees while teleworking;
- excessive granting of telework/too many telework days;
- non-teleworking employees left with more work;
- some employee duties cannot be performed while teleworking, such as printing medical records, working up paper cases, or fulfilling a judge's standing orders; and
- unavailability of staff when judges need support.

One judge we interviewed said that because of telework, there was often no one around when he needed help. One manager thought that allowing 3 telework days was excessive, saying the work often requires a physical presence in the office. The same manager said teleworking employees were supposed to make themselves available for contact, but many were not doing so. One employee pointed out that there were some duties that staff was unable to perform while teleworking, such as printing medical records. Finally, another manager we interviewed cited the negative effect telework had on office morale since the employees do not see each other regularly. When asked, no managers stated they had recalled teleworkers to the office on their telework day.

We found these same issues with telework in a 2017 OIG report.¹⁹ That report cited a September 2016 OHO review of telework and hearing office productivity that found, as the number of hearing office teleworkers increased, hearing office productivity declined in three of the four metrics it studied (see Table 1). As more staff teleworked, average cases decided and average hearings held decreased while APT increased.

Table 1: Comparison of Hearing Office Teleworker Productivity (FYs 2015 and 2016)

FY	Number of Hearing Office Teleworkers	Average Daily Production			Average Processing Days
		Cases Pulled	Cases Decided	Hearings Held	
2015	3,236	0.88	2.10	1.79	480
2016	5,133	0.91	1.90	1.68	543
Difference		0.03	(0.20)	(0.11)	(63)

¹⁹ SSA, OIG, *Congressional Response Report: The Social Security Administration's Telework Program and Its Effect on Customer Service*, A-04-17-50267, pp. 13-14 (July 2017).

However, according to OHO, other factors contributed to the productivity decreases, such as SSA's elimination of overtime, a staff hiring freeze in mid-FY 2016, less support staff-per-ALJ, and OHO's effort to reduce the number of aged cases.²⁰

Additionally, the 2017 report said that managers and staff found it challenging to have adequate staff available in the hearing office to support ongoing hearings and other office duties, including assisting ALJs with issues that arise during a hearing, assisting with the hearing record, scanning documents into the electronic file, and answering calls.

Role of Claimant Representatives

A claimant can appoint a representative to act on his/her behalf in pursuing his/her claim or asserted rights before SSA.²¹ Of 96 hearing office interviewees in both regions, 39 cited unprofessional claimant representatives as a factor for increased processing times. We found that, in an average case, a claimant representative might increase the case processing time by

- not knowing about their claimant's file and being unprepared for the hearing, which then often results in a supplemental hearing, therefore increasing processing time;²²
- having little availability to schedule the hearing;
- not communicating with the claimant;
- not working with their claimant to obtain the necessary evidence for the claimant's file; and
- submitting evidence shortly before the hearing, which often causes the ALJ to delay the hearing to review the new evidence.

²⁰ OHO has targeted aged cases for disposition since 2007. SSA's May 2007 *Hearings Backlog Plan* has an initiative to reduce the aged case workload (*Statement of Michael J. Astrue, Commissioner of Social Security: Testimony Before the Senate Finance Committee*, 110th Congress p. 2 (2007)).

²¹ The claimant may appoint a representative, which denotes someone who meets the requirements SSA prescribes. An attorney may serve as a claimant's representative if admitted to practice law before a State or a Federal court of the United States, and is not disqualified or suspended from acting as a representative before SSA, or prohibited by law from acting as a representative. A non-attorney may serve as a claimant's representative if he or she is generally known to have a good character and reputation, and capable of giving valuable help in connection with the claim and not disqualified or suspended as a representative before SSA. SSA, *POMS*, GN-General, ch. GN 039, subch. GN 03910.020 (May 1, 2013). Claimants must sign and file a Form SSA-1696-U4, *Appointment of Representative*. A claimant representative can be sanctioned by SSA if he/she violates the Agency's *Rules of Conduct and Standards of Responsibility for Representatives*. According to the *Rules of Conduct*, a representative must, among other things, act with reasonable promptness in obtaining and submitting information and evidence to SSA. 20 C.F.R. §§ 404.1740 and 416.1540.

²² Circumstances may require that an ALJ conduct a supplemental hearing. If testimony at a hearing leaves unanswered questions, the ALJ may supplement the hearing record with additional oral testimony, a deposition, or additional documentary evidence. (SSA, *HALLEX*, vol. I, ch. I-2-6, sec. I-2-6-80 (September 2, 2005)).

One management official cited a lack of communication between claimant representatives and the claimants and reported that many representatives met the claimant for the first time on the day of the hearing. One ALJ said that many representatives did not work with the claimant to develop the claimant's case, while judges still had to help develop the record. This often meant the ALJ ordered another hearing or the case lingered in post-hearing status. A manager said that claimant representatives often neglected case development because they "know [SSA] has the obligation to develop the claimant's record."²³

In 2017, SSA implemented a rule that, for hearings held on or after May 1, 2017, a claimant must make every effort to inform SSA about or submit all written evidence that is not already in the record no later than 5 business days before the date of the scheduled hearing.²⁴ Yet, we heard many accounts that representatives were still not informing SSA or submitting evidence on time. One ALJ said "there is no pressure on claimant representatives to get their documents in," and when the representatives do submit evidence late, they tell the judge they could not get the evidence and request a postponement. To this end, some interviewees said ALJs should more rigorously enforce the 5-day evidence submission rule. Another judge said SSA should try to educate the claimant representatives about their role in the hearing process, such as submitting evidence, submitting an on-the-record request, and penalties for submitting evidence late. We plan to monitor the effect the new 5-day rule has on claims.

SSA's 2017 updated CARES plan included an *Outreach and Education to Reduce Postponements* initiative.²⁵ The initiative seeks to decrease postponed hearings due to claimant or representative unavailability by improving external communication and internal training. As of February 2018, this initiative was still ongoing.

Quality of Support Staff Work and Lack of Accountability for Staff's Work

Thirty-four interviewees from both regions cited the poor quality of some support staff's work and a lack of accountability for support staff as negative factors that contributed to high APT. Hearing office support staff's primary responsibility is case pulling/workup. If a support staff employee does not properly pull/work up a case the first time, processing times increase because these duties must be properly completed before the judge can make a legally sufficient decision.

²³ SSA has the responsibility to develop the claimant's medical history for at least the 12 months preceding the claimant's application date (20 C.F.R. §§ 404.1512[b], 416.912[b] [2017]).

²⁴ 20 C.F.R. § 404.935(a); SSA, HALLEX, vol. I, ch. I-1-2, sec. I-2-5-1 (May 1, 2017).

²⁵ SSA, *2017 Updated CARES and Anomaly Plan*, p. 11.

Some managers observed that the quality of the case workup was often poor. Several judges we interviewed said they had to order another hearing when they had a case that was not properly worked up for the first hearing. Another judge said that, when some support staff does not properly do its pre-hearing casework, judges are required to spend their time doing the support staff's work. Yet another judge said that many cases had to be re-worked, and some support staff was not aware of its responsibilities. A final judge described a specific example: "I will sometimes open a file and see there is no stuff in the [claimant's file] since 2015; and yet, the ALJ is still responsible for developing the file."

Several interviewees also said there was no effective mechanism to hold staff accountable for poor work quality, low productivity, or mistakes. Some judges we interviewed attributed poor support staff work quality to some offices using a "vertical model" in which support staff was assigned cases by the claimant's Social Security number or last name, not by the ALJ making the decision. Many judges we interviewed said this arrangement made it harder for managers and judges to hold support staff accountable for their work and discouraged a close, productive working relationship between the support staff and judge.

ALJ Productivity

Twenty-six interviewees—15 from the New York Region and 11 from the Atlanta Region—cited low ALJ productivity as a contributor to higher processing times. The specific ALJ productivity issues cited included ALJs

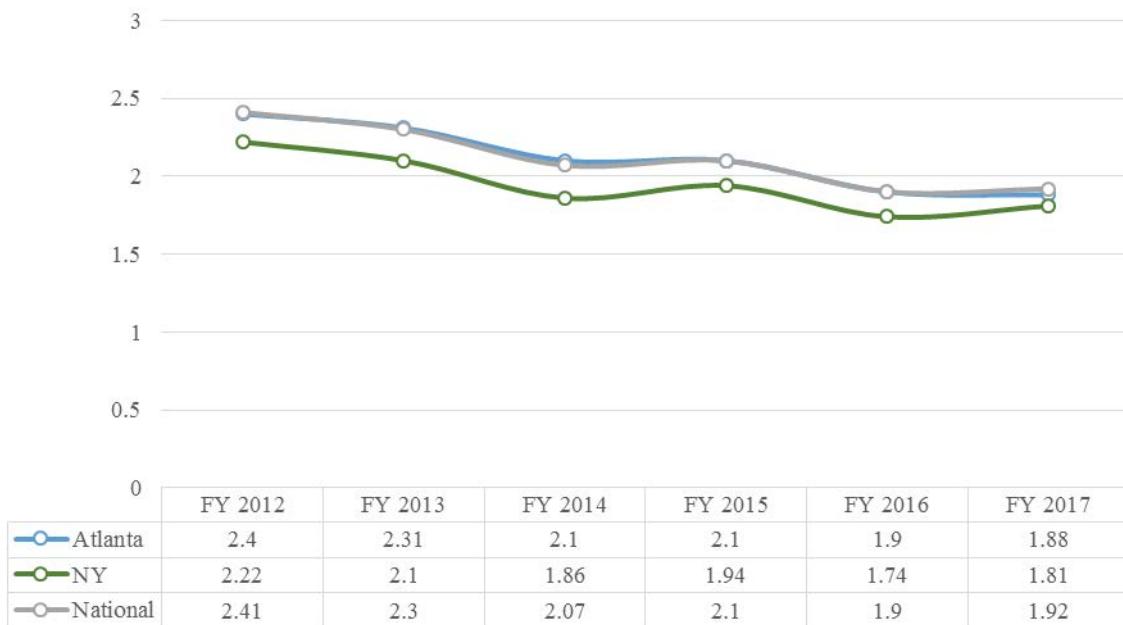
- having an adversarial relationship between union and Agency management;
- not providing adequate instructions for the decision writer;
- not issuing enough decisions;
- not moving cases out of judge-controlled statuses;
- ordering too many supplemental hearings and granting too many postponements; and
- over-developing the claimant's record and ordering unnecessary evidence.

A manager we interviewed said that judges often did not meet OHO management's expectation that each judge issue 500 to 700 decisions per year.²⁶ A judge pointed out that the ALJ union encouraged its members to schedule fewer cases than management expected. One decision writer we interviewed described the decision-writing instructions from the judges as often inadequate and mentioned there were no instructions at all sometimes.

We analyzed ALJ productivity for the New York and Atlanta Regions and compared it to the national rate. We found that, since FY 2012, ALJ productivity in the Atlanta Region mirrored the national rate, while the New York Region lagged (see Figure 4).

²⁶ As of June 2015, 78 percent of ALJs were on pace, or within 50 cases of being on pace, to issue 500 to 700 dispositions in FY 2015 (SSA, OIG, SSA's *Efforts to Eliminate the Hearings Backlog*, A-12-15-15005, app. C, p. C-3 (September 2015)).

Figure 4: ALJ Productivity (Daily Dispositions per Available ALJ) in the Atlanta and New York Regions Compared to the National Average



Finding and Scheduling Expert Witnesses

During a hearing, the ALJ may obtain the services of a vocational (VE) or medical expert (ME) to testify at the hearing or provide written answers to questions. These expert witnesses agree to provide impartial expert opinions to OHO on the claimants' medical conditions and functional capacities as well as their ability to perform past relevant work or other work in the national economy. Each OHO regional office creates a master roster of experts and sends it to the hearing offices.²⁷

Of the 96 hearing office interviewees, 25 reported it was often difficult to find and schedule expert witnesses to testify at hearings. When experts were not readily available, cases were delayed. A manager we interviewed said the office did not have enough MEs on its roster. One manager stated there were not many specialty MEs,²⁸ making them especially harder to schedule. A judge said there was not much incentive for experts to testify, saying “the experts know we need them more than they need us.” A manager we interviewed said the office regularly lost hearing slots when it could not get experts scheduled, and resolving this issue would help decrease processing time.

²⁷ SSA, HALLEX, vol. I, ch. I-2-5, sec. I-2-5-36 (April 1, 2016) and sec. I-2-5-52 (June 16, 2016). For more information on OHO’s use of experts, see our report *Vocational Expert and Medical Expert Fees for Services*, A-06-99-51005 (August 2001).

²⁸ An ALJ may request an ME with a particular medical specialty.

SSA's updated 2017 CARES plan included a *Centralized Vocational and Medical Expert Resources* initiative.²⁹ The initiative seeks to reduce the number of postponements due to ME/VE unavailability by creating national cadres of experts to facilitate scheduling via video or teleconference and provide on-call services for hearings where the scheduled ME/VE is unable to attend on short notice. As of February 2018, this initiative was ongoing.

Many Supplemental Hearings and Postponements

Twenty-five interviewees said that having a high number of supplemental hearings and hearing postponements was a factor in increased processing times. Before May 2017, SSA was required to provide claimants notice of their hearings at least 20 days in advance. However, since May 2017, SSA is required to provide claimants notice of their hearings at least 75 days in advance, thus ensuring a minimum of 75 days between hearings.

Interviewees cited the following factors to explain the large number of supplemental hearings/postponements:

- claimant representatives were hard to schedule;
- claimant representatives submitted evidence late or did not add evidence to the file, and the ALJ then held another hearing;
- claimants were uncommunicative or did not add evidence to their file;
- many claimants did not have representation, and ALJs often postponed the hearing to give a chance for the claimant to get a representative; and
- some ALJs held unnecessary supplemental hearings, when the evidence was already sufficient to make a decision.

A judge in the Atlanta Region said it was rare when there was only one hearing per claimant, and that “it would be great if I could only touch a case once, but this is not happening.” Another judge in the Atlanta Region told us, “. . . there will be cases where the file is not developed, but the claimant doesn’t let us know until the hearing, and that often results in a supplemental hearing.” A manager in the New York Region mentioned that the unavailability of claimant representatives caused many postponements saying, “. . . we are being held hostage to their schedule.” Another manager in the New York Region cited the cases of unrepresented claimants where the ALJ often granted another hearing that could be 3 or 4 months later.

A 2017 OIG report³⁰ found the FY 2016 national hearing no-show rate was 9 percent, and the national postponement rate was 8 percent. Among all hearing offices, 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. Interviews with hearing office

²⁹ SSA, *2017 Updated CARES and Anomaly Plan*, p. 8.

³⁰ SSA, OIG, *Congressional Response Report: Reasons for Hearing-related Delays*, A-05-17-50268, pp. 1-2 (June 2017).

managers with the highest no-show and postponement rates identified a large number of unrepresented claimants and a transient claimant population as reasons for no-shows and postponements. Hearing office managers interviewed suggested steps that SSA could consider to reduce delays caused by 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.

SSA's original CARES plan included a *Pre-Hearing Conference (PHC)* initiative in which SSA senior attorneys met individually with unrepresented claimants to prepare them for their hearing. OHO cited data showing that more pre-hearing conference participants completed their hearing without postponement or rescheduling than those who did not participate. SSA paused this initiative in December 2016 so senior attorneys could focus on decision writing, but its updated 2017 CARES plan includes an item to resume the initiative and eventually normalize the practice of pre-hearing conferences for unrepresented claimants nationwide.³¹

SSA's original CARES plan also included a *Collaboration With Office of Quality Review* initiative. Under this initiative, SSA's Office of Quality Review staff supported OHO by, among other things, conducting outreach to unrepresented claimants. According to OHO, Office of Quality Review staff completed outreach to 8,166 unrepresented claimants in FY 2016.³²

Local Hearing Office Management Issues (New York Region)

Of 44 interviewees in the New York Region, 16 said local hearing office management issues played a role in increased processing times. These issues included management

- failing to hold some employees accountable for poor work or mistakes;
- not being flexible for special work-related circumstances;
- not giving positive feedback to employees;
- micromanaging employees;
- over-emphasizing production over quality and service to the claimant; and
- being unsupportive of employees and unresponsive to employee input.

A decision writer we spoke with said that office management micromanaged employees, and employees were "not encouraged to be professionals." Another decision writer told us, "[employees] don't feel supported by the current office management team." An ALJ said that management placed excessive pressure on employees to schedule cases and move them, which often slowed case processing because of the lack of quality.

³¹ SSA, *Leading the Hearings and Appeals Process into the Future: A Plan for Compassionate And REsponsive Service*, p. 9 (January 13, 2016). SSA, *2017 Updated CARES and Anomaly Plan*, p. 11.

³² SSA, *Leading the Hearings and Appeals Process into the Future: A Plan for Compassionate And REsponsive Service*, p. 11 (January 13, 2016). SSA, *2017 Updated CARES and Anomaly Plan*, p. 8

State Filing Requirements (New York Region)

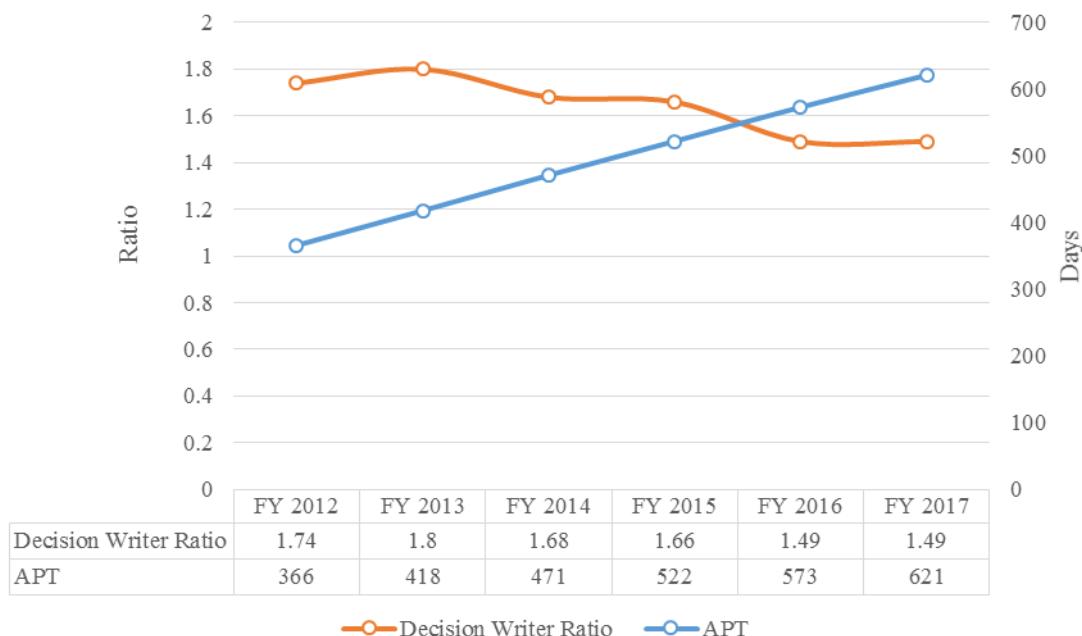
In the New York Region, 14 interviewees mentioned that filing requirements for some State benefit programs played a role in higher processing times. Specifically, the interviewees said some State benefit programs require that their claimants apply for Social Security benefits first. As a result, many claimants were compelled to apply for Social Security benefits by these other programs, but the claimants were not interested in their Social Security claim. Therefore, many of these claimants or their representatives did not expend the effort to add evidence into their Social Security case file. This then added to OHO's workload and increased processing time.

Not Enough Decision Writers (Atlanta Region)

Of the 55 interviewees in the Atlanta Region, 15 mentioned that not having enough decision writers was a negative factor. Without enough decision writers to write the decision notices for the ALJs, processing time increased.

We compared the Atlanta Region decision writer and ALJ ratio to APT (Figure 5) from FYs 2012 through 2017 and found, in general, as the regional decision-writer ratio decreased, regional APT increased.

Figure 5: Decision Writer Ratio and APT – Atlanta Region



One manager said his office had a large decision-writing backlog. Another manager in the same office said they were “desperate for decision writers,” and many decision writers had left because there were no opportunities for career advancement. A staff member from another office said the office had only about 1 decision writer per judge—well below OHO’s goal of 1.75-1.85 decision writers per ALJ—and decision writers were asked to do more and more without any help.

However, when we compared the FY 2017 decision writer-to-ALJ ratio for individual hearing offices in the Atlanta Region to APT in these offices, we did not find a correlation between a higher ratio and lower APT. (See Appendix A for the FY 2017 staff ratios and APT for each hearing office in the New York and Atlanta regions.)

IT and Computer Problems (Atlanta Region)

Twelve interviewees in the Atlanta Region mentioned they often had IT and computer issues that negatively affected their work. These issues included

- IT support staff sometimes were unavailable;
- computers often did not work;
- remote site equipment often did not work;³³
- unable to access case processing management system; and
- video equipment in hearing offices often did not work.

One judge said her office had two IT support staff, but, often, neither was available. Another judge said there were days when there was no IT support staff in the office, described the computer systems as “a mess,” and said the computers and video equipment in the hearing room often did not work. One judge said hearing slots were often wasted because of computer or IT problems and estimated she had lost 3 days of hearings in the last year because of these problems.

Management Style of New York RO

Twenty interviewees in the New York Region cited management issues with the RO as contributing to higher processing times and lower productivity. The issues cited included

- excessive amount of time and oversight devoted to minor issues;
- failure to empower hearing office management to make decisions and deal with unproductive employees;
- frequent changes and directives with little notice or input from hearing offices;
- goals set by RO do not match offices’ capabilities;
- lack of transparency; and
- negative messaging and tone.

³³ OHO holds about 40 percent of its hearings in remote sites, which are usually more than 75 miles from the nearest hearing office. Employees who work at these remote sites may operate in locations not under Government control, perform their duties alone or in teams of not more than 2 or 3 employees, and not be accompanied by management officials. OHO has two types of remote sites: permanent and temporary.

One manager described an environment in which the RO had to approve any office management decision first and said it was as if the RO had taken over managing the office. The manager said the RO tied up office management with daily 1 to 2 hour meetings about management-labor and time and attendance issues. Another manager said the RO “does not allow me or the other managers to identify and fix problems.”

One judge said the RO ignored feedback from ALJs and described the judges and the RO as having an “antagonistic relationship.” Another criticized the RO for not exercising discretion when it determined whether ALJs met their goals and said the RO was overly concerned about petty administrative issues.

However, other interviewees described the RO’s style more positively. Some said the RO only contacted hearing office management when necessary, and it did not often contact them regarding specific office issues. One judge said he did not feel micromanaged, and the RO allowed the HOCALJ to handle local office issues.

The RO generally agreed with our findings, except for the claims of micromanagement. The RO stated that the vast majority of offices in the Region operate on an independent, day-to-day basis following established policy and procedures and seek regional-level guidance and support as needed. They explained that a few offices require closer regional-level oversight for a variety of reasons, including inexperienced or under-performing managers, failure to follow established policy and procedures, and employee conduct or performance matters.

Management Style of Atlanta RO

Our interviews with management and staff in the Atlanta Region painted a more positive picture, although there was some mixed feedback. As in the New York Region, 14 Atlanta Region interviewees said their RO micromanaged, placed excessive pressure to move cases, and assigned unwarranted blame. One interviewee said the RO “read reports and then point[ed] the fingers at offices.” Another said the RO should focus more on problem solving than looking at reports and pressuring the hearing offices.

As in the New York Region, some Atlanta Region interviewees said the RO did not account for the circumstances in the hearing offices when it formulated goals. One interviewee stated the RO’s decision-writing goals did not match the hearing office’s actual decision-writing capabilities. One manager stated the RO’s decision-writing goal for the office was about 200 decisions less than its decisions goal for its ALJs. Another interviewee told us “the RO can get on someone’s case about production without considering circumstances or factors such as leave.”

Yet, several interviewees described a positive view of the RO and their relationship with it. One manager said her office had a good relationship with the RO and described it as supportive. She said they had daily management calls with the RO. A manager stated her office’s relationship with the RO was “generally good,” and the RO was “diligent about monitoring everybody’s production.” Another manager praised the RO for its responsiveness and for sending reports on overdue cases, saying the reports were useful to ensure nothing fell behind.

Suggestions for Improved APT

The top responses related to what would help improve processing time the most include

- more support staff (59 responses);
- change regional office issues that decrease productivity (16 responses)
- holding support staff accountable for their work/better management of support staff (14 responses);
- resolve issues that decrease ALJ productivity (14 responses);
- hold pre-hearing conferences with claimant and/or representative (13 responses);
- reduce or reform telework (12 responses);
- change grouping of support staff/ALJ-centered work units (11 responses);
- resolve IT/computer issues (10 responses);
- career advancement opportunities for staff (8 responses); and
- more decision writers (7 responses, all from New York hearing offices).

Offices with Low APT – What Worked

We also interviewed offices with lower APT within each region, and asked them what factors explained why their offices had lower APT. The top factors cited were

- effective management in hearing office (18 responses);
- office culture – helping each other, collegiality, cross-training so staff can help and fill in for others (17 responses);
- good communication (15 responses);
- cases tracked throughout process and balanced among staff (12 responses);
- cases are consistently ready at the time of hearing (10 responses);
- outreach to unrepresented claimants (9 responses).

Two support staff described the benefits of cross-training staff and a supportive culture. One said that “everybody can schedule and everybody can close cases,” and he had experience performing all duties. Another said, “there is not a sense that people don’t do something because ‘it’s not my job.’ People cover for each other.” One manager said her office monitored areas where cases could slow down, such as waiting for a consultative examination,³⁴ contacting an unrepresented claimant, and scheduling a claimant for a hearing. Another manager said her office ensured it reached out to unrepresented claimants to keep track of their treatment and any changes to their record.

CONCLUSIONS

We found similar factors affected performance in the New York and Atlanta Region hearing offices with the highest APTs. Interviewees also said each RO contributed to higher processing times and lower productivity in their offices. Additionally, interviewees in higher APT hearing offices gave suggestions on what would help them improve processing times, and interviewees in lower APT hearing offices shared the factors that contributed to lower processing times in their offices. Offices and regions with high APT cause claimants to experience processing times that are higher than the average claimant faces nationwide.

As part of its 2016 CARES plan, SSA has already taken steps to address some of the issues identified in this report, and it continues to do so with its 2017 updated CARES plan. Also, SSA continues addressing issues related to adequate support staff numbers and telework based on recommendations we made in prior reports.

RECOMMENDATION

We recommend SSA work with the New York and Atlanta ROs and their hearing offices to address the issues identified in this report that affected processing times. Specifically, SSA should consider the following actions.

- Suspend telework and recall teleworkers to their official duty station, as needed, to ensure a hearing office is adequately staffed.
- Assign support staff to ALJs in hearing offices in the Atlanta or New York region where this arrangement would be more effective.
- Ensure an IT staff member is available at all times during business hours.
- Test hearing office equipment for functionality and reliability, and take corrective action, if needed, to ensure equipment is functioning appropriately for the hearing offices in the Atlanta region that experienced IT and computer issues.

³⁴ If the claimant does not provide adequate evidence about his/her impairment(s) for the ALJ to determine whether the claimant is disabled or blind, and the ALJ or the hearing office staff is unable to obtain adequate evidence from the claimant’s medical source(s), the ALJ may request a consultative examination(s) and/or test(s) through the State agency (SSA, HALLEX, vol. I, ch. I-2-5, sec. I-2-5-20 [September 28, 2005]).

We did not include specific recommendations for issues identified in this report that SSA is working on as part of its CARES plan. We also did not include specific recommendations that SSA is still addressing from prior Office of the Inspector General reports.

AGENCY COMMENTS

SSA agreed with the recommendation; see Appendix G.

A handwritten signature in black ink, appearing to read "Rona Lawson".

Rona Lawson
Assistant Inspector General for Audit

APPENDICES

Appendix A – FISCAL YEAR 2016 AND 2017 HEARING OFFICE AVERAGE PROCESSING TIMES

In Fiscal Years (FY) 2016 and 2017, 15 of the 20 offices with the highest average processing times (APT) were in the New York or Atlanta Regions, as shown in Table A-1 and Table A-2. In FY 2017, claimants in these offices were waiting from 702 to 856 days for a hearing decision, considerably longer than the APT for claimants nationwide where APT was 605 days.

Table A-1: Highest 20 Hearing Offices by APT in FY 2016

Rank (of 164)	Hearing Office	Region	APT (days)
164	Ponce, Puerto Rico	New York	761
163	New York, New York (Varick)	New York	757
162	Buffalo, New York	New York	736
161	Miami, Florida	Atlanta	731
160	Fayetteville, North Carolina	Atlanta	705
159	Greensboro, North Carolina	Atlanta	703
158	Queens, New York	New York	690
157	Bronx, New York	New York	688
156	Columbia, South Carolina	Atlanta	686
155	Fort Myers, Florida	Atlanta	683
154	Atlanta, Georgia (Downtown)	Atlanta	682
153	San Juan, Puerto Rico	New York	677
152	Pennsauken, New Jersey (South Jersey)	New York	675
151	Washington, District of Columbia	Philadelphia	673
150	Baltimore, Maryland	Philadelphia	662
149	Dover, Delaware	Philadelphia	644
148	Covington, Georgia	Atlanta	643
147	Long Beach, California	San Francisco	639
145	Fort Lauderdale, Florida	Atlanta	638
145	Oak Brook, Illinois	Chicago	638

Table A–2: Highest 20 Hearing Offices by APT in FY 2017

Rank (of 164)	Hearing Office	Region	APT (days)
164	San Juan, Puerto Rico	New York	856
163	Ponce, Puerto Rico	New York	806
162	Buffalo, New York	New York	771
161	Miami, Florida	Atlanta	759
160	Pennsauken, New Jersey (South Jersey)	New York	758
159	Queens, New York	New York	756
158	Philadelphia, Pennsylvania	Philadelphia	748
157	Bronx, New York	New York	746
156	New York, New York	New York	734
155	Greensboro, North Carolina	Atlanta	729
154	Roanoke, Virginia	Philadelphia	727
153	Rochester, New York	New York	726
152	Long Island, New York	New York	720
151	Johnstown, Pennsylvania	Philadelphia	719
150	Newark, New Jersey	New York	713
149	Jersey City, New Jersey	New York	708
147	Charlotte, North Carolina	Atlanta	704
147	Pittsburgh, Pennsylvania	Philadelphia	704
145	Philadelphia, Pennsylvania (East)	Philadelphia	702
145	White Plains, New York	New York	702

In FYs 2016 and 2017, the New York Region had the highest APT of all 10 regions, as shown in Table A–3 and Table A–4.

Table A–3: FY 2016 APT by Region

Rank	Region	APT
10	New York	632
9	Philadelphia	592
8	Atlanta	573
7	San Francisco	552
6	Seattle	529
5	Kansas City	525
4	Chicago	520
3	Denver	502
2	Dallas	462
1	Boston	461
	National	543

Table A–4: FY 2017 APT by Region

Rank	Region	APT
10	New York	724
9	Philadelphia	667
8	San Francisco	626
7	Atlanta	621
6	Kansas City	604
5	Seattle	600
4	Denver	587
3	Chicago	585
2	Dallas	491
1	Boston	457
	National	605

When we compared the FY 2017 decision writer-to-administrative law judge (ALJ) ratio for individual hearing offices in the Atlanta and New York Regions to APT in these offices, we did not find a strong correlation between a higher ratio and lower APT. Some offices had a higher ratio but still had a higher APT, while some offices had a lower ratio and a lower APT.

Table A-5: New York Region Hearing Offices – FY 2017 Support Staff Ratios and APT¹

Hearing Office	Support Staff Ratio (SSR)			APT
	Decision Writers/ ALJs	SSR Without Decision Writers	Total SSR	
San Juan, Puerto Rico	0.67	2.00	2.67	856
Ponce, Puerto Rico	2.50	3.00	5.50	806
Buffalo, New York	1.55	2.41	3.97	771
Pennsauken, New Jersey (South Jersey)	2.75	4.00	6.75	758
Queens, New York	1.67	3.17	4.83	756
Bronx, New York	0.90	1.60	2.50	746
New York, New York	1.55	3.11	4.65	734
Rochester, New York	0.50	1.75	2.25	726
Long Island, New York	1.38	2.70	4.08	720
Newark, New Jersey	1.00	1.87	2.87	713
Jersey City, New Jersey	0.91	2.42	3.33	708
White Plains, New York	0.50	2.13	2.63	702
Albany, New York	1.42	1.92	3.33	660
New York, New York (Varick)	1.00	1.31	2.31	658
Syracuse, New York	1.40	3.40	4.80	632
Mayaguez, Puerto Rico	2.00	3.00	5.00	154

¹ The Office of Hearings Operations' overall support staff-to-ALJ ratio target is 4.40-4.60. The target for the decision writer-to-ALJ ratio is 1.75 to 1.85 and the target for the other support staff (excluding decision writers)-to-ALJ ratio is 2.65 to 2.75.

Table A–6: Atlanta Region Hearing Offices – FY 2017 Support Staff Ratios and APT

Hearing Office	Support Staff Ratio (SSR)			APT
	Decision Writers/ ALJs	SSR Without Decision Writers	Total SSR	
Miami, Florida	1.80	2.70	4.50	759
Greensboro, North Carolina	1.40	2.30	3.70	729
Charlotte, North Carolina	1.23	2.35	3.58	704
Atlanta, Georgia (Downtown)	1.85	3.00	4.85	693
Greenville, South Carolina	1.10	2.10	3.20	691
Fort Lauderdale, Florida	1.18	1.76	2.94	685
Charleston, South Carolina	1.07	1.60	2.67	684
Tampa, Florida	1.21	2.45	3.66	673
Louisville, Kentucky	1.78	2.78	4.56	661
Columbia, South Carolina	0.80	4.18	4.98	657
Jacksonville, Florida	2.00	2.38	4.38	652
Orlando, Florida	1.71	2.79	4.50	642
Paducah, Kentucky	0.67	2.33	3.00	640
Fayetteville, North Carolina	1.58	1.63	3.22	638
Covington, Georgia	1.71	3.51	5.23	636
Raleigh, North Carolina	1.50	2.07	3.57	633
Hattiesburg, Mississippi	1.25	2.25	3.50	632
Savannah, Georgia	1.25	2.50	3.75	631
Birmingham, Alabama	1.47	2.85	4.32	627
Atlanta, Georgia (North)	2.20	3.41	5.61	614
Tupelo, Mississippi	1.44	2.11	3.56	612
Macon, Georgia	0.94	1.83	2.77	605
Memphis, Tennessee	2.13	3.83	5.95	604
Lexington, Kentucky	1.45	2.51	3.96	595
Florence, Alabama	2.50	3.00	5.50	589
St. Petersburg, Florida	1.18	2.43	3.60	587
Mobile, Alabama	1.06	1.88	2.94	586
Knoxville, Tennessee	1.38	2.38	3.77	582
Franklin, Tennessee	2.00	2.33	4.33	571
Tallahassee, Florida	0.78	1.89	2.67	563
Chattanooga, Tennessee	1.03	2.67	3.70	553

Hearing Office	Support Staff Ratio (SSR)			APT
	Decision Writers/ ALJs	SSR Without Decision Writers	Total SSR	
Montgomery, Alabama	1.19	1.94	3.13	551
Kingsport, Tennessee	1.71	3.29	5.00	542
Jackson, Mississippi	1.86	4.00	5.86	534
Fort Myers, Florida	0.83	1.83	2.67	517
Nashville, Tennessee	1.35	2.70	4.05	506
Middlesboro, Kentucky	0.91	2.58	3.48	454

Appendix B – HEARING OFFICE ORGANIZATION CHART AND POSITION DESCRIPTIONS

Hearing offices vary in the number of managers, administrative law judges (ALJ), and staff, but they all have the same basic organization structure. Some non-SSA employees also fulfill a number of crucial roles and responsibilities in the hearings operation.

Figure B–1: Hearing Office Organization Chart

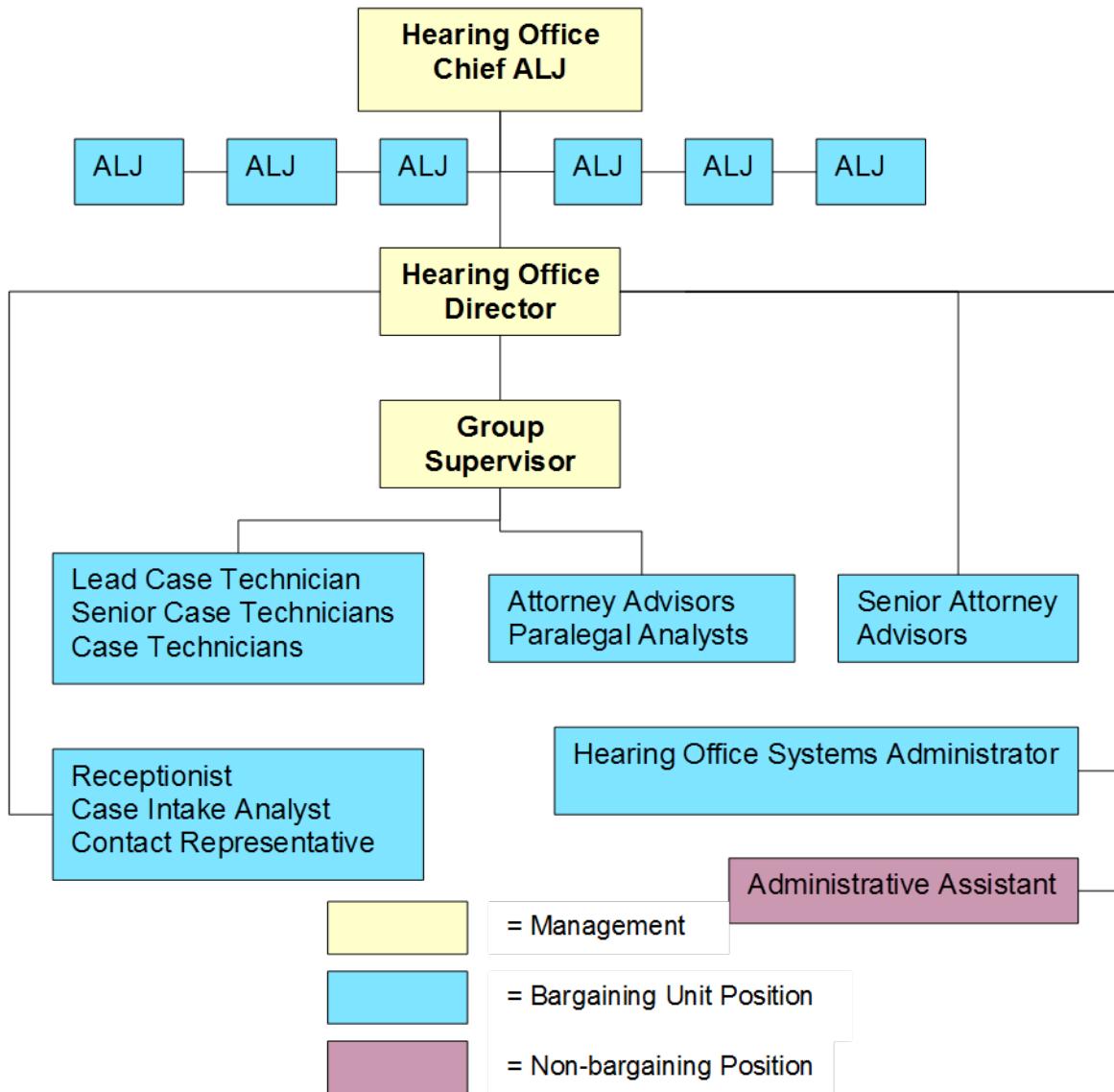


Table B–1: Hearing Office Position Descriptions

Title	Position Description
Hearing Office Chief Administrative Law Judge (HOCALJ)	The HOCALJ is directly responsible for all program and administrative matters concerning the Social Security Administration's (SSA) hearing process in the hearing office. The HOCALJ is the first-line supervisor to administrative law judges, the supervisory staff attorney, and the hearing office director. The HOCALJ has full responsibility and authority to hold hearings and issue decisions made during administration of Titles II, XVI, and XVIII of the <i>Social Security Act</i> .
Administrative Law Judge	The ALJ holds hearings and makes and issues decisions on appeals from determinations made during administration of Titles II, XVI, and XVIII of the <i>Social Security Act</i> .
Hearing Office Director	The hearing office director serves as the principal management adviser to the HOCALJ and participates significantly with the HOCALJ in the overall management and administration of the hearing office. The hearing office director supervises, plans, organizes, and controls operating activities in a hearing office.
Group Supervisor	The group supervisor is the first-line supervisor of the attorney advisor, paralegal analyst, lead case technician, senior case technician, and case technician. The group supervisor directs all the activities of employees assigned to the group to ensure the efficient, timely, and legally sufficient processing of hearing office cases.
Attorney Adviser	The attorney adviser renders advice and assistance to the ALJ in pre-hearing development and preparation of cases for hearing, post-hearing development, and other post-hearing actions. The attorney adviser analyzes, researches, and develops cases, and formulates and drafts comprehensive decisions for the ALJ.
Paralegal Analyst	The paralegal analyst assists the ALJ in formulating the case decision. The paralegal analyst evaluates all program, legal, and medical aspects of the case including exhibits; all testimony; and all pertinent laws and regulations and precedent court cases.
Lead Case Technician	The lead case technician is responsible for leading the work of three or more employees engaged in developing and processing a request for hearing from its receipt in the hearing office to its completion. The lead case technician processes more complex hearing cases where analysis of pertinent issues and interpretation of the provisions of laws, regulations, rulings, precedents, policies, procedures, and guidelines relative to the case is necessary.
Senior Case Technician	The senior case technician processes more complex hearing cases. The senior case technician also prepares case summaries by outlining information from all documents that reflect the claimant's prior medical history and treatment undertaken and any conflicting medical evidence.

Title	Position Description
Case Technician	The case technician reviews and analyzes a variety of medical and legal documentation, records, and evidence to ensure case files are received and developed in accordance with legal and regulatory authorities. The case technician also schedules cases for hearing in accordance with legal and regulatory requirements and coordinates the hearing's time and date with claimants, representatives, expert witnesses, and hearing reporters.
Hearing Office System Administrator	The hearing office system administrator installs, configures, upgrades, and troubleshoots hearing office information technology hardware and software. The administrator serves as the focal point in the ongoing support of information technology initiatives.
Administrative Assistant	The administrative assistant is responsible for providing day-to-day administrative management services essential for the hearing office's operation. These services include aspects of budget execution and formulation, personnel administration, procurement and supply, contract administration, travel, payroll services, and reports management.
Case Intake Assistant	This is a specialized position in that a majority of the work involves master docket duties. The case intake assistant is responsible for developing and processing a case from its receipt in the office to its completion. The case intake assistant reviews and analyzes the case to ensure sufficiency of evidence and to ensure that the case is ready for a hearing. Also, the case intake assistant contacts the claimant to secure current evidence of record.
Receptionist	The receptionist provides information in person and/or over the telephone in response to inquiries concerning the hearing office's general responsibilities, functions, program activities, and personnel as well as performing other clerical activities.
Contact Representative	The contact representative dispenses information to the public, in person or by telephone, explaining the legal provisions, regulations, and procedural requirements for obtaining benefits under the Social Security program as they relate to a specific case, and explaining the application of regulatory provision and the basis for the Agency's determinations in individual cases.

Table B–2: Hearing Office Roles and Responsibilities of Non-SSA Employees

Title	Roles and Responsibilities
Claimant Representative	<p>A claimant appoints a claimant representative to act on his/her behalf in pursuing his/her claim or asserted rights before SSA. The claimant representative may, on behalf of the claimant</p> <ul style="list-style-type: none">● obtain information about the claim that SSA would generally provide the claimant;● examine any documents to which the claimant would have access;● appear at any interview or hearing, either alone or with the claimant;● submit evidence;● be informed of all additional evidence needed to support the claim;● make statements about facts and law;● make any request or give any report or notice about the proceedings before SSA; and● be notified of any decision made in the claim, including, if applicable, decisions regarding auxiliary beneficiaries.
Contract File Assembly	<p>SSA requires that the contractor provide folder assembly services. The contractor</p> <ul style="list-style-type: none">● reviews the case files to ensure all jurisdictional exhibits are in the file;● organizes the documents to be included in the exhibits;● rubber stamps each page of the exhibit with the word “Exhibit” in black ink; and● prepares the exhibit list on either a Government computer or by hand on a pre-printed sheet.

Title	Roles and Responsibilities
Contract Hearing Reporter	<p>SSA is phasing in the use of digital recording of hearings and phasing out the use of analog (audiocassette) recording. During this process, contract hearing reporters will be expected to use both analog and digital recording equipment. The contract hearing reporter's duties are to</p> <ul style="list-style-type: none"> ● be present at the designated hearing site on the date and time specified; ● set up and test the recording equipment; ● record the proper identification information on the hearing cassette tape; ● during the hearing, monitor the recording equipment to ensure it is functioning properly and a verbatim record of the hearing proceedings is made on the cassette tape; ● take notes of hearing testimony, ensuring ALJ directives pertaining to additional evidence and other needed documents are noted; and ● after the hearing, place cassette recording in cassette storage envelope and place notes in a designated area in the hearing room.
Interpreters	<p>SSA provides interpreter services at no cost to assist non-English speaking claimants who have difficulty understanding or communicating in English during any part of the hearing process. The interpreter must accurately interpret each word spoken during the hearing from English to the claimant's language and, as the claimant answers, the interpreter listens and renders the English version.</p>

Title	Roles and Responsibilities
Medical Experts (ME)	<p>An ALJ may need to obtain an ME's opinion, either in testimony or at a hearing or in response to written interrogatories, when the</p> <ul style="list-style-type: none"> ● ALJ is determining whether a claimant's impairment(s) meets or equals a listed impairment(s); ● ALJ is determining usual dosage and effect of drugs and other forms of therapy; ● ALJ is assessing a claimant's failure to follow prescribed treatment; ● ALJ is determining the degree of severity of a claimant's mental impairment; ● claimant or the claimant's representative has requested the presence of an ME at the hearing and the ALJ agrees that ME testimony is necessary; ● ALJ has doubt about the adequacy of the medical record in a case, and believes that an ME may be able to suggest additional relevant evidence; ● medical evidence is conflicting or confusing, and the ALJ believes an ME may be able to clarify the evidence; ● significance of clinical or laboratory findings in the record is not clear, and the ALJ believes an ME may be able to explain the findings and assist the ALJ in assessing their clinical significance; ● ALJ is determining the claimant's residual functional capacity (that is, the ALJ may ask the ME to explain or clarify the claimant's functional limitations and abilities as established by the medical evidence of record); or ● ALJ desires an expert medical opinion regarding the onset of an impairment. <p>The ALJ must obtain an ME's opinion, either in testimony at a hearing or in response to written interrogatories, when the Appeals Council or a court so orders. In addition, the ALJ must use an ME to evaluate and interpret background medical test data.</p>

Title	Roles and Responsibilities
Vocational Experts (VE)	<p>An ALJ may need to obtain a VE's opinion, either in testimony at a hearing or in written responses to interrogatories when the ALJ is determining whether the claimant's impairment(s) prevents the performance of</p> <ul style="list-style-type: none"> ● past relevant work or ● any other work and he/she cannot decide the case. <p>The ALJ must obtain a VE's opinion, either in testimony at a hearing or in response to written interrogatories, when directed by the Appeals Council or a court.</p>

Appendix C – SCOPE AND METHODOLOGY

To accomplish our objective, we:

- Reviewed applicable sections of the *Social Security Act* and the Social Security Administration's (SSA) regulations, rules, policies, and procedures.
- Reviewed the following Office of the Inspector General reports.
 - ✓ *Vocational Expert and Medical Expert Fees for Services, A-06-99-51005* (August 2001).
 - ✓ *The Effects of Staffing on Hearing Office Performance, A-12-04-14098*, (March 2005).
 - ✓ *Management's Use of Workload Status Reports at Hearing Offices, A-12-06-26130*, (March 2007).
 - ✓ *Claimant Representatives at the Disability Determination Services Level, A-01-13-13097* (February 2014).
 - ✓ *The Social Security Administration's Efforts to Eliminate the Hearings Backlog, A-12-15-15005* (September 2015).
 - ✓ *Workload Oversight in the Miami Hearing Office, A-12-15-50041* (June 2016).
 - ✓ *Congressional Response Report: Reasons for Hearing-related Delays, A-05-17-50268* (June 2017).
 - ✓ *Congressional Response Report: The Social Security Administration's Telework Program and Its Effect on Customer Service, A-04-17-50267* (July 2017).
 - ✓ *Factors Related to Decreased Administrative Law Judge Productivity, A-12-18-50289* (September 2017).
- Reviewed and analyzed the following data from Office of Hearings Operations' workload management systems and management information reports.
 - ✓ FY 2012 to 2017 trends in the number of pending hearings (backlog).
 - ✓ FY 2012 to 2017 trends in the average processing times (APT) of hearings.
 - ✓ FY 2012 to 2017 trends in staffing levels and ratios.
 - ✓ FY 2012 to 2017 trends in ALJ productivity.
 - ✓ FY 2012 to 2017 trends in staff productivity.
- Reviewed and analyzed relevant SSA policies and procedures and Agency actions, initiatives, strategy, and future plans specific to the Atlanta and New York Regions.

- Conducted 96 interviews in person or over the telephone with administrative law judges, management, and staff in 6 New York Region hearing offices, 6 Atlanta Region hearing offices, and 3 individuals in the 2 regional offices and asked them to describe why they thought there was a disproportionate number of hearing offices in their respective region with high APT. In the New York Region, we conducted interviews in the Albany, Bronx, Buffalo, New York—Varick, Queens, and Syracuse hearing offices. In the Atlanta Region, we conducted interviews in the Atlanta Downtown, Atlanta North, Florence, Franklin, Macon, and Nashville hearing offices.
- Selected examples from individual interviews that were representative of a wider response.
- Provided our preliminary results to management in both regions and incorporated their feedback where appropriate.

We conducted our review between March and December 2017 in Crystal City, Virginia; at regional offices in New York and Atlanta; at various SSA hearing offices in the New York and Atlanta Regions; and at SSA Headquarters in Baltimore, Maryland. The principal entity audited was the Office of Hearings Operations.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Based on tests we performed, we concluded the evidence and Case Processing and Management System data was sufficiently reliable to support the findings, conclusions, and recommendation of the review.

Appendix D – TOP RESPONSES – REGIONAL BREAKDOWN

This is the regional breakdown for the top interviewee responses for (1) issues negatively affecting processing time and productivity (Table D–1); (2) recommendations to improve processing time and productivity (Table D–2); and (3) what factors contribute to lower processing times and higher productivity in some hearing offices (Table D–3).

Table D–1: Regional Breakdown of Interviewee Responses for Issues Negatively Affecting Processing Time and Productivity

Issue	Atlanta Region	New York Region	Total Responses
Insufficient Support Staff	34	30	64
Low Morale	10	20	30
Telework	19	19	38
Role of Claimant Representatives	21	18	39
Quality of Support Staff Work and Lack of Accountability for Staff's Work	17	17	34
ALJ Productivity	11	15	26
Finding and Scheduling Expert Witnesses	10	15	25
Many Supplemental Hearings and Postponements	11	14	25

Table D–2: Regional Breakdown of Interviewee Responses for Recommendations to Improve Processing Time and Productivity

Recommendation	Atlanta Region	New York Region	Total Responses
More Support Staff	34	25	59
Change Regional Office Issues That Decrease Productivity	4	12	16
Holding Support Staff Accountable for Their Work/Better Management of Support Staff	10	4	14
Resolve Issues That Decrease ALJ Productivity	6	8	14
Pre-Hearing Conferences	3	10	13
Reduce or Reform Telework	6	6	12
Change Grouping of Support Staff/ALJ-Centered Work Units	6	5	11
Resolve IT/Computer Issues	9	1	10
Career Advancement Opportunities for Staff	5	3	8
More Decision Writers	0	7	7

Table D–3: Regional Breakdown of Interviewee Responses for Factors Contributing to Lower Processing Times and Higher Productivity

Factor	Atlanta Region	New York Region	Total Responses
Effective Management in Hearing Office	13	5	18
Office Culture	12	5	17
Good Communication	13	2	15
Case Tracking/Cases Balanced Among Staff	11	1	12
Cases are Consistently Ready at Time of Hearing	9	1	10
Outreach to Unrepresented Claimants	9	0	9

Appendix E – OTHER INTERVIEW RESPONSES – NEW YORK REGION

Beyond the top responses described in the report, these were other responses New York Region interviewees gave for (1) issues negatively affecting processing time and productivity (Table E-1); (2) recommendations to improve processing time and productivity (Table E-2); and (3) what factors contribute to lower processing times and higher productivity in some hearing offices (Table E-3).

Table E-1: Other Issues that Negatively Affected Processing Time and Productivity

Issue	Total Responses
Unrepresented Claimants—a lot of them	14
Not Enough Decision Writers	13
Cases Not Ready for Hearing	11
Information Technology Issues	10
Medical Records—Hard to Get	10
Service Area Population Characteristics	10
Decision Writing—Poor Quality	9
File Sizes Are Big	9
Many Cases in Post-Hearing Status	9
Aged Cases—Many of them	8
ALJ Turnover	7
ALJ-Centered Work Units—Lack of	7
Many Receipts/More Receipts	7
Not Enough Administrative Law Judges	7
Pre-Hearing Case Work is Not Being Done	7
Accountability for Decision Writers—Not Sure Who to Hold Accountable for Work	6
Unreasonable Caseload Goals	6
Lack of Training	6
Excessive and Counterproductive Emphasis on Production	5
Lack of Promotional Opportunities for Staff	5
New Evidence Introduced at Last Minute	5
Staff—Productive Staff Get All the Work	5
Assistance to Other Offices	4
Cases Stuck in Pre-Hearing Status	4
Information Technology Equipment Issues	4

Issue	Total Responses
Information Technology Staff–Not Enough	4
Office Management Turnover	4
Staff Burnout	4
75-Day Scheduling Rule Increased Processing Time	3
Accountability Culture–Lack of One	3
Administrative Law Judges Do Not Want to Transfer to this Office	3
Decision-Writer Productivity Index is Inaccurate and Inflexible	3
Decision-Writing Requirements–Too Many	3
Many Duplicate Documents in File	3
Frequent Changes to Processes	3
Group Supervisors–Not Enough	3
Lack of Trust in Office	3
Remands – Many of Them	3
Unfavorable Decisions–Many of Them	3
Past Allegations/Lawsuits	3
Performance Assessments–Unfair, Not Based on Duties in Position Description	3
Special Fraud Cases	3
Support Staff Need Training	3
Telework Inappropriately Used as Leverage Against ALJs	3
Translators – Difficult to Schedule/Often Do Not Show Up	3
Unions Have Too Much Power	3

Table E–2: Other Recommendations to Improve Processing Time and Productivity

Recommendation	Total Responses
Resolve Local Office Management Issues that Decrease Productivity	5
Information Technology Software to Identify and Eliminate Duplicate Documents	3
Outreach to Claimant Representatives	3
Special Hearing Dockets for Certain Types of Cases	3
Screening Units	3
Supplemental Hearings/Postponements–Fewer of Them	3
Training–More	3

Table E–3: Other Factors that Contributed to Lower Processing Times and Higher Productivity in Some Offices in New York Region

Factor	Total Responses
Low Staff Turnover	3
Strong Work Ethic in Office	3
Administrative Law Judges-Centered Work Units	2
Good Support Staff	2
Hearing Office Case Analyst is Exceptional	2
Productive Administrative Law Judges	2

Appendix F – OTHER INTERVIEW RESPONSES – ATLANTA REGION

Beyond the top responses described in the report, the tables below are the other responses Atlanta region interviewees gave for (1) issues negatively affecting processing time and productivity (Table F–1); (2) recommendations to improve processing time and productivity (Table F–2); and (3) what factors contribute to lower processing times and higher productivity in some hearing offices (Table F–3).

Table F–1: Other Issues that Negatively Affected Processing Time and Productivity

Issue	Total Responses
Administrative Law Judge-Centered Work Units–Lack of	8
Excessive Pressure on Administrative Law Judges	8
Not Enough Administrative Law Judges	8
75-Day Scheduling Rule Increased Processing Time	7
Local Office Management Issues	7
More Receipts	7
Problematic Work Metrics	7
Case Transfers from Other Offices	6
Decision Writer Productivity Issues	6
Military Cases—Many of Them	6
Unrepresented Claimants—Many of Them	6
5-Day Evidence Submission Rule Increased Processing Time	5
Excessive Decision-Writing Instructions from Headquarters	5
Claimant was Uncommunicative/Did Not Submit Paperwork/Abandoned Claim	4
Paper Cases	4
Unqualified Employees Promoted	4
Continuing Disability Reviews—Many of Them	3
Lack of Promotional Opportunities for Staff	3
Decision Writing—Poor Quality	3
Region is Too Large	3
Unreasonable Caseload Goals	3

Table F–2: Other Recommendations to Improve Processing Time and Productivity

Recommendation	Total Responses
More Hearing Rooms	4
5-Day Evidence Submission Rule—Apply It Uniformly	3
75-Day Scheduling Rule—Change It	3
Case Worked Up Properly For Hearing	3
Change Workload Metrics	3
End Option to Decline Video Hearing	3
Expert Assistance—Easier To Get	3
Handling of Unrepresented Claimants—Change It	3
Office Move	3

Table F–3: Other Factors that Contributed to Lower Processing Times and Higher Productivity in Some Offices in Atlanta Region

Factor	Total Responses
Good Training	8
Good Work Ethic in Office	7
Special Hearing Dockets for Unrepresented Claimants	7
Everybody is Aware of and Focused on Goals and Targets	6
Stable Office Management	6
Teamwork	6
Administrative Law Judge-Centered Work Units	5
Good Support Staff	5
Hearing Office Case Analyst is Exceptional	4
No Duplication of Effort	4
Support Staff Have a Variety of Duties and Types of Cases	4
ALJs Are Approachable and Easy to Work With	3
All Evidence is Reviewed As It Comes In	3
Case Screening	3
Adhere to First-In, First-Out Order	2
All Cases Are Closed at the End of the Day	2
Good Relationship with the Regional Office	2
Medical Records are Easy to Get	2
Smaller Service Area	2

Appendix G – AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: April 20, 2018 Refer To: S1J-3

To: Gale S. Stone
Acting Inspector General

From: Stephanie Hall /s/
Acting Deputy Chief of Staff

Subject: Office of the Inspector General Draft Report, “Workload Review of the Office of Hearings Operations’ Atlanta and New York Regions” (A-12-18-50285)--INFORMATION

Thank you for the opportunity to review the draft report. Please see our attached comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to Trae Sommer at (410) 965-9102.

Attachment

COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, “WORKLOAD REVIEW OF THE OFFICE OF HEARING OPERATIONS’ ATLANTA AND NEW YORK REGIONS” (A-12-18-50285)

General Comment

Thank you for your work to help identify issues that may contribute to high average processing times in the Atlanta and New York Offices of Hearings Operations. We will use the information in this report, as well as other information, to identify areas for business process efficiency and improvement in our hearings operation.

Recommendation

Work with the New York and Atlanta Regional Offices and their hearing offices to address the issues identified in this report that affected processing times. Specifically, SSA should consider the following actions: (a) suspend telework and recall teleworkers to their official duty stations, as needed, to ensure a hearing office is adequately staffed; (b) assign support staff to administrative law judges in hearing offices in the Atlanta or New York region where this arrangement would be more effective; (c) ensure an information technology (IT) staff member is available at all times during business hours; and (d) test hearing office equipment for functionality and reliability, and take corrective action, if needed, to ensure equipment is functioning appropriately for the hearing offices in the Atlanta region that experienced IT and computer issues.

Response

We agree.

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