



March 7, 2012

The Honorable Dave Camp
Chairman, Committee on
Ways and Means
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In an October 6, 2011 letter, the Committee expressed concerns that managers in the Office of Disability Adjudication and Review (ODAR) may have instructed administrative law judges (ALJ) and hearing office employees to set aside their disability cases during the last week of September 2011 (referred to as "black-out" dates in the letter) and refrain from issuing decisions until the following week, which would have delayed the award of benefits to thousands of claimants awaiting ALJ decisions. To address these concerns, we reviewed the Agency's management oversight and controls at its hearing offices in Alabama, Arizona, Colorado, Florida, Georgia, Ohio, and Tennessee. We added Oklahoma and West Virginia later at the request of Senator Coburn. For the hearing offices in those States, we reviewed management oversight and controls at the corresponding regional offices as well as the ODAR headquarters office. Moreover, we reviewed complaints, and when complaints were made, regarding "black-out" dates and whether leadership took any corrective action. Finally, we determined whether there were any patterns among Agency managers of instructing employees to manipulate workloads.

To ensure the Social Security Administration is aware of the information provided to your office, we are forwarding a copy of this report to the Agency. If you have any questions concerning this matter, please call me or have your staff contact Misha Kelly, Congressional and Intra-Governmental Liaison, at (202) 358-6319.

Sincerely,

Patrick P. O'Carroll, Jr.
Inspector General

Enclosure

cc:

Michael J. Astrue

CONGRESSIONAL RESPONSE REPORT

Oversight of the Year-end Hearings Process

A-05-12-21254



March 2012

Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.
- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.
- Access to all information necessary for the reviews.
- Authority to publish findings and recommendations based on the reviews.

Vision

We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.

Background

OBJECTIVE

Our objective was to address the House Committee on Ways and Means' and a Senator's concerns that managers at the Social Security Administration (SSA) may have asked administrative law judges (ALJ) and staff to set aside the processing of hearing-related claims during the last week of September 2011.

BACKGROUND

In an October 6, 2011 letter, Committee members expressed concern that managers in the Office of Disability Adjudication and Review (ODAR) may have instructed ALJs and hearing office employees to set aside their disability cases during the last week of September 2011 and refrain from issuing decisions until the following week, which would have delayed the award of benefits to thousands of claimants awaiting ALJ decisions.

The Committee requested the Inspector General (IG) review the Agency's management oversight and controls at its hearing offices in Alabama, Arizona, Colorado, Florida, Georgia, Ohio, and Tennessee. In an October 19, 2011 letter, Senator Coburn requested we expand our review to include Oklahoma and West Virginia.

The requestors asked the IG to address the following areas.

1. Management oversight and controls at the nine hearing offices, appropriate regional offices, and ODAR headquarters.
2. What complaints were made, and when, about "black-out" directives; and whether leadership took any corrective action.
3. Whether there was any pattern among managers of instructing employees to manipulate workloads for personal gain.

To address these concerns, we interviewed senior executives and managers regarding communication, complaints, Agency policy, and workload processing during the week of September 24 through 30, 2011. We also reviewed Agency workload, leave, and training information to compare workload processing and staff availability during the week in question to other periods. Finally, we sent questionnaires to approximately 2,400 ODAR hearing office personnel working in the 9 States in our review, which comprised 41 offices and 2 decision-writing units, to better understand hearing case processing during the week in question.

Results of Review

Since as early as 1983, SSA has not counted workload totals for the 53rd week in its year-end management information (MI) data. As a result, from September 24 through 30, 2011, also referred to as Week 53, SSA did not include its process workload count toward either its Fiscal Year (FY) 2011 or 2012 MI totals. This policy affected how workloads were counted throughout the Agency and not only ODAR's hearing workloads. Several ODAR nationwide hearings workload counts, namely hearing dispositions and decisions written, decreased significantly during Week 53. For example, hearing dispositions dropped 87.8 percent compared to an average week in FY 2011. Even when we compared this workload decrease to end of FY 2010 data, this decline was significant. Other workloads, such as cases pulled and hearings held, did not appear to change. ODAR executives stated these Week 53 workload decreases may have related to some employees deferring certain workloads which did not count toward performance goals. ODAR executives also cited staff training and leave during Week 53 as factors related to the workload decrease. ODAR officials stated they communicated the Week 53 policy to managers and attempted to address complaints and confusion from the hearing offices.

Our survey of ODAR hearing office personnel in nine States found the majority processed workloads as usual during Week 53. However, 17 percent of the respondents stated they changed their case processing. More than half of these individuals attributed the change to how workloads were being counted. Less than 1 percent of the individuals who changed their processing stated they complained to management about the change. We also reviewed training and leave data associated with employees in these nine States and found no significant levels of activity to explain the decline in the hearing office workloads. Finally, to identify any patterns of managers instructing employees to inappropriately adjust workloads, we also asked questions regarding instructions from management. About 43 percent of the respondents who stated they were instructed to change their case processing during Week 53 believed the changes would inappropriately influence workload counts. About 8 percent of all respondents stated they received instructions to modify case processing at various times during FY 2011 that could inappropriately influence workload counts.

While it appeared ODAR employees were working throughout Week 53, this work was not always being processed in the same manner or captured in SSA's systems. We believe future workload issues can be resolved if SSA developed a policy with steps to ensure workloads are processed and measured uniformly throughout the year. SSA executives reported they plan to modify the process to ensure these workloads are processed and counted normally throughout any year with 53 weeks, though the Agency was still determining the specific steps at the time of our audit.

SSA OPERATIONS' 53-WEEK REPORTING POLICY

Since as early as 1983, SSA has set up its annual operational reporting cycle where the 53rd week in a year (Week 53) did not count towards either the prior or following FY's workload totals. In September 1983, a Department of Health and Human Services' Management Information Director¹ issued a memorandum highlighting all the years containing 53 weeks from 1984 through 2095.² Under this policy, every 5 to 6 years SSA's operating year contains 53 weeks, rather than 52.

This Week 53 policy was reinforced in an April 2011 Office of Quality Performance (OQP) policy paper,³ which noted, "OMB and the Congress are familiar and comfortable with this pattern."⁴ The OQP paper also noted, ". . . other performance information (and, for that matter, performance goals) has generally been calculated and reported on this same basis to avoid confusion and adverse reaction."⁵ SSA distributed this April 2011 document to Agency managers.

Like other Federal agencies, SSA reports its performance measures in its Performance and Accountability Report (PAR).⁶ Because there were 53 weeks in FY 2011, SSA reported FY 2011 performance measures through both the end of Weeks 52 and 53 for 17 performance measures (see Appendix C), which included non-ODAR workloads. While these Week 53 workloads were not originally included in the performance results for FY 2011, the report allows the reader to view the data using two distinct ending dates for the FY.⁷ SSA did not address or provide a similar breakout on Week 53 in its FY 2005 PAR.

¹ SSA was a component of the Department of Health and Human Services. On March 31, 1995, SSA became an independent agency.

² This September 16, 1983 paper, *SSA Calendar and Management Information System (MIS) Schedule—ACTION*, stated its recommended approach was consistent with Office of Management and Budget (OMB) policy. The 1983 paper also stated a mandate from the OMB set standards throughout Government agencies that each year consists of 52 weeks and each quarter consists of 13 weeks.

³ SSA OQP, *53-Week Operating Year Policy*, April 15, 2011.

⁴ *Id* at p. 1. The April 2011 OQP paper also noted that OMB does not require 52 weeks for performance reporting.

⁵ *Id* at p. 1 (Emphasis in original).

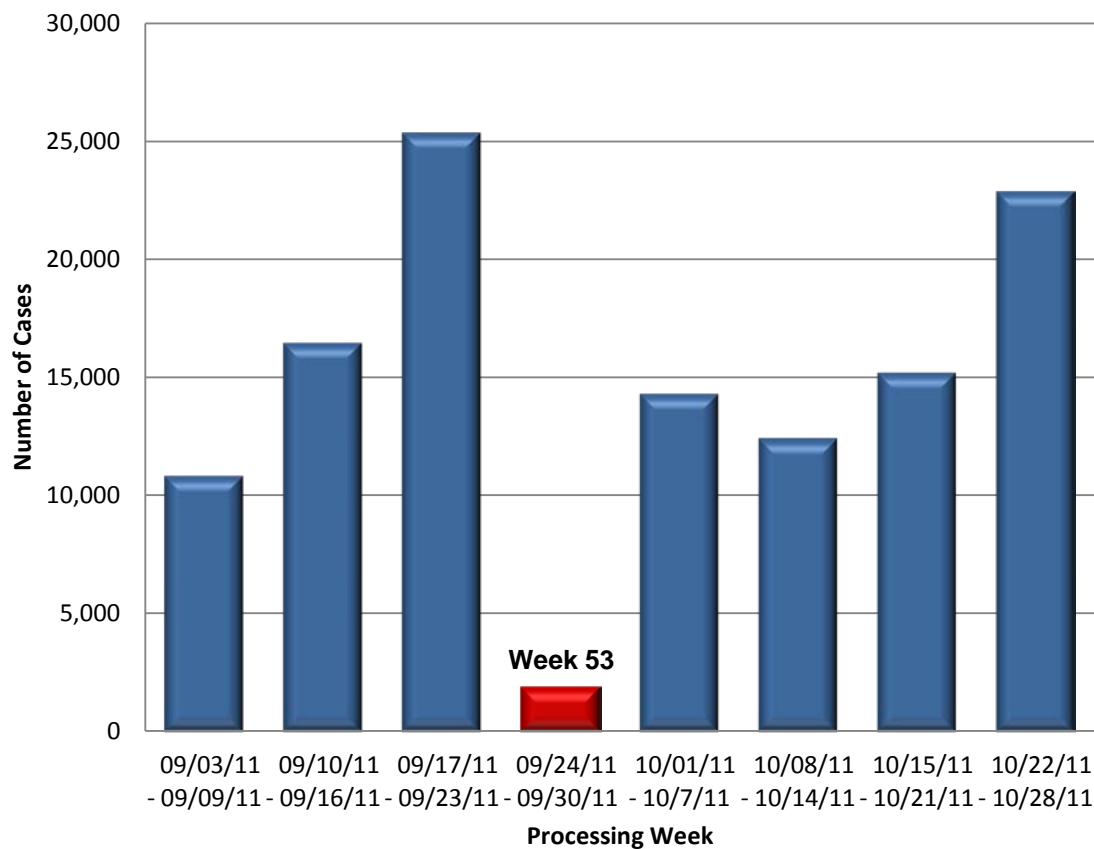
⁶ The *Government Performance and Results Act of 1993*, Pub.L. No. 103-62, 107 Stat.285 (1993) (codified in scattered sections of 31 U.S.C.), provides the establishment of strategic planning and performance measurement in the Federal Government and for other purposes. The PAR is provided to the President, Congress, and the public as a measure of how well programs and finances are managed.

⁷ The addition of the Week 53 data did not change whether SSA met or did not meet its performance goals for the year.

NATIONAL WORKLOAD COUNTS DURING WEEK 53

Hearing dispositions⁸ declined significantly nationwide during Week 53 compared to the other weeks during that period (see Figure 1). Hearing dispositions during Week 53 decreased nationally by 87.8 percent compared to an average processing week in FY 2011. Our review of workload statistics for each of ODAR's 10 regions revealed hearing disposition declines averaged between 82 and 98 percent.

Figure 1: Hearing Dispositions Nationwide in Week 53 and Surrounding Weeks in 2011

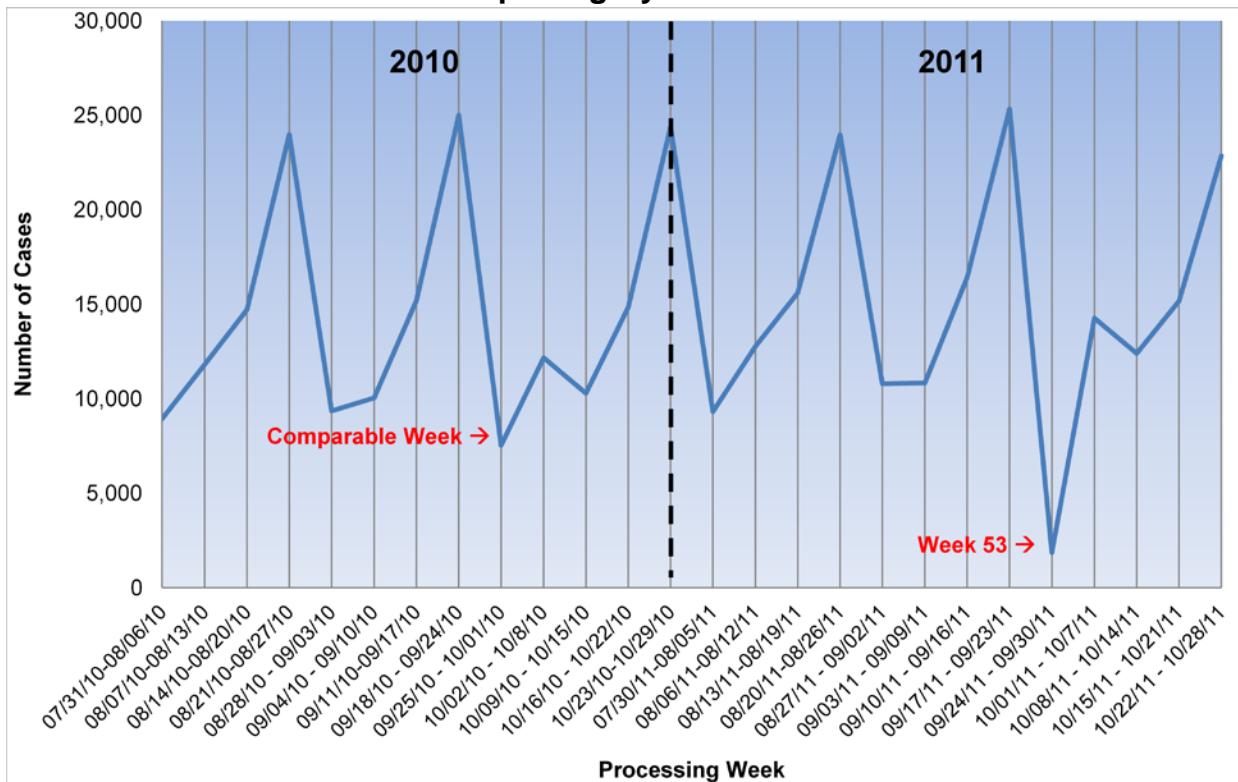


The decline in hearing dispositions processed during Week 53 was greater than the reduction in a similar period at the end of FY 2010 (see Figure 2). We also found a similar decline in decisions written, though not as pronounced (see Figure E-1 in Appendix E). We did not identify any workload declines related to cases pulled⁹ and hearings held (see Appendix E).

⁸ "Hearing dispositions" refers to the number of decisions and dismissals during the reporting period.

⁹ "Cases pulled" refers to the process of preparing a case file for a hearing.

Figure 2: Comparison of Hearing Dispositions Nationwide Following 52-Week FY Reporting Cycles in 2010 and 2011



Note: We compared Week 53 (September 24, 2011 to September 30, 2011) to the first week of the reporting cycle in FY 2011 (September 25, 2010 to October 1, 2010) because both follow a 52-week FY reporting cycle. See Appendices D and E for more on the reporting cycles and other ODAR workloads in FYs 2010 and 2011.

SSA expects ALJs and other staff to achieve weekly, monthly, and annual performance goals. For example, ODAR asks ALJs to issue 500 to 700 legally sufficient decisions timely each year and hold scheduled hearings unless there is a good reason to postpone or cancel.¹⁰ Some ODAR executives believed declines in case processing during Week 53 reflected some individuals' concerns that certain workloads were not being measured and counted toward these performance goals. ODAR executives stated that Week 53 was unique in other ways that should be considered when assessing ODAR's diminished output that week.

¹⁰ In an October 31, 2007 Memorandum, ODAR's Chief ALJ identified expectations regarding the services ALJs provide to the public. Mainly, he asked ALJs to issue 500 to 700 legally sufficient decisions each year; act on a timely basis; and hold scheduled hearings unless there is a good reason to postpone or cancel. SSA considers the 500 minimum decisions a goal, not a quota. In a December 2007 Memorandum, the Chief ALJ followed up on the earlier Memorandum and emphasized the importance of legally sufficient hearings and decisions.

- Some ALJs and employees were on leave (which included religious leave for Rosh Hashanah) for several, if not all, of the days of the week, further reducing adjudicatory capacity;
- 158 ALJs were attending and/or providing training at Headquarters;¹¹ and
- 33 group supervisors (GS) and 50 hearing office directors (HOD) were attending or providing training during Week 53.¹²

COMMUNICATIONS, COMPLAINTS, AND CORRECTIVE ACTIONS

ODAR executives communicated SSA policy and performance expectations regarding Week 53 to hearing office managers leading up to and during Week 53. According to ODAR executives, at various times during the FY, the Deputy Commissioner for ODAR instructed managers and staff to move the workload as evenly as possible to minimize the effect on claimants and the Agency. ODAR executives also stated that before Week 53:

- Hearing office managers were instructed to remind staff to continue holding hearings and making decisions.
- All-managers conference calls were used to remind managers of their expectation that staff should continue processing cases timely during Week 53 and making quality decisions.
- Managers were reminded that Week 53 should be “business as usual.”

In spite of these communications, ODAR executives stated they heard allegations that some hearing office personnel believed they were to defer certain case actions based on information received through word-of-mouth or staff meetings. ODAR management directly responded to a number of complaints and inquiries to eliminate confusion. In addition, in the middle of Week 53, the Chief Administrative Law Judge (CALJ) sent an email to ODAR executives and management advising them to continue processing workloads normally.¹³ However, the CALJ also made it clear that Week 53 dispositions would “. . . not be counted for statistical purposes in either fiscal year 2011 or 2012.”

In our discussions with Headquarters and regional managers, we were told that work was being processed evenly during Week 53 even if the staff was not finalizing the step to completion. For example, a decision could be written but not recorded as completed during Week 53. One ODAR regional manager instructed hearing office personnel to

¹¹ This represents about 11 percent of the approximately 1,400 ALJs generally available to process hearings.

¹² SSA has approximately 160 hearing offices. Each hearing office has one HOD and about two GSs. As a result, the training noted above relates to about 31 percent of the HODs and 10 percent of the GSs. We provide more information on leave and training in our review of the nine States later in this report.

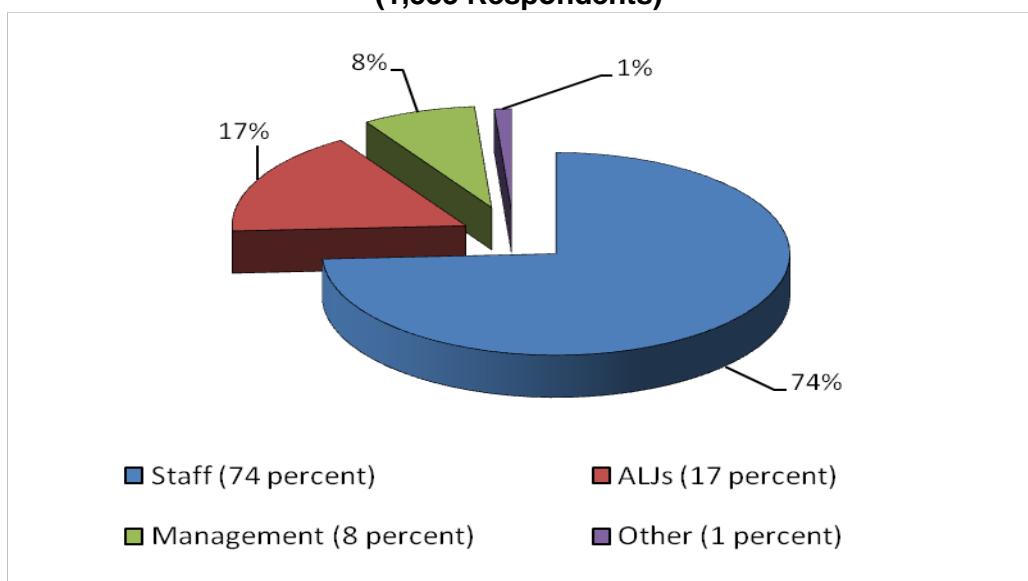
¹³ The email was sent on Wednesday, September 28, 2011.

maintain a separate list of cases processed during Week 53 so they could be input the following week for appropriate workload credit.

HEARING CASE PROCESSING IN NINE STATES

We sent 2,415 questionnaires to all of the hearing office personnel in the 41 hearing offices and 2 decision-writing units in Alabama, Arizona, Colorado, Florida, Georgia, Ohio, Oklahoma, Tennessee, and West Virginia.¹⁴ We received 1,533 responses (an approximately 63-percent response rate). About 74 percent of the responses came from hearing office staff, 17 percent from ALJs, and 8 percent from managers (see Figure 3).¹⁵

Figure 3: Positions of Respondents to the Nine State Questionnaire (1,533 Respondents)

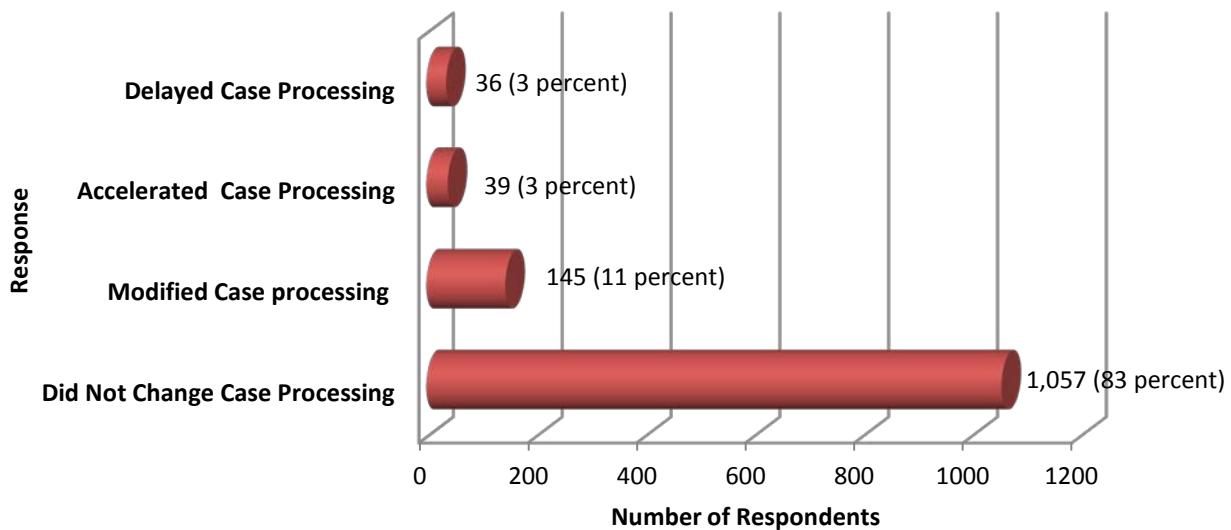


Of the 1,277 respondents who noted they held positions requiring case processing during Week 53, 220 (17 percent) stated they changed their processing of hearing cases during that week (see Figure 4). Of these 220 respondents, 121 (55 percent) noted they believed or knew that hearing workloads were counted differently during Week 53 compared to other weeks throughout the year.

¹⁴ See Appendix F for the questionnaire and responses..

¹⁵ See Appendix G for the location of the questionnaire respondents.

**Figure 4: Case Processing in Nine States During Week 53
(1,277 Respondents)**



Of the 220 respondents who stated they modified their hearing case processing, 145 (66 percent) noted it was not specifically to delay or accelerate the process. When we reviewed the written comments, we found that some of the modifications related to how cases were being counted as well as how workload priorities changed. For example, three of the respondents who stated they modified their case processing also noted the following.

I was told by my supervisor to not send any cases to the Administrative Law Judges to EDIT or SIGN because the office would not get credit for any cases released that week.

I processed all cases through edit...I was told by management to hold the cases for signature until Monday so we would get credit for the decisions in the new FY.

I was instructed to give greater priority to completing evidentiary summaries of cases for post-hearing review by the ALJs. This change in priority was at the behest of my workload supervisor.

Of the respondents indicating they were instructed or encouraged to change their hearing case processing, 11 stated they filed oral or written complaints with their management stating their concerns about Week 53. For example, two of the complaints noted the following.

... ODAR was holding cases for the next week when they would "count" because they didn't "count" during blackout week.

I looked at the amount of cases we closed at week's end and compared it to our average. We closed approximately 11 cases and we average 145 cases a week.

We reviewed training and leave data associated with employees in these nine States and found the information did not indicate any significant levels of activity that would

explain the decline in the hearing office workloads during Week 53. Among employees in the nine States, 7 percent of the questionnaire respondents stated they were in training 1 day or more during Week 53. We reviewed ODAR-provided training data for these same nine States for comparative purposes and found that the training data revealed a doubling of work hours dedicated to training during Week 53 (see Table 1). However, since approximately 96,000 work hours were available each full work-week at the hearing offices in these 9 States, the work hours dedicated to training in Week 53 were approximately 1.9 percent. ODAR management stated the training information provided to us may be understated. However, even if we assumed twice as much time spent in training, the work hours dedicated to training was about 3.8 percent.¹⁶

Table 1: Training Hours among Hearing Office Employees in Nine States

Processing Week	Number of Employee Training Hours
September 10 – 16, 2011	752
September 17 – 23, 2011	801
September 24 – 30, 2011 (Week 53)	1,799
October 1 – 7, 2011	785
October 8 – 14, 2011	1,267

Note: Training information was obtained from ODAR's Training Information System, which is based on employee self-reporting. ODAR managers stated that data for the Denver and Atlanta Decision Writing Units were not available.

Among employees in the nine States who responded to our questionnaire, 17 percent stated they were on leave 1 day or more during Week 53. We also reviewed leave data for ODAR employees in the nine States for comparative purposes and found it did not explain the decline in the hearing office workloads (see Table 2). Both nationally and in the nine States, leave comprised about 16 percent of available work hours in Week 53,¹⁷ an increase from 13 percent the prior pay period. Leave hours increased to about 25 percent the following pay period because of a national holiday. Nonetheless, national ODAR dispositions during this holiday week were about 10,500 cases greater than Week 53.¹⁸

¹⁶ ODAR managers estimated that about 4 to 5 percent of the nationwide workforce was in training during Week 53.

¹⁷ Of the 70,248 hours of national leave recorded during Week 53, 2,271 of these hours (3.2 percent) were recorded as "religious-compensatory hours." ODAR managers earlier mentioned that Rosh Hashanah in Week 53 may have led to fewer employees available to process workloads.

¹⁸ See Appendix E for more on workload counts.

Table 2: Leave Hours Among ODAR Employees in the Nine States

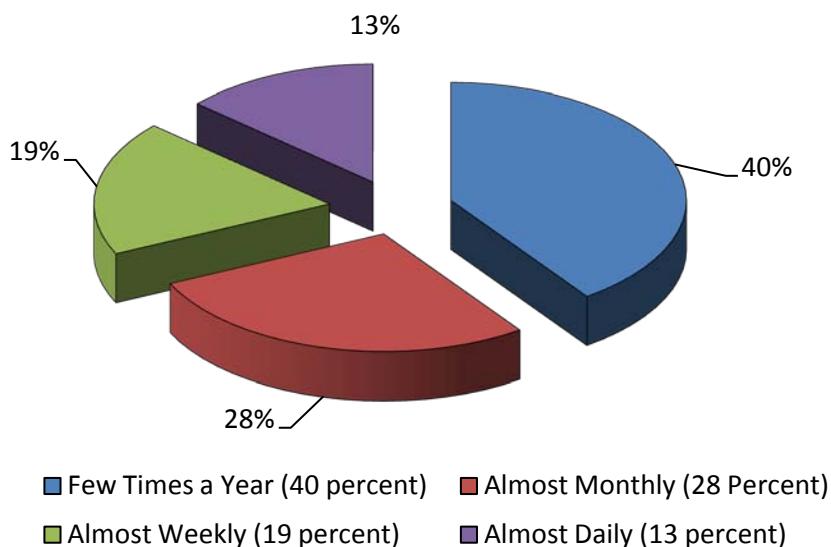
Pay Period	Percent of Employee Leave Hours
September 11 – 24, 2011	13 percent
September 25 – October 8, 2011 ¹	16 percent
October 9 – 22, 2011 ²	25 percent

Note 1: Leave use was 16 percent during both weeks in this pay period, which includes Week 53.

Note 2: October 10, 2011, was a Federal holiday – Columbus Day.

To identify a pattern among managers of instructing employees to inappropriately adjust workloads, respondents were asked questions regarding instructions from management. Of the 1,277 respondents, 209 (16 percent) stated they were instructed or encouraged to change their case processing during Week 53, regardless of whether they actually changed their processing that week.¹⁹ Among these 209 respondents, 90 (43 percent) believed the changes would inappropriately influence workload counts. In addition, 97 (8 percent) of the 1,277 respondents stated they received instructions to modify case processing at some point in FY 2011 that they believed would inappropriately influence workload counts. We also asked about the frequency of such instructions during FY 2011 and note the results in Figure 5.

Figure 5: Frequency of Management Instructions to Employees in the Nine States to Modify Processing During FY 2011 (97 Respondents)



¹⁹ This group may include some of the earlier 220 respondents who stated they changed their case processing during Week 53. However, the earlier 220 respondents were answering a question about their behavior during Week 53 regardless of any instructions from managers.

MODIFICATIONS TO THE WEEK 53 POLICY

ODAR executives indicated they would like to resolve workload issues related to Week 53. However, because of the Agency-wide nature of the issue, it is more likely that the Offices of Systems and Budget, Finance and Management, not ODAR, would have the lead on this initiative. Moreover, the April 2011 OQP policy paper indicated that moving away from the year-end policy would be complex and costly for SSA, stating, “It would not be cost-effective to expend the resources to alter our systems and processes solely for the purpose of capturing data according to a calendar year.”²⁰

On January 11, 2012, OQP finalized an updated Week 53 policy paper documenting the Commissioner’s October 6, 2011 decision to revise the policy regarding 53-week FYs. The policy paper also states that, in the future, the 53rd week of data will be included for all MI counts within reason.²¹ In our discussion with OQP management, we were told that “within reason” means any MI changes must be “cost beneficial to the Agency.” At the time of our review, the Agency was still finalizing the specific steps to be taken to resolve the Week 53 issue. In commenting on our report, the Agency stated that the first application of the new policy will be in 2016, and the Agency’s performance plan will include all work performed in the 53rd week.

We believe SSA could have avoided the Week 53 slowdown in hearing case processing if policy and communications to employees clearly indicated that work processed during Week 53 would be measured the same as workloads processed throughout the year. The Agency needs to develop a policy that not only reports on all workloads in years with 53 weeks but also provides employees with appropriate policies, procedures, and guidance to process these workloads evenly throughout the year.

²⁰ This paper also noted “. . . considerable costs in staff time would undoubtedly be required in order to change any particular reporting year to a 53-week basis, to explain this change, and to calculate the comparability factors each time that data for a 52-week reporting year was compared to that for a 53-week reporting year.” SSA OQP, *53-Week Operating Year Policy*, April 15, 2011, p. 2.

²¹ SSA OQP, *53-Week Operating Year Policy*, January 11, 2012, p. 3.

Conclusions

SSA has a longstanding policy of not counting any Agency workload totals for a 53rd week in its year-end MI data. In our review of ODAR hearing case workload statistics, we found workload processing decreased significantly during Week 53. ODAR officials also noted that they communicated the Week 53 policy to managers and attempted to address complaints and confusion from the hearing offices. Moreover, ODAR executives cited staff training and leave during Week 53 as a factor in the decrease in case processing, though we did not identify any significant levels of activity in training or leave that would explain the workload decrease. Questionnaire responses from ODAR personnel in nine States further confirmed some employees were confused about Week 53, and that some employees received instructions from managers to withhold certain types of case processing.

While it appears ODAR employees were working throughout Week 53, this work was not always being processed in the same manner nor captured in SSA's systems. SSA executives reported they will modify the process to ensure workloads are processed consistently throughout years with 53 weeks, though the Agency was still determining the specific steps related to this modification. To prevent future occurrences of workload declines during a 53rd week, we believe the Agency needs to clearly communicate a policy that explicitly states work will be processed and measured uniformly throughout all years, including those with 53 weeks.

Appendices

[APPENDIX A](#) – Acronyms

[APPENDIX B](#) – Scope and Methodology

[APPENDIX C](#) – Fiscal Year 2011 Performance and Accountability Report

[APPENDIX D](#) – Office of Disability Adjudication and Review Reporting Cycles for
Fiscal Years 2011 and 2012

[APPENDIX E](#) – Comparison of National Hearing Case Processing Workloads

[APPENDIX F](#) – Year-End Processing Questionnaire Sent to Employees in Nine States

[APPENDIX G](#) – Location of Respondents to the Questionnaire

Appendix A

Acronyms

ALJ	Administrative Law Judge
CALJ	Chief Administrative Law Judge
FY	Fiscal Year
GS	Group Supervisor
HOD	Hearing Office Director
IG	Inspector General
MI	Management Information
ODAR	Office of Disability Adjudication and Review
OMB	Office of Management and Budget
OQP	Office of Quality Performance
PAR	Performance and Accountability Report
Pub.L.	Public Law
SSA	Social Security Administration
U.S.C.	United States Code

Scope and Methodology

To address our objective, we:

- Reviewed applicable sections of the *Social Security Act* and the Social Security Administration's (SSA) regulations, policies, and procedures, including applicable sections of the Hearings, Appeals and Litigation Law Manual and *Performance and Accountability Reports*.
- Interviewed Office of Disability Adjudication and Review (ODAR) executives and management in Headquarters and regional offices regarding communication, complaints, Agency policy, and workload processing related to the year-end hearings process.
- Interviewed managers in the Offices of Personnel; Quality Performance; and Budget, Finance, and Management concerning SSA's Week 53 policy.
- Obtained information from SSA's Case Processing and Management System on workloads for Fiscal Years (FY) 2010 to 2012 and Week 53. We reviewed ODAR's workload data to compare workload processing during Week 53 to other periods.
- Obtained and reviewed leave and training data for ODAR personnel covering periods before and after Week 53 as well as the year-end period for FY 2010.
- Sent 2,415 questionnaires to all of the hearing office personnel in the 41 hearing offices and 2 decision-writing units in Alabama, Arizona, Colorado, Florida, Georgia, Ohio, Oklahoma, Tennessee, and West Virginia. We limited questionnaires to personnel in these nine States based on the October 6, 2011 Committee request, and the October 19, 2011 letter from Senator Coburn. We emailed the questionnaire on November 14, 2011, and sent reminders on November 21 and November 28, 2011. We then summarized the responses for the report.

Our review was limited in scope to analyzing workload and personnel data, as supplied to us by the Agency. As such, we relied on the representations of Agency personnel indicating the data reported to us were complete and accurate to the best of their awareness and ability. Accordingly, our work did not constitute an audit of such information. We conducted our review from October to December 2011 in Chicago, Illinois. The principle entity audited was the Office of the Deputy Commissioner for Disability Adjudication and Review. We conducted our work in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

Fiscal Year 2011 Performance and Accountability Report

The Social Security Administration's (SSA) Fiscal Year (FY) 2011 Performance and Accountability Report (PAR) dedicates a section to comparing FY 2011 performance year-end totals for Weeks 52 and 53 (see the table below). The presence of Week 53 led to the restatement of 17 measures. We reviewed the FY 2005 PAR and noticed that it does not mention Week 53.

Strategic Goal 1: Eliminate our Hearings Backlog and Prevent its Recurrence			
Performance Measures	FY 2011 Target	FY 2011 Actual through Week 52	FY 2011 Actual through Week 53
1. Complete the budgeted number of hearing requests	815,000	793,563	795,424
2. Achieve the budgeted goal for SSA hearing case production per workyear	107	111	109
3. Achieve the target number of hearing requests pending	725,000	771,318	787,190
4. Achieve the target to eliminate the oldest hearing requests pending	Less than 0.5% of hearing requests pending 775 days or older	0.09% of hearing request pending 775 days or older	0.09% of hearing request pending 775 days or older
5. Achieve the budgeted goal for average processing time for hearing requests	365 days	360 days	360 days
6. Achieve the target to eliminate the oldest Appeals Council requests for review pending	Less than 1% of Appeals Council requests for review pending 650 days or older	0.1% of Appeals Council requests for review pending 650 days or older	0.3% of Appeals Council requests for review pending 650 days or older
7. Achieve the target average processing time for Appeals Council requests for review	370 days	360 days	358 days

Strategic Goal 2: Improve the Speed and Quality of our Disability Process			
Performance Measures	FY 2011 Target	FY 2011 Actual through Week 52	FY 2011 Actual through Week 53
8. Achieve the target percentage of initial disability cases identified as a Quick Disability Determination or a Compassionate Allowance	5% (September only)	5.8% (September only)	5.9% (September only)
9. Complete the budgeted number of initial disability claims	3,273,000	3,371,250	3,390,936
10. Minimize average processing time for initial disability claims to provide timely decisions	118 days	109 days	109 days
11. Disability Determination Services cases production per workyear	275	291	287
12. Achieve the target percentage of initial disability claims filed online	34%	33%	33%
13. Achieve the target number of initial disability claims pending	845,000	720,319	759,023
14. Increase the percentage of disability cases evaluated using health Information Technology	500 percent above FY 2010 baseline (18,000)	100 percent above FY 2010 baseline (5,986)	108 percent above FY 2010 baseline (6,235)
Strategic Goal 3: Improve Our Retiree and Other Core Services			
15. Percent of retirement, survivors, and health insurance claims receipts completed up to the budgeted level	100% (4,590,000)	104% (4,795,086)	106% (4,877,955)
16. Achieve the target percentage of retirement claims filed online	44%	41%	41%
17. Complete the budgeted number of Supplemental Security Income non-disability redeterminations	2,422,000	2,448,092	2,456,830

Appendix D

Office of Disability Adjudication and Review Reporting Cycles for Fiscal Years 2011 and 2012

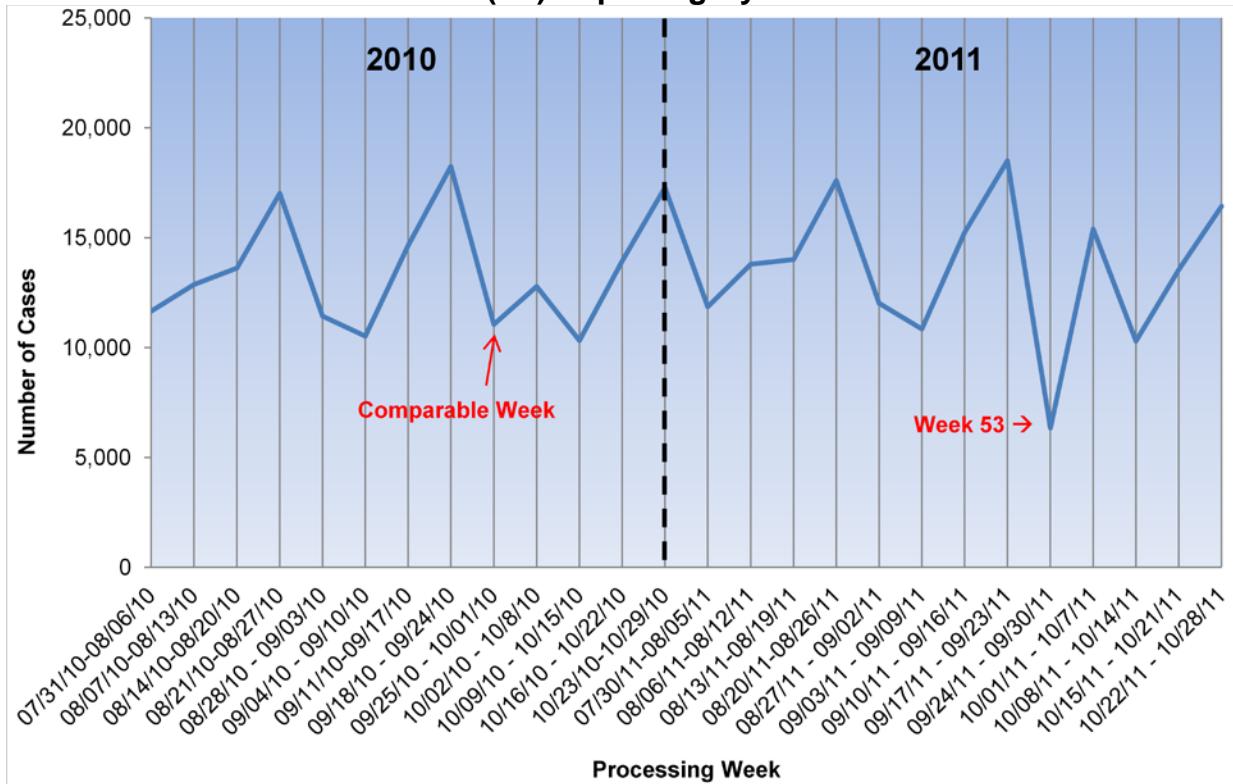
FY 2011 Reporting Cycle			
Month	Report Period	Work Week/Days	Total Days (Cumulative)
Oct 2010	Sep 25 - Oct 29	5/24	24
Nov 2010	Oct 30 - Nov 26	4/18	42
Dec 2010	Nov 27 - Dec 24	4/19	61
Jan 2011	Dec 25 - Jan 28	5/23	84
Feb 2011	Jan 29 - Feb 25	4/19	103
Mar 2011	Feb 26 - Mar 25	4/20	123
Apr 2011	Mar 26 - Apr 29	5/25	148
May 2011	Apr 30 - May 27	4/20	168
Jun 2011	May 28 - Jun 24	4/19	187
Jul 2011	Jun 25 - Jul 29	5/24	211
Aug 2011	Jul 30 - Aug 26	4/20	231
Sep 2011	Aug 27 - Sep 23	4/19	250
		9/25/10 - 9/23/11	52 / 250

Week 53: 9/24 - 9/30/11

FY 2012 Reporting Cycle			
Month	Report Period	Work Week/Days	Total # Days (Cumulative)
Oct 2011	Oct 01 - Oct 28	4/19	19
Nov 2011	Oct 29 - Nov 25	4/18	37
Dec 2011	Nov 26 - Dec 30	5/24	61
Jan 2012	Dec 31 - Jan 27	4/18	79
Feb 2012	Jan 28 - Feb 24	4/19	98
Mar 2012	Feb 25 - Mar 30	5/25	123
Apr 2012	Mar 31 - Apr 27	4/20	143
May 2012	Apr 28 - May 25	4/20	163
Jun 2012	May 26 - Jun 29	5/24	187
Jul 2012	Jun 30 - Jul 27	4/19	206
Aug 2012	Jul 28 - Aug 31	5/25	231
Sep 2012	Sep 01 - Sep 28	4/19	250
		10/01/11 - 9/28/12	52 / 250

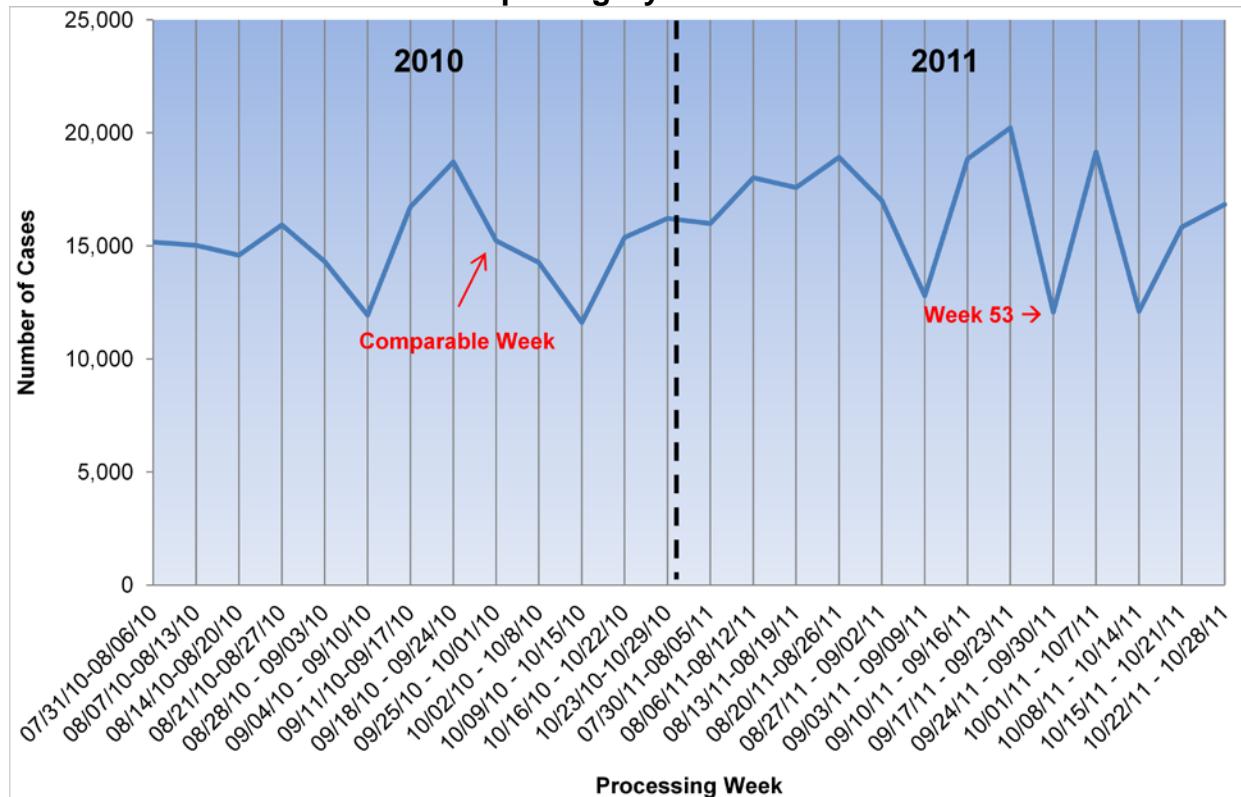
Comparison of National Hearing Case Processing Workloads

Figure E-1: Comparison of Decisions Written Nationwide Following 52-Week Fiscal Year (FY) Reporting Cycles in 2010 and 2011



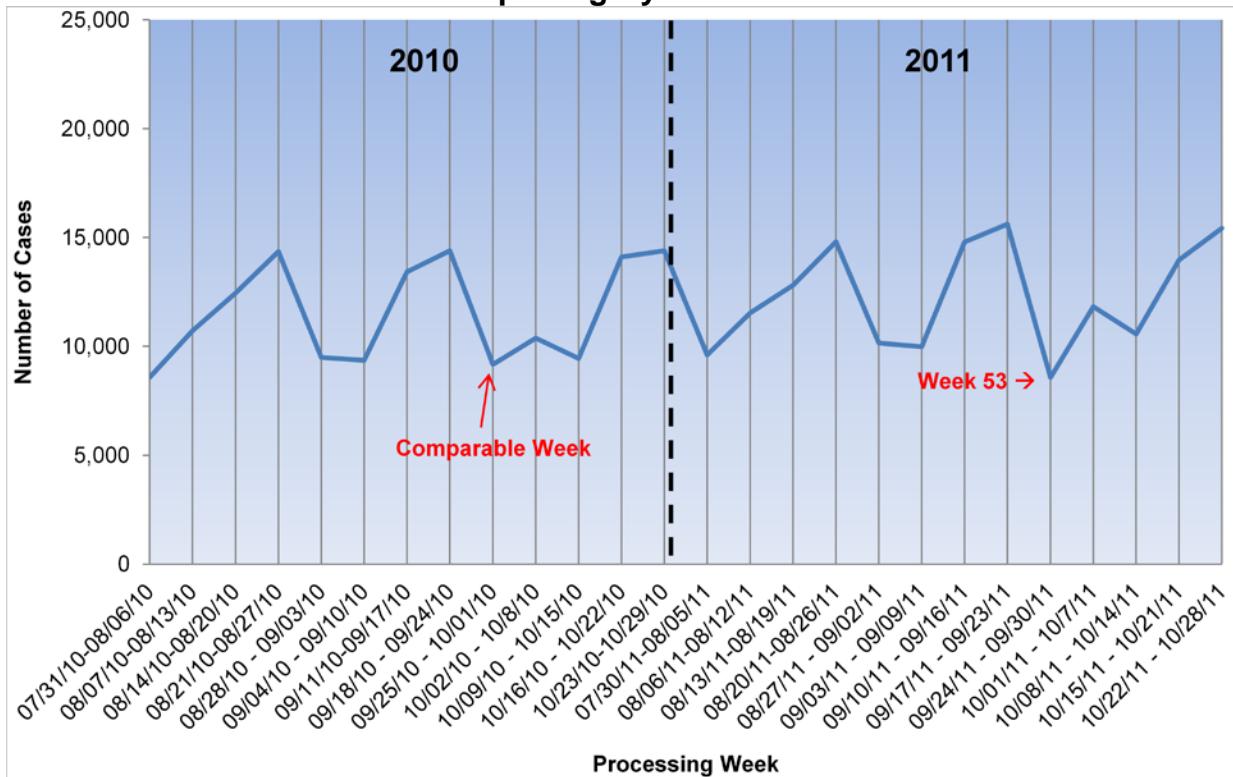
Note: We compared Week 53 (September 24, 2011 to September 30, 2011) to the first week of the reporting cycle in FY 2011 (September 25, 2010 to October 1, 2010) because both follow a 52-week FY reporting cycle.

Figure E-2: Comparison of Cases Pulled Nationwide Following 52-Week FY Reporting Cycles in 2010 and 2011



Note: We compared Week 53 (September 24, 2011 to September 30, 2011) to the first week of the reporting cycle in FY 2011 (September 25, 2010 to October 1, 2010) because both follow a 52-week FY reporting cycle.

Figures E-3: Comparison of Hearing Held Nationwide Following 52-Week FY Reporting Cycles in 2010 and 2011



Note: We compared Week 53 (September 24, 2011 to September 30, 2011) to the first week of the reporting cycle in FY 2011 (September 25, 2010 to October 1, 2010) because both follow a 52-week FY reporting cycle.

Table E-1: 2010 National Workloads by Processing Weeks

Weekly Periods 2010	Hearings Disposed	Decisions Written	Cases Pulled	Hearings Held
07/31/10 - 08/06/10	8,941	11,655	15,174	8,571
08/07/10 - 08/13/10	11,817	12,875	15,026	10,710
08/14/10 - 08/20/10	14,719	13,625	14,595	12,442
08/21/10 - 08/27/10	23,980	17,015	15,933	14,360
08/28/10 - 09/03/10	9,358	11,440	14,309	9,494
09/04/10 - 09/10/10	10,048	10,525	11,938	9,358
09/11/10 - 09/17/10	15,205	14,644	16,730	13,424
09/18/10 - 09/24/10	25,006	18,248	18,714	14,394
09/25/10 - 10/01/10	7,534	11,056	15,224	9,171
10/02/10 - 10/08/10	12,168	12,782	14,270	10,375
10/09/10 - 10/15/10	10,292	10,327	11,608	9,448
10/16/10 - 10/22/10	14,843	13,942	15,374	14,107
10/23/10 - 10/29/10	24,391	17,278	16,224	14,396

Note: In 2010, the week ended October 1, 2010 is comparable to Week 53 because both are the first week following a 52-week FY reporting cycle. FY 2010 contains the normal 52 weeks ended September 24, 2010.

Table E-2: 2011 National Workloads by Processing Week

Weekly Periods 2011	Hearings Disposed	Decisions Written	Cases Pulled	Hearings Held
07/30/11 - 08/05/11	9,320	11,862	15,993	9,606
08/06/11 - 08/12/11	12,778	13,792	18,014	11,532
08/13/11 - 08/19/11	15,595	14,002	17,582	12,807
08/20/11 - 08/26/11	23,974	17,605	18,914	14,801
08/27/11 - 09/02/11	10,789	12,017	17,007	10,158
09/03/11 - 09/09/11	10,833	10,842	12,788	9,976
09/10/11 - 09/16/11	16,436	15,238	18,846	14,789
09/17/11 - 09/23/11	25,332	18,508	20,224	15,614
09/24/11 - 09/30/11	1,861	6,334	12,069	8,571
10/01/11 - 10/07/11	14,274	15,397	19,154	11,828
10/08/11 - 10/14/11	12,399	10,293	12,101	10,565
10/15/11 - 10/21/11	15,170	13,551	15,837	13,969
10/22/11 - 10/28/11	22,853	16,435	16,830	15,422

Note: In 2010, the week ended October 1, 2010 is comparable to Week 53 because both are the first week following a 52-week FY reporting cycle. FY 2011 contains 53 weeks ended September 30, 2011.

Year-End Processing Questionnaire Sent to Employees in Nine States

This survey asks questions about the Office of Disability Adjudication and Review's (ODAR) year-end hearing case processing. We wish to obtain a better understanding of how ODAR processed hearing cases during the end of Fiscal Year (FY) 2011.

Please ensure all responses are complete before clicking "Next." After you have clicked "Next," you will NOT be able to return to any prior page. If you realize you omitted relevant information to a prior question, please provide the omitted information in the "additional comments" box at the end of the survey.

We will hold your responses in the strictest confidence. This survey should take approximately 5 to 10 minutes to complete. We thank you in advance for your thoughtful feedback.

1. Where were you employed during September 24-30, 2011, also known as "Week 53"?

See Appendix G for the State where the respondents were employed.¹

2. What was your position in the organization during September 24-30, 2011 (Week 53)?

See Figure 3 in the body of the report for the positions of the respondents.

3. Does the position you held with SSA during September 24-30, 2011 (Week 53), generally require you to process hearing cases? Processing covers any activities from receipt in the master docket to the mailing of the final decision (such as, pulling cases, writing decisions, rendering decisions, etc.).

Response	Count	Percentage
Yes	1277	83
No	256	17
Total	1533	100

¹ Our sample questionnaire focused on those States of interest to the Congress.

3a. During September 24-30, 2011(Week 53), which days were you in the office and available to process hearing cases? (Please select all that apply.)

Response ²	Count	Percentage
Monday-Friday	806	63
Not in the Office	89	7
Other	382	30
Total	1277	100

3b. If you were not in the office processing cases all seven days of September 24-30 (Week 53), where were you? (Please select all that apply.)

Response ³	Count	Percentage
On Leave one or more days	220	17
In Training one or more days	84	7
Other	973	76
Total	1277	100

4. Did you change your processing of hearing cases during September 24 – 30, 2011 (Week 53) and, if so, in what way?

Response	Count	Percentage
No, during Week 53, I did not change the way I typically process hearing cases	1057	83
Yes, I accelerated my case processing speed	39	3
Yes, I delayed my case processing speed	36	3
Yes, I modified my case processing in some other way	145	11
Total	1277	100

4a. Did you change your processing of hearing cases during September 24 – 30, 2011 (Week 53) because you believed or knew that hearing workloads were being counted differently during September 24 – 30, 2011 (Week 53)?

Response	Count	Percentage
Yes, I changed my hearing case processing because I believed or knew that hearing workloads were being counted differently during September 24 – 30, 2011 (Week 53).	121	55
No, I changed my hearing case processing for another reason.	99	45
Total	220	100

² In the questionnaire, we provided a listing of days during the week. In our summary of these responses, "Other" means the respondent was in the office 1 or more days.

³ "Other" captures numerous additional responses, such as the respondent was in the office doing work unrelated to hearing case processing, was not scheduled to work that day due to alternate work schedule, or did not work because it was a Saturday and/or Sunday.

4b. Please explain why and how you changed your processing of hearing cases during September 24 – 30, 2011 (Week 53). (Optional)

We received 181 written responses.

5. Whether or not you actually changed your case processing during September 24 – 30, 2011 (Week 53), were you instructed or encouraged by anyone to change your hearing case processing for that week?

Response	Count	Percentage
Yes	209	16
No	1068	84
Total	1277	100

5a. What were you instructed or encouraged to do to change your case processing during September 24 – 30, 2011 (Week 53)?

Response	Count	Percentage
Asked to Accelerate case processing	35	17
Asked to Delay case processing	53	25
Asked to Modify case processing in some other way	113	54
Asked to Delay case processing; Asked to Modify case processing in some other way	4	2
Asked to Accelerate case processing; Asked to Delay case processing	2	1
Asked to Accelerate case processing; Asked to Modify case processing in some other way	2	1
Total	209	100

5b. Who instructed or encouraged you to change your hearing case processing during September 24 – 30, 2011 (Week 53)? (Please select all that apply.)

Response	Count	Percentage
Group Supervisor	50	24
HOD	34	16
HOCALJ and HOD	12	6
HOCALJ;HOD; and Group Supervisor	10	5
HOCALJ	8	4
Other ⁴	95	45
Total	209	100

5c. How were you instructed or encouraged to change your hearing case processing during September 24 – 30, 2011 (Week 53)? (Please select all that apply.)

Response	Count	Percentage
In Writing	31	15
Orally	146	70
In Writing and Orally	32	15
Total	209	100

⁴ Other includes a variety of sources, such as “office rumor” and “other coworkers.” We included sources with the most responses.

5d. Do you think you were instructed to modify your processing of hearing cases to inappropriately influence workload counts for the office for the period September 24 – 30, 2011 (Week 53)?

Response	Count	Percentage
Yes	90	43
No	119	57
Total	209	100

5e. Did you actually follow the instructions or encouragement you received to change your hearing case processing during September 24 – 30, 2011 (Week 53).

Response	Count	Percentage
Yes	143	68
No	66	32
Total	209	100

5f. After you were instructed or encouraged to change your hearing case processing during September 24 – 30, 2011 (Week 53), did you submit a formal complaint (oral or written) to any party regarding Week 53 case processing? (Please select all that apply).

Response	Count	Percentage
Yes	11	5
No	198	95
Total	209	100

5f1. If you submitted a complaint regarding September 24 – 30, 2011 (Week 53), to whom did you submit your complaint? (Please select all that apply.)

Response	Count	Percentage
Group Supervisor	3	27
Union Representative	3	27
HOCALJ	1	9
Lead	1	9
Group Supervisor and Union Representative	1	9
Other	1	9
Senator's Office	1	9
Total	11	99 ⁵

5f2. If you submitted a complaint, when did you submit your complaint (approximately)?

Response	Count	Percentage
09/22/2011-11/1/2011	11	100

5f3. Please briefly describe your complaint. (Optional)

All 11 people provided written responses.

⁵ May not add to 100 percent due to rounding.

5f4. Was your complaint resolved?		
Response	Count	Percentage
Yes	3	27
No	8	73
Total	11	100

5f5. If your complaint was resolved, how was your complaint resolved? (Optional)		
Two people provided responses		
6. For any periods during September 25, 2010 through September 23, 2011 (please note this excludes Week 53), do you think you were instructed to modify your processing of hearing cases to inappropriately influence the workload counts for the office?		

Response	Count	Percentage
Yes	97	8
No	1180	92
Total	1277	100

6a. If someone instructed you to modify your processing for any periods from September 25, 2010 through September 23, 2011, approximately how often were you instructed to do so?		
Response		
Almost a daily basis	13	13
Almost a weekly basis	18	19
Almost a monthly basis	27	28
A few times during the year	39	40
Total	97	100

7. Has management ever rewarded you for the number of hearing cases you processed during a specific period?		
Response		
Yes	147	12
No	1130	88
Total	1277	100

7.a. How has management rewarded you for the number of hearing cases you processed during a specific period. Please describe how you were rewarded. (Optional)		
We received 126 written responses.		
8. Has management ever penalized you for the number of hearing cases you processed during a specific period?		
Response		

8a. How has management penalized you for the number of hearing cases you processed during a specific period? Please describe how you were penalized. (Optional)

We received 90 written responses.

9. If you are part of a formal performance appraisal process, to what degree does management include your hearing case workload counts as part of its evaluation criteria?

Response	Count	Percentage
A significant part of the performance appraisal	315	25
Equal in part to a number of other items in the performance appraisal	380	30
A small part of the performance appraisal	117	9
Is not considered	94	7
I am not part of a formal performance appraisal process	371	29
Total	1,277	100

Please let us know if you have any additional comments regarding the ODAR workload processing. (Optional)

We received 473 written responses.

Appendix G

Location of Respondents to the Questionnaire

We received 1,533 questionnaire responses from Office of Disability and Adjudication and Review staff in Alabama, Arizona, Colorado, Florida, Georgia, Ohio, Oklahoma, Tennessee, and West Virginia. Of the respondents, 15 indicated they were at a different location during Week 53. The locations and positions of the respondents are shown in Table G-1.

Table G-1: Respondents to the Questionnaire by Region and State

Region	State	Number of Respondents
Region III: Philadelphia	West Virginia	119
Region IV: Atlanta	Alabama	194
	Florida	278
	Georgia	201
	Tennessee	221
Region V: Chicago	Ohio	260
Region VI: Dallas	Oklahoma	113
Region VIII: Denver	Colorado	51
Region IX: San Francisco	Arizona	81
Other		15
Total		1,533

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The Office of the Inspector General (OIG) is comprised of an Office of Audit (OA), Office of Investigations (OI), Office of the Counsel to the Inspector General (OCIG), Office of External Relations (OER), and Office of Technology and Resource Management (OTRM). To ensure compliance with policies and procedures, internal controls, and professional standards, the OIG also has a comprehensive Professional Responsibility and Quality Assurance program.

Office of Audit

OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

Office of Investigations

OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

Office of the Counsel to the Inspector General

OCIG provides independent legal advice and counsel to the IG on various matters, including statutes, regulations, legislation, and policy directives. OCIG also advises the IG on investigative procedures and techniques, as well as on legal implications and conclusions to be drawn from audit and investigative material. Also, OCIG administers the Civil Monetary Penalty program.

Office of External Relations

OER manages OIG's external and public affairs programs, and serves as the principal advisor on news releases and in providing information to the various news reporting services. OER develops OIG's media and public information policies, directs OIG's external and public affairs programs, and serves as the primary contact for those seeking information about OIG. OER prepares OIG publications, speeches, and presentations to internal and external organizations, and responds to Congressional correspondence.

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OTRM supports OIG by providing information management and systems security. OTRM also coordinates OIG's budget, procurement, telecommunications, facilities, and human resources. In addition, OTRM is the focal point for OIG's strategic planning function, and the development and monitoring of performance measures. In addition, OTRM receives and assigns for action allegations of criminal and administrative violations of Social Security laws, identifies fugitives receiving benefit payments from SSA, and provides technological assistance to investigations.