



SOCIAL SECURITY

Office of the Inspector General

April 22, 2010

The Honorable Earl Pomeroy
Chairman, Subcommittee on
Social Security
Committee on Ways and Means
House of Representatives
Washington, D.C. 20515

Dear Mr. Pomeroy:

On April 5, 2010, we received a request from the House Committee on Ways and Means, Subcommittee on Social Security, to issue an interim report on the first in/first out process in place at the Office of Disability Adjudication and Review (ODAR) and conduct a preliminary examination of the extent to which ODAR is complying with this policy. This report represents our response to this request.

The same letter also asked my office to conduct a more extensive review that examines local, regional, and national trends regarding first in/first out scheduling procedures. My auditors are conducting work in this area as well, and we will share this report with you once completed.

Thank you for the opportunity to provide the Committee with the requested information. To ensure the Agency is aware of the information provided to your office, we are forwarding a copy of this report to the Agency. I have also sent a similar response to Sam Johnson, Ranking Member, Subcommittee on Social Security.

If you have any additional questions, please call me, or have your staff contact Misha Kelly, Congressional and Intra-governmental Liaison, at (202) 358-6319.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick P. O'Carroll, Jr."

Patrick P. O'Carroll, Jr.
Inspector General

Enclosure

cc:
Michael J. Astrue
Sam Johnson



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cc:
Michael J. Astrue
Earl Pomeroy

CONGRESSIONAL RESPONSE REPORT

Scheduled Hearings

A-12-10-20154



April 2010

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

The objectives of our review were to assess the first in/first out (FIFO) process in place at the Office of Disability Adjudication and Review (ODAR) and conduct a preliminary examination of the extent to which the Social Security Administration (SSA) was complying with this policy.

BACKGROUND

ODAR administers the hearings and appeals program for the SSA. Approximately 1,300 administrative law judges (ALJ) working at ODAR conduct hearings and issue decisions. ODAR supports 142 hearing offices and 4 National Hearing Centers (NHC)¹ in 10 regions and maintains satellite and remote sites where ALJs also conduct hearings.

The hearing process begins after a benefit applicant has been denied at a State Disability Determination Services (DDS) office and files a request for a hearing before an ALJ. Once the request for hearing is received, the case is placed into a “master docket” containing key information on all cases received by the hearing office and is then assigned to an ALJ for processing and an eventual hearing, if appropriate.² ODAR’s Hearings, Appeals and Litigation Law (HALLEX) Manual states, “The Hearing Office Chief ALJ generally assigns cases to ALJs from the master docket on a rotational basis, with the earliest (i.e., oldest) [requests for hearings] receiving priority, unless there is a special situation which requires a change in the order in which a case is assigned.”³

¹ ODAR established NHCs to assist with processing cases in heavily impacted hearing offices. ODAR opened NHCs in Falls Church, Virginia; Albuquerque, New Mexico; Chicago, Illinois; and Baltimore, Maryland. The Agency also plans to open a fifth NHC in St Louis, Missouri.

² Not every request for hearing leads to a hearing. For example, an ALJ or senior attorney may make an on-the-record (OTR) allowance without the need of a hearing. In addition, some cases are dismissed before a hearing. According to ODAR, approximately 15 percent of the hearing cases in FY 2009 were OTRs, and another 16 percent were dismissed.

³ SSA, HALLEX I-2-1-55, A—Assignment of Service Area Cases to Administrative Law Judges.

EXCEPTIONS TO FIFO

The HALLEX Manual specifies situations where FIFO does not apply.⁴ These include (1) critical cases; (2) Appeals Council and court remands; (3) dismissals; and (4) waived oral or advance notice of a hearing.⁵ The six situations that warrant the designation as a critical case include the following.⁶

- The claimant's illness is terminal.⁷
- A disability case for any military personnel injured on active duty.
- A case is identified as a *Compassionate Allowance*⁸ case.
- The claimant may be suicidal or homicidal/potentially violent.
- The claimant is without, and is unable to obtain, food, medicine, or shelter—often termed “dire need.”
- The case has been delayed an inordinate amount of time, and there is a public, congressional, or other high priority inquiry on the case.

⁴ See Appendix B for a full listing of exceptions to FIFO.

⁵ SSA, HALLEX I-2-1-55, A.

⁶ SSA, HALLEX I-2-1-40, B—*Critical Cases*.

⁷ A terminal illness is described as an untreatable impairment that cannot be reversed and is expected to end in death.

⁸ *Compassionate Allowances* are granted for diseases of the most obviously disabled individuals based on readily available, objective medical information.

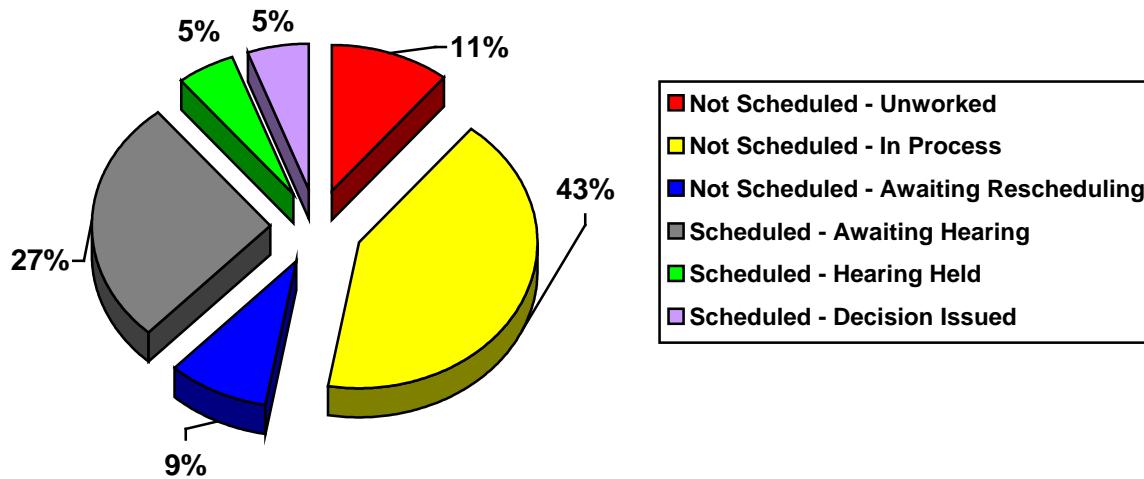
Results of Review

Our review of 55 cases received at 3 hearing offices with the same hearing request date demonstrates wide variances in the processing of these cases. ODAR management stated that the hearing offices follow FIFO when they can, but various factors can alter the scheduling of hearing cases, including critical cases, remote site hearings, and incomplete or lost case files. Moreover, various factors can complicate scheduling, including coordinating with multiple parties involved in the hearing as well as locating sufficient hearing space. ODAR is attempting to improve the timely processing of cases through various initiatives, including the *Aged Case* initiative, expanded electronic processes, and new hearing offices.

HEARING REQUESTS AT THREE OFFICES

To determine whether hearing cases were moving through the system at the same rate and consistent with FIFO, we reviewed hearing requests dated October 13, 2009 at three hearings offices—McAlester, Oklahoma; Orland Park, Illinois; and Sacramento, California. We found that the 55 cases received on the same day were in varying stages in the 3 offices, with about 63 percent of the cases still awaiting a scheduled hearing date and 5 percent of the cases already receiving a decision (see Figure 1).

**Figure 1: Status of Hearing Requests from October 13, 2009
(As of April 9, 2010)**



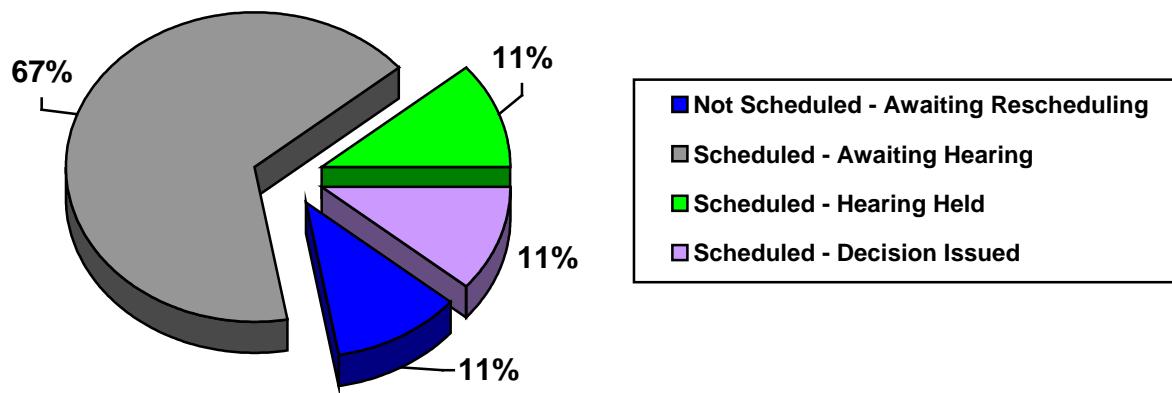
We found that a variety of factors contributed to the range of processing time on these 55 cases. Factors delaying a hearing included unavailable staff, rescheduled hearings,

and video teleconferencing (VTC) as well as hearing office capacity.⁹ We also found 2 critical cases among the 55 that already had a hearing and were being finalized, and 1 other critical case was scheduled for a hearing. These 55 cases represent 1 day among three different-sized hearing offices in three Regions with different workloads and management, so extrapolating from these cases presents a number of risks. However, the 55 cases demonstrate that the receipt of a hearing request on the same day does not equate to a hearing before an ALJ on the same date.

MCALESTER HEARING OFFICE

Of the nine cases in the McAlester Hearing Office¹⁰ with a hearing request date of October 13, 2009, one case (11 percent) was not scheduled for a hearing at the time of our review (see Figure 2). The other eight cases (89 percent) had scheduled hearings, and one had an issued decision.

Figure 2: Status of Hearing Requests at the McAlester Hearing Office from October 13, 2009 (As of April 9, 2010)



Concerning the one unscheduled hearing, we found that the case had been previously scheduled for a February hearing, but the claimant did not appear so the hearing was postponed. Regarding the eight cases currently listing a scheduled hearing date, two were dire need critical cases—one case had a decision issued while the other had a hearing and was being finalized. The critical cases had hearings scheduled in March and April 2010, whereas the remaining six cases were scheduled for May and June 2010.

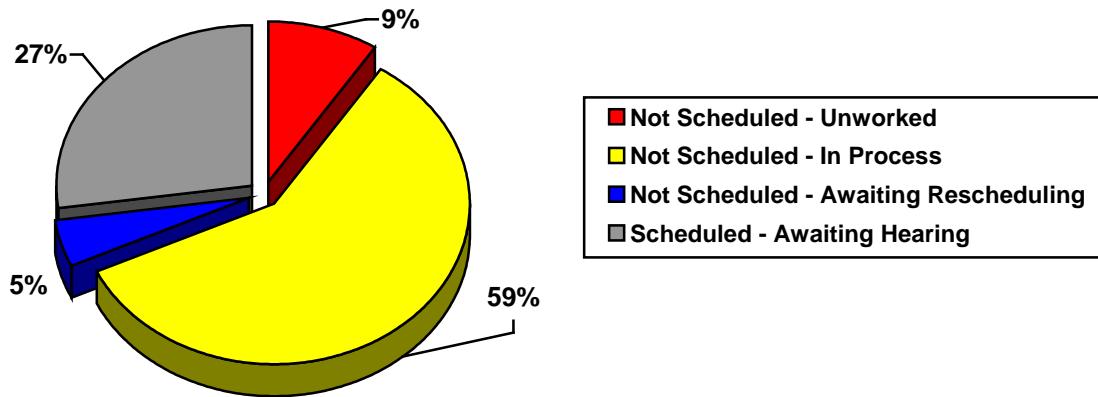
⁹ Our full review of this area will include a statistical sample of cases and provide more in depth analysis of trends throughout the country.

¹⁰ The McAlester Hearing Office has three ALJs, making it a small-sized hearing office. See Appendix C for our methodology.

ORLAND PARK HEARING OFFICE

Of the 22 cases in the Orland Park Hearing Office¹¹ with a hearing request date of October 13, 2009, 16 cases (73 percent) were not scheduled for a hearing at the time of our review (see Figure 3). The remaining six cases (27 percent) had been scheduled and were awaiting a hearing.

Figure 3: Status of Hearing Requests at the Orland Park Hearing Office from October 13, 2009 (As of April 9, 2010)



We found that 15 of those 16 cases had never been scheduled for a hearing, while 1 case was waiting to be scheduled for a supplemental¹² hearing because the claimant was seeking representation.

Of the 15 still awaiting their first scheduled hearing date, 13 were being processed by the office, including 3 awaiting review from a senior attorney adjudicator,¹³ and the remaining 2 were not being worked. We asked staff at the Orland Park Hearing Office about these five cases awaiting processing, and they stated that they often leave cases for a senior attorney adjudicator to review when they are unable to start other processing. If further development comes in, then they can request an interrogatory¹⁴

¹¹ The Orland Park Hearing Office has eight ALJs, making it a medium-sized office. See Appendix C for our methodology.

¹² Circumstances may require that an ALJ adjourn a hearing in progress and continue it at a later date, conduct a supplemental hearing, or reopen the record to receive additional evidence. See HALLEX I-2-6-80—Continued or Supplemental Hearing.

¹³ ODAR's Senior Attorney Adjudicator initiative was implemented in November 2007. The initiative is designed to increase adjudicator capacity by allowing non-ALJs to issue fully favorable OTR decisions, thereby expediting the process and conserving ALJ resources for more complex cases that require a hearing.

¹⁴ In preparing for a hearing, the ALJ, the claimant, or the claimant's representative, with the ALJ's approval, may submit written interrogatories which require written answers to specific questions by a DDS physician or other DDS personnel (including a consulting source).

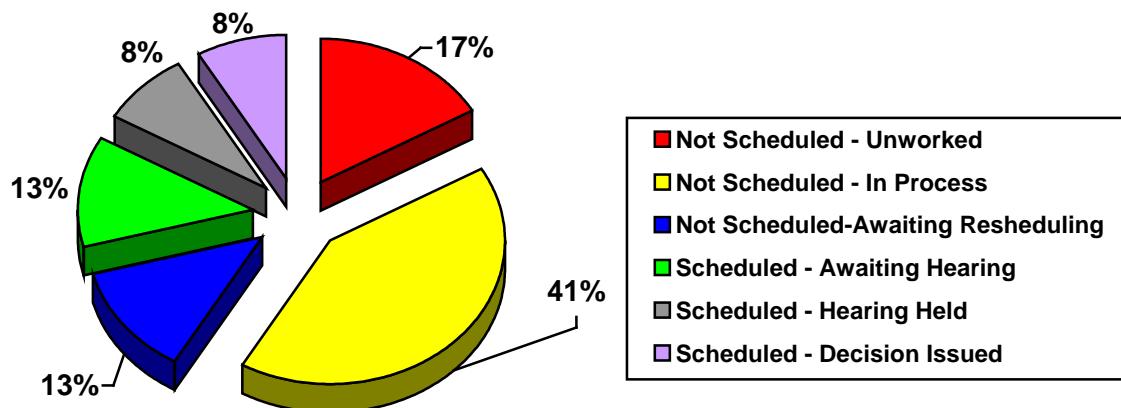
from a medical expert (ME). As for the two unworked cases, after we contacted the hearing office, the cases were moved to a pending category awaiting case pulling.¹⁵

Concerning the six cases currently listing a scheduled hearing date, one was a critical case scheduled for April 2010,¹⁶ three had hearings scheduled in May 2010, and two had been part of a rocket docket¹⁷ hearing and had been already scheduled for a supplemental hearing in July 2010.

SACRAMENTO HEARING OFFICE

Of the 24 cases in the Sacramento Hearing Office¹⁸ with a hearing request date of October 13, 2009, 17 cases (71 percent) were not scheduled for a hearing at the time of our review (see Figure 4). The remaining seven cases (29 percent) had been scheduled, with two having issued decisions.

Figure 4: Status of Hearing Requests at the Sacramento Hearing Office from October 13, 2009 (As of April 9, 2010)



¹⁵ Pulling involves organizing all of the medical documents chronologically, arranging documents in appropriate sections of the case file, numbering documents, identifying duplicate documents, and ensuring all pertinent documents are appropriately labeled in a case folder prior to holding a hearing before an ALJ.

¹⁶ This was a potentially suicidal critical case.

¹⁷ The hearing was scheduled as a rocket docket case. A rocket docket refers to scheduling several cases of unrepresented claimants at the same date and time for the same ALJ since these cases are likely to be dismissed or postponed.

¹⁸ The Sacramento Hearing Office has 14 ALJs, making it a large-sized office. See Appendix C for our methodology.

Of the 17 hearing cases, we found that 14 had never been scheduled for a hearing, whereas the remaining 3 cases were waiting to be rescheduled because of issues with the claimant or the claimant's representative.¹⁹

Of the 14 still awaiting their first scheduled hearing date, 10 were being processed by the office, and 4 were still awaiting processing. When we questioned the Sacramento Hearing Office about the four cases, a hearing office manager stated that three of the cases were set to be scheduled as unexhibited cases, which is sometimes necessary to keep ALJs' dockets filled when there are staffing shortages. However, just before these cases were scheduled, the office obtained assistance from other hearing offices, allowing for these cases to be temporarily transferred outside of the office for work up. The fourth case was improperly listed as unworked and has since been corrected.

Regarding the seven cases currently listing a scheduled hearing date, three had hearings scheduled in June 2010 because it is the hearing office's practice to schedule hearings approximately 3 months in advance. The remaining four had completed hearings—two cases were issued decisions and two cases were still being finalized. The completed hearings occurred in March and April 2010.

FIFO PRACTICES IN ODAR

We spoke to ODAR managers at the headquarters, regional, and hearing office level to better understand practices in place.²⁰ Managers at ODAR Headquarters in Falls Church, Virginia, told us that the organization focuses on processing cases on a FIFO basis, which begins when the claimant initially files a request for hearing. ODAR managers noted that the Commissioner's *Aged Case* initiative is an example of the Agency's commitment to FIFO.²¹ In our September 2009 report on aged cases,²² we noted that the *Aged Case* initiative helped hearing offices refocus their efforts by processing the oldest cases first, thereby returning to the FIFO process.²³ After

¹⁹ The three cases were rescheduled for three different reasons: (1) the claimant failed to appear at the original hearing; (2) the claimant was not available for the hearing; and (3) the claimant's representative requested a new hearing date.

²⁰ We interviewed ODAR Headquarters managers in Falls Church, Virginia, as well as regional managers in the Chicago, Dallas and San Francisco Regions. We also interviewed hearing office managers at the Orland Park, Illinois, Hearing Office in the Chicago Region; the McAlester, Oklahoma, Hearing Office in the Dallas Region; and the Sacramento Hearing Office in the San Francisco Region.

²¹ In FY 2010, ODAR plans to process all hearing cases that would have been 825 days or older by the end of the FY. When the initiative started, the focus was hearing cases 1,000 days and older.

²² SSA, Office of the Inspector General (OIG) report, *Aged Cases at the Hearing Level* (A-12-08-18071), September 2009.

²³ We also noted in the report that ODAR's managers said that (1) a lack of resources, (2) conflicting priorities in the past, and (3) misplaced or time-consuming cases contributed to the backlog of aged cases.

reviewing the results of our 55 case sample, ODAR management stated that a variance in case processing time does not equate to a deviation from a FIFO policy.

In our discussions with ODAR regional and hearing office managers in three Regions, we were told that some of the most common situations allowing hearing offices to bypass FIFO relate to critical cases and remote hearing site dockets.²⁴ Remote docket situations relate to hearing offices attempting to gather enough cases to fill an ALJ's docket for in-person hearings at remote sites, which may lead to cases being heard out of order. We were also told of other situations contributing to departures from FIFO, including incomplete or late case folders from the field offices as well as unique situations, such as cases involving prisoners.²⁵

Regional and hearing office managers stated that hearing cases already in process may be delayed because of difficulties in scheduling the necessary parties, which relates to coordinating with multiple parties involved in the hearing as well as locating sufficient hearing space. Locating hearing space is more complex when using VTC since two or more locations may be required in different parts of the country.²⁶ Managers spoke of other factors that may delay scheduling, including (1) extensive medical documentation from a DDS office, (2) additional medical evidence on incoming cases, and (3) varying productivity and scheduling styles among ALJs.²⁷

PLANNED IMPROVEMENTS

As part of our work, we reviewed ODAR's initiatives aimed at improving operating efficiency and eliminating the hearings backlog. Since 2007, ODAR has been working to standardize and automate core operational activities through its electronic business process (eBP) initiative.²⁸ One important goal of eBP is to automate hearing scheduling, currently a manual process.

One noteworthy Agency improvement to the scheduling process was centralizing and consolidating scheduling duties to as few people as possible at each hearing office. ODAR is also developing a system, known as Judicial Automated Calendaring System (JACS), to electronically schedule hearings. A third-party software application developer, InfoCom, is currently in Phase 2 testing of this product, which ODAR expects to pilot test in the near future. ODAR believes JACS has the potential to significantly

²⁴ ODAR maintains temporary and permanent remote sites nationwide. According to ODAR information, approximately 40 percent of hearings involve remote sites and 20 percent of all hearings involve VTC.

²⁵ We provide more details on these matters in Appendix D.

²⁶ Id.

²⁷ We discussed the ALJ-specific issues in our August 2008 report, *Congressional Response Report: Administrative Law Judge and Hearing Office Performance* (A-07-08-28094).

²⁸ *Standardized Electronic Hearing Office Process*, ODAR Website, updated April 2, 2010.

improve the ability to plan (and hold) more hearings by using an automated calendar function to schedule hearing sites, witnesses, hearing reporters, and ALJs.²⁹

The eBP initiative also supports the Agency's strategic use of VTC to schedule and hear cases more timely by enabling ALJs to hold hearings faster while minimizing the need for ALJ travel. VTC is also assisting with rebalancing workloads among ODAR's hearing offices and the NHCs.³⁰ Using the combined tools from eBP and VTC, ALJs with excess hearing capacity can assume caseloads electronically from heavily backlogged locations nationwide.³¹

Finally, in November 2008, the Agency proposed policy changes for setting the time and place for a hearing before an ALJ.³² These changes were intended to increase ALJ productivity by granting ODAR management direct scheduling authority in specific situations where greater ALJ productivity is sought. ODAR informed us that the rule was signed by SSA's Commissioner on February 24, 2010, and is currently with the Office of Management and Budget.

²⁹ SSA, OIG, *ODAR Management Information* (A-07-09-29162), August 2009.

³⁰ We discussed this flexibility as it pertains to older hearing cases in our September 2009 audit, *Aged Cases at the Hearing Level* (A-12-08-18071).

³¹ *Update on Backlog Initiatives*, <http://www.ssa.gov/appeals/congressional-booklets.html> (last visited Feb. 26, 2010).

³² *Setting the Time and Place for a Hearing before an Administrative Law Judge*, 73 Fed.Reg. 66564 (Nov. 10, 2008) (to be codified at 20 C.F.R. pts. 404, 406).

Conclusions

A variety of factors contribute to the range of scheduled hearing dates among requests for hearing received on the same date. In addition to ODAR allowing exceptions to FIFO to address the most sensitive cases, the complex nature of the hearing process and the variety of parties and locations involved create additional delays and adjustments that can alter compliance with FIFO. Planned improvements and useful management information, as well as expanded video and hearing office capacity in the most hard-pressed regions, should contribute to a more predictable and efficient processing of hearing cases.

Appendices

[APPENDIX A](#) – Acronyms

[APPENDIX B](#) – Exceptions to the First In/First Out Policy for Hearings

[APPENDIX C](#) – Scope and Methodology

[APPENDIX D](#) – Factors That May Modify the First In/First Out Process

Appendix A

Acronyms

ALJ	Administrative Law Judge
eBP	Electronic Business Process
DDS	Disability Determination Services
FIFO	First in/First out
FY	Fiscal Year
HALLEX	Hearings, Appeals and Litigation Law
JACS	Judicial Automated Calendaring System
ME	Medical Expert
NHC	National Hearing Center
ODAR	Office of Disability Adjudication and Review
OIG	Office of the Inspector General
OTR	On-The-Record
SSA	Social Security Administration
VE	Vocational Expert
VTC	Video Teleconferencing

Exceptions to the First In/First Out Policy for Hearings

The Agency's Hearings, Appeals and Litigation Law (HALLEX) Manual provides a number of situations where the first in/first out (FIFO) method for processing hearing cases can be altered (see Table B-1).¹

Table B-1: Exceptions to FIFO When Processing Hearing Cases

Exception	Explanation
Critical Case Designation	This is a case that involves a “critical” issue, including Terminal Illness, Military Service Casualty Cases, Compassionate Allowance, Dire Need, and Suicidal/Homicidal situations.
Time-Limited Court Remand Cases	This is a case in which the court has ordered the Commissioner to complete a specific action(s) within a set period of time.
Section 8001 Cases	In these cases, the Appeals Council has assumed jurisdiction on its own motion of an administrative law judge’s (ALJ) favorable disability decision and remanded the cases for further proceedings. If certain timeframes are not (or have not been) met, SSA must pay the claimant interim benefits until the proceedings on remand have been completed.
Delayed Court Remand Cases	This is a court remand case that is over 125 days old (counting from the date of the court's order) or that the Appeals Council has remanded to an ALJ a second time.
Other Court Remand Cases	This would be all other court remand cases not already cited above.
Title XVI Non-Disability Claim Cases	The hearing decision must be issued within 90 days from the date of the request for hearing.

¹ SSA, HALLEX I-2-1-55—Assignment of Service Area Cases to Administrative Law Judges.

Exception	Explanation
Disability Cessation Cases	The case is handled promptly to avoid or minimize overpayments.
Cases That Appear to Meet the Criteria for Dismissal	Based on hearing office staff review of the hearing request, the case appears to meet the Office of Disability Adjudication and Review's (ODAR) criteria for dismissal.
Cases in Which the Claimant has Waived the Right to an Oral Hearing	The ALJ may determine, based on his or her examination of the record, that a hearing should be held despite the waiver.
Cases in Which a Claimant has Waived His or Her Right to Regular Advance Notice of Hearing	A claimant's waiver of the right to regular advance notice indicates that he or she does not need advance notice to prepare for the hearing and desires a hearing as soon as possible. Therefore, if the hearing office staff can accommodate the claimant because of a cancellation by another claimant or any other reason, it should assign the case to an ALJ and schedule a hearing as soon as possible, without the usual advance notice.
Appeals Council Remand	Appeals Council remands, including those generated by the courts, are assigned to the same ALJ who issued the decision or dismissal unless <ul style="list-style-type: none"> a. the case was previously assigned to that ALJ on a prior remand from the Appeals Council and the ALJ's decision or dismissal after remand is the subject of the new Appeals Council remand or b. the Appeals Council or the court directs that the case be assigned to a different ALJ.

Appendix C

Scope and Methodology

To achieve our objectives, we:

- Reviewed applicable laws and Social Security Administration (SSA) policies and procedures.
- Reviewed prior Office of the Inspector General reports.
- Identified three Office of Disability and Adjudication Review (ODAR) regions to assess the scheduling process. We used three criteria to identify locations to visit: (1) regional distribution, (2) pending workloads, and (3) hearing office size. For example, we selected one small (less than seven administrative law judges [ALJ]), one medium (seven or eight ALJs), and one large hearing office (more than eight ALJs). We selected the following offices
 - ✓ McAlester, Oklahoma, Hearing Office (small office with 3 ALJs) – Dallas Region;
 - ✓ Orland Park, Illinois, Hearing Office (medium office with 8 ALJs) – Chicago Region; and
 - ✓ Sacramento, California, Hearing Office (large office with 14 ALJs) – San Francisco Region.
- Using a workload report from ODAR's Disability Adjudication Reporting Tool, we identified cases in each Region that had a request for hearing date during the first 2 weeks of October 2009 and identified the date during the 2-week period with the most requests for a hearing. We determined that October 13, 2009 met these criteria.
- Analyzed the selected hearing cases using information in ODAR's Case Processing and Management System.
- Interviewed managers in ODAR Headquarters, regional offices, and hearings office at the selected locations to discuss first in/first out, the scheduling process, and the status of selected hearing cases.

We conducted our review during April 2010 in Falls Church, Virginia. The principle entity audited was the Office of the Associate Commissioner of Disability Adjudication and Review. We conducted our review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspections*.

Factors That May Modify the First In/First Out Process

In our discussions with Office of Disability Adjudication and Review (ODAR) regional and hearing office managers in three Regions,¹ we learned of a number of factors that may impact the first in/first out (FIFO) policy as well as the overall processing of hearing cases. Some of the scenarios we discussed with managers are provided below.

Remote Hearing Site Dockets: Remote docket situations relate to hearing offices attempting to gather enough cases to fill an administrative law judge's (ALJ) docket at a remote hearing site. While the majority of cases are heard at a local hearing office, many hearings are held at remote sites where the ALJ may need to travel for an in-person hearing if video teleconferencing is not available. According to the San Francisco regional management team, a hearing office may need to bypass the FIFO process and move newer cases ahead of those that were received earlier to fill an ALJ's docket.² Conversely, a newer case may bypass an older case as claimants await an ALJ visiting the remote site.

Incomplete and Late Folders: Hearing offices continue to receive both incomplete and late cases from field offices. All three regional management teams we spoke to said they are working in their Regions to improve communications between the field offices and hearing offices to quickly identify these cases and minimize future occurrences. In our September 2009 audit,³ we noted similar problems and were provided with a list of 721 cases that were already old when they arrived at the hearing office—the average age of these cases was 833 days.

Prison Cases: Hearing cases involving prisoners often create delays. For example, cases might be scheduled out of FIFO order for prisoners because (1) the prison may lack video technology, so in-person hearings may be delayed as with other remote sites, (2) claimants may protest prison policies requiring guards at telephone hearings; and (3) claimants may be transferred from one facility to another, leading to months of delay before the hearing can be rescheduled.

¹ We interviewed regional managers in the Chicago, Dallas, and San Francisco Regions. We also interviewed hearing office managers at the Orland Park, Illinois, Hearing Office in the Chicago Region; the McAlester, Oklahoma, Hearing Office in the Dallas Region; and the Sacramento Hearing Office in the San Francisco Region.

² To be cost-effective when sending an ALJ to a remote site, the hearing office must assemble a docket of 30 to 40 cases.

³ Social Security Administration, Office of the Inspector General report, *Aged Cases at the Hearing Level* (A-12-08-18071), September 2009.

Scheduling Multiple Parties/Conflicting Schedules: Regional and hearing office managers stated that hearing cases already in process may be delayed due to difficulties in scheduling the necessary parties. For example, hearing offices need to ensure the availability of the ALJ, the claimant and the claimant's representative, the hearing reporter, and, if needed, a translator, a medical expert (ME), and a vocational expert (VE). Any party may cancel at the last minute, creating a need to reschedule the hearing and potentially resulting in months of delay if the ALJ already has a full schedule.⁴ According to the Dallas regional management team, the three hearing offices in the greater Dallas area sometimes find they are trying to schedule the same MEs and claimant representatives simultaneously, leading to scheduling conflicts and delays. In other cases, MEs will request a delay until they can be assigned to more than one case since it may not be cost effective to attend a single hearing. In such situations, the Dallas area hearing offices may need to bypass FIFO and identify additional cases that require a particular ME's expertise.

Transferred Cases: Greater scheduling complexities can be introduced when cases are transferred from one Region to another. For example, the Dallas and San Francisco Regions receive cases transferred from the Chicago Region, which has a large backlog of cases while new hearing offices are being built.⁵ According to the Regional managers, the assisting hearing offices have to go through extra steps to schedule the video hearings since schedulers need to ensure that at least two hearing rooms are available, one at each site, often in different time zones.

⁴ Not only are the ALJ dockets filled months in advance, hearing offices must also comply with the required 20-day notice sent to the claimant and claimant representative.

⁵ In our December 2009 report, *The Office of Disability Adjudication and Review's Staffing Plans Under the American Recovery and Reinvestment Act* (A-12-09-29140), we noted that ODAR was establishing 13 additional hearing offices in FY 2010, as well as satellite offices.

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Social Security Advisory Board

Overview of the Office of the Inspector General

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.

Office of Technology and Resource Management

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.