

# Oversight of Administrative Law Judge Decisional Quality

## A-12-16-50106



March 2017

Office of Audit Report Summary

### Objective

To review the actions the Social Security Administration (SSA) took to monitor and improve the quality of administrative law judge (ALJ) decisions using information from Appeals Council (AC) request for review actions.

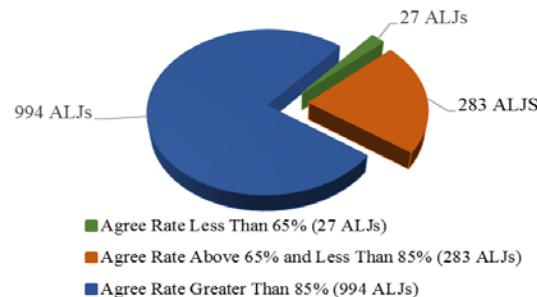
### Background

A claimant can appeal an ALJ's decision to deny or dismiss a disability case. Claimants file these appeals through a request for review to SSA's AC in the Office of Disability Adjudication and Review (ODAR). If the AC grants a review of the case, it will issue a fully favorable, partially favorable, or unfavorable decision; or it may remand the case to an ALJ. If the AC does not grant a case review, the earlier decision remains unchanged.

ODAR tracks the AC's decision on every appealed case and calculates a quality performance measure for each ALJ. The decision agree rate represents the extent to which the AC concludes the ALJ decisions were supported by substantial evidence and contained no error of law or abuse of discretion justifying a remand or reversal. At the time of our review, the national agree rate goal for ALJ decisions was 85 percent. The national dismissal agree rate goal for ALJ dismissals was 72 percent, but less than 6 percent of the AC workload related to dismissals.

### Findings

Since 2014, ODAR's national agree rate average had been equal to or higher than the 85-percent goal. As of June 2016, all ODAR regions and all but 23 hearing offices had exceeded the national goal. However, ODAR had not maintained historical agree-rate data at the regional or hearing office level thereby limiting its ability to analyze agree rate trends. While most ALJs exceeded the agree rate goal, 310 were not meeting the national goal, 27 of whom had agree rates below 65 percent.



ODAR's agree rate had some limitations. Most notably, it provided information on less than one-quarter of the total ALJ dispositions. So, while the agree rate is one of the few quality measures providing specific feedback on an ALJ's workload, it cannot speak to the entirety of an ALJ's workload.

ODAR managers use agree rate results as well as other quality reviews to ensure ALJ decisionmaking is consistent and accurate. Using the quality results, ODAR provides training to ALJs and hearing office staff. ALJs with below-average agree rates may receive additional training, mentoring, and counseling and, in some cases, may be subject to further review.

### Recommendations

1. Re-assess the national agree rate goal for denials to determine whether it should be increased.
2. Maintain and analyze historic data on agree rates to more effectively monitor regional and hearing office agree rates.

SSA agreed with the recommendations.