

Hearing Office Case Rotation Among Administrative Law Judges

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Office of Audit Report Summary

Objective

To determine whether hearing cases were properly rotated among administrative law judges (ALJ). More specifically, we focused on the frequency of a single claimant representative appearing before an ALJ.

Background

The Office of Disability Adjudication and Review (ODAR) has established policies and procedures that govern the rotation of claims at its hearing locations. In general, a Hearing Office Chief ALJ "... assigns cases to ALJs from the master docket on a rotational basis, with the earliest (i.e., oldest) [requests for hearing] receiving priority, unless there is a special situation which requires a change in the order in which a case is assigned."

In June 2011, ODAR's Chief Judge issued a memorandum that established additional controls over case assignment to further enhance hearing office management's ability to ensure proper case rotation. In the memorandum, the Chief Judge noted, "Because cases are assigned on a rotational basis, one ALJ should not be assigned a disproportionate share of the cases from any specific representative."

Our Findings

Our review of the Fiscal Year (FY) 2011 and 2012 data found that four hearing offices had rotation issues throughout the period that were primarily related to their remote sites. From our interviews with hearing office managers and ALJs, we learned that the rotation issues existed for a number of reasons, including (1) ALJs were permitted to choose which remote sites to visit, (2) ALJs did not want to travel to remote sites, (3) parent hearing offices and remote sites lacked sufficient video hearing capacity, (4) claimant representatives declined video hearings even when equipment was available, and (5) ALJs were permanently stationed at remote sites or satellite offices.

We also determined that the number of hearing offices with rotation issues declined over the 18-month period. Five hearing offices with rotation issues in FY 2011 did not appear in our FY 2012 data, though three additional hearing offices showed rotation issues in FY 2012. In our discussions with managers at the five hearing offices that resolved their rotation issues, we learned the reasons for the improvement included (1) expanded video capacity, (2) increased management oversight, (3) changes in ALJs, and (4) reassignment of a remote site. Some of these practices could assist the hearing offices still experiencing rotation problems.

Our Recommendations

To improve the rotation of hearing cases, we recommend the Agency:

1. Continue monitoring the seven hearing offices with rotation issues in the first 6 months of FY 2012 to ensure the proper resolution of rotation issues.
2. Remind hearing office managers that ALJ coverage of remote sites should be consistent with rotation policy and involve all ALJs to the extent possible.

The Agency agreed with the recommendations.