

# Administrative Law Judges from Our February 2012 Report

## Who Had the Highest and Lowest Allowance Rates

### A-12-17-50220



June 2017

Office of Audit Report Summary

#### Objective

To review the status of the 24 administrative law judges (ALJ) we discussed in our February 2012 Congressional Response Report in terms of allowance rates and productivity. We also identified the ALJs who had the highest and lowest allowance rates in Fiscal Year (FY) 2016 and described the Agency's process for monitoring these ALJs.

#### Background

Our February 2012 report, *Oversight of Administrative Law Judge Workload Trends*, reported that ALJs issued between 1 and 3,620 dispositions in FY 2010, with 59 percent of ALJs meeting or exceeding the Agency's 500- to 700-disposition expectation per year. ALJ allowance rates ranged from a low of 8.6 percent to a high of 99.7 percent nationwide.

We reviewed the workload trends of 24 ALJs who had the highest and lowest allowance rates to better understand potential causes for these variances. We learned the variances in allowances can be attributed to many factors, most notably ALJ qualified decisional independence and the demographics of claimants served by the hearing office, such as their age, education, and available work. Among the 24 ALJs, we identified case rotation exceptions at hearing offices related to dismissals, on-the-record decisions, and frequency of claimant representation.

#### Findings

The majority of the 24 ALJs from our first review were no longer among the ALJs with the highest and lowest allowance rates in FY 2016 because their allowance rates changed or they were no longer judges. Social Security Administration (SSA) data for FY 2016 indicated

- 6 were still among the ALJs with the highest and lowest allowance rates,
- 1 had been on administrative leave since 2014 following several reviews by the Agency,
- 1 had become a senior attorney,
- 7 were no longer among the ALJs with the highest or lowest allowance rates, and
- 9 were no longer with the Agency.

Of these 24 ALJs, the Agency had conducted focused reviews on 10. Further, 7 of the 10 ALJs who had a focused review were no longer among the ALJs with the highest or lowest allowance rates or had since left the Agency. (An ALJ's workload can be selected for a focused review if SSA identifies potentially problematic patterns using a combination of factors, such as the number of dispositions, the allowance rate, etc.)

We identified the 12 ALJs who had the highest allowance rates and the 12 ALJs who had the lowest allowance rates in FY 2016. SSA had hired over half of these ALJs in the last 6 FYs and had completed focused reviews on four of these ALJs.

#### Recommendation

We recommend SSA determine whether focused reviews should be conducted—and if appropriate, initiate focused reviews—on the ALJs from our FY 2012 report who are still with the Agency and have not had a focused review to determine whether their decisions are legally sufficient and policy compliant.

SSA agreed with our recommendation.