

United States Senate

WASHINGTON, DC 20510

January 15, 2008

The Honorable Michael Astrue
Commissioner, Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Dear Commissioner Astrue:

We are writing to express our strong concerns regarding the proposed rule on the Administrative Law Judge (ALJ) and appeals process as published in the October 29, 2007 Federal Register. In reviewing the proposed rule, we believe that the proposed rule will be extremely detrimental to claimants and urge you to withdraw it.

The proposed rule would create a complex, legalistic process and assumes that a claimant has legal representation at all stages. This is inconsistent with Congress' intent is to keep the process informal and with the intent of the program itself, which is to correctly determine eligibility for claimants and to award benefits if a person meets the statutory requirements. The emphasis on informality also has kept the process understandable and accessible to the layperson, and not strict in tone or operation.

Additionally, little evidence is presented to suggest that the backlog is caused by existing regulations that the proposed rule would overturn. The mounting backlog of cases at SSA seems to be primarily the result of inadequate funding for the agency, and Congress has worked through the appropriations process to increase funding. As a result, SSA has lacked the staff resources necessary to adjudicate the rising number of claims. It would be unfair to add to the delays faced by too many claimants by denying them a full and fair consideration of their appeals.

We urge you to withdraw these proposed changes and to proceed carefully in developing any proposal that would change the nature of the hearing process and might directly affect the statutory and constitutional due process rights of claimants seeking benefits under the Social Security Act.

Sincerely,



Debbie Stabenow
United States Senator



Carl Levin
United States Senator