

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
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April 22, 2016

The Honorable Carolyn Colvin
Acting Commissioner
U.S. Social Security Administration
1100 West High Rise
6401 Security Boulevard
Baltimore, MD 21235

Dear Acting Commissioner Colvin:

The Committee is examining hearing backlogs within the Social Security Administration's (SSA) Office of Disability Adjudication and Review (ODAR). It has come to my attention that ODAR's Milwaukee Hearing Office has average processing times (APTs) that exceed the national average and that have continually worsened since 2012.¹ I ask for your assistance in better understanding this issue.

SSA's "long-term goal" for APT is 270 days—almost nine months from the date an individual requests a hearing to the date that the individual receives a decision about his or her eligibility for social security benefits.² Social security benefits include disability benefits, retirement benefits, survivors' benefits, and supplemental security income benefits.³ As of May 2015, however, the national APT was 463 days, and by February 2016, the national APT had grown to 499 days.⁴ The Milwaukee Hearing Office's APT is higher than the national average and continues to worsen. The Milwaukee Hearing Office's APT increased from 388 days in fiscal year 2012 to 533 days as of May 2015.⁵ By February 2016, the Milwaukee Hearing Office's APT had increased to 621 days.⁶ This processing time is more than twice as long as SSA's long-term goal.

In January 2013, ODAR wrote to me about the Milwaukee Hearing Office's improvements to processing times.⁷ ODAR informed me that the Milwaukee Hearing Office

¹ SSA defines APT as the average number of calendar days from the hearing request date to the disposition date for all dispositions in a report period. Social Security Administration Office of the Inspector General, Informational Report A-05-15-50083: Hearing Office Average Processing Times 1 (2015) [hereinafter SSA OIG Informational Report].

² *Id.* at 2.

³ *Information About SSA's Office of Disability Adjudication and Review*, SSA.gov, https://www.ssa.gov/appeals/about_odar.html.

⁴ SSA OIG Informational Report, *supra* note 1, at 2.

⁵ *Id.* app. B at B-4.

⁶ *Hearing Office Workload Data*, SSA.gov, https://www.ssa.gov/appeals/DataSets/02_HO_Workload_Data.html; *Milwaukee, WI ODAR Office*, Disability Judges, <http://www.disabilityjudges.com/state/wisconsin/Milwaukee>.

⁷ Letter from John R. Allen, Deputy Chief Admin. Law Judge, Office of Disability Adjudication & Review, Soc. Sec. Admin., to Hon. Ron Johnson, Chairman, HSGAC (Jan. 31, 2013).

reduced the average wait from 626 days in fiscal year 2009 to 388 in fiscal year 2012.⁸ The letter noted that ODAR was “confident that we can maintain this positive momentum with adequate resources in [fiscal year] 2013 and a sufficient number of [administrative law judges].”⁹ However, as evidenced by the numbers above, the processing times for the Milwaukee Hearing Office have now risen almost back to their 2009 level.

I am also concerned about geographical disparities in processing times among the various SSA field offices serviced by the Milwaukee Hearing Office. While Milwaukee and Madison have hearing offices to adjudicate claims, smaller cities and towns—such as Appleton, Marinette, and Sheboygan—have field offices.¹⁰ In the January 2013 letter, ODAR acknowledged that “the average age of pending cases for northern Wisconsin and the Upper Peninsula of Michigan is higher than the overall average age of pending cases in the Milwaukee Hearing Office.”¹¹

Finally, I have received reports alleging that the Milwaukee Hearing Office transfers very old cases to national hearing centers and national case assistance centers to reduce the Milwaukee Hearing Office’s cumulative APT. While transferring cases may be sensible in some circumstances to expedite processing and alleviate the office’s caseload, I am concerned that the practice of transferring particularly aged cases is instead being used to artificially reduce the hearing offices’ APT.

Accordingly, to assist the Committee with its oversight responsibilities, I request that you provide a staff level briefing by May 6, 2016, to address the following topics:

1. Average processing times for the Milwaukee Hearing Office on an individual case basis.
2. The policies and practices for processing cases at field offices, including the use of video hearings and travel for administrative law judges.
3. The Milwaukee Hearing Office’s practice of transferring cases to national hearing centers and national case assistance centers, including the effect on average processing times for the Milwaukee Hearing Office.

Please contact Samantha Brennan of the Committee Staff at (202) 224-4751 by no later than 5:00 p.m. on April 29, 2016, to schedule the briefing.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”¹² Additionally, S. Res. 73

⁸ *Id.*

⁹ *Id.*

¹⁰ *Hearing Office Workload Data FY 2016*, SSA.gov, https://www.ssa.gov/appeals/ho_locator.html#&vt=4.

¹¹ Letter from John R. Allen, Deputy Chief Admin. Law Judge, Office of Disability Adjudication & Review, Soc. Sec. Admin., to Hon. Ron Johnson, Chairman, HSGAC (Jan. 31, 2013).

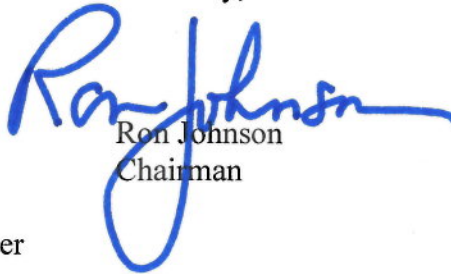
¹² S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

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(114th Congress) authorizes the Committee to examine “the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.”¹³

Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

¹³ S. Res. 73 § 12, 114th Cong. (2015).