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United States Senate

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

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January 17, 2016

The Honorable Gene Dodaro
Comptroller General
Government Accountability Office
441 G St. NW
Washington, DC 20548

Dear Comptroller General Dodaro:

The Office of Disability Adjudication and Review (ODAR) within the Social Security Administration (SSA) is responsible for adjudicating disputes over a claimant's eligibility for Social Security disability benefits. ODAR asserts that its adjudication system is one of the largest of its kind in the world.¹ There are 164 hearing offices around the country as well as five national hearing centers and four national case assistance centers.² Each year, ODAR renders roughly 636,000 decisions.³

Although SSA's goal for the Average Processing Time (APT) is 270 days,⁴ SSA is not meeting this benchmark. An audit of ODAR conducted by the SSA Office of Inspector General (OIG) in 2015 revealed the backlog of pending cases to be more than 1 million, with an APT of 450 days.⁵ The APT is even higher in places like Milwaukee, Wisconsin, where claimants face an average wait time of 621 days—nearly 2 years.⁶ The APT is often used as a metric for determining whether the agency is successfully addressing the enormous backlog.⁷

While SSA has attempted to address the hearings backlog through its Compassionate and Responsive Service (CARES) plan,⁸ my office received allegations from an SSA employee that cases are being transferred between hearing offices prior to a routine audit in an effort to conceal

¹ Soc. Sec. Admin., *Information About SSA's Office of Disability Adjudication and Review*, https://www.ssa.gov/appeals/about_odar.html.

² *Id.*

³ *Id.*

⁴ Soc. Sec. Admin., Office of Inspector Gen., Informational Report A-05-15-50083: Hearing Office Average Processing Times 1 (2015).

⁵ Soc. Sec. Admin., Office of Inspector Gen., SSA's Efforts to Eliminate the Hearings Backlog A-12-15-15005, 1 (2015).

⁶ Letter from Carolyn Colvin, Acting Comm'r, Soc. Sec. Admin., to Sen. Ron Johnson, Chairman, S. Homeland Sec. and Gov't Reform Comm. (June 24, 2016).

⁷ *The Social Security Administration: Is it Meeting its Responsibilities to Save Taxpayer Dollars and Service the Public? Before the S. Finance Comm.*, 112th Cong. (2012) (statement of Michael K. Astrue, Comm'r, Soc. Sec. Admin.), available at https://www.ssa.gov/legislation/testimony_051712.html.

⁸ Letter, *supra* note 6.

the actual APT.⁹ Transfers may be sensible in some circumstances to expedite case processing. However, if the practice is merely a shell game to artificially reduce an office's APT, the transfers may needlessly delay adjudications for claimants.

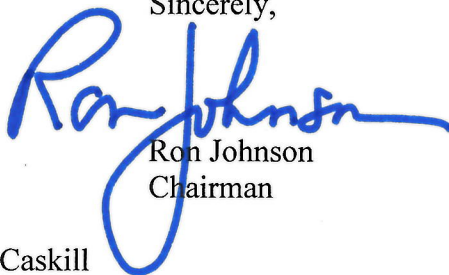
Given the more than 1 million Americans who are waiting for SSA to process their cases, I request your assistance in determining the efficiency of ODAR's case processing systems and hearing workload management. Although GAO has offered Congress a helpful analysis of the hearing backlogs plaguing SSA in the past,¹⁰ it appears that little is known about how SSA moves around its hearing workload, and the effect of such workload-balancing initiatives on processing times and pending caseloads.

For these reasons, I am requesting that GAO study the following:

1. What criteria does SSA use to determine which cases to transfer and where to transfer them?
2. To what extent does SSA transfer cases between offices, and what have been the effects on processing times and the number of pending cases nationwide, regionally, and by office?
3. How effective are SSA's procedures for managing and overseeing disability claims to ensure they are being processed according to program rules?

If you have any questions about this request, please ask your staff to contact David Brewer at (202) 224-4751. Thank you for your assistance.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

⁹ Letter from Sen. Ron Johnson, Chairman, S. Homeland Sec. and Gov't Reform Comm., to Carolyn Colvin, Acting Comm'r, Soc. Sec. Admin. (April 22, 2016); *see also*, M.D. Kittle, *Deadly Delay: Whistleblower alleges misconduct, incompetence in Social Security office*, Wisconsin Watchdog (May 4, 2016), <http://watchdog.org/264179/whistleblower-social-security-misconduct/>.

¹⁰ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO 09-398, SOCIAL SECURITY DISABILITY: ADDITIONAL PERFORMANCE MEASURES AND BETTER COST ESTIMATES COULD HELP IMPROVE SSA'S EFFORTS TO ELIMINATE ITS HEARINGS BACKLOG, (2009); *see also*, U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-08-40, SOCIAL SECURITY DISABILITY: BETTER PLANNING, MANAGEMENT, AND EVALUATION COULD HELP ADDRESS BACKLOGS, (2007).