



HEARING BEFORE

**THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

UNITED STATES SENATE

SEPTEMBER 13, 2012

STATEMENT

OF

JUDGE OLLIE L. GARMON, III

REGIONAL CHIEF ADMINISTRATIVE LAW JUDGE

ATLANTA REGION

OFFICE OF DISABILITY ADJUDICATION AND REVIEW

SOCIAL SECURITY ADMINISTRATION

Mr. Chairman, Ranking Member Coburn, Members of the Subcommittee:

My name is Ollie L. Garmon, III, and I serve as the Regional Chief Administrative Law Judge (RCALJ) for Region IV (Atlanta). The Montgomery, Alabama hearing office (HO) is one of the offices in the Atlanta region. I have 21 years' experience as an ALJ, 3 years as a Hearing Office Chief ALJ (HOCALJ), 4 years as the Assistant to the RCALJ, and 9 years as the RCALJ.

As an RCALJ, I provide general oversight for all program and administrative matters concerning our hearings process in the Atlanta region. The Atlanta region is composed of 37 hearing offices, nearly 400 administrative law judges, and a total staff of nearly 2,300 people in following eight states: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. This region serves a population of about 60 million citizens. We have approximately 25 percent of the agency's hearings caseload, which results in more than 200,000 decisions per year.

I began my legal career in the private sector as an associate for a law firm; I then became a sole practitioner, after which I organized and was a partner in a law firm. During this same time, I served in the public sector as a city attorney and was elected county prosecuting attorney for a 4-year term. In 1979, I was elected for a 4-year term to a full time judicial position of county court judge where I also served as a juvenile court judge. Afterwards, I was appointed by the Governor of the State of Mississippi to the position of Commissioner of the Mississippi Workers' Compensation Commission for a 6-year term.

One of the Hearing Offices in Region IV is located in Montgomery, Alabama. The Montgomery Office's service area includes Alexander City, Anniston, Auburn, Demopolis, Montgomery, Opelika, Selma, and Tuskegee.

The Montgomery Office currently has 10 judges. We expect two new judges to report for duty on September 24, 2012. The support staff for the ALJs includes a mix of attorney advisors, paralegal specialists, and legal assistants. The office has a high transfer rate for ALJs, who frequently request reassignment to other offices.

In fiscal year (FY) 2011, the Montgomery Office received 8,357 cases for adjudication and issued 7,252 dispositions. In FY 2012 to date, the office has received 6,540 cases for adjudication and issued 6,246 decisions. The Montgomery Office currently has 8,323 cases pending and the current average processing time is 430 days. The rate of average dispositions per ALJ per day is 2.37. .

Let me emphasize that while I can take actions to ensure that ALJs move their caseloads and apply the law and our policies correctly, the Administrative Procedure Act grants all ALJs "qualified decisional independence." "Qualified decisional independence" means that ALJs must be impartial in conducting hearings. They must decide cases based on the facts in each case and in accordance with the agency's policy, as set out in the regulations, rulings, and other policy statements. It also means, however, that ALJs make their decisions free from agency pressure or pressure by a party to decide a particular case, or a particular percentage of cases, in a particular way. If I see a performance or quality issue with an ALJ that I need to address, I will

discuss the issue with the judge as soon as possible to ensure that the ALJ's actions are consistent with the agency's policy, and that the ALJ is performing at an acceptable level of productivity. While I exercise appropriate management oversight over the ALJs in my offices and can take a number of actions to help ALJs improve their performance, I cannot and do not interfere with or influence the ultimate decision in any case.

Thank you for the opportunity to be here today. I would be happy to answer any questions that you may have.