



**HEARING BEFORE**

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

**UNITED STATES SENATE**

**SEPTEMBER 13, 2012**

**STATEMENT**

**OF**

**JUDGE DOUGLAS STULTS**

**HEARING OFFICE CHIEF ADMINISTRATIVE LAW JUDGE  
OKLAHOMA CITY, OKLAHOMA HEARING OFFICE  
OFFICE OF DISABILITY ADJUDICATION AND REVIEW  
SOCIAL SECURITY ADMINISTRATION**

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

My name is Douglas Stults, and I serve as the Hearing Office Chief Administrative Law Judge (HOCALJ) for the ODAR Oklahoma City, Oklahoma Hearing Office (HO). I have four years and five months of experience as an ALJ and three years and nine months experience as a HOCALJ. Prior to becoming an administrative law judge (ALJ), I worked for ODAR in the Oklahoma City HO for 12 years, 3 years as the Hearing Office Director (HOD), 5 years as a Group Supervisor, and 4 years as an Attorney-Advisor. Prior to working for ODAR, I was a staff attorney for the UAW Legal Services Plan in Oklahoma City for 7½ years and had practiced law in central Oklahoma for 8½ years before that.

The Oklahoma City HO primarily serves central and western Oklahoma, specifically Oklahoma City, Lawton, Ardmore, and Clinton, Oklahoma, as well as Wichita Falls, Texas and Santa Fe, New Mexico. Thus, the claimants served by the Oklahoma City HO live in urban, suburban, and rural areas and are of diverse cultural and economic backgrounds.

The Oklahoma City HO is presently staffed with 13 ALJs, supported by 59 staff, specifically: 1 Hearing Office Director; 4 Group Supervisors; 1 Administrative Assistant; 2 Hearing Office Systems Administrators; 12 Senior Attorneys; 3 Attorney-Advisors; 6 Paralegal-Analysts; 3 Lead Case Technicians; 13 Senior Case Technicians; 6 Case Technicians; 4 Case Intake Assistants; and 2 Contact Representatives. Fifty-seven percent of our employees (41 of 72) have 6 or more years of ODAR experience and 39% (28 of 72) have 16 or more years, myself included.

In fiscal year (FY) 2011, the Oklahoma City HO attained our regionally-set dispositional goal, with 7,216 claimants served. We also completed all of our aged cases (750 days old). Thus far in FY 2012, we have served 6,317 claimants. Through the end of July 2012, Oklahoma City ALJs' dispositions have averaged: 37.8 percent fully favorable; 3.2 percent partially favorable; 41.7 percent unfavorable; and 17.2 percent dismissals. Further, through the end of August 2012, the Oklahoma City HO has:

Average Processing Time of 381 days;

Average Cases Pending per ALJ of 591;

Average Age of Pending Cases of 258 days;

Cases under 365 days old of 76%;

Receipts per day per ALJ of 2.31;

Hearing Scheduled per day per ALJ of 2.39;

Hearings Held per ALJ per day of 1.79;

Held to Scheduled Ratio of 75%;

Dispositions per day per ALJ of 2.15; and

Dispositions to Receipt Ratio of 103%.

As the HOCALJ, I strive to ensure that my hearing office handles hearing requests in an orderly manner. I discuss ALJ workload and case assignment regularly with our HOD, who oversees the direction of our staff involved in preparing cases for hearing. Generally, cases are “worked-up” for hearing in hearing request date order, with the oldest cases prepared first. Our HOD randomly assigns a minimum number of cases to each Oklahoma City ALJ; 40 cases per month so far in FY 2012.

I use our agency’s technology to manage performance, quality, and productivity, mainly with the help of the Case Processing Management System (CPMS) and Disability Adjudication Reporting Tools (DART), including the “How MI Doing” and ODAR Management Information Dashboard (ODAR MIND). Top priorities include the handling of our oldest cases, the number of hearings scheduled and held per ALJ, the pending per ALJ, and the monthly dispositional totals. I pass general information concerning these categories onto all ALJs, and pass specific information on to individual ALJs as necessary.

I endeavor to work closely with our Oklahoma City ALJs. I have an unconditional “open door” policy. I speak with all of our ALJs, both formally and informally, concerning questions, problems, or suggestions that they might have, regarding individual cases as well as office policies and procedures. I regularly send e-mails to clarify issues and procedures for our ALJs and share general information.

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 office 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.

In addition to my managerial duties, I hold hearings for disability cases.

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