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HANDBOOKS

Federal Manager's Daily Report

Audit Finds Wide Range of Performance by ALJs

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Administrative law judges at the SSA continue to vary greatly in the number of cases they decide each year and the percentage of those in which they rule in favor of the claimant, an IG audit has found.

The report was a follow-up to one issued in 2012 focusing on the 24 ALJs who had the highest or lowest allowance rates and numbers of cases decided. That report had found allowance rates ranging from 8.6 to 99.7 percent, with 59 percent of ALJs meeting the expectation of deciding between 500 and 700 cases per year. Of the 24 ALJs with the highest and lowest allowance rates in 2016, rates ranged from 12.7 to 95.7 percent but only 26 percent of ALJs were meeting the productivity expectation.

The report added that of the 2012 group of 24, six are still among those with the highest or lowest allowance rates, seven were no longer in that category, nine were no longer with the agency, one had taken a different position and the last had been on administrative leave since 2014 following what the SSA calls a “focused review” of the ALJ’s performance.

While ALJs have independence in their decision making, the SSA measures performance based on factors including allowance rates, number of dispositions, number of on-the-record decisions, and frequency of hearings with the same claimant representatives. Such factors “in and of themselves would not represent an issue but might become problematic when coupled with other factors” and can trigger a focused review, the report said.

SSA agreed with a recommendation that it review the ALJs still there since the earlier report and who have not undergone such reviews “to determine whether their decisions are legally sufficient and policy compliant.”

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