

# Senate Committee on Finance

U.S. Senator Orrin Hatch (R-UT), Chairman

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## ***Improving the Quality of Disability Decisions Act of 2015***

To improve administration of Social Security's disability insurance program, Chairman Hatch is introducing the *Improving the Quality of Disability Decisions Act of 2015*. The Act requires that the Social Security Administration (SSA) review hearing decisions by Administrative Law Judges (ALJs) to ensure that the judges are following the law and SSA's regulations and policies. ALJs are tasked with adjudication of appeals from denied disability insurance claimants. The Act requires that SSA report the results of the quality reviews to the Committee on Finance and the House Ways and Means Committee, to enhance oversight and accountability.

SSA has recently begun to perform quality reviews of ALJ decisions, which has led to improvements in consistency, quality, and accuracy of disability decisions. This is a promising development, and the Act will make quality reviews of decisions a requirement of law.

In FY 2011, SSA began performing reviews of randomly sampled disability insurance claim decisions, with the ability to correct the decisions before they become final (something called "pre-effectuation").

Following a request by Ways and Means Social Security Subcommittee Sam Johnson (R-TX), SSA's Inspector General issued a 2012 audit of SSA's quality-review work, including "pre-effectuation" and "post-effectuation" reviews (post-effectuation reviews identify whether ALJs followed SSA's policies and procedures).<sup>1</sup> In 2013, the Inspector General testified before Congress that he approves of the quality review work that SSA is performing.<sup>2</sup>

Also in 2013, three years into SSA's quality-review work, an SSA official reported that the quality reviews "have given us a new opportunity to improve our policy guidance...identify for use the most error-prone provisions of law and regulation, and we use this information to design and implement our ALJ training efforts."<sup>3</sup>

In light of improvements in administration of the DI program provided by quality-review work, as recognized by SSA itself and by SSA's Inspector General, it is imperative that the quality-review work continue, and be given the force of law as provided for in the *Improving the Quality of Disability Decisions Act of 2015*.

According to the Congressional Budget Office, the bill would have no effect on direct spending.

<sup>1</sup> "The Social Security Administration's Review of Administrative Law Judges' Decisions," March, 2012; available at <http://oig.ssa.gov/sites/default/files/audit/full/pdf/A-07-12-21234.pdf>.

<sup>2</sup> Testimony of Patrick O'Carroll, Jr., Inspector General, before the House Committee on Oversight and Government Reform, November 19, 2013; available at <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg86479/html/CHRG-113hhrg86479.htm>.

<sup>3</sup> Statement of Glenn Sklar, Deputy Commissioner for Disability Adjudication and Review, before the House Committee on Oversight and Government Reform, June 27, 2013; available at [http://www.ssa.gov/legislation/testimony\\_062713.html](http://www.ssa.gov/legislation/testimony_062713.html).