

## *Summary of Initiatives to Eliminate the SSA Hearings Backlog*

### *INTRODUCTION*

The Social Security Administration (SSA) currently faces a considerable challenge of processing a large backlog of requests for hearings at resource levels which have not kept pace with the rising level of receipts and pending. Many of these cases have sat for an extended period of time while Administrative Law Judges (ALJs), the adjudicators used by SSA to decide cases, and staff have struggled to keep up with the rising tide of receipts in spite of record numbers of dispositions.

The Agency has developed a four-pronged plan to eliminate the backlog and prevent its recurrence, based on (1) compassionate allowances; (2) improving performance; (3) increasing adjudicatory capacity; and, (4) increasing efficiency with automation and business processes. The most aggressive timeline for eliminating the backlog is 2012, and the agency is committed to allocating as many of its resources as possible to achieve this goal. However, obtaining the funding level recommended in the President's 2008 Budget is a critical first step to making this timeline real. Congress has appropriated on average about \$150 million less each year than the President has requested since 2001, thereby reducing initial claims processed by 177,000 and hearings held by 454,000. Even with some of the efficiencies we expect to achieve in the coming year, if the agency's annual appropriation continues to come in under the President's Budget Request, average processing times and the average age of pending cases will continue to climb.

We project 360 cases per judge as the ideal pending to maximize service to disability claimants without compromising our mission of providing both timely and legally sufficient hearings and decisions. That caseload of 360 cases per judge would result in an average processing time, or the time it would take a claimant to go through the hearings process from the point the request for hearing was made, in the range of 250-275 days. If we could maintain our pending at this level, the lengthy and heart-rending delays we are currently experiencing would end.

At the moment, the agency has approximately 1,082 ALJs at SSA. Using the optimal number of cases discussed above, we should have a pending of approximately 400,000 cases. Instead, we have a pending of approximately 740,000 cases. That means our backlog is almost 350,000 cases. Our backlog plan will address those 350,000 cases over the next five years, as well as deal with a rising number of new filings.

In the course of developing our plan to eliminate the backlog and prevent its recurrence, we considered a number of guiding principles. We will continue to maintain the legal sufficiency of our hearings, but we expect the hearing process to be an effectively and efficiently managed operation. We carefully considered all aspects of the hearing process to determine whether and what improvements were necessary. We relied heavily on what

we have learned from the past. Many of the initiatives we have adopted are proven best practices and can be applied to the hearing process in a straightforward fashion.

Triaging the backlog is a critical part of reducing it. As almost 60% of the decisions issued by our judges are fully favorable to the claimants, we are studying the experiment of 1995-2000 that authorized Senior Attorney Advisors to issue fully favorable decisions. We will evaluate the lessons from this experiment for similar approaches we could adopt now to increase adjudicatory capacity, and thereby expedite decisions to the claimants.

We must address systemic problems that affect service to the public and productivity. To make the hearing process as efficient as possible, we will end paper folder processing as quickly as possible, and make sure that our oldest cases, the paper cases, are handled expeditiously. All hearing offices will be certified to handle electronic folders by the end of FY2007. Resources from the Office of Disability Adjudication and Review, the SSA component responsible for the hearing operation, and other SSA components where possible, will be devoted to assuring the success of our plan. Resources from other components will be used primarily to provide assistance to the most heavily impacted hearing offices (HOs).

The Agency is committed to begin reducing the backlog as quickly as possible. One of our earliest initiatives is to work down the oldest of our cases by the end of the 2007 fiscal year – that is, all cases that were or would be 1000 days old as of September 30, 2007 (“aged cases”). We have reduced our aged cases from about 63,000 to about 14,000 as of last week and will have a negligible number of them left as of October 1, 2007. In FY 2008, we will continue to give priority to the oldest cases.

Several of our initiatives will be in place within six months. For example, we intend to fill ALJ hearing dockets by streamlining folder assembly on our remaining paper cases; remand likely allowances to the Disability Determination Service disability examiners; and mandate the Findings Integrated Template (FIT) Decision Writing System.

Other initiatives will take longer than six months but, with the President’s budget request, are achievable in FY 2008. For example, hiring more ALJs and support staff is essential to work the backlog down. As many gains as other initiatives may allow us to achieve, they cannot offset the need to hire adjudicators. If the budget does not permit us to do more than attrition hiring of both ALJs and certain staff, our pending workload will approach one million cases by 2013. If we cannot hire at all, the million case mark will be reached far faster. Systems technology will reduce substantially the workyears currently required to prepare cases for hearing, and will remove permanently the hearing delays caused by unworked files. More closely managing decision-writer performance will also support better and more timely decisions.

There is no quick solution to reduce the number of backlogged cases. Staff resources aren’t the only answer; good management and best practices to ensure accountability and efficiency are equally important. The plan below is a comprehensive approach to the

hearing operation that can, with adequate funding, eliminate the backlog and prevent its recurrence. A discussion of our four approaches, (1) compassionate allowances; (2) improving performance; (3) increasing adjudicatory capacity; and (4) increasing efficiency with automation and business processes, follows.

### **COMPASSIONATE ALLOWANCES**

We believe that several initiatives will have a significant impact on reducing backlogs.

One way to reduce the number of cases in the determination process is to use automation tools to screen cases. We have seen the success of the Quick Disability Determination (QDD) model currently in use in New England. This computer model identifies cases that are most likely to be allowed. To date, the New England states have decided 97% of these cases within the required 21 days and they have an average decision time of 11 days. About 85% of these cases have been allowed during the initial review, and more have been allowed with additional documentation. We plan to build on the success of the QDD because it is both efficient and compassionate for us to do so. To date, the majority of the 2.6% QDD cases are cancer cases because the model does not yet cull a wide enough variety of diseases. We are committed to pushing the number of cases that can be decided through QDD as high as we can possibly go while maintaining accuracy.

An added difficulty is that our examiners are working with outdated medical listings and poorly defined categories of disabilities. Many cases that should be resolved quickly are not being determined quickly because many of our listings are outdated. To help us with this initiative, Secretary Leavitt has generously offered to loan us a senior physician from the Department of Health and Human Services to lead a taskforce to jumpstart our effort to refine and update our rules.

Other course corrections at SSA include reorganizing the Office of Disability and Income Support Programs to better align our organizational structure with our mission of dedicated service to Americans with disabilities. We have already received helpful advice from the Inspector General who, at my request, has completed a first draft of an organizational audit.

In addition, we found that two of the new electronic systems developed for Disability Determination Services (DDSs) as part of the DSI initiative were not ready for real-world use, and were in fact causing considerable delays in processing caseloads. While one of these systems may have potential over the long-term, they both have been pulled. We are instead focusing on refining our two primary systems that will make us fully electronic. To accomplish that goal, we have used an additional \$25 million from our technology reserve fund.

## **IMPROVING HEARING OFFICE PROCEDURES**

### **Reduce Aged Cases**

We began FY 2007 with about 63,000 cases pending which were or would become over 1,000 days old (measured from the date of the request for hearing to the date of the hearing decision) by the end of this fiscal year. Efforts began to address this workload with increased oversight and improved management. The backlog of aged cases was reduced to 54,265 at the end of October 2006, 46,406 at the end of November 2006, 38,193 at the end of December 2006, 32,260 at the end of January 2007, 26,685 at the end of February 2007, 20,286 at the end of March 2007, and 15,668 at the end of April 2007. At close of business May 15<sup>th</sup>, this pending workload was down to about 14,000 pending cases.

While we have made significant strides in reducing aged cases and their processing is essential, in the short term, processing them will actually reduce total dispositions since aged cases are generally more complex to prepare for a hearing. Current estimates project a 3% decrease in total dispositions due to the size and complexity of these cases. This equates to 15,000 fewer dispositions in FY 2007, 12,000 fewer dispositions in FY 08, and 8,000 fewer dispositions in FY 2009 as the number of aged cases is reduced.

Aged cases take longer to process because more time is needed (as much as 17 additional hours) to complete such tasks as locating the claimant, developing and analyzing the file, conducting the hearing, and drafting the decision. Fairness dictates that cases be handled in request-for-hearing date order to the extent practicable. The current plan is to eliminate all cases that are or will be more than 1,000 days old by the end of this fiscal year, except for a negligible number of prisoner cases where a hearing has not been practicable and cases where the claimant cannot be located. In future years, we will adopt additional aggressive aged case goals.

### **Study Authorization of Senior Attorney Adjudicators**

We will study the experiment of 1995-2000 that authorized Senior Attorney Advisors to issue fully favorable decisions. The Social Security Advisory Board has recommended this program. We will evaluate the lessons from this experiment for similar approaches we could adopt now to improve the disability determination process.

Of all the decisions our ALJs issue, 56% are fully favorable. Another 6% are partially favorable. We issued over 300,000 fully favorable decisions last year. Allowing non-ALJs to issue fully favorable on-the-record decisions (OTRs) would expedite the decision and conserve our ALJ resources for the more complex cases and cases that require a hearing.

### **Hire Additional ALJs**

Only ALJs can issue unfavorable or partially favorable decisions at the hearing level. Despite the other initiatives to issue more fully favorable decisions, more ALJs are needed to issue decisions that are not fully favorable. Without additional ALJs, it is unlikely that the backlog will be reduced during the next five years. Our goal is to hire enough ALJs to reach the 1,250 level in FY 2008.

We currently estimate that we need a pending caseload per judge of 360 cases to achieve an acceptable processing time. Our current pending caseload per judge is over 670 cases per judge. Using these projections, an additional 170 ALJs disposing of 550 cases per year would eliminate 93,500 cases annually from the backlog.

Additionally, some support staff must be hired. Without sufficient staff in the proper positions, the ALJ resource cannot be maximized. The optimum staff-to-judge ratio and staff duties will change over time with the automation of many of the hearing operation processes. Currently, we estimate at least 4 staff for every judge is necessary to maximize the number of legally sufficient hearings and decisions the ALJs issue. We plan to hire many future support staff employees on a term basis until we determine the functions and true number of staff we need once we have automated our hearing processes to the extent possible.

### **INCREASE ADJUDICATORY CAPACITY**

We will take a number of actions to increase our adjudicatory capacity. We will do so by maximizing the number of legally sufficient decisions our current ALJs issue, by increasing the number of ALJs, and by studying approaches to authorize non-ALJs, at least on a temporary basis, to issue fully favorable decisions. Among other approaches, we plan to: (1) fill the hearing dockets of our current ALJs to capacity; (2) improve the productivity of our current ALJs; (3) remand cases to the DDSs to issue fully favorable determinations or update the development of the file; (4) appoint additional Senior ALJs and ALJs from other agencies; (5) implement a medical expert screening process; and (6) open a National Hearing Center.

### **Fill Administrative Law Judge (ALJ) Hearing Dockets to Capacity**

To maximize the number of legally sufficient decisions our current ALJs issue, we must fill their hearing dockets to capacity. We have determined that our current ALJs would schedule an additional 3,600 hearings per month if we could fill their hearing dockets to capacity. Because of the amount of time it takes to prepare files for hearing and the limited staff available to do so, the agency has not been able to fill all ALJ hearing dockets to capacity.

We are adopting four approaches to accomplish this objective: (1) increasing the overtime allocation; (2) hiring additional staff; (3) streamlining folder assembly; and, (4) using personnel from other SSA components to assist the most affected hearing offices.

We have increased the overtime allocation for the hearing operation to authorize as much overtime as the staff can use effectively and efficiently. This overtime is being used primarily for case preparation and decision writing activities. While this approach is helpful in the short term, over the long term staff working excess overtime hours harms productivity and service. However, in the short term we are maximizing the use of overtime to jumpstart our efforts to eliminate the backlog. We will also commit overtime usage in other SSA components to assist us with implementation of this plan.

Despite the limits on hiring additional staff during 2007 due to budget constraints, we have allocated 492 of these positions to the hearing operation. The additional staff will assist us in filling ALJ hearing dockets to capacity and in drafting decisions the ALJs issue.

Complicating the issue of making sufficient cases available to fill ALJ hearing dockets to capacity is the fact that some of our ALJs choose not to review files that are not reassembled in a manner to which they have become accustomed. Indeed, in some cases, staff devote extraordinary effort to prepare files in a manner acceptable to individual ALJs.

Traditionally, when cases reach the hearing level, the folders have been re-assembled to place the medical evidence in chronological order to the extent possible, to eliminate duplicate documents, to label each document as an exhibit and number each page within that exhibit, and to prepare an exhibit list. We have not had sufficient staff for some time to re-assemble all the folders in a manner that is acceptable to all ALJs. Accordingly, some judges refuse to review cases that are not reassembled, and do not hold all the hearings for which they have time. Needless to say, this is wasteful and not efficient use of a precious resource while many claimants languish.

To make more cases available for review, we are authorizing a streamlined approach to file assembly. Many judges advise us that they do not use the exhibit list, and it is virtually impossible to place all medical evidence in strict chronological order. They have volunteered to hold hearings with files that are not re-assembled and to review files assembled in the same format used by the disability examiners at the DDSs. We are authorizing this practice to support these judges and the claimants they serve.

To maximize the efficiency of the ALJs who handle these cases, we will continue to adequately develop the files and to prepare the file summary sheet which documents the staff's file analysis. In addition, we will sequentially number the pages in the folders to allow for easy reference by all who have access to the file, including the ALJ, the claimant, and the representative and to ensure a record is created for appeal. This streamlined file assembly approach will save staff preparation time on each file and will

significantly increase the number of files the staff can make available to ALJs for hearings. To facilitate this streamlined process, we will also encourage claimants' representatives to discontinue submission of duplicate documents because this practice creates unnecessary time and delay.

This streamlined approach to file assembly will be used for the 225,000 backlogged paper folders and will be done on a limited basis, starting with ALJs willing to hear cases in this streamlined format. We expect to complete assembly of the paper folders by the end of this calendar year. We are working on acquiring software to automate this function for electronic folders.

We recognize this streamlined file assembly approach could result in some increased ALJ and decision writer time as they become comfortable with the new format, but believe the positive aspects of this approach far outweigh the limited disadvantages.

Staff from other components will also be used to assemble files for the hearing level in our most heavily affected hearing offices. This assistance may also be used for photocopying, mail association, releasing files, and similar hearing process activities. They will do this work on overtime so as not to adversely impact the service their components provide to the public. To the extent possible, these individuals will work out of the hearing office at the end of the day or on weekends to minimize moving the folders from one office to another.

### **Improve ALJ Productivity**

Most ALJs are among our best employees -- hard-working and dedicated to achieving the agency's mission of service to the American people. However, not all ALJs hold as many hearings, issue as many decisions, or issue decisions that are legally sufficient as should be expected of individuals in their positions. By increasing the output and quality of decisions, fewer additional adjudicators would be necessary. The agency at all levels must support improving output and quality. Output and quality may be improved by supporting ALJs, providing training, making sufficient cases available for them to hear and decide, and by taking appropriate administrative action in accordance with law.

We ask the ALJs to issue 500 – 600 dispositions each year. We may increase this range to 500 – 700. Based on historical data, we believe that this is achievable. Approximately 400 of our judges are issuing at least 500 dispositions each year. Another 400 are issuing between 400 and 500 dispositions. Approximately 300 judges are issuing fewer than 400 dispositions each year. If each of our judges issued at least 500 dispositions each year, an additional 60,000 dispositions would be issued each year. If the judges who issue less than 500 dispositions each year issued just one more disposition each week, an additional 30,000 dispositions would be issued each year.

While we are concerned that some of our judges are issuing far fewer dispositions than we believe are reasonable, we have similar concern about judges issuing far more dispositions than we expect. We will explore the reasons for both phenomena and take appropriate action.

### **Remand Cases to Disability Determination Services (DDSs)**

Using profiles developed by the Office of Quality Performance (OQP), cases will be screened and triaged to determine whether an allowance can be issued without a hearing, whether an allowance may be issued with further development without a hearing, or whether the case requires a hearing. Cases that can be handled at the DDS will be remanded to DDSs for a determination of whether an allowance may be issued. Cases that require a hearing would be scheduled for hearing. Cases that may result in an allowance at the DDS with additional development will be remanded to the DDS. If allowed, the DDS would issue a favorable determination, and the hearing request would be dismissed. If not allowed, the DDS would update the development of the file and return the case to the Hearing Office for adjudication. If the DDS adequately develops the record in cases that are not allowed, upon return of the case to the hearing level, the case would be given priority scheduling for disposition.

### **Appoint Senior Judges and Hire ALJs from Other Agencies**

We will hire Senior ALJs on an as-needed basis. For the last several years, insufficient staff has been available to maximize the service provided by full-time ALJs. As more staff are hired and more efficiencies are implemented, Senior ALJs are being appointed to hearing offices that have ALJ needs and staff to support them. We estimate we will be able to appoint approximately 12 – 15 additional Senior ALJs this year. As Senior ALJs generally work part-time, we estimate each will issue approximately 20 - 25 dispositions each month during their terms.

We will also likely appoint an additional 6 – 8 re-employed annuitant Senior ALJs who work full-time. We expect them to issue as many dispositions as any of our full-time ALJs, i.e., approximately 500 – 700 dispositions each year. Allowing more retired ALJs to return as re-employed annuitant Senior ALJs will increase this pool of adjudicators.

In addition, we plan to hire 4 – 8 additional ALJs who have recent SSA experience this year from other agencies. Again, we expect these ALJs to issue the same number of dispositions as other full-time ALJs once their pipeline of cases is filled. ALJ hearings are generally scheduled 2 – 3 months in advance.



### **Implement Medical Expert Screening Process**

When screening by hearing office staff identifies cases likely to result in favorable on-the-record (OTR) decisions with medical input, we will have those cases reviewed by hearing operation medical experts (MEs) before assignment of the case to an ALJ. These medical experts would complete a set of standard interrogatories on whether the impairments meet or equal a listing and, if not, the limitations imposed by the impairment(s). Cases in which the ME provides an opinion that allows a conclusion that the claimant is disabled will be routed to an adjudicator to consider issuing a fully favorable on-the-record decision. Cases in which the ME provides opinions which are not likely to be allowed in this fashion will be assigned to an ALJ for review and scheduling for a hearing. We have tried this approach to screening in several of our hearing offices and have positive results. While the pool of cases in this category is not large, we estimate approximately 10,000 – 15,000 cases each year would fall into this category.

### **Open National Hearing Center (NHC)**

In addition to appointing ALJs to current hearing offices where the receipts justify additional ALJs, we will also establish and appoint ALJs to a centralized, fully electronic National Hearing Center (NHC) to handle electronic files and conduct only video hearings. The ALJs in the NHC would be assigned cases from throughout the country to balance workloads. If the claimant in a case assigned to an ALJ in the NHC chooses to opt out of a video hearing, the claimant's case will be returned to the local hearing office. We believe an NHC will allow us the flexibility to balance workloads and process cases where the need is greatest in our attempt to provide hearings within a reasonable time to all claimants throughout the country.

In addition, the NHC will be used to refine our new electronic hearing process, test new initiatives, and help us determine the ideal staff-to-judge ratio in a fully electronic environment.

### **INCREASING EFFICIENCY WITH AUTOMATION AND IMPROVED BUSINESS PROCESSES**

Currently a number of electronic initiatives are being developed which, if funded, would save many work years for hearing offices. The electronic folder has the potential of significantly decreasing the time it takes hearing office staff to prepare and exhibit files, associate correspondence, prepare and send notices and transfer workloads. In March 71% of disability claim receipts were electronic and 31% of the cases pending in hearing offices were electronic.

### **Develop a New Case Processing and Management System for the Appeals Council**

We need to develop a new case processing and management system for the Appeals Council (Appeals Council). The AC currently uses a series of dBase systems to control their workloads, including requests for review (RR) and the civil action (CA) cases. None of these systems currently interfaces with the electronic folder. The Appeals Council has a number of “workarounds” for dealing with electronic folder cases. This shortcoming not only creates problems because there is no way for data to propagate from the Case Processing and Management System (CPMS) on a limited basis, but it also prevents a case remanded to a hearing office to remain in electronic format. The result of this lack of an electronic processing system is that personnel in the hearing office must print out the entire electronic folder in order to process the remand. In FY 2006, the Appeals Council remanded 31,873 cases (RR and CA cases) to the hearing offices. When an electronic case is remanded to a hearing office, the case must be manually reestablished in CPMS and it takes approximately one hour per case to print the folder out and arrange it. This adds significant time to the processing of a case. Since the focus of SSA is to support the electronic processing of disability cases, there is an obvious need for the Appeals Council to have a case processing system which contains the functionality to process these electronic cases. The new system will interface with the electronic folder for incoming cases and outgoing decisional data. It will provide automation and support for the receipt, processing, development, tracking and closure of Appeals Council cases. In addition, it provides management information based on the new system. The initial phase of this new system should be released within 9 months. Not only will this new system require less staff time, but it will also fully integrate the Appeals Council into the electronic process.

### **Increase the Amount of Data Propagated to the Hearing Office Case Processing System**

While there is much information currently entered into the hearing office case processing and management system (CPMS), there is a need for additional information in CPMS, such as the Disability Determination Services disability decision data. At the present time, hearing office staff must manually enter these data. With increased propagation, not only does the chance of erroneous inputs decrease, but hearing office staff time is saved by not having to enter data manually into CPMS.

### **Provide the Ability to Sign Decisions Electronically**

Another automation initiative which is needed is the functionality to sign decisions electronically. Currently, decisions are printed, signed, and then scanned into the electronic folder. By implementing electronic signature capacity, the adjudicator would be able to sign the decision electronically. Functionality to sign decisions electronically would enable adjudicators to sign and send the decision to the electronic folder with a click of a mouse. The ALJ would sign the decision/order using his/her logon PIN.

When signing a decision/order, the ALJ will also be able to verify a number of facts, including whether the decision is favorable, unfavorable, or partially favorable; the disability onset date; and the disability ending date, if any. The ALJ may also be permitted to verify additional data which have already been identified and entered into the decision by the decision writer such as impairments and recommended diary type. The signature will confirm these facts as accurate. If the type of decision, onset date, and/or termination dates differ at the point of signature from the point at which instructions were issued, a verification alert will be displayed to alert the signer to the discrepancy. The signature will ensure that these facts are posted to CPMS as the final ALJ decision/order, and that these facts are protected permanently from any subsequent alteration unless the decision/order is unsigned. Should the ALJ decide to change the decision/order, the ALJ, and only the ALJ, would be able to “unsign” the decision/order.

Once a decision/order is signed, it will be protected against alteration through the entire process of being uploaded into the document management architecture (DMA) and being printed out for distribution. Decision/orders and notices would need to be printed for external distribution only, e.g., to claimants and representatives. Distribution of notices and decision/orders within SSA would be replaced by an automated alert, with the recipient of the alert able to view the decision/order in DMA should that be necessary. Once a notice date has been entered into CPMS, a decision/order can no longer be unsigned. A history will be maintained in CPMS of all signings and un signings including the identity of the authorized signer and the date and time the action was taken. For signings, additional information will be maintained in CPMS including whether the decision was favorable, unfavorable, or partially favorable, the disability onset date, and disability end date, if any. Electronic signature functionality will be necessary to utilize centralized printing and mailing of decisions and other documents.

### **Centralize Printing and Mailing**

Implementation of centralized printing and mailing would result in large work year savings. The following notices are routinely sent on each case: Acknowledgement of Hearing, Notice of Hearing (sent to claimant, representative, vocational and/or medical expert (VE/ME) –in FY 2006 there were 423,604 hearings and VE’s were used in 289,887 cases and ME’s in 75,531 cases), Notice of Hearing Reminder Notice (sent to claimants and representatives), Case has been Exhibited letters (sent to claimants and representatives), Congressional status letters (usually sent monthly on all Congressional interest cases), Request for Evidence letter (sent to representative or medical source – there may be multiple requests on one case), Consultative Exam (CE) has been Requested Notice (sent to claimants and representatives), Letter transmitting copy of CE (sent to claimants and representatives if HO requests a CE), and the Decision or Dismissal notice (which currently requires a wet signature and is sent to claimant and representative on electronic media).

All of these notices could be routinely handled through a centralized printing and mailing process. Hearing offices sent 3.6 million documents containing 21 million pages in FY 2006. Documents requiring HO staff customization could still be prepared in the HO but printed and mailed from a central location by a vendor. Documents containing information entirely in CPMS could be generated and printed centrally without HO staff involvement. Based upon receipts of 550,000 cases per year, the hearing operation could save significant numbers of workyears with the implementation of centralized noticing and printing.

Another benefit of this initiative is to allow forms to be maintained at a central location to ensure the most current form is always downloaded and mailed to the claimant. Currently, individual hearing offices maintain supplies of forms. We would no longer need to print forms in advance and send them to hearing offices.

### **Enhance Hearing Office Management Information**

The HO system currently has an extensive management information application. Enhancements to the HO Management Information system will provide additional methods to track HO workloads at any point in time and would allow tracking of processing time by case status, updating workload summaries nightly rather than weekly, and providing additional information for managers to better control cases.

### **Provide Support to Send Additional Documents to the Electronic Folder**

Although many documents can be automatically sent to the electronic folder now, additional documents need to be sent. Some electronic documents, such as earnings records, cover sheets, applications, and requests for hearing, must be downloaded, printed, and then scanned back into the electronic folder. There is no automated way to send these documents to the electronic folder. Printing and scanning the queries and then shredding the paper copies takes about 15 minutes per case. This entire amount of time could be eliminated if the capacity to send selected queries and other documents directly to the electronic folder were implemented.

### **Provide Shared Access to the Electronic Folder**

We need to provide additional functionality for shared access to the electronic folder. Currently, if a hearing office receives a remand from the Appeals Council of an electronic folder, the folder must be converted to a paper folder. If a hearing office seeks assistance from another hearing office with case preparation or decision drafting, the electronic folder must be converted to a paper folder. If the hearing office remands a case to the DDS as an informal remand, the electronic folder must be converted to a paper folder upon return to the hearing office. This initiative will insure that electronic folders remain electronic even if the cases are temporarily transferred to other hearing offices or components or remanded to either the DDS or to the hearing operation from the Appeals Council. This functionality allows HOs to process AC and Court remands and

re-openings in an electronic environment. This functionality would also facilitate temporary transfers for assistance from other HOs, informal remands to DDSs, and utilization of Pediatric Medical Units (PMUs) to assist the HOs. This initiative could be implemented for remands and re-openings within 10 months with additional functionality being added within 18 months.

### **Expand Internet Support for Representatives**

We are requesting two enhancements to the Electronic Records Express (ERE) system currently available to authorized representatives. Currently, representatives can be authorized to submit evidence to the electronic folder by using the ERE website. When a representative needs a copy of an electronic file, hearing office staff must produce a CD of the folder and mail it to the representative. Both of these activities would be eliminated by the functionality requested with this initiative. This expanded Internet support for representatives is needed to allow more functions to be available via the Internet. The enhancements under this proposal would allow registered representatives to download the contents of electronic folders through the ERE website, would allow HO staff to send notices and other documents to registered representatives through ERE, would reduce the need for staff to produce and provide CDs of the file, and would allow filing of an appeal over the Internet through iAppeals. We estimate we could save up to 45 minutes per case with the implementation of this functionality. The savings attributed to these ERE enhancements result from eliminating the need to print and mail bar codes to the representatives, to print documents and mail them to authorized representatives, to burn CDs and mail them to authorized representatives, to encrypt CDs, to send encryption codes under separate cover, and to make frequent calls to representatives about their requests.

### **Provide Additional Video Hearing Equipment**

Currently, 394 of 904 hearing rooms are equipped with video equipment. This includes 231 of 677 HO hearing rooms, 148 of 227 permanent remote site hearing rooms, 13 regional offices, and 2 at central office in Falls Church. Funding of \$4.7 million for FY 2007 has been made available to support this effort. Fully operational video hearing rooms reduce ALJ travel time and travel costs. Implementation is ongoing. In FY 2006, ODAR scheduled 55,127 video hearings and held 41,457 video hearings. In FY 2007 through the end of April, 32,298 video hearings were scheduled and 24,359 video hearings were held.

### **Update Hearing Office Systems Infrastructure**

Approximately \$12 million has been set aside this fiscal year to bring up to date systems infrastructure (servers and telecommunications equipment) in the hearing offices. This effort supports electronic folder processing by increasing the capacity of the infrastructure underlying the electronic folder and other electronic services.

### **Implement ePulling – Electronic File Assembly**

ePulling (electronic file assembly) is an automation tool that will support preparation of electronic cases for hearing. Case preparation has three components: file development, file analysis, and file assembly. ePulling will dramatically reduce the amount of time it takes to assemble folders and will allow the staff to devote more time to file analysis and development. ePulling will identify potential duplicate documents, classify documents by type of evidence, sequentially number pages, and create exhibit lists. We estimate that it takes approximately 4 to 4 ¾ hours to fully prepare a folder. ePulling will dramatically reduce the time necessary for the file assembly portion of electronic folder preparation.

### **Implement eScheduling**

Currently, the HO processing system supports the scheduling of a hearing and provides for the selection of attendees and location. Additional software enhancements are needed to implement eScheduling by incorporating calendaring functionality. These enhancements would facilitate the scheduling of ALJs, claimants, representatives, expert witnesses, hearing reporters, interpreters, and hearing rooms through the use of calendars. This would require the creation and upkeep of calendars for all potential attendees. Use of this enhanced calendaring function in conjunction with ERE and centralized printing and mailing would help create a seamless process and minimize HO staff involvement.

### **Transition to the Electronic Folder**

We expect all states will be certified to use the electronic folders for all disability cases by the end of June. New York is the only state still to be certified. Approximately 30% of all HO judges and staff are trained to process cases electronically. Training will be rolled out to the remaining judges and staff as the electronic workload builds and the Agency transitions to an electronic environment. While electronic folder processing initially has an adverse impact on productivity due to the need to process cases in both paper and electronic format and the training and lead time required for judges and staff to become proficient, we expect electronic folder processing to make us more efficient and improve service to the public. Electronic folder processing eliminates the need for mailing files and prevents the loss of files in transit. In addition to the claimants enduring the loss of personally identifiable information, recreating lost files is resource-intensive and further delays the processing of cases.

### **Mandate Findings Integrated Templates (FIT) Decision Writing System**

Mandating the use of the Findings Integrated Templates (FIT) for all decision writing should improve the hearing business process. Data suggests that improved legal sufficiency and productivity result with the use of this tool. Additionally, as the use of FIT has matured, the rate of Appeals Council remands is significantly lower for decisions written using FIT than for decisions written without using FIT. The impact of mandating

the use of FIT as of October 1, 2007, will improve the legal sufficiency of hearing decisions, conserve resources, and reduce average processing time.

### **Have Appeals Council Issue Final Decisions when Possible to Reduce Remands**

The Appeals Council (AC) will assist in reducing hearing level receipts by making technical corrections to decisions whenever possible instead of remanding them to the hearing level. Upon request for review, many ALJ decisions contain relatively minor errors which could compromise the support of the decision in court, but do not ultimately affect the correctness of the decision. Instead of remanding these cases to the hearing level, the AC will issue a new decision with the technical issue corrected. This initiative should improve overall processing time and reduce the number of cases remanded to the hearing office.

### **Provide Improved Training to Hearing Office Management Teams**

Training programs for new Hearing Office Directors, Group Supervisors, and Hearing Office Chief Judges are being prepared to supplement the traditional core management training program. Development of these programs involves a threefold approach – orientation, online (distance) training with the oversight of management, and one week of classroom training to address task specific training. In addition, we will be providing guidance to all field managers on good management techniques through conference calls, memos and other helpful documents, IVTs, videos on demand, and management conferences. Managers who do not employ good management techniques will be retrained and expected to follow national policy.

### **Expand Cooperation Between HOs and FOs/ADOs**

Efforts to expand cooperation between Hearing Offices and SSA Field Offices (FOs) and SSA Area Director Offices (ADOs) will continue. While most relationships among the various components at the regional and field level are harmonious and mutually beneficial, relationships can be improved in some field locations to maximize opportunities to improve service to the American people. We will engage in additional activities to further the “One SSA” concept. Field level managers, judges, and staff will continue to learn the impact their actions have on other components which should result in improved timeliness and legal sufficiency of service. Meetings and discussions with individuals from other components to share concerns and requests for assistance will be encouraged.

In addition to enhancing communication between components, local arrangements may be possible where offices may assist each other with training, systems support, and other areas of need. We also intend to co-locate some ODAR offices with field offices, which will improve coordination.

### **Work with OQP to Designate a Business Process Review Team to Help Establish a Standardized Electronic Business Process**

Implementation of the electronic folder will allow the hearing operation to standardize its business processes. The processes and organizational structures of hearing offices vary dramatically from office to office. This variation sometimes impedes efficiency. We will work with the Office of Quality Performance (OQP) to designate a business process review team to help establish standardized electronic business processes. The Review Team will visit hearing offices, analyze the current electronic folder process, and help identify the most effective processes. These best practices will be implemented nationally to ensure a standardized process for providing timely and legally sufficient hearings and decisions in every hearing office.

### **Implement Quality Assurance Program for Hearings Process**

Working with the OQP, we will develop and implement a quality assurance program for the hearing process. This quality assurance program will ensure that all offices follow Agency policy. For example, the program will ensure that the file analysis maximizes the efficiency of the ALJ and supports a legally sufficient decision. Instructions to the decision writers should be adequate and the draft decisions received by the ALJs should require little if any editing. Ideally, this quality assurance program will result in fewer AC and federal court remands, and a reduction in the time required for ALJs to review files and re-work decision drafts. This is especially important for new employees to prevent repetition of mistakes. This initiative will be used both as a management tool and as an educational tool.

### **Expand OQP Review of Reconsideration Denials Using Profiles**

Using the profiles the OQP is developing, OQP will increase the number of reconsideration denials it reviews. Approximately 14,000 reconsideration denials will be subjected to this review, and we estimate that 2,200 will be returned to the DDSs for further action, and 1,300 fewer requests for hearing being filed as a result. This initiative will probably have a significant impact on hearing receipt levels.

### **Conduct Manual Time Allocation Studies for Each Stage of the Electronic Business Process**

Reliable data do not exist that show the amount of task time on average it takes to perform each hearing process function. Working with the OQP, the hearing operation will conduct manual time allocation studies of the hearing process to gather this data. Having the data readily available will assist with future analysis of the efficiency of the current process and proposed enhancements.



### **Continue Decision Writer Productivity Improvement Initiative**

We have undertaken a decision writer productivity improvement initiative in FY 2007. The intent of the initiative is to improve the timeliness of the draft decisions the ALJs receive from the attorneys and paralegals who draft the decisions. The initiative has three components: (1) advising the attorneys and paralegals of the amount of time it should take on average to draft decisions; (2) encouraging supervisors to assign work in smaller units on a more frequent basis; and, (3) publishing a monthly Decision Writer Performance (DWP) Report by hearing office and region. Based on historical data, we advised the decision writers that, absent special circumstances, to draft legally sufficient decisions it should take on average 4 hours for fully favorable decisions and 8 hours for unfavorable and partially favorable decisions. Some will take less time, others more. We have learned that the most efficient offices are ones that assign work in smaller units, i.e., two cases to be written that day. Offices that allow staff to self-assign work or that assign work by the month tend not to be as efficient. The monthly DWP report presents the percentage the number of decisions that were written in the time taken to draft those decisions compared to the number of decisions that should have been written, based on historical data. The first monthly report showed a productivity improvement of 79%. The most recent report showed a productivity improvement of 82%.

### **Effectuate Temporary Service Area Realignment**

Traditionally, the hearing operation transferred cases around the country to balance workloads, and will continue doing so as necessary. However, a better approach is to temporarily re-align service areas by assigning hearing offices without a backlog to become part of service areas that have backlogs. Video-equipped hearing rooms in the assisted hearing office or in a permanent remote hearing site will be assigned to the assisting hearing office to handle the new service area. This approach is better than case transfers because it reduces the boxing and unboxing of files, encourages the assisting hearing office to treat the claimants and service area as its own, allows the remand of cases from the Appeals Council back to the same office that issued the original decision, and prevents the assisted office from transferring only its hardest cases. All cases, both current pending and new receipts, from the designated service area are forwarded directly to the assisting hearing office by the designated field office(s).

### **Continue Interregional Case Transfers**

To balance caseloads nationally until the backlog is eliminated, interregional (and intra-regional) case transfers will continue to be made if temporary service area realignments are not possible. This approach will be limited and last for only short periods, as such an approach has a number of negatives such as wasting resources by boxing and unboxing files and increasing travel costs. Although video equipment is the first choice for conducting hearings in these cases, this is not always possible, either because the claimant opts out of the video hearing or insufficient video hearing rooms are available for this purpose. In an attempt to equalize processing times nationally this approach is

currently being used on a temporary basis. To balance caseloads nationally, 80,000 files would have to be transferred. We do not plan to transfer that many files at this time because we believe the negative consequences that would result from the transfer of such a large number of cases outweigh the positives.

### **Use Weekly Workload Reporting and Monitoring**

Traditionally, management information for the hearing operation is reported on a monthly basis. While reasons exist for this approach, this may result in delays in case processing, as employees process more cases at the end of the month to meet a monthly goal. We are in the early stages of publishing workload and performance data on a weekly basis. This is a significant change in culture and will be used to encourage accomplishment of weekly goals that should have the overall effect of improving productivity and creating a more stable work process. While this initiative is in its early stages, increased devotion to this approach will have a long-term positive effect.

### **Co-locate Remote Hearing Sites with Field Offices**

Holding hearings at temporary remote hearing sites is difficult especially with electronic files. Permanent remote hearing sites are often stand-alone offices requiring additional agency expense for systems and similar support. Also, security at both permanent and temporary remote hearing sites is difficult to provide and expensive. We will be moving toward co-locating all possible future remote hearing sites with field offices where necessary to accommodate the public. Co-locating remote hearing sites with field offices will allow us to provide more convenient locations for the public and will conserve agency resources.

### **Improve Public ALJ Alleged Misconduct Complaint Process**

The process to handle public complaints against ALJs was adopted as an interim process in 1992. It was intended as a short-term process until the permanent process could be adopted. Fifteen years later, the permanent process has still not been adopted. We continue to handle public complaints but are working on developing a permanent process that results in consistent, timely action. The Office of the General Counsel, Office of the Chief Judge, Office of Appellate Operations, and Office of Labor Management and Employee Relations are working together to improve the process allowed by the current regulations and to propose changes to the regulations to provide a process that the public, the ALJs, and the agency all believe serves its intended purpose.