

GAO@100 Highlights

Highlights of GAO-21-341, a report to the Chairman, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives

Why GAO Did This Study

SSA's approximately 1,350 judges play a major role in processing and adjudicating requests for hearings to help ensure individuals who do not agree with the determination on their claim for Social Security disability benefits receive due process. SSA receives hundreds of thousands of hearing requests each year and has historically had a large backlog. GAO was asked to review SSA's productivity expectations for its judges.

This report examines (1) how SSA set productivity expectations for judges and the extent to which judges have met them over time, (2) reported factors affecting the ability of judges in selected offices to meet the annual productivity expectation, and (3) SSA's management of judges' productivity. GAO obtained and analyzed SSA data on judges' productivity from fiscal years 2005-2020; surveyed and held 13 virtual discussion groups with judges in six hearing offices selected for geographic location, average productivity, and average case size; reviewed relevant federal laws and agency policies and documents; and interviewed officials from SSA and the association representing judges.

What GAO Recommends

GAO is making two recommendations, including that SSA establish and implement a process for periodically reviewing productivity expectations for judges and determine whether the expectations are reasonable. SSA generally agreed with both recommendations.

View GAO-21-341. For more information, contact Elizabeth H. Curda at (202) 512-7215 or curdae@gao.gov.

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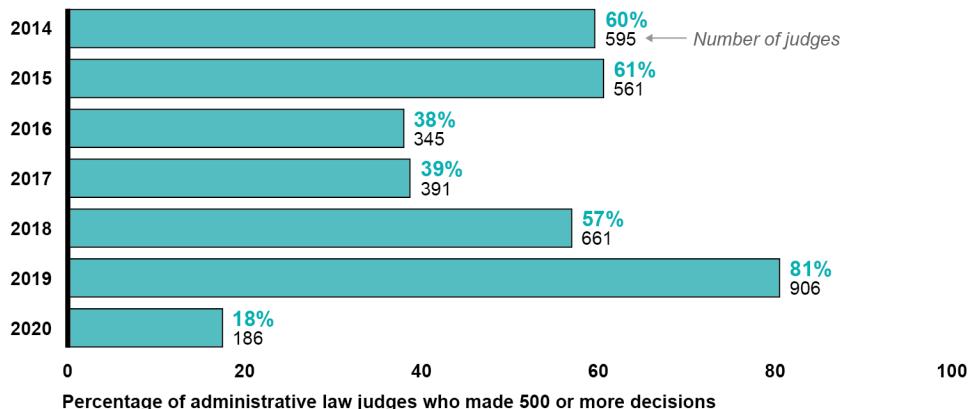
SOCIAL SECURITY DISABILITY

Process Needed to Review Productivity Expectations for Administrative Law Judges

What GAO Found

The Social Security Administration's (SSA) administrative law judges review, process, and adjudicate requests for hearings on disability benefits. In 2007, the agency set an expectation—which SSA reported was based on trend data and some regional managers' input—for judges to issue 500-700 dispositions (decisions and dismissals) each year, and the extent to which they have met this expectation has varied over time. SSA did not document the expectation-setting process in 2007, nor has it formally reviewed the expectation since. Judges in discussion groups held by GAO questioned the basis of the expectation and 87 percent of judges GAO surveyed (47 of 54) said the expectation was too high. The extent to which judges met the annual and related expectations has fluctuated over the years (see figure). Without periodic reviews, SSA cannot be assured that its expectations appropriately allow judges to balance productivity with other expectations, such as quality, given changing conditions over time.

Administrative Law Judges Who Met or Exceeded SSA's Annual Productivity Expectation, Fiscal Years 2014-2020



Source: GAO analysis of Social Security Administration (SSA) data. | GAO-21-341

Judges in selected hearing offices cited a variety of factors affecting their ability to meet the annual expectation. The top factor cited by judges GAO surveyed was the size of case files, which have increased five-fold on average since the expectation was established, according to SSA data. The COVID-19 pandemic introduced other factors in 2020, resulting in fewer hearings being conducted.

SSA monitors judges' productivity and takes various actions when expectations are not met, ranging from informal conversations to formal discipline. In addition, judges in 11 of 13 discussion groups viewed telework restrictions as a consequence for not meeting expectations. Additionally, judges GAO surveyed reported feeling pressured to meet the expectations. For instance, 87 percent of judges surveyed (47 of 54) said that SSA placed too much emphasis on productivity, and some expressed concerns about their work quality and work-life balance. SSA officials said they do not formally seek feedback from judges on the expectations. However, without feedback or other gauges of pressure, SSA lacks information that could help it appropriately balance timely case processing while maintaining high-quality work and employee morale.