

Why GAO Did This Study

Individuals who do not agree with an initial decision on a claim for Social Security disability benefits can appeal and eventually receive a hearing before an administrative law judge. SSA prioritizes certain disability appeals as critical for medical or financial reasons in order to resolve them more quickly. From fiscal years 2010 through 2020, SSA identified about 425,000 critical cases out of over 7 million appeals at the hearings level.

GAO was asked to review challenges that disability applicants who file appeals face. GAO examined (1) how SSA identifies critical cases at the hearings level and (2) the extent to which SSA expedites these cases.

GAO analyzed SSA hearing office case data from fiscal years 2008-2020, focusing on critical cases that followed the typical processing order (e.g., were not dismissed). GAO also reviewed SSA policies and procedures and interviewed agency headquarters officials, managers and staff from five of SSA's 164 hearing offices, disability advocates, and SSA employee unions. GAO selected the five hearing offices to provide variety in the percentage of critical cases, overall case volume, location, and population size.

What GAO Recommends

GAO is making two recommendations: that SSA (1) review the use of documentation of dire needs situations for consistency and (2) examine its handling of cases that indicate homelessness, eviction, or other critical need, to ensure these are expedited in accordance with policy. SSA agreed with our recommendations.

View [GAO-22-104191](#). For more information, contact Elizabeth H. Curda at (202) 512-7215 or CurdaE@gao.gov.

SOCIAL SECURITY DISABILITY

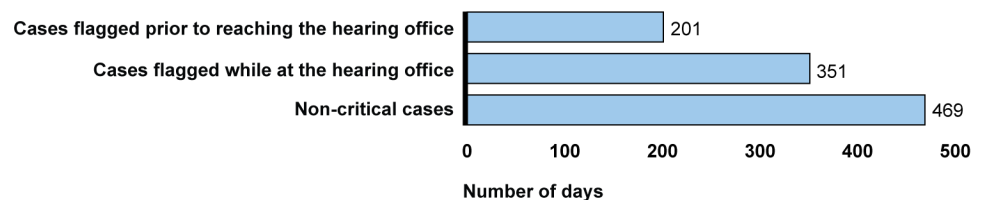
SSA Expedited Most Critical Cases at Hearings Level but Lacks Consistent Policy Implementation

What GAO Found

The Social Security Administration (SSA) flags a disability appeals case as critical after determining that the claimant's health or financial condition, such as having a terminal illness or dire financial need, meets criteria in SSA's policy manual. Cases can be flagged as critical before reaching a hearing office or during nearly any stage of the hearing process. SSA policy directs staff to expedite the case once it is flagged as critical. However, staff GAO interviewed from three of the five selected offices said that claimants must provide documentation of their dire financial need, even though SSA policy does not require it.

Hearing offices consistently processed critical cases faster than non-critical cases between fiscal years 2010 and 2020, but wait times varied depending on when the case was first flagged. Cases that arrived at a hearing office with a flag took a median 201 days to reach a hearing decision; those first flagged while they were at a hearing office took a median 351 days. This difference exists because hearing offices quickly begin work on flagged cases. In contrast, non-critical cases took a median 469 days (see figure). GAO found that, across the stages of the hearings process, critical cases flagged after reaching a hearing office spent the largest portion of the wait time in the stage before being assigned to a case worker. Once flagged during this waiting period, hearing office staff assigned most cases to a case worker within a week.

Median Hearing Wait Times for SSA Critical Cases by When the Flag Was Added, Fiscal Years 2010 to 2020



Source: GAO analysis of Social Security Administration (SSA) data. | [GAO-22-104191](#)

Note: In this figure, we refer to cases as "critical" or "non-critical" based on SSA's flagging of cases. This analysis does not examine whether individual cases varied in complexity, which may affect processing time. The figure excludes the 29 percent of hearings cases that did not follow the typical processing order.

SSA can initially designate a claimant's case to indicate the claimant faces homelessness, eviction, or another critical need. At hearing offices, however, these designations do not trigger expedited processing unless the case is also flagged for one of the seven hearing office critical case categories, such as dire need. GAO found that only 28.5 percent of cases that had a homeless designation also had a critical case flag, and thus were selected for expedited processing, despite SSA officials saying that most of these cases should qualify as dire need. This discrepancy could result from the existence of similar categories that are treated differently across multiple data systems, manual error, or changing circumstances. As a result, some claimants who qualify for expedited claim processing due to severe circumstances may not receive it.