



Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

Informational Report

Administrative Law Judge Trends

012319 August 2023



Office of the Inspector General
SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: August 11, 2023

Refer to: 012319

To: Kilolo Kijakazi
Acting Commissioner

From: Gail S. Ennis *Gail S. Ennis*
Inspector General

Subject: Administrative Law Judge Trends

The attached final report provides information for administrative law judge trends for Fiscal Years 2018 through 2022

If you wish to discuss the final report, please call me or have your staff contact Michelle L. Anderson, Assistant Inspector General for Audit.

Attachment

INTRODUCTION

This report provides information for administrative law judges (ALJ) who had at least one decision in a Fiscal Year (FY) for FYs 2018 through 2022. We analyzed the Social Security Administration's (SSA) publicly available data for the Office of Hearings Operations (OHO) to identify these ALJs.¹

BACKGROUND

The Old-Age, Survivors and Disability Insurance (OASDI) program provides monthly benefits to retired and disabled workers and their dependents as well as the survivors of deceased workers.² The Supplemental Security Income (SSI) program provides a minimum level of income to financially needy individuals who are aged, blind, or disabled.³ The SSA administrative review process for OASDI and SSI claims generally consists of an initial determination, a reconsideration, a hearing before an ALJ, and an Appeals Council review.⁴

A claimant who is dissatisfied with a reconsideration determination may request from SSA's OHO a hearing before an ALJ.⁵ OHO directs a nation-wide hearing office organization staffed with ALJs, managers, and support staff.

An ALJ independently reviews evidence related to each claimant's case and issues a written decision based on that evidence and the applicable laws, regulations, rulings, and Agency policy.⁶ According to SSA policy,⁷ cases are assigned to ALJs on a rotational basis, with the oldest request for hearings receiving priority, unless there is a special situation that requires a change in the order in which a case is assigned. However, different ALJs may have different opinions on the same set of evidence.

¹ We did not audit the data we obtained from SSA's OHO Website and therefore do not express an opinion about their accuracy. OHO's data contained a list of completed hearings by name of individual ALJ for all ALJs in OHO. The data include hearing office name, total dispositions, decisions, allowances, denials, and fully or partially favorable decisions.

² 20 C.F.R. §§ 404.310, 404.315, 404.320, 404.330, 404.331, 404.335, 404.336, 404.339, 404.340, 404.350, and 404.370.

³ 20 C.F.R. § 416.110.

⁴ 20 C.F.R. §§ 404.900(a), 416.1400(a).

⁵ In some instances, a claimant can file a request for hearing after they receive an initial determination, such as the revised or overpayment determinations identified in the regulations. 20 C.F.R. §§ 404.929, 404.930, 416.1429, 416.1430.

⁶ For more information on ALJs, see our prior reports: SSA, OIG, *Congressional Response Report: Oversight of Administrative Law Judge Workload Trends, A-12-11-01138*, (February 2012) and *Administrative Law Judges from Our February 2012 Report Who Had the Highest and Lowest Allowance Rates, A-12-17-50220*, (June 2017).

⁷ SSA, *HALLEX*, vol. I, ch. I-2-1, sec. I-2-1-55 (April 9, 2019).

JUDGES WITH AT LEAST ONE DECISION IN A FISCAL YEAR

The number of ALJs with at least 1 decision over the 5-year period reviewed decreased each year from 1,718 ALJs in FY 2018 to 1,287 ALJs in FY 2022—a decrease of 431 (25.1 percent).⁸ In addition, the total number of decisions decreased from 602,082 in FY 2018 to 313,899 in FY 2022 for a total decrease of 288,183 (47.9 percent) over the 5-year period.⁹ Furthermore, the average allowance rate for the 5-year period ranged from a low of 52.2 percent in FY 2021 to a high of 54.2 percent in FY 2022. See Table 1 for ALJ trends for the 5-year period reviewed.

Table 1: ALJ Trends for FYs 2018 Through 2022¹⁰

Category	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
ALJs with at Least One Decision	1,718	1,613	1,456	1,361	1,287
Decisions					
Total Decisions	602,082	637,898	500,622	415,618	313,899
Average Decisions (Ratio)	350:1	395:1	344:1	305:1	244:1
Highest Decisions	739	830	834	628	513
Lowest Decisions	2	1	3	1	1
Allowances					
Total Allowances	324,431	337,189	271,053	216,984	170,040
Average Allowances	189	209	186	159	132
Highest Allowances	525	500	529	505	326
Lowest Allowances	0	0	1	0	0
Percent of Allowance Decisions	53.9%	52.9%	54.1%	52.2%	54.2%
Highest Allowance Rate	100.0%	100.0%	94.5%	97.2%	100.0%
Lowest Allowance Rate	0.0%	0.0%	11.7%	0.0%	0.0%
Denials					
Total Denials	277,651	300,709	229,569	198,634	143,859
Average Denials	162	186	158	146	112
Highest Denials	422	505	466	402	362
Lowest Denials	0	0	1	1	0
Percent of Denial Decisions	46.1%	47.1%	45.9%	47.8%	45.8%
Highest Denial Rate	100.0%	100.0%	88.3%	100.0%	100.0%
Lowest Denial Rate	0.0%	0.0%	5.5%	2.8%	0.0%

⁸ For the 25.1-percent decrease, the calculation is $(1,718 - 1,287) / 1,718$.

⁹ For the 47.9-percent decrease, the calculation is $(602,082 - 313,899) / 602,082$.

¹⁰ In March 2020, to protect the safety of employees and the public, SSA closed offices to walk-in traffic, suspended in-person and video appearances, and began offering claimants an option to appear at hearings by telephone. In August 2020, OHO began using software to conduct online video hearings—allowing claimants and their representatives to appear at hearings from any location where they had access to a camera-enabled smartphone, tablet, or computer. This new option, in which parties who participated in hearings used Internet-based software for online video hearings, was piloted in several offices. In December 2020, SSA rolled it out nationally. In March 2022, OHO resumed in-person and video hearings.

As shown in Table 2, most ALJs' allowance rates ranged from 40 to 69.9 percent, as more than 200 ALJs were within each segment of this allowance range each FY for the 5-year period reviewed. Overall, 69 to 70 percent were within the allowance rate range of 40 to 69.9 percent for each FY during the 5-year period.¹¹

Table 2: Allowance Rates for FYs 2018 Through 2022

Allowance Rate Category	FY 2018 Number of ALJs	FY 2019 Number of ALJs	FY 2020 Number of ALJs	FY 2021 Number of ALJs	FY 2022 Number of ALJs
0% to 9.9%	4	4	0	4	8
10% to 19.9%	13	19	13	18	14
20% to 29.9%	65	72	60	63	51
30% to 39.9%	193	191	153	181	127
40% to 49.9%	417	396	330	327	299
50% to 59.9%	463	422	415	367	356
60% to 69.9%	323	307	272	241	232
70% to 79.9%	174	136	157	101	133
80% to 89.9%	59	59	45	50	54
90% to 99.9%	6	6	11	9	10
100%	1	1	0	0	3
Total	1,718	1,613	1,456	1,361	1,287

¹¹ The 69-to-70 percent calculation is as follows: FY 2018 is $(417 + 463 + 323) / 1,718 = 70.0$ percent; FY 2019 is $(396 + 422 + 307) / 1,613 = 69.7$ percent; FY 2020 is $(330 + 415 + 272) / 1,456 = 69.8$ percent; FY 2021 is $(327 + 367 + 241) / 1,361 = 68.7$ percent; and FY 2022 is $(299 + 356 + 232) / 1,287 = 68.9$ percent.

As shown in Table 3, most ALJs had 200 to 500 decisions a year during the 5-year period. For example, in FY 2020, 1,315 of the 1,456 ALJs had at least 200 to 500 decisions, which is equivalent to 90.3 percent of ALJs with at least 1 decision for that FY.¹²

Table 3: Number of Decisions Category for FYs 2018 Through 2022

Number of Decisions Category	FY 2018 Number of ALJs	FY 2019 Number of ALJs	FY 2020 Number of ALJs	FY 2021 Number of ALJs	FY 2022 Number of ALJs
1 to 199	204	134	119	146	318
200 to 250	83	59	92	164	287
251 to 300	141	69	141	299	382
301 to 350	253	126	314	322	197
351 to 400	388	272	384	238	65
401 to 450	446	407	279	148	30
451 to 500	138	322	105	34	7
501 to 550	43	153	15	9	1
551 to 600	18	48	5	0	0
601 to 650	2	18	0	1	0
651 to 700	0	3	1	0	0
701 to 750	2	1	0	0	0
Over 750	0	1	1	0	0
Total	1,718	1,613	1,456	1,361	1,287

JUDGES WITH THE HIGHEST AND LOWEST ALLOWANCE RATES IN FISCAL YEAR 2022

As seen in Table 3, 75 to 92 percent of ALJs in each FY had over 200 decisions.¹³ We analyzed allowance rates for all ALJs with 200 or more decisions in FY 2022 to identify those who had the highest and lowest allowance rates.¹⁴ We excluded ALJs who had fewer than 200 decisions because they may have been in a situation where lower decision productivity was expected, such as ALJs:

- with administrative duties,
- on a part-time schedule,
- who are new and not expected to produce as many decisions as more seasoned ALJs, and

¹² The 90.3 percent calculation is as follows: $(92 + 141 + 314 + 384 + 279 + 105) / 1,456$.

¹³ The 75 to 92 percent calculation is as follows: FY 2018 is $(1,718 - 204) / 1,718 = 88.1$ percent; FY 2019 is $(1,613 - 134) / 1,613 = 91.7$ percent; FY 2020 is $(1,456 - 119) / 1,456 = 91.8$ percent; FY 2021 is $(1,361 - 146) / 1,361 = 89.3$ percent; and FY 2022 is $(1,287 - 318) / 1,287 = 75.3$ percent.

¹⁴ We analyzed the ALJs' allowance rates, which included both fully and partially favorable decisions.

- who are on extended leave.¹⁵

Table 4 shows the 10 ALJs with the highest allowance rates in FY 2022 as well as their allowance rates for the prior 4 years.

Table 4: Top 10 ALJs with Highest Allowance Rates in FY 2022¹⁶ and the ALJ Allowance Rates for FYs 2021 Through 2018

ALJ Ranking	FY 2022 Allowance Rate	FY 2022 Number of Decisions		FY 2021 Allowance Rate	FY 2020 Allowance Rate	FY 2019 Allowance Rate	FY 2018 Allowance Rate
1	96.8%	279		86.0%	77.3%	72.4%	70.5%
2	92.3%	233		87.2%	84.9%	80.6%	75.0%
3	91.5%	236		91.7%	91.9%	90.4%	88.5%
4	91.0%	268		88.7%	80.3%	68.3%	68.9%
5	91.0%	234		84.6%	83.8%	77.1%	76.1%
6	89.6%	201		87.0%	Not Available ¹	Not Available ¹	Not Available ¹
7	89.5%	277		81.8%	74.8%	80.0%	69.3%
8	88.9%	244		83.8%	63.8%	80.5%	85.6%
9	88.8%	322		91.3%	86.0%	69.2%	71.2%
10	88.1%	278		81.5%	72.5%	59.8%	66.8%

Note 1. The ALJ did not have any decisions in these years.

Of the top 10 ALJs with the highest allowance rates in FY 2022, 3 were in the top 10 for more than just FY 2022 over the 5-year period of FYs 2018 through 2022. Of the 3 ALJs:

- 1 was in the top 10 for allowance rates for all 5 FYs, and
- 2 were in the top 10 for allowance rates for 2 of the 5 FYs.

¹⁵ The data found on the publicly available SSA Website contains raw data from the Agency's Case Processing and Management System without regard to the amount of time ALJs devote to actual adjudication. Per SSA, factors that could affect the number of dispositions (that is, management/administrative responsibilities, special assignments, part-time status, union representational duties, retirements, deaths, or extended leave, etc.) have not been taken into account.

¹⁶ In FY 2022, 969 ALJs had 200 or more decisions; whereas 318 ALJs had less than 200 decisions.

Table 5, shows the 10 ALJs with the lowest allowance rates in FY 2022 as well as their allowance rates for the prior 4 years.

Table 5: Top 10 ALJs with Lowest Allowance Rates in FY 2022 and the ALJ Allowance Rates for FYs 2021 Through 2018

ALJ Ranking	FY 2022 Allowance Rate	FY 2022 Number of Decisions		FY 2021 Allowance Rate	FY 2020 Allowance Rate	FY 2019 Allowance Rate	FY 2018 Allowance Rate
1	9.9%	273		21.6% ¹	28.7% ¹	28.3% ¹	38.5% ¹
2	10.9%	211		24.6%	28.6%	41.3%	27.8%
3	10.9%	265		13.2%	19.3%	16.2%	22.3%
4	12.6%	207		9.1% ¹	13.8%	17.6%	25.3%
5	12.7%	300		21.4%	39.6%	46.2%	39.7% ¹
6	14.2%	316		13.4%	16.4%	22.7%	21.8%
7	14.5%	297		16.8%	12.7%	8.8%	11.2%
8	16.4%	207		19.3%	27.3%	17.1%	16.7%
9	16.5%	267		20.3%	24.5%	34.5%	39.1%
10	16.6%	253		15.8%	21.0%	18.4%	29.2%

Note 1: The ALJ had fewer than 200 decisions in this year.

Of the 10 ALJs with the lowest allowance rates in FY 2022, 6 were in the bottom 10 for more than just FY 2022 over the 5-year period of FYs 2018 through 2022. Of the 6 ALJs:

- 1 was in the bottom 10 for allowance rates for all 5 FYs;
- 1 was in the bottom 10 for allowance rates for 4 of the 5 FYs;
- 3 were in the bottom 10 for allowance rates for 3 of the 5 FYs; and
- 1 was in the bottom 10 for allowance rates for 2 of the 5 FYs.

SUMMARY

SSA's publicly available data for ALJs from FYs 2018 through 2022 period indicated the following trends:

- The number of ALJs with at least one disability claim decision in a FY decreased each FY.
- Except for FYs 2018 and 2019, the number of ALJ decisions decreased over the period.
- The ALJ average allowance rates ranged between 52.2 and 54.2 percent.
- Approximately 75 to 92 percent of ALJs issued 200 or more decisions each FY.

ABBREVIATIONS

ALJ	Administrative Law Judge
C.F.R.	Code of Federal Regulations
FY	Fiscal Year
HALLEX	<i>Hearings, Appeals, and Litigation Law Manual</i>
OASDI	Old-Age, Survivors and Disability Insurance
OHO	Office of Hearings Operations
OIG	Office of the Inspector General
SSA	Social Security Administration
SSI	Supplemental Security Income



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