

Neal Statement on Trump Administration Politicization of Administrative Law Judges

Jul 10, 2018
Press Release

WASHINGTON, DC – Today, Ways & Means Ranking Committee Member Richard Neal (D-MA) released the following statement after President Donald Trump signed an [executive order](#) that will allow the President to appoint federal Administrative Law Judges (ALJs) on the basis of ideology and political orientation, rather than through a competitive examination process based on merit, neutrality, and fitness for office:

“This executive order is yet another example of President Trump putting special interests and loyalists ahead of American families’ wellbeing. Impartiality plays a central role in Administrative Law Judges’ work. Allowing the appointment of judges who are big campaign donors, beholden to industry, or otherwise unqualified will result in unfair, biased rulings that harm ordinary Americans. For example, at the Social Security Administration, where 85 percent of ALJs serve, the use of politically-appointed judges could result in millions of Americans being denied the benefits they’ve earned through decades of hard work.

“When it comes to filling these consequential positions, candidates’ intellect and integrity should be the rule – not ideology and fealty to a particular Administration.”

Background:

The federal government employs approximately 1,900 ALJs – 85 percent of them serve at the Social Security Administration (SSA), and the other 15 percent are with other agencies, including the Department of Health and Human Services, the Department of Labor, the National Labor Relations Board, the Federal Mine Safety and Health Review Commission, the Securities and Exchange Commission, and the Federal Energy Regulatory Commission. At SSA, ALJs hear appeals from workers who have applied for their earned benefits but whose application was rejected by a lower-level authority at SSA. ALJs frequently find that the prior rejection was erroneous, and they have the qualified decisional independence to evaluate whether the individual meets the eligibility criteria in the law.

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