



AALJ Pledges Cooperation With New Social Security Commissioner Saul, Asks that Contract Negotiations be Paused

WASHINGTON — June 4, 2019 — The [Association of Administrative Law Judges](#) (AALJ), which represents the Social Security Administration’s Administrative Law Judges (ALJs), pledges to work with newly confirmed Social Security Commissioner Andrew Saul.

AALJ urges Saul to advise the Social Security Administration to halt negotiations with the agency’s judges until their reporting structure becomes aligned with last year’s Supreme Court case *Lucia v. SEC*. Under *Lucia*, ALJs are inferior officers (the second highest officers in the federal government) and can no longer report to an employee who is not a principal officer. Until this reporting structure is corrected, SSA’s current collective bargaining agreement negotiations with AALJ should be paused.

The association points out that the Trump administration, through the solicitor general, directed all federal agencies to stop refusing to acknowledge that ALJs are inferior officers.

On behalf of the ALJs, noted constitutional scholar Alan B. Morrison of The George Washington University alerted Acting SSA Commissioner Nancy Berryhill of this constitutional claim on March 1, 2019. SSA has not responded to his letter.

AALJ President Judge Melissa McIntosh said, “We simply want the tools and work environment to do our jobs to the best of our abilities for the American public. We need to take a break from these negotiations until this critical constitutional issue is resolved. We are impressed with Commissioner Saul’s success in the private sector as well as his public service at the Federal Retirement Thrift Investment Board. We hope he will immediately weigh in on this important matter.”

The AALJ represents the majority of all ALJs in the federal sector.

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