



AALJ Praises Bipartisan Senate Action on Bill to Restore Judicial Independence

WASHINGTON — July 31, 2019 — The [Association of Administrative Law Judges](#) (AALJ), which represents the Social Security Administration (SSA) Administrative Law Judges (ALJs), is gratified movement continues with efforts to restore judicial independence.

Senator Maria Cantwell (D-Wash.) and Senator Susan Collins (R-Maine) have introduced the [ALJ Competitive Service Restoration Act](#); Rep. Elijah E. Cummings (D-Md.), the chair of the U.S. House Committee on Oversight and Reform, has introduced a companion bill in the U.S. House.

“Administrative law judges perform very important roles for Social Security and Medicare benefit cases, and it’s essential that they remain independent and not politically influenced in making decisions,” Senator Cantwell said. “These judges work on enormously important issues. They should be knowledgeable about the subject area they’re overseeing and without any conflict of interest.”

“Administrative law judges are tasked with making important decisions every day; they are intensely vetted and put through a competitive application process before being hired,” said Senator Collins. “Our bipartisan legislation would ensure that administrative law judges remain well qualified and impartial so that this crucial process remains nonpartisan and fair.”

The bill, upon becoming law, would override [executive order 13843](#), which last year ended the longtime practice of appointment of ALJs based entirely on merit and ability, after undergoing an extensive vetting process that included a written examination, peer references and panel interview. The executive order now states that ALJs only need to be a lawyer.

“The Association of Administrative Law Judges thank Senators Cantwell and Collins for sponsoring this critical legislation, says Judge Melissa McIntosh, president of the AALJ. “The majority of ALJs in the federal sector work at the Social Security Administration and are represented by our Association. We are deeply committed to ensuring the due process rights of American citizens. This legislation preserves the independence of ALJs by restoring the rigorous and competitive selection of judges based solely on merit. Political influence has no place in our hearing rooms.”

In a recent AALJ member survey, 90 percent either strongly disagree or disagree with the executive order that allowed the administration to directly appoint ALJs. Furthermore, one out of two members say judicial independence is the top issue they face.

Association at Impasse with Agency

Last month, AALJ stated that it regretfully finds itself unable to reach a contract agreement with the SSA. This was followed up by a [letter](#) from 47 U.S. Senators to Social Security Commissioner

Andrew Saul expressing their “dismay that the Social Security Administration (SSA) refuses to bargain in good faith with union representatives.”

Despite these challenges, ALJs continue to perform their public service duties at a thorough and efficient level across the U.S.

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