



Social Security Disability Judges Reject Commissioner Saul’s Desire for Major Changes in How Cases Are Heard, Decided

SSA Wants ‘Total Control Over its Decision Makers’

WASHINGTON — Jan. 28, 2020 — The [Association of Administrative Law Judges](#) (AALJ), which represents approximately 1,300 judges who hear Social Security disability hearings across the U.S., has thoroughly rejected the Social Security Commissioner Andrew Saul’s effort to dismantle the trusted and historic way such decisions are made.

AALJ’s comments are in response to the Social Security Administration’s (SSA) proposed [rule](#) that it believes would lead to the removal of Administrative Law Judges as independent adjudicators at disability hearings. Instead, administrative appeals judges, who are employees who answer to SSA managers, would be allowed to hear standard disability cases.

AALJ’s objections center on the following points:

- SSA misrepresented to Congress its intentions regarding its plan for Attorney-Examiners/Appeals Officers to conduct hearings. The real reason for the proposed change is to exercise total control over its decision makers.
- The new Administrative Appeals Judges have never been nor will they be independent from the Social Security Administration because they have been and will remain employees subject to SSA control and influence through performance appraisal, salary and bonuses, and simply, to keep their jobs.
- The Appeals Council was never intended to conduct initial hearings and make decisions on whether to grant benefits.
- The current ALJ corps reduced the pending number of cases to its lowest point in 15 years at the end of fiscal year 2019 and virtually eliminated the backlog.
- SSA failed to provide any technical studies or data to explain or support this fundamental change of the adjudicative process.

“There’s no doubt that due process and quality will be sacrificed in the name of speed,” says Judge Melissa McIntosh, president of the AALJ. “Every American who works has paid into the disability income fund and they have every legal right to request support when they feel they are injured or have a disability and can’t work. We urge all Americans to understand what’s at stake and contact their members of Congress to let them know that this switch will eradicate due process for constituents.”

In recent days President Trump suggested he would, “at some point,” look at cutting entitlement programs, although he later walked back that comment; other political leaders have continually put the disability program in their crosshairs. The [Congressional Budget Office has projected](#)

that the U.S. will disburse \$150 billion in Social Security disability payments this year, helping families in virtually every community when they are their most vulnerable.

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