



Administrative Law Judges Survey Finds No Confidence in Social Security's Leaders

WASHINGTON — Dec. 9, 2020 — Years of mismanagement and poor decision-making by Social Security Administration (SSA) leaders have led members of the [Association of Administrative Law Judges](#) (AALJ) to decide they have no confidence in them, according to a survey.

The association represents Administrative Law Judges (ALJs), who preside in Social Security disability hearings across the U.S. The AALJ poll found 88% have no confidence in Andrew Saul, who President Donald Trump appointed to lead the agency. The ALJs also disapproved of another Trump appointee, Deputy Commissioner David Black.

Theresa Gruber, Deputy Commissioner for Social Security's Office of Hearing Operations, and Chief Administrative Law Judge Patrick Nagle work most closely with the ALJs; the AALJ expressed no confidence in both, with 84% saying so.

"Our country knows its Administrative Law Judges to be fair and make accurate decisions after a thorough review of the facts...they've done so in this case and the result couldn't be clearer. We have no confidence in the top political appointees at Social Security as well as the leadership over its hearing operations," says Judge Melissa McIntosh, president of the AALJ.

The AALJ survey matches the outcome of a similar one by Social Security employees who are members of the American Federation of Government Employees (AFGE). AFGE Council 220's Executive Committee, which represents 26,000 SSA employees in teleservice centers, field offices and workstations nationwide, also stated they have no confidence in SSA leadership.

AFGE admonished Commissioner Saul and Deputy Commissioner Black's lack of communication and clear plan for a safe return to in-office work, as well as the delayed implementation of telework amid the COVID-19 pandemic.

Reasons Driving the No-Confidence Result

Judge McIntosh says AALJ's survey outcome is a result of Social Security officials' efforts to eliminate independent reviews of Americans' disability claims. AALJ and a bipartisan group of Senators and House members object to SSA's radical move to allow its other non-ALJ employees to hear initial hearings.

"These attorney advisors, who the agency calls 'appeals judges,' will not have the independence nor experience that disability claimants count on right now. Every American who works has paid into the disability fund and they have every legal right to request support when they feel they are injured or have a disability and can't work. This is a standard that our nation has met for decades, throughout multiple administrations, until now," says Judge McIntosh.

She adds, "Right now, these 'appeals judges' only review cases after an ALJ. What the leaders are doing is creating a system whereby their employees would be holding initial hearings and then

reviewing their own decisions, raising due process concerns. And, unlike ALJs who are required by statute to have decisional independence, these employees receive annual bonuses.”

AALJ also objects to the Social Security officials trying to justify their actions by claiming there’s a backlog of disability cases, when, in fact, official data, and the prior Congressional testimony of Gruber, says no backlog exists.

While the AALJ survey results are non-binding, Judge McIntosh states that it’s essential that taxpayers fully understand the damage being done to the Social Security system that they’ve grown to trust and depend on.

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