

**Congress of the United States**  
Washington, DC 20510

June 6, 2018

Ms. Nancy A. Berryhill  
Deputy Commissioner of Operations  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

Dear Deputy Commissioner Berryhill:

We write to you regarding the troubling delays in Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) eligibility determinations for Pennsylvanians.

Since the passage of the Social Security Act in 1935, the programs operated by the Social Security Administration (SSA) have provided financial security to millions of middle-class households and kept millions of older Americans from falling into poverty. Today, SSA continues to provide critical services and essential resources to individuals who are aging, have disabilities, or have lost family members.

We are concerned, however, about the impact of the staggering backlog of SSI and SSDI determination cases on Pennsylvanians' access to the benefits they have earned and are relying upon. The most recent publicly available data indicates that, as of April 2018, roughly 50,000 cases were pending at hearing offices in Pennsylvania, and the average processing time for these cases was over 1.8 years. The two hearing offices in Philadelphia alone had roughly 9,600 cases pending with an average wait time approaching two years.<sup>1</sup>

As you know, these backlogs cause real hardship for the individuals who have applied for SSI and SSDI. Individuals who are eligible for benefits but nonetheless must wait for almost two years to have their cases decided often do not have access to quality health care, cash benefits that address their disability-related needs, or access to other federal programs such as the Supplemental Nutrition Assistance Program. We also are very concerned about the number of individuals who have applied nationwide for SSI and SSDI and died while waiting for a determination of their eligibility. According to media reports and the SSA Inspector General, thousands of applicants have died waiting for a decision.<sup>2</sup>

We recognize that SSA has identified the shortage of Administrative Law Judges (ALJs) and support staff as one of the central reasons for the backlogs that have expanded over recent years.

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<sup>1</sup> Social Security Administration, *Average Wait Time Until Hearing Held Report* (April 2018) (available at [https://www.ssa.gov/appeals/DataSets/01\\_NetStat\\_Report.html](https://www.ssa.gov/appeals/DataSets/01_NetStat_Report.html))

<sup>2</sup> Social Security Administration Office of the Inspector General, *Characteristics of Claimants in the Social Security Administration's Pending Hearings Backlog* (September 2016) (available at <https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-05-16-50207.pdf#page=14>)

We stand ready to assist SSA to resolve these backlogs. To assist us in preparation for the FY 2019 appropriations process, we ask that you provide us the following information:

- 1) The most current information regarding the number of individuals awaiting decisions for eligibility determination for SSI and SSDI benefits and the average processing time, nationwide;
- 2) The most current information regarding the number of individuals awaiting decisions for eligibility determination for SSI and SSDI benefits and the average processing time, in Pennsylvania by SSA region;
- 3) The resources SSA has determined are necessary to reduce the processing time to the target of 270 days, as outlined by SSA's 2016 Compassionate And Responsive Service (CARES) plan;
- 4) The most current information on those who represent themselves while seeking Title XVI (SSI) benefits, in Pennsylvania by hearing office;
- 5) The most current information on those who represent themselves while seeking Title II (SSDI) in Pennsylvania by hearing office;
- 6) The most current information on those who represent themselves while seeking Title XVI benefits for children when appearing before the Office of Hearing Operations in Pennsylvania by hearing office;
- 7) The number of ALJs and support staff needed to reach the target goal of 270 days;
- 8) The number of ALJs and support staff dedicated to eligibility processing over the past five years; and
- 9) The number of on-the-record (OTR) allowances completed nationally in 2018 by state.

In an effort to further understand SSA's plans to better serve individuals in the determination process, we also welcome any information regarding plans to ensure that notices of hearings reach the intended recipient in order to allow them to attend their hearings. Our understanding is that some Pennsylvania hearing offices have very high dismissal rates, and some claimants never receive notice of their hearings when notices are sent to outdated addresses or due to institutionalization. We are also interested in knowing whether SSA has considered doubling the number for Targeted Denial Reviews as a means to prevent some cases from entering the backlog.

Thank you for your time and attention to this request. If you have any questions or would like to get in touch with our staff, you can contact Michael Gamel-McCormick at 202-224-4193 or Helena Mastrogianis at 202-225-6111.

We look forward to your response, and we remain committed to working with you to alleviate these untenable backlogs and ensure the citizens of Pennsylvania receive the benefits for which they are eligible and have earned.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Brendan F. Boyle  
Member of Congress