

# United States Senate

WASHINGTON, DC 20510

September 6, 2018

Nancy A. Berryhill  
Deputy Commissioner of Operations  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21207

Dear Deputy Commissioner Berryhill:

We are writing to express our opposition to the Social Security Administration's (SSA) plan to reinstate the reconsideration phase of the disability determinations appeals process in our states. Social Security disability benefits are among our nation's most important safety-net programs, affording people with disabilities and their families a basic measure of economic security. We are alarmed by the agency's willingness to adopt a flawed system—one that will lead to further delays in the processing of essential benefits—in the name of cost savings and national uniformity. We urge SSA to halt its plan.

In a laudable attempt to ensure disability benefits are awarded as quickly and efficiently as possible, SSA launched a series of tests two decades ago. One of these tests, involving the outright elimination of reconsideration, has since continued in ten states. In July 2018, SSA informed Congress of its intention to reinstate reconsideration in these states. While analyses suggest the restoration of reconsideration may lead some applicants to receive benefits sooner, SSA's own projections show its imposition will cause five times more applicants to be further delayed in receiving a determination concerning their benefits.

We are deeply concerned by any policy that would worsen already staggering wait times in the processing of disability applications, as more than one million Americans wait for a hearing before an Administrative Law Judge. Collectively, the proposed change would result in more than 106,000 applicants waiting longer for a determination and an additional 35,000 giving up and dropping out of the process entirely. Even SSA acknowledges that the restoration of reconsideration would worsen wait times for these applicants, increasing waits by 100 days on top of the national average of almost 600 days.

We agree that a consistent, nationally uniform disability appeals process is a worthwhile objective, and one that SSA should work to create and implement such a process based on reliable data and evidence. As determined by the Government Accountability Office, SSA should focus on efforts to implement key metrics, evaluate existing processes and modernize technology. SSA should also address staffing shortages at state agencies that process initial disability applications and hire additional decision writers and Administrative Law Judges to reduce determination wait

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times. Absent improvements in these areas, the imposition of reconsideration in our states is premature.

Social Security disability benefits allow the Americans who need them to live with dignity. Indeed, receipt of disability income often means the difference between being homeless and affording a home. As such, we are committed to much more than the timely processing of disability applications; it is our aim to ensure that SSA implements evidence-based procedures to ensure that applicants wait not one more day than necessary to receive the benefits they are owed. To this end, Congress provided SSA with an additional \$100 million in FY2018 explicitly to address the disability hearings backlog and reduce overall wait times. The agency's decision to reinstate reconsideration in our states is not in keeping with this important goal.

We look forward to receiving a response to this letter, and we request a briefing for staff to inquire about SSA's decision-making on this matter no later than September 7, 2018. Thank you.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Charles E. Schumer  
United States Senator



Margaret Wood Hassan  
United States Senator



Michael F. Bennet  
United States Senator




Lisa Murkowski  
United States Senator



Debbie Stabenow  
United States Senator


Letter to Deputy Commissioner of Operations Nancy Berryhill  
Re: Opposing Reinstitution of Reconsideration

September 6, 2018



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Jeanne Shaheen  
United States Senator



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Doug Jones  
United States Senator



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Gary C. Peters  
United States Senator



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Kirsten Gillibrand  
United States Senator