

## DISABILITY PROGRAMS

# SSA Has Taken Steps to Address Conflicting Court Decisions, but Needs to Manage Data Better on the Increasing Number of Court Remands

### Why GAO Did This Study

The Social Security Administration's (SSA) Disability Insurance and Supplemental Security Income programs provided around \$128 billion to about 12.8 million persons with disabilities and their families in fiscal year 2005. Claimants who are denied benefits by SSA may appeal to federal courts. Through current initiatives, SSA is attempting to reduce the number of cases appealed to courts and remanded back to SSA for further review. In addition, there have been long-standing concerns about how SSA responds to court decisions that conflict with its policies.

GAO was asked to examine: (1) trends over the past decade in the number of appeals reviewed by the courts and their decisions, (2) reasons for court remands and factors contributing to them, and (3) SSA's process for responding to court decisions that conflict with agency policy. GAO reviewed SSA data and documents on court decisions, remands and SSA's processes and interviewed agency officials and stakeholders on data trends, reasons for remands, and SSA processes.

### What GAO Recommends

GAO recommends that the Commissioner of Social Security take steps to improve the reliability and collection of data on remands. SSA agreed with GAO's recommendations and outlined actions it plans to take to implement them.

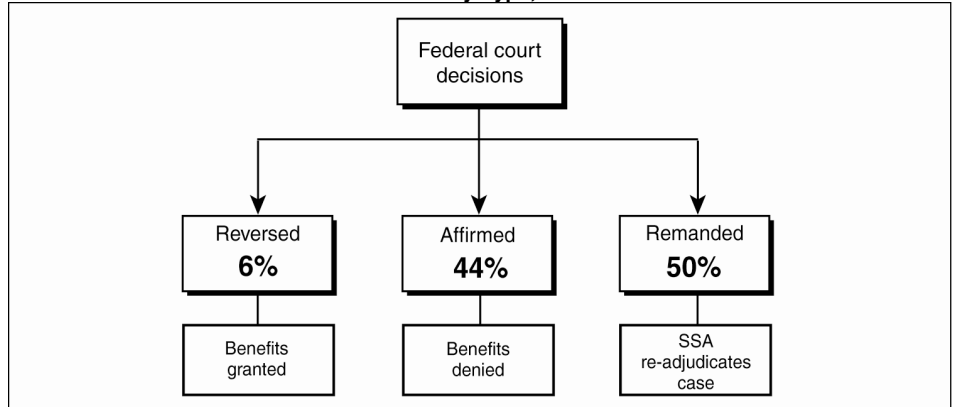
[www.gao.gov/cgi-bin/getrpt?GAO-07-331](http://www.gao.gov/cgi-bin/getrpt?GAO-07-331).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Daniel Bertoni at (202) 512-7215 or [bertonid@gao.gov](mailto:bertonid@gao.gov).

### What GAO Found

Between fiscal years 1995 and 2005, the number of disability appeals reviewed by the federal district courts increased, along with the proportion of decisions that were remanded. More disability claims were remanded than affirmed, reversed, or dismissed over the period, and the proportion of total decisions that were remands ranged from 36 percent to 62 percent, with an average of 50 percent. Remanded cases often require SSA to re-adjudicate the claim, with the result that—along with the passage of time and new medical evidence—the majority of remanded cases result in allowances.

Percent of Federal District Court Decisions by Type, Fiscal Year 1995 to Fiscal Year 2005



Source: GAO analysis of SSA data.

According to SSA officials and outside observers, a range of errors prompted by heavy workloads is responsible for court remands of SSA's disability determinations, but data that would confirm or clarify the issue are incomplete and not well-managed. SSA has only recently begun collecting data on remands, and we found these data to be incomplete. Additionally, this information is collected by two different offices that have created somewhat different categories for the data, making some of the information inconsistent and possibly redundant. Meanwhile, SSA has acknowledged the need to reduce remands and, in 2006 along with other initiatives, introduced new decision-writing templates to improve efficiency and reduce errors.

SSA has a process in place for determining whether appellate court decisions conflict with the agency's interpretation of disability statutes or regulations and has taken steps in recent years to align its national policies with appellate court decisions. For example, officials and stakeholders attributed a downward trend in appellate court decisions that conflict with agency policy to significant policy changes instituted by SSA in the mid-1990s. In addition, for those cases where the agency acceded to conflicting appellate court decisions by issuing acquiescence rulings within the related circuits, we found that about half of the rulings issued were eventually replaced with national policy. Moreover, GAO found that the timeliness of acquiescence rulings had improved since 1998, when SSA established a timeliness goal of 120 days.