



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

November 18, 2020

Michael Rigas
Acting Director, Office of Personnel Management

Submitted via [regulations.gov](https://www.regulations.gov)

Re: Administrative Law Judges (85 Fed. Reg. 59207), RIN 3206-AN72

Dear Mr. Rigas,

These comments are submitted by the undersigned cochairs of the Social Security Task Force of the Consortium for Citizens with Disabilities (CCD). CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families.

The Supreme Court called the Social Security Administration (SSA) “probably the largest adjudication agency in the western world.” SSA’s Administrative Law Judges (ALJs) make hundreds of thousands of decisions each year, and each decision is extremely important to the financial and medical well-being of a person or family. Hiring competent ALJs through a transparent process is critical for Social Security claimants and representatives, and for ensuring public trust in SSA.

We must note that we support ALJs’ return to the competitive service, and these comments are not intended to endorse a hiring process that hires ALJs into excepted service. Although the previous ALJ hiring process had flaws, it is possible to fix it while giving ALJs the protections of competitive service.

We encourage OPM to require agencies to post ALJ vacancies on the USAJobs website, and allow applications from the public, not simply federal employees, members of the military, or other restrictions allowed on USAJobs. This will ensure that agencies receive a diverse pool of applicants.

OPM should require agencies to only hire attorneys and judges who have experience preparing for, participating in, and/or reviewing formal hearings or trials involving litigation and/or administrative law at the Federal, State or local level. Agencies should also be required to

describe the qualifications that are preferred or required to serve as an ALJ and how applicants will be evaluated.

We agree with the proposed rule that ALJs should not receive performance ratings, though we support agencies developing other methods of reviewing ALJ performance in a way that protects ALJs' qualified decisional independence. This aspect of the proposed rule will preserve the due process rights of Social Security claimants and beneficiaries.

Thank you for your consideration of these comments.

Sincerely,

Stacy Cloyd
National Organization of Social Security Claimants' Representatives

Tracey Gronniger
Justice in Aging

Bethany Lilly
The Arc of the United States

Jeanne Morin
National Association of Disability Representatives