

Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Andrew Saul
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

RE: Notice of Proposed Rulemaking (NPRM), “Hearings Held by Administrative Appeals Judges of the Appeals Council” (84 Fed. Reg. 70080)

Dear Commissioner Saul:

We urge you to withdraw the Social Security Administration’s (SSA’s or agency’s) Notice of Proposed Rulemaking (NPRM), “Hearings Held by Administrative Appeals Judges of the Appeals Council” (84 Fed. Reg. 70080).¹ SSA’s proposed rule would erode due process for Americans who are appealing a denial of Social Security or Supplemental Security Income (SSI), threatening access by eligible individuals to disability, retirement, and survivors’ benefits. Replacing independent Administrative Law Judges (ALJs) with Administrative Appeals Judges (AAJs) is contrary to Congressional intent for impartial SSA hearings, nor is it supported by the rationale asserted in the proposed rule.

Proposed changes to hearings held by Administrative Law Judges run contrary to the Administrative Procedure Act and Congressional intent.

The Administrative Procedure Act (APA) governs the processes through which federal administrative agencies propose and adopt regulations and adjudicate proceedings. While the Social Security Act and Social Security Administration (SSA) predate the APA, the history and practices of SSA demonstrate the agency’s processes and procedures have long complied with the APA. SSA’s proposed rule change would upend SSA’s longstanding consistency with the APA’s requirements and significantly deviate from the agency’s past practices and Congressional intent.

Before the APA was enacted, SSA used referees,² which after the APA became hearing examiners,³ and then became the modern-day ALJs.⁴ Congress intended SSA to use these referees or examiners for hearings. Under the Social Security Act Amendments of 1939,

¹ See Hearings Held by Administrative Appeals Judges of the Appeals Council, 84 Fed. Reg. 70080 (Dec. 20, 2019).

² Social Security Board; 5 Fed. Reg. at 4172 (Oct. 22, 1940), available at <https://cdn.loc.gov/service/ll/fedreg/fr005/fr005206/fr005206.pdf>.

³ Department of Health, Education, and Welfare, Social Security Administration; Statement of Organization and Delegations of Authority, 24 Fed. Reg. 6657 (Aug. 15, 1959), available at <https://cdn.loc.gov/service/ll/fedreg/fr024/fr024160/fr024160.pdf>.

⁴ Civil Service Commission; Change of Title to Administrative Law Judge, 37 Fed. Reg. 16787 (Aug. 19, 1972), available at <https://cdn.loc.gov/service/ll/fedreg/fr037/fr037162/fr037162.pdf>.

Congress established the right of a claimant to a fair hearing to appeal a denial of Social Security benefits, and used referees to achieve this goal.⁵ When Congress enacted the APA in 1946, it modeled the APA upon the Social Security Act.⁶ The APA and the Social Security Act are so similar that the Supreme Court noted that it did not have to distinguish between the two laws because “social security administrative procedure does not vary from that prescribed by the APA.”⁷ Additionally, Congress has “understood that hearings under the Social Security Act would [continue to] be presided over by APA-qualified hearing examiners.”⁸ After enactment of the APA in 1946, SSA continued to use ALJs, including for the appeals of benefit denials under the Social Security Old-Age and Survivors program and extended the use of ALJs to new programs, such as appeals under the Social Security Disability Insurance (SSDI) program, after Congress created the SSDI program in 1956.⁹

While SSA claims that its regulations that have existed since 1940 permit the agency to adopt its proposed rule,¹⁰ SSA’s proposal is inconsistent with longstanding SSA practice. Since 1940, SSA has not used the referenced sections of the agency’s rules in any substantial way. Instead, SSA has generally acted in accord with the APA and long recognized (through its well-established policies and procedures) that its hearings comport with the APA and must be presided over by an ALJ. Indeed, in the preamble to the proposed rule, SSA acknowledges that it has never attempted to use AAJs in place of ALJs despite its present claims that the agency’s regulations have permitted this action for nearly eight decades.¹¹

Further, setting aside intent, the APA requires adjudicatory hearings to be presided by an ALJ.¹² Under its adjudications section, the APA establishes that parties can submit evidence and during the hearing itself the ALJ asks questions of the parties.¹³ The ALJ also has subpoena power to use when necessary.¹⁴ SSA’s procedures are nearly identical, making clear that SSA observes the APA’s procedural and due process protections, including requiring ALJs to preside over hearings. For example, under SSA’s hearing procedure for adjudication in front of an ALJ, the party requesting the hearing can look at evidence in the case file and submit new evidence.¹⁵ During the hearing, the party is asked questions under oath, and the ALJ explains the issues in the case.¹⁶ The judge also has subpoena power over the appearance and testimony of witnesses and for the production of documents, when “reasonably necessary.”¹⁷

⁵ Soc. Sec. Act Amend. of 1939, 42 U.S.C. §§ 303(a)(3).

⁶ See *Richardson v. Perales*, 402 U.S. 389, 409 (1971).

⁷ See *Id.*

⁸ Administrative Conference of the United States, *Recommendations and Reports*, Vol. II 820 (1992), available at <https://www.acus.gov/sites/default/files/documents/1992-2%20ACUS%20%28Green%20Book%29.pdf>.

⁹ *Id.* at 808-809.

¹⁰ *Hearings Held by Administrative Appeals Judges of the Appeals Council*, 84 Fed. Reg. at 70082.

¹¹ See *Hearings Held by Administrative Appeals Judges of the Appeals Council*, 84 Fed. Reg. 70080.

¹² Admin. Proc. Act, 5 U.S.C. § 556(b)(3).

¹³ 5 U.S.C. § 556.

¹⁴ Admin. Proc. Act, 5 U.S.C. § 555(d).

¹⁵ *Hearings and Appeals*, Soc. Sec., https://www.ssa.gov/appeals/hearing_process.html.

¹⁶ *Hearings and Appeals*, Soc. Sec., https://www.ssa.gov/appeals/hearing_process.html.

¹⁷ 5 U.S.C. § 404.950.

Congressional action also makes clear that Congress has long understood, contrary to the proposed rule, that SSA was required to use ALJs to decide cases. Historically, it has only been as a result of the explicit direction of Congress, through the enactment of new law, that SSA has been empowered to use non-ALJs to decide cases.¹⁸ Twice in the 1950s, Congress enacted emergency legislation to permit non-ALJ adjudication, but both times the legislation included a time-limit.¹⁹ The most recent time Congress legislated on SSA's use of ALJs was in 1977, to repeal a provision that permitted SSA to use non-ALJs to preside over appeals for the recently-created SSI program. Despite SSA's claim regarding its own dormant authority to adopt the proposed rule, these examples highlight that Congress understood that SSA was required to use ALJs and legislation is necessary to permit SSA to use non-ALJs.

From a policy standpoint, ALJs are the most qualified to ensure impartial and fair adjudication of appeals of denials of benefits. In *Nash v. Califano* the U.S. Court of Appeals for the Second Circuit explained that the "APA creates a comprehensive bulwark to protect ALJs from agency interference."²⁰ The independence granted to ALJs is designed to maintain public confidence in the essential fairness of the process through which Social Security benefits are allocated by ensuring impartial decision-making."²¹ Unlike ALJs, which are independent, AAJs are regular employees of SSA. The change from ALJs to AAJs takes away a level of independence from the decision-making process.²²

Congress has previously recognized problems with using non-ALJ judges in decisions regarding Social Security. For example, "when Congress created the Supplemental Security Income (SSI) program in 1972, it did not initially mandate that ALJs decide cases under the program. Although Congress specified that non-ALJs could preside over SSI appeals, this authority to use non-ALJs was repealed in 1977 due to numerous problems that arose during implementation. Congress later 'converted SSI hearing officers into ALJs.'"²³

Proposed changes to Appeals Council standards for granting review would erode due process.

The NPRM also contains a troubling proposal to limit the circumstances under which SSA's Appeals Council would review a denial of Social Security or SSI benefits by an ALJ.

Currently, an individual who wishes to appeal an ALJ denial must request a review by SSA's Appeals Council. The Appeals Council will review a case if: there appears to be an abuse of discretion by the ALJ; there is error of law; the ALJ's action, findings or conclusion are not supported by substantial evidence; there is a broad policy or procedural issue that may affect the general public interest; or the Appeals Council receives additional evidence that is new, material, and relates to the period on or before the date of the hearing decision and there is a reasonable

¹⁸ See Cong. Research Serv., Questions Regarding the Decision Indep. of A.L.J.s 6 (Jul. 23, 2008).

¹⁹ See *Id.*

²⁰ *Nash v. Califano*, 613 F.2d 10, 16 (2d Cir. 1980).

²¹ *Id.*

²² See Letter from Barbara Silverstone to Comm'r Andrew Saul 2 (Feb. 2, 2020).

²³ See Cong. Research Serv., *supra* note 18; Administrative Conference of the United States, *supra* note 8 at 811-812.

probability that the additional evidence would change the outcome of the decision.²⁴ Otherwise, the Appeals Council will deny the individual's request for review; in those cases, the ALJ decision becomes the final decision by the Commissioner and individuals who wish to appeal must do so in Federal court – a complex and lengthy undertaking.

SSA's NPRM proposes to add a new requirement that would further limit when the Appeals Council will review an ALJ decision. Under the proposed change, even when there is abuse of ALJ discretion, error of law, unsupported action, or a broad policy or procedural issue that may affect the general public interest, the Appeals Council would not review the case unless it finds that "...there is **reasonable probability** [emphasis added] that the error, abuse of discretion, defect, or omission, either alone or when considered with other aspects of the case, changed the outcome of the case or the amount of benefits owed to any party."²⁵ If the Appeals Council does not find that this undefined standard of "reasonable probability" has been met, it will not review the ALJ decision.

We are extremely concerned that this additional requirement could deny individuals the right to review by the Appeals Council in all but very limited circumstances, further eroding due process for claimants and beneficiaries.

Moreover, this additional standard could severely limit an essential function of the Appeals Council: quality review. Over one-tenth of cases that the Appeals Council accepts for review as a result of an individual's request are remanded back to the ALJ to correct an error or defect.²⁶ In addition, the Appeals Council uses its "own motion" authority to conduct quality reviews of ALJ decisions to ensure that the final actions of SSA are proper and in accordance with the law, regulations, and policy. The Appeals Council decides whether to review a case for quality under its "own motion" authority using the same standards that it uses when individuals request a review. SSA's proposal to add a new, undefined requirement could similarly limit the Appeals Council's vital quality review function. It could also significantly increase the number of claimants and beneficiaries who appeal to Federal court, potentially straining court resources and increasing delays on decisions for individuals.

SSA should not substitute AAJs for ALJs because they do not have the same skills and experience.

The NPRM asserts that "Each AAJ possesses the same skills and experience as the skills and experience of our ALJs," implying that AAJs can readily assume ALJ hearing responsibilities. However, the different roles played by AAJs compared to ALJs, and the position descriptions and most recent job announcements for AAJs and ALJs (which were not provided as supporting documents to the NPRM, but are attached to our comments), do not support this contention.

²⁴ 20 C.F.R. § 404.970 (2019); 20 C.F.R. § 416.1470 (2019).

²⁵ Hearings Held by Administrative Appeals Judges of the Appeals Council, 84 Fed. Reg. at 70085, 70087.

²⁶ Social Security Administration, AC Remands as a Percentage of all AC Dispositions (2019), available at https://www.ssa.gov/appeals/DataSets/AC03_AC_Remands_All_Dispositions.html.

ALJs conduct *de novo*, face-to-face hearings to gather evidence, examine witnesses, establish facts, and apply law and policy. In contrast, AAJs do not currently conduct hearings; instead, they focus primarily on policy compliance and quality review. These are fundamentally different roles, and consequently the two positions require and develop very different expertise and skills. AAJs are not interchangeable with ALJs.

The position description for AAJs, who are technically attorney-examiners, states that, “the AAJ is a management official responsible for formulating, determining, or influencing the policies of the agency.”²⁷ AAJs review cases for policy compliance²⁸ and “...may take a variety of actions,” including: dismissing or denying a request for review of an ALJ decision; issuing a decision affirming, modifying or reversing the ALJ decision; and conducting own motion pre-effectuation and other quality reviews.²⁹ While AAJs engage in a range of activities, their adjudication “...mostly involves error correction.”³⁰ In addition, unlike ALJs, an AAJ cannot complete some actions on their own. Two AAJs are required to grant a request for review or to initiate a review on own motion, and as a result, about one-fifth of Appeals Council annual actions involve sign-off by two AAJs.³¹

ALJs play a very different role. They do not set policy or perform a quality review function. Instead, ALJs’ day-to-day work is holding non-adversarial, on the record, *de novo* hearings in conformity with the APA. As noted in the position description, ALJs make and issue decisions directly and their decisions “may not be substantively reviewed before issuance.”³² ALJs must possess “special knowledge and abilities”³³ that are not required for AAJs, outlined in the ALJ position description as including the following:

The incumbent must have expert knowledge of judicial practice; a capacity for analysis; the ability to clearly and concisely convey decisional instructions to support staff; a capacity for clear and concise oral and written articulation; the ability to balance important and conflicting considerations; ***a proven ability to ensure a fair hearing***; and the ability to discharge effectively and timely the responsibilities placed upon him/her for bringing all matters to a prompt and just decision. Inherent demands of the job require ***the incumbent to have such characteristics as tact, poise, firmness, impartiality, diplomacy, originality, imagination, initiative, professional bearing, as well as the ability to dispassionately any emotionalism of counsel, claimants, witnesses, or other***

²⁷ Social Security Administration, Position Description #: 6D046; Official Title: Attorney-Examiner (General); Organizational title: Administrative Appeals Judge (2016).

²⁸ See Social Security Administration, Fiscal Year 2020 Congressional Justification, 16 (2019), available at https://www.ssa.gov/budget/FY20Files/FY20-JEAC_2.pdf.

²⁹ *Supra* note 27.

³⁰ See Administrative Conference of the United States, A study of Social Security Litigation in the Federal Courts 29 (2016), available at <https://www.acus.gov/sites/default/files/documents/2016.07.28%20Report%20-%20A%20Study%20of%20Social%20Security%20Litigation%20in%20the%20Federal%20Courts.pdf>.

³¹ See Social Security Administration Office of the Inspector General, A-12-13-13039, Request for Review Workloads at the Appeals Council F-1 (2014), available at <https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-12-13-13039.pdf>.

³² Social Security Administration, Position Description #: 8D102; Official Title: Administrative Law Judge (Licensing and Benefits) (2018).

³³ *Id.*

individuals in order to ensure the orderly conduct of the proceedings. The incumbent must possess the ability to analyze and address novel and complex legal problems in accordance with the Commissioner's policies and interpretation of the law. The incumbent is required to evaluate the issues promptly and thoroughly before any testimony is adduced. If the pleadings are insufficient, the incumbent must have the necessary legal ability to take all actions required to clarify the issues, and may obtain stipulations of fact. Since the incumbent has no contempt powers, poise and diplomacy in meeting delicate situations are essential, as well as the ability to convey courtesy and respect to all those who appear in front of him/her. [emphasis added]

There is nothing similar in the position description for AAJs.

AAJs and ALJs both engage in work that is invaluable to SSA and to Social Security claimants and beneficiaries. However, it is also clear that AAJs and ALJs serve distinct purposes that require and develop different expertise and skills. Unlike ALJs, AAJs are not required to have skills or expertise that are essential to due process, including fact finding to determine in an impartial way whether or not an individual meets statutory eligibility standards such as the Social Security Act's definition of disability. The two positions are not interchangeable.

SSA fails to establish the need or rationale for proposed changes.

SSA offers as rationales for the NPRM's proposed changes the need for "flexibility" and the need for increased capacity to address short-term workloads. However, SSA fails to substantiate these assertions or to provide data or information that would allow Congress and the public to evaluate these or other statements in the NPRM.

For example, since 2016, when SSA initiated its plan to reduce the waiting times and backlog for ALJ hearings, the agency has made considerable progress. Recognizing the need to reduce waiting times, Congress provided dedicated funding that enabled SSA to hire additional ALJs and support staff to expand adjudicatory capacity to better reflect the number of hearings needed. As a result, SSA anticipates eliminating the hearings backlog entirely in Fiscal Year 2021.³⁴ SSA currently has 1,431 ALJs.³⁵ As part of its backlog reduction plan, SSA had planned to hire 35 new ALJs in 2019³⁶ – but did not move forward with those hires. It is difficult to understand why SSA believes it now needs "flexibility" to draw on its small pool of AAJs – it currently has 58 who work primarily on case adjudication³⁷ – to hold hearings in place of ALJs, when the agency expects to eliminate the ALJ hearings backlog in 2021 and did not fulfill its 2019 plans to hire additional ALJs.

³⁴ See Social Security Administration, Fiscal Year 2021 Congressional Justification 1, 12-13 (2020), available at <https://www.ssa.gov/budget/FY21/Files/FY21-JEAC.pdf>.

³⁵ Briefing by SSA officials for professional staff of the Committee on Ways and Means and Committee on Oversight and Reform, Feb. 7, 2020.

³⁶ Social Security Administration, report to the Committee on Ways and Means and Committee on Finance, FY 2020 President's Budget: Disability Adjudication Backlog Reduction Plan, Quarterly Milestones for Workload, Staffing, and Obligations (2020).

³⁷ *Id.*

In addition, the NPRM raises many unanswered questions about the impact of the proposed changes on timely access to Appeals Council reviews for individuals appealing an ALJ denial, and on the capacity of the Appeals Council to review cases as part of its quality assurance function. The Appeals Council has a history of backlogs and has recently seen an increase in requests for review, from 128,000 in Fiscal Year 2017 to 172,000 in Fiscal Year 2019.³⁸ Social Security claimants and beneficiaries waited an average of 250 days in 2019 for the Appeals Council to process their requests for review.³⁹ In Fiscal Year 2020, SSA plans to use 17 temporary detailees as AAJs to address pending backlogs at the Appeals Council.⁴⁰

The NPRM provides no information about how SSA would avoid creating long delays at the Appeals Council, if the agency removes AAJs from their core work and redirects them to holding ALJ hearings. As discussed above, the NPRM also proposes a new requirement that would severely limit the circumstances under which the Appeals Council would review a denial of Social Security or SSI benefits by an ALJ. It would be unacceptable and outrageous if SSA's proposed new restrictions on access to the Appeals Council – which would erode due process for claimants and beneficiaries – are intended or used to reduce AAJ's workload in order to inappropriately redirect them to holding ALJ hearings.

The risk of a failure to provide due process under the Constitution far outweighs SSA's vague and unsupported rationales.

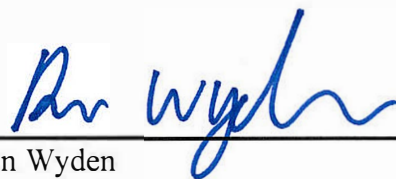
For eligible individuals, Social Security and SSI benefits are typically their only or primary source of income, and wrongful denial of benefits due would inflict devastating harm. A significant portion of claimants who are found eligible for disability benefits only receive them after an ALJ hearing. The risk that even a single individual would be deprived of due process and denied the Social Security or SSI benefits that they are eligible for is too great for SSA to proceed with this inappropriate and unjustified rule.

In closing, we urge you to withdraw SSA's NPRM, "Hearings Held by Administrative Appeals Judges of the Appeals Council."

Sincerely,



Richard E. Neal
Chairman
Committee on Ways and Means
U.S. House of Representatives



Ron Wyden
Ranking Member
Committee on Finance
U.S. Senate

³⁸ *Supra* note 34.

³⁹ *Id.*

⁴⁰ Social Security Administration Office of Legislation and Congressional Affairs, staff correspondence with professional staff at the Committee on Ways and Means, Feb. 14, 2020.



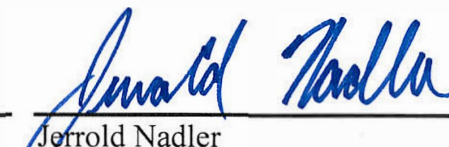
John B. Larson
Chairman
Subcommittee on Social Security
Committee on Ways and Means
U.S. House of Representatives



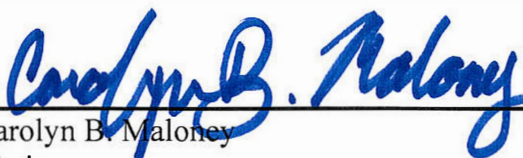
Sherrod Brown
Ranking Member
Subcommittee on Social Security, Pensions,
and Family Policy
Committee on Finance
U.S. Senate



Danny K. Davis
Chairman
Subcommittee on Worker and Family Support
Committee on Ways and Means
U.S. House of Representatives



Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives



David Cicilline
Chairman
Subcommittee on Antitrust, Commercial and
Administrative Law
Committee on Judiciary
U.S. House of Representatives



Social Security Administration SSA-801 -- Position Description

1. Position Description #:		6D046																							
2. Official Title:		Attorney-Examiner (General)																							
3. Pay Plan/Series/Grade:		AA-905-00																							
4. Organizational Title:		Administrative Appeals Judge																							
5. Classified/Graded By:		Tina Williams					Date:		3-4-16																
6. Organizational Location:		SSA, Office of Disability Adjudication and Review Analytics, Review, and Oversight (Per ACROSS 10/1/17), Office of Appellate Operations																							
7. Number of Allocations:		130																							
8. Reason for Submission:				New		X		Redescription: Replaces PD# 66122			Reestablished				Other										
9. Service:		X		Headquarters								Field													
10. Employing Office:		Falls Church, VA					11. Duty Station			Various															
12. Fair Labor Standards Act:		X		Exempt								Non-Exempt													
13. Financial Statement Required:							Executive Personnel Financial Disclosure			X		Employment and Financial Interests													
14. Position Status:				Competitive		X		Excepted (Specify in Remarks)			SES (Gen)			SES (CR)											
16. Supervisory/Leader Status:				Supervisory		X		Non-Supervisory			Team Leader			Work Leader											
17. Sensitivity:				1 - Non Sens/ Low Risk				2 - NonCrit Sensitive				3 - Crit Sensitive				4 - Spec Sensitive		X		5 - Mod Risk				6 - High Risk	
18. Cyber Security Code:		00																							
19. Supervisor Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that the false or misleading statements may constitute violations of such statutes or their implementing regulations. REQUIRED												Typed Name/Title of Certifying Supervisor: Patricia A. Jonas, Executive Director Signature and Date: /s/ Patricia A. Jonas 2-12-16													
20. Higher Level Management Concurrence (Optional)												Typed Name/Title of Higher Level Manager: Theresa L. Gruber, Deputy Commissioner for Disability Adjudication and Review Signature and Date: /s/ Robert Jandrlich for Theresa Gruber 2-12-16													
21. Allocation Certification. I certify that each incumbent will perform the grade controlling duties and responsibilities of this position for a substantial amount of time (i.e., 25% or more). REQUIRED												Typed Name/Title of Certifying Official: Signature and Date													
22. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards and authorize establishment of the position.												Typed Name/Title of Official Taking Action: Keith R. Floyd, Director, Center for Classification and Organization Management Signature and Date: /s/ Tina Williams for Keith R. Floyd 3-4-16													
23. Typed Name/Title of Delegated Authorizing Official for GS-15/SES: Reginald F. Wells, Deputy Commissioner for Human Resources												Signature and Date: /s/ Dot Smallwood for Reginald F. Wells (per email) 3-4-16													
24. Standards and information on application are available in the personnel office. Position Classification Standards used in Classifying Position and date issued: General Attorney Series, GS-905, TS-18 May 1974, December 1968, TS-29 August 1960, TS-24 October 1959																									
25. Remarks: Line 14 – Schedule A Appointment – 213.3102(d)																									
26. Description of Major Duties and Responsibilities (See Attached)																									

Attorney-Examiner (General)
AA-905-00
PD# 6D046

Introduction

This position is located in the Office of Appellate Operations, Office of Disability Adjudication and Review (ODAR). The incumbent, known as an Administrative Appeals Judge (AAJ), serves as a member of the Appeals Council, which constitutes the adjudicative head of the agency in accordance with a direct delegation of authority from the Commissioner of Social Security, consistent with the Administrative Procedure Act. As a member of the Appeals Council, the AAJ is a management official responsible for formulating, determining, or influencing the policies of the agency. The incumbent exercises independent judgment and discretion as an individual reviewing decisions of Administrative Law Judges (ALJs), and rendering the final administrative disposition of cases from a defined geographical area on behalf of the Commissioner. The incumbent may take a variety of actions on hearing decisions involving retirement, survivors, disability insurance, supplemental security income, and special veterans benefits filed under titles II, VIII, and XVI of the Social Security Act, as amended (the Act). The incumbent must be admitted to the Bar of a State, Territory of the United States, or the District of Columbia, and meet all other Office of Personnel Management requirements in this regard. Typically, the incumbent:

Duties

- At his/her discretion, may dismiss or deny the request for review of the ALJ's decision or dismissal; or, with agreement of one other AAJ, may grant the request for review (or review on own motion). This will result in the issuance of a decision affirming, modifying, or reversing the hearing decision or dismissal, or the issuance of an order to vacate such decision or dismissal and remand the case to an ALJ for rehearing (if required) and decision. May conduct own motion pre-effectuation and other quality reviews. May hold hearings or supplemental hearings. Decisions by AAJs are final and binding upon all parties unless a civil action is filed in a United States District Court. Certain cases are final and binding with no further appeal rights. When a case is remanded by a court for further proceedings, the Appeals Council may hold a hearing, issue a decision, or, in turn, remand it to an ALJ with directions to undertake specific action. The Appeals Council will also review an ALJ's final decision following court remand if the claimant files exceptions. AAJs may also provide input to the Office of the General Counsel (OGC) on whether appeals should be taken to higher courts

when a district court has reviewed the Commissioner's decisions (i.e., decisions of the Appeals Council or ALJs).

- Provides direction and guidance to the hearing organization under its appellate authority. The incumbent works with a designated number of AAJs processing cases within the same jurisdiction, and identifies and helps resolve problems affecting the work of the jurisdictional group. Under remand authority, the incumbent directs ALJs to take corrective action in case-related matters.
- Participates in conferences and training, and participates in efforts to formulate, procedural and program policies designed to improve the hearings and appeals processes.
- Performs other duties as assigned.

Factor 1 – Knowledge Required by the Position

A full professional knowledge of case law, legal opinions, rulings, and other sources of a legal nature with respect to interpretation and application of the Act, the Internal Revenue Code, the Administrative Procedure Act, and other pertinent statutes and regulations including pertinent State and foreign law.

Mastery knowledge that would enable the incumbent to understand and evaluate facts dealing with medical, technical, vocational, economic and financial matters.

Factor 2 – Supervisory Controls

The incumbent works under the program guidance and general supervision of a Division Chief AAJ. The incumbent is required to exercise independent judgment and discretion in individual cases.

Factor 3 - Guidelines

Guidelines include a variety of laws, regulations, rulings and ODAR and SSA policies and procedures. While these guidelines are generally applicable, they do not provide specific resolution of any case at issue.

Factor 4 - Complexity

The incumbent has quasi-judicial powers in deciding issues based on the record as constituted or as further developed. This may include an occasional appearance by a claimant or representative to present oral argument. The issues are frequently complex and, by nature of their being decided at this level, represent those which are the most difficult to resolve. The incumbent is required to use judgment in interpreting the specific

intent of the laws and regulations, and must formulate a decision based on such judgment. Issues involve complex areas such as disability evaluation, domestic relations, descent and distribution of intestate personal property, employer-employee relationships, contracts, trusts, partnerships, corporations, and related subjects.

Factor 5 – Scope and Effect

Cases reviewed by the incumbent affect parties under various Federal laws administered by the SSA. Generally speaking, claimants are aged, poor, or may have serious medical conditions. The number of initial claims for benefits exceeds three million annually and the number of cases coming before the Appeals Council exceeds one hundred thirty thousand annually. Decisions by the incumbent as to payment are very critical when considered in view of the hardship that may be imposed on individuals and their families and considering the intent of Congress to ensure that such benefits be provided to those who are entitled to them, while maintaining the integrity of the Social Security trust funds out of which many benefits are paid. Decisions rendered by the Appeals Council, although generally related to one individual party, may have a nationwide impact on the benefits of many claimants. Individual case decisions may result in payments exceeding \$260,000 to the claimant and his dependents over the life of the claim. Appeals Council policies and other Appeals Council precedent decisions may affect large numbers of citizens and the disbursement of millions of dollars on a nationwide basis.

Factor 6 – Personal Contacts

Contacts are generally with other AAJs, Appeals Officers, OAO managers and executives, ALJs (including the Chief and Regional Chief Administrative Law Judges), attorneys, and other intra-agency officials and executives, although some contacts will be inter-agency or external. Occasionally, pursuant to an appearance, the incumbent will come into contact with claimants and their representatives in conjunction with a specific case to be heard.

Factor 7 – Purpose of Contacts

The intra-agency contacts are for the purpose of obtaining legal opinions or information; planning and coordinating the work; and resolving differences of opinion and operating problems or issues and concerns of employees. Contacts with claimants and their representatives are for the purpose of adjudicating appeals.

Factor 8 – Physical Demands

The work is primarily sedentary. Generally, some travel may be required to participate in meetings, conferences, workgroups or instruction regarding hearings, appeals, and court processes, policies, and workloads. However, hearings-related work may require significant travel. No special or unusual physical effort is required to perform the work.

Factor 9 – Work Environment

The work is performed in an office that is adequately lighted, heated, and ventilated. The work environment involves everyday risks and discomforts typically found in offices, training facilities, etc., requiring normal safety precautions.



Social Security Administration SSA-801 -- Position Description

1. Position Description #:		8D102							
2. Official Title:		Administrative Law Judge (Licensing and Benefits)							
3. Pay Plan/Series/Grade:		AL-935-03							
4. Organizational Title:									
5. Classified/Graded By:		Joseph Kennedy				Date:		11/13/18	
6. Organizational Location:		SSA, Office of Hearings Operations, Office of the Chief Administrative Law Judge							
7. Number of Allocations:		2,000							
8. Reason for Submission:		X New		Redescription		Reestablished		Other	
9. Service:		Headquarters		X Field					
10. Employing Office:		Falls Church, VA			11. Duty Station		Various		
12. Fair Labor Standards Act:		X Exempt		Non-Exempt					
13. Financial Statement Required:		X Executive Personnel Financial Disclosure				Employment and Financial Interests			
14. Position Status:		Competitive		X Exempt (Specify in Remarks)		SES (Gen)		SES (CR)	
16. Supervisory/Leader Status:		Supervisory		X Non-Supervisory		Team Leader		Work Leader	
17. Sensitivity:		Tier 1 – Non-Sensitive/Low Risk		X Tier 2 – Non-Sensitive/Moderate Risk		Tier 3 – Non-Critical Sensitive		Tier 4 – Non-Sensitive/High Risk	
18. Cyber Security Code:		000							
19. Supervisor Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that the false or misleading statements may constitute violations of such statutes or their implementing regulations. REQUIRED					Typed Name/Title of Certifying Supervisor: Patrick R. Nagle, Chief Administrative Law Judge Signature and Date: /s/ Patrick R. Nagle 9/20/18				
20. Higher Level Management Concurrence (Optional)					Typed Name/Title of Higher Level Manager: Theresa L. Gruber, Deputy Commissioner for Hearings Operations Signature and Date: /s/ Theresa L. Gruber 9/20/18				
21. Allocation Certification. I certify that each incumbent will perform the grade controlling duties and responsibilities of this position for a substantial amount of time (i.e., 25% or more). REQUIRED					Typed Name/Title of Certifying Official: Patrick R. Nagle, Chief Administrative Law Judge Signature and Date: /s/ Patrick R. Nagle 9/20/18				
22. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards and authorize establishment of the position.									
Typed Name/Title of Official Taking Action: Joseph Kennedy, Associate Director for HR Solutions Office of Personnel Management					Signature and Date: /s/ Joseph Kennedy 11/13/18				
23. Typed Name/Title of Delegated Authorizing Official for GS-15/SES:					Signature and Date:				
24. Standards and information on application are available in the personnel office. Position Classification Standards used in Classifying Position and date issued: Classification Guidelines for ALJ Positions									
25. Remarks: Line 14 – Schedule E Appointment									
26. Description of Major Duties and Responsibilities (See Attached)									

Administrative Law Judge (Licensing and Benefits)
AL-935-03
PD# 8D102

I. Location of Position in Agency Organization

This position is located in a hearing office, hearing center, or other hearings operations support entity under the Office of the Regional Chief Administrative Law Judge, Office of the Associate Chief Administrative Law Judge for National Workload Assistance, or other hearings support entity under the Office of the Chief Administrative Law Judge (OCALJ), Office of Hearings Operations (OHO), Social Security Administration (SSA), which are located throughout ten geographically dispersed regions, encompassing the United States and Puerto Rico.

II. Functions

Under a direct delegation from the Commissioner of Social Security, and pursuant to agency regulations implementing the Social Security Act, as amended (Act), the incumbent has authority to hold hearings and make and issue decisions on appeals from determinations made in the course of administration of titles II, VIII, and XVI of the Act in conformity with the Administrative Procedure Act. The types of case heard include: (1) appeals involving old age, survivors, and disability benefits under title II of the Act; (2) appeals involving special veteran's benefits under title VIII of the Act; and (3) appeals involving supplemental security income under title XVI of the Act. The incumbent may handle any of these types of cases, regardless of the degree of difficulty or complexity of the issues.

III. Duties and Responsibilities

Under the direction and supervision of the Hearing Office Chief Administrative Law Judge or the Hearing Center Chief Administrative Law Judge, the incumbent holds hearings and makes and issues decisions on appeals from determinations on claims filed under titles II, VIII, and XVI of the Act. Specific duties and responsibilities include but are not limited to:

- Investigating the facts of each claim and developing the arguments both for and against granting benefits. Generally, the incumbent holds non-adversarial hearings on the record, and issues decisions based on all the evidence presented. The incumbent derives authority from the Commissioner of Social Security and has, under section 205(b) of the Act, the authority to find facts and to conduct hearings in accordance with the agency's regulations, rulings, policy statements, and other interpretations of the law. Under agency regulations that implement titles II, VIII, and XVI of the Act, the incumbent holds hearings and issues timely and legally sufficient decisions and may: (1) dismiss a request for

hearing and rule on a request for an extension of time; (2) identify issues to be resolved; (3) analyze the evidence; (4) determine whether there are other parties to be joined in the case; (5) issue subpoenas and rule on petitions to revoke subpoenas; (6) consider and resolve conflicting evidence; (7) hear testimony and rule on all motions, petitions, or exceptions involving questions of law, procedure, and the admissibility of evidence; (8) hold pre-hearing conferences with the claimant, representative, or both; (9) make the evidence of record available to the parties and inform them of any evidence or expert testimony required in connection with the hearing; (10) administer oaths and affirmations; (11) govern the conduct of the parties at the hearing, and in general regulate the course of the hearing; (12) control the examination and cross-examination of witnesses; (13) introduce into the record documentary and other evidence deemed necessary for the completion or full development of the record; (14) hear oral argument, and receive and consider briefs that are submitted; (15) evaluate the credibility of witnesses, and resolve conflicts in lay and expert evidence; (16) consider and dispose of proposed findings of fact and conclusions of law submitted by the claimant; (17) make findings of fact in accordance with the Act, the agency's regulations, rulings, and policy on each issue, giving reasons therefore, and render conclusions of law; (18) fully consider all the evidence of record, and issue timely and legally sufficient decisions within the requirements of the Act, which decisions are final, and which are individually signed or individually approved by the incumbent prior to issuances; and (19) entertain petitions for representative fees and issue orders designating the amount of fee authorized.

- Taking other action not inconsistent with the Act, the Commissioner's regulations, rulings, and other policies, such as issuing decisions in matters remanded by the Federal courts in accordance with the Appeals Council's instructions.
- In the absence of the Hearing Office Chief Administrative Law Judge or Hearing Center Chief Administrative Law Judge, may be assigned to act as the Hearing Office Chief Administrative Law Judge of a hearing office or Hearing Center Chief Administrative Law Judge of a hearing center under the general direction and supervision of the Regional Chief Administrative Law Judge or Associate Chief Administrative Law Judge for National Workload Assistance, Deputy Chief Administrative Law Judge, Chief Administrative Law Judge, and the Deputy Commissioner for Hearings Operations. As such, the incumbent would be responsible for the management of the hearing office or hearing center, and would also be responsible for holding hearings and making and issuing decisions on hearing requests made pursuant to the Act. Assignment as a Hearing Office Chief Administrative Law Judge or a Hearing Center Chief

Administrative Law Judge is subject to the duties, responsibilities, and authorities set forth in the addendum for the Hearing Office Chief Administrative Law Judge and Hearing Center Chief Administrative Law Judge.

IV. Supervision and Guidance Received

The incumbent is subject to the supervision and management of the Hearing Office Chief Administrative Law Judge or the Hearing Center Chief Administrative Law Judge, Regional Chief Administrative Law Judge, Associate Chief Administrative Law Judge for National Workload Assistance, Deputy Chief Administrative Law Judge, Chief Administrative Law Judge, and the Deputy Commissioner for Hearings Operations. The incumbent exercises independent judgment on the evidence, free from pressure by the parties or agency officials, but is subordinate to the Deputy Commissioner in matters of policy and the interpretation of the law. The Commissioner has delegated authority to the incumbent to apply agency policy regarding the administrative adjudication and review of claims. The incumbent's decisions may not be substantively reviewed before issuance, but may be reviewed by the Appeals Council after issuance.

The Deputy Commissioner for Hearings Operations ensures, through delegations of authority to the Chief Administrative Law Judge, Deputy Chief Administrative Law Judge, Regional Chief Administrative Law Judge, Associate Chief Administrative Law Judge for National Workload Assistance, Hearing Office Chief Administrative Law Judge and the Hearing Center Chief Administrative Law Judge, that incumbents shall, on a continuing basis, receive such training and guidance as is necessary to ensure knowledge of the agency's policies and agency's interpretation of the law so that he/she is able to apply them properly.

V. Special Knowledge and Abilities Required

The following special knowledge and abilities are required for fully-trained, experienced encumbered ALJs at SSA.

The incumbent must have expert knowledge of judicial practice; a capacity for analysis; the ability to clearly and concisely convey decisional instructions to support staff; a capacity for clear and concise oral and written articulation; the ability to balance important and conflicting considerations; a proven ability to ensure a fair hearing; and the ability to discharge effectively and timely the responsibilities placed upon him/her for bringing all matters to a prompt and just decision. Inherent demands of the job require the incumbent to have such characteristics as tact, poise, firmness, impartiality, diplomacy, originality, imagination, initiative, professional bearing, as well as the ability to dispassionately any emotionalism of counsel, claimants, witnesses, or other individuals in order to ensure the orderly conduct of the proceedings. The incumbent must possess the ability to analyze and

address novel and complex legal problems in accordance with the Commissioner's policies and interpretation of the law. The incumbent is required to evaluate the issues promptly and thoroughly before any testimony is adduced. If the pleadings are insufficient, the incumbent must have the necessary legal ability to take all actions required to clarify the issues, and may obtain stipulations of fact. Since the incumbent has no contempt powers, poise and diplomacy in meeting delicate situations are essential, as well as the ability to convey courtesy and respect to all those who appear in front of him/her.

Utilizing all of the technological and support staff resources provided by the agency, the incumbent must be able to exercise effective docket management and time-management skills including: (1) efficiently schedule cases for hearing; (2) hear and decide cases in a high volume caseload environment; (3) timely move cases toward dispositions; (4) timely write clearly and decisively; and (5) issue timely and legally defensible dispositions.

The incumbent must timely develop a clear and concise record, containing all relevant facts, while excluding all immaterial matters. The incumbent must be responsible and use judgment and initiative in deciding what evidence must be in the record in order to decide the issues in the case. The incumbent ensures that a hearing is timely held at which experts and/or other witnesses are called when evidence on medical and/or vocational factors are relevant and necessary to deciding the issues in the case.

In the disability programs, under titles II, VIII, and XVI, the incumbent must decide cases involving a wide variety of physical and mental impairments, and determine how the claimant's impairments affect the claimant's ability to perform substantial gainful activity. To reach informed judgments in these cases, the incumbent must possess knowledge of the medical, psychological, and vocational factors involved in each case. The incumbent must also possess the ability to competently read and understand medical terminology and medical records.

The incumbent will sometimes need to utilize oral or written testimony of vocational and medical experts. The incumbent is required to perform the skillful and comprehensive interrogation of expert witnesses. The incumbent must be able to analyze and summarize in decisional format complex facts and legal conclusions clearly and concisely, and to create a dignified and objective atmosphere at the hearing. When the incumbent determines that a material issue in a case involves a determination of federal, state, local or foreign law on which the agency has not issued an opinion, the incumbent ensures that the issue is referred to the agency's Office of the General Counsel so that the agency can make a decision on the issue.

ADDENDUM

Hearing Office Chief Administrative Law Judge
Hearing Center Chief Administrative Law Judge
AL-935-03

A. Purpose

This addendum to the Administrative Law Judge (ALJ) position description sets forth the specific additional duties and responsibilities of the Hearing Office Chief Administrative Law Judge and Hearing Center Chief Administrative Law Judge, whenever an ALJ is appointed to serve as the Hearing Office Chief Administrative Law Judge of a hearing office or Hearing Center Chief Administrative Law Judge of a hearing center.

B. Policy

The Hearing Office Chief Administrative Law Judge and Hearing Center Chief Administrative Law Judge selections are recommended by the Regional Chief Administrative Law Judge or the Associate Chief Administrative Law Judge for National Workload Assistance (henceforth referred to as the Associate Chief Administrative Law Judge) with concurrence of the Deputy Chief Administrative Law Judge and/or Chief Administrative Law Judge, and the Deputy Commissioner for Hearings Operations for final approval. The ALJ selected as Hearing Office Chief Administrative Law Judge or Hearing Center Chief Administrative Law Judge will advance one-rate on the AL-3 scale unless the ALJ is already at the AL-3(F) level. A Hearing Office Chief Administrative Law Judge and Hearing Center Chief Administrative Law Judge serves at the pleasure of the agency and removal of Hearing Office Chief Administrative Law Judge and Hearing Center Chief Administrative Law Judge responsibilities is at the complete discretion of the Regional Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, with the concurrence of the Chief Administrative Law Judge and/or the Deputy Chief Administrative Law Judge, and the Deputy Commissioner for Hearings Operations.

C. Functions

The position is established under the guidance, supervision, and authority of the Office of the Chief Administrative Law Judge, Office of the Regional Chief Administrative Law Judge, and the Office of the Associate Chief Administrative Law Judge for National Workload Assistance. The incumbent has supervisory and managerial responsibilities that are in addition to those of a non-supervisory ALJ.

As a member of management, the incumbent is responsible for: (1) the management and overall well-being of the hearing office or hearing center to which assigned; (2) the overall strategic planning of the office so that the office meets all of its performance and productivity goals; and (3) holding hearings and making and issuing decisions on hearing requests made pursuant to titles II, VIII, and XVII of the Social Security Act, as amended (Act). The incumbent also serves as the first-line supervisor to ALJs and other subordinate employees within the office, and, in addition, performs all duties as described in the ALJ position description and additional duties and responsibilities as set forth in this addendum.

D. Duties and Responsibilities

Under the general administrative direction of the Regional Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, the incumbent is responsible for all program and administrative matters concerning SSA's hearing process that arise in the hearing office or hearing center. Specific duties and responsibilities include but are not limited to:

- Providing leadership, vision, and supervision to all hearing office or hearing center employees, including ALJs, for the purpose of improving the hearing process and achieving the goals and objectives of the agency.
- Developing and implementing administrative policies and procedures designed to foster efficiency and effectiveness in managing the workload within the hearing office or hearing center, ensuring that all agency regulations and policies are followed.
- Either directly, or through subordinate supervisors, providing overall direction and guidance in the implementation and supervision of applicable administrative management regulations and procedures, governing assignment of office space, furniture, and equipment; approval of leave; maintenance of time and attendance requirements; approval of travel vouchers and itineraries; and coordination of the use of medical experts and vocational experts for all employee assigned to the office.
- Carrying out applicable human resources management regulations and procedures governing responsibilities such as staffing, employment, retention, disciplinary actions, human resource development, labor-management relations, performance management, and equal employment opportunity for all employees assigned to the office.
- Making appropriate referrals to the agency's Employee Assistance Program for those employees who are in need of such services.

- Participating in administrative investigations, as directed by the Regional Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, into allegations of improper conduct on the part of any employee, including ALJs, which may be in violation of law, rule, regulation, and/or agency operating policies.
- Overseeing and implementing safety, security and emergency plans for the office, and ensures that all employees fully participate in training, drills, security awareness, etc., that relate to the safety and security of all those in the office. Ensures that security measures are fully implemented and in place, that perimeter security measures are operational, and that employees adhere to all agency rules and regulations regarding safety and security matters.
- Implementing all agency personally identifiable information (PII) policies and takes steps to ensure that all employees are in compliance with the agency's PII rules.
- Ensuring the implementation and maximum utilization of all office technology and automated systems.
- Directing and overseeing the work and other activities of all office employees, including ALJs. While ALJs independently identify the issues in the cases before them and apply the requirements of the Act to the evidence of record to arrive at decisions on the issues in these cases, ALJs nonetheless are subject to all aspects of supervision and management oversight similar to all other SSA employees.
- Providing advice and guidance to ALJs in substantive program policy and procedural matters relating to the adjudication of cases under the Act. As necessary, directs or conducts periodic training concerning the applicable laws, regulations, policy statements, rulings, and their impact on the hearing process.
- Assigning and reassigning cases, in rotation insofar as practicable and in accordance with established agency policies, to individual ALJs.
- Providing oversight and supervising the expeditious processing of pending cases, ensuring that all employees, including ALJs, process cases in a manner that will provide timely and legally sufficient decisions to claimants. Working, as directed by the RCALJ or ACALJ, provides extraordinary leadership and management in guiding the office to meet regional and national goals and objectives.
- Ensuring the timely and accurate response to public, media, and Congressional inquiries.

- Serving as liaison between the office, other offices in the agency, other government agencies, local bar associations, medical communities, and Congressional offices to promote better understanding of and improvement in the hearing process.

Attorney-Examiner (General) (Administrative Appeals Judge)

Other Agencies and Independent Organizations

[Social Security Administration](#)

- [Overview](#)
- [Locations](#)
- [Duties](#)
- [Requirements](#)
- [Required Documents](#)
- [Benefits](#)
- [How to apply](#)

[Help](#)

Overview

- **Open & closing dates**
2019-12-02 to 2019-12-06
- **Service**
Excepted
- **Pay scale & grade**
AA 00
- **Salary**
\$128509.00 to \$176900.00 / Per Year
- **Appointment type**
Temporary Promotion - not-to-exceed one year
- **Work schedule**
Full-Time - Flextime; Alternate work schedule may be available

[Help](#)

Locations

17 vacancies in the following location:

-

[Falls Church, Virginia vacancies](#)

Relocation expenses reimbursed

No

Telework eligible

Yes as determined by agency policy

[Help](#)

This job is open to

-

[Internal to an agency](#)

[Current federal employees of this agency.](#)

Clarification from the agency

Current permanent SSA employee in the Office of General Counsel, Office of Hearing Operations, or Office of Analytics, Review, and Oversight. THIS IS A VIRTUAL TEMPORARY ASSIGNMENT. INDIVIDUALS SELECTED WILL REMAIN IN THEIR PERMANENT DUTY STATION AND WILL RECEIVE THE RESPECTIVE LOCALITY PAY FOR THAT AREA.

[Apply](#)

[Print](#)

Share

[Save](#)

Announcement number

SV-10664781

Control number

552976200

- Duties

[Help](#)

Duties

Summary

These positions are located in the Office of Analytics, Review and Oversight, Office of Appellate Operations.

The position description number for this position is **6D0460**. A summary of the major duties are listed below. You may also view the full position description on the Agency intranet at the following link: [PD Search](#)

[Learn more about this agency](#)

Responsibilities

- The incumbent, known as an Administrative Appeals Judge (AAJ), serves as a member of the Appeals Council,
- which constitutes the adjudicative head of the agency in accordance with a direct delegation of authority from the Commissioner of Social Security, consistent with the Administrative Procedure Act.
- As a member of the Appeals Council, the AAJ is a management official responsible for formulating, determining, or influencing the policies of the agency.
- The incumbent exercises independent judgment and discretion as an individual reviewing decisions of Administrative Law Judges (ALJs),
- and rendering the final administrative disposition of cases from a defined geographical area on behalf of the Commissioner.
- The incumbent may take a variety of actions on hearing decisions involving retirement, survivors, disability insurance, supplemental security income, and special
- veterans benefits filed under titles II, VIII, and XVI of the Social Security Act, as amended (the Act).
- The incumbent must be admitted to the Bar of a State, Territory of the United States, or the District of Columbia, and meet all other Office of Personnel Management requirements in this regard.
- The incumbent may hold hearings or supplemental hearings.

Travel Required

- Not required

Supervisory status

No

Promotion Potential

None

- **Job family (Series)**

[0905 Attorney](#)

- Requirements

[Help](#)

Requirements

Conditions of Employment

- All application materials must be received by the closing date.
- Applicants must be in good standing.
- Applicants must have a fully successful rating of record.
- Official Personnel Folders will not be reviewed.
- Requests for copies of application documents will not be accepted.
- All application forms submitted become the property of SSA Human Resources.
- Proof of active Bar membership is required.

Qualifications

- Candidates must be a Member of the Bar of any State, District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution for at least seven years by the closing date of the announcement.

MANDATORY QUALIFICATIONS:

- Candidates must have had any one or a combination of seven years of the following experience. One year of this experience must have been at a level of difficulty comparable to the GS-14 grade level or equivalent in the Federal service. All of the above requirements must be met by the closing date of the announcement.

1. - Experience in a governmental regulatory body as an officer or employee presiding over formal hearings and making or recommending decisions on the basis of the record of such hearings: or

2. - Experience in the preparation of cases for and their presentation at, formal hearings conducted by governmental regulatory bodies or court proceedings relating thereto; or
3. - Experience as a responsible official in a governmental regulatory body, whose duties require him or her to (1) review, analyze, evaluate, and recommend action to be taken by the head (or heads) of the body on decisions or recommend decisions to be made by hearing officers on the basis of the record of formal hearings, or (2) render responsible assistance to the head (or heads) of the body in the preparation for, or hearing of, cases coming for a formal hearing before the head (or heads) of the body, or in the preparation of decisions by the head (or heads) of the body on such cases; or
4. - Experience as an attorney in a governmental body or as an attorney in the private practice of law which involved the assimilation, analysis, and evaluation of complex facts; the interpretation and application of provisions of law, regulations, court decisions, and other precedents; the rendition of oral and written advice to employing officials or clients which demonstrates the ability to identify and effectively use pertinent precedents; recognize new and complex problems, propose fair and equitable solutions in accordance with applicable law and regulations, and write clear, cogent opinions; or
5. - Experience as military judge or law officer in a general court-martial; experience as a member of a Board of Military Review.

TO BE CONSIDERED, APPLICANTS MUST PROVIDE PROOF THAT THEY ARE LICENSED, AUTHORIZED AND ELIGIBLE TO PRACTICE LAW. SUCH PROOF CAN INCLUDE A SCREEN PRINT FROM A BAR WEBSITE OR A LETTER FROM THE BAR CERTIFYING THAT YOU ARE LICENSED, AUTHORIZED, AND ELIGIBLE TO PRACTICE LAW. YOUR PROOF OF ACTIVE BAR MEMBERSHIP MUST BE DATED WITHIN ONE YEAR OF THE CLOSING DATE OF THE ANNOUNCEMENT.

**IN ADDITION, APPLICANTS MUST PROVIDE A SEPARATE PAGE WITH THE APPLICATION WHICH STATES:
DATE OF ADMISSION TO THE BAR INCLUDING MONTH, DAY AND YEAR.
PLEASE NOTE IF YOU FAIL TO REFLECT THAT YOU HAVE BEEN A MEMBER OF THE BAR FOR A MINIMUM OF SEVEN YEARS BY THE CLOSING DATE, YOU WILL NOT BE CONSIDERED.**

Qualification requirements must be met by the closing date of this announcement.

Applicants for promotion must have 52 weeks at GS-14.

Time in grade requirement must be met by the closing date of this announcement.

Education

This job does not have an education qualification requirement.

Additional information

Position to be filled under the provisions of the [Management Officials Promotion Plan](#). The best-qualified list for this vacancy may be used to fill the same or similar positions in a component(s) under the same Deputy Commissioner. Additional selections may be made within 6 months of the date the best qualified list is issued.

LOCALITY PAY: Salary range shown is the Rest of US scale. Actual salary will be set in accordance with locality pay provisions. Candidates currently receiving a higher locality pay than the office applied for are advised that should they be selected, they will lose entitlement to the higher locality pay.

OTHER NOTES: Training will be Required. Selectees will be notified of the training modality upon finalization of details.

These positions are temporary assignments not to exceed one year, but may be extended or made permanent.

These positions are in the excepted service. If you are currently in the competitive service, you will be converted to the excepted service.

The selectee will be required to file an OGE form 278, Public Financial Disclosure Form, in accordance with 5 CFR section 2634.202.

These positions are eligible for telework.

Relocation expenses will not be paid.

This is a moderate risk public trust position. The selected employee will be required to complete a Standard Form 85P, Questionnaire for Public Trust Positions, in order to have the appropriate investigation conducted, unless the employee has been previously certified eligible to occupy a position at this level.

How You Will Be Evaluated

Applicants will be assessed using the rating criteria listed in the following link: <https://apply.usastaffing.gov/ViewQuestionnaire/10664781>

Background checks and security clearance

Security clearance

[Not Applicable](#)

Drug test required

No

- Required Documents

[Help](#)

Required Documents

The following section provides information on supporting documentation that must be submitted.

SSA-45 (all applicants) (Submitted SSA-45 or Resume should be limited to 6 pages) Your SSA-45 must provide all of the information necessary to make qualifications determinations (e.g., all experience related to your qualifications for this position, full performance level of your current position, the dates at each grade level of your current or prior career-ladder position(s), etc.). These documents will be referred to the selecting official if you are eligible for the best qualified list. **Employees' Official Personnel Folders will not be reviewed.**

Your SSA-45 must specifically demonstrate, in your own words, the possession of the required experience related to the minimum qualifications, selective placement factors and/or evaluation criteria. Information that is copied or restated language from the vacancy announcement, rating criteria, KSAs and/or position description will not be considered. If this occurs, you may lose consideration for one or more grade levels or found ineligible.

PROOF OF BAR:

You must provide proof that you are currently an active member in good standing of a Bar of a State, Commonwealth, or Territory of the United States or the District of Columbia and authorized and eligible to practice law. Below is a list of acceptable documents: Letter or certificate of good standing OR a copy of your Bar card with current year OR screen print from a Bar website that reflects your active Bar membership. Such proof must be dated within one year of the announcement including month, day, year.

NOTE: Being a member of a Bar Association does not equal current Bar membership in some states. If you are a member of a Bar Association, please provide additional proof that you are active and authorized to practice law. If the appropriate proof of current, active membership is not uploaded/included in your application package by the closing date of the announcement, you will be ineligible for consideration for this position.

IN ADDITION, APPLICANTS MUST PROVIDE A SEPARATE PAGE WITH THE APPLICATION WHICH STATES:DATE OF ADMISSION TO THE BAR

INCLUDING MONTH, DAY AND YEAR. PLEASE NOTE IF YOU FAIL TO REFLECT THAT YOU HAVE BEEN A MEMBER OF THE BAR FOR A MINIMUM OF SEVEN YEARS BY THE CLOSING DATE, YOU WILL NOT BE CONSIDERED.

- Benefits

[Help](#)

Benefits

A career with the U.S. Government provides employees with a comprehensive benefits package. As a federal employee, you and your family will have access to a range of benefits that are designed to make your federal career very rewarding. [Learn more about federal benefits.](#)

[Review our benefits](#)

Eligibility for benefits depends on the type of position you hold and whether your position is full-time, part-time, or intermittent. Contact the hiring agency for more information on the specific benefits offered.

- How to Apply

[Help](#)

How to Apply

Please follow all instructions carefully. Errors or omissions may affect your eligibility. When answering the questionnaire, remember that your experience is subject to verification by the selecting official. You may be asked to provide specific examples or documentation of experience to support your answers, or you may be required to verify a response by a practical demonstration of your claimed ability to perform a task.

Notice Concerning Materially False, Fictitious, or Fraudulent Statements

Anything you claim in the occupational questionnaire or in your SSA-45 may be subject to verification. By completing the electronic application process, you are certifying that any statements you make are true, complete, and correct to the best of your knowledge and belief and are made in good faith. Materially false, fictitious, or fraudulent statements or representations are subject to disciplinary action.

To apply for this position, you must provide a complete Application Package which includes:

1. [SSA-45](#) (Submitted SSA-45 or Resume should be limited to 6 pages)

2. **The Occupational Questionnaire:** Click on the *Apply Online* button to create an account or log into your existing USAJOBS account and follow the prompts to complete the occupational questionnaire.
3. Additional Required Documents, if applicable (See Required Documents section).

The complete Application Package must be submitted before 11:59 p.m. (EST) on 12/06/2019. Failure to upload any required documents will disqualify your application from consideration.

If you use assistive software or an adaptive device, or you are experiencing some other type of technical difficulty and/or otherwise require assistance with the application process, please contact Hai-My Le at hai-my.le@ssa.gov or (703) 605-8228.

Individuals with disabilities may call us via [Federal Relay](#) using the (voice) contact telephone provided.

APPLYING FROM A PERSONAL COMPUTER OUTSIDE OF WORK

SSA employees may access Internal Vacancies On-Line (IVOL) postings and apply for vacancies from locations outside of SSA (e.g., from home, public computer, etc.). Please use the following link: <http://ssai.usajobs.gov>. Be sure to forward the link and other application materials (such as the SSA-45) to an email source accessible from outside of SSA (e.g. your personal computer, etc.).

Due to our security procedures, our office will not accept any applications submitted via email, standard mail, or facsimile sent directly to the Servicing Personnel Office. Applicants are required to file through the online application process. The email address is listed only for inquiries about the position or the How to Apply process.

To check the status of your application or return to a previous or incomplete application, log in to your [USAJOBS](#) account.

Agency contact information

Hai-My Le

Phone

[\(703\) 605-8228](tel:(703)605-8228)

Email

hai-my.le@ssa.gov

Address

*DCARO - OAO
6401 Security Boulevard*

Baltimore , MD
21235
US

[Learn more about this agency](#)

Next steps

After all of the applications have been evaluated, you will receive notification via email explaining the status of your application. If you applied incorrectly or submitted an incomplete application, we will be unable to send you an electronic receipt of your application. Please read the **How to Apply** instructions carefully to ensure that you submit a complete application.

To check the status of your application or return to a previous or incomplete application, log in to your [USAJOBS](#) account, select Application Status, and click on the more information link under the application status for this position.

Selection interviews may be conducted with one or more of the candidates, but there is no requirement that interviews be conducted. The hiring office will contact candidates directly for interviews. Applicants referred for consideration will receive a final disposition notice after selections have been made.

Fair & Transparent

The Federal hiring process is setup to be fair and transparent. Please read the following guidance.

Equal Employment Opportunity Policy

The United States Government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy And gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factor.

- [Equal Employment Opportunity \(EEO\) office at OPM](#)
- [Office of Equal Opportunity](#)

Reasonable Accommodation Policy

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a Case-by-Case basis.

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. Under the Rehabilitation Act of 1973 the Equal Employment Opportunity Commission (EEOC) must provide reasonable accommodations:

- When an applicant with a disability needs an accommodation to have an equal opportunity to compete For a job;
- When an employee with a disability needs an accommodation to perform the essential functions of the job or To gain access to the workplace; And
- When an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).
- [Disability Employment - Reasonable Accommodations](#)
- [How to contact an agency](#)

Legal and regulatory guidance

- [Financial suitability](#)
- [Social security number request](#)
- [Privacy Act](#)
- [Signature & False statements](#)
- [Selective Service](#)
- [New employee probationary period](#)

Beginning of a dialog window for the agency announcing this job. It begins with a heading 2 called "Learn more about Field Operating Offices of the Office of the Secretary of the Army". Escape will cancel and close the window.

Learn more about

Social Security Administration

Agency contact information

Hai-My Le

Phone

[\(703\) 605-8228](tel:(703)605-8228)

Email

hai-my.le@ssa.gov

Address

*DCARO - OAO
6401 Security Boulevard
Baltimore , MD
21235
US*

Visit our careers page

Learn more about what it's like to work at Social Security Administration, what the agency does, and about the types of careers this agency offers.

<http://www.ssa.gov/careers//>

Close

Administrative Law Judge Examination

Office of Personnel Management

Open & closing dates

2017-08-23 to 2017-08-30

Salary

\$124,380 to \$172,100 / per year

Pay scale & grade

AL 03

Series

0935 Administrative Law Judge

Appointment type

Permanent

Work schedule

Full Time

Job announcement number

ALJ2017-847661

Control number

476891900

Locations

Many vacancies in the following locations:

Anchorage, AK

Few vacancies

Birmingham, AL

Few vacancies

Florence, AL

Few vacancies

Huntsville, AL

Few vacancies

Mobile, AL

Few vacancies

Montgomery, AL

Few vacancies

Fort Smith, AR

Few vacancies

Little Rock, AR

Few vacancies

Mesa, AZ

Few vacancies

Phoenix, AZ

Few vacancies

Tucson, AZ

Few vacancies

Alameda, CA

Few vacancies

Fresno, CA

Few vacancies

Hayward, CA

Few vacancies

Kern County, CA

Few vacancies

Long Beach, CA

Few vacancies

Los Angeles, CA

Few vacancies

Moreno Valley, CA

Few vacancies

Norwalk, CA

Few vacancies

Oakland, CA

Few vacancies

Orange County, CA

Few vacancies

Pasadena, CA

Few vacancies

Roseville, CA

Few vacancies

Sacramento, CA

Few vacancies

San Bernardino, CA

Few vacancies

San Diego, CA

Few vacancies

San Francisco, CA

Few vacancies

San Jose, CA

Few vacancies

San Rafael, CA

Few vacancies

Santa Barbara, CA

Few vacancies

Stockton, CA

Few vacancies

Aurora, CO

Few vacancies

Aurora, CO

Few vacancies

Colorado Springs, CO

Few vacancies

Denver, CO

Few vacancies

Lakewood, CO

Few vacancies

Hartford, CT

Few vacancies

New Haven, CT

Few vacancies

Washington DC, DC

Few vacancies

Dover, DE

Few vacancies

New Castle, DE

Few vacancies

Clearwater, FL

Few vacancies

Fort Lauderdale, FL

Few vacancies

Fort Myers, FL

Few vacancies

Jacksonville, FL

Few vacancies

Miami, FL

Few vacancies

Orlando, FL

Few vacancies

Palm Beach County, FL

Few vacancies

Saint Petersburg, FL

Few vacancies

Tallahassee, FL

Few vacancies

Tampa, FL

Few vacancies

Volusia County, FL

Few vacancies

Alpharetta, GA

Few vacancies

Atlanta, GA

Few vacancies

Atlanta, GA

Few vacancies

Augusta, GA

Few vacancies

Columbus, GA

Few vacancies

Covington, GA

Few vacancies

Macon, GA

Few vacancies

Savannah, GA

Few vacancies

Honolulu, HI

Few vacancies

West Des Moines, IA

Few vacancies

Boise, ID

Few vacancies

Chicago, IL

Few vacancies

Elgin, IL

Few vacancies

Elgin, IL

Few vacancies

Evanston, IL

Few vacancies

Oak Brook, IL

Few vacancies

Orland Park, IL

Few vacancies

Peoria, IL

Few vacancies

Evansville, IN

Few vacancies

Fort Wayne, IN

Few vacancies

Indianapolis, IN

Few vacancies

Valparaiso, IN

Few vacancies

Topeka, KS

Few vacancies

Wichita, KS

Few vacancies

Lexington, KY

Few vacancies

Louisville, KY

Few vacancies

Maysville, KY

Few vacancies

Middlesboro, KY

Few vacancies

Paducah, KY

Few vacancies

Alexandria, LA

Few vacancies

Covington, LA

Few vacancies

Metairie, LA

Few vacancies

New Orleans, LA

Few vacancies

Shreveport, LA

Few vacancies

Boston, MA

Few vacancies

Lawrence, MA

Few vacancies

Middlesex County, MA

Few vacancies

Springfield, MA

Few vacancies

Baltimore County, MD

Few vacancies

Howard County, MD

Few vacancies

Montgomery County, MD

Few vacancies

Prince George's County, MD

Few vacancies

Portland, ME

Few vacancies

Dearborn, MI

Few vacancies

Detroit, MI

Few vacancies

Flint, MI

Few vacancies

Grand Rapids, MI

Few vacancies

Lansing, MI

Few vacancies

Livonia, MI

Few vacancies

Mount Pleasant, MI

Few vacancies

Oak Park, MI

Few vacancies

Bloomington, MN

Few vacancies

Minneapolis, MN

Few vacancies

Saint Paul, MN

Few vacancies

Columbia, MO

Few vacancies

Creve Coeur, MO

Few vacancies

Kansas City, MO

Few vacancies

Saint Louis, MO

Few vacancies

Springfield, MO

Few vacancies

Hattiesburg, MS

Few vacancies

Jackson, MS

Few vacancies

Tupelo, MS

Few vacancies

Billings, MT

Few vacancies

Asheville, NC

Few vacancies

Charlotte, NC

Few vacancies

Fayetteville, NC

Few vacancies

Greensboro, NC

Few vacancies

Raleigh, NC

Few vacancies

Fargo, ND

Few vacancies

Lincoln, NE

Few vacancies

Omaha, NE

Few vacancies

Manchester, NH

Few vacancies

Cherry Hill, NJ

Few vacancies

Jersey City, NJ

Few vacancies

Newark, NJ

Few vacancies

Pennsauken, NJ

Few vacancies

Albuquerque, NM

Few vacancies

Henderson, NV

Few vacancies

Las Vegas, NV

Few vacancies

Reno, NV

Few vacancies

Albany, NY

Few vacancies

Bronx, NY

Few vacancies

Brooklyn, NY

Few vacancies

Buffalo, NY

Few vacancies

Islip, NY

Few vacancies

Jericho, NY

Few vacancies

New York, NY

Few vacancies

Queens, NY

Few vacancies

Rochester, NY

Few vacancies

Syracuse, NY

Few vacancies

White Plains, NY

Few vacancies

Akron, OH

Few vacancies

Canton, OH

Few vacancies

Cincinnati, OH

Few vacancies

Cleveland, OH

Few vacancies

Columbus, OH

Few vacancies

Dayton, OH

Few vacancies

Toledo, OH

Few vacancies

McAlester, OK

Few vacancies

Oklahoma City, OK

Few vacancies

Tulsa, OK

Few vacancies

Eugene, OR

Few vacancies

Portland, OR

Few vacancies

Elkins Park, PA

Few vacancies

Harrisburg, PA

Few vacancies

Johnstown, PA

Few vacancies

Philadelphia, PA

Few vacancies

Pittsburgh, PA

Few vacancies

Seven Fields, PA

Few vacancies

Wilkes Barre, PA

Few vacancies

Mayaguez, PR

Few vacancies

Ponce, PR

Few vacancies

San Juan, PR

Few vacancies

Providence, RI

Few vacancies

Charleston, SC

Few vacancies

Columbia, SC

Few vacancies

Greenville, SC

Few vacancies

Aberdeen, SD

Few vacancies

Rapid City, SD

Few vacancies

Sioux Falls, SD

Few vacancies

Chattanooga, TN

Few vacancies

Franklin, TN

Few vacancies

Kingsport, TN

Few vacancies

Knoxville, TN

Few vacancies

Memphis, TN

Few vacancies

Nashville, TN

Few vacancies

Arlington, TX

Few vacancies

Austin, TX

Few vacancies

Austin, TX

Few vacancies

Dallas, TX

Few vacancies

El Paso, TX

Few vacancies

Fort Worth, TX

Few vacancies

Galveston, TX

Few vacancies

Harlingen, TX

Few vacancies

Houston, TX

Few vacancies

San Antonio, TX

Few vacancies

Salt Lake City, UT

Few vacancies

Alexandria, VA

Few vacancies

Arlington, VA

Few vacancies

Charlottesville, VA

Few vacancies

Fairfax County, VA

Few vacancies

Falls Church, VA

Few vacancies

Loudoun County, VA

Few vacancies

Manassas, VA

Few vacancies

Newport News, VA

Few vacancies

Norfolk, VA

Few vacancies

Richmond, VA

Few vacancies

Roanoke, VA

Few vacancies

Virginia Beach, VA

Few vacancies

Auburn, WA

Few vacancies

Bellevue, WA

Few vacancies

Richland, WA

Few vacancies

Seattle, WA

Few vacancies

Spokane, WA

Few vacancies

Tacoma, WA

Few vacancies

Vancouver, WA

Few vacancies

Madison, WI

Few vacancies

Milwaukee, WI

Few vacancies

Charleston, WV

Few vacancies

Huntington, WV

Few vacancies

Morgantown, WV

Few vacancies

Casper, WY

Few vacancies

This job is open to

The public

U.S. citizens, nationals or those who owe allegiance to the U.S., and excepted service employees.

Job Summary

Who May Apply: United States Citizens. With the exception of 10-point veterans' preference, applicants on the current ALJ register who received a final numerical rating on or after June 2017 are not eligible to apply to this job opportunity announcement.

Administrative Law Judges (ALJs) serve as independent impartial triers of fact in formal proceedings requiring a decision on the record after the opportunity for a hearing. In general, ALJs prepare for and preside at formal hearings required by statute to be held under or in accordance with provisions of the Administrative Procedure Act (APA), codified in relevant part, in sections 553-559 of title 5, United States Code (U.S.C.). ALJs rule on preliminary motions, conduct pre-hearing conferences, issue subpoenas, conduct hearings (which may include written and/or oral testimony and cross-examination), review briefs, and prepare and issue decisions, along with written findings of fact and conclusions of law.

The Federal Government employs ALJs in a number of agencies throughout the United States and Puerto Rico. Cases may involve Federal laws and regulations in such areas as admiralty, advertising, antitrust, banking, communications, energy, environmental protection, food and drugs, health and safety, housing, immigration, interstate commerce, international trade, labor management relations, securities and commodities markets, social security disability and other benefits claims, and transportation.

This examination announcement is being opened so that the current ALJ register of eligible candidates (ALJ register) can be replenished with additional qualified applicants. Once the examination process is concluded, the names and scores of applicants who successfully complete all components of the examination will be added to the current ALJ register.

Individuals who apply to take the ALJ examination are not applying for an ALJ position with the Federal government but instead for placement on the ALJ register to receive employment consideration at ALJ hiring agencies. Applicants should read this ALJ Job Opportunity Announcement in its entirety before preparing an application. Applicants must meet all the qualifications requirements for an ALJ position as described in this announcement.

The U.S. Office of Personnel Management (OPM) reserves the right to verify information provided by the applicant during the examination process and through any part of the selection process, including any appeal and/or time the applicant's name appears on the ALJ register. Information that cannot be verified may result in designating the applicant as "ineligible" or negating the score on a particular examination component, depending upon the information at issue.

Changing Geographical Locations: If you are currently on the ALJ register, you may (but are not required to) change (i.e., add, or remove) your selected geographical location (s) during the job opportunity announcement open period. To change your selection(s), an email stating your request to change your selected locations, must be sent to aljapplication@opm.gov. See the Geographic Availability section in the Assessment Questionnaire for more details.

Submitting an updated résumé and/or Optional Listing of Significant Litigation and/or Administrative Law Cases: If you are currently on the ALJ register, you may (but are not required to) submit and updated résumé and/or Optional Listing of Significant Litigation and/or Administrative Law Cases during the job opportunity announcement open period. If you wish to do so, you must send the updated document(s) as an attachment to aljapplication@opm.gov. See the How to Apply, Important Information Regarding HOW TO APPLY for more details.

Duties

ALJs:

- Conduct formal hearings involving cases where all interested parties are given advance notice of the hearing; an opportunity to submit facts, arguments, offers of settlement or proposals of adjustment; and an opportunity to be accompanied, represented, and advised by counsel or other qualified representatives;
- Rule on preliminary motions, conduct pre-hearing conferences, issue subpoenas, control hearings (which may include written and/or oral testimony and cross-examination), review briefs, and receive or exclude (for example, on the ground that it is irrelevant, immaterial, or unduly repetitious) any oral or documentary evidence proffered for consideration; and
- Prepare and issue decisions (or initial or recommended decisions), along with written findings of fact and conclusions of law therein, upon consideration of the whole record, or those parts of it cited by a party and supported by and in accord with reliable, probative, and substantial evidence.

Supervisory Status

No

Travel Required

- Occasional Travel
- Travel required for proctored and in-person assessment components, at the expense of the applicant.

Relocation Authorized

- No

Key Requirements

- U.S. Citizenship
- Subject to a background suitability investigation/determination
- Submit all supporting documents (See HOW TO APPLY)
- Registered for Selective Service, if applicable (see www.sss.gov)

Qualifications

Preliminary Qualifications:

As part of the preliminary qualifications requirements for an ALJ position, an applicant must meet, at the time of application, the qualifications outlined in sections 1 and 2 below. OPM will review the applicant's Assessment Questionnaire to determine if the experience and licensure requirements are met.

1. Possess a full seven (7) years of experience as a licensed attorney preparing for, participating in, and/or reviewing formal hearings or trials involving litigation and/or administrative law at the Federal, state or local level; and
2. Possess a professional license and be authorized to practice law under the laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the United States Constitution (see specific details regarding LICENSURE below).

Specific details for each of the requirements above are as follows:

1. EXPERIENCE:

QUALIFYING EXPERIENCE: Applicants must have a full seven (7) years of experience as a licensed attorney preparing for, participating in, and/or reviewing formal hearings or trials involving litigation and/or administrative law at the Federal, State or local level. To be considered as qualifying experience, the types of cases handled under this

requirement must have been conducted on the record under procedures at least as formal as those prescribed by sections 553 through 559 of title 5 of the United States Code.

Litigation Experience: Qualifying litigation experience involves cases in which a complaint was filed with a court, or a charging document (e.g., indictment or information) was issued by a court, a grand jury, or appropriate military authority and includes:

- participating in settlement or plea negotiations in advance of trial;
- preparing for trial and/or participating in trial of cases;
- preparing opinions;
- hearing cases;
- participating in or conducting arbitration, mediation, or other alternative dispute resolution process approved by the court; or
- participating in appeals related to the types of cases above.

Administrative Law Experience: Qualifying administrative law experience involves cases in which a formal procedure was initiated by a governmental administrative body and includes:

- participating in settlement negotiations in advance of hearing cases;
- preparing for hearing and/or participating in trial of cases;
- preparing opinions;
- hearing cases;
- participating in or conducting arbitration, mediation, or other alternative dispute resolution process approved by the administrative body; or
- participating in appeals related to the types of cases above.

Non-Qualifying Experience: Experience involving cases with no formal hearing procedure and uncontested cases involving misdemeanors, probate, domestic relations, or tort matters is not qualifying. Listed below are some examples of types of positions which are **not** qualifying:

- Claims Reviewer
- Clerk of Court
- Conferee
- Contracting Officer
- Insurance Adjuster
- Moderator
- Officer of any court not of record
- Rating Specialist
- State Unemployment Insurance Supervisor
- Law Professor

CREDITING MILITARY EXPERIENCE: For applicants entitled to veterans' preference, time spent in the Armed Forces of the United States shall be considered as qualifying experience in either of the two following ways, depending upon which will be more beneficial to applicants:

1. Such service may be considered on the basis of actual duties performed by the applicant as an attorney or military judge in the military services, or
2. Such service may be considered as an extension of the employment in which the applicant was engaged immediately before entrance into the military service. When military service is credited in this way, the applicant is considered to have continued performing the duties of the position he/she left.

For additional information, OPM has published on its website guidance on how to credit military experience at: <http://www.fedshirevets.gov/>.

2. LICENSURE:

An applicant must be licensed and authorized to practice law as an attorney under the laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the United States Constitution. Judicial status is acceptable in lieu of "active" status in States that prohibit sitting judges from maintaining "active" status to practice law. Being in "good standing" is acceptable in lieu of "active" status in States where the licensing authority considers "good standing" as having a current license to practice law.

An applicant must be licensed and authorized to practice law or be in an acceptable judicial status, as described in the preceding paragraph, at the time of application and continuously throughout the examination and selection process, to include any period on the ALJ competitive register and during any appeal, as defined below. An applicant can be deemed ineligible at any time if it is determined that he/she does not satisfy or no longer satisfies this licensure requirement at any point described above.

3. COMPETITIVE EXAMINATION:

Applicants who meet the Preliminary Qualifications must also successfully complete all subsequent assessment components of the OPM competitive examination which evaluates the competencies, or knowledge, skills, and abilities, essential to performing the work of an ALJ.

OPM will review the completed Assessment Questionnaire as described below to determine if you meet the experience and licensure requirements. If OPM determines you do not meet one or both of these requirements, a Notice of Results (NOR) will be issued to you indicating a rating of "ineligible" and no further action will be taken on your application. See the "Appeals Process" section below.

Applicants who have cleared the preliminary qualifications screening (i.e., the experience and licensure requirements) also are required to successfully complete other components of the ALJ examination. The purpose of these remaining components is to evaluate the competencies, or knowledge, skills, and abilities, essential to performing the work of an ALJ. These competencies include: Decision Making, Interpersonal Skills, Judicial Analysis, Judicial Decisiveness, Judicial Management, Judicial Temperament, Litigation and Courtroom Competence, Oral Communication, Problem Solving, Professionalism, Reasoning, Self-Management, and Writing.

The remaining assessment components of the examination for ALJ positions are listed below and further described in the section **How You will be Evaluated, Basis for Rating:**

Online Component:

- Section 1 - Situational Judgment Test (SJT)
- Section 2 - Writing Sample
- Section 3 - Experience Assessment

Proctored Component:

- Section 1 - Written Demonstration (WD)
- Section 2 - Logic-Based Measurement Test (LBMT)

In-person Component:

- Structured Interview (SI)

Security Clearance

Depending on the agency and position requirements, appointments may require an investigation and favorable adjudication of eligibility for access to classified information and the grant of a security clearance.

Security Clearance

Other

What To Expect Next

After you submit your Application Package, you will be sent an email acknowledging your submission. The acknowledgement email, however, does not establish eligibility to proceed to the remaining parts of the ALJ examination. Please refer to the **Basis for Rating** section of this ALJ Job Opportunity Announcement for specific information about the notification process regarding the evaluation of your Assessment Questionnaire, and, if applicable, the details about the remaining parts of the examination. The ALJ assessment and examination process is comprehensive and requires an extended period of time for the process to be completed for all the applicants who applied during the announcement open period. Final numerical ratings will not be issued until the assessment and examination process has been completed for all applicants who applied during the open period.

NOTES:

- ALJ inquiries must be sent to the ALJ mailbox at aljapplication@opm.gov. OPM staff will not respond to telephone inquiries or emails sent directly to them.
- You can find out about important ALJ notices and information regarding the ALJ examination, including the release of various examination notices, on the OPM ALJ website at <http://www.opm.gov/services-for-agencies/administrative-law-judges/>.
- Examination information and rating information are exempt from disclosure under the FOIA and Privacy Act on the grounds that they contain and/or describe examination materials, scoring benchmarks, scoring factors, criteria and/or methods which represent confidential test material. Accordingly, such information cannot be provided to applicants or publicly posted.

BENEFITS

The Federal Government offers a comprehensive benefits package. Explore the major benefits offered to most Federal employees at: <https://www.usa.gov/benefits-for-federal-employees>.

Other Information

Important Note: You must complete/submit your application in Application Manager before the ALJ Job Opportunity Announcement closes at 11:59 pm ET on Wednesday, August 30, 2017. After the Announcement is closed, you will not be able to complete/submit your application.

Technical Problems

If you have technical problems concerning this application process, please send an email to aljapplication@opm.gov. Such inquiries must include your name as it appears on your online Assessment Questionnaire to properly identify your record and address your issue. Your submission of an inquiry does not automatically change the response deadline for any part of the ALJ application process. Substantive questions concerning an individual application will not be answered because doing so would give an unfair advantage in the examination process.

Privacy Act Notice

The principal purpose for collecting this information is to examine applicants for the position of administrative law judge (ALJ). The authority for collecting this information is 5 U.S.C. 1104, 1302, 3301, 3304, and 3330, and 5 C.F.R. 2.1, 330.104, and 930.201. The effect of not providing all or any part of the requested information includes a rating of ineligible on the ALJ examination. Other consequences are described in the Assessment Questionnaire, Certification of Information Accuracy. The routine uses that may be made of this information are in the system notice for the OPM/Central-6 system of records under the Privacy Act, published at <https://www.gpo.gov/fdsys/pkg/PAI-2015-OPM/xml/PAI-2015-OPM.xml#central6>, with an additional routine use published

at <https://www.federalregister.gov/articles/2015/11/30/2015-30309/privacy-act-of-1974-routine-use-implementation-system-of-records>.

To apply for the position of ALJ, you **must** submit the minimum complete application package through the online processing system (Application Manager). A minimum complete package includes the following:

1. Your responses to the Assessment Questionnaire, and
2. Your résumé as specified in the Required Documents section of this ALJ Job Opportunity Announcement.
3. Veterans' preference documentation (if you are claiming veterans' preference).

In addition to these requirements, you may submit a listing of significant cases as described below. This is an **optional** document which can be uploaded in the "Other" document type.

LISTING OF SIGNIFICANT LITIGATION AND/OR ADMINISTRATIVE LAW CASES (OPTIONAL): The case listing is optional. You may provide this information in support of your application by identifying specific examples of qualifying experience. You may use the case listing format provided below to cite and discuss **up to six (6) of the most significant** litigation and/or formal administrative law cases you have prepared, participated in, and/or reviewed.

The case listing document should be uploaded as a separate document in the "Other" document type of your application. The cases will not be scored as part of the ALJ examination, but may be used by hiring agencies in their selection process. The cases will be provided to hiring agencies with your résumé if your name is on the ALJ register and is referred for employment consideration.

The case listing format is as follows:

1. Title of case and docket number (if applicable)
2. Party represented
3. Regulatory body or court hearing the case
4. Brief statement of issue(s) involved
5. Your precise role or capacity
6. Final disposition of case
7. Dates between which your participation took place
8. Presiding officer/judge with contact information (i.e., name, title/position, email address (if possible), and phone number)
9. Opposing counsel (or counsel appearing in case if applicant served in a hearing officer/judicial position) with contact information (i.e., name, title/position, email address (if possible), and phone number)

(If you must omit personal identifying information from a case name or must omit the name of the represented party due to the tribunal's privacy rules, please indicate you have done so.)

Reasonable Accommodation for online ALJ Application: OPM provides reasonable accommodation to applicants with disabilities, where appropriate. Determinations on requests for accommodation(s) for the submission of the online application will be made on a case-by-case basis. If you wish to request an accommodation(s) for the submission of the online application based on your disability, you must contact OPM for assistance by sending an email message to aljapplication@opm.gov. All requests for reasonable accommodations related to the online application must be submitted before the close of the ALJ Job Opportunity Announcement.

Note: Applications, résumés, veterans' preference supporting documents and/or any other documents will not be accepted by facsimile, postal service mail or email.

To begin the process,

1. Click the Apply Online button to create an account or sign in to your existing USAJOBS account.
2. Follow the prompts to create or select your USAJOBS résumé and be routed to the *Application Manager* system.
3. Complete the Assessment Questionnaire.
4. For your answers to be processed, you must click the Submit My Answers button.

Important Information Regarding HOW TO APPLY

Applicants must click on the following link to view the Important Information Regarding **HOW TO APPLY: Important Information Regarding HOW TO APPLY**

Assessment Questionnaire

Applicants may click on the following link to view the **ASSESSMENT QUESTIONNAIRE:**

Assessment Questionnaire

How You Will Be Evaluated

Applicants must click on the following link to view complete information regarding **HOW YOU WILL BE EVALUATED:**

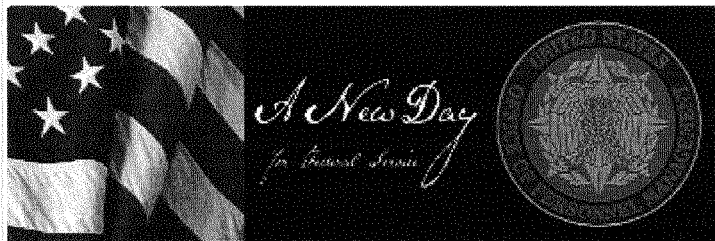
How You Will Be Evaluated

1. Résumé to be reviewed by hiring agencies only; and
2. Veterans' Preference documentation (if you are claiming Veterans' Preference)

Optional Documents:

OPTIONAL LISTING OF SIGNIFICANT LITIGATION AND/OR ADMINISTRATIVE LAW CASE (Please sanitize/remove sensitive information before uploading.)

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

**Office of Personnel Management****Contact**

Admin Law Judge Program Office
Phone: (000)000-0000
Email: ALJAPPLICATION@OPM.GOV

Address

Office of Personnel Management
No Specific Address
None
DC