

STATEMENT

BY JAMES A. BURKE, UNITED STATES ADMINISTRATIVE LAW JUDGE

House of Representatives of the U.S. Congress
of the United States of America
Committee on Oversight and Government Reform

June 1, 2014

Thank you for inviting me to testify before this committee.

I was born in Metropolitan Hospital, Welfare Island, New York City-now called Roosevelt Island. My father, James Joseph Burke, was the son of Irish immigrants. He was killed in action in Italy in March 1945. My mother, Madeleine, was the daughter of second generation Americans. She was left to raise my sister and me on her hard work supplemented by VA and Social Security.

I passed the test for admittance to Stuyvesant High School. I graduated from Hunter College in the Bronx in 1964.

I entered the Army upon my college graduation and served in West Berlin in the Tank Company until June 1966. Upon discharge, I worked as an insurance claims adjuster in NYC. In dealing with lawyers I discovered an interest in law so I used my G.I. bill to attend Hastings College of Law in San Francisco. I graduated in 1972 in the top 10% of my class, and was on law review.

New Mexico became my home when Supreme Court Justice LaFel Oman hired me as his law clerk. Later I served as first counsel for the newly created New Mexico Organized Crime Prevention Commission.

I worked as a legal aid lawyer in Northern New Mexico until 1980, and the New Mexico Taxation and Revenue for two years. I opened my solo private practice in Santa Fe in 1982.

I represented working people and disabled people in a variety of civil cases, most involving litigation in state, federal or administrative courts. The cases included personal injury, consumer issues, workers compensation, insurance disputes, employment litigation and social security disability.

The practice was not as lucrative as other avenues available to me but I felt honored to represent people from similar economic backgrounds as I had known and to use my legal skills to give back in recognition of what good fortune I had been granted.

As part of that representation I learned up close the dynamics of legal practice concerning injuries and disease, including scrutinizing medical records, examining doctors and witnesses. I also learned the up front dynamics that an illness or injury or mere unemployment can have on individuals and their families.

I was advised to apply for the ALJ position by another ALJ who was a hard nosed Assistant U.S. Attorney with whom I had locked horns frequently—but we both had an honorable mutual respect for each other and for the law. I was appointed ALJ in July 2004 in the Bush Administration .

I have served in Spokane and Albuquerque offices. In the Spokane office from 2004 to 2008, I decided, I believe, over 1,000 cases a year, for the agency was committed at that time to address and confront a backlog of some 600,000 cases. The Spokane staff and the Region 10 chief judge were happy to give me as many cases as I could handle.

When I got to Albuquerque, in Region 6, dockets were limited to 70 cases a month. Recently ALJ's were limited again to 800 a year. The backlog has not disappeared but there is no encouragement to address it.

I am comfortable in seeking and performing more work because after thirty years of private practice, I can evaluate medical records, claimants' testimony, witnesses statements quickly, as my high pressure practice required in order to survive in a highly contentious environment.

Mr. Chairman, I am concerned about Americans who work hard and earn disability coverage. When they become disabled, they wait 3 years to get the coverage they earned. Lives and families are destroyed. I see their medical records and hear their testimony. I am trained to make legal and factual decisions. I am confident that I make the right decisions.

I am concerned about the future, Mr. Chairman, with respect to the backlogs and waiting times—something the VA is belatedly confronted with—with respect to the Iraq and Afghanistan veterans who will be filing for disability

for any manner of physical or psychological impairments—many of which do not surface for years.

I don't want Social Security to become another delayed service agency like the VA, if it has not already.

Respectfully submitted,



James A. Burke
United States Administrative Law Judge