

# ***ADVISORY***

## **FROM THE COMMITTEE ON WAYS AND MEANS**

### **SUBCOMMITTEE ON SOCIAL SECURITY**

FOR IMMEDIATE RELEASE  
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#### **Chairman Johnson Announces Hearing on the Challenges of Achieving Fair and Consistent Disability Decisions**

U.S. Congressman Sam Johnson (R-TX), Chairman of the House Committee on Ways and Means Subcommittee on Social Security, today announced a hearing on achieving fair and consistent disability decisions. **The hearing will take place on Wednesday, March 20, 2013, in B-318 Rayburn House Office Building, beginning at 10:00 a.m.**

In view of the limited time available to hear witnesses, oral testimony at this hearing will be from invited witnesses only. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Subcommittee and for inclusion in the printed record of the hearing.

#### **BACKGROUND**

Under the Social Security Act, disability is defined as “unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.” The disability must be so severe that the person is unable to do any “substantial gainful work which exists in the national economy,” whether or not a specific job exists or the person would actually be hired. The disability must result from a physical or psychological condition that is “demonstrable by medically acceptable clinical and laboratory diagnostic techniques.”

The responsibility for making initial disability decisions is shared by the States and the Social Security Administration (SSA). All 50 States, plus the District of Columbia and Puerto Rico, maintain fully federally-funded agencies, known as Disability Determination Services (DDS), which decide initial and continuing eligibility for benefits. In making the initial determination, DDS examiners review the available medical evidence under a five-step sequential evaluation process.

The independent, bipartisan Social Security Advisory Board has raised concerns as early as its 1998 report, *How SSA's Disability Programs Can Be Improved*, about the complex administrative structure under which the Disability Insurance (DI) program operates, as well as the fact that eligibility is “fundamentally a judgmental process in which different decision makers will frequently have different views.” In 2001, the Board issued two reports: *Disability Decision Making: Data and Materials*, and a companion report *Charting the Future of Social Security's Disability Programs: The Need for Fundamental Change*. In these reports, the Board raised questions about the fairness and the consistency of the process, noting wide and unexplained variations in outcomes between different regions of the country and different levels of adjudication, as well as major changes in how disability is determined based on court decisions that have not been overturned by Congress.

In February 2012, the Board updated its *Aspects of Disability Decision-Making: Data and Materials*, noting the “longstanding lack of consistency in the disability determination process that may award benefits to individuals who do not meet the SSA disability criteria and deny benefits to individuals who do meet the criteria.” The Board stated that the “updated data continue to highlight significant questions about [the] SSA's disability decision-making process and about the disability programs....”

In announcing the hearing, Social Security Subcommittee Chairman Sam Johnson (R-TX) said, **“As we work to secure the future of this vital program, hard-working taxpayers deserve to know that disability decisions are fair, consistent and protected from con artists trying to cheat the program. In the past, Congress expanded the ways people can qualify for benefits. Instead of relying on objective standards to reach decisions, examiners and judges on the front lines have increasingly had to make more judgment calls. Given the advances in medical treatment and rehabilitation, we need to fundamentally understand how agency policies may be influencing decisions and determine whether these policies still make sense for the times we live in.”**

## **FOCUS OF THE HEARING**

The hearing will examine policies that have expanded the role of subjective evaluations in determining whether applicants qualify for benefits and how these policies may result in unexplained variations in decision-making, weakening public confidence in the consistency and fairness of this national program.

## **DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:**

Please Note: Any person(s) and/or organization(s) wishing to submit for the hearing record must follow the appropriate link on the hearing page of the Committee website and complete the informational forms. From the Committee homepage, <http://waysandmeans.house.gov>, select “Hearings.” Select the hearing for which you would like to submit, and click on the link entitled, “Click here to provide a submission for the record.” Once you have followed the online

instructions, submit all requested information. ATTACH your submission as a Word or WordPerfect document, in compliance with the formatting requirements listed below, **by the close of business on Wednesday, April 3, 2013**. Finally, please note that due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-package deliveries to all House Office Buildings. For questions, or if you encounter technical problems, please call (202) 225-1721 or (202) 225-3625.

#### **FORMATTING REQUIREMENTS:**

The Committee relies on electronic submissions for printing the official hearing record. As always, submissions will be included in the record according to the discretion of the Committee. The Committee will not alter the content of your submission, but we reserve the right to format it according to our guidelines. Any submission provided to the Committee by a witness, any supplementary materials submitted for the printed record, and any written comments in response to a request for written comments must conform to the guidelines listed below. Any submission or supplementary item not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All submissions and supplementary materials must be provided in Word or WordPerfect format and **MUST NOT** exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official hearing record.
2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.
3. All submissions must include a list of all clients, persons and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone, and fax numbers of each witness.

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-1721 or 202-226-3411 TTD/TTY in advance of the event (four business days' notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Note: All Committee advisories and news releases are available on the World Wide Web at <http://www.waysandmeans.house.gov/>.