

May 1, 2008

Honorable Charles B. Rangel
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, D.C. 20515

Re: Committee Hearing on “Clearing the Disability Backlog-Giving the Social Security Administration the Resources It Needs to Provide the Benefits Workers Have Earned” held April 23, 2008

Dear Mr. Chairman:

On behalf of the American Bar Association (“ABA”) and its more than 400,000 members nationwide, I write to present the views of the American Bar Association on clearing the Social Security Administration’s backlog of disability claims and providing the agency with the resources it needs to provide the benefits earned by workers in this country. The American Bar Association commends the House Committee on Ways and Means for maintaining a sharp focus on working to solve a set of agency problems that inflict a terrible human toll on hundreds of thousands of Americans who are disabled and suffering financially due to the loss of their income and who are unable to obtain timely and fair determinations of their disability claims. The unprecedented backlog of cases was created because for many years SSA was severely under-funded.

The ABA has a long-standing interest in the Social Security Administration’s disability benefits decision-making process, and we have worked actively for over two decades to promote increased efficiency and fairness in this system. As a diverse organization representing the legal profession in the United States, the ABA has been able to draw upon the considerable expertise of our membership - claimants’ representatives, administrative law judges, academicians and agency staff - to develop a wide-ranging body of recommendations on the disability adjudication process. The Section of Administrative Law, the Judicial Division and the Commission on Law and Aging have worked to develop our ABA recommendations, the goals of which are to

improve the quality of decision-making, increase fairness and efficiency for claimants, help alleviate the backlog, encourage clarity in communications with claimants, promote procedural due process protections, and seek the application of appropriate, consistent legal standards at all stages of the adjudication process.

At its April 2008 meeting, the ABA's Board of Governors adopted policy pertaining to the Social Security Administration's administrative budget. The policy states:

RESOLVED, That the American Bar Association urges Congress to enact a level of administrative funding for the Social Security Administration that permits the Social Security Administration to provide its mandated services in a timely manner, promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits, overcome significant disability claims processing times and backlogs, and build the infrastructure necessary to manage the expanding workload challenges presented by serving the aging baby boomers filing disability and retirement claims.

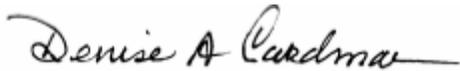
The President's FY 2009 budget proposes administrative resources of \$10.460 billion for the SSA, a six percent increase over FY 2008. While this represents a praiseworthy step forward toward reducing the backlogs and improving services to the public, it is inadequate to provide mandated services in a timely manner and to promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits. As Commissioner Astrue testified at your April 23rd hearings, SSA requires a minimum increase of \$400 million to meet increases in personnel and infrastructure costs alone for the fiscal year that starts in October 2008. The President's budget is insufficient to maintain an adequate number of administrative law judges and support staff and continue reducing the backlog, and does not address the inadequate levels of service provided to the public in SSA field offices and customer service centers. It is up to Congress to determine the responsible measure of support needed above and beyond the President's proposal. We commend this committee for pursuing the tough fiscal and strategic question of determining a level of funding that will ensure that the agency does the job that the American people and their elected representatives expect it to do.

The ABA urges Congress, now and in future years, to provide SSA with sufficient administrative funding to continue to work to reduce the significant backlog of initial claims and appeals of

disability cases, to reverse crippling cuts in services to the public, and to provide a sustained level of administrative funding that permits the agency to provide its mandated services in a timely manner, promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits, overcome significant disability claims processing times and backlogs, and build the infrastructure necessary to manage the significant workload challenges presented by serving the aging baby boomers filing disability and retirement claims. We appreciate the opportunity to submit our comments and would be pleased to offer our assistance to the committee as it addresses the backlog in disability claims and other declines in service to the public resulting from years of under-funding of the agency's administrative expenses.

Thank you for considering our views on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Denise A. Cardman
Acting Director

cc. Members, Committee on Ways and Means