August 27, 2002

The Honorable Jo Anne B. Barnhart
Commissioner
Social Security Administration
Room 900, Altmeyer Building
6401 Security Boulevard
Baltimore, MD 21235-6401

Dear Commissioner Barnhart:

I write on behalf of the American Bar Association, representing over 400,000 lawyers and judges across our country, to express our grave concern regarding proposals that would jeopardize due process protections of Social Security disability benefits. We believe these proposals may be the subject of discussion within the Social Security Administration.

The ABA appreciates the urgent need to improve the operation of the Social Security disability program. We share with you the goal of rendering a full and fair determination of claimants' eligibility for benefits in a timely manner, and recognize the issues posed by the current appeals process. However, we object strongly to any attempt to reduce or eliminate the availability of a hearing conducted by an Administrative Law Judge.

The federal administrative judiciary represents the statutory embodiment in the Administrative Procedure Act of the guarantee of due process that is a hallmark of our democracy. We have consistently supported and promoted the use of the APA by federal agencies because it offers the best protection to our citizens in its dealings with the federal government.

Our members stand ready to work with you and Deputy Commissioner Martin Gerry or other members of your staff to devise an approach to making the Social Security disability appeals process more streamlined, more timely, and more consistent. I urge you to avail yourself of the experience, expertise, and dedication within the ABA as you consider options to achieve your goals. Representatives of the ABA would be pleased to meet with you at your earliest opportunity to outline further how we could assist in your deliberations.

Sincerely,

Alfred P. Carlton, Jr.