

Thomas M. Susman
Director
Governmental Affairs Office

AMERICAN BAR ASSOCIATION
740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762
SusmanT@staff.abanet.org

June 10, 2009

The Honorable Tom Harkin
Chairman
Subcommittee on Labor, Health and Human Services, Education
and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Subcommittee on Labor, Health and Human Services, Education
and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Cochran,

On behalf of the American Bar Association (ABA) and its more than 400,000 members nationwide, I write to urge your Subcommittee to provide no less than the President's Budget Request of \$11.603 billion for the Social Security Administration in the Fiscal Year 2010 Appropriations legislation to permit the agency to continue in its efforts to address the crippling backlog of Social Security disability claims.

Due to inadequate funding for SSA for most of this decade, the backlog of pending hearings before the agency's Administrative Law Judges (ALJ) is 755,000, and the average processing time for a hearing decision is 516 days. The long wait for a hearing before an ALJ can have a devastating impact on a claimant.

The ABA has a long-standing interest in the SSA's disability benefits decision-making process and has worked actively for over two decades to promote increased efficiency and fairness in this system. The ABA's Section of Administrative Law and Regulatory Practice, the Judicial Division, and the Commission on Law and Aging developed a wide-ranging body of recommendations on the disability adjudication process. The goals of these ABA recommendations 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

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legal standards at all stages of the adjudication process. However, SSA needs sufficient funding to carry out these goals.

Congressional approval of the President's FY 2010 Budget Request for SSA would constitute a large step forward in reducing the backlog and improving services to the public. We urge your Subcommittee to appropriate the level of funding requested by the President to ensure that the SSA does the job that the American people and their elected representatives expect it to do. Only by providing a sustained level of administrative funding will Congress enable the agency to perform its mandated services in a timely manner; to promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits; to overcome significant disability claims processing times and backlogs; and to build the infrastructure necessary to manage the significant workload challenges presented by serving the aging baby boomers filing disability and retirement claims.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman
Director

cc: Members, Subcommittee on Labor, Health and Human Services, Education and Related Agencies