

A lawsuit was filed last week by an ALJs against the SSA exposing the cynical attempt to gain control over the decision process, so as to prevent the necessary scrutiny for the prevention of fraud. (See attached complaint filed in the U.S. District Court, SD Florida)



COMPLAINT-LIB  
v SSA (02-21-20..

This is news that will be circulated in the usual manner with the SSA getting its position into the press reports skewed in the Agency's favor. You may be interested in the most current situation existing among the SSA and its ALJs. It is quite revealing to consider the statements of the former Commissioner in answer to the ALJ lawsuit filed this past week. This Commissioner was directly responsible for the excess created in his tenure, and his opposition to allowing ALJ to responsibly handle the many fraudulent matters presented to them. It has now come to light with the imposition of sanctions against those trying to do their jobs. The four cases against ALJs is only cover for the pressure brought about using quotas against ALJs who take the time to scrutinize and examine cases carefully. The SSA has placed "policy" hurdles which has obstructed decision making which is a subject so long and detailed that it cannot be addressed in a single comment. This is a whole other matter which has been quietly covered up while pressuring ALJs to meet quotas and comply with policy directly attributable to the perpetuation of fraud. Meanwhile, while the controversy was brewing over the West Virginia ALJ/ Eric Conn situation. The Social Security Administration quietly transferred most of the cases in question for re-hearing to favored ALJs in other regions around the country known to be "payors". The six ALJs to whom the cases were transferred had similar statistics as the West Virginia ALJ, and were known to have the highest production rates, and the highest rates of favorable decisions,

What Former Commissioner Astrue Really Thinks About "Dozens of Bad Actors - Lazy and Sloppy Judges", Saving \$100's of Millions, and a Government Representative Program

“In the last few years we also disproved the four-decade-long mythology that the Merit Systems Protection Board would not seriously discipline administrative law judges, and we removed more judges—4—than all previous Commissioners combined—3. However, by taking a stand on judges who assault women and infants, distribute pornography from government computers, and steal by holding two federal jobs, we have received dozens of resignations from bad actors who did not want to experience public exposure for their actions. The arrogance that leads a person to do such things also correlates highly with poor decision-making, so when [we] took a tough stand on conduct we got the bonus of losing a lot of lazy and sloppy judges. As a result, we probably have the fewest number of outlier judges who refuse to follow agency policy that we have ever had, a change that is saving the trust funds hundreds of millions of dollars each year.”

- Straight Talk about “Disability Reform, Michael J. Astrue, SSAB Forum,

March 8, 2013

Compare the thoughtful testimony of former acting CALJ Hatfield about improving the disability program and former Commissioner Astrue's diatribe in his presentation to the SSAB.

Below is Commissioner Astrue's view of the Government Representative pilot presented to the SSAB.

“When Congress gets serious about addressing the 2016 insolvency of the trust funds, there will be bad ideas floating around too. The one that has the most currency baffles me, which is another try at making hearings adversarial. I was stunned when I first answered questions before Congress on this proposal because none of its proponents knew that the agency had piloted this proposal in the 1980's and that it failed miserably. It was expensive—probably several hundred million dollars to implement fully in today's dollars—and it made no difference in outcomes while simultaneously undermining public confidence in the agency. Moreover, a primary rationale for the pilot, that government reps could find medical evidence that judges could not, will be unsupportable within five years when we enter the new world of electronic medical records.”

On the other hand, Judge Hatfield participated in the pilot program. He thought it was a “success” and history was being revised by the agency.

A non-adversarial Trust Representative in the hearing room would also have prevented the abuses of Judge Daugherty in West Virginia, which occurred on Astrue's watch.

Rounding off, Judge Daugherty paid 1000 claims a year for at least seven year (2005-2011) at a 99% rate. If paid at a rate of 66% (which is higher than the prevailing over those seven years) for each year, one-third of the claims were questionably paid, which is 330 claims per year.

Using a of \$100,000 figure for the annual cost of an attorney, that would employ 990 attorneys for each year of the seven years.

[Present value of disability award \$300,000 x 330 a year = \$99,000,000 a year / \$100,000 a year = 990]

Over a seven year period, most of the time while Astrue was Commissioner, the saving could have been \$693,000,000.

[Present value of disability award \$300,000 x 2310 (330 x 7) = \$693,000,000 for one judge over seven years.]

If a non-adversarial Trust Representative could save \$693 million over seven

years, almost \$100 million each year, with regard to one abusive judge, would it still be a miserable failure as former Commissioner Astrue believes or would it be a success as former CALJ Hatfield believes?

The West Virginia Times used even more alarming figures in its October 22, 2012 article on Judge Daugherty:

“The [US Senate] subcommittee began their fact-finding inquiries after local and national media exposed how former Huntington WV Judge David Daugherty had circumvented SSA disability procedures when he and lawyer Eric C Conn were allegedly mass approving SSA disability appeal cases with little to no court hearings, conflicting medical evidence or proper judicial consideration. Daugherty is also accused of re-directing other Eric Conn cases to himself that were already assigned to other judges. During the time period between 2005 to 2011, Daugherty's overall approval rate averaged 96 to 98% compared to national average of 40%. Daugherty was approving 100% of cases where Eric Conn represented the claimant.”

This would mean a 54-58% difference or a minimum \$1,134, 000,000 over seven