

## **Budget Cuts Force SSA to Close Temporary Remote Hearing Sites**

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In April, Congress finally passed a budget for the federal government, more than half way through current fiscal year (FY) 2011. SSA received \$10.7755 billion for its FY 2011 administrative budget, an amount that is \$1.25 billion less than the President's request for FY 2011, which represents what the agency needs to reduce the disability backlog and maintain service levels. The final amount is even \$643 million less than SSA's FY 2010 administrative appropriation. While this funding should not result in employee furloughs, there are clear ramifications of the budget shortfall including continuation of the hiring freeze (other than ODAR hearing offices) that began in July 2010; delays in opening new hearing offices; and diversion of resources from information technology projects that would have improved productivity in the future. The outlook for FY 2012 is not much better.

Another victim of the budget shortfall is SSA's use of temporary remote hearing sites. SSA has announced the closing of some 160 temporary remote sites.

Over the years, SSA has used a variety of "temporary" sites to hold hearings. These sites included temporary space in hotels, courthouses, schools, and conference centers. "Temporary remote sites" are not connected to the SSA Local Area Network (LAN) system and do not provide video hearings. ALJs travel to these sites to hold in-person hearings when there is a full docket warranting travel and bring their own equipment. At temporary remote sites, SSA does not control the security of the physical environment; SSA cannot guarantee the privacy of the information since the site is not connected to the SSA network; and there are efficiency and financial costs because ALJs must travel.

Not to be confused with the "temporary remote sites" are "permanent remote sites." These sites will not be closed. In the permanent remote sites, SSA controls security – both of the physical environment and of information privacy. The permanent remote sites are connected to the SSA network and equipment is permanently located there. In many of these sites, co-located in SSA field offices, video hearings can be held.

Following a survey of our members, NOSSCR heard passionate complaints about clients who will be affected by the decision to close a particular temporary remote site. They stressed the serious difficulties and hardships that their clients will face, now that the temporary remote sites have closed. In many of the locations where advocates have been told that there will be a local video alternative, the advocates maintain that their clients are entitled to in-person hearings. And they note that there is almost always no public transportation to the ODAR hearing office, that many of their clients are unable to sit for a car ride of that distance, that many of

their clients do not drive and are not going to be able to find someone to drive them, and that hearing offices have been providing conflicting and confusing information about the availability of travel reimbursement. In many other temporary remote site situations, ODAR has provided no information about a video alternative.

For these reasons, we have asked the Commissioner to reconsider and to rescind this decision for those temporary remote sites where there our members have documented special hardships. In a letter responding to the NOSSCR correspondence, Commissioner Astrue stated:

We have for several years been phasing out temporary remote sites for both our field and hearing operations. We cannot offer adequate security in a time of increasing violence against our employees, and we cannot afford the inefficiency of extensive travel.

Congress forced us to accelerate these initiatives by severely cutting our budget in the middle of a fiscal year despite rapidly increasing recession-related workloads. Given how much of our work is mandated by statute, we have no real choice except to eliminate this service option.

We are offering video hearings at field offices where we can afford to do so, and attorneys ... have the option of conducting hearings from their own offices....

Again, I regret that we have no real choice.

In addition, some NOSSCR members whose clients have been adversely impacted by the closing of the temporary remote sites have sent letters to ODAR Deputy Commissioner Glenn Sklar. The ODAR response provides additional information regarding the site closings:

We are stopping service at all temporary remote hearing sites across the country primarily for budgetary reasons.

Congress passed a series of continuing resolutions and ultimately cut our budget by nearly \$1 billion. Congress' action has forced us to expedite and expand our plan to stop servicing our temporary remote hearing sites.

In March 2011, we announced that we were no longer visiting more than 60 temporary remote hearing sites, many of which are located in rented conference room space in hotels. However, as our budget situation has worsened, we must now stop servicing our remaining temporary remote hearing sites once we conclude all currently scheduled hearings. Using temporary remote hearing sites is an inefficient and potentially unsafe way for us to do business. Travel reduces the time our administrative law judges can hold hearings. We incur

additional expense for the sites and pay for the necessary travel. Many of these temporary remote hearing sites are not secure. Over the past few years, we have experienced an increase in threats to our employees and facilities. We design our permanent offices to ensure the safety and security of our employees and the public. We cannot provide similar levels of security at many temporary remote hearing sites.

Video hearings are a convenient and secure service option, and we are expanding the number of local Social Security field offices that can host video hearings. Our quality review has shown that the decisions we issue after video hearings are as accurate as decisions issued after an in-person hearing. We are making video hearings even more convenient for claimants and their representatives. Claimant representatives participating in our Representative Video Project (RVP) install approved video equipment in their offices, which allows claimants to attend their hearing in a comfortable and familiar environment. This option also eliminates time-consuming and potentially costly travel for representatives and clients. We encourage representatives to consider this convenient video option. Representatives may send an email to [odar.hq.Video.Project@ssa.gov](mailto:odar.hq.Video.Project@ssa.gov) to request additional information on how to sign up for RVP.

... We are looking at existing field office space to see if we can install video equipment that will allow us to continue to provide service to this area. With these video units, the claimant could appear at the ... Field Offices for a hearing. Additionally, these video units would support the coverage of remote service areas throughout [the State]. In the meantime, claimants may continue to have in-person hearings in [ODAR hearing offices in the State]. With respect to your concerns about travel reimbursement, when we send a claimant and his or her representative a Notice of Hearing, we provide specific information regarding the reimbursement of travel expenses. We reimburse claimants who are required to travel more than 75 miles to a video hearing site or the hearing office we select.

Thank you for sharing your concerns. I regret that Congress' failure to provide us with adequate funding has forced us to take these actions.

Note that the ODAR correspondence states that SSA will continue to provide reimbursement for travel over 75 miles to either a video or in-person hearing. At the May 2011 NOSSCR conference in Baltimore, ODAR Deputy Commissioner Sklar confirmed, in response to a question, that SSA would continue to provide reimbursement for now.

NOSSCR will continue to press for a reconsideration and rescission of the decision for those temporary remote site locations where it creates especially severe hardships.

