



Checklist of DSI Issues to Monitor

NOSSCR/DLC Region I Representatives Meeting
Boston, MA
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DSI Checklist to monitor: General Issues

- Electronic folders and eDIB
 - At each level, access to electronic files and new evidence added to the files?
 - Quick access to copy of ALJ hearing recording?
 - Is new evidence promptly included in the electronic record?
 - Is the record complete? Are
- How does SSA handle nondisability issues in claim for disability benefits?
- What happens if appeal is filed in wrong system?
- Does record include representative information from SSA Form 1696?

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DSI Checklist to monitor: Initial decisions/QDD

- What types of cases go through the “quick disability determination” (QDD) process?
 - Type of claim: Title II or SSI
 - Type(s) of impairment(s)
 - Reason for return to normal process, e.g., lack of medical documentation
- Is information about the QDD process included in the record?
- Quality of medical record development

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DSI Checklist to monitor: Reviewing Official (RO)

- Adequacy and quality of staffing
 - ROs
 - Support staff
- Representation at RO level
 - Is SSA notice adequate?
 - Do claimants seek representation?
 - Is communication with RO easy and effective?
 - Are you able to establish direct contact with RO?
 - Is it easy to submit new evidence?
 - Are you able to promptly determine case status?
 - Does RO provide timely responses when contacted?

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● ● ● | DSI Checklist to monitor:
Reviewing Official (RO)

- Development of the record
 - Does representation result in better development?
 - What steps does RO take to fully develop record?
 - Who does RO use for CEs? The treating physician?
 - Does RO obtain evidence from nonphysician treating sources, e.g., therapists, social workers, etc.?
 - Can evidence be submitted up to time decision is issued?
- RO interactions with the MVES
 - Does requirement to “consult” cause delays?
 - How often does the MVES agree or disagree with the RO?
- Any impact that RO is located in Falls Church, VA, when claimant is in Region I?

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● ● ● | DSI Checklist to monitor:
Reviewing Official (RO)

- These are statistics that SSA should track. But do you have a sense of:
 - Number of represented claimants at RO level?
 - Processing times:
 - RO vs. reconsideration?
 - RO consults with MVES vs. no RO consultation?
 - Allowance rates: RO vs. reconsideration?
 - Change in state disparities?
- **ANY OTHER RO ISSUES TO MONITOR?**

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● ● ● | DSI Checklist to monitor:
ALJ: Submitting New Evidence


- Number of requests and ALJ decision on consideration of new evidence:
 - Within 5 days of hearing
 - After hearing is held, but before decision
 - After ALJ decision is issued
- What happens if ALJ denies request?
 - Does DRB select case for review?
 - Is court case filed to ask for sentence six remand so evidence is considered by SSA?
 - What is court's decision?

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● ● ● | DSI Checklist to monitor:
ALJ: Submitting New Evidence

- How do ALJs interpret:
 - Reasonable possibility that evidence would affect the outcome (new evidence after hearing)?
 - vs.
 - Reasonable probability that evidence would change the outcome (new evidence after decision)?


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DSI Checklist to monitor: ALJ: Submitting New Evidence

- Problems obtaining and submitting evidence because of late representation?
 - Shortly before the hearing?
 - Within 5 days of hearing?
 - After the hearing or after ALJ decision?
- Problems with obtaining evidence from providers?
 - Is the 75-day hearing notice adequate?
- How have ALJs responded to your requests to submit new evidence?


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DSI Checklist to monitor: ALJ Decisions

- Any problems with requirement that ALJs justify disagreeing with ROs?
 - Any sense that this requirement makes it harder for ALJ to allow than to deny?
- Do ALJs give RO decisions and/or MVES findings any special weight?
- **ANY OTHER ALJ-LEVEL ISSUES TO MONITOR?**


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DSI Checklist to monitor: ALJ Dismissals

- Do ALJs act promptly on requests to vacate dismissals?
 - How long does it take for decision?
- Do you detect any change in the rate of dismissals under DSI?
- Is 30-day time limit to request ALJ to vacate order reasonable?
 - What happens if claimant comes in after 30 days?
- Any problems submitting evidence to ALJ to support request to vacate?

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DSI Checklist to monitor: ALJ Dismissals

- What is your experience with the DRB - Does it overrule improper dismissals?
- Any problems submitting evidence to DRB?
- Is the 2000 word limit on written statement reasonable?

Note: These are likely to be the first cases handled by the DRB.


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DSI Checklist to monitor: Decision Review Board

- The DRB will review all ALJ decisions in Region I during the first year of DSI.
- It will be critical to closely monitor the impact of eliminating the claimant's right to appeal to the Appeals Council.
- But it will take much longer than the first year of DSI in Region I to fully evaluate the impact.


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DSI Checklist to monitor: Decision Review Board


- Screening of cases by DRB
 - Detects all issues that arise in ALJ decision
 - Different screening for allowances vs. denials
 - Pay status delayed for ALJ allowances?
 - Is screening accelerated for:
 - Dire need cases?
 - TERI (terminally ill) cases?
 - On-the-record ALJ decisions?
 - Any disparate impact on certain groups of claimants?

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DSI Checklist to monitor: Decision Review Board


- Submitting evidence to the DRB
 - When did you submit evidence? How many days after DRB notice of review?
 - Did you also file a written statement? When was it filed in relation to new evidence?
 - What was DRB decision on new evidence?
 - If claimant came to you after DRB notice:
 - Were you able to promptly obtain a copy of file and hearing recording?
 - Did the DRB grant an extension of time, if requested?



DSI Checklist to monitor: Decision Review Board

- Written statements
 - Does DRB rely on your written statement to detect errors?
 - Is there a pattern of which issues are detected because in written statement, e.g., ALJ bias?
 - 10-day time limit for submitting statement:
 - Is it a fair and reasonable amount of time?
 - What happens if a claimant seeks representation after receiving the DRB notice of review?
 - Are you able to obtain a copy of hearing file and recording promptly?
 - Does DRB give extension of 10 days when appropriate?
 - Is the 2000-word limit reasonable in all cases?


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DSI Checklist to monitor: Decision Review Board

- Composition/selection of DRB panel
 - What is panel composition: ALJs vs. AAJs?
 - Where are ALJs located?
 - Does DRB have any support staff?
- Disposition of cases by DRB
 - What actions are taken by DRB?
 - How often does the DRB disagree with the ALJ?
 - How does DRB handle cases with both factual and legal errors? Does it remand or reverse?


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DSI Checklist to monitor: Decision Review Board

- Court-related statistics:
 - Number of court filings: before DSI and after DSI
 - Increase in pro se filings?
 - Court dispositions:
 - Sentence six voluntary remands
 - Sentence four remands and reversals
 - Sentence six remands for new evidence
 - Affirmances of final SSA decision


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DSI Checklist to monitor: Decision Review Board

- Do new rules on ALJ evidence submission result in more sentence six remands for new and material evidence?
- Is SSA notice clear about time limit for appeal to court?
 - Does SSA send another notice when 90-day DRB review time limit expires re 60 days to file in court?
- **OTHER DRB ISSUES TO MONITOR?**

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DSI Checklist: Issues to Monitor

- Any other issues?
- This document will be posted on the NOSSCR and DLC websites.
- We also expect to change it as DSI implementation continues.
- Please share this with other advocacy groups and disability organizations.

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