



SOCIAL SECURITY

The Commissioner

May 26, 2017

Rebecca A. Womeldorf
Rules Committee Officer
Administrative Office of the
United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Ms. Womeldorf,

The Social Security Administration (SSA) was pleased to learn that the Civil Rules Committee has accepted for consideration the proposal from the Administrative Conference of the United States (ACUS) for uniform procedural rules for Social Security program litigation in district courts (Docket No. 17-CV-D). It is our hope that the Committee will have an opportunity to discuss this proposal at an upcoming meeting and will consider convening a group to examine its merits.

Social Security program litigation is specialized and has a unique procedural posture. To account for this, many Federal courts have adopted local procedural rules that vary considerably from district to district, and sometimes from judge to judge. Variations in local procedural rules regard, for example, whether SSA must file an answer to a complaint, whether the parties must file merits briefs and, if so, the form the briefs must take, and whether oral argument is required. Some districts treat Social Security disability cases as appeals cases, while others employ procedures designed for cases of first impression. As ACUS noted, SSA administers national disability programs, and the use of local procedural rules raises the possibility that similar cases will be treated dissimilarly.

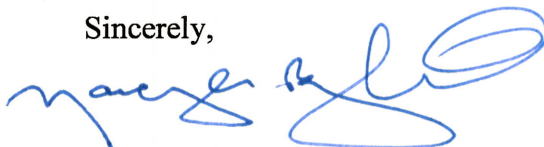
ACUS has, therefore, endorsed the adoption of national rules that would promote efficiency and uniformity in the procedural management of Social Security disability and related litigation, to the benefit of both claimants and the agency. The large volume of Social Security cases makes this issue worthy of the Civil Rules Committee's attention. As the Supreme Court has observed, the Social Security hearing system is probably the largest adjudicative body in the western world. In 2015 alone, SSA's program litigation comprised approximately 7% of district courts' civil dockets, or just over 18,000 cases.

Given these factors, we hope the Civil Rules Committee will consider ACUS's proposal. The Social Security Administration would welcome the opportunity to participate in discussions about the proposal.

If you have questions, please contact me, or your staff may contact Asheesh Agarwal, our General Counsel, at (410) 965-0600.

Thank you again for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy A. Berryhill". The signature is fluid and cursive, with a large loop at the end.

Nancy A. Berryhill
Acting Commissioner of Social Security

cc: Asheesh Agarwal, General Counsel