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July 26, 2018

Nancy A. Berryhill
Acting Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21207

Dear Acting Commissioner Berryhill:

We are writing to follow up on yesterday's Social Security Subcommittee hearing to make clear that the Social Security Administration (SSA) should not proceed with any plans to reinstate reconsideration until a Senate-confirmed Commissioner is in place. Reinstating reconsideration nationwide is a big decision and should only be made by a Senate-confirmed Commissioner.

At the hearing, Members on a bipartisan basis raised serious questions about the decision to reinstate reconsideration at this time. While we agree that Social Security needs a consistent, nationwide appeals process, there is little evidence to show that reconsideration is a meaningful step in the disability appeals process. There is no sense in seeking a nationally-uniform process if the process itself is flawed. Additionally, while reinstating reconsideration will allow some people to be awarded benefits sooner, the vast majority of people ultimately approved for benefits will just have longer wait times. The average wait for a hearing with an Administrative Law Judge is already nearly 600 days. Adding another 100 days by reinstating reconsideration in its current form is simply wrong.

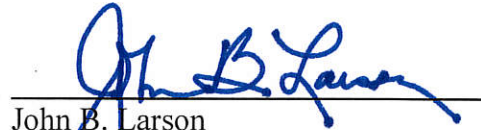
Instead of reinstating reconsideration, the SSA should dedicate its efforts to identifying effective, evidence-based changes that would improve the timeliness and accuracy of disability determinations. We also expect that any significant changes to the adjudication process be made on the basis of solid data and evidence, presented to Congress, which demonstrates that the changes would result in the correct decision – an award of benefits if the individual meets the statutory eligibility criteria – being made earlier in the adjudication process.

We look forward to receiving your response no later than August 3, 2018. Should you or your staff have any questions, please contact Amy Shuart, the Social Security Subcommittee Majority Staff Director, at (202) 225-9263, and Kathryn Olson, the Social Security Subcommittee Minority Staff Director, at (202) 225-4021.

Sincerely,



Sam Johnson
Chairman
Subcommittee on Social Security



John B. Larson
Ranking Member
Subcommittee on Social Security



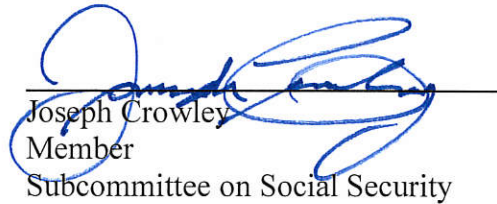
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Member
Subcommittee on Social Security



Bill Pascrell, Jr.
Member
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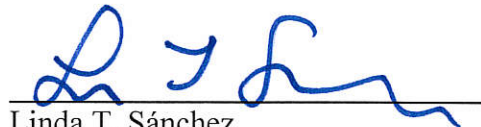
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