

Rule 16.3.1 Review of Decisions by the Commissioner of Social Security

(a) **Applicability.** This rule applies to actions for judicial review that are filed by a single plaintiff, solely against the Commissioner of Social Security, and that raise claims pursuant to 42 U.S.C. § 405(g) and/or § 1383(c)(3) only.

(b) **Initial Process.** When a complaint that falls within the scope of the local rule is docketed by the District Court Clerk's Office, the Court shall issue a Notice of Electronic Filing (NEF) using the Case Management and Electronic Filing (CM/ECF) system, notifying only the complainant, the appropriate Regional Social Security Administration Office of General Counsel and the United States Attorney's Office of the case. No summonses shall issue.

(c) **Inclusion of Social Security Number in Complaint.** All complaints filed pursuant to this rule shall, in accordance with LR 9.1, state the last four digits of Plaintiff's Social Security number. In addition, upon filing the complaint, the full Social Security number of the claimant, or the worker on whose wage record the application for benefits was filed, shall be provided in a written disclosure statement to the United States Attorney's Office via electronic mail at USAOHN.SSACOMPL@usdoj.gov and ogc.ndoh@ssa.gov. Notice of this disclosure shall be filed with the Court and may be made by separate filing or included as an allegation in the complaint. If the plaintiff's application for Social Security benefits was filed on another person's wage-record, that person's Social Security number shall also be included in the complaint.

(d) **Response to Complaint.** The certified administrative record filed by the Social Security Administration shall suffice as the agency's answer to the complaint, and shall be due sixty (60) days after notice of the complaint is sent by CM/ECF pursuant to section (b) above, unless a motion to dismiss is filed.

(e) **Merits Briefing.** The parties shall adhere to the following briefing schedule with respect to the merits of the case:

(1) Plaintiff's merits brief is due within 45 days of the filing of the administrative record.

(2) The Social Security Administration's opposition is due 45 days after Plaintiff's brief is filed.

(3) Plaintiff's reply brief, if any, is due 14 days after defendant's brief is filed. No other briefs or motions are required to be filed for the Court to dispose of the case on its merits.

(4) The brief for plaintiff shall not exceed twenty-five (25) pages. The brief for defendant shall not exceed twenty-five (25) pages. The reply brief shall not exceed ten (10) pages.

(5) All briefing must include references to the administrative record. However, the parties' briefs need not include a separately delineated statement of facts, unless otherwise ordered by the Court.

(f) **Oral Argument.** There will be no oral argument in cases that fall within the scope of this rule unless otherwise ordered by the Court.

(g) **Other Motions.** This rule is not intended to prevent parties from making any other motions that are appropriate under the Federal Rules of Civil Procedure.

(h) **Entry of Judgment.** The Court will enter judgment, in a separate document or docket entry, concurrent with entry of its final order in a case.

(i) **Report and Recommendations.**

(1) In any case assigned to a Magistrate Judge pursuant to Local Rule 72.2(b)(1), the Magistrate Judge should issue a Report and Recommendation within 285 days after the filing of the certified administrative record.

(2) The District Judge assigned to the case should adopt, modify, or overrule the Report and Recommendation of the Magistrate Judge within 105 days of its issuance.

(3) Whenever possible, a quicker resolution is encouraged in order to provide faster relief to the parties and to avoid rendering the case reportable under the Guide to Judiciary Policy Vol. 18, Statistics, Ch. 5, § 540.50

(j) **Magistrate Consent Cases.** In any case where the parties have consented to have a Magistrate Judge decide the case, the Magistrate Judge should issue an opinion deciding the case within 285 days after the filing of the certified administrative record.