

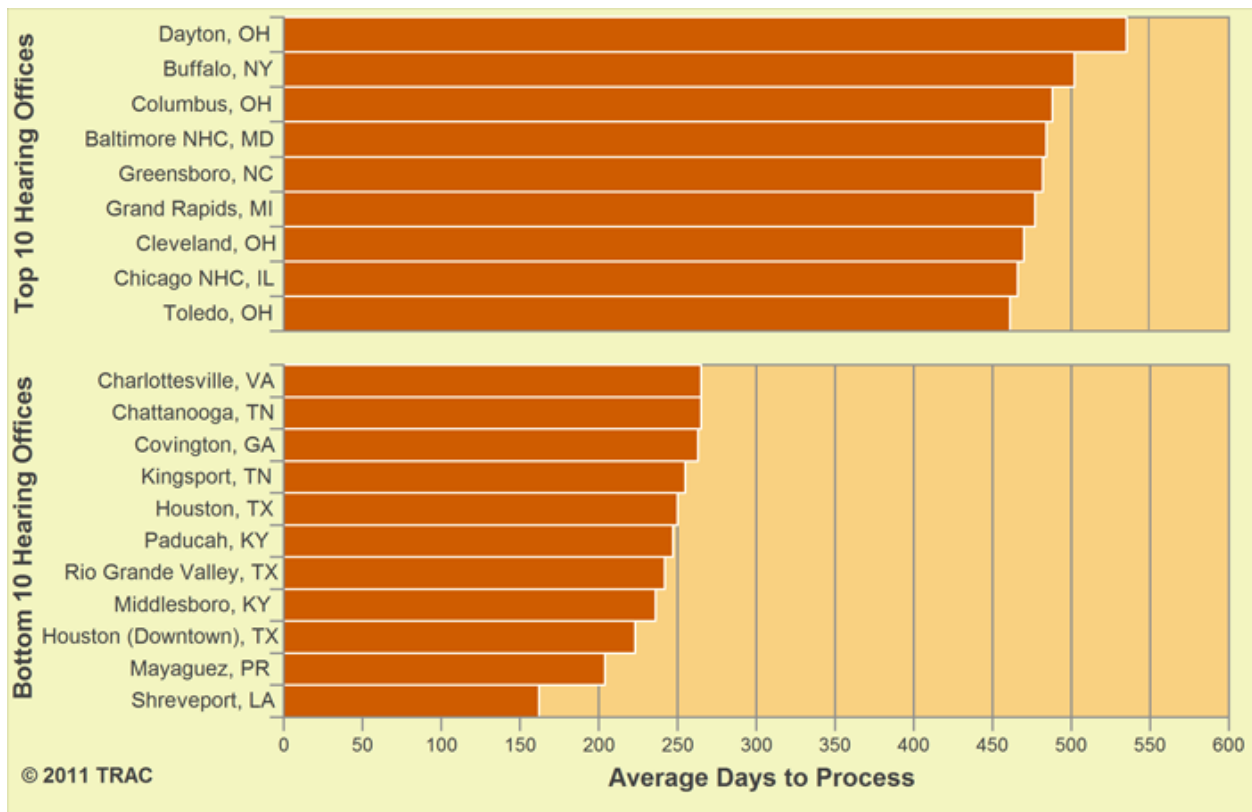
**THE UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF OHIO
EASTERN DIVISION**

)	CASE NO.:
)	
Plaintiff,)	JUDGE JOHN ADAMS
)	
v.)	<u>INITIAL ORDER</u>
)	
)	
)	
)	
Defendant.)	

This Social Security appeal was filed on _____ and automatically referred to Magistrate Judge _____ for the issuance of a Report & Recommendation. Consistent with Local Rule 16.2(a)(2)(D) and Local Rule 72.2, the matter is automatically placed on the Administrative Track. “Administrative Track cases shall be controlled by scheduling orders issued by the Judicial Officer.” Local Rule 16.2(a)(2)(D). The newly revised rule continues “In actions for review of decisions by the Social Security Administration, such orders shall be pursuant to, and in accord with, the provisions of 16.3.1.” That rule seeks to establish deadlines for these matters. Consistent with the Court’s authority to issue scheduling orders, the Court issues this order to govern this matter in compliance with Local Rule 16.3.1.

Recent studies have shown that the length of the administrative appeal process has been reduced from 514 days at its peak in 2008 to roughly 369 days as of June of 2011. At the same time, the overall number of claimants awaiting a hearing has grown due to an influx of new filings. Despite this influx, the Social Security Administration continues its efforts to reach its goal of an average process time of 270 days.

Media reports dating back to April 6, 2010, indicate that the wait for those seeking disability in Ohio are the longest in the nation. Diane Suchetka, *Wait for disability hearings in Ohio is longest in U.S.*, Cleveland Plain Dealer, April 6, 2010, at B1. More recent reports have disputed whether any significant progress has been made to address the backlog of claimants. Lisa Rein, *Progress on disability benefit backlog disputed*, The Washington Post, June 19, 2011, available at, www.washingtonpost.com/politics/progress-on-disability-benefit-backlog-disputed. Moreover, a recent study shows that claimants in Ohio still face significant waits before they receive a hearing on their applications.



Government Falters in Effort to Reduce Massive Backlog of Disability Hearings, available at, <http://trac.syr.edu/tracreports/ssa/253/include/hearingofficeG.html> (last visited on June 27, 2011). As can be seen from the above, four offices within Ohio are amongst the ten offices with the longest wait times for applicants.

Moreover, these delays cause more harm than a simple passage of time. Long delays, such as those currently present on the consent dockets of many of this District’s Magistrate Judges, serve to increase the total amount of *retroactive* benefits to any successful claimant. While on its face this appears to have no financial impact, it in actuality has a very real impact on the claimant. As social security attorneys nearly always enter into agreements that afford them a contingency fee of 25% of any retroactive benefits, each day of delay increases the demand of fees – despite the fact that counsel is taking *no action* during the delay. A timely decision still affords counsel the right to seek hourly fees while also protecting the vulnerable claimant from a loss of benefits through inaction that is beyond his or her control.

Mindful of all of the efforts being made to streamline the administrative process and the ongoing backlog of applications in Ohio and mindful of the need to protect claimants from unnecessary attorney fees, the Court must also take steps to ensure that the review process by this Court is efficient. Accordingly, the Court expects that a Report & Recommendation will be filed in this matter no later than six months from the filing of the transcript and record from the administrative proceeding. Moreover, the Court recognizes that the transcript filing is often delayed through motions for extensions to answer and file briefs. As such, the Court hereby orders that the Report and Recommendation shall be filed in any event no later than **285 days** from the filing of the answer and transcript. Consistent with Local Rule 16.3.1., “[w]henver possible, a quicker resolution is encouraged in order to provide faster relief to the parties[.]”

IT IS SO ORDERED.

Date: _____

/s/ Judge John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT