

### **Rule 16.3.1 Review of Decisions by the Commissioner of Social Security**

~~Pursuant to this Court's authority to issue scheduling orders controlling Administrative Track cases, as provided in Local Rule 16.2(a)(2)(D), and to issue orders governing the powers and duties of Magistrate Judges, as provided in Local Rule 72.1, the following rules should govern the briefing and disposition of reviews of decisions by the actions for judicial review that are filed by a single plaintiff, solely against the Commissioner of Social Security brought under 42 U.S.C. § 405(g).~~

~~(a) Form of Review. A civil action brought to review a decision of the Commissioner of Social Security, and that raise claims pursuant to 42 U.S.C. § 405(g), shall be adjudicated as an appeal pursuant to this rule.) and/or § 1383(c)(3) only.~~

~~(b) Summons 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.~~

~~(b)(c) Inclusion of Social Security Number in Complaint. The plaintiff shall cause the summons and complaint to be served. 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 the defendant in the manner specified by Fed.R.Civ.P.4(i), within twenty one (21) days of the date of filing the complaint with the Clerk of Court. Special, 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 requirements set forth in Local Rule 9.1. The statement to the United States Attorney's Office via electronic mail at USAOHN.SSACOMPL@usdoj.gov and ch.il.ogc.ndohio@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 followed when applicable included in the complaint.~~

~~(e)(d) Answer and Transcript Response to Complaint. The defendant shall serve an answer on plaintiff, and file the answer, together with a certified copy of the transcript of the administrative record, within filed by the Social Security Administration shall suffice as the agency's answer to the complaint, and shall be due sixty (60) days of service after notice of the complaint. is sent by CM/ECF pursuant to section (b) above, unless a motion to dismiss is filed.~~

~~(e) (d) Plaintiff's Brief 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 plaintiff shall file a brief, and serve it upon defendant within thirty (30) days of service of defendant's answer.

(c) Defendant's Brief. Within thirty (30) days after plaintiff's brief is filed, defendant shall file a brief which responds specifically to each issue raised by plaintiff, and shall serve it upon the plaintiff.

(f) Reply Brief. The plaintiff may file a brief in reply to the brief of defendant, and serve it upon defendant within fourteen (14) days of the filing of defendant's brief.

(g) Length of Briefs. The brief for the (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 the defendant shall not exceed twenty-five (25) pages. The reply brief shall not exceed ten (10) pages.

(h) (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.

**(d)(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 two hundred and eighty five (285) days of after the filing of the answer and transcript—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 one hundred and five (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.

~~(e)~~(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 ~~two hundred and eighty five (285)~~ days ~~of~~after the filing of the ~~answer and transcript.~~ certified administrative record.

Effective 1/1/2013.

Last revised 4/5/21. See Historical Notes for full revision history.