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Social Security Newsletter

This is a newsletter of interest to professionals who provide services to potential Social Security disability and SSI claimants. © 2023

October 2023

Federal Courts Limited Role in the Social Security Process

DETERMINING WHETHER A claimant is “totally disabled” is an administrative decision made by Social Security. Since Social Security is based upon federal law there is a role for federal courts in the ultimate decision-making – but it is very limited in scope.

SSDI AND SSI APPLICATIONS are basically administrative decisions, and the decision-maker is the Social Security Commissioner through their Adjudicators, Administrative Law Judges (ALJ) and the Appeals Council.

THE MOST CRITICAL STEP in the decision-making process is the hearing before the ALJ. At that stage, the exhibit record is set. The analysis and findings of the Administrative Law Judge, based upon a review of the evidence present at the hearing, creates the record. With very limited exceptions, medical records and other documentary evidence will not be accepted at the Appeals Council or federal court levels. This is why having a complete and thorough case is critical from the beginning.

IF THE ADMINISTRATIVE LAW Judge denies an application, the next level of appeal is to the Appeals Council which is based in Falls Church, Virginia. This is a paper review. There is no additional testimony taken by the Appeals Council and rarely oral arguments. The claimant or Representative submits a written argument, and the Appeals Council makes a decision to either affirm, modify or remand the Administrative Law Judge’s decision.

THE APPEALS COUNCIL IS supposed to review all the evidence, including the testimony at the hearing. The Appeals Council reverses and awards benefits about 3% of the time, remands back to the ALJ about 14% of the time, and affirms the ALJ decision with the balance of the decisions. This is considered the “final decision” of the Social Security Commissioner.

Want to learn more about this process and how to limit ALJ denials? Contact us for a free in-service training at your location! These often qualify for continuing education units for your team.

IF THE CLAIMANT IS NOT satisfied with the Appeals Council decision, they can sue the Commissioner of Social Security in the appropriate United States District Court. There is a formal Complaint filed against the Commissioner and service of process is made on the government.

THE UNITED STATES DISTRICT Court often delegates these cases to United States Magistrates. The Magistrates reviews the arguments from both the claimant and the United States District Attorney’s office and makes a recommended decision to the U.S. District Court Judge, which is generally adopted.



THE DISTRICT COURT DOES NOT decide the facts, i.e. how bad is the claimant’s pain. The role of the District Court is to determine whether there is “substantial evidence” to support the Commissioner’s decision.

THAT DOES NOT MEAN the most evidence, or the best evidence. The “substantial evidence” rule requires the Judge to determine whether there is evidence which a “reasonable mind” might feel justifies the Commissioner’s decision. Even if the District Court feels the factual decision is wrong, they must affirm the denial if there is reasonable evidence to support the conclusion.

THE DISTRICT COURT REVIEW is quite subjective and often based upon the proclivities of that particular Judge. More conservative courts more frequently find substantial evidence and more often affirm the decisions of the Commissioner. A claimant is limited to filing a District Court action in the district where they live.

NOT EVERY DENIAL by the Appeals Council is appropriate for Federal Court review and the decision should be made by experienced representatives.