

Paul R. Verkuil  
Jeffrey S. Lubbers

*Alternative Approaches to Judicial Review of Social Security Disability Cases*

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Raymond R. Janairo

Due to the aging of baby boomers, a recent economic downturn, changes in agency policy, and pressure from insurance companies to pursue all governmental disability benefits prior to submitting private claims, the Social Security Administration (SSA) will face a tremendous upsurge in claims for assistance. With this rise in claims, there will likely be an increase in appeals to higher levels due to the SSA's denial of benefits. This article seeks to address SSA's and the judicial system's capacity to handle this likely increase in litigation.

The authors of this article aim to evaluate various proposals in the SSA judicial appeals process. After a review of the existing SSA disability review structure, the article discusses various alternatives for judicial review, with either Article I or Article III bases, including proposals for a Social Security Court. The article also discusses the merits and limitations of using a system similar to the Veterans benefits appeal process in a social security context. The authors ultimately recommend an Article I judicial review process. In doing so, the authors assert that SSA's status as an independent agency addresses the independence concerns related to relieving district courts of social security benefits review. The recommendations would still allow for review by courts of appeals in the geographic circuits of the Social Security Court determination. Such review, however, would be limited to legal issues. The article concludes by presenting a number of areas where the SSA could focus on pending a change in the judicial review process.