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Congress of the United States
House of Representatives
Washington, DC 20515-4202

December 6, 2016

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Ms. Sharon Parrott
Associate Director for Education, Income Maintenance and
Labor
Office of Management and Budget
725 17th Street Northwest
Washington, D.C. 20503

Dear Ms. Parrott:

I am writing you regarding the Social Security Administration's (SSA's) proposed rule aimed at improving program uniformity in the hearing and appeals process. I applaud the efforts of SSA to simplify and make this process uniform across the Country.

However, I believe the provision that would require all evidence to be submitted five days prior to a hearing could cause unintended consequences.

As a former criminal court judge, I can understand the time needed by SSA employees to review records, but I feel that this requirement could place an undue burden on applicants.

Medical records and other materials can often be difficult to obtain, and the medical community is not under any statute that requires the release of these records in a timely manner.

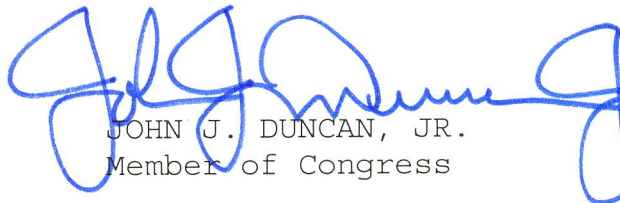
I would be concerned that applicants who are not represented by counsel may not know about this requirement and if they do, they may not have the mental or physical capacity to obtain these records on their own. In addition, economic constraints or lack of access to proper transportation could cause delays in receiving these documents. Although the proposed rule suggests a "good cause" exception in some circumstances, it seems likely that Administrative Law Judges will not uniformly apply

this exception. Furthermore, several other deadlines in the proposed rule—for requesting subpoenas, objecting to issues raised in the hearing notice, and submitting written statements—lack any good cause exceptions.

Again, I appreciate the Administration's efforts to improve the hearing and appeals process in order to help those who need it the most but do not feel that these provisions of the proposed rule will be helpful in achieving SSA's goals. Thank you for your consideration of my comments.

With kindest regards, I am

Yours truly,

A handwritten signature in blue ink, appearing to read "John J. Duncan, Jr.", with a stylized flourish extending to the right.

JOHN J. DUNCAN, JR.
Member of Congress

JJD:dw

Cc: Judy Chesser, Deputy Commissioner, Office of
Legislation and Congressional Affairs, Social Security
Administration