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# Appeals Under the SSI Program: January 1974-August 1976

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This study of appeals under the supplemental security income (SSI) program has several purposes: (1) To describe the appellate process and provide information on those requesting appeals (including reason for eligibility, program status, and age) and (2) to determine the relationship between these characteristics and the decisions at the three stages of the appellate process. About 312,000 reconsideration requests were processed from January 1974 to August 1976. These requests had been filed by adult and child SSI applicants who disagreed with the initial determinations of the Social Security Administration. Disabled persons requested nearly 95 percent of these reconsiderations. Approximately one-third of the applicants whose initial determination was reaffirmed after reconsideration then requested a hearing. Ninety-seven percent of these requests were filed by disabled persons. For those cases in which the earlier decisions were reaffirmed after hearings, 9,300 applicants requested a review by the Appeals Council. Eighty-two percent of these requests were denied.

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The appeals process under the supplemental security income (SSI) program provides three stages of review by the Social Security Administration before a court action may be initiated. Reconsideration, the first stage, is a review of the case by personnel who had no part in the initial determination. A claimant who disagrees with the reconsideration decision may request a hearing before an administrative law judge. If he is dissatisfied with the judge's findings, he may request a review by the Appeals Council. Should the Appeals Council deny his request or reaffirm the hearing decision, the claimant may then institute a civil action in the Federal district court.

## Appellate Process

A formal appeals process is provided by law to assure that applications for SSI payments are considered in an equitable, consistent manner. The procedure enables applicants who have been declared ineligible for SSI payments and recipients for whom reduction of benefits, terminations, or suspensions have been effected or pro-

posed to request a review of the determination within 60 days of notice of the decision.<sup>1</sup>

With one exception, the first step in the appeals process is reconsideration of the initial determination by personnel who had no previous part in the deciding process. Claims involving medical or disability issues are reconsidered by the State disability determination agencies; claims based on nonmedical issues are reconsidered by the Social Security Administration. For recipients whose payments have been discontinued because of medical improvement, the first step in the appeals process is a hearing. Otherwise all appeals must flow through the reconsideration stage.

As a result of a 1970 decision (*Goldberg vs. Kelly*),<sup>2</sup> before benefits are reduced, suspended, or terminated a beneficiary must be given an opportunity to refute the evidence on which the proposed action is based. Payments may continue at the previously established level through the first step of the appeals process.

A claimant who is dissatisfied with the reconsideration

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<sup>1</sup> After December 1975 the time period for requesting reconsideration, hearing, and Appeals Council review was changed to 60 days.

<sup>2</sup> *Jack R. Goldberg, Commissioner of Social Services of New York City vs. Jack Kelly et al.* 397 U.S. 254, 25 L Ed 287, 90 Sct 1011 (62). Decided March 23, 1970.

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determination has a specific number of days to request a hearing before an administrative law judge (30 days before January 1976, 60 days thereafter). Hearings are usually held in the regional offices of the Bureau of Hearings and Appeals (BHA), but they may be held elsewhere. An appellant has a right to appear at the hearing and to present evidence or to be represented by an attorney or other qualified individual. He may, on the other hand, waive an oral hearing. In such cases, the judge renders a decision based on evidence already on record plus any additional evidence that is obtained or submitted. Even if the claimant waives the right to appear, he may change his mind and appear in person or be represented. The judge, either upon his own motion or at the request of the appellant, may summon witnesses to testify at the hearing.

The hearing request can be dismissed if the appellant withdraws his request or if he or his representative does not appear at the hearing without showing good cause. The administrative law judge may, under certain circumstances, dismiss the request either entirely or in part.<sup>3</sup>

The administrative law judge may remand a hearing request to the appropriate social security office for a revised determination if new and material evidence has been received or if a change in the law or regulations or a new precedent would permit a finding favorable to the appellant.

If the earlier decision is upheld, the appellant may request review by the Appeals Council within a specified period (30 days before January 1976, 60 days thereafter).<sup>4</sup> The request must be written and filed with the social security district office, the administrative law judge, or the Appeals Council. The Council may grant or deny the request for review. If the Appeals Council reviews the case it may, at its discretion, permit the appellant either to appear in person or to be represented at the hearing.

The Appeals Council may on its own motion within a specific number of days review a decision made by an administrative law judge. (This time period changed from 30 days to 60 days effective December 15, 1976.) This review is designed to assure that the earlier decisions are consistent and equitable. The Appeals Council can affirm, modify, or reverse a decision or remand the case to the administrative law judge for further examination.

<sup>3</sup> The appellant may have filed prematurely before the initial determination has been reconsidered; he may not have filed the request within the proper time without showing good cause for the delay; or, he may have died before the hearing date. In such cases the earlier decision may be final.

<sup>4</sup> The Director and Deputy Director of BHA serve as the Council chairman and deputy chairman for the 13 other working members, who are attorneys and who serve different geographic areas. The Council also has an advisory component on medical issues.

**Table 1.**—Number and percentage distribution of cases appealed under SSI program, by level of review and type of decision, January 1974–August 1976

Level of review and type of decision	Number				
	Total	Adults			Blind and disabled children
		Aged	Blind	Disabled	
Reconsideration.....	312,036	15,577	1,054	284,567	10,838
Affirmation.....	222,970	10,964	612	203,424	7,970
Reversal.....	88,453	4,486	437	80,686	2,844
Denial of request..	613	127	5	457	24
Hearing.....	61,325	1,465	183	58,524	1,153
Affirmation.....	21,787	748	74	20,327	638
Reversal.....	30,757	575	78	29,769	335
Dismissal <sup>1</sup> .....	8,781	142	31	8,428	180
Appeals Council....	9,307	152	25	8,954	176
Affirmation.....	850	24	2	808	16
Reversal.....	164	13	1	145	5
Dismissal <sup>2</sup> .....	617	26	3	573	15
Denial of request..	7,676	89	19	7,428	140
	Percentage distribution				
Reconsideration....	100.0	100.0	100.0	100.0	100.0
Affirmation.....	71.5	70.4	58.1	71.5	73.5
Reversal.....	28.3	28.8	41.5	28.4	26.2
Denial of request..	.2	.8	.5	.2	.2
Hearing.....	100.0	100.0	100.0	100.0	100.0
Affirmation.....	35.5	51.1	40.5	34.7	55.3
Reversal.....	50.2	39.2	42.6	50.9	29.1
Dismissal <sup>1</sup> .....	14.3	9.7	16.9	14.4	15.6
Appeals Council....	100.0	100.0	100.0	100.0	100.0
Affirmation.....	9.1	15.8	8.0	9.0	9.1
Reversal.....	1.8	8.5	4.0	1.6	2.8
Dismissal <sup>2</sup> .....	6.6	17.1	12.0	6.4	8.5
Denial of request..	82.5	58.6	76.0	83.0	79.6

<sup>1</sup> Includes 44 cases remanded and 2 returned for modification.

<sup>2</sup> Includes 4 cases remanded.

A claimant who has exhausted all his stages of recourse and is still dissatisfied with the Council's decision may file a civil action in the U.S. District Court within 60 days. Any findings of fact by the Secretary of Health, Education, and Welfare, if supported by substantial evidence, are conclusive.<sup>5</sup>

## Reconsiderations

From January 1974 to August 1976, requests for 312,000 reconsiderations were processed (table 1). Approximately 90 percent (285,000) were filed by disabled adult applicants and recipients of SSI payments. Of the remainder, 16,000 requests were filed by aged persons, 11,000 by blind or disabled children, and 1,000 by blind adults.

The high proportion of reconsiderations filed by disabled adults is consistent with the number and ratio of disabled applicants found ineligible for SSI payments. A study of the 1974–75 experience shows that 953,000

<sup>5</sup> Before January 1, 1976, the Social Security Act provided that the decision of the Secretary as to any fact was final and conclusive and not subject to court review.

**Table 2.**—Number and percentage distribution of reconsideration cases under SSI program, by program status and type of decision, January 1974–August 1976

Program status and type of decision	Total	Adults			Blind and disabled children
		Aged	Blind	Disabled	
Total					
Total number...	312,036	15,577	1,054	284,567	<sup>1</sup> 10,838
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	71.5	70.4	58.1	71.5	73.5
Reversal.....	28.3	28.8	41.5	28.4	26.2
Denial of request...	.2	.8	.5	.2	.2
Transferees from State programs					
Total number...	35,522	6,378	421	28,652	71
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	73.5	73.7	73.2	73.5	74.7
Reversal.....	26.1	26.9	26.1	26.2	23.9
Denial of request...	.4	.4	.7	.3	1.4
New awardees					
Total number...	276,514	9,199	633	255,915	10,767
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	71.2	68.1	48.0	71.3	73.5
Reversal.....	28.6	30.8	51.7	28.6	26.3
Denial of request...	.2	1.1	.3	.1	.2

<sup>1</sup> Includes 113 blind children.

percent of the total in 1974, 75 percent in 1975, and 80 percent in 1976.

### Outcome of Reconsiderations

The decisions were reversed in favor of the claimant in approximately 28 percent of the cases reconsidered between January 1974 and August 1976. Seventy-one percent of the initial decisions were affirmed after reconsideration.<sup>7</sup>

The reversal rate among blind adults was the highest of all categories—41 percent. The total number of cases, however, was relatively small. For aged and disabled adults, the reversal rate was 28 percent; for blind and disabled children, 26 percent.

### Program Status

In January 1974, when the SSI program began operations, persons who were receiving payments under programs for old-age assistance, aid to the blind, and aid to the permanently and totally disabled (APTD)

<sup>7</sup> A request for reconsideration is denied if the claimant or his representative requests reconsideration of a matter that was not the subject of the initial determination or if the request is filed after the time limit expires and no good cause is shown.

**Table 3.**—Number and percentage distribution, by age, of adults requesting reconsideration of initial determination, 1974–76, under SSI program and of SSI recipients, December 1976

Age	Total	Aged	Blind	Disabled
Adults requesting reconsiderations, 1974–76				
Total number...	301,198	15,577	1,054	284,567
Total percent...	100.0	100.0	100.0	100.0
18–21.....	2.6		3.5	2.8
22–29.....	10.5		13.9	11.1
30–39.....	14.1		13.9	14.8
40–49.....	22.6		15.2	23.8
50–59.....	31.6		24.6	33.3
60–64.....	11.4		13.5	12.1
65–74.....	4.5	48.4	9.9	2.1
75 and over.....	2.7	51.6	5.5	( <sup>1</sup> )
SSI recipients, December 1976				
Total number...	4,082,811	2,147,697	71,480	1,863,634
Total percent...	100.0	100.0	100.0	100.0
18–21.....	1.9		3.3	3.9
22–29.....	5.5		13.3	11.6
30–39.....	5.1		9.4	10.8
40–49.....	6.8		11.9	14.4
50–59.....	12.8		18.7	27.4
60–64.....	9.2		12.7	19.7
65–74.....	30.2	46.5	17.0	11.9
75 and over.....	28.6	53.5	13.6	.3

<sup>1</sup> Less than 0.05 percent.

applications for SSI payments were denied.<sup>6</sup> Of these, almost 685,000 had been filed by adults alleging disability. The denial rate for disability applicants was 45 percent, compared with 16 percent and 14 percent, respectively, for aged and blind adults. The difference may be explained by comparing the eligibility criteria for each category.

Income, resources, and proof of age requirements may not be difficult to establish for the aged. For a disabled applicant, however, the determination of eligibility involves income and resources plus a medical decision on the nature and degree of the disability. State agencies must decide whether a disorder will continue to be disabling, determine the residual capacity to engage in substantial gainful activity, and assess the potential for acquiring skills in a new occupation.

The proportion of disabled persons is increasing among all SSI applicants. In 1974, 2.2 million applications were filed; in 1976, the number dropped to 1.3 million. Applicants alleging disability represented 60

<sup>6</sup> For further details, see Lenna Kennedy and Satya Kochhar, **Denials Under the Supplemental Security Income Program, January 1974–July 1975** (Research and Statistics Note No. 26), Office of Research and Statistics, Social Security Administration, 1976.

**Table 4.**—Number and percentage distribution of blind and disabled children requesting reconsideration of initial determination under SSI program, by type of decision and age, January 1974–August 1976

Age	Total number <sup>1</sup>	Percentage distribution, by type of decision		
		Total	Affirmation	Reversal
Total.....	10,838	100.0	73.5	26.2
Under 5.....	1,025	100.0	68.2	31.8
5-9.....	2,239	100.0	73.8	26.1
10-14.....	3,264	100.0	75.3	24.3
15-17.....	2,173	100.0	73.4	26.4
18 and over.....	2,137	100.0	73.2	24.4

<sup>1</sup> Includes reconsideration requests denied.

under Federal-State assistance programs were brought under the new program.<sup>8</sup>

One out of 10 persons whose claims were reconsidered from January 1974 to August 1976 had received payment under one of the earlier State programs<sup>9</sup> (table 2). Since they had become SSI recipients, reconsideration of their cases could be based only on post-entitlement changes (income, resources, living arrangements, or disability).

Eighteen percent of the persons requesting reconsideration who had been transferred from the earlier programs were aged. Among the new applicants—those who first applied for SSI payments in January 1974–August 1976—the proportion of aged persons was only 3 percent. In a study of the 1974–75 experience of the aged, the data confirm that their initial claims were denied less frequently than those of the disabled. Among the aged, the reasons for denial may be less subject to dispute.

For persons in all categories except blind adults, whether or not the individual was transferred from another program seems to have had little effect on reconsideration decisions. The overall reversal rate was slightly higher for new applicants requesting reconsideration than for those who were transferred from existing programs—29 percent, compared with 26 percent. For blind adults, however, among new applicants—a small group numerically—the reversal rate was

<sup>8</sup> Under the APTD program, children under age 18 were ineligible for assistance; disabled students aged 18–21 did receive benefits. The SSI program provides payments to disabled persons regardless of age.

<sup>9</sup> Persons coming on the APTD rolls after June 30, 1973, had to meet Federal eligibility criteria for new applicants for SSI payments. If they applied for APTD, SSI criteria were used; if they would not have qualified for SSI, it did not mean they were not on the APTD rolls. The data here include some of these persons, even though they did not meet the criteria. Payments to these individuals continued from January 1974 until a disability determination could be completed and notice of termination sent.

twice that for transferees (52 percent and 26 percent, respectively).

## Age

The age distribution of disabled individuals requesting reconsideration parallels that for the entire disabled adult SSI population in December 1976. One-third of the disabled adults requesting reconsideration were in the group aged 50–59, compared with one-fourth of all disabled SSI recipients (table 3). The relationship between age and reversal rates is similar to that for workers claiming disability benefits under the social security program in fiscal year 1975, as the following tabulation shows.

Age	Percent of reconsideration cases reversed among—	
	Disabled adults under SSI, 1974–76	Disabled workers under OASDI, fiscal year 1975
Total.....	28.4	34.0
Under 40.....	27.2	27.8
40-49.....	22.3	26.2
50-59.....	30.0	35.4
60 and over.....	41.1	48.4

Under both programs, reversal rates rise with advancing age. Reversal rates among disabled adults under SSI in the study period, however, were lower in all age groups than for OASDI disabled-worker claimants in fiscal year 1975. Under both programs, primary consideration is given to the severity of the impairment. If the severity does not warrant a finding of disability, vocational factors such as age, education, and work experience are included in evaluating whether the impairment prevents the appellant from engaging in substantial gainful activity.

Among blind and disabled children, reversal rates (26 percent) were somewhat lower than those for adults requesting reconsideration (table 4). For children under age 5, the reversal rate was 32 percent.

## Hearings

Approximately 1 out of 3 persons whose reconsideration result was unchanged requested a hearing. Action was completed on 61,000 requests (table 5).<sup>10</sup> Ninety-five percent of these requests came from disabled adults. About 1,400 requests were initiated by aged persons, 1,100 by blind and disabled children, and 180 by blind adults.

<sup>10</sup> The total number of hearings is understated since this figure includes only two-thirds of the actual affirmations. See the technical note on page 30.

**Table 5.**—Number and percentage distribution of hearings under SSI program, by program status and type of decision, January 1974–August 1976

Program status and type of decision	Total	Adults			Blind and disabled children
		Aged	Blind	Disabled	
Total					
Total number...	61,325	1,465	183	58,524	1,153
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	35.5	51.1	40.5	34.7	55.3
Reversal.....	50.2	39.2	42.6	50.9	29.1
Dismissal <sup>2</sup> .....	14.3	9.7	16.9	14.4	15.6
Transferees from State programs					
Total number...	10,012	611	91	9,297	13
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	37.9	48.3	42.9	37.1	38.5
Reversal.....	48.4	42.5	41.8	48.9	46.1
Dismissal <sup>2</sup> .....	13.7	9.2	15.4	14.0	15.4
New awardees					
Total number...	51,313	854	92	49,227	1,140
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	35.1	53.0	38.0	34.3	55.5
Reversal.....	50.5	36.9	43.5	51.2	28.9
Dismissal <sup>2</sup> .....	14.4	10.1	18.5	14.5	15.6

<sup>1</sup> Includes 13 blind children.

<sup>2</sup> Includes 44 cases remanded and 2 returned for modification.

### Outcome of Hearings

Hearings resulted in a reversal of the earlier decision in half the cases; in 35 percent the earlier decision was upheld. About 14 percent of the hearing requests were dismissed.<sup>11</sup>

The hearing reversal rates for aged and blind adults were similar—39 percent and 43 percent, respectively. For disabled adults the reversal rate was 50 percent.

### Program Status

About one-sixth of the appellants had been transferred from the existing State programs. The reversal rate among such cases was similar to the rate for applicants for SSI payments after January 1974—about half. The proportion of aged persons transferred from the existing programs who requested hearings was higher than among new awardees—6 percent of the total, compared with 2 percent.

### Age

Advancing age correlates with the reversal rate as it did with the reconsideration rate (table 6). One-third

<sup>11</sup> This group includes 8,735 denied requests, 44 remands, and 2 cases sent back for modification.

of the blind and disabled adults requesting hearings were in the group aged 50–59. Their reversal rate was 53 percent. The reversal rate for blind and disabled adults in the next age group—60–64—was 57 percent.

Disability and age together, however, have a greater effect than does age alone. For the disabled aged 65 and over the reversal rate was 55 percent; for appellants aged 65 and over who were not disabled, the proportion was 39 percent.

### Representatives at Hearings

For persons representing SSI appellants at hearings, data are available only for fiscal year 1977. In that year, attorneys represented 16 percent of claimants at hearings involving SSI only; nonattorneys represented 15 percent. In contrast, among disabled appellants in the old-age, survivors, and disability insurance (OASDI) program, 34 percent had attorneys and 8 percent were represented by nonattorneys. The amount of an attorney's fee must be approved by the Social Security Administration, but the method of payment differs for each of the programs. For OASDI cases, an attorney

**Table 6.**—Number and percentage distribution of adults requesting hearings under SSI program, by type of decision and age, January 1974–August 1976

Age	Total number	Percentage distribution, by type of decision			
		Total	Affirmation	Reversal	Dismissal <sup>1</sup>
Total					
Total.....	60,172	100.0	35.1	50.6	14.3
18–21.....	821	100.0	32.4	49.6	18.0
22–29.....	4,939	100.0	35.0	45.0	20.0
30–39.....	8,494	100.0	37.2	45.7	17.1
40–49.....	15,553	100.0	36.0	50.1	14.0
50–59.....	21,540	100.0	34.3	52.8	12.9
60–64.....	6,458	100.0	30.6	56.8	12.6
65–74.....	1,646	100.0	41.6	47.1	11.2
75 and over.....	721	100.0	49.1	41.3	9.6
Aged					
Total.....	1,465	100.0	51.1	39.2	9.7
65–74.....	799	100.0	51.9	37.5	10.3
75 and over.....	666	100.0	50.0	41.3	8.7
Blind and disabled					
Total.....	58,707	100.0	34.8	50.8	14.4
18–21.....	821	100.0	32.4	49.6	18.0
22–29.....	4,939	100.0	35.0	45.0	20.0
30–39.....	8,494	100.0	37.2	45.7	17.1
40–49.....	15,553	100.0	36.0	50.1	14.0
50–59.....	21,540	100.0	34.3	52.8	12.9
60–64.....	6,458	100.0	30.6	56.8	12.6
65 and over <sup>2</sup> .....	902	100.0	32.3	55.3	12.5

<sup>1</sup> Includes 44 cases remanded and 2 returned for modification.

<sup>2</sup> Represents 14 blind adults and 833 disabled adults aged 65–74, and 8 blind adults and 47 disabled adults aged 75 and over.

**Table 7.**—Number and percentage distribution of Appeals Council review cases under SSI program, by program status and type of decision, January 1974–August 1976

Program status and type of decision	Total	Adults			Blind and disabled children
		Aged	Blind	Disabled	
Total					
Total number...	9,307	152	25	8,954	176
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	9.1	15.8	8.0	9.0	9.1
Reversal.....	1.8	8.5	4.0	1.6	2.8
Dismissal.....	6.6	17.1	12.0	6.4	8.5
Denial of request....	82.5	58.6	76.0	83.0	79.6
Transferees from State programs					
Total number...	1,399	43	12	1,343	1
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	11.5	7.0	8.3	11.8	.....
Reversal.....	2.4	14.0	16.7	2.0	.....
Dismissal.....	8.7	2.3	16.7	8.8	100.0
Denial of request....	77.4	76.7	75.0	77.4	.....
New awardees					
Total number...	7,908	109	13	7,611	175
Total percent...	100.0	100.0	100.0	100.0	100.0
Affirmation.....	8.7	19.3	15.4	8.5	9.1
Reversal.....	1.6	6.4	.....	1.6	2.9
Dismissal.....	6.3	22.9	7.7	6.0	8.0
Denial of request....	83.4	51.4	76.9	83.9	80.0

<sup>1</sup> Includes 4 cases remanded.

may be paid directly by the Social Security Administration where a decision on disability favors the appellant. The attorney may receive up to 25 percent of the back benefits. Under the SSI program, no provision is made for direct payment of the attorney's fee.

### Appeals Council Review

During the study period, about 9,300 cases were reviewed by the Appeals Council (table 7). More than 80 percent of the requests for review were denied, and 7 percent were dismissed. Favorable decisions were granted in only 2 percent of these appeals.

About 15 percent of the cases reviewed by the Appeals Council were for persons transferred from State programs. For this group the percentage of denied appeals was lower than that for new SSI applicants—77 percent, compared with 83 percent.

### Analysis of Outcome by State

To examine the consistency in type of decisions made at reconsiderations, hearings and Appeals Council

reviews are compared for each State. The nature of the determinations at different stages of the appeals process by each State differed. Their dispersion pattern, however, was close to the normal distribution.

### Reconsiderations

The mean of the State reversal rates for persons requesting reconsideration was 28.1 percent, with a standard deviation of 5.2 (table 8). Rates in two-thirds of the States were within one standard deviation of the mean, a pattern of variability similar to that in a normal distribution. The percentage of reversals for all persons requesting reconsideration ranged from 17.2 percent in New Hampshire to 45.9 percent in Alaska (table 9). In seven States, 33.3 percent or more of the reconsidered cases resulted in reversal of the original decision; eight States had rates below 22.9 percent.

### Hearings

For persons who requested hearings, the mean of the State reversal rates (50.6 percent) was higher than that for reconsideration requests and the standard deviation was also greater, 7.6. These rates ranged from 24.4 percent to 64.1 percent, with eight States below 43.0 percent and seven States above 58.2 percent (table 10). The dispersion pattern, by State, is similar to that for reconsideration requests.

For dismissals of requests the mean of the State percentages was 14.8 percent, with a standard deviation of 4.6. The State dismissal rates ranged from 7.0 percent to 30.8 percent, with seven States above 19.4 percent and 10 States below 10.2 percent.

### Review

For denials of requests for Appeals Council review the mean was 89.0 percent with a standard deviation of

**Table 8.**—Mean and standard deviation of State percentage distribution of cases appealed under SSI program, by level of review and type of decision, January 1974–August 1976

Level of review and type of decision	Mean <sup>1</sup>	Standard deviation
Reconsideration:		
Affirmation.....	71.7	5.2
Reversal.....	28.1	5.2
Hearing:		
Affirmation.....	34.5	6.3
Reversal.....	50.6	7.6
Dismissal <sup>2</sup> .....	14.8	4.6
Appeals Council:		
Affirmation.....	8.8	5.5
Reversal.....	2.1	4.1
Denial of request <sup>3</sup> .....	89.0	7.2

<sup>1</sup> Average of State percentages.

<sup>2</sup> Includes 44 cases remanded and 2 returned for modification.

<sup>3</sup> Includes 617 cases dismissed and 4 remanded.

7.2. Denial rates ranged from 58.3 percent to 95.5 percent (table 11). The dispersion is almost identical with those for the reversals at the reconsideration stage and for the reversals and dismissals at the hearing level.

## Technical Note Source and Limitation of Data

The data for the appellate study that were obtained from the SSI case control system have two limitations.

**Table 9.**—Number and percentage distribution of reconsideration cases under SSI program, by type of decision and State, January 1974–August 1976

State	Total			Aged			Blind and disabled					
	Total number <sup>1</sup>	Percentage distribution, by type of decision		Total number <sup>2</sup>	Percentage distribution, by type of decision		Adults			Children		
		Affirmation	Reversal		Affirmation	Reversal	Total number <sup>1</sup>	Affirmation	Reversal	Total number <sup>2</sup>	Affirmation	Reversal
Total <sup>3</sup>	312,036	71.5	28.3	15,577	70.4	28.8	285,621	71.4	28.4	10,838	73.5	26.2
Alabama	10,254	73.7	26.3	335	70.7	29.0	9,518	73.6	26.3	402	76.9	23.1
Alaska	133	53.4	45.9	4	75.0	25.0	127	52.3	46.9	4		
Arizona	2,306	67.7	33.0	90	61.1	37.8	2,157	68.1	31.8	59	66.1	32.2
Arkansas	5,998	77.4	22.5	261	64.0	35.2	5,495	78.2	21.7	242	75.4	25.2
California	44,157	70.4	29.5	2,322	69.3	30.5	40,644	70.5	29.4	1,191	69.3	30.5
Colorado	2,077	71.8	28.2	39	66.7	33.3	2,010	72.1	27.9	28	60.7	39.3
Connecticut	2,119	74.3	25.6	49	63.3	36.7	1,860	72.3	27.7	210	95.2	4.8
Delaware	422	67.8	32.2	22	54.5	45.5	390	68.5	31.5	10	70.0	30.0
Dist. of Col.	551	66.1	33.8	21	61.9	33.3	527	66.4	33.6	3	33.3	66.7
Florida	11,849	72.4	27.5	487	71.5	28.3	11,066	72.4	27.6	296	74.0	26.0
Georgia	10,749	68.4	31.5	286	78.0	21.3	10,169	68.3	31.6	294	62.9	36.7
Hawaii	393	79.9	19.8	42	81.0	19.0	349	79.7	20.1	4		
Idaho	871	73.8	26.2	41	78.0	22.0	795	73.1	26.9	35	85.7	14.3
Illinois	12,790	74.1	25.6	384	61.2	38.0	12,185	74.6	25.9	221	69.7	29.9
Indiana	4,159	68.6	31.0	257	72.0	26.5	3,818	68.1	31.6	84	82.1	17.9
Iowa	1,699	63.3	36.0	142	55.6	40.8	1,507	63.4	36.1	50	80.0	20.0
Kansas	1,316	70.2	29.6	66	71.2	28.8	1,225	70.3	29.6	25	64.0	36.0
Kentucky	9,008	79.2	20.8	372	70.2	29.8	8,250	79.7	20.3	386	77.7	22.3
Louisiana	10,737	68.2	31.6	296	74.3	24.3	9,760	67.8	32.0	681	70.9	28.8
Maine	1,658	75.8	23.9	112	75.9	24.1	1,496	76.3	23.5	50	62.0	38.0
Maryland	3,780	67.7	31.9	98	67.3	29.6	3,625	67.8	31.8	57	61.4	38.6
Massachusetts	6,944	77.8	21.8	715	81.0	17.6	6,133	77.4	22.4	96	83.3	15.6
Minnesota	1,910	69.3	30.3	178	53.4	44.9	1,675	70.4	29.1	57	86.0	14.0
Mississippi	6,357	69.4	30.6	181	74.0	26.0	5,781	68.6	31.3	395	77.7	22.3
Missouri	5,092	65.8	33.9	316	66.5	32.6	4,690	65.7	34.1	86	70.9	29.1
Montana	780	73.1	26.8	26	76.9	23.1	741	72.6	27.3	13	92.3	7.7
Nebraska	1,060	73.7	26.1	57	66.7	33.3	992	74.1	25.7	11	72.7	27.3
Nevada	728	70.1	29.5	43	72.1	27.9	671	69.9	29.7	14	71.4	28.3
New Hampshire	372	82.8	17.2	9	77.8	22.2	353	82.4	17.6	4		
New Jersey	7,304	60.4	39.2	573	70.9	28.1	6,484	59.0	40.7	247	72.5	27.5
New Mexico	2,145	76.3	23.7	57	61.4	38.6	2,008	76.8	23.2	80	75.0	25.0
New York	34,071	73.3	26.2	3,444	82.3	17.0	28,960	72.6	27.1	1,667	68.5	30.7
North Carolina	7,978	70.7	29.2	212	61.3	38.2	7,576	70.9	29.0	190	71.6	28.4
North Dakota	527	73.2	26.6	62	51.6	48.4	418	75.4	24.4	47	83.0	17.0
Ohio	11,783	69.0	30.8	470	63.2	36.0	10,843	68.9	30.9	470	76.6	23.4
Oklahoma	4,632	64.5	35.3	131	58.8	40.5	4,389	64.7	35.1	112	64.3	34.8
Oregon	3,002	72.7	27.0	83	48.2	49.4	2,831	73.7	26.1	88	64.8	35.2
Pennsylvania	14,385	72.7	27.0	584	58.4	39.7	12,961	73.0	26.8	840	78.5	21.5
Rhode Island	732	80.7	19.1	12	41.7	58.3	675	80.7	19.1	45	91.1	8.9
South Carolina	5,819	72.7	27.1	174	64.9	34.5	5,484	72.8	27.1	161	78.9	21.1
South Dakota	594	77.6	21.9	60	55.0	41.7	452	77.7	22.1	82	93.9	6.1
Tennessee	9,500	74.2	25.7	298	61.4	38.3	8,834	74.7	25.5	368	74.2	25.8
Texas	17,947	68.0	31.9	767	65.8	32.7	16,444	67.9	32.0	736	73.1	26.9
Utah	605	66.3	33.4	20	55.0	34.0	578	67.0	32.7	7	42.9	57.1
Vermont	779	76.9	22.7	74	77.0	23.0	690	77.0	22.2	15	73.3	20.0
Virginia	8,975	73.7	26.1	427	57.1	41.5	8,335	74.6	25.3	213	72.3	27.7
Washington	3,183	74.1	25.8	96	67.7	31.3	3,033	74.3	25.6	54	74.1	25.9
West Virginia	4,333	74.0	25.8	192	59.4	37.5	3,986	74.4	25.6	155	82.6	17.4
Wisconsin	4,091	69.2	30.6	246	60.2	39.4	3,720	69.6	30.2	125	76.0	24.0
Wyoming	271	75.6	23.6	7	85.7	14.3	299	74.9	24.3	4		
Unknown	146	88.4	11.6	2	50.0	50.0	140	88.6	11.4	4	100.0	

<sup>1</sup> Includes 1,054 blind adults.

<sup>2</sup> Includes 613 cases where request for reconsideration was denied.

<sup>3</sup> Includes 113 blind children.

<sup>4</sup> Percentages not shown to avoid disclosure of information on particular individuals.

**Table 10.—Number and percentage distribution of hearings under SSI program, by type of decision and State, January 1974–August 1976**

State	Total					Blind and disabled adults and children				
	Total number	Percentage distribution, by type of decision				Total number	Percentage distribution, by type of decision			
		Total	Affirmation	Reversal	Dismissal <sup>1</sup>		Total	Affirmation	Reversal	Dismissal <sup>1</sup>
Total.....	61,325	100.0	35.5	50.2	14.3	59,860	100.0	35.1	50.4	14.4
Alabama.....	2,335	100.0	40.5	47.9	11.6	2,297	100.0	40.2	48.1	11.8
Alaska.....	34	100.0	23.5	55.9	20.6	34	100.0	23.5	55.9	20.6
Arizona.....	494	100.0	28.1	50.4	21.5	481	100.0	27.9	50.7	21.4
Arkansas.....	1,975	100.0	27.4	59.9	12.7	1,937	100.0	27.2	60.0	12.9
California.....	8,481	100.0	32.2	50.5	17.3	8,179	100.0	31.5	50.8	17.7
Colorado.....	734	100.0	27.7	53.1	19.2	730	100.0	27.5	53.2	19.3
Connecticut.....	279	100.0	44.8	24.4	30.8	277	100.0	44.4	24.5	31.0
Delaware.....	71	100.0	33.8	59.2	7.0	67	100.0	31.3	61.2	7.5
Dist. of Col.....	73	100.0	35.6	41.1	23.3	73	100.0	35.6	41.1	23.3
Florida.....	2,455	100.0	38.6	51.4	9.9	2,409	100.0	38.2	51.8	10.0
Georgia.....	2,450	100.0	36.1	54.6	9.3	2,422	100.0	35.8	54.9	9.3
Hawaii.....	79	100.0	36.7	48.1	15.2	76	100.0	36.8	50.0	13.2
Idaho.....	218	100.0	28.4	56.9	14.7	213	100.0	27.7	57.3	15.0
Illinois.....	1,744	100.0	36.5	46.7	16.9	1,712	100.0	36.1	46.9	17.0
Indiana.....	625	100.0	34.7	52.2	13.1	611	100.0	33.8	52.9	13.3
Iowa.....	298	100.0	35.6	48.3	16.1	283	100.0	34.6	49.5	15.9
Kansas.....	295	100.0	25.8	64.1	10.2	287	100.0	25.1	64.8	10.1
Kentucky.....	2,312	100.0	33.3	56.0	10.7	2,276	100.0	32.8	56.5	10.7
Louisiana.....	2,477	100.0	38.6	46.9	14.5	2,445	100.0	38.4	47.0	14.6
Maine.....	332	100.0	35.5	47.9	16.6	324	100.0	36.4	46.9	16.7
Maryland.....	1,974	100.0	31.4	49.8	19.8	1,961	100.0	31.4	49.0	19.6
Massachusetts.....	1,288	100.0	43.9	39.0	17.1	1,187	100.0	40.7	41.4	17.9
Michigan.....	1,315	100.0	36.0	47.1	16.9	1,301	100.0	36.0	47.0	17.0
Minnesota.....	241	100.0	37.8	48.1	14.1	230	100.0	37.4	48.3	14.3
Mississippi.....	1,389	100.0	37.3	51.0	11.7	1,359	100.0	37.2	51.2	11.6
Missouri.....	1,114	100.0	33.6	53.8	12.7	1,078	100.0	33.2	53.9	12.9
Montana.....	194	100.0	25.3	57.7	17.0	190	100.0	25.3	57.9	16.8
Nebraska.....	282	100.0	27.7	62.8	9.6	276	100.0	27.5	62.7	9.8
Nevada.....	127	100.0	28.3	53.5	18.1	123	100.0	27.6	53.7	18.7
New Hampshire.....	80	100.0	47.5	42.5	10.0	78	100.0	48.7	41.0	10.3
New Jersey.....	875	100.0	43.7	40.1	16.2	839	100.0	43.4	40.0	16.6
New Mexico.....	629	100.0	26.4	63.8	9.9	622	100.0	26.4	63.7	10.0
New York.....	4,385	100.0	37.6	44.0	18.4	4,196	100.0	36.7	44.6	18.7
North Carolina.....	1,688	100.0	41.4	45.9	12.7	1,665	100.0	41.4	45.8	12.8
North Dakota.....	119	100.0	20.2	60.5	19.3	112	100.0	18.8	61.6	19.6
Ohio.....	1,535	100.0	38.0	44.4	17.5	1,505	100.0	37.9	44.7	17.5
Oklahoma.....	839	100.0	46.8	41.6	11.6	825	100.0	47.3	41.0	11.8
Oregon.....	689	100.0	33.2	54.3	12.5	676	100.0	33.0	54.3	12.7
Pennsylvania.....	2,784	100.0	32.3	58.0	9.7	2,726	100.0	32.1	58.2	9.7
Rhode Island.....	155	100.0	41.3	45.2	13.5	155	100.0	41.3	45.2	13.5
South Carolina.....	1,463	100.0	41.8	47.0	11.2	1,434	100.0	42.1	46.7	11.2
South Dakota.....	149	100.0	35.6	52.3	12.1	142	100.0	35.2	52.8	12.0
Tennessee.....	2,270	100.0	32.9	57.8	9.3	2,247	100.0	32.8	58.0	9.3
Texas.....	3,742	100.0	42.0	40.6	17.4	3,663	100.0	41.9	40.5	17.6
Utah.....	225	100.0	32.0	47.1	20.9	221	100.0	32.1	47.5	20.4
Vermont.....	134	100.0	43.3	38.1	18.7	131	100.0	44.3	37.4	18.3
Virginia.....	1,898	100.0	28.6	61.6	9.9	1,857	100.0	28.3	62.0	9.6
Washington.....	593	100.0	33.7	51.3	15.0	578	100.0	33.9	51.0	15.1
West Virginia.....	705	100.0	32.5	56.9	10.6	686	100.0	32.5	56.7	10.8
Wisconsin.....	586	100.0	33.8	56.7	9.6	569	100.0	33.0	57.1	9.8
Wyoming.....	72	100.0	22.2	55.6	22.2	71	100.0	22.5	54.9	22.5
Unknown.....	25	100.0	60.0	28.0	12.0	24	100.0	62.5	25.0	12.5

<sup>1</sup> Includes 44 cases remanded and 2 returned for modification.

The first relates to the discrepancy between the number of hearings and Appeals Council cases reported by BHA and the number obtained from the SSI case control system. The Bureau reported completed action for 85,700 hearings and 12,100 Appeals Council cases during fiscal years 1974–76. This period includes the dates of the appellate study, January 1974–August 1976. The comparable figures in the SSI case control

system are lower, however: 61,300 hearings and 9,300 Appeals Council cases.

Data on hearings and Appeals Council decisions were transmitted by BHA for annotation to the SSI case control system. At the start of the SSI program, however, periodic interruptions in the annotation process created a backlog. Apparently, not all hearings and Appeals Council cases decided during fiscal years



**Table 11.**—Number and percentage distribution of Appeals Council review cases under SSI program, by type of decision and State, January 1974–August 1976

State	Total number	Percentage distribution, by type of decision			
		Total	Affirmation	Reversal	Denial of request <sup>1</sup>
Total	9,307	100.0	9.1	1.8	89.1
Alabama	480	100.0	11.3	1.5	87.3
Alaska	<sup>2</sup> 3	100.0			
Arizona	57	100.0	14.0	1.8	84.2
Arkansas	271	100.0	9.6	1.1	89.3
California	1,160	100.0	8.1	1.7	90.2
Colorado	75	100.0	12.0	1.3	86.7
Connecticut	54	100.0	9.3	1.9	88.9
Delaware	4	100.0		25.0	75.0
District of Columbia	<sup>2</sup> 4	100.0			
Florida	366	100.0	10.7	1.1	88.3
Georgia	377	100.0	9.8	2.4	87.8
Hawaii	<sup>2</sup> 6	100.0			
Idaho	<sup>2</sup> 20	100.0			
Illinois	274	100.0	7.3	.4	92.3
Indiana	99	100.0	12.1	2.0	85.9
Iowa	39	100.0	7.7	2.6	89.7
Kansas	23	100.0	13.0	1.9	87.0
Kentucky	366	100.0	3.8	.8	95.4
Louisiana	445	100.0	11.2	2.9	85.8
Maine	44	100.0	6.8	2.3	90.9
Maryland	313	100.0	9.9	1.6	88.5
Massachusetts	194	100.0	12.9	2.1	85.1
Michigan	222	100.0	5.9	.5	93.7
Minnesota	39	100.0	15.4	5.1	79.5
Mississippi	284	100.0	9.5	.7	89.8
Missouri	205	100.0	6.8	2.4	90.7
Montana	18	100.0	5.6		94.4
Nebraska	<sup>2</sup> 26	100.0			
Nevada	22	100.0	4.5		95.5
New Hampshire	10	100.0	10.0		90.0
New Jersey	134	100.0	15.7		84.3
New Mexico	69	100.0	14.5	2.9	82.6
New York	391	100.0	6.9	3.3	89.8
North Carolina	317	100.0	7.3	2.5	90.2
North Dakota	<sup>2</sup> 6	100.0			
Ohio	277	100.0	12.6	.7	86.6
Oklahoma	208	100.0	12.5		87.5
Oregon	85	100.0	9.4	1.2	89.4
Pennsylvania	276	100.0	4.0	1.8	94.2
Rhode Island	33	100.0	18.2	3.0	78.8
South Carolina	297	100.0	9.4	2.4	88.2
South Dakota	<sup>2</sup> 4	100.0			
Tennessee	379	100.0	5.3	1.8	92.9
Texas	754	100.0	11.3	1.9	86.9
Utah	39	100.0	15.4		84.6
Vermont	12	100.0	25.0	16.7	58.3
Virginia	240	100.0	9.6	4.6	85.8
Washington	67	100.0	6.0	1.5	92.5
West Virginia	94	100.0	8.5	1.1	90.4
Wisconsin	113	100.0	8.0	1.8	90.3
Wyoming	5	100.0	20.0		80.0

<sup>1</sup> Includes 617 cases dismissed and 4 remanded.

<sup>2</sup> Percentages not shown to avoid disclosure of information on particular individuals.

1974–76 were recorded in the SSI system by August 1976 when the study file was prepared.

For a portion of the discrepancy, a specific explanation is available. No record of the mandatory hearing stage exists for 8,720 Appeals Council cases in the SSI system.<sup>12</sup> Because a request for Appeals Council review means that an earlier unfavorable decision has been affirmed, the missing hearing-stage records of these cases must have indicated an affirmation of the previous decision. Therefore, to arrive at the actual number of cases affirmed at hearings, the Appeals Council cases with no hearings-stage records should be added to the 21,787 hearings affirmations that are recorded.

The second limitation of the appellate study file is that the data do not distinguish between cases based on denials of the initial application for SSI payments and those based on postentitlement action. The latter group of cases is composed of the SSI recipients whose payments were reduced, suspended, or terminated or for whom such changes had been proposed.

Furthermore, this study of SSI appeals presents data on the outcome of reconsiderations, hearings, and Appeals Council reviews, as well as the characteristics of claimants. The data available are cross-sectional and do not permit sequential analysis of the appeals process. Specific cases have not been followed through the three appellate stages.

### Analysis of Outcome by State

The means and measures of dispersion among States given in table 9 for the percentage distribution presented in tables 10, 11, and 12 are computed as follows:

$$\bar{X} = \frac{1}{51} \sum_{i=1}^{51} X_i$$

where  $X_i$  is the percent affirmation, reversal, dismissal, or denial of request, whichever is relevant, corresponding to the  $i^{\text{th}}$  State,  $i = 1, 2, \dots, 51$  (50 States and the District of Columbia)

$$\sigma = \sqrt{\frac{1}{51} \sum_{i=1}^{51} (X_i - \bar{X})^2}$$

<sup>12</sup> Of the 8,720 Appeals Council cases, 2,760 also lacked a record of reconsideration action.