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Case consultation help for advocates

SSA Posts Instructions to ALJs on Clark v Astrue

The Social Security Administration has posted on its website instructions to Administrative Law Judges (ALJ) and other ODAR personnel with regards to applying the agency's new policy with regard to probation and parole warrants to all pending appeals.

The instructions are similar to those contained in EM-11032 issued last month which instructed SSA field offices that pursuant to the decision in Clark, benefits would no longer be suspended or denied solely on the basis of a warrant for an alleged violation of probation or parole.

Anyone who has an appeal pending at the ALJ stage at which this is the only issue should request an on the record decision and attach a copy of the Chief Judge Bulletin.

While these two sets of instructions should resolve the issue for everyone with a currently pending claim, they do not apply to the tens of thousands of class members who may ultimately be entitled to retroactive relief since the court has not yet ruled on the relief to be awarded to the class.

In the meantime, anyone whose benefits were suspended or denied on or after October 24, 2006 because of a probation or parole warrant should be sure that the Social Security Administration has their current address so that they will receive notice of any potential relief.

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