

Comment on Proposed ACUS Recommendation: Selection of Administrative Law Judges

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Preamble:

On line 10, instead of “Each certificate generally had three applicants”--substitute “had, for each opening, three applicants”

The reason I suggest this is that when SSA hired ALJs they did it in large groups (as large as 100, for example). In such instances, my understanding is that OPM would give them a list of the top 300.

On lines 15-16, substitute: ALJs were removed from the "competitive service" and were instead placed in what is known as the “excepted service.”...

This wording would make clear that it is the EO that specifically did this.

On lines 32-33, Instead of “does not address the substantive hiring criteria”--substitute “recommend any particular hiring criteria”

I suggest this because in the following sentence, some substantive criteria are “addressed” in the sense that a list of them that “might” be included is given.

Recommendation 2:

At the end of the recommendation (lines 67-68), substitute “importance of the impartiality, independence, and neutrality of ALJs (and the public’s perception thereof)”

As worded, it sounds like agencies should only be concerned with appearances and not the actuality.

Recommendation 3:

Line 72--"If used, such panels...."

Line 75--"If required, such writing samples...."

The changes would make clear that we think these tools (panels and writing samples) are completely discretionary.