

8 Ways a Remote Hearing Impacts the Client Experience

In response to the pandemic-related closure of all Social Security offices and transitioning employees to remote work in March of 2020, Social Security Disability (SSDI) hearings were only being scheduled remotely – to be completed either over the phone or on Microsoft Teams (Teams). The impacts of COVID-19 remain uncertain, and nearly two years later, remote hearings have become the norm and have ensured that the Social Security Administration (SSA) could continue scheduling and completing hearings without delay. SSA recently announced that in-person hearings will be scheduled again in a very limited capacity for critical cases only starting in early 2022, but no information is available regarding if or when the general population will be able to schedule in-person hearings. Because the process of preparing for and participating in remote hearings is unique, we have compiled this list of eight noteworthy ways that remote hearings have impacted the client experience.

1 Claimants must find a quiet, private location to participate in their hearing

Due to the confidential nature of disability hearing proceedings, claimants must find a private location to participate in their phone or Teams hearing. This can prove difficult for some claimants who may be unable to relocate or maintain privacy in tight living quarters with family members. If claimants still try to complete hearings while out in public or in the presence of family members or friends, the Administrative Law Judge may choose to halt the proceedings or postpone the hearing until the appropriate conditions are met.

2 Clients who are hard of hearing have a more difficult time participating in remote hearings

Many claimants who are hard of hearing may struggle with phone hearings and are best served by in-person meetings where they have better opportunities to read lips, body language, and tone. Teams provides a teletypewriter option for claimants who are deaf, who experience speech difficulties, or who are hard of hearing, and, while this is a better option than phone hearings for most, a reliable computer, tablet, or smart phone with a secure internet connection is required to utilize this feature. If these conditions cannot be met, the hearing may be postponed until it can be conducted in person so the claimant can fully participate. Since Social Security's timeline for resuming in-person hearings is highly subjective, hard of hearing claimants may be left waiting for quite a while – and therefore will spend additional months without the benefits they need.

3 Claimants are required to sign additional paperwork for a remote hearing to be scheduled

Social Security sends a letter entitled "COVID-19 Public Health Emergency Hearing Changes/Covid-19 Remote Hearing Options" to all claimants with applications pending at the hearing level. Claimants must sign and return this letter, which requests that they agree to conducting their hearing via either phone or Teams. If claimants refuse to sign because they want an in-person hearing, no definitive timeline can be provided regarding when it may be possible to have an in-person hearing. This can prove frustrating for claimants who have already been waiting several months or years for an SSDI award and want the experience of an in-person hearing to present their case to the judge.

4 Technology issues can disrupt the hearing proceedings and claimant wait times

Technology and resource challenges can further complicate the process of conducting remote hearings, presenting challenges that do not typically impact in-person proceedings. Some common issues include participants having challenges connecting to the call and difficulties getting necessary information on record due to failed recording technology. In cases where an earlier hearing runs long for an ALJ, a claimant may be left waiting for a call at home with no information about what is causing the delay.

5 Claimants may feel angry or disappointed over missing the opportunity for an in-person hearing

While most claimants welcome the remote hearing option and understand that this approach is standard practice now, the initial months of transitioning to remote hearings were quite challenging for many claimants who had already been waiting many months – possibly years – with the expectation of an in-person hearing. Some claimants simply prefer the option of presenting their case to a judge in person, where they can provide direct testimony regarding the challenges they face in their daily life because of their disability(ies). Claimants who insist on having an in-person hearing are educated about the remote hearing process and reminded that the wait for an in-person hearing will likely be significant due to the unpredictable nature of the ongoing pandemic; if a claimant evaluates and reconsiders their choice, a remote hearing can be requested.

6 Stress is eased for claimants who may have difficulty traveling to an in-person hearing

While there are clearly many reasons why remote hearings may add strain or frustration to the SSDI process, some claimants are thankful for the ability to complete hearings remotely from the comfort of their home. Some physical disabilities leave claimants unable to walk long distances, drive, or take public transportation. Such limitations leave them dependent on help from friends or family to leave the house, and thus make traveling to a hearing office difficult. Additionally, claimants struggling with mental health conditions like severe anxiety or agoraphobia are now able to participate in their hearing more comfortably. This helps claimants have a more positive overall hearing experience and allows them to keep a clearer head while answering questions posed by the ALJ.

7 Remote hearings have helped reduce wait times for a hearing to be scheduled

Remote hearings have allowed SSA to significantly decrease the time it takes to schedule an SSDI hearing and SSA has continued to decrease the national backlog of claimants awaiting a hearing date. Since the pandemic began, Brown & Brown Absence Services Group has seen a significant reduction in the time it takes SSA to schedule hearings for claimants with a pending Request for Hearing (RFH) on file. In 2021, 54% of Brown & Brown Absence Services claimants received a hearing date within six months of filing the RFH – compared to 20% in 2020, and just 4% in 2019. SSA had already been working through an existing plan to decrease the pandemic backlog through the CARES Act, but the transition to remote hearings as a pandemic response has undoubtedly had a significant influence as well.

8 Claimants have some additional control over their hearing experience.

Before the COVID-19 pandemic began, disability hearings were held in person, with only occasional exceptions. While some claimants may still strongly prefer to have an in-person hearing, the transition to remote hearings has given claimants some additional control over the type of experience they have. For example, an agoraphobic claimant who may have been previously unable to obtain an exemption from in-person proceedings can now specifically request a phone hearing. Additionally, more ALJs are allowing claimants to have a support person present with them during hearings that are taking place remotely due to the increased challenges claimants may face using the technology or handling anxiety brought about by the hearing.