

Suspension of FedRO

Impact and procedures at the ODAR Hearing Office level

Timing of Changes to DSI

- No new appeals to the Federal Reviewing Official (FedRO) will be processed beginning on March 23, 2008
- Appeals pending at FedRO on March 22, 2008 will continue to be adjudicated by FedRO
- Proper appeal path is based on the date the case is transferred on appeal of the initial determination (not the date of application). → could have request for
- For paper cases, FedRO will use date of transfer in MCS/MSSICS to determine whether the case will continue to receive FedRO review.

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FR review also
prior to 3/23
but if not
transferred
by 3/23 it goes
to DOS
for
recon

DSI

- DSI is not ending
- This change only affects the appeal process after the initial determination by DDS
- All other DSI procedures remain in effect, including 90-day scheduling, 75-day notice of hearing, and closing of the record

Appeal Rights as of 3/23/08

- Claimants in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont may request reconsideration of an initial denial and may request a hearing following a reconsideration denial
- Claimants in New Hampshire (Prototype) may request a hearing before an ALJ following an initial denial
- The suspension of FedRO does not affect the procedures for DRB review or the right to appeal to District Court.
- Expect to see a significant number of cases where a request for FedRO review is being treated as a request for reconsideration or ALJ hearing.
- These changes may result in cases becoming EDCS exclusions depending on timing.

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Impact of FedRO Suspension

- Minimal impact on hearing office case handling procedures.
- CPMS will provide data indicating appeal path followed
- DGS/FIT will be modified to reflect impact of FedRO suspension
- CPMS disposition screen will be modified

CPMS D-1