

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



SOCIAL SECURITY PLAN

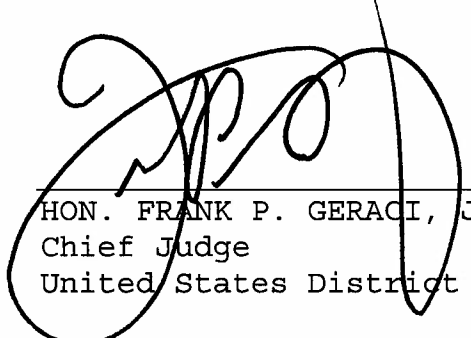
Effective January 1, 2021

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

ADOPTION OF SOCIAL SECURITY PLAN

It is so ordered that this Social Security Plan, as originally adopted on April 25, 2018, shall apply to civil actions filed pursuant to 42 U.S.C. § 405 (g) pending or commenced on and after the Effective Date, except as otherwise indicated herein.



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court

I. INTRODUCTION

Since 2014, the Western District of New York ("the District") has experienced an unprecedented and dramatic increase in the annual number of Social Security appeals filed. The historical annual average of Social Security appeals filed in the District has increased sixfold since then. No other district in the nation has been impacted as greatly as this District.

In order to proactively address the increase in the number of Social Security appeals filed in the District, and to ensure their timely and efficient resolution, the Court investigated the issue and prepared a "Report on the Crisis Caused by the Dramatic Increase in Social Security Appeals" dated April 16, 2018. On April 25, 2018, the judges of the United States District Court for the Western District of New York (the "Court") unanimously adopted the Report's recommendations and they went into effect on July 1, 2018.

Since that time, the recommendations implemented by the Court, with additional enhancements, have proven useful in addressing the Court's caseload of Social Security appeals. The Social Security Plan (the "Plan") memorializes the Court's procedure for managing its pending Social Security appeals.

II. SCOPE

The Plan applies to civil actions commenced under the Social Security Act (the "Act") by an individual seeking federal court review of a final administrative decision of the Commissioner of Social Security (the "Commissioner") pursuant to 42 U.S.C. § 405(g) and under other sections of the Act that incorporate the judicial review procedures of 42 U.S.C. § 405(g) by reference. The Plan does not apply to any other action, such as actions that include claims against the Commissioner in addition to, or other than, those brought pursuant to 42 U.S.C. § 405(g), actions that include multiple plaintiffs or a class action, or actions that are brought against a party other than the Commissioner.

III. OVERVIEW

In order to ensure the timely and efficient resolution of all pending Social Security appeals, the following measures have been implemented:

- A. **Unassigned Social Security Pool.** A single district-wide pool of unassigned Social Security appeals has been created in the District. All Social Security appeals filed in the District are placed into the pool upon filing.
- B. **Case Assignments.**
1. Social Security appeals are periodically assigned from the pool to all District and Magistrate Judges, including active and senior/recall Judges, regardless of whether the appeal was filed in the Buffalo or Rochester courthouse.
 2. Social Security appeals are no longer referred from District Judges to Magistrate Judges.
 3. To allow for an efficient distribution of Social Security appeals among the District and Magistrate Judges and to facilitate the prompt resolution of these cases, the Commissioner and counsel for a majority of the Social Security plaintiffs in the District have each executed a Memorandum of Understanding ("MOU"), pursuant to which counsel and the Commissioner, on behalf of their respective clients, have agreed to consent to the jurisdiction of a Magistrate Judge in any Social Security appeal filed pursuant to 42 U.S.C. § 405(g).
 4. In any case where counsel for all parties have each executed a MOU, the consent of the parties is approved without further Court Order upon the assignment or reassignment to a Magistrate Judge.
 5. Any case not subject to a MOU is assigned to a District Judge, unless a unanimous consent to the jurisdiction of a Magistrate Judge has been filed.
 6. Social Security appeals are distributed based upon the number of law clerks assigned to each District Judge and Magistrate Judge. Recall Magistrate Judges are assigned Social Security appeals consistent with their recall mandate.
- C. **Additional Resources.** The Court will utilize available programs provided by the Federal Judiciary, including,

but not limited to, the appointment of recall Magistrate Judges, or national law clerk resources, to assist with the District's Social Security caseload.

IV. PLAN ADMINISTRATION

- A. **Staffing**. The District's Social Security Administrative Attorney will coordinate the implementation of the Plan.
- B. **Social Security Information and Guidelines**. Information about the Plan and the Court's Local Rules related to procedures in Social Security appeals is available at <http://www.nywd.uscourts.gov/> and at the Clerk's Office of the Court.
- C. **Reporting**. Periodically and at the request of the Chief Judge, the Social Security Administrative Attorney shall provide statistical reporting on the status and progress of the Plan.
- D. **Plan Review**. The Social Security Administrative Attorney shall provide an annual review of the Plan and, if necessary, recommend modifications to the Plan for consideration by the judges of the District. At the discretion of the Chief Judge, a committee may be formed with members of the bar and/or public to evaluate the Plan.
- E. All inquiries about the Plan should be directed to:
Social Security Administrative Attorney
U.S. District Court
100 State Street
Rochester, New York 14614
Telephone: (585)613-4027
E-mail: natalia_reinstein@nywd.uscourts.gov