

Comment from Public Member Russell R. Wheeler on *Quality Assurance Systems in Agency Adjudication*  
November 2, 2021

1-8 The word “issues” appears five times in this eight-line paragraph. Consider changing “issues” on line 4 to “mistakes” and to “problems” at line 5.

17 Suggest changing “expertise” to “ability”. “Expertise” can promote accuracy (line 18) but not necessarily impartiality. Perhaps “expertise and judgment”?

21 Substitute “matters” for “issues”.

24 Consider reducing the Recommendation’s one textual footnote to none by adding, after “requirements” “such as the statutory prohibition against rating the job performance . . . incentive”.

28 Does “issue reports” mean “publish” or “prepare for internal use”?

30 Should the preamble answer this question, which might come, if not from an agency official, then from a reporter on the federal agency beat: “What happens if [just as an example] a QA person finds, in reviewing a final decision, that that a pro se claimant was entitled to \$725/month rather than \$275 as awarded?”

40 I vote “YES” to the marginal suggestion.

44 Suggest replacing the second “quality assurance” with “such”.

47 Vote “NO” on the combining suggestion, “YES” on the deletion.

54 “accurately address the facts”: Does “address” mean “find” or “state/summarize”?

58 “outcomes of decisions subject to . . . review” does not necessarily mean appellate decisions (all “decisions [that are] subject to review” may not necessarily get reviewed). Would it be more precise to say simply “Reviewing decisions of appellate and judicial review bodies may . . .” and, at line 60, change “these outcomes” to “reversed or remanded decisions” and change “issues across . . . programs” to “all adjudications”?

72 I understand the wording of ¶9—benefit to the agency—but could the idea be retained but the paragraph shortened by changing “Agencies that assign personnel to” to “Personnel who” and similarly at 76-77?

88 “impractical” is more precise than “inefficient”.

92 Consider combining b and c—two types of sampling.

99 I appreciate the point of new (?) ¶12, but does it lose the caution in the earlier draft, viz., “Agencies should ensure that the case selection does not have the effect of improperly influencing adjudicators’ decision making”—which the report explained at p. 13? In other words, if case selection might have that effect, should the Recommendation deal with it head on?

112 What is the antecedent of “it”—“systems” or “data”? If the latter, consider whether data, by themselves, can achieve anything. Perhaps “ensure that the data allow the assessments that the systems were designed to provide”.

128 Insert “, consistent with Paragraph 10,”?

138 Two avoid two “address”es in the same line, perhaps change the first “address” to “consider”.

144 As far as I can tell, this is the first appearance of “the public” in this Recommendation. To whom does “the public” refer—the general public, specific publics? What does the Recommendation contemplate as to public release of results? ¶23 refers only to rules and instruments.

149 Is this basically a recommendation to release aggregate case filing/processing/disposition data? That’s a good idea but the paragraph is unclear as to how making that information would facilitate QA analysis. The reference to “best practices in this area” is ambiguous. I suspect the idea is that outside organizations could use case processing data to evaluate one aspect of quality, i.e., quality docket management.