

Comment from Liaison Representative William Funk on *Improving Timeliness in Agency Adjudication*
November 8, 2023

I have some proposed edits.

Line 3, delete "Congress or" and line 4, delete "legislative or". Reason: Congress does not adjudicate cases and cases are not adjudicated by legislation, and this sentence is an explanation why adjudication is sometimes placed in executive agencies. It's agencies or courts; those are the choices.

Line 8, purely stylistic: delete "availability of" and substitute "added time of possible". Reason: the point is that judicial review can further delay a final adjudication, and I think my phraseology better captures that idea.

Line 189, delete "when required" and substitute "as appropriate". Reason: as phrased it would seem that agencies should coordinate with the President /only/ when required, but there may be situations when it is not required but it may be a good idea. "As appropriate" would cover both circumstances.

Lines 214-215, purely stylistic: move the phrase "Early in and at key points throughout the adjudication process," to the beginning of the sentence. Reason: I think it reads better.

Lines 221-224, substantive issue: As written, SSA could publicly disclose average processing times nationwide, as could the Corps of Engineers for 404 permit requirements, while the average processing times could vary significantly from one field or regional office to another. I don't think the recommendation should try to spell out the specifics of disaggregation, but I think it should ask agencies to consider what might be appropriate disaggregation. For example, adding a sentence: "Agencies should consider whether and to what extent the above information should also be disclosed with respect to subentities of the agency."

Bill Funk