

Comment from Senior Fellow Jerry L. Mashaw on *Quality Assurance Systems in Agency Adjudication*
October 26, 2021

On a quick reading I have one general comment: It seems to me that a major question in QA design is the level of adjudication targeted or emphasized. The report reads as if the major focus is at the ALJ or AJ level. But, at least at SSA the critical level is state agency examiners, where most decisions are made—the vast majority are not appealed. For unappealed cases—all grants and most denials—QA is the only quality check available. I would be surprised if this did not characterize other high volume adjudication systems. I should think it advisable to emphasize this design consideration.

Jerry L. Mashaw
Sterling Professor of Law Emeritus and Professorial Lecturer
Yale University