

***The American Association of  
Social Security Disability Consultants***

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January 10, 2009

Mr. Michael J. Astrue, Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235

Re: The Destruction and Alteration of Consultant Opinions, Opinions  
Created Under Duress and "Doctor Shopping"

Dear Commissioner Astrue,

Since my August 24, 2008 letter to you regarding this subject, I have received letters from Ms. Linda McMahon and Ms. Ruby Burrell indicating that they are not aware of any substantial destruction of consultant opinions or of the other problems which I mentioned. They also indicated that the Social Security Administration has a "robust records management program" with an effective audit trail. Nevertheless, we have evidence that the problems which we mentioned have continued and are not rare, and have learned of another incident of the destruction of a consultant opinion without his or her knowledge or consent just within the last week. Any audit trail which may exist appears to be ineffective in detecting and dealing with these problems.

Sorely lacking on the part of the Social Security Administration has been a clear commitment to implementing and maintaining a records management system in which documents placed in records are preserved permanently, as in almost every legal and medical institution in the United States. Also lacking is a commitment to discouraging the pressuring of consultants in the formation of their opinions. These commitments should be stated in the *Code of Federal Regulations*, the *Program Operations Manual System*, and the *Hearings, Appeals and Litigation Law Manual* and included in the training of administrators, examiners and consultants. Consultants should not have to demonstrate any particular frequency of these problems in order for the Social Security Administration to make such a commitment.

Having expressed the concerns of our Association, and being confident that at some point you will agree that effectively addressing those concerns is the proper course to take, we shall now direct our attention to working with the Social Security Administration to improve the disability determination process in other ways. Knowing our mutual interest in improving the disability determination process, we look forward to working with you, Ms. McMahon, Ms. Burrell and others of the Social Security Administration.

Sincerely yours,

Alan L. Cowles, M.D., Ph.D.  
President