

EXHIBIT 5



Mark Betancourt <mark.betancourt@gmail.com>

SSA-2023-005046, Information and Status Pertaining to Your FOIA Request, September 20, 2023

Mark Betancourt <mark.betancourt@gmail.com>
To: ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>

Tue, Oct 3, 2023 at 2:16 PM

Hello FOIA Team,

This is in response to your September 20, 2023 email regarding my request SSA-2023-005046 (that email is included below). I am potentially amenable to reasonable modifications of the request, based on my understanding of how the agency stores the disposition data.

Is the agency able to provide fiscal-month-to-fiscal-month ALJ disposition data for the entire timeframe (January 1, 2006 through the present) using a separate case tally for each judge for each individual fiscal month (not in the form of a running year-to-date total as it is formatted on the public website)?

For example, could the agency provide:

Fiscal month January-February: 3 allowances, 5 denials
Fiscal month February-March: 4 allowances, 3 denials

rather than

Fiscal month January-February: 3 total allowances for the year, 5 total denials for the year
Fiscal month February-March: 7 total allowances for the year, 8 total denials for the year

If so, I am willing to modify the request to seek data in this form for the entire timeframe (January 1, 2006 through the present). If this is not possible due to how the data is stored, please explain how the data is stored and I will modify my request accordingly.

Thanks very much,
Mark Betancourt
520.245.2794

----- Forwarded message -----

From: <noreply@foia.ssa.gov>

Date: Wed, Sep 20, 2023 at 1:25 PM

Subject: SSA-2023-005046, Information and Status Pertaining to Your FOIA Request, September 20, 2023

To: <mark.betancourt@gmail.com>

Dear Mark Betancourt:

This email concerns your February 23, 2023 Freedom of Information Act (FOIA) request for a copy of hearings completion data from the Social Security Administration's (SSA) Case Processing and Management System (CPMS) for all administrative law judges (ALJ) for the January 2006 to present time period by calendar month. You request the following information on each ALJ:

- 1) judge name
- 2) hearing office
- 3) region
- 4) total dispositions
- 5) total AJL dispositions across all offices
- 6) decisions
- 7) awards
- 8) denials

- 9) fully favorable, and
- 10) partially favorable.

In your request, you further advise that you seek the same data posted on the agency's website at https://www.ssa.gov/appeals/DataSets/03_ALJ_Disposition_Data.html, but broken down monthly rather than annually over the specified span of time.

Please know that during the records search process, we learned that SSA does not maintain the CPMS data you request by calendar month as SSA does not have a business need to do so. Additionally, calendar month data cannot be reconciled with any existing public facing ALJ disposition data. Rather, SSA maintains the data by fiscal month (i.e., a fiscal month begins on the last Saturday of a given month and ends on the last Friday of the subsequent month). Additionally, a substantial portion of the CPMS data (i.e., ALJ disposition data) that you request is available by fiscal month, beginning with September 2010, on SSA's public facing website at Archived Public Data Files ([ssa.gov](https://www.ssa.gov)). Not included on the website is each ALJ's region, or fiscal month data for the time period of January 2006 through August 2010.

Given this additional information, we are reaching out to determine if you would like us to pull the CPMS data you requested by fiscal month for the time period that is not publicly available. If you modify the time period, we will adjust the fee accordingly and issue a revised fee notice. If you do not wish to continue your request, we will destroy the payment information you previously provided.

Your reply is requested within 10 business days, or by close of business, **October 3, 2023**. If we have not heard from you by October 3, 2023, we will try to contact you again via email. If we have not heard from you as of close of business October 17, 2023, we will close your request.

Lastly, you emailed the FOIA Public Liaison mailbox on September 8, 2023 for an estimated completion date of your request, pursuant to 5 U.S.C. § 552(a)(7)(B)(ii) of the FOIA. Once you advise us of how you would like us to proceed with your request, we will be better able to estimate a completion date. We apologize for the delay in processing your request; however, we have experienced delays in our review process because of our transition to a new FOIA case management system. Additionally, as we previously advised in our August 4, 2023 status correspondence, there are multiple layers of review that your request must go through before it can be released in final. We appreciate your patience as we continue to address your FOIA request.

Please do not reply directly to this email correspondence. If you need to correspond with us regarding your FOIA request, please send your correspondence to FOIA.Public.Liaison@ssa.gov. The FOIA Public Liaison mailbox was created to assist the public with their FOIA requests, as well as to provide assistance to individuals requesting access to their own records under the Privacy Act. When you email this mailbox, we encourage you to limit the amount of personally identifiable information you provide in your email correspondence. While SSA operates within a secure network, we have no control of the data we receive while it is in transit to or from our FOIA Public Liaison mailbox. Please include your FOIA tracking number in your email.

Sincerely,

The FOIA Team
Social Security Administration