

**SMALL BUSINESS ADMINISTRATION****Public Federal Regulatory Enforcement Fairness Hearing, Region II Regulatory Fairness Board**

The U.S. Small Business Administration (SBA) Region II Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a public hearing on Wednesday, October 26, 2005, at 9 a.m. The meeting will take place at the New Jersey District Office, 2 Gateway Center, 15th Floor, Newark, NJ to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by Federal agencies.

Anyone wishing to attend or to make a presentation must contact Claudia Yarborough, in writing or by fax, in order to be put on the agenda. Claudia Yarborough, Paralegal Specialist, SBA, New Jersey District Office, 2 Gateway Center, 15th Floor, New Jersey, NJ 07102-5003, phone (973) 645-3974, fax (202) 481-0830, e-mail: [Claudia.Yarborough@sba.gov](mailto:Claudia.Yarborough@sba.gov).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

**Matthew K. Becker,**  
*Committee Management Officer.*

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**BILLING CODE 8025-01-M**

**SOCIAL SECURITY ADMINISTRATION****Privacy Act of 1974; as Amended****Alteration to Existing Systems of Records**

**AGENCY:** Social Security Administration (SSA)

**ACTION:** Altered systems of records.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a (e)(4)), we are issuing public notice of our intent to alter and make minor housekeeping changes to two existing systems of records, the Working File of the Appeals Council, HHS/SSA/OHA, 09-60-0004, and the Administrative Law Judge Working File on Claimant Cases System, HHS/SSA/OHA, 09-60-0005, hereinafter referred to as the ALJ Working File, as follows:

- Expansion of the record storage medium in each system of records to include the maintenance of records in electronic form;
- Housekeeping changes that will result in corrections in the systems of records reference number;
- System name;

- Notification procedures;
- Record access procedures; and
- Contesting records procedures.

We also propose to make housekeeping changes to the SSA Litigation Tracking System, HHS/SSA/LS, 09-60-0186 system of records to more accurately reflect the current functions of that system. The proposed changes will include corrections to the following sections of the notice of the SSA Litigation Tracking system of records:

- Systems of records reference number;
- System name;
- Notification procedures;
- Record access procedures;
- Contesting record procedures; and
- System manager.

The proposed alteration and housekeeping changes are discussed in the Supplementary Information section below. We invite public comments on this proposal.

**DATES:** We filed a report of the proposed altered systems of records with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 5, 2005. The proposed altered systems of records will become effective on November 14, 2005 unless we receive comments that would result in a contrary determination.

**ADDRESSES:** Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine W. Johnson, Lead Social Insurance Specialist, Strategic Issues Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, telephone at (410) 965-8563, e-mail: [chris.w.johnson@ssa.gov](mailto:chris.w.johnson@ssa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background and Purpose of Proposed Alteration to the ALJ Working File and Working File of the Appeals Council Systems of Records***A. General Background*

Under Titles II and XVI of the Social Security Act, an individual who has

received a partly or wholly unfavorable determination on a claim for benefits has a right to a hearing before an Administrative Law Judge (ALJ). An individual also has a right to an Appeals Council (AC) review of the ALJ's decision.

During the course of adjudicating the claim at the hearing level, ALJs and their staffs may make notes regarding the evidence, testimony, legal theories, merits of the case, and opinions and advice regarding other factors involved in the case. ALJs also generally prepare written instructions to the staff attorney and other personnel regarding case decisions and amendments. These notes are maintained in the ALJ Working File. The notes are used by ALJs and their staffs during the process of disposing of cases on administrative appeal.

In the course of a review at the AC level, communications between the Administrative Appeals Judges (AAJ) and their staffs may include written instructions and opinions, memoranda, case analyses, physician opinions from the AC's Medical Support Staff, draft decisions or orders, and communications prepared by SSA attorneys in the Office of the General Counsel and attorneys in the Department of Justice. These notes are maintained in the Working File of the Appeals Council and are used by the AAJs and their staffs to dispose of cases at the AC review level.

*B. Discussion of Proposed Alteration to the ALJ Working File and Working File of the Appeals Council Systems of Records*

Currently, the records in these systems of records are maintained in paper form. The purpose of the alteration is to expand the record storage medium to include records in electronic form. The proposed alteration will align these systems with SSA's E-Government initiative to transition paper-based, program functions into the electronic environment.

**II. Records Storage Medium and Safeguards for the Information Maintained in the Proposed Altered ALJ Working File and Working File of the Appeals Council Systems of Records**

The ALJ Working File and Working File of the Appeals Council systems of records will maintain information in paper and electronic form. Only authorized hearing office and Appeals Council personnel that have a need for the information in the performance of their official duties are permitted access to the information. Security measures include the use of access codes to enter