

November 27, 2017

Marilyn Zahm
President-Association of Administrative Law Judges
Key Center
50 Fountain Plaza, Suite 200
Buffalo, New York 14202-2230

Dear Judge Zahm:

I wanted to have an opportunity to respond to the President's Newsletter dated November 20, 2017. Just to give you some background, I have been in private practice providing vocational expert testimony for the Office of Hearings Operations (i.e. ODAR) since 1998. Additionally, I have a very busy private practice providing vocational evaluations and life care planning services as well. My goal has always been to seek additional knowledge and training to provide current and relevant information related to both areas of specialty. As a result, I have been asked to present at several CLE's via North Carolina Bar Association and North Carolina Advocates for Justice. Other professional activities have included developing and presenting with my peers at our Annual Conference (International Association of Rehabilitation Professionals) in the area of expert testimony in the disability arena (OHO). My commitment to Office of Hearing Operations has always been to provide up to date quality testimony.

In late 2016, I made a decision to recruit and train other vocational professionals who were interested in this area of work. Based on the backlog, hiring of additional Administrative Law Judges, and lack of vocational experts, I decided to hire contractors in an attempt to address these needs. Throughout that process, I reviewed their professional resume, interviewed, and subsequently hired them as a contract employee. In person, one on one training was provided for approximately 2 weeks. Once it was determined they were comfortable with the process, the vocational experts were observed testifying in 2-3 days of hearings by myself or Paula Day (also a credentialed professional with over 15 years of experience testifying as a SSVE) and provided feedback accordingly. Paula and I continued to closely monitor and provide support as needed. However, once the experts began testifying on their own, we rely on the individual offices to alert us of any concerns which need to be addressed.

Throughout this process, I have communicated with all offices to notify me of any concerns that need to be addressed. When the feedback was received, I immediately intervened with the expert and provided additional training and support.

Over the past few months, it became clear to me that a few of the contractors did not have the level of job experience and training as had been reflected in their resumes. Additionally, I discovered that although they may have completed a master's degree in the relevant field of study some of the core concepts were not covered in the detail that I would have expected. At that point, I began removing and transferring dates to other contractors in the company. Because the offices are scheduling months out, it was difficult to transfer all the days to other contractors. At that point, I should have approached the offices and offered them the opportunity to find other individuals to cover. However, I recognized the challenges that schedulers face in the OHO office to locate and schedule experts for hearings.

I have always encouraged every office to reach out and express any concerns they have. In regard to the Pittsburgh office, I had received expressed concerns regarding two of the vocational experts and was in communication with the Hearing Office Director (Bruce Gilbert). I thanked him for reaching out to me and encouraged him to continue to do so if any other concerns were expressed. Shortly after my correspondence with him I terminated the 2 vocational experts in question. Paula Day and I continued to monitor the newer vocational experts and intervened as needed.

Honestly, I was extremely upset and disappointed when I received the information which was posted on November 20, 2017. I would have appreciated correspondence or call from the Association to further address and handle any additional concerns that had been expressed. I am sure you can appreciate the impact this could have on my business in the arena of SSVE services.

I have since reached out to each office that we have been providing services to and shared the action plan and given them an opportunity to remove any contractor from their docket and reassign to another expert. I am in the process of cancelling or reassigning days of the remaining 2 vocational experts who do not appear to have a good understanding and knowledge base to perform this type of work.

I continue to remain active in our professional association and donate to our lobbyist fund in an effort to tighten the qualifications of individuals providing vocational expert testimony. Our association has developed a White Paper with proposed recommendations for necessary certifications, experience and training to provide relevant and meaningful testimony in the hearings. The White Paper has been circulated to NOSCCR, NADR, and Administrative Law Judges. I will be happy to provide the most updated draft if needed. Furthermore, the association has engaged a lobbyist (Jeanne

Morin) to advocate regarding the importance of the White Paper and the need to address compensation for our services. (As I am sure you are aware, vocational experts have only received one salary adjustment, 10%, since the inception of the program).

I am truly disappointed and regret that I was not able to address you privately regarding the complaint and provide an explanation of the steps which had been taken. I respectfully request that this letter or portions thereof be provided to the membership in an effort to preserve the excellent reputation of my company.

Sincerely,

Julie Sawyer-Little/jsl

Julie Sawyer-Little, M.S., OT/L, CRC, CLCP, ABVE-F