

APPENDIX B

**OALJ's RESPONSE**

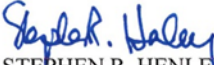
U.S. Department of Labor

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September 20, 2017

MEMORANDUM FOR: ELLIOT P. LEWIS  
Assistant Inspector General for Audit

FROM:   
STEPHEN R. HENLEY  
Chief Administrative Law Judge

SUBJECT: Response to the Office of Inspector General's  
Report, Office of Administrative Law Judges  
Black Lung Backlog

The Office of Administrative Law Judges (OALJ) appreciates the opportunity to review and comment on the Office of the Inspector General's (OIG) Report No. 05-17-003-01-060.

The report notes that one of the challenges that could impact how quickly the backlog is reduced is a shortage of attorneys representing claimants. It is a fair observation that a small number of law firms specialize in black lung claims. Feedback from the black lung bar indicates that it is near capacity on being able to prepare for and participate in the hearings presently being scheduled. Given the current capacity of the private bar, increasing the number and frequency of ALJ hearings may not be realistic.

OALJ does not have any additional comments for your consideration at this time. OALJ thanks OIG for its helpful recommendations, which have played a large part in OALJ's recent success in reducing the black lung backlog, and for the work done on this report. Should you have any questions related to this matter please contact Angel Perez, Deputy Director of Program Operations at (202) 693-7337 or at [perez.angel.l@dol.gov](mailto:perez.angel.l@dol.gov).