

FILED

Sep - 25 2020

Robert R. Carr
Clerk, U.S. District Court

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

In Re:

**FILING OF ANSWERS AND
ADMINISTRATIVE TRANSCRIPTS
IN SOCIAL SECURITY BENEFIT
CASES.**

**GENERAL ORDER
NO. 20-17**

*** **

Rule 12(a)(2) of the Federal Rules of Civil Procedure provides that an agency of the United States must serve an Answer to a Complaint within 60 days of service. Further, in cases in which the Commissioner of Social Security is the named defendant, the Social Security Administration files an administrative transcript at the time its Answer is filed. (See 42 U.S.C. § 405(g) (“As part of the Commissioner’s answer the Commissioner of Social Security shall file a certified copy of the transcript of the record including the evidence upon which the findings and decision complained of are based.”).)

The Court has been advised through filings in cases seeking an award of benefits that the Commissioner of Social Security is having a difficult time meeting these statutory and rule-based deadlines. As a result, extensions have been – or will be – sought in numerous cases. These difficulties are directly related to the COVID-19 pandemic and include: suspension of in-office services to the public, limiting employee access to facilities operated by the Social Security Administration; moving to a temporary virtual work environment; the need to obtain additional transcription services; and increased submission of opinions of administrative law

judges, requiring preparation of greater numbers of administrative transcripts that experienced prior to the current pandemic.

After consultation with judges of this Court, the undersigned finds that present circumstances warrant an extension of time being given to the Commissioner of Social Security to file the above-referenced materials. Accordingly, it is hereby

ORDERED as follows:

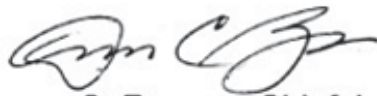
1. For cases challenging final decisions of the Commissioner of Social Security involving the denial of social security benefits, the time within which the Commissioner may file an Answer and administrative transcript is extended to 120 days following service of process.

2. This Order shall apply to pending cases in which Answers have not yet been filed as well as future cases filed on and after this date and through April 1, 2021.

3. The extension given through this Order expires April 1, 2021. However, expiration of this Order does not prohibit the Commissioner of Social Security from seeking additional extensions in individual cases as may be appropriate.

Dated: September 25, 2020.




Danny C. Reeves, Chief Judge
United States District Court
Eastern District of Kentucky