

**SMALL BUSINESS ADMINISTRATION****Region IX Honolulu District Advisory Council; Public Meeting**

The U. S. Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting on Thursday, August 14, 1997, at 10:00 a.m., at the Bank of America FSB, 1099 Alakea Street Alii Place, 24th Floor, Honolulu, HI, to discuss such matters as may be presented by members, staff of the U. S. Small Business Administration, or others present.

For further information, write or call Andrew K. Poepoe, District Director, U. S. Small Business Administration, 300 Ala Moana Boulevard, Room 3214, Honolulu, Hawaii, 96850, telephone number (808) 541-2965

Dated: July 30, 1997.

**Eugene Carlson,**

*Associate Administrator, Office of Communication and Public Liaison.*

[FR Doc. 97-20956 Filed 8-7-97; 8:45 am]

BILLING CODE 8025-01-P

**SMALL BUSINESS ADMINISTRATION****Region I Providence District Advisory Council Meeting; Public Meeting**

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island will hold a public meeting on Tuesday, August 26, 1997, at 4:00 p.m. at the Newport Harbor Hotel, Newport, Rhode Island.

The purpose of this meeting is to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other parties.

For further information, write or call the office of the District Director, Providence District Office, U.S. Small Business Administration, 380 Westminster Street, Rhode Island 02903, (401) 528-4561.

Dated: July 30, 1997.

**Eugene Carlson,**

*Associate Administrator, Office of Communications and Public Liaison.*

[FR Doc. 97-20959 Filed 8-7-97; 8:45 am]

BILLING CODE 8025-01-P

**SOCIAL SECURITY ADMINISTRATION****Social Security Ruling, SSR 97-2p; Title II and Title XVI: Prehearing Case Review by Disability Determination Services**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Social Security ruling.

**SUMMARY:** In accordance with 20 CFR 402.35(b)(1), the Acting Commissioner of Social Security gives notice of Social Security Ruling (SSR) 97-2p. This Ruling states the Social Security Administration's (SSA) policy on returning claims pending at the hearing level from the Office of Hearings and Appeals to the Disability Determination Services for a prehearing case review when new medical evidence is submitted. This Ruling was developed as part of SSA's effort to further ensure consistency in the way disability claims are adjudicated at all levels of the administrative review process.

**EFFECTIVE DATE:** August 8, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Joanne K. Castello, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1711.

**SUPPLEMENTARY INFORMATION:** Although we are not required to do so pursuant to 5 U.S.C. 552 (a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 402.35(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other interpretations of the law and regulations.

Although Social Security Rulings do not have the same force and effect as the statute or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 402.35(b)(1), and are to be relied upon as precedents in adjudicating cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance, Programs 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005

Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income.)

Dated: July 31, 1997.

**John J. Callahan,**

*Acting Commissioner of Social Security.*

**Policy Interpretation Ruling**

**Title II and Title XVI: Prehearing Case Review by Disability Determination Services**

**Purpose:** To state the Social Security Administration's (SSA) policy on returning claims pending a hearing before an Administrative Law Judge (ALJ) from SSA's Office of Hearings and Appeals (OHA) to the Disability Determination Services (DDS) for a prehearing case review when new medical evidence is submitted.

**Citations (Authority):** Regulations No. 4, sections 404.941, 404.944, and 404.1527(f); and Regulations No. 16, sections 416.1441, 416.1444, and 416.927(f).

**Background:** 20 CFR 404.941 and 416.1441 provide that after a hearing before an ALJ is requested but before it is held, SSA may, for the purposes of a prehearing case review, forward a case to the component of SSA (including a State agency) that issued the determination being reviewed. That component will decide whether the determination may be revised. These regulations provide that SSA may conduct a prehearing case review if:

1. Additional evidence is submitted;
2. There is an indication that additional evidence is available;
3. There is a change in the law or regulation; or
4. There is an error in the file or some other indication that the prior determination may be revised.

Under these rules, SSA has the authority to conduct a prehearing case review in a wide range of circumstances. However, SSA has generally used its authority to conduct a prehearing case review in limited circumstances, keeping most cases in the hearing process even when a prehearing case review would be permissible under these rules. Now, under an initiative approved by the Commissioner of Social Security in July 1996 as part of SSA's overall goal of process unification, SSA has decided to use its existing regulatory authority to reexamine selected disability claims after a hearing is requested but before it is held. This Ruling explains the policy SSA will apply in these cases.

The goal of process unification is to achieve correct, similar results in similar cases at all stages of the administrative review process. SSA's studies indicate that additional

evidence is submitted to SSA's OHA by claimants or their representatives in at least 40 percent of claims pending at the hearing level. (SSA requests or develops for additional evidence in approximately another 20 percent of cases.) Given this volume of cases involving additional evidence at the hearing level, evaluation of these cases by DDS medical and/or psychological consultants could either result in a revised favorable determination without a hearing, or at least present a clearer picture of the medical record for purposes of a hearing before an ALJ in a significant number of cases. For these purposes, the ALJ would accept the DDS medical and/or psychological consultant's analysis as evidence material to the issues, pursuant to 20 CFR 404.944 and 416.1444.

Including the DDS medical and/or psychological consultant's analysis of additional evidence in the record is consistent with considering DDS medical and psychological consultant opinion in adjudication at the OHA level (SSR 96-6p, 7/2/96). The analysis is expected to help ensure uniform decision making at all levels of administrative review within SSA by providing expert consideration of, and opinion on, the medical issues presented by the additional evidence, including, but not limited to, the existence and severity of the claimant's impairment(s), the existence and severity of the claimant's symptoms, whether the impairment meets or equals the requirements for any impairment listed in 20 CFR Part 404, Subpart P, Appendix 1, and the claimant's residual functional capacity. The analysis is also expected to help OHA focus any additional development it may consider necessary by indicating what issues raised in the additional evidence, if any, could be clarified by such development.

**Policy Interpretation:** Under 20 CFR 404.941 and 416.1441, OHA may return selected cases to the DDS for a prehearing case review when new medical evidence is received at the hearing level.

OHA may return a case to the DDS if all of the following criteria are met:

- The claimant requested a hearing regarding his or her entitlement to disability insurance benefits under title II of the Social Security Act (the Act), eligibility for supplemental security income based on disability under title XVI of the Act, or both;
- A hearing has not been held in the case;
- SSA received additional evidence in the case after the date of the reconsideration determination;

- The additional evidence is not duplicative and was not a result of SSA development; and

- SSA has not previously returned the case to the DDS for a prehearing case review.

The DDS will decide whether its determination may be revised based on the additional evidence when considered with the entire record. A revised determination may be wholly or partially favorable to the claimant.

If the DDS revises the determination, SSA will mail written notice of the revised determination to all parties to the hearing at their last known address. The notice will state the basis for the revised determination, and will advise all parties of their right to request a hearing on the revised determination within 60 days after the date of receiving the notice.

If the DDS revises its determination to a wholly favorable determination, the notice will also state that:

- The ALJ will dismiss the request for hearing unless the claimant or another party requests that the hearing proceed; and

- The request to proceed with the hearing must be made in writing within 30 days after the date the notice of the revised determination was mailed.

If the DDS revises its determination to a partially favorable determination, the notice will also state:

- What was not favorable in the revised determination; and
- That the hearing requested by the claimant will be held unless the claimant and all other parties inform SSA that they agree to dismiss the hearing request.

If the DDS does not revise its determination based on the additional evidence, the DDS will return the case to the ALJ with a medical and/or psychological consultant's analysis of the entire medical record, including the additional evidence, in a format appropriate for inclusion into the record. This analysis will be considered opinion evidence from a nonexamining source or sources, under the provisions of the regulations at 20 CFR 404.1527(f) and 416.927(f), and the guidelines in SSR 96-6p. The ALJ must consider the medical and/or psychological consultant's analysis by applying the rules in paragraphs (a) through (e) of those sections of the regulations, and must explain in the decision the weight given to the analysis.

Returning a case for a prehearing case review will not delay the scheduling of a hearing unless the claimant agrees to continue the review and delay the

hearing. If the prehearing case review is not completed before the date of the hearing, the case will be sent to the ALJ unless a favorable revised determination is in process, or the claimant and the other parties to the hearing agree in writing to delay the hearing until the review is completed.

**EFFECTIVE DATE:** This Ruling is effective on August 8, 1997.

**Cross-Reference:** SSR 96-6p, "Titles II and XVI: Consideration of Administrative Findings of Fact by State Agency Medical and Psychological Consultants and Other Program Physicians and Psychologists at the Administrative Law Judge and Appeals Council Levels of Administrative Review; Medical Equivalence."

[FR Doc. 97-20900 Filed 8-7-97; 8:45 am]

BILLING CODE 4190-29-P

---

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings, Agreements Filed During the Week of August 1, 1997

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

**Docket Number:** OST-97-2775

**Date Filed:** July 31, 1997

**Parties:** Members of the International Air Transport Association

**Subject:**

PTC Comp 0140 dated July 9, 1997

Mail Vote 880 (Reso 010v-Fares from Zimbabwe)

1st Amendment to Mail Vote

2nd Amendment to Mail Vote

Intended effective date: August 15, 1997.

**Docket Number:** OST-97-2777

**Date Filed:** July 31, 1997

**Parties:** Members of the International Air Transport Association

**Subject:**

PTC23 Telex Mail Vote 878

Mail Vote 878 (Reso 010t-Hong Kong-London Fares)

Amendment to Mail Vote

Intended effective date: August 15, 1997.

**Paulette V. Twine,**

*Chief, Documentary Services.*

[FR Doc. 97-20963 Filed 8-7-97; 8:45 am]

BILLING CODE 4910-62-P