

Exhibit A



SOCIAL SECURITY

MEMORANDUM

Date: March 16, 2015

Refer To:

To: John Rolph
Acting Chief Administrative Law Judge
San Francisco

From: Debra Bice /s/
Chief Administrative Law Judge

Subject: Consultative Examiner Frank Chen and Case Processing Guidance - ACTION

On December 30, 2013, the Disability Determination Service (DDS) for the State of California determined Dr. Frank Chen was no longer authorized to perform consultative examinations (CEs) for its DDS CE panel. Dr. Chen was affiliated with four entities: Bay View Medical Clinic; Health Analysis, Inc.; Northstate Clinic; and Pacific Health Clinic, Inc. This action was premised in part on uncorrected deficiencies regarding the quality of his examination reports and the thoroughness of his examinations, which were the subject of corrective action letters dated September 2, 2011, and October 14, 2013. In accordance with the regulations at 20 CFR 404.1527 and 416.927, the adjudicator should consider this information when evaluating a report from

Dr. Chen and determining the weight, if any, to which it is entitled. The adjudicator should also consider whether ordering an additional CE is appropriate.

We have identified 325 pending cases at the hearing level with medical evidence from Dr. Chen. All cases are currently pending in Region 9. However, hearing offices in all Regions should be aware of the issues with Dr. Chen's reports in the event cases are transferred into their regions. In some instances, the status may have already changed.

The Office of Appellate Operations will be separately issuing instructions to its staff.

Cases Pending at Hearing Level with a CE Report Signed by Dr. Chen

1. For electronic cases, add a remark in CPMS and an alert in eView identifying the case as containing a CE report signed by Dr. Chen. For paper cases, add a remark in CPMS and attach a case alert sheet to the top of the paper claim folder, identifying the case as containing a CE report signed by Dr. Chen.

NOTE: For cases that are subsequent claims pending at the hearing level, a CE report signed by Dr. Chen may be contained in the prior folder.

2. HOs are to track the cases within their HO jurisdiction and provide ALJs with a list of the affected cases to which they have been assigned. Additionally, HOs should be mindful of this issue if cases are transferred to their office that were processed by the California DDS, and should ensure that those cases are also screened for CE reports signed by Dr. Chen.
3. If an ALJ assigned to the case determines that an additional consultative examination is needed, generate an assistance request to the California DDS (or servicing area DDS). When generating the Assistance Request (Form 883) for a new CE, please note that the request is due to "Special Audit." This will alert the DDS that special handling is required.
4. When preparing the decision, the ALJ or senior attorney advisor must consider the weight to give Dr. Chen's report in accordance with the regulations at 20 CFR 404.1527 and 416.927.

If you have further questions, please let me know. The staff contact is Cecilia McGregor, attorney-advisor, who may be reached at 703-605-7986.

cc: All Regional Chief Administrative Law Judges

All Regional Office Management Teams

Attachment: List of Pending Cases with Medical Evidence from Dr. Chen