

The Do's and Don'ts of Telephonic Testimony for SSVE's Maintaining Professionalism

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This editorial is being written in response to comments from multiple sources that Vocational Experts (VE) that offer telephonic testimony perhaps lack integrity, and furthermore have shortage of knowledge and professional experience to offer value feedback in Social Security hearings. If we are to maintain professional status and be taken seriously in our quest for increased fees we must adhere to professional behavior whether we offer our services live or by telephone. Following are some reminders of ways to preserve your professional standing in this venue.

The current standards states that VE's are required to utilize a land line for telephonic work. Many have questioned why this is required, however this is a contract that you accepted and regardless of your reasoning, failure to adhere to the specifications of the contract can result in "removal from duty". If you choose to use a cell phone you are technically in violation of your contract. That being said, the argument can be made that if an Office of Disability Adjudication Review (ODAR) official accepts your use of a cell phone, then it has been "blessed" and is not in violation of the contract.

Recommendations

To maintain your professional status you must take this requirement further, providing a land line in a secure setting where no others can overhear the hearing issues. Further you must take measures to insure that your office setting is quiet and free of background noise to insure the quality of the hearing recording. Finally, and possibly the most important, you must learn to use the MUTE button on your equipment. Typing, rustling of papers, coughing, sneezing, eating, dogs barking, young children screaming, restroom breaks and vacuuming (while "listening") can all be heard on an open line and are very distracting, if not insulting to the claimant and all other parties overhearing the procedures.

To use the MUTE button effectively, you must pay close attention to the hearing just as you would if you were present in the hearing room. If you are actively listening you can anticipate when a response from you is imminent and un-mute avoiding the dreaded delay in response. Alerting the Administrative Law Judge (ALJ) and Hearing Monitor at the beginning of the

day that you will be using the MUTE button will enable them to adjust to any delay that may occur without fear that you are no longer on the line (dropped call) or worse that you are not paying attention.

This is a key concept. Maintaining your professional standing is best achieved by simply doing exactly what you would be doing if you were present in the hearing room.

This excerpt from the Blanket Purchase Agreement (BPA) seems to address some of the above behaviors and could also result in a "removal from duty":

D9.1 2352.204-1(q) # 2 states: Neglect of duty, including sleeping while on duty; unreasonable delays or failure to carry out assigned tasks; conducting personal affairs while on duty; and refusing to cooperate in upholding the integrity of SSA's security program.

Speaker vs Handset or Headset

One way of preserving the privacy of the hearing proceedings is to use a headset or handset. This also seems to improve the quality of sound when you are speaking. Using the speaker in a secure environment is acceptable, however, for sound purposes, switching to the handset when speaking seems to provide the best possible outcome.

Observing these simple techniques will increase your perceived status as an expert but also affords the Claimant the due respect they deserve. Never forget that these folks have waited as much as 18-24 months to get to this day and they deserve your undivided attention and professionalism. Many ALJ's report that they do not want to use Telephonic VE Testimony

(mostly due to the above encountered behaviors), but are often given no option to demand live testimony. This creates an expectation of poor performance before you have even stated your name for the record. Failure to maintain professionalism validates their impression that you are not fully engaged and actively participating as you should be. It would be a shame for us to lose this avenue as it is the only means available to us at this time of achieving a raise. To explain, all the down time between hearings, travel to and from the hearing site, and when hearings falter for any reason we can use to do other work, making our work day much more productive. Note this does not mean we are engaging in other work during a hearing.

To return to the attitude that many of us have encountered far too often; "the VE's are paid far too much for what little they do." This statement is especially insulting to the VE's who have many years of experience and have walked a long hard road to achieve the level of expertise that qualifies them to use the title of Vocational Expert. To combat this perception by Hearing Monitors, ALJ's and Attorneys we must become more vocal in our testimony. In the past ALJ's have asked us to keep our testimony concise and to the point without indulging in lengthy explanations. It appears this has done us a disservice as now all observers think this is easy and many imposters have entered this arena on just that assumption. We need to take every opportunity to go in depth about how we arrive at numbers, what is involved in classifying work histories, what a Job Analysis is and

how long it takes. Emphasizing that we utilize a vast amount of information obtained in the engagement of our profession to provide those glib responses in SSA hearings, is critical to our future. Both as a Profession in general and to us individually who wish to maintain Professional status. It is time for us to point out the fact that to become an expert one must be actively engaged in the profession.

The following summary statements are presented:

- Don't do anything during a hearing by phone that you would not be doing if sitting in the hearing room.
- Control your environment to eliminate background noise and insure privacy.
- Invest in quality equipment to enhance your testimony and preserve your perceived professionalism.
- Feel free to dress casually and go barefoot. These are the perks of being privileged to appear by phone.
- Enjoy the added time in your day to attend to emails, write reports, eat lunch at home, catch up on housework, and pet the dog . . . but do these between hearings or during a lunch break only.

The privilege of providing Telephonic VE Testimony is the only way for us to get a raise in the current environment. Let's don't blow it by failing to maintain the highest standard of Professionalism we can.