

1 NICHOLAS A. TRUTANICH  
2 United States Attorney  
2 District of Nevada

3 ALLISON J. CHEUNG, CSBN 244651  
4 Special Assistant United States Attorney  
160 Spear Street, Suite 800  
5 San Francisco, California 94105  
Telephone: (415) 977-8942  
Facsimile: (415) 744-0134  
6 E-Mail: allison.cheung@ssa.gov

7 Attorneys for Defendant

8

9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 KEVIN YOUNG,

13 Plaintiff,

14 vs.

15 ANDREW SAUL,  
16 Commissioner of Social Security,

17 Defendant.

) Case No.: 2:20-cv-02255-VCF

) **UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE CERTIFIED  
ADMINISTRATIVE RECORD AND ANSWER;  
DECLARATIONS OF JEBBY RASPUTNIS AND  
CHRISTIANNE VOEGELE**  
) **(FIRST REQUEST)**

18

19

20

21

22

23

24

25

26

1           Defendant, Andrew Saul, Commissioner of Social Security (the “Commissioner”), by and through  
2 his undersigned attorneys, hereby moves for a sixty-day extension of time to file the Certified  
3 Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s  
4 Complaint are due to be filed by March 1, 2021.

5           In light of the global COVID-19 pandemic, the Social Security Administration (“SSA” or the  
6 “Agency”) has taken the unprecedented step of suspending in-office services to the public:  
7 <https://www.ssa.gov/coronavirus/>. The Agency is focusing on providing the most critical services by  
8 mail, phone and online to those most in need. SSA is also taking additional steps to protect its employees  
9 and help stop the spread of COVID-19, maximizing social distancing, including significantly limiting  
10 employee access to SSA facilities for health and safety only and has moved toward a temporary virtual  
11 work environment. Electronic processes allow some of SSA’s most critical work to continue with  
12 minimal interruption; other workloads have been suspended until the health crisis abates or the Agency is  
13 able to create new electronic business processes.

14           For purposes of this particular case, the public health emergency pandemic has significantly  
15 impacted operations in the Social Security Administration’s Office of Appellate Operations (OAO) in  
16 Falls Church, Virginia. That office is responsible for physically producing the administrative record that  
17 is required to adjudicate the case under Sections 205(g) and (h) of the Social Security Act, 42 U.S.C.  
18 § 405(g) and (h). *See* SSA Program Operations Manual System GN 03106.025, *available at*  
<https://secure.ssa.gov/apps10/poms.nsf/lnx/0203106025>.

19           As detailed in the attached declarations, beginning March 16, 2020, OAO’s staff members began  
20 to telework to protect employee health and prevent further spread of COVID-19. At that time, critical in-  
21 person physical tasks associated with preparing the administrative record could not be accomplished. For  
22 example, prior to the COVID-19 pandemic, to safeguard Personally Identifiable Information (PII), all  
23 hearing recordings, which are part of the administrative record, were downloaded onto compact discs and  
24 encrypted. OAO securely routed the encrypted discs to a private contractor through a daily pickup and  
25 delivery service at the Official Duty Station (ODS) in Falls Church, Virginia. The private contractor  
26 would transcribe the hearing recording and send the paper copy of the hearing transcript back to OAO.

1 OAO personnel would then scan the hearing transcript into the electronic record or place the hearing  
2 transcript in the paper case file. Thereafter, OAO personnel would assemble the administrative record in  
3 a prescribed order.

4 To ensure a continuity of operations, OAO has been actively pursuing mitigation efforts to allow  
5 the remote preparation of administrative records. For cases in which the private contractors were already  
6 in possession of hearing recordings for transcription, with the assistance of the Office of Acquisitions and  
7 Grants (OAG), OAO received approval to receive these transcripts from the private contractors via  
8 secured email, e.g., using password protection and redacted Social Security Numbers. In April 2020,  
9 OAO began receiving such hearing transcripts from private contractors via secured email.

10 For cases in which OAO had not yet submitted recordings to the private contractors before March  
11 16, 2020, OAO has been pursuing all available options to obtain transcriptions for these cases. In May  
12 2020, OAO began encrypting hearing recordings and securely emailing them to the contractors for  
13 transcription. Through the month of May, OAO and the contractors worked to resolve technical issues  
14 that arose, particularly with large files. The process is functioning now, albeit at only half of normal  
15 productivity.

16 Given the volume of pending cases, Defendant requests an extension in which to respond to the  
17 Complaint until April 30, 2021. If in sixty days the CAR is not prepared, the Commissioner will file a  
18 status report with the Court as to when he expects the CAR to be completed.

19 On February 17, 2021, the undersigned conferred with Plaintiff's counsel, who has no opposition  
20 to the requested extension.

21 It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR  
22 and answer to Plaintiff's Complaint, through and including April 30, 2021.  
23 //  
24 //  
25 //  
26 //

1 Dated: February 17, 2021  
2  
3  
4  
5  
6  
7  
8  
9

NICHOLAS A. TRUTANICH  
United States Attorney

3 /s/ Allison J. Cheung  
4 ALLISON J. CHEUNG  
Special Assistant United States Attorney

10 IT IS SO ORDERED:  
11

12   
13 UNITED STATES MAGISTRATE JUDGE

14 DATED: 2-17-2021  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CERTIFIED ADMINISTRATIVE RECORD AND ANSWER; DECLARATIONS OF JEBBY RASPUTNIS AND CHRISTIANNE VOEGELE** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Marc Kalagian  
marc.kalagian@rksslaw.com  
Attorney for Plaintiff

Gerald Welt  
gmwesq@weltlaw.com  
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 17, 2021

/s/ Allison J. Cheung  
ALLISON J. CHEUNG  
Special Assistant United States Attorney