

Administrative Appeals Judge

US Office of the Secretary of Health and Human Services

Washington, DC 20201

\$162,168 - \$195,000 a year

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Duties

The incumbent serves as an Administrative Appeals judge (AAJ) at the final administrative level of appeal in Medicare cases brought before the Medicare Appeals Council (Council) of the Departmental Appeals Board (DAB). Appeals can be filed with the Council after actions have been issued by the HHS Office of Medicare Hearings and Appeals (OMHA), Social Security Administration (SSA) or HHS Centers for Medicare & Medicaid Services (CMS). In accordance with a delegation of authority from the Secretary of HHS and consistent with the Administrative Procedure Act, AAJs render final administrative decisions which may be subject to judicial review in federal district court.

If selected for this position, you will be appointed by the Secretary of Health and Human Services, and will perform the following duties:

- Render decisions on appealed hearing decisions or remanded court cases involving health insurance benefits under Titles XI or XVIII of the Social Security Act arising from decisions issued by the SSA or OMHA Administrative Law Judges (ALJs);
- Dismiss, deny, or grant requests for review of ALJ decisions/dismissals or deny or Grant requests for own-motion review, and issue decisions affirming, modifying, or reversing hearing decisions/dismissals, acting with other AAJs;
- Remand appeals to ALJs with directions to take specific actions;
- Decide appeals involving a wide variety of physical and mental conditions and the appropriate level of care necessary to treat those conditions, and the eligibility for payment to be made for equipment and services under Medicare and Medicaid;
- Research statutes, regulations, case law, policies, coverage determinations, and legal opinions related to specific legal issues that arise in appeals;
- Analyze briefs, exhibits, medical records, and other documents to evaluate questions of fact and make determinations using applicable legal authorities;
- Study industry and trade practices, policies, procedures; technical and professional publications; and other authoritative sources of information to assist in technical and legal interpretation of relevant question.
- Participate in meetings and case discussions with the Chief AAJ, DAB Chair, and other judges on the Council to ensure consistent application and interpretation of governing law.
- Work collaboratively with MOD attorneys, support staff, and other Council Judges.
- Complete special assignments and projects, as assigned by the DAB Chair or Chief AAJ

Supervision and Guidance Received:

AAJs serve under the general administrative direction of the Chief AAJ of the Council and the DAB Chair. All adjudicatory functions are performed in concert with other assigned judges on the Medicare Appeals Council.

Requirements

Conditions of Employment

- This employer participates in the E-Verify Program
- U.S. Citizenship is required
- Subject to satisfactory security and suitability determinations, including a Public Trust background investigation
- You must meet the qualification requirements of this position no later than the closing date of the job opportunity announcement.
- Must possess J.D. or LL.B degree
- Active Membership or admission to the bar is required
- Subject to appointment by appointing official
- Telework may be authorized, in accordance with agency policy.

Qualifications

Please ensure you read the requirements of this vacancy announcement entirely. Failure to submit all required documents will result in an ineligible rating.

- Qualification Requirements:

To be considered, applicants must possess a minimum of 1 year of experience at or above the equivalent of the GS, 14 grade level in the Federal service or its equivalent with state and local government, the private sector, or non-governmental organizations. Failure to meet this basic qualification requirement and all technical qualification factors will automatically exclude you from further consideration,

A. Must possess a Juris Doctor (J.D.) degree or Bachelor of Laws (LL.B) from an American Bar Association accredited law school. .

And

B. Must be licensed and authorized to practice law under the laws of a State, the District of Columbia, the commonwealth of Puerto Rico, or any territorial court established under the United States Constitution. Judicial status is acceptable in lieu of "active" status in States that prohibit sitting judges from maintaining "active" status to practice law. Being in "good standing" is acceptable in lieu of "active" status in States where the licensing authority considers "good standing" as having a current license to practice law.

NOTE: You must provide proof that you are authorized to practice law. Such proof can include a letter/certificate from the bar certifying that you are licensed and authorized to practice law. Proof must be dated within one year of the announcement.

And

C. Must have a minimum of seven (7) years post-bar administrative law and/or litigation experience involving formal administrative hearings or proceedings before local, State, or Federal administrative agencies, courts, or other administrative bodies. (Note: Formal hearings are defined as proceedings conducted on the record under procedures at least as formal as those prescribed by the Administrative Procedure Act, 5 U.S.C. SS 553 through 559.)

Qualifying litigation experience involves cases in which a complaint was filed with a court, or a charging document (e.g., indictment or information) was issued by a court, a grand jury, or appropriate military authority and includes:

- Participating in settlement or plea negotiations in advance of trial;
- Preparing for trial and/or trial of cases;
- Preparing opinions;
- ' Hearing cases;
- ' Participating in or conducting arbitration, mediation, or other alternative dispute resolution approved by the court; or
- Participating in appeals conducted on the record under procedures at least as formal as those prescribed by the Administrative Procedure Act, 5 U.S.C. 553 through 559.

Qualifying administrative law experience involves cases in which a formal procedure was initiated by a governmental administrative body or a private organization or individual and includes:

- Participating in settlement negotiations in advance of hearing cases; o Preparing for hearing and/or trial of cases;
- Preparing opinions;
- Hearing cases;
- Participating in or conducting arbitration, mediation, or other alternative dispute resolution approved by the administrative body; or
- Participating in appeals related to the types of cases above.

Non-qualifying Experience - Experience involving cases with no formal hearing procedures and uncontested cases involving misdemeanors, probate, domestic relations, or similar uncontested.

Desired Skills and Experience:

- Demonstrated experience in high volume adjudication or litigation at the Federal, State or Local level.
- Demonstrated ability to quickly and effectively master complex, diverse, and changing areas of law, building on existing familiarity with administrative law generally.
- Excellence in legal writing involving complex legal issues, particularly interpretation and application of statutory or regulatory language, demonstrated in unedited writing samples.
- Demonstrated team-building and leadership skills in professional settings, particularly in building consensus on difficult topics, in working cooperatively with peers, and in mentoring and developing attorneys.

Experience refers to paid and unpaid experience, including volunteer work done through national Service programs (e.g., Peace Corps, AmeriCorps) and other organizations (e.g., professional; philanthropic; religious; community; student; social). Volunteer work helps build critical competencies, knowledge, and skills and can provide valuable training and experience that translates directly to gain employment. You will receive credit for all qualifying experience, including volunteer experience. If such experience is on a parttime basis, you must provide the average number of hours worked per week as well as the beginning and ending dates of the experience so it can be fully credited.

Education

Must possess J.D. or LL.B degree,

And

Licensure

Applicants must be licensed and authorized to practice law under the laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the United States Constitution. Judicial status is acceptable in lieu of "active" status in States that prohibit sitting judges from maintaining "active" status to practice law. Being in "good standing" is acceptable in lieu of "active" status in States where the licensing authority considers "good standing" as having a current license to practice law.

Foreign Education: If you are using education completed in foreign colleges or universities to meet the qualification requirements, you must show that the education credentials have been evaluated by a private organization that specializes in interpretation of foreign education programs and such education has been deemed equivalent to that gained in an accredited U.S. education program; or full credit has been given for the courses at a U.S. accredited college or university. For further information, visit: <http://www.ed.gov>.

Additional information

Salary for this position varies depending on qualifications. The annual salary range may be found at the top of this announcement.

Probationary Period:

An individual's initial career appointment becomes final only after the individual successfully completes a one year probationary period,

Standards of Conduct/Financial Disclosure

HHS inspires public confidence by maintaining high ethical principles, and all Federal Government employees are subject to the conflict of interest statutes and regulations, including the Standards of Ethical Conduct, that govern activities with outside organizations and reporting financial holdings. The Ethics in Government Act, PL 95-521 also requires the applicant selected for this position to submit Confidential Financial Disclosure Report, OGE,,450 prior to assuming the position, annually, and upon termination of employment.

Security and Background Requirements

If not previously completed, a background security investigation will be required for all appointees.

Equal Opportunity Employment

Equality is held as one of the most important values at HHS. Selection for this, and any other position, will be based solely on merit. HHS does not discriminate based on race, color, religion, sex, national origin, political affiliation, marital status, sexual orientation, physical or mental disability, age or membership or non-membership in an employee Organization, or any other non-merit factors,

If applying online poses a hardship to you, you may submit your application by contacting Gregory Stewart.