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December 16, 2008

Commissioner of Social Security
P.O. Box 17703
Baltimore, MD 21235-7703

Re: Docket No. SSA 2008-0033

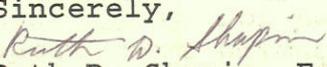
Dear Commissioner Astrue:

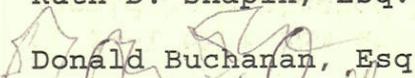
We are practicing Social Security attorneys. We are very concerned about the proposed regulation regarding the setting of hearing dates. We want to be sure that ODAR will contact the attorney or unrepresented claimant before setting a hearing date to make certain that the attorney or claimant does not have a conflict.

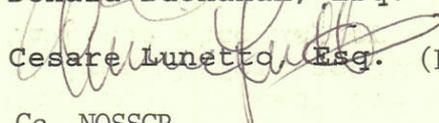
We feel that the attorney or unrepresented claimant should be contacted by telephone to enable them to check their calendar for availability on a particular date. We do not believe that electronic scheduling can adequately handle this task. We fear that such an automated procedure would cause confusion and hardship for both claimants and attorneys.

We also feel that in order to ensure due process for claimants in a timely manner, an adequate support staff is needed. We note that the Association of Administrative Law Judges recently sent an open letter to your office which emphasizes that ALJ productivity is dependent on having sufficient support staff. Thank you for your assistance in addressing these concerns.

Sincerely,


Ruth D. Shapin, Esq.


Donald Buchanan, Esq.


Cesare Lunetto, Esq. (Law Offices of Lunetto & Hegel)

Cc. NOSSCR