

New Supplemental Rules for Social Security Effective December 1, 2022

Effective December 1, 2022, the Federal Rules of Civil Procedure were amended to add Supplemental Rules for Social Security actions under 42 U.S.C § 405(g) (“Supplemental SSA Rules”). The highlights of the new Supplemental SSA Rules are as follows:

- Outlines specific information that must be included in the complaint (Rule 2);
- Eliminates the need for service under Fed. R. Civ. P. 4, and provides for electronic service on the Commissioner of Social Security by Notice of Electronic Filing (“NEF”) sent to the SSA’s Office of General Counsel and the United States Attorney’s Office for the district where the action is filed (Rule 3);
- Provides that the administrative record may serve as the answer to the complaint and shall be filed within 60 days after notice is given (Rule 4); and
- Provides a briefing schedule for the plaintiff’s brief (30 days after administrative record/answer is filed), Commissioner’s brief (30 days after plaintiff’s brief is filed) and plaintiff’s reply brief (14 days after the Commissioner’s brief is filed) (Rules 6, 7, and 8).