



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Frontline Decision Making in the Adjudication of Applications; Request for Comments

AGENCY: Administrative Conference of the United States.

ACTION: Notice; request for comments.

SUMMARY: The Office of the Chairman of ACUS is requesting public input on frontline decision making in the adjudication of applications for benefits, loans, grants, licenses, and the like. “Frontline decision making” refers to processes that agencies use to render an initial determination, often based on a review of the application and supporting documentation, which precedes a hearing before an administrative law judge or other agency adjudicator. Responses to this request may inform an ongoing ACUS project, *Frontline Decision Making in the Adjudication of Applications*, which, if warranted, may recommend best practices for agencies to use.

DATES: Comments must be received no later than 10:00 a.m. (ET) [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments by email to info@acus.gov (with “Frontline Decision Making in the Adjudication of Applications” in the subject line of the message), or by U.S. Mail addressed to Frontline Decision Making in the Adjudication of Applications, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036. ACUS will ordinarily post comments on the project webpage as they are received. Commenters should not include information, such as personal information or confidential business information, that they do not wish to appear on the ACUS website. For the full ACUS public comment policy, please visit <https://www.acus.gov/policy/public-comment-policy>.

FOR FURTHER INFORMATION CONTACT: Lea Robbins, Attorney Advisor, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480-2080; email lrobbins@acus.gov.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–

596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov*.

Frontline Decision Making in the Adjudication of Applications

Many federal programs involve the adjudication of applications for benefits, loans, grants, licenses, and the like. In many of these programs, parties are legally entitled to an opportunity for a hearing before a federal agency adjudicator such as an administrative law judge (ALJ) or administrative judge (AJ).

Before proceeding to a hearing, many agencies first attempt to adjudicate applications and resolve cases through processes—sometimes referred to as “frontline”—that are less trial-like. For example, upon receiving an application, agency personnel may work with the applicant to develop an adequate record for decision making. A “frontline” decision maker—not an ALJ or AJ—may then render an initial determination based on a review of the application and supporting documentation.

ACUS is undertaking a project to examine and identify best practices for frontline decision making in the adjudication of applications for benefits, loans, grants, licenses, and the like in which there is a later opportunity for a hearing before a federal agency adjudicator. Among other topics, the project studies the personnel involved in frontline processes; the processes used to develop records and decide cases prior to the hearing stage; the relationship between frontline and hearing-level proceedings, including how evidence obtained and findings made in frontline proceedings may be used at the hearing level; the development and communication of relevant policies; quality assurance and strategies for promoting timeliness; and interactions between frontline components and other agency components, including those responsible for more formal adjudication and policy development.

Specific Topics for Public Comment

ACUS welcomes views, information, and data on all aspects of frontline decision making in the adjudication of applications in which there is a later opportunity for a hearing. For this project, ACUS intends to research frontline decision making at agencies such as the Social Security Administration; the U.S. Patent and Trademark Office; the Department of Veterans Affairs; the U.S. Small Business Administration; and the Department of Labor. However, this request for comments is not limited to frontline adjudications of applications at those agencies. ACUS also seeks specific feedback on the following questions related to frontline decision making.

1. If you have, or represented someone who has, submitted an application for benefits, a loan, a grant, a license, or the like in which there is a later opportunity for a hearing before an ALJ or another federal agency adjudicator, what was your experience with the personnel involved in the frontline adjudication of that application? Were you aware of the titles or credentials of the frontline personnel (e.g., job titles, professional licensure, qualifications)? How much communication did you have with the frontline personnel?
2. Did you submit evidence to the frontline personnel and, if so, how was it submitted? Was it clear how the frontline decision maker considered the evidence you submitted when he or she adjudicated your or your client's application?
3. Did the frontline personnel obtain other evidence and, if so, how and from whom did they obtain it? Was it clear how the frontline decision maker considered that evidence when he or she adjudicated your or your client's application?
4. Did you want to, and if so, were you able to review the record compiled by the frontline personnel before a decision was made?
5. How would you describe your overall experience during the frontline adjudication of your or your client's application? Did you appeal the frontline decision? If so, did you have

a hearing on your or your client's application before an ALJ or another agency adjudicator?

6. If you appealed the frontline decision, did you have a hearing before an ALJ or another agency adjudicator? If you had a hearing before an ALJ or another agency adjudicator, how did the adjudicator consider the frontline decision and consider the record compiled by frontline personnel? Did you receive clear information before or during the hearing about how the adjudicator would consider the frontline decision and record when deciding the appeal?
7. Are you aware of agency policies (e.g., rules, guidance, manuals, memorandums) that govern how frontline personnel interact with applicants or how they interact with other ALJs or other agency adjudicators who may hear appeals from frontline decisions?
8. Are you aware of agency policies that govern the following:
 - a. Development and communication of relevant policies (including training);
 - b. Assuring adequate input from the applicant;
 - c. Identifying and reducing administrative burdens in the evidence-gathering process;
 - d. Quality assurance and strategies for promoting timeliness; and
 - e. Standards governing appeals.
10. Are there any agency policies regarding frontline decision making that you think are especially beneficial? In your experience, are there any agency policies regarding frontline decision making that have presented challenges, are unclear, or are applied inconsistently?
11. Are there particular facts, situations, concerns or goals that you think would be helpful for agencies to consider when they develop and implement policies on frontline decision making? For example, how should agencies:
 - a. Strike a balance between allowing frontline decision makers flexibility to decide individual cases fairly, accurately, and efficiently while ensuring policies are

applied consistently across all cases?

b. Leverage the on-the-ground experience and expertise of frontline personnel when formulating policies or managing programs;

c. Strike a balance between efficient and timely decision making and fair and accurate decision making?

d. Use automation, including but not limited to artificial intelligence?

Authority: 5 U.S.C. 595.

Dated: April 22, 2026.

Shawne C. McGibbon,

General Counsel.

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