

## **Local Rule 5-12 – Social Security Appeals**

**(a) Social Security Appeals – Initial Process.** Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, by agreement with the United States Attorney, no actual service of initial process (*i.e.*, summons and complaint) will be required in any case, unless otherwise ordered. The Social Security Administration will treat notification through the court's Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.

**(b) Response to Complaint.** The Social Security Administration must respond to a complaint for administrative review of an agency determination about Social Security benefits within 60 days after notification of the filing of the complaint through the court's CM/ECF by filing either 1) a motion to dismiss or 2) the certified administrative record. The filing of the certified administrative record will suffice as the Social Security Administration's answer to the complaint.

**(c) Briefing Schedule.** The plaintiff will have 56 days from the date of the court's scheduling order to file a brief in support of the complaint. The defendant will have 56 days after service of the plaintiff's brief to file a response, and the plaintiff will have 28 days after service of the response brief to file a reply. Motions for extension are disfavored absent compelling circumstances.