

## Social Security

HALLEX

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### I-2-9-1. Reopening and Revising Determinations and Decisions - General

Last Update: 7/27/15 ([Transmittal I-2-145](#))

#### A. General

Under [20 CFR 404.987](#) and [416.1487](#), a determination or decision becomes final if the claimant does not request review within the time period for appeal or the Social Security Administration (SSA) does not notify the claimant of its intent to revise a determination or decision before it becomes final and binding. In most situations, the established time period for requesting review of a determination or decision is 60 days. See [20 CFR 404.909](#), [404.933](#), [404.968](#), [416.1409](#), [416.1433](#), and [416.1468](#). (If the claimant requests exceptions to an administrative law judge decision in a case remanded by a Federal court, see [20 CFR 404.984\(b\)](#) and [416.1484\(b\)](#), as well as Hearings, Appeals and Litigation Law (HALLEX) manual [I-4-8-25](#)). For more information about administrative finality at the hearing level, see generally HALLEX [I-2-8-5](#).

However, under the same authority and under certain conditions, SSA may reopen and revise a determination or decision after it is final and binding, either on SSA's own initiative or at the request of a party to the determination or decision.

Generally stated, under [20 CFR 404.988](#) and [416.1488](#), SSA may reopen a determination or decision:

- Within 12 months of the date of the notice of the initial determination, for any reason (see HALLEX [I-2-9-30](#));
- Within four years (title II) or two years (title XVI) of the date of the notice of the initial determination if SSA finds good cause (see HALLEX [I-2-9-40](#));
- At any time if it was obtained by fraud or similar fault (see HALLEX [I-2-9-65](#)); and
- At any time in title II cases for the reasons set forth in [20 CFR 404.988\(c\)](#) (see HALLEX [I-2-9-60](#)).

**NOTE 1:** While the regulations are written in permissive terms, as a general practice, if both the conditions and timeframes for reopening are met, the SSA component with jurisdiction will usually reopen a determination or decision. (For specific hearing level instructions on this issue, refer to the applicable sections in HALLEX [I-2-9](#).)

**NOTE 2:** For cases SSA adjudicates beyond the hearing level in Region 1, the time frame for reopening for good cause is six months from the date of the final hearing decision, and SSA will not find that "new and material evidence" under [20 CFR 404.989\(a\)\(1\)](#) and [416.1489\(a\)\(1\)](#) is a basis for good cause to reopen a final decision. See [20 CFR 405.601](#).

Information about computing the time period for reopening is found in HALLEX [I-2-9-20](#).

#### B. Reopening and Revising by an Administrative Law Judge (ALJ)

When an ALJ decision becomes final and binding (see HALLEX [I-2-8-5](#)), and the ALJ has jurisdiction over the issue (see HALLEX [I-2-9-5](#)), an ALJ will consider whether the conditions and timeframes for reopening an otherwise final action are present (see subsection A above).

The claimant may expressly request reopening or may submit information that implies a request for reopening. See HALLEX [I-2-9-10](#). Additionally, an ALJ will consider reopening and revising an otherwise final action on his or her own initiative when:

- The ALJ is considering a subsequent application and reopening may apply to a prior determination or decision; or
- The ALJ receives additional information after issuing a decision that shows reopening and revising his or her own decision is appropriate.

An ALJ must reopen a determination or decision if the conditions and timeframes for reopening are met (as explained in HALLEX [I-2-9-30](#), [I-2-9-40](#), and [I-2-9-60](#)), the ALJ has jurisdiction over the issue, and the facts and evidence of the particular case warrant reopening.

**NOTE 1:** When an ALJ decides not to reopen and revise his or her own decision, the action is not subject to further

review. In certain circumstances, the ALJ will specifically address the finding in the decision. For more information, see HALLEX [I-2-9-85](#).

**NOTE 2:**

Though not applicable to reopening a prior ALJ decision, when the issue of reopening an ALJ's own decision arises, the ALJ who initially issued the decision may no longer be available due to death, retirement, resignation, illness, or other cause resulting in a prolonged absence of 20 or more days. In that situation, the Hearing Office Chief Administrative Law Judge may request the authority from the Regional Chief Administrative Law Judge to amend the unavailable ALJ's decision when, after the decision is issued, additional information comes to light that clearly shows a new decision is appropriate (assuming jurisdiction and reopening timeframes are met).



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