

METROPOLITAN

H. J. Belton Hamilton — Administrative Law Judge

by Jerry Garner

Judge H. J. Belton Hamilton is one of only eight Black Administrative Law Judges in the United States (there are 722). Judge Hamilton is a graduate of Stanford University and the Northwest School of Law, Lewis & Clark College.

Judge Hamilton has been an Administrative Judge since 1971. Prior to this, he served as Oregon Assistant Attorney General from 1955 to 1970; the first non-white to serve in this position.

Hamilton has served five terms as Chairman of the Board for the Portland Urban League, which makes him the only person to win five elections to this position during the 40-year history of the Urban League in Portland.

As an Administrative Law Judge with the Social Security Administration, Judge Hamilton must review cases on appeal before the Social Security Administration. "I only take cases that involved the Social Security Administration, such as medicare appeals, hospitals and other care providers decertified or considered for decertification from doing business with the Health and Human Services Department." The majority of cases handled by Judge Hamilton involve individuals who are appealing unfavorable disability decisions.

When Judge Hamilton was asked why individuals are taken off Social Security, he replied "an individual is taken off Social Security when the State agency decides the person no longer meets the severity of impairment that would justify considering the person disabled."

In order to qualify for a position as an Administrative Law Judge, one must be an attorney with at least seven years experience handling complex civil cases with two years experience in Administrative law. After surviving an evaluation procedure by other attorneys, a one-question written test is taken in which five to six hours is given to answer.

If chosen to become an Administrative Law Judge, the individual is interviewed by a panel consisting of a representative from the Judicial Fitness Committee of the American Bar Association, an Administrative Law Judge, and an administrator with the U.S. Personnel Board. This panel decides whether you retain the score given during the evaluation procedure by other attorneys. An individual who qualifies previously can be disqualified at this point.

After being appointed to the position of Administrative Law Judge, one's appointment becomes "absolute." An absolute appointment is less than a life appointment, but is more secure than any other appointment in the federal government



JUDGE H. J. BELTON HAMILTON (Photo: Richard J. Brown)

in that it cannot be terminated by the agency served by the judge. (Federal district Court Judges are appointed for life.)

As an administrative Law Judge, Hamilton's duties are similar to that of a judge in a court of equity, in that he conducts hearings. However, there are two major differences between judges in a court of equity and Administrative Law Judges. A judge in a court of equity is part of the judiciary and an Administrative Law Judge is part of the executive department performing a judicial function.

The Administrative Law Judge has the ultimate responsibility to make sure the records are completed, even if the claimant's attorney does a poor job of representing his or her case. An Administrative Law Judge takes a more active role in the trial. "As an Administrative Law Judge, I am the judge and the jury," said Hamilton.

Judge Hamilton says a Federal Administrative Law Judgeship is a highly specialized position. For example, an Administrative Law Judge assigned to the Interstate Commerce Commission would need to know something about the railroads, while one assigned to the Social Security Administration must make judicial decisions based on medical facts which require knowledge regarding body systems and how different impairments affect the ability to function in the labor market.

Judge Hamilton was asked why there are only eight Black Administrative Law Judges in the country. He said that in order to become a Federal Administrative Law Judge, one must have handled a considerable number of cases which were significant in terms of complexity and were civil in nature as opposed to criminal law. "Many Black attorneys choose to work in criminal law. This does not qualify one to become an

Administrative Law Judge."

"Black lawyers who choose to become criminal attorneys provide needed services to the Black population because Blacks have difficulties with the police and criminal justice system. But what they are doing in terms of their own career

growth may not be all that great, especially if they have aspirations towards a Federal Administrative Law Judgeship," said Hamilton.

Judge Hamilton said another factor why there are so few Black Administrative Law Judges is that Black attorneys are not willing to get the necessary experience once they are aware of the opportunities. "They view the special experience as another apprenticeship, another delay. Years ago at the National Bar Convention, I tried to encourage young Black lawyers to spend a couple of more years and get the kind of background to qualify for the position of an Administrative Law Judge. The response I got from most was, how long must I keep apprenticing when I am already a full-fledged attorney."

Hamilton credits part of his success in life to his tour in the Army. "My army outfit was vertically integrated—all enlisted men were Black and all officers were white." Hamilton said he was impressed by the way a certain Black man in his unit who had legal training was able to handle himself in dealing with white officers. It was during this time that Hamilton decided to become a lawyer, realizing that law could be used to help fight discrimination.

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For years the United Negro College Fund has been saying "A mind is a terrible thing to waste." I further believe that a body is also a terrible thing to waste. Here at the Olympian Fitness Center we are doing something about the waste of mind and body.

A little free wisdom about the mind and body.

First, let's understand that all of us have four separate parts to our being or existence; they are: our human spirit, our human mind, our human body and our property or belongings such as clothing, home, car, money, tools and other material items.

Most people take their spirit, mind and body for granted and spend 80% to 90% of their time worrying and dealing with their property and material things. While their spirit, mind and body waste away due mostly to neglect.

Let's further understand that while we inherit how we look, and much of how we think from our mother and father, and of course their ancestors, when we reach the age of five or six years old, we start to actively add to or subtract from these inherited tendencies almost always in the direction of accumulating material things, while our spirit and mind go unfulfilled.

Next month more information on the development of the human spirit, and the human mind.

Keep this publication for future reference.

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