



Hon. Michelle Whetsel

Administrative Law Judge, U.S. Social Security Administration

by Hon. Alisa M. Zuniga



Hon. Alisa M. Zuniga is a freelance writer and an administrative law judge for the U.S. Social Security Administration (SSA) in Tallahassee, Fla. Prior to working for SSA, Judge Zuniga worked as an administrative judge for the U.S. Department of Agriculture, National Appeals Division, adjudicating exclusively all Spanish-speaking appeals in South Florida and Puerto Rico. Judge Zuniga's decisions were published both in English and Spanish. © 2020 Alisa M. Zuniga. All rights reserved.

Hon. Michelle Whetsel firmly believes in the concept of fairness. With an unwavering dedication and lifetime commitment, she ensures that the rights of litigants are not forgotten. After 25 years of government service, Judge Whetsel shows no signs of slowing down.

Judge Whetsel was born in Dunkirk, Ind.—the “Glass Capitol” of the state—a quaint, small town north of Indianapolis. She was raised by hard-working parents, Gail and Grace Whetsel. Her father was an industrial engineer and then a Midwestern region area consultant for the parent company, Lancaster Colony. Her mother is an Indiana University graduate and worked as an executive assistant to the chief executive officer at 3M Corporation. In 1973, her parents divorced, and her mother became a high school English teacher to devote more time to raising young Michelle.

As a child, Judge Whetsel had a passion for playing the trumpet and participating in outdoor sports. She deeply loved and admired her maternal grandmother, who was strong-willed and wore many hats during her life, including being a Red Cross nurse. During World War II, Judge Whetsel's grandmother supported the soldiers in disaster relief. Inspired, young Michelle envisioned a career in medicine, and at her first opportunity, she enrolled in advanced science classes and volunteered at the local Red Cross blood drive. After seeing the needles and blood bags, however, Judge Whetsel became dizzy and fainted. This experience abruptly ended her dream of becoming a doctor. She immediately dropped her science courses and signed up for the only course left with open enrollment—a business law class. During that class, her instructor commented that she would be a great lawyer and—as fate would have it—the seed had been planted. With her instructor's encouragement, she began her journey to what would later become a successful and distinguished career in law.

The Air National Guard

From 1980 to 1984, Judge Whetsel attended Ball State University in Muncie, Ind. She graduated with a bachelor's degree in political science, *magna cum laude*. Upon graduation, Judge Whetsel attended the Univer-



sity of Wyoming Law School in Laramie, Wyo. With a determination to obtain a law degree and, at the same time, expand her opportunities, Judge Whetsel had the foresight to find a viable resource to accomplish those two goals—military service.

In 1985, Judge Whetsel enlisted in the Air National Guard. Airman First Class Whetsel worked as an administrative assistant committed to service on weekends and full-time obligations during the summer months. Her role was to comply with Air Force standards and to serve as a role model for subordinates. She eventually was promoted to senior airman first class, and ultimately staff sergeant. In describing her experience at the Air National Guard, Judge Whetsel stated, “I fell in love with service and the ability to give back to the community.”

With a beautiful backdrop of historical landmarks and stunning architecture, Judge Whetsel delved into her law studies in law school. In her second year, she worked for the University of Wyoming Legal Services Project, where she was assigned to the indigent civil and criminal dockets and fought for civil rights and the protection of the rights of the poor and disabled. Judge Whetsel assisted in representing criminal defendants charged with theft, simple assault, and other misdemeanors. During her law school years, Judge

Whetsel also interned at the City of Laramie's Prosecutor's Office.

In her third year of law school, Judge Whetsel had the honor to extern as a judicial law clerk to Chief Justice Charles Brown (ret.) at the Wyoming State Supreme Court. Her experience exposed her to murder appeals, water-rights matters, and constitutional interpretation arguments. Judge Whetsel shares, "The exposure helped me understand how judges process the cases appealed, and it gave me some insight into the deliberation process of appellate panels." Upon graduating from law school in 1987, Judge Whetsel sat for the Washington State Bar and began taking steps to further her legal and military career.

The U.S. Army

In May 1988, Judge Whetsel was commissioned into the U.S. Army. First Lieutenant Whetsel attended the Judge Advocate General's Corps Legal Center (JAG Corps.) in Charlottesville, Va., where she studied military law and the application of the Uniform Code of Military Justice. As a JAG officer, First Lieutenant Whetsel served as a courts-martial prosecutor and a trial defense counsel and represented soldiers facing nonjudicial punishments. Judge Whetsel shares that the most challenging aspect of her military experience was being female. She states that "the military was still very much a male-dominated and male-focused environment. Female officers were seen as too weak and frail to serve in many combat deployable units." Although her options for tours of duty were limited, in January 1991, Judge Whetsel was an active participant in supporting her fellow soldiers in the First Gulf War during Operation Desert Shield and Operation Desert Storm—a military operation to expel occupying Iraqi forces from Kuwait.

Judge Whetsel explains that, overall, her military service taught her to be strong and resilient and to understand what it is like to be a cog in a giant machine. She adds, "It also taught me to consider how my actions affect others and to think about the larger picture as opposed to my individual needs." Judge Whetsel expressed that, despite some challenges, she is appreciative. Her fondest memories of her military experience are the feelings of trust, camaraderie, friendship, and a sense of belonging. The military also gave her valuable legal skills as an attorney and later a judge.

Judge Whetsel obtained solid litigation skills that benefited her career as a trial attorney. She shares that she received more trial experience in the military than she would have received as a new attorney practicing in a private or public sector law firm. For that, she is forever grateful. In 1993, Captain Whetsel returned to the Air National Guard and was eventually promoted to major and lieutenant colonel. After 20 years of military service, Lieutenant Colonel Whetsel retired in June 2005.

With her decades of military and legal experience, Judge Whetsel explains what equal justice under the law means to her. "It means every participant who tries to

access the legal system has a fair and equal opportunity to be heard and to have their facts considered. It also means that those who seek assistance or relief from the law will receive the same level and quality of representation and consideration regardless of race, culture, sexual preference, and socioeconomic status." After retiring from the military, Judge Whetsel continued to strive to apply the law and regulations fairly and impartially in her quest for equal justice.

Equal Justice Under the Law

From 1993 to 1996, Judge Whetsel worked for Spokane/Columbia Legal Services. Her caseload focused on family law as well as landlord and tenant discrimination matters. In one memorable case, Judge Whetsel assisted in shutting down a family-housing rental property that discriminated against families with children. In that case, the U.S. Department of Justice stepped in and applied federal pressure to reach that goal. Judge Whetsel was also instrumental in creating a law that allowed for civil damages to victims of domestic violence.

From 1996 to 2003, Judge Whetsel served as a state administrative law judge for the State of Washington. She presided over licensing issues and public assistance benefit programs. In 2003, the State of Washington assigned Judge Whetsel to work for Governor Gary Locke as a torts risk manager. She ran the day-to-day operations and negotiated tort claims that involved the state agencies and the public. In 2006, Judge Whetsel left the government and became an Allstate Insurance Agency owner. Two years later, however, her desire to return to public service peaked.

In 2008, Judge Whetsel served as an assistant city attorney for the city of Fort Wayne, Ind. In that capacity, she handled all cases that involved the city or its employees arising from civil lawsuits and city ordinance violations. Her duties also included representing the city mayor in union actions and government employee disputes. After years of state service, Judge Whetsel transferred her legal talents to the federal level.

In 2009, Judge Whetsel was appointed as an administrative judge for the U.S. Department of Agriculture, National Appeals Division (NAD) in Fargo, N.D. She presided over agricultural appeals, which included housing and farm loan disputes, crop insurance contract disputes, and farm operation and feasibility issues. In 2013, Judge Whetsel was promoted to deputy assistant director in NAD's Eastern Region in Indianapolis. Two years later, Judge Whetsel was further promoted to a detail interim position as supervisory appeals officer at the NAD Headquarters Office in Alexandria, Va.

In the span of six years at NAD, Judge Whetsel quickly climbed the ladder from an administrative judge to deputy assistant director, to acting supervisory appeals officer. Her fast rise evinces her capability, understanding, and respect for the regulatory process and equal justice under the law.

Administrative Law Judge and Advice to Lawyers

In June 2016, Judge Whetsel accepted a lifetime appointment as an administrative law judge for the U.S. Social Security Administration. In this capacity, she presides over formal, quasi-judicial, nonadversarial administrative disability hearings. She analyzes medical records and expert opinions to determine whether a claimant qualifies for benefits under the Social Security Act. Judge Whetsel handles a high-volume case docket of 50 cases per month, or 600 per year. Nevertheless, she strives not to treat litigants as mere numbers. Instead, she allows the parties a full opportunity to be heard, and she treats litigants appearing before her with respect. She states, “It is my belief that I am impartially applying the law, and as a result, helping people maneuver through difficult times in their lives while making sure that each participant’s rights are not forgotten or abused.”

When asked what guidance she would give to lawyers that appear before her, Judge Whetsel’s advice is simple. Attorneys must take their obligation of representing their clients zealously. This means they must be prepared, know the facts, and understand the strengths and weaknesses of their client’s case. In addition, lawyers must know what they want the judge to take away from the evidence. Equally important, Judge Whetsel expects attorneys to be kind and respectful to everyone who participates in the proceedings.

For lawyers who want to pursue a career as an administrative law judge, Judge Whetsel counsels that the attorney must love the law and must be willing to spend long hours reviewing evidence. The attorney must not only be a well-qualified lawyer but also ready and willing to put in the time and effort it takes to preside over cases meaningfully.

Family Matters

Judge Whetsel’s passion for the law also extends to her family. Her family plays a big part in her life, bringing her great joy and happiness. She shares that the benefit of growing up as an only child means that family encompasses not only blood relatives but also close friends. Family to her is a safe haven, no matter what the situation. She states, “Family means a forever bond—an unconditional love and acceptance of others even in light of different opinions, beliefs, and life choices.” In 2013, Judge Whetsel

legally married her long-time girlfriend of eight years, Beverly, who is a realtor. Judge Whetsel and Beverly have a 19-year-old son who attended classes at the University of Southern Indiana and now works at Home Depot in Indianapolis.

When she is not presiding over cases, Judge Whetsel enjoys traveling, playing tennis, watching football, and taking in a good movie at the theater. She also enjoys cooking and revamping tasty meals from leftovers. Judge Whetsel amusingly shares that she is known at home as “the master meal-creator with leftovers.”

Upon retirement, Judge Whetsel wants to leave good memories. She wants others to remember her as being kind, a hard worker, and a well-liked colleague among her fellow judges. As demonstrated throughout her distinguished career, Judge Whetsel has left a lasting impression on those who know her and on those she has mentored.

Judge Whetsel leaves us with one of her favorite quotes by Ralph Waldo Emerson—a quote she has indeed followed: “Do not go where the path may lead, go instead where there is no path and leave a trail.” ☺

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