

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS**



February 16, 2016

Chairman Kenyan McDuffie  
Committee on the Judiciary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman McDuffie:

Please find below responses to questions from the Judiciary Committee for the performance oversight hearing on the Office of Administrative Hearings (OAH). Please let me know if you have any questions or concerns about the responses.

General Questions

1. Please provide, as an attachment to your answers, a current organizational chart for the agency, including the number of vacant, frozen, and filled FTEs in each division or subdivision. Include the names and titles of all senior personnel. Also provide the date that the information was collected on the chart.

Please see Attachment 1.

- a. Please provide an explanation of the roles and responsibilities for each division and subdivision.

The agency is comprised of four programs/divisions – Trials, Appeals, and Judicial Management; Agency Management and Operational Support; Case Management and Judicial Support; and Judicial Assistance and Legal Counsel.

The Trials, Appeals, and Judicial Management program implements the agency’s pre-trial, adjudication, and mediation functions. The program is comprised of the agency’s Administrative Law Judges, who are charged with ensuring and improving the quality, efficiency, and efficacy of justice management.

The Agency Management and Operational Support program provides the administrative and operational support tools required to achieve programmatic results. The budget, human resources, contracting and procurement, and information

technology support functions comprise this program, which is staffed with the Executive Director, Management Liaison Specialist for human resources, the Administrative Officer, and the IT Specialist.

The Case Management and Judicial Support program is charged with the efficient intake and distribution of cases; data entry; caseload reporting; maintenance of forms and documentation; and serves as the primary customer service interface. Program staff includes the Clerk of Court and staff that support the Clerk of Court function.

The Judicial Assistance and Legal Counsel program supports the Chief Administrative Law Judge's responsibility to ensure agency compliance with applicable case law, statutes, and rules by tracking relevant court cases and legislative and regulatory initiatives. This program supports the judicial function by assisting Administrative Law Judges with legal research, legal analysis, and drafting orders.

- b. Please provide a narrative explanation of any changes made during the previous year.

No organizational changes were made during the previous year. However, there was a significant reorganization in OAH as it pertained to how the ALJs are assigned and how the work is distributed to them. This was implemented in the second quarter of FY16.

2. Please provide, as an attachment, a current Schedule A for the agency, which identifies all employees by title/position, current salaries, fringe benefits, and program. This Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

Please see Attachment 2.

- a. For each vacant position, please provide the status of the agency's efforts to fill the position, as well as the position number, the title, the program number, the activity number, the grade, the salary, and the fringe associated with each position. Please also indicate whether the position must be filled to comply with Federal or local law.

Please see Attachment 3.

- b. For each filled position, please provide the employee's length of service with the agency.

Please see Attachment 2.

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

None.

4. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY15 and FY16, to date.

Agency Issued Cell Phones	
FY15	FY16
Fontanez, Kevier	Arrendell, Martin
Haggerty, Kathleen	Lukens, Rachel*
Mapp, Lucius	Mapp, Lucius*
Pierson, Erika	Pierson, Erika
Steele, Shauntinique	Steele, Shauntinique

\*Please note that Ms. Lukens and Mr. Mapp are no longer working at the agency and their phones were returned to the IT Specialist. The phones used in FY15 by Mr. Fontanez and Ms. Haggerty were also returned to the IT Specialist before they left the agency.

The agency purchased 5 iPads in FY15. These iPads are not assigned to any particular employee and will be used for agency-wide purposes such as customer survey kiosks. The IT Specialist will manage the use of these devices.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY15 and FY16, to date.

None.

- c. A list of employee bonuses or special award pay granted in FY15 and FY16, to date.

None.

- d. A list of travel expenses, arranged by employee for FY15 and FY16, to date, including the justification for travel.

Please see Attachment 4.

- e. A list of the total overtime and workers' compensation payments paid in FY15 and FY16, to date, including the number of employees who received overtime and workers' compensation payments.

None.

5. With regard to the use of communication devices:

- a. What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.

All mobile devices are pulled from or placed back into inventory by the IT Specialist or OCTO contractor.

- b. How does your agency limit the costs associated with its mobile devices?

Cost controls have been implemented by tracking cell phones costs via the fixed cost management system. In addition, the Acting Executive Director monitors that only appropriate personnel have possession of cell phones. All employees with government owned cell phones are specifically instructed about their use, i.e., government business only, when they are issued and signed for.

- c. For FY15 and FY16, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?

Mobile Communications Costs	
FY15	FY16
\$16,755.99	\$4,297.70

6. Please provide a chart showing your agency’s approved budget and actual spending, by division, for FY15 and FY16, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures.

Please see Attachment 5.

7. For FY15 and FY16, to date, please list all intra-District transfers to or from the agency.

Please see Attachment 6.

8. For FY15 and FY16, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

Please see Attachment 7.

9. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended, and option years exercised, by your agency during FY15 and FY16, to date. For each contract, please provide the following information, where applicable:

Please see Attachment 8.

- a. The name of the contracting party;
  - b. The nature of the contract, including the end product or service;
  - c. The dollar amount of the contract, including budgeted amount and actually spent;
  - d. The term of the contract;
  - e. Whether the contract was competitively bid;
  - f. The name of the agency's contract monitor and the results of any monitoring activity; and
  - g. Funding source.
10. For FY15 and FY16, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Please see Attachment 9.

11. Please list all memoranda of understanding (MOU) entered into by your agency during FY15 and FY16, to date, as well as any memoranda of understanding currently in force. For each, indicate the date entered and the termination date.

Please see Attachment 10.

12. Please list the ways, other than memoranda of understanding, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY15 and FY16, to date.

OAH engages in regular meetings with stakeholders that have cases before OAH. These meetings include discussions on how to improve case-flow issues, how to improve and develop order templates that are most informative and useful to litigants. OAH also provides feedback to other DC agencies on proposed regulations and how the regulations are likely to affect those impacted. The Principal Administrative Law Judge for each jurisdiction coordinates with stakeholders for that issue area. For example,

- OAH co-hosts, with the Department of Employment Services, meetings for members of the public interested in unemployment insurance matters. Stakeholders have an opportunity to hear from agency representatives about key performance indicators, workload trends, regulatory developments and personnel changes. Stakeholders can also raise concerns and ask questions about their own experiences dealing with unemployment matters involving OAH and DOES.
- OAH holds quarterly meetings with the OAH Advisory Committee chaired by the Mayor's General Counsel, Betsy Cavendish. Additionally, OAH meets regularly with the Council for Court Excellence to discuss the retrospective study they are

conducting for the agency at the request of the City Auditor. This study is currently ongoing.

- OAH schedules periodic meetings with the General Counsel for the Department of Consumer and Regulatory Affairs and the Associate Director for the Office of Planning-Historic Preservation Office, and their assistants, to review process and procedural issues relating to the cases with these agencies.
- OAH holds quarterly meeting with the DC Public Schools Office of Youth Engagement and Office of General Counsel to review policies and procedures. OAH also collaborates with law school clinics and Advocates for Justice in Education on ways to increase free representation for students facing discipline.
- OAH meets periodically with the Department of Housing and Community Development, Rental Accommodations Division, and Office of the Tenant Advocate to discuss trends in cases and ways to expedite resolution of rental housing cases.
- OAH schedules regular meetings with the Department of Health Care Finance, Department of Human Services, the DC Health Benefit Exchange, and the Department of Health to review trends in cases, upcoming regulation changes, and OAH templates. OAH collaborated with DHCF and stakeholder advocates in holding a training session attended by OAH judges, agency representatives, and advocates on a new assessment tool used by DHCF to evaluate home health care needs for Medicaid recipients. Additionally, OAH is scheduling meetings with agency and community representatives committed to providing services to homeless individuals and families.

13. Please describe any anticipated spending pressures for FY16. Include a description of the pressure, the estimated amount, and any proposed solutions.

OAH will have to pay approximately \$100,000 to cover approximately 30 FTEs converting to union pay schedule as of 11/29/2015. OAH will use vacancy savings as its proposed solution.

14. Please list all currently open capital projects, including an update on all capital projects under the agency's purview in FY15 and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

There are no capital projects for the relevant fiscal years.

- a. An update on all capital projects begun, in progress, or concluded in FY14, FY15, and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances.
- b. An update on all capital projects planned for FY16, FY17, FY18, FY19, FY20, and FY21.
- c. Do the capital projects begun, in progress, or concluded in FY14, FY15, or

FY16 to date have an impact on the operating budget of the agency? If so, please provide an accounting of such impact.

15. Please provide, as an attachment, a list of all budget enhancement requests (including, but not limited to, capital improvement needs), for FY15 and FY16, to date. For each, include a description of the need and the amount of funding requested.

Please see Attachment 11.

16. Please list, in chronological order, every reprogramming in FY15 and FY16, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY15 and FY16. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

Please see Attachment 12.

17. Please list each grant or sub-grant received by your agency in FY15 and FY16, to date. List the date, amount, and purpose of the grant or sub-grant received.

Please see Attachment 13.

18. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding?

None.

19. Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant financial liability and/or will result in a change in agency practices, and the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

None.

20. Please provide the total number of administrative complaints or grievances that the agency received in FY15 and FY16, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.

OAH is unaware of any grievances or administrative complaints received in FY15 of FY16. There were three EEO complaints filed in FY14, and two of those have been voluntarily dismissed. The third one remains pending and the agency and the claimant have availed themselves of the city government's EEO process.

21. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY15 and FY16, to date, along with the agency's compliance or non-compliance with any recommendations.

In FY15, A former OAH employee is the subject of a Board of Ethics and Government Accountability (BEGA) investigation into alleged improper acceptance of gifts in violation of ethics rules codified at 6B DCMR 1803 and 1804. BEGA has informed OAH that a decision is forthcoming. The subject of the investigation has not been employed by OAH since January 2015. The employee's separation was unrelated to the BEGA investigation.

In FY15, December 4, 2014, the former Deputy Chief Administrative Law Judge of OAH entered a Negotiated Disposition with BEGA in Case No. 1213-001. The Negotiated Disposition acknowledge two violations of the District Code of Conduct: (1) DPM 1803.1(a)(1) (appearance of using public office or position for private gain); and, DPM 1804.1(b) (using government resources for other than official business). The former Deputy CALJ agreed to pay a \$1,000 fine.

22. Please provide, as an attachment, a copy of the agency's FY15 performance plan. Please explain which performance plan objectives were completed in FY15 and whether or not they were completed on time and within budget. If they were not, please provide an explanation.

Please see Attachment 14.

The agency achieved a vast majority of its FY15 performance goals as reflected in its FY15 Performance Accountability Report. OAH partially achieved its FY15 initiative to re-engineer its case management system. OAH is presently in the testing phase of the current version of its case management software and will convert from v5 to v7 by March 2016, after which the agency can prioritize and implement improvements for the system.

23. Please provide, as an attachment, a copy of your agency's FY16 performance plan as submitted to the Office of the City Administrator.

Please see Attachment 15.

24. Please provide the number of FOIA requests for FY15 and FY16, to date. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, and the estimated number of hours spent responding to these requests.



	FOIA Requests	FOIA Requests Granted	FOIA Requests Partially Granted	FOIA Requests Denied	FOIA Requests Pending
FY15	16	7	3	0	2
FY16	4	3	0	0	1

Please note that the FOIA requests pending at the end of FY15 have been accommodated.

Questions	FY15	FY16
Average Response Time	5 days	5 days
Estimated Number of FTEs	1	1
Estimated Number of Hours Spent Responding to FOIA Requests	45	30

25. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared, or contracted for, during FY15 and FY16, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.

None.

26. How does the agency solicit feedback from customers? Please describe.

OAH uses survey forms to encourage persons accessing OAH services to rate their experiences. The forms are located on the OAH website, at the reception desk, at the desk where cases and pleadings are filed, and in the cashier's office where parties may pay fines imposed in OAH cases. Identifying information is not required - to ensure that input is provided freely. A secured deposit box for survey forms is located in the lobby outside the office suite to further ensure privacy and encourage honest feedback.

In addition, Clerk's Office staff, the General Counsel's Office, the Executive Director, and the CALJ meet with litigants and members of the public when it is appropriate to do so and when it does not compromise pending litigation before OAH.

- a. What has the agency learned from this feedback?

The surveys have informed OAH that overall we are providing a very high level of customer service. We have also learned that there is always room to improve customer satisfaction as well as our communications. In fact, one of the agency's priorities for FY16 is to further improve customer service consistent with the other parts of the reorganization.

- b. How has the agency changed its practices as a result of such feedback?

OAH takes very serious any concerns and feedback that our customers provide. We follow up with relevant staff to share the feedback and remedy any issues accordingly to sustain a high level of customer service.

### Personnel

1. Please separately list each employee whose salary was \$100,000 or more in FY15 and FY16, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

Please see Attachment 16.

2. Please list in descending order the top 25 overtime earners in your agency in FY15 and FY16, to date. For each, state the employee's name, position number, position title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned.

None.

3. For FY15 and FY16, to date, please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

None.

4. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement.

None.

5. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Performance evaluations have not been conducted agency-wide for the last 3 years. In FY15, OAH conducted performance evaluations for Attorney Advisors. In FY16, OAH developed performance evaluations for Clerk's Office staff and is rolling out a performance evaluation system for its administrative law judges. It is OAH's goal to provide performance evaluations for all staff in the current fiscal year.

### Agency Operations

1. Please list each new program implemented by the agency during FY15 and FY16, to date. For each initiative please provide:

- a. A description of the initiative;
- b. The funding required to implement to the initiative; and
- c. Any documented results of the initiative.

OAH did not undertake any new programs in FY15, but sought to improve existing ones. For the second quarter of FY16, OAH implemented a reorganization which created new jurisdictions and new assignments for judges. The important aspects of this are memorialized in an email from the CALJ to the ALJs, dated January 22, 2016. A copy of this email is attached to the CALJ's testimony, copies of which are provided to the Committee.

OAH has a number of performance goals that are designed to increase the efficiency of the court and customer satisfaction, and aid in the timely disposition of cases. None of these goals have direct costs attached to them. Please see attachment 15 (OAH Performance Plan).

2. Please explain the impact on your agency of any legislation passed at the federal level during FY15 and FY16, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note.

OAH is not aware of any federal legislation passed in FY15 or FY16 that significantly affects OAH operations.

3. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

OAH has issued the following regulations:

1 DCMR Chapter 28 – Office of Administrative Hearings Rules of Practice and Procedure (last revised October 13, 2015 and February 5, 2016)

1 DCMR Chapter 29 – Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases (last revised October 13, 2015 and February 5, 2016)

4. Please identify all electronic databases maintained by your agency, including the following:
  - a. A detailed description of the information tracked within each system.

**SUSTAIN Database:** Houses our eCourt case management data base, which includes all case data from intake through issuance of dispositive orders.

**OAH ON BASE Database:** Houses our document management system.

These two databases are linked together and accessed through the “eCourt” case management system which OAH purchased in 2009.

- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system.

PROLAW DATABASE: Was the prior case management system. It houses data from the pilot project through late 2009. It is maintained to respond to inquiries on older cases.

ETIMS DATABASE: Is maintained by DMV through a contract with XEROX. OAH uses the system for its taxicab infractions and inputs data into it on a daily basis.

- c. Whether the public can be granted access to all or part of each system.

The e-court data base is not publicly available at present. The new upgrade will permit OAH to phase in public access to many parts of the system. Any District agency that has requested access to certain data about its cases has access.

5. Please identify any statutory or regulatory impediments to your agency’s operations, including any outstanding legislative requirements of the agency (e.g. implementation of rulemakings).

OAH is not aware of any statutory or regulatory impediments to its operations.

6. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16.

See Answer to Question 8.

7. Please detail the agency’s progress on following FY15 priorities:

- a. Operations

- OAH transitioned new staff into key management and operations roles: Chief Administrative Law Judge, Acting Executive Director, Clerk of Court, and IT Specialist.
- OAH began initial planning to reorganize Administrative Law Judges into specific jurisdiction clusters toward the goal of establishing more relevant and accurate performance measures.
- OAH continued from FY14 significantly reducing the number of aged and unresolved and/or unassigned cases in the system.

- b. Access to Justice

In FY15 and FY16, OAH has expanded its ongoing Access to Justice efforts in several areas.

- For the first time since OAH's inception, an OAH ALJ is a member of the D.C. Access to Justice Commission (appointed November 18, 2015).
- Researching software that will improve Resource Center operations and data tracking.
- Recruiting pro bono attorneys from law firms, to handle:
  - In-court representation;
  - Alternative Dispute Resolution;
  - Drafting plain English pamphlets which describe the various OAH subject matters;
  - Improving on-line OAH forms.
- Working with the DC Affordable Law Firm to draft a plain English pamphlet about DCPS discipline matters.

c. Case Management and Processing

OAH is implementing a substantial upgrade to its case management system.

d. Mediation

By the end of April 2016, all six attorney advisors will be trained mediators, thereby increasing the number of mediators available at any given time. In addition, the PALJs of the newly-formed jurisdictions will collaborate to make the mediation process more effective and responsive to litigants' wishes.

8. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16.

OAH's top five priorities for FY16: (1) Timely adjudication of cases through a reorganization of jurisdictions and assignments to ALJs and improvements to the case management system; (2) Implementation of performance measurement tools for ALJs; (3) Continue focused efforts on access to justice for all litigants; (4) Robust personnel training (including cross-training) and development program for personnel; and (5) Excellent customer service.

We expect to achieve our results through collaborative leadership, sharing information, increasing engagement and investment of the entire OAH community towards fulfillment of the mission of OAH, and keeping abreast of all solutions, technological and otherwise, to keep us moving forward.

9. Did the agency report any administrative law judges to the Commission on the Selection and Tenure of Administrative Law Judges in FY15 or FY16, to date?

In FY15, OAH did not report any ALJs to the Commission on the Selection and Tenure (COST).

In FY16, OAH did report an ALJs to the COST.

10. How many cases did the Chief Judge hear, and how many opinions did the Chief Judge author during FY15 and FY16, to date?

Chief Judge Adams was appointed in April 2015. He has been trained in the eCourt system and the eTIMS system. He has observed hearings and spoken to his colleagues about his imminent availability to hear cases. He expects to start hearing cases next month.

11. How many pro se litigants used resources available at the resource center?

Question	FY 2015 (Sept. 2015)	FY 2016 (Oct. 2015 to Jan. 2016)
Total Resource Center Litigants (approximation)	652	2,927
Total Resource Center Litigants + Phone Calls (approximation)	2,392	9,836

- a. Has the agency expanded the online resource center to include all documents that a litigant can obtain in person at the resource center?

Litigants can obtain a majority of the forms online. There are a small number of forms that are currently available only in the physical resource center. All of the informative booklets, in English and Spanish, are available online. Although, OAH is working to make the Amharic informative booklet available online, basic information is available for Amharic speakers.

- b. Specifically, has the agency included the links to other organizations that provide supplemental information?

Yes. The web page entitled “OAH Resource Center” includes links to such groups as the Legal Aid Society of the District of Columbia and websites such as [www.lawhelp.org](http://www.lawhelp.org).

12. How many cases were resolved by mediation in FY15 and FY16, to date?

	Total Number of Mediations	Total Number of Cases Resolved by Mediation
FY15	172	55 *
FY16	23	9

\*The sum of successful mediations and cases dismissed during mediation.

13. How many bench orders were issued during FY15 and FY16, to date? Please list all jurisdictions where a bench order may be issued.

Assuming the question seeks information on the number of final orders issued, OAH issued 16,155 final orders in FY15 and 5,705 final orders in FY16 as of February 16, 2016 (These totals exclude all final orders issued through eTIMS [DCTC]).

14. How does the agency currently evaluate the performance of administrative law judges? How can system be improved?

The agency is finishing negotiations with the ALJs' union and have agreed, in principal, on an evaluation process that will begin this year. Under this model, ALJs will be evaluated on: 1) productivity/timeliness (52%); judicial temperament (16%); legal analysis/writing (16%); and 4) clarity/accuracy of final orders (16%). Moreover, the parties have agreed to review and revisit this new process as necessary to achieve its goals.

- a. How many administrative law judges were terminated during FY14, FY15, and FY16, to date, as a result of poor evaluations?

None. Only the COST has the authority to terminate an administrative law judge.

15. The agency's process is translated (in detail) in three languages on its website. Please indicate whether the agency is considering translating the process in detail in all languages referenced on the "Language and Access" page of the agency's website.

The three languages in which the OAH process is described are the languages that OAH encounters the most. OAH is currently reviewing its ability to expand the number of languages into which its information is translated. An agency lawyer and ALJ are assigned to this responsibility.

16. Please list all jurisdictions eligible to use the e-filing/eservice system. Does the agency have plans to expand this program?

All OAH jurisdictions are eligible to use the e-mail/eservice system, including the following:

- Department of Public Works
- Child and Family Services Agency
- Department of Behavioral Health f/k/a Department of Mental Health
- District of Columbia Public Schools
- Department of Consumer and Regulatory Affairs
- District Department of Energy and Environment
- District Department of Transportation
- Department of Disability Services
- Department of Housing and Community Development

- Department of Health Care Finance
- Department of Human Services
- Department of Insurance, Banking and Securities
- Department of Employment Services
- Department of Health
- Department of Small and Local Business Development
- Fire and Emergency Medical Services
- Health Benefit Exchange
- Metropolitan Police Department
- Office of Attorney General
- Office of Human Rights
- Office of Planning
- Office of State Superintendent of Education
- Office of Tax Revenue
- Rental Housing Commission
- Shelter
- Taxi Cab Commission

17. The agency was testing the intranet system during FY14 and FY15. Has the agency implemented the employee intranet system? If so, please briefly discuss the advantages of the intranet system.

No. There were significant personnel changes at OAH during FY15, including the departures of the Executive Director, the Clerk of the Court, and the IT Specialist. OAH is assessing the intention and goals for this project.

18. Please list all cases that are eligible for the video hearing program. Does the agency have plans to expand this program?

Technically, any OAH case can be scheduled for a videoconference. In FY15, the system was tested with DOES personnel appearing by video link. In FY16, 1 video conferenced UI hearing has occurred to date. OAH looks to broaden this practice as it becomes feasible to do so for this agency and the others who might benefit.

19. The agency has entered into several MOUs with other agencies. The purpose of the MOUs is to establish jurisdiction for the agency and adjudicate cases when a hearing is required by statute. Please explain whether amending the Office of Administrative Hearings Establishment Act of 2001 to enumerate and expand the agency's jurisdiction is more advantageous instead of entering into MOUs with other agencies.



Generally, amending the Establishment Act is preferable to entering into MOUs with other agencies. Amending the Establishment Act is a more transparent way of conducting court business than accepting jurisdiction and processing cases by MOU.

The notice and comment period that is a part of the amendment process allows the public, including any stakeholders, to consider and comment on any proposed amendment(s) and also allows OAH the benefit of considering any comments. The legislative process also allows the Council to consider any fiscal impact of adding jurisdictions to OAH's case complement.

Conversely, accepting cases by MOU does not put the public on notice of OAH's authority to hear cases or to any terms of the MOU that might impact processing of cases. The Establishment Act appears to contemplate the limited use of MOUs to confer OAH's jurisdiction over cases. D.C. Official Code § 2-1831.03(c).

20. Please list all staff training programs during FY15 and FY16, to date.

<b>FY</b>	<b>DATE</b>	<b>TRAINING</b>	<b>AUDIENCE</b>
FY15	10/22/2014	e-Court Training	PALJs, Clerk
FY15	11/20/2014	Evidence in Administrative Proceedings (DC Bar Webinar)	ALJs, OGC
FY15	1/29/2015	Appeals from OAH	ALJs, OGC
FY15	3/12/2015	Ethics	Clerk's Office
FY15	3/16/2015	Westlaw	ALJs, OGC
FY15	3/26/2015	Ethics	ALJs, OGC
FY15	4/2/2015	Legislative Tracking	OGC
FY15	4/13/2015	New Staff Orientation	All new staff
FY15	5/14/2015	EEO Training	All OAH
FY15	5/27/2015	Intern Orientation	Summer Interns
FY15	5/28/2015	Due Process	ALJs, OGC
FY15	15-Jun	Advanced Administrative Law @ Nat'l Judicial College	1 new ALJ
FY15	6/17/2015	LEXIS	ALJs, OGC
FY15	6/17/2015	eCourt Template Training	Clerk Staff, ALJs
FY15	7/8/2015	Managing the Gov Hotel and Teleworker Workshop VI	ALJ & ED
FY15	7/30/2015	Language Access	All OAH
FY15	8/3-8/5/15	Judicial Writing	ALJs, OGC
FY15	8/17-27/15	Fair Hearings @ Nat'l Judicial College	3 new ALJs
FY15	9/17/2015	Deescalating Emergency Situations	Clerk's Office
FY15	9/25/2015	Effective Caseflow Management	All OAH
FY15	9/28-29/15	Neuroscience of Decision-Making	All OAH
FY16	1/22 & 1/25/2016	Statute and Regulation Drafting course	1 Attorney Advisor

21. Please list all types of cases (by jurisdiction) that come before the agency.

Department of Public Works  
Child and Family Services Agency  
Department of Behavioral Health  
District of Columbia Public Schools  
Department of Consumer and Regulatory Affairs  
District Department of the Environment  
District Department of Transportation  
Department of Disability Services  
Department of Housing and Community Development  
Department of Health Care Finance  
Department of Human Services  
Department of Insurance, Banking and Securities  
Department of Employment Services  
Department of Health  
Department of Small and Local Business Development  
Fire and Emergency Medical Services  
Health Benefit Exchange  
Metropolitan Police Department  
Office of Attorney General  
Office of Human Rights  
Office of Planning  
Office of State Superintendent of Education  
Office of Tax Revenue  
Rental Housing Commission  
\* OAH also hears appeals referred to it from about 30 Boards and Commissions

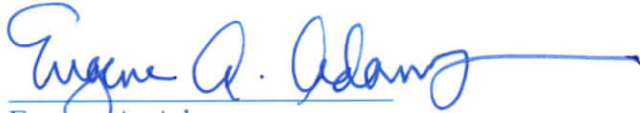
22. Please describe the current state of the agency's backlog.

There are about 1200 cases that are older than 120 days and 104 cases more than a year old; however this does not automatically mean that they are untimely. There are a number of factors that affect whether or not a case is completed within 120 days. Some of the older cases are more complicated cases that usually take more time.

However, OAH does follow federally-mandated time guidelines for cases involving unemployment insurance and certain public benefits cases. Orders in discipline cases from the D.C. Public Schools are issued within one business day of the hearing.

OAH notes that new timelines for completing most cases have been established through the collective bargaining process and will become part of standard operations in the new configurations (of judges, jurisdictions and case assignments) that were recently implemented.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Eugene A. Adams". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Eugene A. Adams  
Chief Administrative Law Judge  
Office of Administrative Hearings