

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



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 Committee's performance oversight hearing on the Office of administrative Hearings (OAH). Please let me know if you have any questions or concerns about the responses.

1. Please provide a complete, up-to-date organizational chart for each division within the agency. [\\*Please see Attachment 1](#)

Please include 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.

- a) Please include a list of employees (name and title) for each subdivision and the number of vacant positions. \*Please see Attachment 2
  - b) Please provide a narrative explanation of any organizational changes made during FY14 and FY15, to date. None.
2. Please provide a complete, up-to-date position listing for your agency. Please include the following information: \*Please see Attachment 3
- a) Title of position
  - b) Name of employee or indicate that the position is vacant, unfunded, or proposed.
  - c) Date employee began the position
  - d) Salary, fringe benefits, specific grade, series, and step of position
  - e) Job status (continuing/term/temporary/contract)
- Please list this information by program and activity.*
3. 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?
4. Performance evaluations have not been conducted agency-wide for the last 3 years. OAH is developing performance evaluation systems.

The OAH Establishment Act at D.C. Official Code § 2-1831.05(a)(10) requires the Chief Administrative Law Judge to “[d]evelop and implement annual performance standards for the management and disposition of cases assigned to Administrative Law Judges, which shall take account of subject matter and case complexity.” There is no dedicated budget to implement this mandate, which requires an enhanced IT system and services of consultants with subject matter expertise.

5. Please list all employees detailed to or from your agency. Please provide the reason for the detail, the date of detail, and the projected date of return.  
None.
6. Please provide the following:
- a) A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at the agency's expense.  
Seven (7) employees: Kathy Haggerty, Executive Director; Erica Pierson, Administrative Law Judge, Anthony Iwobi, Budget Officer; Samuel McClendon, Administrative Law Judge;

Kevier Fontanez, IT Specialist; Wanda R. Tucker, Acting CALJ; and Rachel Lukens, Supervisory Attorney Advisor.

1. An explanation of how the agency manages and limits mobile communication and device costs;

Devices are distributed on as-need basis only. Of the nearly 80 staff, there are 16 cellular devices. Seven are in use, the other eight are reserved for distribution on an as-needed basis.

2. Total costs for communication devices and service plans for FY14 and FY15, to date;

The FY14 cost was \$11, 973.42. The cost in FY15, to date, is \$3,148.74. The cost data was provided by FCMS.

- b) A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned;

OAH does not own or lease vehicles. Approximately twice a year OAH uses a fleet vehicle to transport case files for archiving.

- c) A list of employee bonuses or special award pay granted in FY14 and FY15, to date  
None.

- d) A list of travel expenses, arranged by employee;

Travel expenses are arranged by Agency personnel for Judges (i.e. Executive Assistant).

Employee	Transaction Date	Purpose	Amount
Judge Joan Davenport	6/12/2104	Hotel-Clarion MSBA Annual Meeting, Ocean City, MD (6/11-14/14)	679.59
Judge Elizabeth Figueroa	6/30/2104	NASJE Registration Fee - Chicago, IL (8/3-8/4)	600.00
Judge Elizabeth Figueroa	7/1/2014	Airfare- NASJE Conference, Chicago, IL (8/3-8/4)	334.00
Judge Elizabeth Figueroa	7/31/2014	Hotel- NASJE 2014 Conference, Chicago, IL (8/3-4/14)	180.43
Judge Elizabeth Figueroa	8/4/2014	Refund: NASJE Registration Fee	(300.00)
Judge Elizabeth Figueroa	9/11/2014	Airfare-NJC Conference -Reno, NV	393.20
Judge Elizabeth Figueroa	9/26/2014	Hotel Deposit-NJC Conference -Reno, NV	66.97
Judge Paul Handy	7/3/2014	NASJE Registration Fee - Chicago, IL (8/3-8/4)	650.00
Judge Paul Handy	7/9/2014	Travel Insurance, Chicago, IL (8/3-8/4)	28.63
Judge Paul Handy	7/9/2014	Airfare- NASJE Annual Conference, Chicago, IL (8/3-8/4)	485.00

Judge Paul Handy	7/31/2014	Hotel- NASJE 2014 Conference, Chicago, IL (8/3-8/14)	360.86
Judge Paul Handy	8/4/2014	Refund: NASJE Registration Fee	(325.00)
N/A	7/31/2014	Hotel ("Westin will refund erroneous charge")	296.83
N/A	9/3/2104	Refund: Hotel-Westin	(116.40)
<b>Total:</b>			<b>\$ 3,334.11</b>

- e) A list of the total overtime and worker's compensation payments paid in FY14 and FY15, to date. [None.](#)
7. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY14 and FY15, to date. In addition, please describe any variance between the appropriation and actual expenditures. [\\*Please see Attachment 4](#)
8. Please list any reprogramming, in or out, which occurred in FY14 or FY15, to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds. [\\*Please see Attachment 5](#)
9. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY14 or FY15, to date. [\\*Please see Attachment 6](#)
10. Please identify any special purpose revenue accounts maintained by, used by, or available for use by the agency during FY14 or FY15, to date. For each account, please list the following: [\\*Please see Attachment 7](#)
- The revenue source name and code;
  - The source of funding;
  - A description of the program that generates the funds;
  - The amount of funds generated by each source or program in FY14 and FY15, to date; and
  - Expenditures of funds, including the purpose of each expenditure, for FY14 and FY15, to date.
11. Please provide a list of all projects for which your agency currently has capital funds available. [None.](#)  
Please include the following:
- A description of each project;
  - The amount of capital funds available for each project;
  - A status report on each project, including a timeframe for completion; and
  - Planned remaining spending on the project.
12. Please provide a complete accounting of all federal grants received for FY14 and FY15, to date. [\\*Please see Attachment 8](#)

13. What steps were taken during FY14 to reduce agency energy use? **None.**
14. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.

D.C. Code § 2-536 requires that “final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases” issued by any D.C. agency be made available on that agency’s website. OAH has begun looking into the creation of a publicly available database of OAH orders and decisions. Because of the large number of cases heard by OAH over the course of several years and the logistical considerations that must be addressed for cases that DC law requires to be kept confidential, the creation and maintenance of such a database will require the dedication of significant IT resources either through OCTO or through an outside vendor. At present, OAH’s budget is not sufficient to fund the implementation of this effort. OAH has requested funding through a Program Enhancement in FY16 to satisfy these requirements.

The OAH Establishment Act at D.C. Official Code § 2-1831.05(a)(10) requires the Chief Administrative Law Judge to “[d]evelop and implement annual performance standards for the management and disposition of cases assigned to Administrative Law Judges, which shall take account of subject matter and case complexity.” OAH does not have a dedicated budget to implement this mandate, which requires an enhanced IT system and services of consultants with subject matter expertise.

15. 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.

1 DCMR Chapter 28 – Office of Administrative Hearings Rules of Practice and Procedure (last revised November 14, 2014)

1 DCMR Chapter 29 – Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases (last revised April 20, 2012)

16. Please list each new program implemented by the agency during FY14 and FY15, 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.

The OAH did not undertake any new programs in FY14, or thus far in FY15. 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 9.

17. Please provide a list of all studies, research papers, and analyses (“studies”) the agency requested, prepared, or contracted for during FY14 and FY15, to date. Please state the status and purpose of each study. [None](#).
18. Please explain the impact on your agency of any legislation passed at the federal level during FY14 or FY15, to date, that significantly affected agency operations. If regulation is the shared responsibility of multiple agencies, please note.

[OAH is not aware of any federal legislation passed in FY14 or FY15 that significantly affects OAH operations.](#)

19. Please provide a list of all MOUs in place during FY15.

[Child Support Services Division \(CSSD\)\\*](#)  
[District of Columbia Public Schools \(DCPS\)\\*](#)  
[DC Department of Environment \(DDOE\)\\*](#)  
[Department of Housing and Community Development \(DHCD\)\\*](#)  
[Department of Health Care Finance \(DHCF\)\\*](#)  
[Department of Insurance, Securities and Banking \(DISB\)\\*](#)  
[Department of Behavioral Health \(DBH, fka DMH\)\\*](#)  
[Department of Motor Vehicles \(DMV\)](#)  
[DC Department of Employment Services \(DOES\)\\*](#)  
[Health Care Benefit Exchange \(HBX\)\\*](#)  
[Office of the State Superintendent \(OSSE\)\\*](#)  
[DC Department of Human Resources \(DCHR\)](#)  
[Office of Labor Relations and Collective Bargaining \(OLRCB\)](#)  
[Office of the Chief Technology Officer \(OCTO\) \(proposed, pending OCTO signature\)](#)

[\\*MOUs govern OAH’s provision of adjudication services for District government agencies.](#)

20. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by the agency during FY14 and FY15, to date. For each contract, please provide the following information, where applicable:
- [The name of the contracting party;](#)
  - [The nature of the contract \(product or service\);](#)
  - [The dollar amount of the contract, including budgeted amount and actually spent;](#)
  - [The term of the contract;](#)
  - [Whether the contract was competitively bid or not;](#)
  - [The name of the agency’s contract monitor and the results of any monitoring activity; and](#)
  - [Funding source.](#)

[\\*Please see Attachment 10](#)

21. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations.  
[None of the entities listed above issued recommendations to OAH in the past three years.](#)

22. 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.

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

**OAH SUSTAIN Database:** The Sustain contract for services expires in FY16. We are exploring procurement options and requirements to ensure no interruption in services going forward.

- c) Whether the public has access to all or part of each system.

The e-court data base is not publicly available. Some District agencies have access.

23. What has the agency done in FY14 and FY15, to date, to make agency activities more publicly transparent? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.

We have consulted staff at the Board of Ethics and Government Accountability (BEGA) to ensure compliance with the Open Government Act.

OAH has posted links to numerous documents on the agency's website and our assessment of the need to add additional documents is on-going.

OAH revised its information access policies to make them consistent with FOIA and open government requirements.

We conduct meetings with agencies and public stakeholders to solicit input on ways to improve operations.

24. Please identify any statutory or regulatory impediments to your agency's operations. None.

25. 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 deposit box for the forms is located in the lobby - outside the office suite - to further ensure privacy and foster frank and honest feedback.

a) What has the agency learned from this feedback?

OAH's overall feedback is positive.

Interaction with support staff is consistently rated as courteous and helpful. Participants consistently comment that Clerk of Court and Legal Counsel staff answered questions promptly, accurately, and completely; posted signage is accurate and helpful; the courtrooms are comfortable and free from distractions.

Survey participants consistently comment that OAH ALJs explain the hearing process; use language that is easily understood; listen; are courteous; and maintain appropriate control during OAH hearings.

Survey participants consistently comment that notices, orders, and written materials are helpful and easily understood; OAH's website is helpful; and hearings start on time and end in a reasonable amount of time.

b) How has the agency changed its practices as a result of feedback?

The surveys have not prompted change, as the feedback has been overwhelmingly positive.

26. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY14 or FY15, to date.

**OIG:** We are not aware of any on-going investigations, audits, or reports by the OIG.

**OHR:** Two Charges of Discrimination have been filed at the Office of Human Rights (OHR) against OAH:

(1) In May 2014, an OAH employee filed a discrimination complaint against OAH. OHR concluded its investigation and issued and issued a Letter of Determination in November 2014. The complainant filed a Motion for Reconsideration in November 2014. OAH filed a timely response. OAH has not been informed of any action on the Motion.

(2) In September 2014, an applicant for an Administrative Law Judge position filed a discrimination complaint against OAH. In January 2015, the Office of Attorney General, on behalf of OAH, filed a motion to dismiss the complaint, since OAH does not select Administrative Law Judges. OHR informed OAH that the complaint will be dismissed. OAH is awaiting the Letter of Dismissal.

**BEGA:** 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.

27. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous year. Please provide an update on what actions have been taken to address these recommendations. **None.**

28. 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 liability in terms of money and/or change in practices and their current status. Please include an explanation about the issues for each case.  
**None. But see response to Question 25.**

29. Please provide, as of January 15, 2015, the current number of WAE contract, and term personnel within your agency. If your agency employs WAE contract, or term personnel, please provide, in table format, the name of each employee, position title, the length of their term or contract, the date on which they first started with your agency, and the date on which their term or contract expires.

<i>NAME</i>	<i>POSITION TITLE</i>	<i>NTE DATE</i>	<i>Date Started</i>
Johnson, Lura J.	Legal Assistant	3/13/2015	6/21/2010
Sinclair, Letitia D	Legal Assistant	10/20/2015	10/3/2010
Harris, Arelette E	Legal Assistant	1/2/2016	10/12/2010
Okoye, Chinwe P	Legal Assistant	1/2/2016	10/11/2011
Britt, Cynthia M	Legal Assistant	7/9/2015	4/10/2012
Jones, Ricky L	Legal Assistant	11/19/2015	8/6/2012
Thomas, Jamarle	Paralegal Specialist	4/10/2015	2/11/2013
Watson, Ashley	Legal Assistant	9/14/2015	7/15/2013
Gebrehiwot, Sophia A	Legal Assistant	1/2/2016	11/18/2013

30. Please provide your anticipated spending pressures for FY15. Include a description of the pressure, the estimated amount, and any proposed solutions. **Please see Attachment 11.**

31. Please provide, as an attachment, a copy of your agency's FY15 performance plan as submitted to the Office of the City Administrator and indicate whether you are on track to meet those measures. **Please see Attachment 9. OAH believes it will meet the measures as published.**

32. 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 FY15.

OAH's top five priorities: (1) Timely disposition of cases through re-engineering of case management system; (2) Implementation of performance measurement tools for Administrative Law Judges; (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.

Please detail the agency's progress on following FY14 priorities:

a) Operations

- During FY14, OAH transitioned new staff into key management roles: Executive Director, Supervisory Attorney Advisor, Clerk of Court, IT Manager and Executive Assistant.
- Operationally, OAH met all of its Performance Goals as measured within the Key Performance Indicators.
- The agency operated well under-budget, primarily due to personnel vacancies for over half of the fiscal year. Judicial training, professional development and an office remodel were funded from vacancy savings.
- OAH began working together in June 2014 to reduce the number of aged and unresolved and/or unassigned cases in the system. Significant progress was realized in this specific area of OAH operations.

b) Access to Justice

In FY2014, OAH maintained and expanded ongoing Access to Justice efforts. Through our Resource Center, OAH:

- Expanded the in-person resources available to pro se litigants by nearly tripling the number of pro bono law student volunteers available to provide information and assistance during the Resource Center's walk-in interview hours;
- Continued and fostered new relationships with area legal services providers and law school clinics to accept referrals of OAH cases and explore other methods of providing legal services to OAH litigants;
- Streamlined methods for working with law school clinics and legal services providers seeking referrals of OAH cases; and,
- Issued additional written materials including a "What to Expect at Mediation" pamphlet, and an Amharic version of the "What to Expect at a Hearing" pamphlet.

Beginning in FY2015, all Attorney-Advisors at OAH are fully integrated into Access to Justice efforts, and are trained to supervise the Resource Center's walk-in interview program.

OAH held several mandatory trainings for all OAH staff in FY2014, geared toward improving Access to Justice at OAH:

- In July 2014, the Office of Human Rights presented a training on interacting with Limited English Proficient and Non-English Proficient litigants both within and

outside the courtroom. OAH's in-house Spanish interpreters also presented a portion of the training regarding working effectively with courtroom interpreters.

- In September 2014, two all-day trainings were presented by outside experts on (1) Implicit Bias and (2) Engaged Neutrality. The training also addressed managing pro se litigants within and outside the courtroom.

c) Case Management and Processing

DPW and OAH are developing a system that allows us to exchange case data electronically

d) Mediation

122 Mediations were held in FY14.

e) Personnel Development

See response to Question 44

OAH has hired a new Human Resources Specialist beginning March 9, 2015, who will work collaboratively with the Executive Director, Chief ALJ, and OAH Training Committee to create a more structured and intentional professional development program in FY15.

33. Did the agency report any administrative law judges to the Commission on the Selection and Tenure of Administrative Law Judges? **No.**

34. How many cases did the Chief Judge hear and how many decisions did the Chief Judge author during FY14 and FY15, to date.

35. How many pro se litigants used resources available at the resource center? Has the agency expanded the online resource center to include all documents that a litigant can obtain in person at the resource center? Specifically, has the agency included the links to other organizations which provide supplemental information?

On average 40-50 pro se litigants per month seek legal information and hands on assistance through one-on-one interviews with trained law student volunteers, supervised by OAH Legal Counsel staff. Significantly more litigants avail themselves of the written materials available through OAH.

OAH does not track how many individuals take copies of information materials or forms available in the Resource Center. However, the combined space of the Clerk's office intake desk and the pro se assistance Resource Center service an average of 400-500 individuals each month. This figure also includes attorneys and other representatives.

All OAH-specific information pamphlets and FAQs available in the Resource Center are also available on the OAH website. Flyers containing referral information for other court-based

resource centers, legal services providers, and other resources are available on the OAH website.

36. How many cases were resolved by mediation during FY14 and FY15, to date?

FY14 – 122

FY15 numbers will be provided under separate cover.

37. How many bench orders were issued during FY14 and FY15, to date? Please list all jurisdictions where a bench order may be issued?

By “bench orders,” we assume you mean written Final Orders that completely dispose of an OAH case and otherwise comply with the DC Administrative Procedures Act.

We do not specifically track how many Final Orders are issued from the bench, but it is possible to give a good estimate of the numbers based on certain factors. There are two jurisdictions in which orders may be issued by the ALJ from the bench: Taxicab and Unemployment Insurance.

#### Taxicab

ALJs can issue Final Orders in Taxicab cases from the bench when the law enforcement officer who issued the Notice of Infraction fails to appear for the hearing, and the Notice of Infraction(s) at issue in the hearing will therefore be dismissed because the government (the party with the burden of proof) has not presented any evidence. ALJs make the decision whether they can issue a Final Order immediately in the courtroom in such a case based on whether it would be efficient to do so for that individual Respondent, and fair to impose some delay on other Respondents waiting for hearings on the same calendar.

In FY14, 204 NOIs were dismissed through Final Orders issued from the bench, from a total of 804 NOIs dismissed for failure of the issuing officer to appear at the hearing.

In FY15 to date, 81 NOIs were dismissed through Final Orders issued from the bench, from a total of 502 NOIs dismissed for failure of the issuing officer to appear at the hearing.

There are some times when Taxicab case Respondents demonstrate an urgent need to obtain a written Final Order immediately after the hearing. Though not, strictly speaking, “bench orders,” generally, the ALJs hearing the Taxicab cases can provide an urgently-needed Final Order that day after completing the calendar. Again, the decision about whether it is possible to issue the Final Order on an expedited basis is made by the ALJ. OAH Legal Assistants serve those Final Orders on the Respondents in the OAH reception area.

#### Unemployment Insurance

Pursuant to a specific federal mandate requiring the Department of Employment Services (DOES) to provide re-employment assessment and training to certain unemployment compensation benefit claimants, DOES began issuing decisions holding claimants who fail to

report to the re-employment assessment and training (REA) sessions ineligible for unemployment compensation benefits. To increase efficiency in handling this new influx of cases, OAH developed a form Final Order. The form Final Order is completed by hand during the hearing by the ALJ hearing the case, in much the same manner as certain form orders used in Superior Court are completed. Because the ALJ is filling in the blanks in the form Final Order during the hearing, these form Final Orders can be served on both parties (DOES representative and claimants) at or shortly after the end of the hearing, either from the bench, or in the OAH reception area.

In FY14, 214 such Final Orders were issued in unemployment REA cases. For FY15 to date, 64 such Final Orders have been issued.

38. How does the agency currently evaluate the performance of administrative law judges? How can system be improved? *See response to question 3 and 13.*
- a) How many administrative law judges were terminated during FY13, FY14, and FY15 as a result of poor evaluations? *None*
39. The agency's process is translated (in detail) in 3 languages on the 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?  
*As a result of September 2014 amendments to 4 DCMR 1602, OAH has now been designated by OHR as a "covered entity with major public contact" under the D.C. Language Access Act. OAH is working with OHR's language access team to review all language services and efforts, including the content of OAH's website.*
40. Please list all jurisdictions eligible to use the e-filing/eservice system? Do you have plans to expand this program?  
*OAH does not have a traditional e-filing system. However, OAH rule 2841.1 permits any party to file papers by e-mail with OAH and the government to file data electronically. It also permits OAH to serve orders and notices by e-mail. Filings must be e-mailed to [oah.filing@dc.gov](mailto:oah.filing@dc.gov).*

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

- Department of Public Works
- Child and Family Services Agency (CFSA)
- Department of Behavioral Health (DBH) f/k/a Department of Mental Health (DMH)
- District of Columbia Public Schools (DCPS)
- Department of Consumer and Regulatory Affairs (DCRA)
- District Department of the Environment (DDOE)
- District Department of Transportation (DDOT)
- Department of Disability Services (DDS)
- Department of Housing and Community Development (DHCD)
- Department of Health Care Finance (DHCF)

Department of Human Services (DHS)  
Department of Insurance, Banking and Securities (DISB)  
Department of Employment Services (DOES)  
Department of Health (DOH)  
Department of Small and Local Business Development (DSLBD)  
Fire and Emergency Medical Services (FEMS)  
Health Benefit Exchange (HBX)  
Metropolitan Police Department (MPD)  
Office of Attorney General (OAG)  
Office of Human Rights (OHR)  
Office of Planning (OP)  
Office of State Superintendent of Education (OSSE)  
Office of Tax Revenue (OTR)  
Rental Housing Commission (RHC)  
Shelter (Shel)  
Taxi Cab Commission (Taxi)

41. The agency was testing the intranet system during FY13 and FY14. 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 FY14, including the IT Specialist. OAH is assessing the intention and goals for this project.

42. Please list all cases that are eligible for the video hearing program. Do you have plans to expand this program?

Technically, any OAH case is eligible for videoconference. A pilot project occurred in the Unemployment Insurance (UI) jurisdiction a fiscal year or two ago. Findings and conclusions were drafted from this pilot. In UI a videoconference hearing is conducted upon a showing of good cause. We have also discussed with DOES whether certain *Claimant v DOES* cases might more often be handled by videoconference.

43. The agency has entered into several MOUs with other agencies. The purpose of the MOUs is to establish jurisdiction for the agency and adjudicates case 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).

44. Please list all staff training programs during FY14 and FY15, to date.

**FY14**

10/22/13-Evidence in Administrative Hearings (Trainers: Hon. Henry Greene, Hon. Philip Baten, William Kuehnle, Esq.) (for ALJs and OGC)

1/23/14 – DC Legislative History (Trainer: OAG) (for ALJs and Legal Counsel)

3/27/14- Time Management (Trainer: ALJ Cobbs) (for ALJs and Legal Counsel)

5/15/14- Appeals to DCCA (Trainer: ALJ Wellner) (for ALJs and Legal Counsel)

7/14 – 10/14- Jurisdiction subject matter training in all jurisdictions (Trainers: PALJs and ALJs) (for new ALJs and attorneys)

7/24/14-Language Access (Trainers: OHR and OAH) (for All OAH)

8/3-8/6/14- National Association of Judicial Education Annual Conference (2 OAH Training Committee members)

8/6/14-OAH Rules (Trainer: OAH Rules Committee) (for new ALJs and attorneys)

8/21/14-OAH Rules (Trainer: OAH Rules Committee) (for new ALJs and attorneys)

9/3/14- Orientation (Trainers: Acting Chief ALJ Tucker and PALJs) (for new ALJs and staff)

9/10/14-Language Line Training (for new ALJs)

9/23/14- Fair and Ethical Judging: Overcoming Implicit Bias in the Courts (Trainers: Professors John Powell and Rachel Godsil (for All OAH)

9/24/14 – High Performance Courts (Trainer: Brian Ostrom, National Center for State Courts) (for All OAH)

9/24/14- Managing Cases with Self-represented Litigants (Trainer: Katherine Altender, Self-Represented Litigant Network) (for All OAH)

**FY15, to date**

10/19-22/14- Management Skills for Presiding Judges (National Judicial College) (1 Principal Administrative Law Judge)

11/20/14 – Evidence in Administrative Proceedings – DC Bar Webinar (for ALJs and attorneys)

1/29/15 – Appeals from OAH –various appeal rights; statistics on appeals; issues currently on appeal; digest; 2014 round-up of appellate decisions (Trainers: ALJ Wellner, Rachel Lukens, Marya Torre) (for ALJs, OGC)

45. Please list all types of cases (jurisdiction) that come before the Administrative Law Judges.

Department of Public Works (DPW)

Child and Family Services Agency (CFSA)

Department of Behavioral Health (DBH) f/k/a Department of Mental Health (DMH)

District of Columbia Public Schools (DCPS)

Department of Consumer and Regulatory Affairs (DCRA)

District Department of the Environment (DDOE)

District Department of Transportation (DDOT)

Department of Disability Services (DDS)

Department of Housing and Community Development (DHCD)

Department of Health Care Finance (DHCF)

Department of Human Services (DHS)

Department of Insurance, Banking and Securities (DISB)

Department of Employment Services (DOES)

Department of Health (DOH)

Department of Small and Local Business Development (DSLBD)

Fire and Emergency Medical Services (FEMS)

Health Benefit Exchange (HBX)

Metropolitan Police Department (MPD)

Office of Attorney General (OAG)

Office of Human Rights (OHR)

Office of Planning (OP)

Office of State Superintendent of Education (OSSE)

Office of Tax Revenue (OTR)

Rental Housing Commission (RHC)

Shelter (Shel)

Taxi Cab Commission (Taxi)



