

OAH Budget Hearing Response Addendum

25. 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.

On 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.

On July 22, 2014, the former Chief Administrative Law Judge of OAH entered a Negotiated Disposition with BEGA in Case No. 1060-001. The Negotiated Disposition acknowledged four violations of the District Code of Conduct: (1) D.C. Code 1-1162.23(a) (conflict of interest); (2) DPM 1803.1(a)(2) (giving preferential treatment to any person); (3) DPM 1800.3 (private business conflict); and, (4) a second violation of DPM 1803.1(a) (giving preferential treatment to any person). The former CALJ agreed to pay a \$20,000 fine and promised not to engage in such conduct in the future.

On July 10, 2014, the former General Counsel of OAH entered a Negotiated Disposition with BEGA in Case No. 1060-001. The Negotiated Disposition acknowledged four violations of the District Code of Conduct: (1) DPM 1800.3 (private business conflict) (2) DPM 1803.1(a)(4) (losing complete independence or impartiality); and, (3) DPM 1803.1(a)(3) (impeding government efficiency or economy. The former General Counsel agreed to pay a \$12,000 fine, promised not to engage in such conduct in the future, and agreed to testify in connection with the investigation of Co-Respondent, the former CALJ, in Case No. 1060-001, which was ongoing at the time.

31 (d). Mediations

119 Mediations were held in FY14 with 94.5 successful outcomes.

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

FY14 Hearings Held = 93

FY14 Decisions = 13

FY15 Hearings Held = 7

FY15 Decisions = 8

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

Fiscal Year	Total	Successful
First Quarter 2014	28	14
Second Quarter 2014	49	40
Third Quarter 2014	29	11.5
Fourth Quarter 2014	13	10
First Quarter 2015	76	19