

Office of Administrative Hearings
Performance Oversight
FY 2023-2024 Pre-Hearing Questions

AGENCY ORGANIZATION

- 1. Please provide a current organizational chart for the office, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.**

[See Attachment No. 1 – OAH FY 24 Agency Org Chart.](#)

- 2. Please provide a narrative explanation of any changes made to the organizational chart during the previous year.**

D.C. Council granted approval for the addition of nine new positions, effective October 1, 2023. These positions include two IT specialists, one Deputy Clerk, two Law Clerks, three Legal Assistants, and one Resource Center Coordinator. Over the past year, OAH undertook organizational chart updates within the Case Management Judicial Support division, the Office of the General Counsel, and the Operations division. DPW and DFHV were separated from the License and Enforcement Cluster, forming an independent cluster that comprises one Deputy Clerk of Court and three Legal Assistants. The Deputy General Counsel position was converted into the Legal Resource Center Manager position during the FY 2023 budget cycle and integrated into the Operations Division. A new Resource Center Coordinator position was established under the supervision of the Legal Resource Center Manager. Additionally, three vacant Administrative Law Judge positions were deactivated due to interagency budget constraints.

- 3. Please provide a narrative description of each division and subdivision.**

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

Agency Management and Operational Support 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 Chief Operating Officer, Administrative Officer, Human Resources Specialist, Program Analysts, and IT Specialists.

Case Management and Judicial Support provides 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.

Judicial Assistance and Legal Counsel supports the ALJs' responsibility to ensure agency compliance with applicable case law, statutes, and rules by tracking relevant court cases and District and Federal legislative and regulatory initiatives. Legal Counsel also responds to FOIA requests and manages agency litigation.

4. Please list any task forces, committees, or advisory boards in which the agency participates, or professional organizations with which the agency engages.

As an agency, OAH participates in the Vacant and Blighted Property Working Group.

Some of OAH's ALJs participate and serve on the D.C. Access to Justice Commission Task Force, the District's Language Access Committee, the D.C. Association of Administrative Law Judges, the National Association of Administrative Law Judges, and the National Association of Women Judges District 4. The CALJ participates in the annual Central Hearing Panel Directors Conference.

OAH has internal committees in which ALJs participate, including the OAH Rules Committee, the OAH Court Management Committee, the OAH Ethics Committee, the Resource Center Committee, and the Recruitment Committee, with the goal of improving the agency's services and operations.

The OAH Advisory Committee advises the Chief ALJ (CALJ) on carrying out her duties and identifies issues of importance to the ALJs that OAH should address. The Advisory Committee also reviews issues related to administrative adjudication and makes recommendations for statutory and regulatory changes.

OAH's CALJ is a non-voting member of the Commission on Selection and Tenure of Administrative Law Judges (COST), which is responsible for the appointment, reappointment, and discipline of OAH's ALJs.

AGENCY PERSONNEL

- 5. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please indicate if any position must be filled to comply with federal or local law.**

[See Attachment No. 5 – FY24 Schedule A.](#)

- 6. How many vacancies were posted during FY 23? To date in FY 24? Please identify each position, how long the position was vacant, what steps have been taken to fill the position, if the position is now filled and, if not, whether the agency plans to fill the position.**

[See Attachment No. 6 – OAH Vacancy Report.](#)

- 7. 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. Please note if the agency is currently in bargaining.**

OAH is a party to the collective bargaining agreement between the Government of the District of Columbia and the American Federation of State, County, and Municipal Employees (“AFSCME”), which covers employees working for the OAH Clerk of Court, as well as other professional staff at OAH. The compensation agreement for Compensation Units 1 and 2 of AFSCME is effective October 1, 2021 through September 30, 2025. The working conditions agreement is effective through September 30, 2010.

There is also a collective bargaining agreement between OAH and the Federation of Administrative Law Judges – D.C. (“FALJ-DC”) that covers ALJs. The most recent collective bargaining agreement is effective from October 1, 2020 through September 30, 2023. OAH and FALJ-DC are in the process of beginning negotiations for the successor agreement in FY 24.

AGENCY BUDGET AND SPENDING

- 8. Please provide a table showing your agency's Council-approved budget, revised budget (after reprogramming, etc.), and actual spending, by program, activity, and funding source for FY 23 and the first quarter of FY 24. Please detail any over- or under-spending and if the agency had any federal funds that lapsed.**

[See Attachment No. 8 – Budget to Actual by Program.](#)

- 9. For FY 23 and FY 24, to date, please list all intra-District transfers to or from the agency.**

[See Attachment No. 9 – OAH Intra-Districts Transfers.](#)

- 10. LJ/NG Please list, in chronological order, each reprogramming that impacted the agency in FY 23 and FY 24, to date, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, rationale, and reprogramming number.**

[See Attachment No. 10 – Budget Reprogrammings.](#)

- 11. Please list each grant or sub-grant received by your agency in FY 23 and FY 24, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.**

N/A - OAH does not receive sub-grants.

- 12. 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 the FTEs?**

N/A - OAH does not receive Federal grant funding.

- 13. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY 23 or FY 24. For each, include a description of the need and the amount of funding requested.**

[See Attachment No. 13 – OAH FY 24 Budget Enhancement.](#)

- 14. Please list statutory mandates that accompanied any spending pressures (*e.g.* developing and implementing rules of procedure and practice for cases before the agency and approve the use of forms and documents that will assist in managing cases coming before the Office; recruit and retain qualified ALJs, etc.) the agency experienced in FY 23 and any anticipated spending pressures for the remainder of FY 24. Include a description of the pressure and the estimated amount. If the spending pressure was in FY 23, describe how it was resolved, and if the spending pressure is in FY 24, describe any proposed solutions.**

Although OAH has seen dramatic increases in caseloads, OAH has been able to fully implement statutory mandates.

CONTRACTING AND PROCUREMENT

15. Please list and provide a copy of all memoranda of understanding (“MOU”) entered into by your agency during FY 23 and FY 24, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

FY 23		FY 24	
AGENCY	DURATION	AGENCY	DURATION
AS SELLER AGENCY			
DCPS	10/1/2022 – 9/30/2023	DCPS	UNDER REVIEW
DHCF	10/1/2022 – 9/30/2023	DHCF	UNDER REVIEW
DOES - OWH	10/1/2022 – 9/30/2023	DOES - OWH	UNDER REVIEW
DOES - PFL	10/1/2022 – 9/30/2023	DOES - PFL	UNDER REVIEW
DOES - UI	10/1/2022 – 9/30/2023	DOES - UI	UNDER REVIEW
HBX	10/1/2022 – 9/30/2023	HBX	UNDER REVIEW
AS BUYER AGENCY			
DSLBD	4/10/2023 – 7/9/2023	DSLBD	UNDER REVIEW
ODDHH	10/1/2022 – 9/30/2023	ODDHH	UNDER REVIEW
DCHR – HR Services	4/4/2023 – 9/30/2023		
DCHR – Suitability	10/1/2022 – 9/30/2023	DCHR - Suitability	10/1/2023 – 9/30/2024
		DCHR - ELP	10/19/2023 – 6/30/2024

16. Please list each contract, procurement, and lease entered into or extended by your agency during FY 23 and FY 24, to date. For each contract, please provide the following information where applicable:

- 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 amount budgeted and amount 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. The funding source.

[See Attachment No. 16 – OAH Contracting & Procurement](#)

17. For FY 23 and FY 24, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

[See Attachment No. 17 – OAH P Card Expenditures](#)

18. For FY 23 and FY 24, to date, what was the total agency cost for mobile communications and devices, including equipment and service plans?

[See Attachment No. 18 – Mobile Communications](#)

19. Please provide the Committee with:

A list of total workers’ compensation payments paid in FY 23 and FY 24, to date, including the number of employees who received workers’ compensation payments, in what amounts, and for what reasons.

N/A – OAH did not incur any workers compensation costs in FY 23 and YTD in FY 24.

20. What is your agency’s current adjusted expendable budget for CBE compliance purposes? How much has been spent with SBEs or CBEs? What percent of the agency’s current adjusted expendable budget has been spent with SBEs or CBEs?

OAH’s current adjusted expendable budget for CBE compliance is \$532,484.45. In FY 23, OAH exceeded the targeted spending on SBEs, which was 50% of the expendable budget. The total percentage spending for FY 23 on SBEs was 129.19% of the total adjusted expendable budget. The agency expects to continue this trend in the current fiscal year.

21. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 23 and FY 24, to date. Please submit a hard copy to the Committee of any study, research paper, report, or analysis that is complete.

In FY 23, OAH funded two studies. In early 2023, OAH contracted with Mondrian Consulting to perform a Rapid Technology Assessment to review OAH’s technological systems and processes and recommend efficiencies.

[See Attachment No. 21 A – Mondrian Rapid Technology Assessment](#)

In late summer 2023, OAH contracted with B McNamee Consulting, LLC to perform a staffing study to evaluate workload, workflow, and employee satisfaction, with the end goal of helping OAH determine the best methods for improving its efficiency and effectiveness for both internal and external users, as well as to improve internal culture.

[See Attachment No. 21 B – B McNamee Court Feasibility Study \(“BMC Report”\)](#)

OAH neither performed nor funded any studies, research papers, reports, or analyses in FY 24 to date.

AGENCY PRIORITIES AND PERFORMANCE

22. Please provide a copy of the agency's FY 23 performance report, if one was prepared. Please explain which performance plan objectives were not met in FY 23 and provide an explanation.

[See Attachment No. 22 – OAH FY 23 Performance Report.](#) Explanations for unmet objectives can be found in the document.

23. Please provide a copy of your agency's FY 24 performance plan as submitted to the Office of the City Administrator, if one was prepared.

[See Attachment No. 23 – OAH FY 24 Performance Report](#)

24. What are the agency's top five priorities in FY 24? Please explain how the agency expects to address these priorities in FY 24.

OAH's top priorities for FY 24 are:

- Increase operational efficiency and the public's confidence in OAH's resolution of disputes;
- Increase the use of mediation to settle cases in certain jurisdictions;
- Facilitate the flow of information to and from agencies whose cases are heard at OAH;
- Improve the OAH data management system to support a highly efficient, transparent, and responsive OAH; and
- Create and maintain a highly efficient, transparent, and responsive District Government.

OAH utilizes Key Performance Indicators (KPIs) and workload measures in addressing its priorities. Additionally, OAH focused on customer service, emphasizing the use of alternative dispute resolution, and proactively addressing concerns from litigants and stakeholders; continued to allow major client agencies to monitor their OAH cases through access to the case management system eCourt; and implemented upgrades to its case management system to allow greater access, efficiency, and transparency, including publishing to the web an on-line portal through which appeals may be filed electronically.

25. What were the agency's top five priorities in FY23? Please explain how the agency address those priorities in FY 23.

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- Increase the use of mediation to settle cases in certain jurisdictions;
- Facilitate the flow of information to and from agencies whose cases are heard at OAH;
- Improve the OAH data management system to support a highly efficient, transparent, and responsive OAH; and
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26. What are the metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

OAH uses KPIs and workload measures to evaluate its operations. In FY 23, OAH created ten KPIs and eight workload measures to regularly monitor cases filed and managed in the eCourt case management system.

The KPIs are:

- Percent of all non-unemployment insurance cases closed within the fiscal year that were closed within 120 days;
- Percent of all cases filed within the fiscal year entered into the database within 3 days of filing;
- Percent of all unemployment insurance cases closed within the fiscal year that were closed within 90 days of filing;
- Percent of all cases open without approval more than 120 days at the end of the fiscal year;
- Case closure rate at or over 100 percent at the end of the fiscal year;
- Percent of non-unemployment insurance cases resolved through record settlement or voluntary withdrawal;
- Percent of mediated cases resolved by agreement;
- Percent of jurisdictions in which Final Orders are available for remote access;
- The average number of unique hits through the OAH website; and
- Percent of new appeals filed by an individual or business using a new electronic filing system instead of email, mail, or fax.

The workload measures are:

- Number of cases in which mediation occurred;
- Number of cases filed;
- Number of cases closed;
- Cases with AWE pleas and defaults open after 120 days of assignment to an ALJ;
- Number of jurisdictions in which Principal ALJs (PALJs) meet quarterly with agency counterparts;
- Number of jurisdictions in which OGC meet quarterly with agency counterparts;
- Number of jurisdictions in which PALJs meet annually with agency counterparts; and
- Number of jurisdictions in which OGC meets annually with agency counterparts.

27. Please describe any new initiatives or programs that the agency implemented in FY 23 and FY 24, to date, to improve the operations of the agency. Please describe any funding utilized for these initiatives or programs and the results, or expected results, of each initiative.

- Address high staff turnover. Since the pandemic, OAH has had difficulty recruiting and retaining new staff, particularly support staff who work directly on cases. This, and the resulting FTE vacancies, combined with increasing caseloads, have “created the conditions where employees are unable to maintain standardized processes, provide necessary training and professional development, adopt and properly incorporate technology into operations, and an overall breakdown in working relationships. BMC believes that the longer these conditions persist, employee retention and court operational efficiency will worsen.” BMC Report, Attachment 21B, page 4. OAH continues to vigorously recruit to fill vacant positions, and in an effort to reach more applicants, OAH participated in the December 2022 DCHR job fair.
- OAH utilized funding made available to it by Council to conduct a staffing benchmark study to determine appropriate staffing and salary levels in support of recruitment and retention efforts. OAH has implemented, or is working toward implementing, several recommendations, including:
 - Scheduling regular cross-cluster, cross-discipline, and all agency events;
 - Evaluating processes to identify opportunity for increasing efficiency;
 - Monitoring caseload on a monthly basis;
 - Developing standard operating procedures;
 - Creating consistent and in-depth training for new employees and refresher training for existing employees; and
 - Expanding inter-agency communications.
- Expand the eFiling Portal to permit electronic filing of cases and documents in all case types. OAH published the last phase of the eFiling Portal in April 2023, permitting the electronic filing of cases and documents in all case types.
- Publishing to the web a searchable database of final orders. (See Response to Question Number 51.)
- Continue to evaluate current policies and practices within the rubric of racial equity with the goal of encouraging equal access to hearings and equal justice to all. OAH is committed to expanding our diversity footprint by hiring legal support and administrative staff that are representative of D.C. values and its residents. The agency looks to build organizational capacity by hiring more bilingual staff and to enhance Access to Racial Justice by strengthening outreach, public engagement, and access to city services through technical assistance for communities of color to include migrants and immigrants.
- Evaluate and improve existing hearing room technology. Starting in FY 22, OAH engaged with consultants Where’s My Meetings to assess and make recommendations for the technology currently in the courtrooms. OAH is investigating ways to facilitate a courtroom experience that will allow for remote, hybrid, and in-person hearings in a modern way.

- Assess current agency technology and workflows. In February 2023, OAH engaged Mondrian Consulting, a CBE, to take a deep dive into agency technology and technology driven processes to assess the agency’s current state and provide recommendations for improvements. OAH utilized \$10,000 of NPS funds for this purpose. Attachment 21 A is Mondrian’s report, outlining its recommendations. OAH is working toward implementation of several of those recommendations, including:
 - Expanding use of automation and other capabilities in OAH’s case management system to streamline and increase efficiencies in workflows;
 - Increasing use of automation capabilities contained in O365 applications to manage case filings;
 - Expanding litigants’ use of the eFiling Portal to increase internal efficiency and external access.

Except as otherwise noted, OAH has utilized no funding to support these initiatives in FY 23 or FY 24 to date.

LEGISLATIVE, LITIGATION AND REGULATORY ACTIVITY

28. Please list and describe any regulations promulgated by the agency in FY 23 or FY 24, to date, and the status of each.

On October 11, 2023, OAH promulgated emergency rules to repeal in its entirety Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 of the District of Columbia Municipal Regulations (DCMR). Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on November 3, 2023. Effective October 1, 2023, concealed pistol licensing appeals fell within the jurisdiction of OAH. The addition of CPLRB cases to OAH jurisdiction necessitated a repeal of the CPLRB rules of procedure at 1 DCMR § 1220 *et seq.* so that existing OAH rules would apply to the adjudication of these appeals. The emergency rulemaking expires on February 8, 2024. OAH intends to issue Notice of Final Rulemaking in advance of the expiration of the emergency rulemaking.

29. Please explain any significant impacts on your agency, if any, of any legislation, regulations or judicial decisions at the federal or local level during FY 23 and FY 24, to date.

- a. Highlight any legislation, regulations or judicial decisions which created or expanded the right to seek an OAH appeal, the complexity of factors considered by ALJs in deciding appeals or raised questions regarding OAH's jurisdiction.**

LEGISLATION

- B25-0455; B25-330 (OAH Jurisdiction Clarification Temporary Amendment Act of 2023) and related legislation – reassigns jurisdiction to hear concealed pistol licensing disputes from the CPLRB to OAH;
- Act A23-0616 (Department of Buildings Establishment Act of 2020) split DCRA into DOB and DLCP effective 10/1/2022. OAH saw dramatic increase in the number of NOIs filed by DCRA and successor agencies DOB and DLCP;
- B24-0965 (Batter and Electronic Stewardship Emergency Amendment Act), related legislation and DOEE rules implementing Zero Waste Omnibus Amendment Act of 2020's battery stewardship provisions – appeals of NOIs go to OAH;
- Law 24-25 (Flavored Tobacco Product Prohibition Amendment Act of 2021) and related legislation – decriminalization and creation of civil penalties enforceable by DLCP means OAH will have jurisdiction over appeals of the civil penalties;
- B25-0516; B25-370 (Department of For-Hire Vehicles Delivery Vehicle Traffic Enforcement Expansion Congressional Review Emergency Amendment Act of 2023) and related legislation expands OAH jurisdiction;
- B25-0457 (Smoke Detector Safety Amendment Act of 2023) and related legislation expands OAH jurisdiction; and
- B25-0417 (Rental Housing Commission Fair Opportunity for Appeal Amendment Act of 2023) and related legislation creates new obligations for OAH when handling appeals to the Rental Housing Commission.

RULEMAKING

- DHS enacted emergency rules introducing a rent subsidy pilot program on August 11, 2023 (70 DCR 32), where OAH was given jurisdiction over denial or termination of benefits; and
- DDS enacted new chapter 29 DCMR 111 governing the My Life, My Way program, where denials of goods and services, and a DDS determination can be appealed to OAH.

CRB/RHC/DCCA DECISIONS

- *Posner v DCFEMS*, CRB #23-058 – increased complexity because the decision ruled that an ALJ should consider all workplace accidents;
 - *Stackhouse v DPW*, CRB #22-075 – increased complexity regarding interplay between scheduled awards and permanent disability;
 - *Simmons v DCHR*, CRB #22-051 – discussion of burden of proof to be applied;
 - *Fant v DCDOC*, DCCA 2023-12-27 (memorandum opinion) – interplay between DC worker’s compensation benefits and federal retirement benefits;
 - *Allen v FEMS*, CRB 22-055 – ALJ may consider age of claimant in determining whether they were capable of working and partial total disability (PTD) based on wage loss remains available under CMPA;
 - *Demmitt v Doe*, DCCA 21-AA-0474 (memorandum opinion) – affirming dismissal of UI appeal where claimant/appellant failed to provide a copy of the Determination when filing their appeal; and
 - *Turner v DOES*, DA 21-AA-890 (memorandum opinion) – discussion of what constitutes “good cause” for failing to report as directed by DOES.
- b. Please note each instance in which an agency has notified the Office of rules being promulgated pursuant to D.C. Code § 2-1831.13(f) in FY 23 and FY 24, to date.**

No agencies have notified OAH of rules being promulgated pursuant to D.C. Code § 2-1831.13(f) in FY 23 and FY 24, to date.

30. Regarding sanctions pursuant to D.C. Code § 2–1831.09(b)(8) issued in FY23 and in FY24 to date, please provide:

a. The total number of cases in which sanctions were issued; and

OAH does not track this specific information. However, a search of OAH orders issued during FY 23 and FY 24 to date reveals that in 11 cases, ALJs issued sanctions under D.C. Code § 2-1831.09(b)(8).

b. The number of sanctions issued against each individual government agency that appears before OAH.

The 11 cases identified in the response to Question 30(a) all involved the Department of Human Services.

31. Regarding enforcement of OAH Orders under D.C. Code § 2–1831.09(e), please provide information on any of OAH’s developed or contemplated procedures by which “an Administrative Law Judge . . . may apply to any judge of the Superior Court of the District of Columbia for an order issued on an expedited basis to show cause why a person should not be held in civil contempt for refusal to comply with an order or an interlocutory order issued by an Administrative Law Judge.” Please also provide a copy of any written protocols, policies, or procedures.

OAH has not developed or contemplated procedures by which an ALJ may apply to a D.C. Superior Court judge to enforce an order. OAH has no applicable written protocols, policies or procedures.

32. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 23 and FY 24, to date. For each requirement, please list the date the report was required and the date it was produced. If the agency did not produce the report on the mandated timeline, please explain why.

OAH is required to submit the following reports:

- OAH Agency Caseload Summary due by November 15, in accordance with D.C. Code § 2-1831.13(e). OAH submitted its Agency Caseload Summary for FY 22 on November 15, 2022, and the Agency Caseload Summary for FY 23 on November 14, 2023.
- OAH’s FY 22 Performance Accountability Report was due by January 16, 2023. OAH submitted its FY 22 PAR on January 15, 2023. OAH’s FY 23 Performance Accountability Report was due by January 16, 2024. OAH submitted its FY 23 PAR on January 16, 2024.
- OAH Annual Report due by December 30, in accordance with D.C. Code § 2-1831.05(a)(12). The FY 22 OAH Annual Report was submitted on December 30, 2022. The FY 23 OAH Annual Report was submitted on January 2, 2024, the first business day after the December 30 deadline.
- OAH Annual FOIA Report due at the end of December, in accordance with D.C. Code § 2-538(a). The FY 22 Annual FOIA Report was due December 30, 2022. OAH submitted its FY 22 Annual FOIA Report on December 30, 2022. The FY 23 Annual FOIA Report was due December 29, 2023, and was submitted on January 17, 2024.
- OAH’s FY 23 Performance Plan was due by December 2, 2022. OAH transmitted its FY 23 Performance Plan on December 2, 2022. OAH’s FY 24 Performance Plan was due by December 1, 2023. OAH transmitted its FY 24 Performance Plan on December 1, 2023.
- OAH’s FY 22 Annual Cost of Risk Report was due by January 14, 2023 in accordance with D.C. Code § 2-431 and submitted on the same day. OAH’s FY 23 Annual Cost of Risk Report was due on January 18, 2024 and submitted the same day.

33. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

CASE NAME & COURT OR AGENCY ACTION	NATURE OF ACTION	CURRENT STATUS OF LITIGATION
<i>Claudia Barber v. D.C., et al.</i> , U.S. District Court for the District of Columbia, Docket No.: 17-cv-00620-KBJ; 17-cv-01860-KBJ (consolidated)	Plaintiff alleged a violation of her procedural and substantive due process rights under the Fifth Amendment to the U.S. Constitution; a violation of the Equal Protection Clause under the Fourteenth Amendment to the U.S. Constitution; and a constitutional violation resulting from a custom or policy of the District of Columbia under 42 U.S.C. § 1983. In addition, Plaintiff brought a claim against several OAH employees for conspiring for the purpose of depriving Plaintiff of the equal protection of the laws, 42 U.S.C. § 1985(3), and for a violation of the District of Columbia Whistleblower Protection Act. Plaintiff also seeks relief pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42. U.S.C. §§ 2000, et seq. and the District of Columbia Human Rights Act, D.C. Code §§ 2-1401 <i>et seq.</i>	On August 13, 2019, the United States District Court for the District of Columbia granted the District’s Motion to Dismiss which dismissed two OAH employees from the suit and multiple counts of the Plaintiff’s Complaint. The Court also ordered the Plaintiff to file an amended complaint consolidating the remaining claims. The Plaintiff’s Second Amended Complaint was filed on September 26, 2019. Depositions were conducted in the fall of 2020. On November 15, 2021, the case was reassigned to Judge Jia M. Cobb after Judge Ketanji Brown Jackson was appointed to the U.S. Court of Appeals for the D.C. Circuit.
<i>Eva Mae Givens (on behalf of herself and others similarly situated) v. Eugene Adams in his capacity as OAH Chief Administrative Law Judge, et al.</i> , U.S. Court of Appeals for the D.C. Circuit, Docket No.: 23-7042	Plaintiff alleged an improper calculation of income for the purpose of Medicaid eligibility and the failure to issue a fair hearing decision within 90 days.	Defendants filed a Motion to Dismiss on April 29, 2021. The U.S. District Court for the District of Columbia granted Defendants’ Motion to Dismiss on September 30, 2022. Plaintiff appealed to the U.S. Court of Appeals for the D.C. Circuit. Oral argument has been scheduled for February 13, 2024.

34. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 23 or FY 24, to date.

N/A – OAH has not entered into any settlements in FY 23 or FY 24, to date.

35. Please list the administrative complaints or grievances that the agency received in FY 23 and FY 24, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to the agency policies or procedures that have resulted from complaints or grievances that were resolved in FY 23 or FY 24, to date.

One employee filed a grievance in accordance with the applicable collective bargaining agreement on April 14, 2023. That matter proceeded through the negotiated grievance process, and culminated in an arbitration proceeding. A decision from the arbitrator is pending.

An applicant filed an administrative complaint with the D.C. Office of Human Rights based on non-selection. On January 22, 2024, OAH filed a Motion to Dismiss the matter, as it is not a proper party.

36. Please provide the number of FOIA requests for FY 23, and FY 24, to date, that were submitted to your agency. 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, the estimated number of hours spend responding to these requests, and the cost of compliance.

Please refer to the table below:

	FY 23	FY 24 Q1
FOIA Requests Received	52	12
Granted	23	1
Partially Granted	7	5
Denied	3	2
Pending	1	2
Average Response Time	30 days	1.5 days
No. FTEs	7	1
No. Hours Spent	103 hours	32.3 hours
Cost of Compliance	\$7,259.44	\$2,466.75

37. Please identify all electronic databases maintained by your agency, including the following:

a. A detailed description of the information tracked within each system;

PROLAW: When OAH began operations as a pilot project within the Department of Health in the late 1990s, OAH used the Thompson Reuters “ProLaw” Case Management Software to manage all data related to OAH cases. The system was not as flexible as necessary for court operations. OAH acquired a new case management software (“eCourt”) in 2009. The data in ProLaw was not transferred to eCourt. No new cases have been entered into ProLaw since early 2010. Although the cases are

closed, the system is maintained as various agencies periodically ask for information on older cases. On April 24, 2017 (FY 17) ProLaw was upgraded from version 11 to version 2017.1 (17) to be compatible with Microsoft Windows 2012 which was required by the Office of the Chief Technology Officer (OCTO). These records are not accessible by the public as they contain a mix of confidential and public information.

ECOURT: OAH utilizes the eCourt Case Management Software. eCourt allows OAH to store case data, tracks case developments, and allows the generation of documents. The system went live at the end of 2009. eCourt is a product of Journal Technologies (“JTI”). OAH works with JTI to regularly update eCourt. In FY 23, OAH transitioned from the OnBase document management system to a document management system provided by Journal. The document management system integrates with eCourt to store case documents.

DATABASES: There are two databases related to ProLaw, eCourt, and OnBase. They are virtual Microsoft Windows 2012 SQL databases: OAHSQLEPRD01 and OAHSQLEDEV01, which are secure and offsite at an OCTO location. OAHSQLEPRD01 is a “production” or “live” environment which contains all data for the applications (eCourt, OnBase, and ProLaw with its historical data) in use at the present time. OAHSQLEDEV01 is a “test” environment that is refreshed periodically to mirror the data in the production environment. The test environment can be used for troubleshooting, testing, developing changes, and applying system patches/upgrades without risking problems in the live environment. Both databases maintain public and non-public records for OAH cases.

b. The age of the system and any substantial upgrades that were made in FY 23 or FY 24, to date, or that are planned for the system;

The oldest dataset used by OAH is the ProLaw database which goes back to 2009. There were no upgrades made in FY 23 or FY 24 (to date). There are no planned updates in FY 24 for the databases.

In FY 23, OAH worked with JTI to upgrade the test and production eCourt environments to release 2022.17-LTS-b2419. Regular updates ensure OAH is on the latest and most stable version of the product. Additionally, OAH worked with JTI to transition to a new document management system. The new document management system is native to eCourt, and it replaced OnBase, the document management system OAH had used since adopting eCourt.

In FY 23, OAH finished implementation of the eFiling Portal. The Portal allows public users to file hearing requests or add filings to a case.

Currently OAH is working with JTI on a public final order search. It is expected the final order search will be delivered in FY 24.

c. Whether the public is currently granted access to all or part of each system; and

The public currently has limited access to eCourt through the eFiling Portal. The Portal allows users to electronically file documents.

d. Whether the public could be granted access to all or part of each system.

OAH anticipates that the public will be granted further access in FY 24 upon the completion of the final order search. In addition, OAH plans to expand the information available to litigants via the eFiling Portal.

38. Please list and describe any investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 23 and FY 24, to date.

Except as described in the response to Question Number 21, there are no ongoing investigations, audits, or reports on the agency or any of its employees that were completed during FY 23 and FY 24, to date.

OAH APPEALS ACTIVITY

39. Please provide the total number of appeals filed with the Office in FY 22 through FY 24 to date, according to agency and jurisdiction. For each fiscal please note the total number of appeals filed through the electronic filing system and other methods available.

CASES FILED BY AGENCY FY22 - FY24 (Q1)			
AGENCY	FY22	FY23	FY24 Q1
DC Public Schools	164	190	31
Department of Behavioral Health	5	6	2
Department of Buildings	n/a	8,578	2,707
Department of Consumer and Regulatory Affairs	7,134	1,694	1
Department of Employment Services	2,050	1,411	388
Department of Energy and Environment	213	285	13
Department of For-Hire Vehicles	0	2	0
Department of Health	879	559	48
Department of Health Care Finance	227	676	370
Department of Housing and Community Development	137	143	54
Department of Human Services	1,615	2,518	668
Department of Licensing and Consumer Protection	n/a	690	172
Department of Public Works	7,858	8,888	3,897
Department of Small and Local Business Development	3	1	1
Department of Transportation	210	131	19
Department on Disability Services	12	9	4
Fire and Emergency Medical Services Department	28	33	10
Health Benefit Exchange Authority	19	28	4
Metropolitan Police Department	53	42	91
Office of Planning	28	33	3
Office of Risk Management	40	21	1
Office of Tax and Revenue	30	81	92
Office of the Attorney General - Child Support Services Division	20	20	3
Office of the Secretary	1	1	1
Office of the State Superintendent of Education	13	26	3
Office of Victim Services and Justice Grants	1	1	0
Washington Area Metropolitan Transit Authority	0	286	95
TOTAL	20,740	26,353	8,678

40. For the following appeal types, please provide (in table format) the total number filed with the Office as well as average, median, and mode in FY 23 and FY 24 to date for: (a) the number of days from the date of initial filing to the date the initial status conference is held and (b) the number of days from the date of initial filing to the date that OAH renders a decision –

a. Appeals regarding programs administered by the Department of Health Care Finance;

		FY 23	FY 24, Q1
DHCF APPEALS FILED		676	370
APPEAL TO INITIAL EVENT (DAYS)	Average	49	63
	Median	48	68
	Mode	26	82
APPEAL TO CLOSURE (DAYS)	Average	123	86
	Median	55	74
	Mode	36	70

b. Appeals regarding SNAP (food stamps) benefits (non-emergency filing);

		FY 23	FY 24, Q1
DHS - SNAP APPEALS FILED		1,135	156
APPEAL TO INITIAL EVENT (DAYS)	Average	36	61
	Median	30	64
	Mode	27	63
APPEAL TO CLOSURE (DAYS)	Average	62	79
	Median	40	69
	Mode	28	64

		FY 23	FY 24, Q1
DHS-SNAP EXPEDITED APPEALS FILED		55	9
APPEAL TO INITIAL EVENT (DAYS)	Average	24	58
	Median	17	63
	Mode	13	69
APPEAL TO CLOSURE (DAYS)	Average	54	106
	Median	41	70
	Mode	21	70

c. Appeals regarding SNAP (food stamps) benefits (emergency filing);

		FY 23	FY 24, Q1
EMERGENCY DHS-SNAP APPEALS FILED		76	16
APPEAL TO CLOSURE (DAYS)	Average	51	56
	Median	36	74
	Mode	14	84

		FY 23	FY 24, Q1
EMERGENCY DHS-SNAP EXPEDITED APPEALS FILED		54	2
APPEAL TO CLOSURE (DAYS)	Average	44	172
	Median	31	162
	Mode	14	N/A

- i. Include the number of days from the date of an emergency public benefits appeal filing (i.e., case filed using the “Request for Emergency Hearing in Public Benefits Case” form or equivalent) to the date the initial hearing or status conference is held.

		FY 23	FY 24, Q1
SNAP APPEAL TO INITIAL EVENT (DAYS)	Average	20	21
	Median	16	13
	Mode	13	13
EXPEDITED SNAP APPEAL TO INITIAL EVENT (DAYS)	Average	20	35
	Median	16	35
	Mode	13	N/A ¹

d. Appeals regarding TANF benefits;

		FY 23	FY 24, Q1
DHS-TANF APPEALS FILED		610	94
APPEAL TO INITIAL EVENT (DAYS)	Average	36	60
	Median	30	65
	Mode	27	64
APPEAL TO CLOSURE (DAYS)	Average	59	85
	Median	41	70
	Mode	35	70

¹ The data set is not large enough for mode. In FY24 Q1, there were only two emergency Expedited SNAP appeals.

- i. Include the number of days from the date of an emergency public benefits appeal filing (i.e., case filed using the “Request for Emergency Hearing in Public Benefits Case” form or equivalent) to the date the initial hearing or status conference is held.

		FY 23	FY 24, Q1
EMERGENCY DHS-TANF APPEAL TO INITIAL EVENT (DAYS)	Average	18	19
	Median	13	13
	Mode	9	15

- e. Appeals of Department of Human Services Medicaid eligibility determinations;

		FY 23	FY 24, Q1
DHS-MEDICAID APPEALS FILED		278	79
APPEAL TO INITIAL EVENT (DAYS)	Average	40	61
	Median	35	64
	Mode	21	63
APPEAL TO CLOSURE (DAYS)	Average	111	73
	Median	39	67
	Mode	34	62

- f. Appeals of Department of Employment Services (DOES) unemployment benefits determinations; and

		FY 23	FY 24, Q1
DOES-UI APPEALS FILED		1,348	378
APPEAL TO INITIAL EVENT (DAYS)	Average	22	21
	Median	20	19
	Mode	20	20
APPEAL TO CLOSURE (DAYS)	Average	39	33
	Median	25	23
	Mode	20	19

- g. Appeals initiated pursuant to the Rental Housing Act.

		FY 23	FY 24, Q1
DHCD APPEALS FILED		143	54
APPEAL TO INITIAL EVENT (DAYS)	Average	58	39
	Median	48	34
	Mode	34	34
APPEAL TO CLOSURE (DAYS)	Average	222	174
	Median	129	106
	Mode	32	35

41. For appeals challenging Department of Human Services (DHS) Medicaid eligibility determinations in FY 23 and FY 24, to date, please provide:

- a. The number of days from the date of the filing of the appeal to the date the initial hearing or status conference is held.

Please refer to the response to Question 40e.

- b. The number of days from the date of the filing of the appeal to the date that OAH renders a decision in the case.

Please refer to the response to Question 40e.

- c. The number of days from the date of an emergency public benefits appeal filing (i.e., case filed using the “Request for Emergency Hearing in Public Benefits Case” form or equivalent) to the date the initial hearing or status conference is held.

		FY 23	FY 24, Q1
EMERGENCY DHS-MEDICAID APPEAL TO INITIAL EVENT (DAYS)	Average	18	8
	Median	13	9
	Mode	13	N/A ²

- d. The number of days from the date of the filing of an emergency public benefits appeal to the date that OAH renders a decision in the case.

		FY 23	FY 24, Q1
EMERGENCY DHS-MEDICAID APPEAL TO CLOSURE (DAYS)	Average	40	61
	Median	22	74
	Mode	N/A ³	N/A ⁴

42. For appeals challenging DOES unemployment benefit determinations in FY 23 and FY 24, to date, please provide:

- a. The number of appeals filed without a claim’s examiner or monetary determination; and

	FY 23	FY 24, Q1
UI APPEALS FILED WITHOUT CLAIM EXAMINER’S DETERMINATION	241	64

² The data set is not large enough for mode.

³ The data set is not large enough for mode.

⁴ The data set is not large enough for mode.

- b. The number of appeals for which a claim’s examiner or monetary determination is never provided.**

	FY 23	FY 24, Q1
UI APPEALS DISMISSED DUE TO NO CLAIM EXAMINER’S DETERMINATION	179	43

When an appeal is filed without a determination, the Appellant is issued a More Information Order (“MIO”). The MIO requires the appellant to provide the determination. When the Appellant answers the MIO and provides the determination, the case is scheduled for a hearing. If the Appellant does not respond to the MIO, the case is dismissed.

- c. The number of days from the date of filing the appeal without a determination to the date of the initial hearing or status conference is held.**

Please refer to the response to Question 42b.

- d. The number of cases filed without a claim’s examiner or monetary determination that are dismissed before any initial hearing or status conference is held.**

Please refer to the response to Question 42b.

- e. The number of days from the date of filing the appeal for which a determination is provided to the date the initial hearing or status conference is held.**

Please refer to the response to Question 40f.

- f. The number of days from the date of filing the appeal for which a determination is provided to the date that OAH renders a decision in the case.**

Please refer to the response to Question 40f.

43. Regarding appeals filed at OAH challenging Department of Employment Services (DOES) unemployment benefit determinations, please provide the average, median, and mode in FY 23 and in FY 24 to date for:

- a. The number of appeals filed without a claim’s examiner or monetary determination;**
- b. The number of appeals for which a claim’s examiner or monetary determination is never provided;**
- c. The number of days from the date of filing the appeal without a determination to the date of the initial hearing or status conference is held;**
- d. The number of cases filed without a claim’s examiner or monetary determination that are dismissed before any initial hearing or status conference is held;**
- e. The number of days from the date of filing the appeal for which a determination is provided to the date the initial hearing or status conference is held; and**
- f. The number of days from the date of filing the appeal for which a determination is provided to the date that OAH renders a decision in the case.**

Please refer to the response to Question 42.

44. Regarding Court of Appeals review of the Office’s decisions, please provide the average, median, and mode in FY 23 and in FY 24, to date, for the number of days between the Office’s receipt of an order from the Court of Appeals to produce an administrative hearing record, and the Office’s transmission of the record to the Court of Appeals.

- a. The number of days from the date on which the Office receives a Court of Appeals order to produce an administrative hearing record; and**
- b. The number of days from the date on which the Office transmits the record to the Court of Appeals.**

	FY 23	FY 24, Q1
Average	34 days	26 days
Median	31 days	25 days
Mode	43 days	No Mode

45. How many of the Office’s decisions were appealed to another tribunal in FY 23 and FY 24, to date, and of those, how many have been affirmed, reversed, or remanded? Please provide a table of the tribunals the cases were appealed to.

		FY 23	FY 24, Q1⁵
DC COURT OF APPEALS	Appeals Filed	46	11
	Affirmed	6	0
	Reversed	0	0
	Remanded	6	0
COMPENSATION REVIEW BOARD	Appeals Filed	10	4
	Affirmed	4	0
	Reversed	1	0
	Remanded	3	0
RENTAL HOUSING COMMISSION	Appeals Filed⁶	5	3
	Affirmed	0	0
	Reversed	0	0
	Remanded	0	0

46. For appeals filed with OAH regarding programs administered by the Department of Health Care Finance, please provide the number of cases in FY 23 and FY 24, to date, where the petitioner is:

- a. Representing themselves;**
- b. Represented by an attorney; and**
- c. Represented by a non-attorney representative.**

OAH does not compile data on litigant representation.

⁵ No decisions have been issued yet for the cases appealed to any tribunal for FY 2024.

⁶ No decisions have been received yet for the cases appealed to the Rental Housing Commission for FY 2023.

- 47. For appeals filed with OAH regarding programs administered by the Department of Human Services, please provide the number of cases in FY 23 and FY 24, to date, where the petitioner is:**
- a. Representing themselves;**
 - b. Represented by an attorney; and**
 - c. Represented by a non-attorney representative.**

Please refer to the response to Question 46.

- 48. For appeals filed with OAH regarding programs administered by the Department of Human Services, please provide the total number of status conferences and/or hearings where the Department of Human Services failed to appear.**

OAH does not track cases in which an agency representative fails to appear for an event.

- 49. For all appeals involving an individual party where that party’s District zip code is known, please provide the number of cases involving a party from each District zip code in FY 23 and in FY2 4 to date.**

PARTY ZIP CODES FOR CASES OPENED IN FY 23 AND FY 24, Q1		
ZIP CODE	FY 23	FY 24, Q1
20001	801	334
20002	1692	608
20003	640	204
20004	27	18
20005	373	177
20006	85	26
20007	395	217
20008	183	50
20009	597	244
20010	455	238
20011	925	304
20012	470	128
20013	24	6
20015	152	55
20016	304	124
20017	246	133
20018	404	148
20019	1081	372
20020	1056	388

20022	1	-
20024	170	67
20026	5	3
20029	6	3
20030	-	2
20032	710	244
20033	5	-
20035	10	-
20036	455	110
20037	403	53
20038	1	1
20039	2	3
20040	2	1
20044	1	-
20052	23	230
20053	-	1
20056	3	-
20059	4	1
20060	1	1
20064	1	-
20066	1	-
20070	-	1
20090	10	5
20091	19	2
20212	1	-
20240	-	1
20340	-	1
20405	1	-
20433	-	2
20510	-	2
20515	1	-
20520	-	1
20530	1	-
20544	1	-
20551	2	-
20565	1	-

50. [No question was supplied.]

LITIGANT ACCESS

51. Please provide an update on the Office's efforts during FY 23 and FY 24, to date, towards completion of the public portal for searchable Final Orders. Please also describe whether portal will include the following features, once completed:

- a. Final orders from all jurisdictions under OAH**
- b. Final orders dating back to 2012**
- c. Full text search**
- d. Natural language or Boolean search capabilities**

During FY 23 and during FY 24 to date, OAH has taken the following steps toward publishing a searchable database of Final Orders:

- OAH researched other searchable databases of orders both locally from other D.C. government agencies and nationally from other administrative central hearing panels and judicial branch courts to review possible solutions.
- OAH investigated vendors; sought proposals; and scheduled demonstrations of those proposed solutions.
- OAH contracted with its eCourt vendor to build a search function utilizing its existing case management database. The project kicked off in early January 2024. OAH fully expects to begin testing the search function in the third quarter of FY 24 and to publish the search to the web in the fourth quarter of FY 24.

Internally, OAH has started to identify the process necessary for creating the database. This process is complicated by the wide variety of case types OAH hears: some case types contain confidential information – or are entirely confidential – and those final orders must be redacted or excluded from the database. As OAH has not redacted final orders previously on a broad scale, the agency has worked to identify which case types must be redacted; what information must be redacted; and any case types that must be excluded completely from the database. Having identified those parameters, OAH is now beta-testing methods by which the orders will be redacted and evaluating how that additional workload will be managed by the agency.

OAH expects that the database may not contain final orders from all jurisdictions because some case types may be excluded due to confidentiality issues.

Since 2016, OAH has issued over 100,000 final orders, none of which have been redacted. OAH currently does not have the manpower to redact previously issued orders and the agency expects to initiate this project with new orders moving forward from a date certain.

52. Please list all fees assessed by the Office and the amount collected from each fee in FY 23 and FY 24, to date.

OAH collects fees for paper copies, recordings of hearings, and document reproduction for FOIA requests. In FY 23 and FY 24, Q1, the only fees collected by OAH were for hearing recordings.

TOTAL FEES COLLECTED FOR HEARING RECORDINGS	
FY 23	\$1,140
FY 24, Q1	\$230

53. Regarding OAH’s eFiling Portal, please provide:

- a. The percentage of cases in FY 23 and in FY 24 to date where at least one filing was made through the eFiling Portal;**

NUMBER OF DOCUMENTS FILED BY METHOD		
METHOD	FY23	FY24 Q1
eFiling Portal	364 (<1%)	179 (<1%)
DPW-OAH Interface	12,940 (11%)	8,022 (22%)
Other*	101,971 (89%)	28,412 (78%)
TOTAL	115,275	36,613
*Other methods include USPS, fax, in-person, telephone, and email.		

- b. The number of reported technological challenges with the portal in FY 23 and FY 24, to date, broken down by type of problem;**

OAH has not received reports from Portal users regarding technological challenges they may have encountered.

When the eFiling Portal initially went live in late FY 22, only Unemployment Insurance hearing requests and additions to already open OAH cases were accepted. OAH implemented a slow rollout to make gradual adjustments to the external user interface (members of the public) and internal workflows. In April 2023, the Portal was fully open to accept hearing requests for all case types.

- c. **The current status of plans to further develop the portal to allow limited public access to the OAH electronic case management system;**

The eFiling Portal is a tremendous tool that will allow OAH to function more efficiently. In FY 23 and FY 24, to date, public adoption of the Portal was slow—most of the case filings, over 100,000, arrived via other methods. OAH believes expanding the Portal to allow litigants to see more case information will prompt further public use of the Portal.

- d. **The number of paper filings from FY 22 to FY 24, to date (also include whether the filing was made by a pro se litigant or by an attorney).**

OAH accepts appeals in-person, by USPS, by email to oah.filing@dc.gov, by fax, via the eFiling Portal, and, in certain circumstances, by telephone. Filings in DPW cases may also be received via an electronic interface between eCourt and eSweep, DPW’s electronic ticket management system. OAH does not track the method by which an appeal is filed except to distinguish between those filed via the eFiling Portal, DPW-OAH interface, and all other filings.

54. Regarding the Office’s transition to remote operations, please provide:

- a. **The number of telephonic WebEx hearings held in FY 23 and in FY 24, to date;**

WEBEX EVENTS	
FY 23	10,566
FY 24, Q1	3,024

- b. **The number of video WebEx hearings held in FY 23 and in FY 24 to date;**

OAH does not track this information.

- c. **The number of in-person hearings requested by any party in FY 23 and in FY 24, to date; and**

OAH does not track instances where litigants requested to appear in-person.

- d. **The number of reported technological challenges with WebEx in FY 23 and in FY 24, to date. Please provide the number of such problems broken down by platform (telephonic/video), user (litigants/OAH members), type of challenge, and frequency.**

OAH received no reports from litigants of technological challenges with WebEx in FY 23 and in FY 24 to date. In December 2023, OCTO enabled a single sign-on feature for Webex accounts. This changed precipitated a new way for OAH Webex

users login into their Webex accounts. OAH's IT team messaged the changes to OAH Webex users and assisted users with the new login procedures.

55. As the District emerges from the public health emergency, what public health emergency policies or operating procedures will remain in place?

In response to the public health emergency declared in March 2020, OAH modified agency procedures to accommodate working remotely and to provide virtual hearings where possible. The major changes to OAH operations and procedures included:

- Moving from predominantly in-person hearings to 100% remote hearings utilizing the WebEx platform;
- Maintaining hearing records digitally instead of in paper; and
- Implementing remote work.

Looking forward, OAH is adapting its policies and standard practices as a result of the lessons learned during the pandemic. In particular:

- **Electronic file records:** OAH continues to create electronic file records to work with the Office of the Secretary/Office of Public Records to update the OAH Records Retention Policy to allow the agency to create and retain all hearing records in a digital format only.
- **Hearings:** In FY 23, OAH sought input from stakeholders, reviewed national expert reports and analyses, and analyzed internal data to determine how best to utilize the three methods of hearings (in-person, video, and telephone) in order to provide the widest possible access to all communities the agency serves. Common to all recommendations was the preference that OAH continue to offer primarily remote telephone hearings with the flexibility for parties to request in-person or video hearings.

OAH is committed to continue evaluating practices and operating procedures on a regular basis and to adapt where necessary with the goal of providing the widest possible access to all communities the agency serves.

OAH RESOURCE CENTER

56. Regarding the Office's Resource Center, please provide:

a. The Resource Center's budget in FY 23 and in FY 24 to date.

The agency does not allocate a distinct budget for the Resource Center; instead, personnel costs associated with it are already accounted for within the agency's overall budgeted Full-Time Equivalent (FTE) count.

b. The total number of inquiries or requests for assistance received in FY 23 and FY 24 to date;

In FY 23 and FY 24 to date, the Resource Center received approximately 3,960 calls and 555 emails.

c. The current number of staff allocated to the Resource Center during FY 23 and FY 24 to date. Please specify how many of these staff are full-time.

In FY 23, one full-time Attorney Advisor was allocated to the Resource Center as a direct service provider. Also, one full-time Program Analyst provided part-time administrative support for the Resource Center.

In FY 24, OAH allocated four FTEs to the Resource Center. OAH created two new full-time Resource Center positions: a Resource Center Manager position and a Resource Center Coordinator position. OAH also allocated two full-time Program Analyst positions to the Resource Center. The Resource Center Coordinator position and one Program Analyst position are currently vacant but are in the recruitment process.

d. A report of any changes that OAH has undertaken in FY 23 and in FY 24 to date to Resource Center policies or practices.

At the beginning of FY 23, OAH launched an updated website, which hosts updated written self-help materials and forms created and maintained by the Resource Center. The Resource Center has continued adding new self-help materials and updating materials as needed.

Regarding person-to-person service delivery in FY 23, Resource Center policies and practices remained consistent. The Resource Center has maintained access by telephone and email, providing only remote services throughout FY 23 and FY 24 to date.

At the beginning of FY 24, OAH reorganized the Resource Center, moving the Resource Center organizationally from the Office of General Counsel to the Operational Support Division. With the reorganization, OAH began expanding Resource Center staff.

The Resource Center is also creating written intake procedures, volunteer agreement forms, and Resource Center training/reference materials, laying the foundation for the implementation of live intake processes and the creation of volunteer programs to increase Resource Center capacity.

Further, in FY 24 the Resource Center adopted a cleaner and more thorough data collection process, allowing the Resource Center to better collect and analyze data. This data will help gauge the impact of staffing changes and guide improvements to Resource Center services moving forward.

e. A report of any changes that OAH anticipates making over the remainder of FY 24 to Resource Center policies and practices. This includes any steps that OAH has taken in FY 23 and in FY 24 to date, to improve the reach and/or effectiveness of the Resource Center.

The recent reorganization and staffing changes will allow substantial improvements to Resource Center practices in the remainder of FY 24. Specifically, the Resource Center will implement live intake procedures once the Resource Center Coordinator is hired and trained, increasing the accessibility of the Resource Center. Further, Resource Center staff will begin building volunteer programs to increase Resource Center capacity. With increased capacity, the Resource Center will also start providing in-person service hours, along with maintaining the current level of remote access.

With greater capacity, the Resource Center also plans to advertise Resource Center services more broadly; establish clear and consistent internal referral procedures; provide additional Resource Center information on the OAH website; ensure OAH orders and notices have updated Resource Center information; and distribute Resource Center flyers among agencies and other public points of contact where individuals may need information about OAH.

The Resource Center also plans to utilize increased staff capacity to be more proactive and consistent in conducting user testing of the OAH website and self-help materials to evaluate and improve the readability and usability of self-help materials.

Finally, OAH is also reestablishing the agency's Resource Center Advisory Committee and will continue collaboration with stakeholders to gather internal and community feedback on improvements to the OAH website and to self-help materials and services.

LANGUAGE ACCESS

57. Regarding the Office's Language Access efforts, please provide:

- a. A listing of the five most commonly used forms and the languages in which they are available;**

Based on website and in-person activity, five most commonly used OAH forms are:

- Filing Cover Sheet;
- Request to Change a Final Order;
- Request to Appeal a Department of Human Services (DHS) Action;
- Request for a Hearing to Contest a Taxicab or For-Hire Vehicle Ticket; and
- Taxpayer's Protest of a Proposed Assessment.

All OAH forms are currently available online and in print in English, Spanish, and Amharic.

- b. The Language Access Office's budget in FY 23 and in FY 24 to date, including allocation for written translation of vital documents;**

In FY 23, OAH allocated \$20,000 for Language Access and \$63,110 for written translation. In FY 24, OAH allocated \$20,000 for Language Access and an estimated \$43,110 for written translation.

- c. The current number of staff allocated to the Language Access Office. Please specify how many of these staff are full-time;**

OAH does not have a Language Access Office, but has a dedicated Language Access Coordinator and has allocated staff to ensure compliance with Language Access obligations. OAH currently has seven full-time staff members (two from the Resource Center and five from the Customer Service Center) allocated to OAH's Language Access team, each on a part-time basis.

- d. A report of any changes that OAH has undertaken in FY 23 and in FY 24 to date to Language Access policies or practices;**

In FY 23, OAH improved the Language Access data collection process by adopting an automated and interactive dashboard that collects and displays information about interpretation requests. Centralized and standardized data collection will assist with language access reporting requirements and will make OAH more responsive to changes in language access needs.

In response to language access feedback, in FY 24, OAH initiated a comprehensive review of the interpreter request processes to make sure interpreter requests are timely processed based on standardized and consistent procedures.

e. A report of any changes that OAH anticipates making over the remainder of FY 24 to Language Access policies and practices;

OAH is currently reviewing its Language Access policy and practices, and anticipates updating the policy as needed to reflect a standardized, consistent process for interpreter requests, among other updates required to improve the agency's Language Access Program. OAH will also explore options on automating part of the internal interpreter request process.

OAH plans to complete a language access bench card for judges' reference during hearings. The bench card will provide quick access to the basic information required for efficient and effective interpreter services during hearings.

f. Any steps that OAH has taken in FY 23 and in FY 24 to date, to improve the reach and/or effectiveness of the language access at OAH;

At the start of FY 23, OAH launched a new website, which offers information pages in Spanish and Amharic. Links to the language pages, written in the target languages, are placed at the top of the OAH homepage. The language pages have general information about OAH, links to all OAH forms in the target languages, filing instructions, fine payment instructions, and remote hearing information.

OAH also launched a new customer service survey and made the survey more accessible from the OAH website homepage. The surveys are available in English, Spanish, and Amharic. The portion of the survey for feedback on hearings and mediations allows customers to provide information about their experience with a court interpreter. The survey also collects data about the language requested. This information helps OAH track any complaints and potential problems with its language access services.

g. Any steps that OAH anticipates taking over the remainder of FY 24 to improve the reach and/or effectiveness of the Language Access Office; and

OAH plans to launch a digital sign-in kiosk for in-person visits, which gives visitors the option the sign-in and request assistance in Spanish or Amharic. The automated check-in process will give front-line staff prior notice of language access needs, enabling staff to have an interpreter ready when a customer is called for assistance.

OAH will continue creating taglines in additional languages, as needed, to include OAH orders and notices. OAH currently has the tagline available in 28 languages. The tagline informs LEP/NEP individuals that the attached document may affect that

individual's legal rights and that the individual has a right to have the full document translated into their native language.

As new OAH forms are created, OAH will continue translating them into Spanish and Amharic and making translated versions accessible online and in print.

OAH also plans to expand language pages on the OAH website, making more self-help information available in Spanish and Amharic.

h. The organization(s) that OAH sources interpreters from and breakdown of how many interpreters have been hired from each organization.

OAH currently has contracted two in-house interpreters (one for Spanish and one for Amharic). For all other language access services beyond the capacity and ability of the in-house interpreters, OAH contracts with ACSI and Context Global. OAH submits a request to one of the vendors for a required interpretation or translation services, and the vendor identifies and provides an interpreter or translator for each request. In FY 23 and FY 24 to date, OAH made approximately 190 requests for interpretation/translation services from ACSI and approximately 130 requests to Context Global.

ALJ STAFFING AND WORKLOAD

58. For each of the agencies and provisions of law within the Office’s jurisdiction as listed in D.C. Code § 2-1831.03(a)-(c), please provide the number of cases that were adjudicated and closed by the Office in FY 23 and FY 24, to date, and the number of cases currently open.

CASES CLOSED BY FISCAL YEAR		
AGENCY	FY 23	FY 24, Q1
DBH	8	0
DCPS	184	32
DCRA	5,587	1,145
DDOT	155	69
DDS	12	3
DFHV	2	0
DHCD	132	44
DHCF	433	243
DHS-Public Benefits	1,752	460
DHS-SHEL	421	85
DLCP	110	61
DOB	1,655	1,023
DOEE	332	96
DOES-OPFL	20	2
DOES-OWH	59	15
DOES-UI	1,361	374
DOH	855	95
DPW	4,579	1,290
DSLBD	3	0
FEMS	15	6
HBX	29	6
MPD	41	6
OAG	16	5
OP	44	11
ORM-PSWC	64	3
OSSE	30	6
OTR	30	20
OTS	1	0
OVSJG	1	0
WMATA	98	0
GRAND TOTAL	18,029	5,100

As of the end FY 24 Q1, there were 26,779 open cases.

59. Please provide the average number of cases assigned to each Administrative Law Judge in FY 23 and FY 24, to date. How does OAH determine the maximum caseload for ALJs?

At this time, OAH does not have a maximum caseload for ALJs. Starting in FY 21, OAH began formally evaluating its historical caseloads and staffing levels compared with current trends to evaluate the efficiency of the agency overall in relation to those data points. That evaluation is currently ongoing, while OAH’s jurisdiction over new case types has expanded without a commensurate increase in ALJs and administrative staff.

	FY 23	FY 24, Q1
AVERAGE NO. CASES ASSIGNED PER ALJ	395	141

60. How large is OAH’s case backlog in each impacted jurisdiction?

The jurisdictions in which OAH has a backlog, and the size of those backlogs are as follows:

AGENCY	CASES
Department of Licensing and Consumer Protection	588
Department of Consumer and Regulatory Affairs	1,762
Department of Buildings	6,186
Department of Public Works	12,540

a. How does OAH measure its case backlog?

OAH determines that a backlog exists when the number of cases and/or the rate at which cases are filed in a particular jurisdiction exceeds the capacity of staff to process or ALJs to adjudicate those cases within applicable statutory deadlines or, absent specific statutory deadlines, within timelines identified in the agency’s KPIs.

b. What steps has OAH taken to address its backlog in cases in FY 23 and FY 24, to date?

OAH has reassigned personnel – both ALJs and support staff – to process and adjudicate appeals in jurisdictions with backlogs. The CALJ reviews monthly with each Principal ALJ (PALJ) and the Clerk’s Office the status of appeals in that PALJ’s cluster to continually evaluate the need for, and reassign where necessary, resources to address current backlogs and work to prevent future backlogs from developing. OAH continues to evaluate and update internal processes to more efficiently process, track, and adjudicate cases in all jurisdictions, focusing especially on jurisdictions currently experiencing backlogs.

c. What outstanding barriers exist to reducing the case backlog?

During FY 23, OAH reallocated staff and updated internal processes specifically to address existing backlogs and to attempt to prevent new backlogs from developing. Utilizing these methods allowed OAH to eliminate the backlog in UI cases, but at current staffing levels, the process of addressing and eliminating other backlogs may take some time.

Outstanding barriers for OAH to address the current backlogs include staffing levels; staffing vacancies and staff turnover; and sufficient time to adjudicate backlogged cases. Of concern to OAH are budgetary constraints that would severely limit or eliminate OAH’s ability to use contractual workers to perform work necessary to address backlogs. In addition, outstanding barriers for OAH to prevent future backlogs include: the ability to anticipate when increases in case filings in a particular jurisdiction may occur so the agency can reallocate resources in advance; the ability to ensure that staffing levels are increased consistent with any increase in the types of cases OAH is assigned to hear through legislation or by MOU; and insufficient staffing levels to manage any resulting increase in caseload.

61. Please provide an update on the Paid Family Leave-funded positions.

While the PFL-funded FTEs are primarily assigned to process PFL appeals, through FY 23, those positions were also assigned to process cases in other jurisdictions that are experiencing backlogs. Specifically, throughout FY 23 and into the first quarter of FY 24, the PFL-funded positions have been assigned to assist with processing cases filed by DCRA, DOB, and DLCP.

Moving forward, OAH plans to continue to utilize the flexibility afforded the agency by Council with respect to the PFL-funded positions in this same way – to allocate those resources to address backlogs created by increases in case filings as necessary.

OAH has 10 Paid Family Leave (PFL) Full-Time Equivalents (FTEs). We are currently billing DOES for five of those positions based on available funding.

62. What is the minimum annual compensation for ALJs on the ES-10 pay scale? Please provide a chart of the pay scale.

OAH ALJs bargain for compensation through their union, the Federation of Administrative Law Judges (FALJ). There is no minimum compensation for ALJs; all ALJs receive the same compensation. ALJ salaries for FY 23 were established through the collective bargaining process at \$181,058/year.

In response to the question posed, the ES-10 pay scale for FY 23 is shown below⁷.

Grade	Minimum	Midpoint	Maximum
ES10	\$133,123	\$166,403	\$199,684

⁷ As of January 18, 2024, DCHR had not yet posted the non-union pay scales for FY 24.

63. Is OAH appropriately staffed for its caseload?

Based upon the data points discovered through historical research and confirmed through the conclusions of the Feasibility Study conducted by B McNamee Consulting, LLC, OAH believes it is not appropriately staffed for its caseload. The core measurement of OAH's workload is the number of cases that are filed every year. Prior to the pandemic, case filings had increased by 79% between FY 16 (18,537 cases filed) and FY 19 (33,158 cases filed), resulting in a backlog of cases awaiting adjudication that OAH is still struggling to process and close. Although caseloads dropped during the pandemic, OAH has seen continued increases since 2021. In fact, OAH has seen a 70% increase in the number of cases filed between FY 21 (15,400 cases filed) and FY 23 (26,111 cases filed). OAH fully expects the caseload to continue to increase.

Since the pandemic, OAH has had difficulty recruiting and retaining new staff, particularly support staff who work directly on cases. The resulting FTE vacancies, combined with increasing caseloads, have "created the conditions where employees are unable to maintain standardized processes, provide necessary training and professional development, adopt and properly incorporate technology into operations, and an overall breakdown in working relationships. BMC believes that the longer these conditions persist, employee retention and court operational efficiency will worsen." Attachment 21 B, page 4.

The following supports these conclusions:

- Increased case backlog in certain jurisdictions;
- Increased overtime levels;
- Increased reliance on temporary contract workers;
- Assigned tasks not completed or completed later than expected;
- Assignment of tasks to support staff members outside of their normal job functions to maintain efficient agency operations;
- Temporary assignment of ALJs and support staff members to other clusters/jurisdictions to assist with workload; and
- Increased staff turnover due to high workload, stress, and/or fatigue.

More specifically, some OAH staff members are assigned an extremely high, and at times unreasonable, number of cases to process, based on their assigned jurisdiction(s). This has resulted in multiple coworkers being assigned to assist that employee, which in turn precludes them from efficiently executing their essential job functions.

64. Have the enhanced Deputy Clerk and Legal Assistant positions been filled? If not, what is the timeline for hiring for these positions?

Although OAH has not filled these positions, OAH is in active recruitment for those positions with an anticipated hiring timeline for March 2024.

65. Please provide an update on the completion of OAH’s staffing benchmark study funded in the FY 23 budget.

Please refer to the response to Question Number 21.

66. In addition to the study, what steps has OAH taken to determine the level of appropriate staffing needed to address its workflow?

The BMC Report included a time study and forecasting tools to help determine the number of staff needed accomplish its mission of timely adjudication of the cases before it. OAH is currently reviewing the results of the study and evaluating its current caseload within the rubric of the forecasting tools.

OAH currently relies on temporary support services to assist with processing new and existing cases filed at OAH, especially focusing on the backlogged cases. In anticipation of being able to fill all FTE vacancies, OAH is evaluating methods to eliminate the use of temporary support services.

SEXUAL HARASSMENT

67. Please describe the agency’s procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees.

OAH treats all complaints with the utmost seriousness and adheres to the procedures outlined in the Mayor’s Order 2023-131, *Updated District Government Sexual Harassment Policy, Guidance, and Procedures*.

68. List and describe any allegations received by the agency in FY 2023 and FY 2024, to date, and whether and how those allegations were resolved.

In FY 23 and FY 24 to date, OAH received one sexual harassment complaint. The complaint was investigated and was determined to be unsubstantiated.

69. Has OAH identified a primary and alternate sexual harassment officer (“SHO”) as required by Mayor’s Order 2023-131 (“Sexual Harassment Order”)? If no, why not? If yes, please provide the names of the primary and alternate SHOs.

The primary Sexual Harassment Officer is Qian Zhao, HR Specialist. The Alternate Sexual Harassment Officer is Tanya Campbell, Clerk of Court.

70. Has OAH received any requests from staff in an otherwise prohibited dating, romantic, or sexual relationship for a waiver of provisions of the Sexual Harassment Order? What was the resolution of each request? If a waiver has been granted, are there limitations on the scope of the waiver?

To date, OAH has not received any requests from staff in any prohibited dating, romantic, or sexual relationship for a waiver of provisions of the Sexual Harassment Order.

RACIAL EQUITY

71. The District defines racial equity as “the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.” What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

1. Language Access – OAH continues to provide litigants with access to interpreters for litigants where English is a second language.
2. Access to Justice – OAH is working to expand the Resource Center to ensure that we are providing adequate resources to individuals who may not have access.
3. Hiring strategies – OAH continues to expand our staffing strategy to include individuals of color at every level of the organization, including trying to hire more bi-lingual staff.

72. In the past year, what are two ways that your agency has addressed racial inequities internally or through the services you provide? What additional resources would help your agency reduce traditional burdens felt by Black, Latinx, Indigenous, and other communities of color in FY 25 and beyond?

OAH consistently engages with the Access to Justice Committee to stay informed about the needs of underserved communities. We have been particularly diligent in our hiring practices, ensuring representation from Black, Latinx, Indigenous, and other communities of color, as well as bilingual staff. This commitment extends across all levels of interaction with OAH, from front desk staff and ALJs to the Executive Team. The CALJ has made it a mission to diversify the agency’s bench, front line staff, clerk’s office and Executive Team.

73. Consider one area where your agency collects race information. How does your department use this data to inform decision-making?

OAH does not collect racial data with respect to litigants.

74. How are communities of color engaged or consulted when your agency considers changes to programs or services? Provide one specific example from the past year.

Beyond engaging with legal services that support communities of color, OAH does not engage specific communities of color when considering changes to programs or services.