

# Office of Administrative Hearings FY2016

**Agency** Office of Administrative Hearings

**Mission** The mission of the Office of Administrative Hearings (OAH) is to provide the District of Columbia's citizens and government agencies with a fair, efficient and effective forum to manage and resolve administrative disputes.

**Summary of Services** OAH is an impartial, independent agency which adjudicates cases for over 40 District of Columbia agencies, boards and commissions. OAH holds hearings, conducts mediations and provides other adjudication services to resolve disputes arising under the District's laws and regulations.

## 2016 Objectives

### FY16 Objectives

Objective Number	Objective Description
<b>Clerk of Court (3 Objectives)</b>	
6	Improve the experience of participants in administrative hearings through quality customer service.
7	Increase the efficiency and standardization of case intake through the creation and use of improved intake forms.
8	Improve case-flow management.
<b>Court Counsel (2 Objectives)</b>	
4	Improve the experience of participants who are limited or non-English proficient.
5	Provide legal research and advice to the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges.
<b>Executive (2 Objectives)</b>	
1	Oversee and facilitate the coordination of interagency activities and initiatives between OAH and other District agencies.
2	Oversee and facilitate the coordination of OAH staff training and knowledge sharing to improve operational efficiency and case management.
<b>Judicial (1 Objective)</b>	
3	Increase the clearance rate of cases disposed

## 2016 Key Performance Indicators

Measure	Division	Frequency of Reporting	FY 2013	FY 2014	FY 2015	FY 2015 Target	FY 2016 Target
<b>1 - Oversee and facilitate the coordination of interagency activities and initiatives between OAH and other District agencies. (1 Measure)</b>							
Percentage of stakeholder agency contacts collaborating with OAH to manage caseloads and operations efficiently		Annually					85
<b>2 - Oversee and facilitate the coordination of OAH staff training and knowledge sharing to improve operational efficiency and case management. (1 Measure)</b>							
Percentage of OAH staff that received basic or advanced eCourt Training.		Quarterly					10

<b>3 - Increase the clearance rate of cases disposed (4 Measures)</b>						
Of all cases closed in the fiscal year, what percentage was closed within 1 year?		Quarterly				95
Percentage of all unemployment insurance cases closed within the fiscal year that were closed within 90 days of filing.		Semi-Annually				95
Of all the cases closed in the fiscal year, what percentage resulted in successful mediation?		Quarterly				20
Of all non-unemployment insurance cases closed in the fiscal year, what percentage was closed within 120 days?		Quarterly				81
<b>4 - Improve the experience of participants who are limited or non-English proficient. (2 Measures)</b>						
Number of translated versions of vital documents available to public		Quarterly				25
Percentage of staff trained in Language Access		Annually				90
<b>5 - Provide legal research and advice to the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges. (3 Measures)</b>						
Number of attorneys who complete rulemaking training		Annually				7
Percentage of non-expedited legal research projects completed within 30 days of request		Quarterly				80
Percentage of expedited legal research projects completed within deadline provided		Quarterly				80
<b>6 - Improve the experience of participants in administrative hearings through quality customer service. (1 Measure)</b>						
Percentage of customer satisfaction surveys with a rating of at least "Agree" regarding the level of quality of customer service		Quarterly				97
<b>7 - Increase the efficiency and standardization of case intake through the creation and use of improved intake forms. (2 Measures)</b>						
Percentage of OAH staff trained in eTims, the case management system for DCTC cases.		Annually				90
Complete development and implementation of new intake forms by case		Annually				80
<b>8 - Improve case-flow management. (1 Measure)</b>						
Percent compliance with established time frames for case file retrieval		Quarterly				80

## 2016 Workload Measures

Measure	Frequency of Reporting	FY 2013	FY 2014	FY 2015
<b>Workload Measure (7 Measures)</b>				
Number of Cases Filed	Quarterly			
Number of Hearings Held (Not mediations)	Quarterly			
Number of Cases Closed	Quarterly			

Number of Appeals to DC Court of Appeals (by Calendar Year)				
Number of Cases Dismissed (including voluntary dismissals)	Quarterly			
The percentage of all Notice of Infraction/Notice of Violation cases closed in fiscal year that the District government prevailed.				
Number of consumer complaints	Quarterly			

## 2016 Initiatives

Objective Number	Objective Title	Initiative Number	Initiative Title	Initiative Description
<b>Clerk of Court - 6 (1 Initiative)</b>				
6	Improve the experience of participants in administrative hearings through quality customer service.	6.1	Roll out specialized customer service training to all Clerk of Court staff that serve as OAH's primary customer service interface.	In FY12, OAH revised its Customer Service Survey with the goal of measuring the satisfaction of litigants coming before OAH in four general areas: 1) hearing facilities; 2) the Clerk's Office; 3) Administrative Law Judges; and 4) the hearing process. In FY14, OAH provided staff specialized customer service training; and OAH placed signs in the agency's high traffic areas to encourage survey completion. In FY16, OAH will place survey kiosks in its reception area and Resource Center area. The kiosks will provide web-based customer satisfaction surveys to facilitate timely feedback and allow OAH to respond more expeditiously to customer concerns. In addition, OAH will renew and/or upgrade the customer service training for better responsiveness to the litigants.
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<b>Clerk of Court - 7 (2 Initiatives)</b>				
7	Increase the efficiency and standardization of case intake through the creation and use of improved intake forms.	7.1	Develop improved intake forms for various kinds of cases	Most of OAH's litigants are self-represented and have little experience in adjudicative hearings in certain types of public benefit cases, the law requires OAH to process verbal requests for appeal over the telephone. For the convenience of litigants, requests for appeal in any case in OAH's jurisdiction may be made by email or fax. Many of the OAH intake forms currently used by the Clerk's office do not elicit relevant or complete information and their use is uneven because of nature of the particular proceeding or because more standardization would makes these forms more helpful. Therefore, Clerks who take requests for appeal do not collect accurate and complete information concerning the reason for the appeal. The absence of or inadequacy of such information at the intake stage of a case may negatively impact and delay a hearing or otherwise complicate a case's resolution. In conjunction with the Judicial Division, the OAH Clerk of Court will develop and test new, more standardized and helpful intake forms to improve efficiency and make the hearing process more accessible to litigants. Implementation of the improved forms is expected to educate self-represented litigants about the factual framework and legal issues relevant to their cases and, in turn, expedite disposition of the cases in FY16.

7	Increase the efficiency and standardization of case intake through the creation and use of improved intake forms.	7.2	Train Clerk of Court staff on the use of the revised intake forms.	Clerk of Court staff, especially staff serving in the OAH Resource Center, must be trained on the structure and content of the forms. Part of the exercise will include seeking input from the ALJs and the Clerk's Office staff to develop the forms and identify the best ways to train staff. The Clerk of Court will monitor implementation to ensure that forms are capturing the required information.
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**Clerk of Court - 8 (1 Initiative)**

8	Improve case-flow management	8.1	Improve the efficiency of case-flow management.	In FY 2015, the Clerk of Court initiated an office-wide reorganization to eliminate redundancy, enhance accountability, streamline processes, and clarify responsibilities in how cases are handled. Internal operating procedures will be standardized as much as possible as part of a broader restructuring of the Clerk's Office how the judges are assigned cases. Eventually electronic workflows will be developed to make processing cases more efficient while reducing errors. The Clerk of Court will monitor implementation, oversee training, and measure results.
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**Court Counsel - 4 (1 Initiative)**

4	Improve the experience of participants who are limited or non-English proficient.	4.1	Increase the number of OAH forms translated into foreign languages, enhancing access to information and services for participants who are limited or non-English proficient.	The OAH Resource Center provides self-represented litigants with information and assistance concerning their OAH cases without giving prohibited legal advice. An Attorney Advisor supervises the Resource Center and oversees OAH's access to justice and language access initiatives. During walk-in interview hours, self-represented litigants can meet with Resource Center staff or supervised attorney volunteers to receive legal information and other informational brochures, many of which are available in multiple languages. In addition, OAH's website provides access to information, case materials, and forms in multiple languages. This initiative is designed to provide core information about the agency in all six primary languages listed in the Language Access Act. Translated versions of vital documents will also be available on the appropriate language page, so as to make access to this information easier for users whose first language is not English.
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**Court Counsel - 5 (3 Initiatives)**

5		5.1	Improve OAH efficiency and responsiveness by having all agency attorneys trained in the District of Columbia's	The rulemaking process can be difficult to understand and use without proper training. This affects OAH because agencies regularly enact rules that require OAH to change its own rules and procedures. As in years past, in FY2016, the Office of Attorney General, Legal Counsel Division will conduct training sessions that address rulemaking mechanics and procedures, explaining the substantive legal review procedure, the policy
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			rulemaking process.	review process, the statutory requirements of the District's Administrative Procedures Act, and emerging issues. This initiative will be considered successful if, by the end of the fiscal year, all agency attorneys have completed the training and are comfortable with the rulemaking process for the benefit of the agency.
5		5.2	Coordinate with the Board of Ethics and Government Accountability (BEGA) to obtain ethics training and, where necessary, provide timely and reliable oral and written ethics advice.	In FY2016, the Court Counsel Division will coordinate with BEGA to train all agency employees, and organize a special training with an emphasis on ethical obligations for attorneys. The Court Counsel Division will also coordinate with BEGA, where necessary, to obtain timely, reliable oral and written advice on government ethics to those agency employees who request it, and assist agency employees to comply with the new financial disclosures requirements enforced by BEGA. This initiative will be considered successful if the Court Counsel Division arranges BEGA training for all agency staff by the end of the fiscal year and provides responses to ethics and financial disclosure inquiries orally or in writing within 21 days of the request.
5		5.3	Complete legal research assignments timely.	In FY2016, the [Court Counsel Division] will coordinate with the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges to provide timely, reliable oral and written advice on legal research assignments in order to meet agency-wide needs and case-specific requirements. The Court Counsel Division will also provide expedited review and drafting assistance for any emergency project. This initiative will be considered successful if the Court Counsel Division provides responses within 30 days of the request (if no other deadline exists).

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**Executive - 1 (3 Initiatives)**

1		1.1	Ensure the update of OAH's website to facilitate the payment of Notice of Infraction tickets for DCTC.	The OAH Establishment Act gave OAH authority to adjudicate all District of Columbia Taxicab Commission (DCTC) cases as of October 1, 2004. See D.C. Official Code § 2- 1831.03(b)(3). Despite this authority, only 181 DCTC cases have been filed at OAH since FY05. The vast majority of DCTC cases continued to be heard by Department of Motor Vehicles (DMV) pursuant to a Memorandum of Understanding between DMV and DCTC. In FY13, due to concerns about its on-going authority to adjudicate DCTC cases as well as resource limitations, the OCA directed that all DCTC cases be heard by OAH consistent with the OAH Act. The Office updated its website in FY14 by placing links to the DMV website for payment of taxicab tickets. In addition, information directing litigants to OAH's website will be included on the newly printed Notice of Infraction tickets for DCTC. In FY16, the expected outcome will be a reduction in the number of backlogged cases and user friendly access for litigants in the payment of taxicab tickets by way of OAH's website.
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1		1.2 Train OAH staff on use of eTims, the case management system for DC Taxicab Commission cases.	OAH will train support staff and Administrative Law Judges staff in the use of eTims, the new case management system for these cases.
1		1.3 Collaborate with District government stakeholder agencies to anticipate caseload changes and to ensure the maintenance and development of an appropriate supportive infrastructure.	<p>The OAH Establishment Act at D.C. Official Code § 2-1831.13(e) requires the OAH Chief Administrative Law Judge to transmit to the Mayor, the Council, and each agency for whom OAH adjudicates cases (stakeholder agencies), a written summary of OAH's caseload during the previous fiscal year arising out of any provision of law administered by each stakeholder agency. The summary includes comparative caseload data from prior fiscal years. In response, the stakeholder agency must provide OAH a written statement as to whether the agency knows or believes there is a reasonable possibility that the caseload attributable to the agency will increase or decrease by more than 10% in the current or following fiscal year, specify the reason for the change and state the anticipated amount of the increase or decrease. Accordingly, OAH Rule 2839.1, requires that each stakeholder agency compare the number of cases</p> <p>reported in the OAH summary to the number of cases it anticipates filing at OAH in the following fiscal year. To comply with the statutory mandates, OAH will (1) identify stakeholder agency contacts, (2) collaborate with the stakeholder agencies to develop an agency reporting tool with timelines for submission to OAH, (3) create an analytical framework for determining the need for any change in OAH resources, and (4) communicate the need for any changes in OAH resources to the Mayor and the Council.</p>
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**Executive - 2 (2 Initiatives)**

2		2.1 Provide basic and advanced eCourt training to key OAH staff to increase Agency knowledge base and operational efficiency in advance of changes to eCourt that will further enhance these efficiencies.	OAH will provide administrative staff, support staff and Administrative Law Judges with appropriate eCourt training.
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2		2.2	Provide training and allocate resources toward process analysis and process improvement for OAH of case management.	Provide training and allocate resources toward process analysis and process improvement for OAH of case management.
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**Judicial - 3 (3 Initiatives)**

3	Increase the clearance rate of cases disposed	1.1	Increase the disposition rate of older cases	Clearance rate was a new proposed performance measure for OAH in FY15, which was modeled on one adopted by the DC Court System. A measure of court efficiency, the clearance rate is the total number of cases disposed of (i.e., final orders issued) divided by the total number of cases added to the caseload (i.e. opened and re-opened) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thereby reducing the pending caseload. In FY15, OAH implemented an interim performance objective to dispose of the oldest cases ripe for disposition first. In FY16, the expected outcome will be an increase in court efficiency and an overall reduction of the pending caseload.
3	Increase the clearance rate of cases disposed	1.2	Begin to re-engineer case management	Some, but not all, OAH cases are mandated by statute or inter-agency agreement to meet a specific deadline by which a final order must be issued. In the 4th quarter of FY15, OAH hired a new Clerk of Court, who is expected (see Clerk of Court portion of this plan) to re-engineer operations in the Clerk's Office, including new or updated benchmarks for case processing and the scheduling of hearings. Over the last several FYs, mediation has been successful in reducing, by about 50%, the number of complex cases requiring hearings and decisions by an ALJ. In FY16, OAH will begin a modest reorganization and undertake some key projects to integrate case management, case allocation, and performance management. In FY16, the expected outcome of these efforts will be an increase in court efficiency, a reduction in adjudication delays the pending caseload, and the increased ability to collect data and report it clearly.
3	Increase the clearance rate of cases disposed	3.1	Increase efficiency of post-trial procedures	As part of OAH's mission to provide fair, efficient, and effective administrative adjudications, it has established procedural rules which allow litigants to request changes to the final order or a new hearing. The legal grounds for these requests vary in complexity and validity but this mechanism is intended to better ensure due process for the OAH litigants who are self-represented and may be unaware of the factual framework and circumstances that might permit change to final orders or allow new hearings. OAH

				will develop forms to capture relevant information from litigants who request new hearings or changes to the final order so that the need to conduct additional hearings to obtain this information is reduced, and more of these requests can be resolved without the need for a hearing. In addition, OAH will develop tools for ALJs to decide these requests, including template orders that reduce writing time without sacrificing sound legal analysis.
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