



FY 2015 PERFORMANCE PLAN Office of Administrative Hearings

MISSION

The mission of the Office of Administrative Hearings (OAH) is to provide a fair, efficient, and effective forum to manage and resolve administrative disputes.

SUMMARY OF SERVICES

OAH is an impartial, independent, executive branch agency that adjudicates cases for over 40 District of Columbia agencies, boards, and commissions. OAH holds hearings and provides other adjudication services and conducts mediations to resolve disputes arising under District law and rules.

PERFORMANCE PLAN DIVISIONS

- Executive¹
- Judicial
- Court Counsel
- Clerk of Court

AGENCY WORKLOAD MEASURES

Measure	FY 201 Actual	FY 2013 Actual	FY 2014 YTD ²
Number of Cases Filed	16,064	24,221	14,607
Number of Hearings Held	6,642	6,681	4,648
Number of Final Orders Issued	20,762	19,123	11,895
Number of Appeals to DC Court of Appeals (by Calendar Year)	193	120	65
Number of Cases Dismissed (including voluntary dismissals)	3,057	3,384	1,834
Percentage of Notice of Infraction/Notice of Violation cases in which the District government prevails	76.6%	82%	NA

¹ For the purposes of the FY15 Performance Plan, the (500A) Executive program includes (100A) Agency Management and (100F) Agency Financial Operations.

² The data are accurate through June 30, 2014.



*Executive*³

SUMMARY OF SERVICES

The Executive program includes Agency Management and Agency Financial Operations. The program provides administrative and operational support and tools required to achieve programmatic results. The program is standard for all performance-based budgeting agencies,

OBJECTIVE 1: Oversee and facilitate the coordination of interagency activities and initiatives between OAH and other District agencies.

INITIATIVE 1.1: Ensure the update of OAH's website to facilitate the payment of Notice of Infraction tickets for DCTC.

The OAH 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 will also update 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 FY14, 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.

Completion Date: September 2015.

INITIATIVE 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. **Completion Date: September 2015.**

INITIATIVE 1.3: Collaborate with District government stakeholder agencies to project caseload changes and to ensure the maintenance and development of an appropriate supportive infrastructure.

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 that is attributable to any provision of law administered by or under the jurisdiction of each stakeholder agency. The summary must include 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

³ For the purposes of the FY15 Performance Plan, the (500A) Executive program includes (100A) Agency Management and (100F) Agency Financial Operations.



increase or decrease by more than 10% in the current or following fiscal year based on any planned or ongoing agency actions, or any other reason, and specifying the anticipated amount of and reason for the increase or decrease. Accordingly, OAH Rule 2839.1, requires each stakeholder agency to compare the number of cases 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 identify stakeholder agency contacts; collaborate with the stakeholder agencies to develop a stakeholder agency reporting tool with timelines for submission to OAH; create an analytical framework for determining the need for any change in OAH resources, and a tool for communicating the need for any change in OAH resources to the Mayor and the Council.

Completion Date: September 2015.

KEY PERFORMANCE INDICATORS – Executive

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD⁴	FY 2015 Projection	FY 2016 Projection	FY2017 Projection
Percentage of OAH staff trained in eTims, the case management system for DCTC cases	NA	NA	NA	5%	10%	15%
Percentage of stakeholder agency contacts identified for caseload projection ⁵	NA	NA	NA	75%	85%	90%
Percentage of stakeholder agencies collaborating with caseload projection	NA	NA	NA	65%	75%	80%
Percentage of tasks completed toward the development of caseload projection reporting tool.	NA	NA	NA	75%	95%	95%
Percentage of tasks completed toward development of analytical framework for determining need for any change in OAH resources	NA	NA	NA	75%	95%	95%

⁴ Data are accurate as of June 30, 2014.

⁵ Since the number of stakeholder agencies may change during a fiscal year or from year to year based on amendments to the OAH Establishment Act or agreements between OAH and District agencies, stakeholder agency percentages referenced in the measures will be calculated based on the number of actual stakeholder agencies in the fiscal year.



Judicial

SUMMARY OF SERVICES

The Judicial program ensures due process and is charged with improving the quality, efficiency, and efficacy of justice management. This program provides pre-trial management, adjudication, and mediation services.

OBJECTIVE 1: Increase the clearance rate of cases disposed

INITIATIVE 1.1: Increase the disposition rate of older cases

Clearance rate was a new proposed performance measure for OAH in FY14, 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 the second quarter of FY14, OAH implemented an interim performance objective to dispose of the oldest cases ripe for disposition first. In FY15, the expected outcome will be an increase in court efficiency and an overall reduction of the pending caseload.

Completion Date: September 2015.

INITIATIVE 1.2: Begin to re-engineer case management

Some, but not all, of 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 FY14, OAH hired a new Clerk of Court, who is expected (see Clerk of Court portion of this plan) to re-engineer operations under the Clerk of Court's supervision, including establishing benchmarks for case processing and improving how OAH schedules hearings. Over the last several FYs, mediation has been successful in reducing by 50% the number of complex cases requiring hearings and decisions by an ALJ. In future FYs, OAH will need to undertake a major project to integrate case management, case allocation, and performance management. In FY15, the expected outcome of case management efforts will be an increase in court efficiency by reducing the pending caseload, and collecting data about the resources necessary to dispose of cases within target timeframes. **Completion Date: September 2015.**

INITIATIVE 1.3: Increase efficiency of post-trial procedures

As part of OAH's mission to provide fair, efficient, and effective administrative adjudication, 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. Most OAH litigants are self-represented and are unaware of the factual framework and circumstances which might meet the legal standards for granting such requests. 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. **Completion Date: September 2015.**



KEY PERFORMANCE INDICATORS – Judicial ⁶

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 ⁷ YTD	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percentage of the total number of cases disposed of (final order issued) within 365 days of close of the record or less	NA	NA	NA	50%	75%	85%
Percentage of all unemployment insurance cases resolved within 90 days of filing in a given month ⁸	97%	99.6%	99%	99.5%	95%	95%
Percentage of hearings reduced due to mediation	8.3%	4.9%	4.5%	1.9%	5.5%	6.5%
Percentage of non-unemployment insurance cases resolved within 120 days of filing ⁹	65%	82.9%	60%	81.2%	65%	70%
Percentage of post-trial motions decided within 75 days in accordance with OAH Rules	NA	NA	NA	75%	85%	95%

⁶ Data are accurate as of June 30, 2014.

⁷ The Judicial Division includes the functions of Trial Appeals and Judicial Management.

⁸ The U.S. Department of Labor industry standard is 95% of cases in a given month resolved within 90 days of filing.

⁹ This indicator includes cases opened and disposed of in the same fiscal year only.



*Court Counsel*¹⁰

SUMMARY OF SERVICES

The Court Counsel Division supports the Chief Administrative Law Judge's efforts to ensure agency compliance with applicable laws; it assists key management staff by, among other things, tracking legislative and regulatory initiatives, and supports the administrative court's judicial function by assisting Administrative Law Judges with legal research and analysis and the drafting of orders.

OBJECTIVE 1: Improve the experience of participants who are limited or non-English proficient.

INITIATIVE 1.1: 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. 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 who are not proficient in English (limited or not proficient).

Completion Date: September 30, 2015.

OBJECTIVE 2: Provide legal research and advice to the Chief Administrative Law Judge, key management staff, and the Administrative Law Judges.

INITIATIVE 2.1: Improve OAH efficiency and responsiveness by having all agency attorneys trained in the District of Columbia's rulemaking process.

The rulemaking process can be difficult to navigate in a timely manner without proper training. This impacts OAH because agencies enact rules that affect our cases and we have to enact procedural rules governing OAH's cases. As in years past, in FY2015, the Office of Attorney General, Legal Counsel Division will conduct training sessions that examine rulemaking mechanics and procedures, explaining the substantive legal review procedure, the policy 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. **Completion Date: September 30, 2015.**

¹⁰ The Court Counsel Division includes the functions of Judicial Assistance and Legal Counsel.



INITIATIVE 2.2: 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 FY2015, 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.

Completion Date: September 30, 2015.

INITIATIVE 2.3: Complete legal research assignments timely.

In FY2105, the Court Counsel Division will, hopefully, be fully staffed. Accordingly, it 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). **Completion Date: September 30, 2015.**

KEY PERFORMANCE INDICATORS – Court Counsel Division

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Number of attorneys who complete rulemaking training	NA	NA	5	4	7	7
Number of ethics/financial disclosure opinions issued within 21 days of request	NA	NA	NA	Baseline Year	5	5
Percentage of non-expedited legal research projects completed within 30 days of request	NA	NA	NA	Baseline Year	80	85
Percentage of expedited legal research projects completed within deadline provided	NA	NA	NA	Baseline Year	80	90
Number of translated versions of vital documents available to public	NA	NA	5	8	25	30
Percentage of staff trained in Language Access	NA	NA	10%	90%	90%	90%



*Clerk of Court*¹¹

SUMMARY OF SERVICES

The Clerk of Court program provides an efficient intake of cases and supports the agency's case management system and caseload reporting; maintains forms and documentation; and serves as the primary customer service interface.

OBJECTIVE 1: Improve the experience of participants in administrative hearings through quality customer service.

INITIATIVE 1.1: 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. And, in FY12, the Clerk's Office also increased its efforts to circulate the revised survey, which yielded a better data capture for that fiscal year. But in FY13, OAH disseminated fewer surveys than in the previous fiscal year and there was a corresponding decline in the number of Customer Service Surveys received. In response, OAH provided Clerk of Court staff specialized customer service training, focused on the importance of customer service; and OAH placed signs throughout high traffic areas of the agency encouraging customers to complete a survey; 2) changed the color of the surveys to increase their visibility; and 3) increased the accessibility of the surveys by placing them in various locations throughout the agency. The revised effort should result in a better data capture for FY15 and beyond. **Completion Date: September 2015**

OBJECTIVE 2: Increase the efficiency and integrity of case intake through the creation and use of improved intake forms.

INITIATIVE 2.1: Develop improved intake forms for various kinds of cases

Most of OAH's litigants are self-represented and have little experience providing legally relevant facts to adjudicators. 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. Therefore, Clerks who take requests for appeal do not collect accurate and complete information concerning the reason for the appeal. The absence of such information at the intake stage of a case may negatively impact and delay the Judicial Division's adjudication of the case, since additional information may be needed from the litigants before case complexity can be determined and resources marshaled to dispose of the case. In conjunction with the Judicial Division, the OAH Clerk of Court will develop and test new intake forms. 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 FY15 and beyond. **Completion Date: September 2015**

¹¹ The Clerk of the Court Division includes the functions of Case Management and Judicial Support.



INITIATIVE 2.2: 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. The Clerk of Court will monitor implementation to ensure that forms are capturing the required information.

Completion Date: September 2015

INITIATIVE 2.3: Evaluate the effectiveness of the revised intake forms.

The Clerk of Court will review case files and information from the OAH electronic case management system to determine whether proper and complete information is captured through use of the revised intake forms and whether use of the forms has improved case processing efficiency. The Clerk of Court will also survey form users to ensure that the forms are maximally informative. **Completion Date: September 2015**

OBJECTIVE 3: Improve case file processing.

INITIATIVE 3.1: Develop tracking methodology for case files.

OAH maintains information concerning each case in a case file, which is a collection of legally significant documents (for example, requests for hearing and appeal, exhibits, and orders) created by OAH and the litigants relating to a particular legal case. OAH maintains the case files as part of the official record of proceedings in the case. Case files for a particular case can be traditional paper files, electronic files, or both. OAH now relies primarily on its electronic case management system to determine the location of a case file, but case files cannot always be retrieved readily. Case files are maintained (either on- or off-site) even after a case is closed, in compliance with OAH's retention policies. A reliably accurate and consistent case file retrieval system ensures efficient case processing and use of Clerk of Court staff time. To improve efficiency, the Clerk of Court will develop and implement tracking methods for case files and establish a schedule for periodically auditing the efficiency of the new case tracking methodology.

Completion Date: September 2015

OBJECTIVE 4: Increase the integrity and consistency of case files.

INITIATIVE 4.1: Develop and implement uniform case file organization standards for different case types.

OAH cases are organized by administrative agency, subject matter, and governing law and rules (i.e. cases arising under the Litter Control Act, the housing code, licensing rules, or public benefits legislation). OAH adopted inconsistent standards for determining the required contents and organization of files for various case types. Inconsistent standards create inefficiencies in case processing and impede cross-training of Clerk of Court staff. The Clerk of Court will develop and implement uniform case file organization standards and monitor compliance with the standards. **Completion Date: September 2015.**



KEY PERFORMANCE INDICATORS - Clerk of the Court

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD ¹²	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percentage of consumer satisfaction surveys with a rating of at least “Agree” regarding the level of quality of	95%	92%	92%	96%	97%	97%
Complete development and implementation of new intake forms by case	NA	NA	NA	70%	80%	95%
Percent compliance with established time frames for case file retrieval	NA	NA	NA	65%	80%	95%
Percent compliance with uniform case file organization standards by different case types	NA	NA	NA	50%	75%	100%

¹² Data are accurate as June 30, 2014.