



FY 2015 Performance Accountability Report Office of Administrative Hearings

INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

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.

OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of OAH performance in FY 2015 by listing OAH's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

The top three accomplishments of OAH in FY 2015 are as follows:

1. Mayor Muriel Bowser appointed, and the City Council confirmed, Eugene A. Adams as the Chief Administrative Law Judge for a term of six years. Chief Judge Adams began his tenure on April 6, 2015.
2. Within FY2015, Chief Judge Adams has oriented himself within OAH and assembled his executive management team, including a new Clerk of Court and a new Acting Executive Director.
3. Chief Judge Adams and his management team have begun work on a substantial reorganization of the Judicial and Clerk of Court areas to redistribute resources more efficiently across OAH. Jurisdictional groups will be narrowed from six to four, with concomitant changes in the Clerk of Court operations. Implementation is expected within FY2016.

Table 1 (see below) shows the overall progress the OAH made on completing its initiatives, and how overall progress is being made on achieving the agency's objectives, as measured by their key performance indicators.



Table 1: Total Agency Measures and Initiatives, By Category

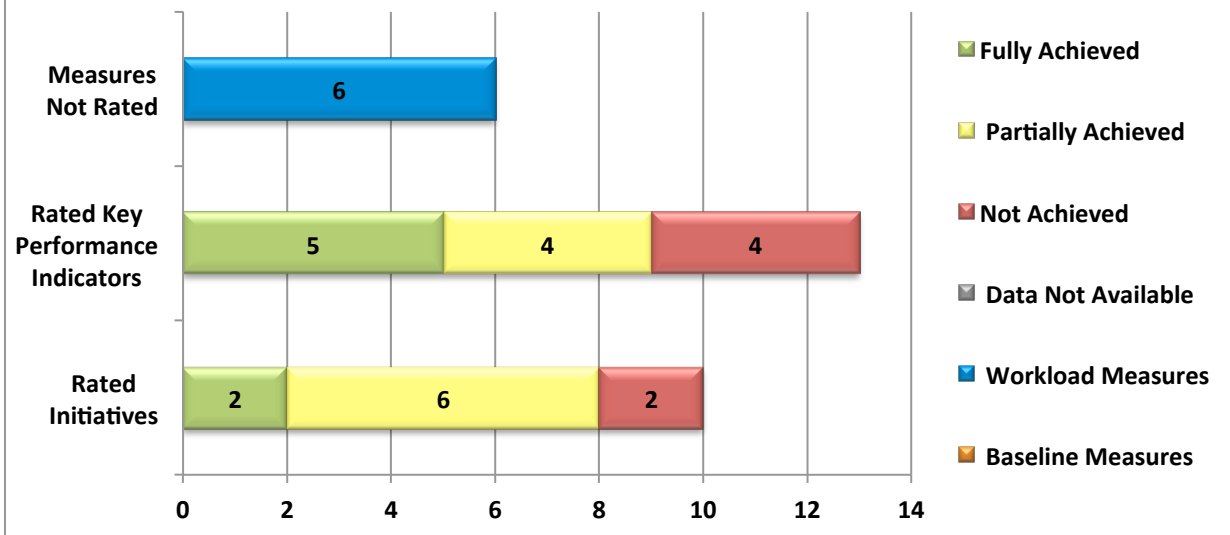


Chart 1: Total Rated Agency Key Performance Measures, by Achievement Level

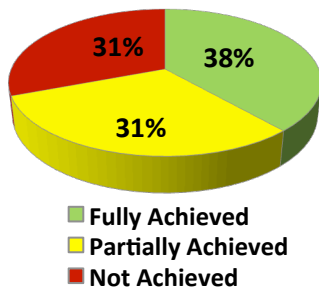
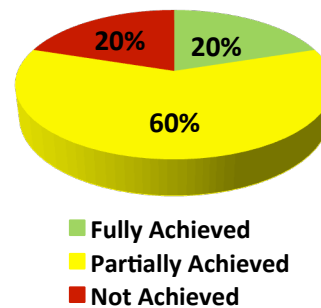


Chart 2: Total Agency Initiatives, by Achievement Level



In FY 2015, OAH fully and partially achieved eighty percent of its rated initiatives and nearly seventy percent of its rated key performance measures. **Table 1** provides a breakdown of the total number of performance metrics OAH uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items OAH achieved, partially achieved or not achieved. **Chart 1** displays the overall progress being made on achieving OAH objectives, as measured by their rated key performance indicators. Please note that chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload measures or baseline measures. **Chart 2** displays the overall progress OAH made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for OAH in FY 2015.



PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

Executive

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.

- **Performance Assessment Key: Fully Achieved.** OAH’s website carries a prominent link on its main page for any person who has questions about or wants to pay a DCTC Notice of Infraction. Scheduling Orders direct the parties to the OAH website. The back of the Notice of Infraction also provides the address for the OAH website.

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.**

- **Performance Assessment Key: Partially Achieved.** OAH has trained legal assistants and Administrative Law Judges in the use of the eTims system. Resource Center staff and selected attorney/advisors have also been trained. OAH expects that as positions turn over, training will be given to most legal assistants. In addition, as more Administrative Law Judges hear DCTC cases, they will need “refresher” training.

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 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.

- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15.

KEY PERFORMANCE INDICATORS– Executive

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
●	1.5	Percentage of OAH staff trained in eTims, the case management system for DCTC cases	NA	5%		76.92%	1538.46%	Executive
○	1.2	Percentage of stakeholder agency contacts identified for caseload projection	NA	75%				Executive
○	1.3	Percentage of stakeholder agencies collaborating with caseload projection	NA	65%				Executive



●	1.4	Percentage of tasks completed toward the development of caseload projection reporting tool.	NA	75%				Executive
●	1.1	Percentage of tasks completed toward development of analytical framework for determining need for any change in OAH resources	NA	75%				Executive

Judicial

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.

- **Performance Assessment Key: Partially Achieved.** Under Chief Judge Adams, all but 134 cases opened before June 1, 2014, have been closed. Principal Administrative Law Judges are tasked with ensuring that cases in the areas they supervise are efficiently litigated. Although some cases have been stayed or involve more onerous proceedings, the majority can be resolved promptly. In FY2015, almost 21,000 new cases (exclusive of several thousand new Taxicab Commission cases) were filed, while almost 21,500 cases from various years were closed.

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.**


- **Performance Assessment Key: Not Achieved.** While substantial progress has been made towards achieving this objective, additional work continues. OAH has acquired new hardware for its case management software. A new edition of the software is in the process of being tested. Chief Judge Adams is working on a substantial reorganization of Judicial resources to more efficiently resolve cases. In addition, the District of Columbia Office of the Auditor has engaged the Council on Court Excellence to conduct a retrospective study of OAH operations. That study is currently on-going.

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.**

- **Performance Assessment Key: Not Achieved.** In FY2015, more than 800 motions for reconsideration of final orders were filed. (A substantial number were also filed in Taxicab Commission cases that are filed in a separate database.) Most jurisdictions have developed forms or templates that reduce the amount of time needed to generate an order. However, OAH hopes to further streamline the reconsideration review process.

KEY PERFORMANCE INDICATORS- Judicial

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)



●	1.1	Percentage of the total number of cases disposed of (final order issued) within 365 days of close of the record or less	NA	50%		91.41%	182.81%	Judicial
●	1.2	Percentage of all unemployment insurance cases resolved within 90 days of filing in a given month	99%	99.5%		98.83%	99.33%	Judicial
●	1.3	Percentage of hearings reduced due to mediation	4.5%	1.9%		3.54%	186.09%	Judicial
●	1.4	Percentage of non-unemployment insurance cases resolved within 120 days of filing	60%	81.2%		46.79%	57.62%	Judicial
●	1.5	Percentage of post-trial motions decided within 75 days in accordance with OAH Rules	NA	75%		53.07%	70.77%	Judicial

Court Counsel

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.**

● **Performance Assessment Key: Fully Achieved.**

The Court Counsel division coordinated the translation of all available OAH court forms into Spanish. Spanish translations were completed by OAH's certified court interpreters. The division also coordinated translation of six specific forms into Amharic. Those forms were identified as those most regularly used by litigants in the D.C. Taxicab Commission jurisdiction, where OAH sees the highest percentage of Amharic speakers. Amharic translations were conducted by a city-approved language services contractor. Spanish, Amharic, and English versions of all OAH court forms are available on the OAH website as well as in the OAH Resource Center. Nearly all agency staff were trained in Language Access by OHR's Language Access team, certified court interpreters, and the OAH Supervisory Attorney-Advisor.

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.**

● **Performance Assessment Key: Partially Achieved.**

Art Parker of OAG's Legal Counsel Division provided detailed training in the D.C. Government legislative and rulemaking process to the OAH Court Counsel Division's Attorney-Advisors and Paralegal Specialists. 5 of 6 Attorney-Advisors attended the training along with the Supervisory Attorney-Advisor and 2 Paralegal Specialists. The Court Counsel Division also implemented new procedures for tracking legislation affecting OAH's jurisdiction that has been proposed at the D.C. Council, and worked to establish strong ties with counterparts at other District agencies to work together on proposed rulemaking mutually affecting the work of OAH and its sister agencies.



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.

● **Performance Assessment Key: Partially Achieved.**

The Court Counsel division arranged for BEGA to provide training to all OAH staff. A separate training was provided to the Clerk of Court staff and another training to all ALJs, Court Counsel, and administrative staff. The Court Counsel division completed 60% of ethics and financial disclosure research requests within 21 days of the request.

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.**

● **Performance Assessment Key: Fully Achieved.**

The Court Counsel division became fully staffed in FY2015 with 6 Attorney-Advisors and 4 Paralegal Specialists in addition to the Supervisory Attorney-Advisor. The vacant Attorney-Advisor positions were filled with exceptionally qualified and experienced Attorneys from the government and private sectors. Attorney-Advisors provided high quality research to ALJs in a large number and wide variety of active case matters, and provided nearly all research assignments within 30 days of the request. All expedited research requests were completed within the requested deadline.

KEY PERFORMANCE INDICATORS– Court Counsel Division



	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
○	1.1	% of vital documents translated and made available to the public	N/A	8		Not Tracked		
●	2.1	Number of attorneys who complete rulemaking training	5	4		6	150%	Court Counsel
●	2.2	Number of ethics/financial disclosure opinions issued within 21 days of request	NA	5		3	60%	Court Counsel
●	2.3	Percentage of non-expedited legal research projects completed within 30 days of request	NA	Baseline Year		76.19%	95.24%	Court Counsel
●	2.4	Percentage of expedited legal research projects completed within deadline provided	NA	Baseline Year		100	125%	Court Counsel
●	2.5	Number of translated versions of vital documents available to public	5	8		20	250%	Court Counsel
●	2.6	Percentage of staff trained in Language Access	10%	90%		72.73%	80.81%	Court Counsel

Clerk of Court

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**

- **Performance Assessment Key: Partially Achieved.** For FY15 OAH was 1% away from fully achieving this initiative. OAH remained sensitive to the feedback of its customers toward improving its operations and services.

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**

- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15 due to changing priorities in the Clerk's Office.

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



- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15 due to changing priorities in the Clerk's Office.

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**

- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15 due to changing priorities in the Clerk's Office.

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

- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15 due to changing priorities in the Clerk's Office.

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.**

- **Performance Assessment Key: No Data.** This information was not tracked by OAH during FY15 due to changing priorities in the Clerk’s Office.

KEY PERFORMANCE INDICATORS- Clerk of the Court

 	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
	1.1	Percentage of consumer satisfaction surveys with a rating of at least “Agree” regarding the level of quality of OAH’s service	92%	96%		94.94%	98.89%	Clerk of Court
	2.1	Complete development and implementation of new intake forms by case type	NA	70%		N/A ¹		Clerk of Court
	3.1	Percent compliance with established time frames for case file retrieval	NA	65%		N/A ²		Clerk of Court
	4.1	Percent compliance with uniform case file organization standards by different case types	NA	50%		N/A ³		Clerk of Court

WORKLOAD MEASURES – APPENDIX

¹ Not tracked
² Not tracked
³ Not tracked



WORKLOAD MEASURES

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
Number of Cases Filed	24,221	14,607	20961	JUDICIAL
Number of Hearings Held	6,681	4,648	7,169	JUDICIAL
Number of Final Orders Issued	19,123	11,895	10,640	JUDICIAL
Number of Appeals to DC Court of Appeals (by Calendar Year)	120	65	67	JUDICIAL
Number of Cases Dismissed (including voluntary dismissals)	3,384	1,834	2,445	JUDICIAL
Percentage of Notice of Infraction/Notice of Violation cases in which the District government prevails	82%	NA	55.27%	JUDICIAL