



Issue Date: 29 April 2022

Case No. 2022-MIS-00003

In the Matter of:

PROCEDURAL NOTICES RELATED TO COVID-19 PANDEMIC:

- **SUSPENSION OF IN-PERSON HEARINGS LIFTED**
- **CONTINUING E-FILE AND E-SERVICE PROCEDURES AND POLICIES**
- **STATUS OF PRIOR ADMINISTRATIVE NOTICES AND ORDERS**

ADMINISTRATIVE NOTICE

Consistent with its phased reentry plan and in light of the current status of the COVID-19 pandemic, the Office of Administrative Law Judges (“OALJ”) will complete reentry to all of our offices on May 2, 2022. This Administrative Notice explains OALJ policy and procedures for hearings and digital records going forward.

Suspension of In-Person Hearings Is Lifted

Effective immediately, OALJ is lifting the suspension of in-person hearings, settlement judge conferences, and mediator sessions. However, alternative forms of hearings—such as telephonic and video hearings, and decisions based on stipulated facts or a stipulated record—remain available when warranted under the circumstances, as determined by the presiding judge. If a hearing, settlement judge conference, or mediation is scheduled to be conducted in person, parties with concerns about the health risks involved or who for other reasons seek an alternative to an in-person proceeding should request a reasonable accommodation from the presiding judge, settlement judge, or mediator.

E-File and E-Service Policies and Procedures Will Continue

The OALJ procedural rules remain relaxed to permit and encourage parties to e-file and receive e-service in OALJ and Board of Alien Labor Certification Appeals (“BALCA”) proceedings. Current information on the technical requirements for e-filing and e-service at OALJ and BALCA can be found on the OALJ website at www.dol.gov/agencies/oalj/EFS.

Updated Status of Administrative Notices and Orders

As explained below, the following Administrative Notices and Orders are withdrawn, revised, rescinded, or unchanged:

- Administrative Notice, *Online E-Filings: When Made—and When the “Last Day” of a Filing Period Ends*, 2022-MIS-00002 (Chief ALJ Mar. 11, 2022)

This Administrative Notice addresses when an e-filing is recorded as filed and remains in effect and unchanged until the Department publishes final regulatory amendments to 29 C.F.R. part 18 implementing e-filing and e-service, or is otherwise modified by subsequent Administrative Notice.

- Administrative Notice, *Launch of EFILE.DOL.GOV*, 2021-MIS-00001 (Chief ALJ Dec. 2, 2020)

This Notice announces that OALJ will permit e-filing by either the eFile/eService System (“EFS” – efile.dol.gov), or OALJ’s e-mail e-filing system and remains in effect and unchanged until the Department publishes final regulatory amendments to 29 C.F.R. part 18 implementing e-filing and e-service, or is otherwise modified by subsequent Administrative Notice.

- Administrative Order and Notice, *Continued Suspension of In-Person Hearings Due to COVID-19 National Emergency*, 2020-MIS-00008 (Chief ALJ June 1, 2020)

This Administrative Order and Notice is rescinded.

- Administrative Notice, *Implementation of Electronic Service During COVID-19 Pandemic*, 2020-MIS-00007 (Chief ALJ Apr. 16, 2020)

This Administrative Order and Notice is rescinded, except for the section on How Electronic Service Will Be Made, which remains in effect with the following modifications:

- OALJ will e-serve ALJ-issued documents unless a party or representative is granted e-filing privileges for the case in EFS, in which case EFS will effect e-service on other parties or representatives who also have been granted e-filing privileges for the case.
- OALJ will directly serve ALJ-issued documents through attachments to an e-mail notice. The portion of this section that says that OALJ e-service will be by download of password-protected documents from a secure website is no longer accurate and is rescinded.

- Supplemental Administrative Order and Notice, *Suspension of Hearings and Procedural Deadlines Due to COVID-19 Pandemic*, 2020-MIS-00006 (Chief ALJ Apr. 10, 2020)

This Administrative Notice is rescinded.

- Administrative Order and Notice, *Suspension of Hearings and Procedural Deadlines Due to COVID-19 National Emergency*, 2020-MIS-00006 (Chief ALJ Mar. 19, 2020)

This Administrative Notice is rescinded, except for Paragraph 1 in which 2020-MIS-00004 and 2020-MIS-00005 were withdrawn.

- Administrative Notice, *Relaxation of Filing and Service Requirements*, 2020-MIS-00005 (Chief ALJ Mar. 17, 2020)

This Administrative Notice was previously withdrawn. *See* 2020-MIS-00006 at ¶ 1 (Mar. 19, 2020).

- Administrative Notice, *Temporary Suspension of In-Person Hearings*, 2020-MIS-00004 (Chief ALJ Mar. 13, 2020)

This Administrative Notice was previously withdrawn. *See* 2020-MIS-00006 at ¶ 1 (Mar. 19, 2020).

SO NOTICED.

STEPHEN R. HENLEY
Chief Administrative Law Judge