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MD RELAY

February 8, 2018

TO: House Appropriations Committee
Subcommittee on Public Safety and Administration
Room 145, House Office Building (Hearing Date: 02/8/2018)
Annapolis, Maryland 21401

Senate Budget and Taxation Committee
Subcommittee on Public Safety, Transportation
and Environment (Hearing Date: 02/12/2018)
Schweinhaut Suite, Miller Senate Office Building
Annapolis, Maryland 21401

FROM: Thomas E. Dewberry
Chief Administrative Law Judge

REF: Agency Code D99A11
Fiscal Year 2019 Budget

Recommended Action:

1. Adopt the following narrative:

Recent Caseloads and Appropriate Agency Staffing: The committees are concerned about the recent caseload declines for the Office of Administrative Hearings (OAH) and the impact of these declines on workloads for administrative law judges and other staff. The committees request a report on the reasons for the decline in agency caseloads and an analysis of current staffing needs based on agency workload metrics.

Information Request

Recent caseloads and
appropriate agency staffing

Author

OAH

Due Date

November 1, 2018

OAH Response: OAH will prepare the narrative report on agency staffing if requested.

Issue:

DLS recommends that OAH comment on how recent changes in its caseload have impacted agency operations.

OAH Response:

- OAH carefully monitors its workload and resources. In 2015, anticipating a decline in foreclosure mediations (FM) and medical assistance (MA) cases, OAH allowed 5 ALJs and 1 secretary to retire as part of the voluntary separation program. Those positions were abolished.
- OAH staffing has in fact decreased from 129 to 118 positions since FY14.
- While there has been a decrease in MA, FM and Motor Vehicle Administration (MVA) cases, it is important to note that OAH does not staff these hearings in a one-to-one fashion. Each of these areas involve multi-case dockets – 16 cases per MVA docket, 4 cases per FM docket and 20-30 cases per MA docket. One ALJ is assigned to cover one docket with multiple cases. A reduction of cases does not necessarily translate into a reduction of dockets.
- Every case type delegated to OAH has a statutory time frame for resolution. Many case types have deadlines from receipt to resolution. For example, FM cases allow 60 days and MA cases allow 90 days. OAH cannot hold these cases to await a “full” docket before assigning an ALJ to conduct the hearings/mediations. To do so would compromise OAH’s 99+% timeliness rating and take OAH out of compliance with governing laws.
- OAH has received 2,200 more MVA hearing requests in the first two quarters of FY18, than it did during the first two quarters of FY17. OAH believes that this recent data lends support to the statement in the DLS narrative that there will be an offsetting increase in interlock non-compliance cases as a result of Noah’s law.
- Each legislative session, the General Assembly passes laws that require additional cases to be sent to OAH. For example, last year, OAH advised this body that it could handle the cases resulting from the N.C. Dental workgroup (SB 517), the Outpatient Civil Commitment hearings (HB 1383) and the Healthy Working Families Act (HB1) with existing resources. OAH made that assertion with a full understanding of its current caseload and ALJ staffing.
- OAH has made the same representations to this body this session, including for the Handgun Permit Review Board Repeal bills (HB 819/SB 741).