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TO: House Appropriations Committee
Subcommittee on Public Safety and Administration
Room 120, House Office Building (Hearing Date: 02/5/2020)
Annapolis, Maryland 21401

Senate Budget and Taxation Committee
Subcommittee on Public Safety, Transportation,
and Environment (Hearing Date: 02/07/2020)
Schweinhaut Suite, Miller Senate Office Building
Annapolis, Maryland 21401

FROM: Jana Corn Burch
Acting Chief Administrative Law Judge

REF: Agency Code D99A11
Fiscal Year 2021 Budget

Recommended Action:

1. OAH should comment on how its judges and courts could be of use to the State regarding these types of convictions and whether it's already-active and funded adjudication process could assist BPW in processing and closing these cases.

OAH Response: Since its establishment in 1990, OAH has incorporated many new case types and ADR processes into its workload. These additions have come from enactments of the General Assembly, delegations from State agencies or contracts with local government agencies. As had been the case each time the General Assembly has expanded OAH's jurisdiction, OAH remains ready, willing and able to discuss the feasibility of handling any adjudicative process that the legislative or executive branch wishes to refer.

2. OAH should comment on the significant increase in hearing satisfaction metrics in fiscal 2019.

OAH Response: Quality is measured through participant surveys that quantify the satisfaction with such elements of the hearing process as preparation, organization, and fairness of the administrative law judge (ALJ). The desire to monitor quality must be weighed against the need for judicial and decisional independence. Performance measures and methods of data collection must not infringe upon independence in the decision-making process. OAH notes that approximately half of the survey recipients have not prevailed before OAH. Despite that, the survey respondents report that they were satisfied that their case was handled fairly.

In addition to these satisfaction surveys, OAH monitors ALJ performance through the Performance Evaluation Program, known as PEP. All ALJs are required to attend monthly training and to review weekly newsletters. The rise in the reported satisfaction has been steady and, based on the ALJ PEP outcomes and ALJ training participation, OAH is not surprised that 97% of parties who respond did so favorably. OAH ALJs conduct full, fair and impartial hearings.

3. Adopt the following narrative:

Report on Administrative Law Judge Workload: Due to the wide variety of case types of which agency administrative law judges (ALJ) are responsible, the use of multi-case dockets is a useful way to streamline casework and dispose of cases in a more timely fashion. While overall ALJ caseloads declined by approximately 4% in fiscal 2019 from the previous year, the actual workload for judges has remained constant or increased, according to various other work-related metrics, such as the number of decisions written per ALJ per year. The committees are interested in determining the scope of ALJ workloads. Therefore, it is the intent of the budget committees that the agency submit information on the type and number of dockets per year for each judge as well as any other work-related measures that can assist the committees in understanding and quantifying ALJ workloads.

Information Request	Author	Due Date
Administrative law judge workload reporting	Office of Administrative Hearings	November 1, 2020

OAH Response: OAH will prepare the narrative report to include information on the type and number of dockets per year for each ALJ as well as any other work-related measures that can assist the committees in understanding and quantifying ALJ workloads as requested.