

Seventh Annual Report to  
the Governor of Alaska and the Alaska Legislature  
from the Office of Administrative Hearings

January 31, 2011

Office of Administrative Hearings  
P.O. Box 110231  
Juneau, Alaska 99811-0231  
(907) 465-1886

## **I. Introduction**

Legislation passed in 2004 created the Office of Administrative Hearings (OAH), an independent office within the Department of Administration charged with providing administrative adjudication services, regulatory review and training. *See* AS 44.64.010 – AS 44.64.020. The purpose was “to increase the separation between the adjudicatory functions of executive branch agencies and the agencies’ investigatory, prosecutory, and policy-making functions.” Sec. 1, ch. 163, SLA 2004.

OAH operates under the supervision of a chief administrative law judge (ALJ) for whom the law prescribes certain duties and goals. *See* AS 44.64.020. One of the chief ALJ’s duties is to

submit to the governor and the legislature on January 31 of each year the results of the survey [of hearing participants used to monitor the quality of hearings conducted by OAH and other state agencies] along with a report that includes a description of the activities of the office and recommendations for statutory changes that may be needed in relation to the administrative hearings held by the office or other state agencies[.]

AS 44.64.020(a)(7). This is the seventh such report. It covers OAH’s activities for calendar year 2010.

## **II. Activities of the Office of Administrative Hearings**

For reporting purposes, the activities of the OAH are grouped into eight categories drawn from the statutory duties of OAH and the chief ALJ:

- Adjudication services;
- Peer review for OAH ALJs;
- Publication of decisions;
- Regulations review and development;
- Monitoring hearing processes (includes surveying hearing participants);
- Training of administrative adjudicators;
- Code of Hearing Officer Conduct administration;
- Recruitment for Workers’ Compensation Appeals Commission.

*See* AS 44.64.020(a)(4)-(8), AS 44.64.050, AS 44.64.090 & AS 23.30.007(d).

### **A. Adjudication Services**

The adjudication services provided by OAH range from preparing proposed decisions based on written submittals of the parties in simple administrative appeals to conducting trial-like evidentiary hearings in complex matters. The services do not stop at conducting hearings and writing decisions. They can include use of alternative dispute resolution (ADR) methods. Using formal or informal ADR, or simply through good case management, OAH can resolve many cases within a matter of weeks. Others may remain active for many months, as the parties

develop their positions and prepare for detailed presentation of highly technical evidence and argument on complex legal issues. Most fall somewhere between these two extremes.

The OAH ALJs are, by law, the final decisionmakers in only a few case categories. When the final decisionmaker is a board or commission, or a principal agency head, the adjudication services can include functioning as a legal adviser to that decisionmaker for the specific case.<sup>1</sup>

The table below illustrates the reach of OAH’s adjudication services under its mandatory jurisdiction. That reach extends to most executive branch departments. The departments for which OAH does not provide services directly may be parties to disputes such as procurement protests that OAH hears on behalf of a separate executive branch decisionmaker.

<b>Office of Administrative Hearings Mandatory Jurisdiction</b>	
<i>Executive Branch Office, Agency or Entity</i>	<i>Case Category</i>
Office of the Governor	Human Rights Commission
Office of the Lieutenant Governor	Notaries
Departments of	
Administration	<ul style="list-style-type: none"> <li>• Retirement and Benefits</li> <li>• Contract and Procurement</li> <li>• Claims for Reimbursement</li> <li>• Violent Crime Compensation</li> <li>• Breach of Security Involving Personal Information</li> </ul>
Commerce, Community and Economic Development	<ul style="list-style-type: none"> <li>• Licensing (Corporations, Businesses and Professions)</li> <li>• Banking and Securities</li> <li>• Insurance</li> </ul>
Education and Early Development	<ul style="list-style-type: none"> <li>• Teacher Certification</li> <li>• Permanent Fund Dividend (PFD) Execution</li> </ul>
Environmental Conservation	<ul style="list-style-type: none"> <li>• Environmental Permitting</li> <li>• Food Safety</li> </ul>
Health and Social Services	<ul style="list-style-type: none"> <li>• Facilities Licensing</li> <li>• Child Protection<sup>2</sup></li> <li>• PFD Execution</li> </ul>
Public Safety	Alcoholic Beverage Control
Labor and Workforce Development	<ul style="list-style-type: none"> <li>• Occupational Safety and Health</li> <li>• PFD Execution</li> </ul>

<sup>1</sup> OAH ALJs do not provide general legal advice to the decisionmaker but rather address legal questions for the decisionmaker only in the context of the specific case under consideration. The Attorney General is the legal adviser to state agencies under most circumstances.

<sup>2</sup> The administrative child protection cases OAH hears for the Department of Health and Social Services relate to substantiation of abuse or neglect findings that may affect licensing or other decisions concerning children. These adjudications serve a purpose different from that of child protection cases heard by the courts.

Natural Resources	<ul style="list-style-type: none"> <li>• Land Sale Contracts</li> <li>• Water Rights</li> </ul>
Transportation and Public Facilities	Construction Procurement (portion <sup>3</sup> )
Revenue	<ul style="list-style-type: none"> <li>• Tax (original jurisdiction<sup>4</sup>)</li> <li>• Child support</li> <li>• PFD Eligibility, Charitable Contribution &amp; Fine/Forfeiture</li> <li>• Charitable Gaming</li> <li>• Unclaimed Property</li> </ul>
University of Alaska	PFD Execution

### 1. *Caseload*

During 2010, OAH's active cases totaled 894, with 641 of those new cases that came in during the year and the rest cases carried forward. In the table below, OAH's active 2010 caseload is divided into nine groups. The first (Business, Professional & Occupational Licensing/Regulation) crosses several departments. The "other" group includes occupational safety and health; environmental conservation; substantiated child abuse/neglect; public offices commission; violent crime victim's compensation; and various education-related subjects, among others.

*Number of active cases in 2010*

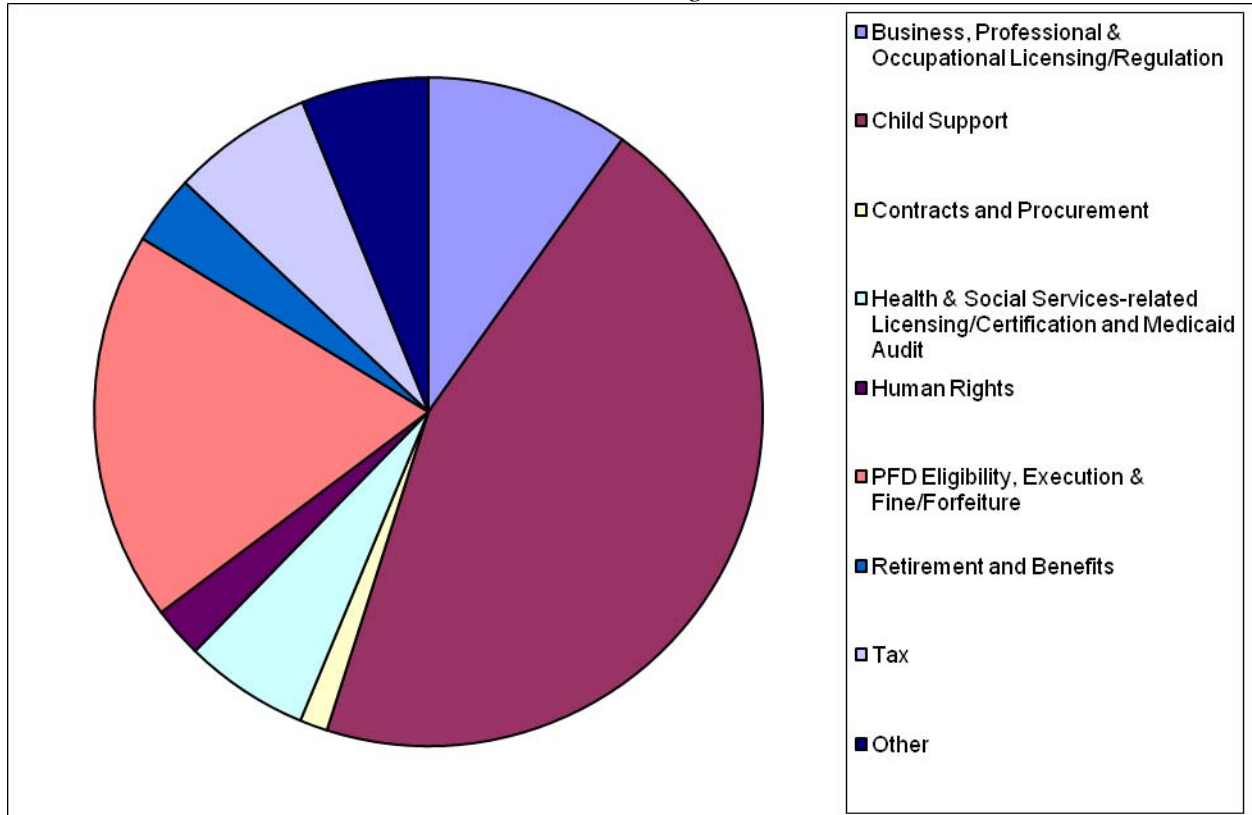
Business, Professional & Occupational Licensing/Regulation	88
Child Support	403
Contracts and Procurement	12
Health & Social Services-related Licensing/Certification & Medicaid Audit	54
Human Rights	22
PFD Eligibility, Charitable Contribution, Execution & Fine/Forfeiture	169
Retirement and Benefits	30
Tax	61
Other	55
<b>Total</b>	<b>894</b>

The chart below depicts the relative number of cases on which OAH actively worked in 2010, divided into the nine groups. The chart is derived from the data in the above table.

<sup>3</sup> OAH's hears only some of the Department of Transportation and Public Facilities construction-related procurement cases under its mandatory jurisdiction. Construction cases subject to arbitration are exempted from OAH's mandatory jurisdiction.

<sup>4</sup> Under AS 43.05.405, OAH has original jurisdiction over most tax appeals. This means that taxpayers dissatisfied with most tax enforcement decisions by the Department of Revenue can appeal directly to OAH.

*What we were working on in 2010*



In addition to cases within OAH’s original jurisdiction and those required to be referred to OAH under AS 44.64.030(a) or under regulations, the 894 cases encompass cases referred voluntarily by

- Administration (public offices commission cases);
- Health and Social Services (Medicaid audit appeals);
- Labor and Work Force Development (workers’ compensation conflict cases);
- Public Safety (police officer certification cases);
- Revenue (oil and gas property taxability and valuation appeals).

Compared to 2009, the number of new case referrals was down, with 61 fewer new cases—a nearly nine percent reduction. This significant reduction reflects a 66 percent reduction in new PFD-related referrals, which likely was attributable to process improvements the PFD division made that enable it to resolve many PFD eligibility disputes before they reach the formal appeal level. The drop in PFD-related referrals was offset to a large extent by increased referrals in almost every other grouping, including a large increase (100 cases) in new child support appeals.

During calendar 2010, OAH closed cases equal in number to 101 percent of the number of new cases. Twenty-four cases were diverted to formal ADR (usually mediation). Many others

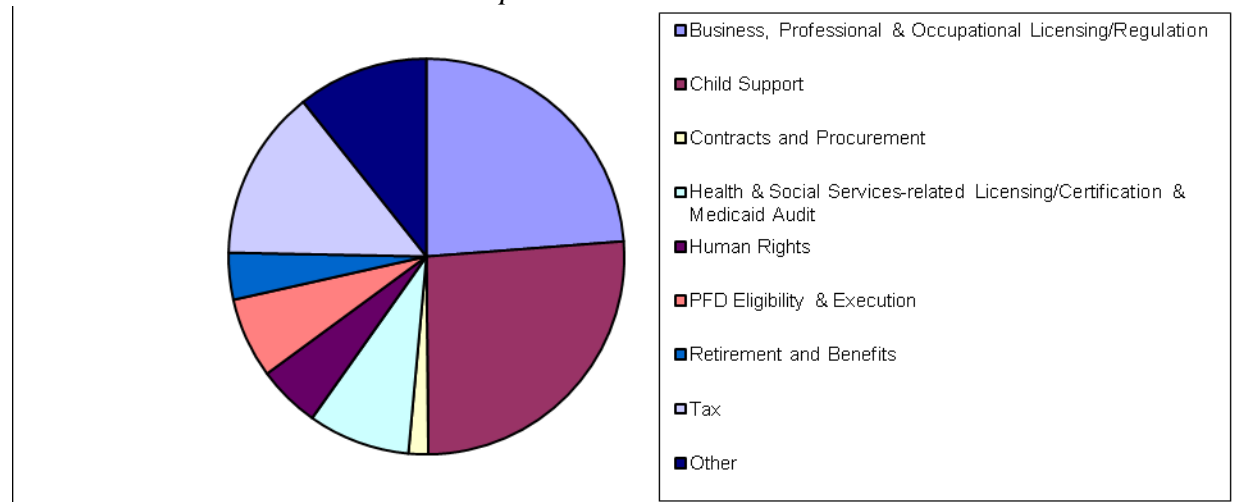
were settled without being diverted to ADR and many more were resolved through efficient case management techniques, including informal ADR used to reach agreement on consent orders or stipulations. The table below identifies by number and percentage, relative to the total 894 active cases, the cases closed in 2010; the cases settled; the cases resolved through efficient case management techniques, including informal ADR and on motions; and the cases in which requests for further consideration or new appeals to the courts were filed.

<b>Case Resolution Data – 2010</b> (as a percentage of 894 active cases)		
Cases Closed	648	72.5%
Settled	50	5.6%
Resolved Efficiently (informal ADR, motions and other means)	120	13.4%
Reconsideration Requested/Proposal for Action Filed <sup>5</sup>	57	6.4%
Appeals Filed <sup>6</sup>	16	1.8%

## 2. Time Devoted to Hearings and Related Work

OAH’s ALJs collectively devoted approximately 8,636 hours to hearing cases and related work such as decision writing, ruling on motions, and reviewing documents and submittals by the parties, or to resolving cases through ADR. As the chart and associated data table below illustrate, though the child support and PFD cases dominate OAH’s case docket by number of cases, they do not dominate the time spent on cases. Instead, the typically more complex cases in the rest of the docket consume much more time.

*How we spent our time on cases in 2010*



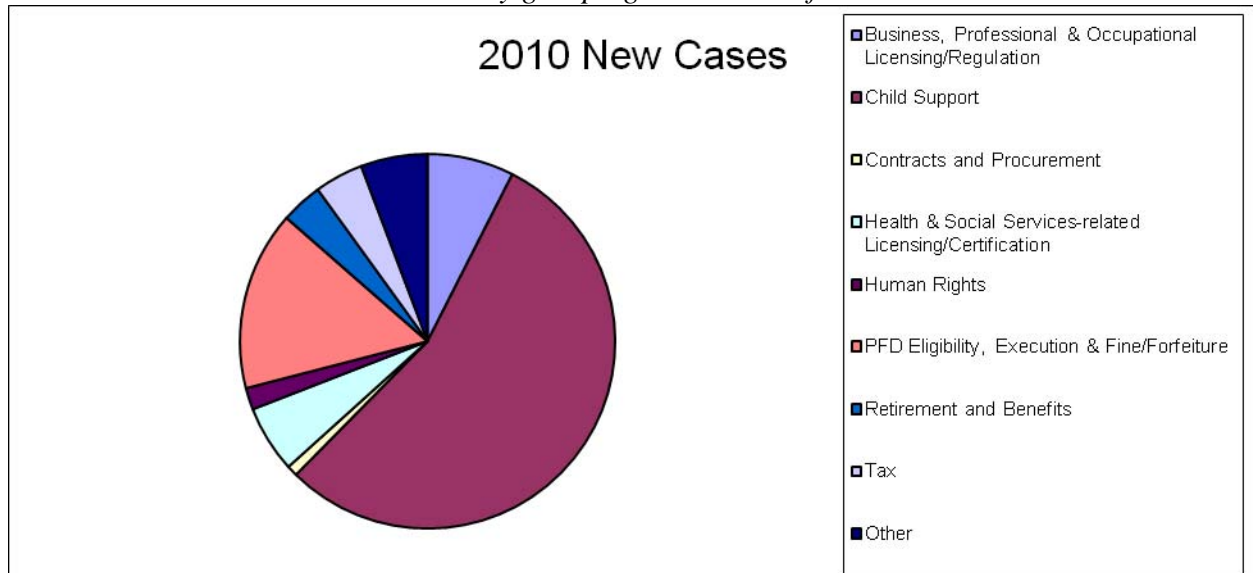
<sup>5</sup> For post-July 1, 2005 cases that are subject to AS 44.64.060, the option to file a “proposal for action” before the decision is made final functions as a substitute for requesting reconsideration, unless a separate statute continues to provide for post-final-decision reconsideration. 2 AAC 64.350.

<sup>6</sup> By subject matter, the sixteen new superior court appeals filed in 2010 are follows: three business or professional licensing matters; four tax appeals; six PFD appeals; two child support appeals; and one Human Rights Commission appeal.

<b>Grouping</b>	<b>2010 Hours</b>
Business, Professional & Occupational Licensing/Regulation	2,053
Child Support	2,252
Contracts and Procurement	139
Health & Social Services-related Licensing/Certification & Medicaid Audit	721
Human Rights	441
PFD Eligibility & Execution	568
Retirement and Benefits	330
Tax	1,207
Other	925
<b>Total</b>	<b>8,636</b>

Compared to the “*How we spent our time in 2010*” chart and data table, the chart and table below highlight a disconnect between the numbers of new cases by grouping and the hours devoted to the group for a given reporting period—i.e., a calendar year.

*New cases by grouping and number for 2010*



<b>Grouping</b>	<b>2010 New Cases</b>
Business, Professional & Occupational Licensing/Regulation	48
Child Support	352
Contracts and Procurement	6
Health & Social Services-related Licensing/Certification	37
Human Rights	12
PFD Eligibility, Execution & Fine/Forfeiture	99
Retirement and Benefits	23
Tax	27
Other	37
<b>Total</b>	<b>641</b>

Three variables explain the disconnect: (1) when the cases arrive; (2) how long it takes to resolve them; and (3) how complex they are. Except in fast-track cases, a significant amount of the most time-consuming work (decision writing) for a case that comes in during the last two or three months of the calendar year is likely to be performed the following calendar year. A case that comes in early in a calendar year but must be handled on a slower track (for instance, to allow for an attempt at alternative dispute resolution or to consider motions before reaching the hearing stage) may see a significant amount of work performed the following calendar year. No matter when it comes in or how quickly it can be brought to resolution, a complex case typically will require many more hours of work than a less complex one.

### 3. *Deadlines*

The cases OAH hears are subject to many deadlines. The OAH-specific deadlines imposed by AS 44.64.060 apply to most.<sup>7</sup> In addition to the deadlines imposed by the OAH-specific statute, other statutes and regulations establish deadlines that apply to several case types. For instance, cease and desist order cases, summary suspension actions, some insurance cases, securities cases, child support cases, and education-related facility grant cases all are subject to shorter deadlines than those imposed by AS 44.64.060. Some case types have shorter or different deadlines for getting the cases heard or for issuing the decision, or for both.

The key deadline for OAH to monitor for purposes of this report is the 120-days-from-hearing-request deadline for issuance of a proposed decision. Under AS 44.64.060(d), that deadline can be extended only by agreement of the parties, with the consent of the chief ALJ. This extension-on-consent tool is used in the more complex or unusual cases in which 120 days from filing of the hearing request does not allow adequate time for the case to be heard and a proposed decision to be drafted.<sup>8</sup>

In 2010, the 120-day deadline was met or not applicable in 93 percent of the 648 cases OAH closed. The deadline was not met in just 44 of the cases. In some instances, the case was very complex and the deadline was exceeded by just a few days.

A great many of the cases reached final resolution—not just a proposed decision—within 120 days, frequently within as little as 15 to 30 days. The average number of days from referral to *final* decision was 87 for all cases to which the 120-day deadline applied and just 60 days for the child support cases. This includes days consumed while the case was with the decisionmaker for final action after OAH issued the proposed decision, as well as periods when the cases were diverted for ADR or placed on a longer track to address case complexities or the parties' needs.

---

<sup>7</sup> The following categories of cases were exempted from the AS 44.64.060 deadlines: tax appeals, Human Rights Commission cases, occupational safety and health cases, Violent Crime Compensation Board cases, and Professional Teaching Practices Commission cases. Voluntary referrals from agencies not required to send cases to OAH may be exempted from the AS 44.64.060 deadlines if the referral agreement between the chief ALJ and the referring agency so provides.

<sup>8</sup> In addition to complexity of a case, the unavailability of the parties, witnesses or legal counsel due to medical conditions and emergencies, the need to await conclusion of a related case to make for a more efficient or consistent result, and late referral of cases have led to use of the extension-on-consent tool.



OAH manages its cases with the goal of meeting all applicable deadlines to the greatest extent possible. This is challenging, particularly when the need to meet the shorter deadlines in large numbers of cases (e.g., child support) competes for ALJ time required to keep the rest of the cases on track for the 120-day proposed decision deadline. The goal of meeting that deadline in each case to which it applies sometimes must give way to the priority of resolving time-sensitive cases first.

## **B. Peer Review**

Peer review serves two purposes: it promotes consistency in decisionmaking and it provides informal training opportunities (for both the reviewed and the reviewing ALJ). OAH's peer review system consists of selectively assigning an ALJ to review the proposed decision and/or to observe the hearing conducted by another ALJ on a case-specific basis. The reviewing ALJ provides written or oral feedback to the reviewed ALJ. The reviewing ALJ also is available for consultations on questions of law or procedure.

In 2010, a formal peer review assignment was made in 110 of the 641 new cases. Formal peer review assignments are made with the goal of ensuring that an ALJ venturing into a new subject area receives the benefit of informal training from a peer who has already worked in the subject area. This type of peer review has been and continues to be a key part of the training process for new ALJs.

Group peer review of decisions or case management strategy is conducted when appropriate, such as when an ALJ faces an issue of first impression. Group peer review can be a good tool to promote consistency among ALJs on such issues. Additionally, discussion sessions involving all of the ALJs are conducted periodically on a variety of issues as part of the effort to promote consistency.

## **C. Publication**

OAH is required to "make final agency decisions reached after administrative hearings available online through an electronic data base." AS 44.64.090(a). In 2010, OAH continued to expand its on-line publication project through which decisions are posted in a user-friendly, keyword searchable format on OAH's web page. OAH has web posted more than 1,250 decisions and provides links to on-line decisions posted by the Commercial Fisheries Entry Commission; Department of Health and Social Services (in-house fair hearings unit decisions); the Regulatory Commission of Alaska; the Employment Security Division (unemployment insurance appeals); the Workers' Compensation Appeals Commission; and the Workers' Compensation Board.

The publication project is well underway. Efforts continue to expand availability of administrative adjudication decisions from other agencies and from the courts.

## **D. Regulations**

OAH's chief ALJ was given authority to "adopt regulations ... to carry out the duties of the office" as well as to "review and comment on regulations proposed by state agencies to govern procedures in administrative hearings." AS 44.64.020(a)(8)&(11). In particular, the chief ALJ was required to adopt a hearing officer code of conduct, which applies to hearing officers of all agencies, not just to OAH ALJs. Regulations on procedures for OAH cases and for the Code of Hearing Officer Conduct have been adopted and took effect July 2, 2006. No amendments to the 2006 regulations were proposed in 2010.

OAH routinely tracks notices of other state agencies' proposed regulations, looking for those that have the potential "to govern procedures in administrative hearings." In 2010, OAH reviewed 133 sets of proposed regulations. Most did not implicate hearing procedures or did not raise any concerns about how those procedures were addressed. OAH commented on four sets of proposed regulations:

(1) Certificate of Fitness regulations proposed by the Department of Labor and Workforce Development;

(2) Funding Decision Review and Appeal regulations proposed by the Department of Education and Early Development;

(3) Foster Care and Adoption regulations proposed by the Department of Health and Social Services; and

(4) Workers' Compensation Appeals Commission regulations proposed by the Department of Labor and Workforce Development.

## **E. Monitoring and Surveys**

OAH is required to "survey administrative hearing participants and use other methods to monitor the quality of administrative hearings held by the office and other state agencies[.]" AS 44.64.020(a)(7). The purpose of the surveys and other monitoring is to enable the chief ALJ to include in the annual report recommendations for statutory changes.

OAH continued the written survey process throughout 2010, sending surveys to parties in past OAH-heard cases and cases heard by the Workers' Compensation Appeals Commission, the Workers' Compensation Board, and the Department of Health and Social Services (in-house hearing unit that hears public benefits cases).

The number of responses increased slightly compared to 2009, but the return rate is disproportionately high in the PFD appeals because the PFD division continues to self-initiate submittal of survey forms in cases not randomly selected for survey distribution by OAH. As a result the data from the returned surveys is skewed by the high number of surveys from the agency representatives (lay advocates), with comparatively few responses being from private parties or attorneys representing private parties or agencies. Ten responses were received from

parties/attorneys in cases not heard by OAH. All ten were from cases heard by the Department of Health and Social Services' in-house fair hearings unit, and most of those were from agency representatives.

Responses were generally positive and narrative comments were more often than not constructive. Even if not satisfied with the outcome of the case, the vast majority of people responding were satisfied with the adjudication process overall. In the small sampling of responses on the Department of Health and Social Services' fair hearings unit cases, multiple responses commented that the hearing process has become too formal for the largely self-represented parties. Those comments were from agency parties.

The data from the 2010 survey responses is summarized in Appendix A.

The written survey process will continue in 2011 and, resources permitting, will expand to include parties in cases heard by some or all of the following executive branch adjudicatory agencies:

- Commercial Fisheries Entry Commission;
- Department of Education and Early Development (special education hearings);
- Department of Labor and Workforce Development (employment security hearings);
- Division of Motor Vehicles;
- Regulatory Commission of Alaska.

## **F. Training**

OAH's training mandate extends beyond providing training to OAH employed or retained ALJs and hearing officers. It requires that OAH

make available and facilitate training and continuing education programs and services in administrative procedure, administrative adjudication, substantive law, alternate dispute resolution, and technical matters for administrative law judges *and other administrative adjudicators*[.]

AS 44.64.020(a)(6) (emphasis added). To satisfy this mandate, OAH's training plan consists of the following components:

- Informal training for OAH ALJs through peer review assignments, periodic conferences among the ALJs, and circulation of case decisions and other materials of interest;
- Formal training for OAH ALJs by attendance at continuing education courses offered by professional associations and the National Judicial College;

- Informal training for state administrative adjudicators by email circulation or web posting of periodic electronic bulletins/newsletters reporting on developments of interest in administrative law;
- Formal training for non-OAH administrative adjudicators through participation by OAH representatives in periodic, agency-specific conferences;
- Formal training for administrative adjudicators in the form of course offerings made available by OAH.

During 2010, OAH's ALJs presented or participated in training and continuing education courses in the following subject areas:

- Administrative Law Developments;
- Administrative Appeals in Environmental Cases;
- Case Management;
- Electronic Filing in Administrative Cases;
- Ethics (including Code of Hearing Officer Conduct rules);
- Evidence;
- Excellence in Administrative Decision Writing and Due Process;
- Mediation;
- Performance Management of Judges;
- Procurement Protest Appeal Process;
- Self-represented Litigants; and
- Technology for Case Management.

#### **G. Code of Hearing Officer Conduct Administration**

In addition to developing the Code of Hearing Officer Conduct, the chief ALJ plays an on-going role in administering the code. By statute, complaints alleging violation of the code must be considered by the chief ALJ, who determines whether they meet the standard for referral to the attorney general for investigation.<sup>9</sup> Under the code, mitigation of an alleged violation may exist if the accused hearing officer relied upon a written opinion from the chief ALJ or the attorney general.<sup>10</sup> The chief ALJ, therefore, must field questions from hearing officers about code compliance requirements and, in appropriate circumstances, issue written opinions.

In 2010, no complaints of violation of the Code of Hearing Officer Conduct were filed with the chief ALJ. The chief ALJ fielded several questions about code requirements, but no formal opinions were needed.

---

<sup>9</sup> AS 44.64.050(c). Complaints alleging violations by the chief ALJ are considered by the attorney general. AS 44.64.050(e).

<sup>10</sup> 2 AAC 64.060(c).

## **H. Workers' Compensation Appeals Commission Recruitment**

Under AS 23.30.007, the chief ALJ has the duty to recruit for vacancies on the Workers' Compensation Appeals Commission and to appoint persons to serve as the *pro tempore* chair of that commission if the chair is absent or cannot hear an appeal due to a conflict. The chief ALJ reviews the qualifications of the applicants for commission positions and must forward to the Governor at least three names for consideration when the attorney-chair position is vacant and at least two names for each commissioner vacancy.

In 2010, the chief ALJ conducted recruitment of applicants for a representative-of-employees commission seat with a term expiring in 2011. Four individuals applied for the seat. All applicants met the minimum qualifications and their names were forwarded to the governor.

OAH also provided an ALJ to serve as *pro tempore* chair for one appeal in which the commission's chair had a conflict and provided *pro-tempore* chair oversight of day-to-day operations during a period in which the chair took leave.

## **III. Recommendations of the Chief Administrative Law Judge**

In addition to the description of activities, OAH's annual report is to include "recommendations for statutory changes that may be needed in relation to the administrative hearings held by the office or other state agencies[.]" AS 44.64.020(a)(7). OAH continues to recommend consideration of changes outlined below.

### **A. Recommendation: Amend OAH's Statutes**

A few provisions in AS 44.64 should be amended to address issues OAH has identified in working with the procedural and other requirements. Examples of such issues include:

(1) limitations posed by the deadline for final decisionmaker action being triggered by distribution of the proposed decision, which

(a) can leave the final decisionmaker with inadequate time to consider the parties' proposals for action, especially if transmittal of the proposals is delayed due to mail service problems, and

(b) can restrict the ability to permit responses to proposals for action even in cases in which an opportunity to respond is necessary to provide due process;

(2) lack of a deadline for final decisionmaker action on a revised proposed decision issued following a return of the case to the ALJ for supplemental work under AS 44.64.060(e)(2);

(3) lack of a provision authorizing an ALJ or chief ALJ override of a party's refusal to consent to an extension of the AS 44.64.060(d) deadline if an override is necessary to provide due process.

**B. Recommendation: Amend the Administrative Procedures Act (APA)**

The APA adjudication provisions (44.62.330 – AS 44.62.630) should be amended to modernize the antiquated provisions on (1) initiation of proceedings; (2) amendment of accusations; (3) default hearing procedures; (4) hearing notice requirement; (5) hearing venue; (6) hearsay limitations; (7) distribution of proposed decisions; and (8) reconsideration. The amendments also should harmonize APA adjudication requirements with those of OAH, and provide more flexibility in hearing processes, whether the hearings are conducted by OAH or by agencies directly.

**C. Recommendation: Provide Specific Statutory Subpoena Power**

Appropriate provisions should be added in AS titles 14 and 39 to give OAH subpoena power in retirement and benefits cases. OAH hears Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) cases under a grant of broad jurisdiction in those two titles, as the successor to the adjudicatory role of the former PERS and TRS boards. The former boards had subpoena power under regulations subsequently repealed by the Department of Administration following changes to the underlying statutory authority. New statutory authority is necessary for OAH to issue subpoenas in these cases.

**D. Recommendation (contingent): Remove PFD Execution Appeals from APA**

AS 43.23 should be amended to remove the PFD execution appeals from the requirement for an APA hearing, in favor of a simpler, more flexible hearing process, better suited to these narrowly-focused appeals. This recommendation is contingent upon the outcome of Recommendation B. If the APA adjudication provisions are amended, as suggested in that recommendation, to include more flexibility to conduct hearings less formally, it likely will be unnecessary to remove the PFD execution appeals from APA coverage.

**IV. Conclusion**

In 2010, OAH's activities continued to focus on its core function—adjudication of executive branch cases—but OAH also was able to attend to the ancillary functions, especially publication and training. Through mediation and other alternatives to contentious hearings, OAH assisted the public and agencies in resolving most disputes efficiently and timely. OAH looks forward to expanding the training and monitoring functions in the coming years, while maintaining high standards for the delivery of fair, efficient and cost effective hearings and alternative dispute resolution processes.

Submitted effective the 31<sup>st</sup> day of January, 2011.

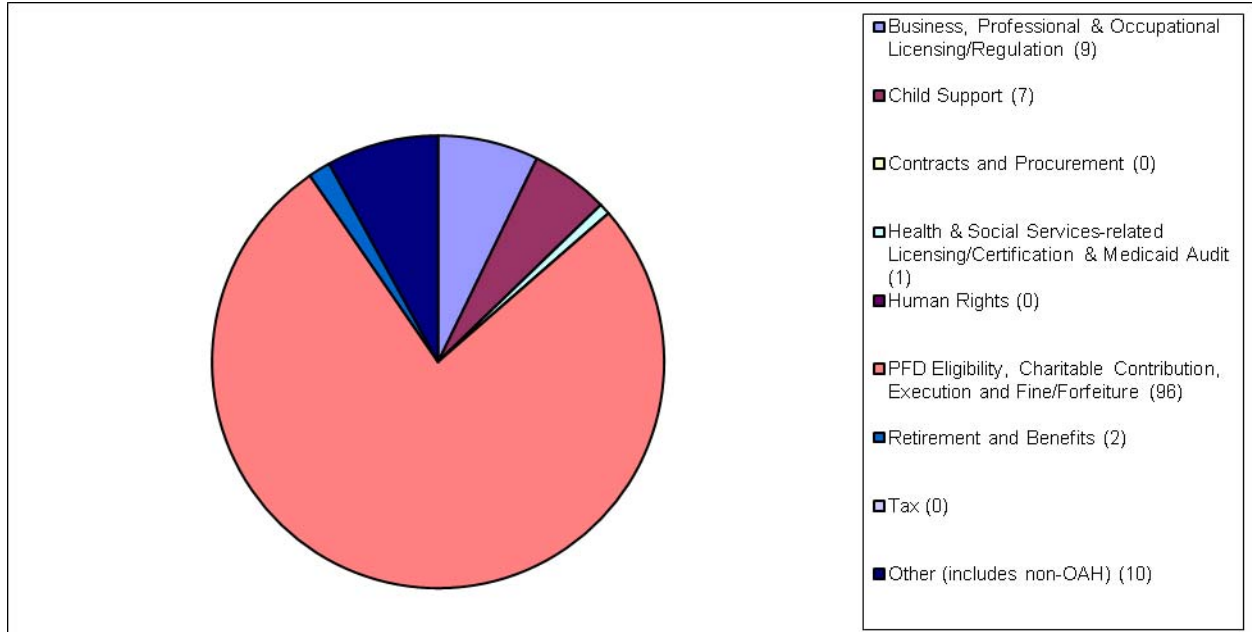
---

Terry L. Thurbon  
Chief Administrative Law Judge

## Appendix A

Survey Results: January 2010-December 2010

### Number of Responses by Case Group



### Demographics of Hearing Participants Responding

Question	Number Responding				
	What was your role in this case?	Private Party		Agency Party	
	14		81		9
Where do you live?	Rural Alaska		City in Alaska		Outside Alaska
	3		69		5
Including this one, in how many hearings have you participated?	One	2-5	6-10	11-20	20 or more
	10	5	1	8	79

Administrative Law Judge/Hearing Officer	Yes	No	N/A
1. Did the judge/hearing officer start the proceedings on time?	81	2	31
2. Was the judge/hearing officer familiar with the issues in the case?	82	3	23
3. Did the judge/hearing officer pay attention during the proceedings?	80	2	30
4. Did the judge/hearing officer show you respect?	79	2	31
5. Did the judge/hearing officer remain even-tempered in the proceedings?	75	2	32

6. Did the judge/hearing officer give you (or your attorney) opportunities to speak?	79	1	31
7. Did the judge/hearing officer make clear decisions and rulings during the hearing, such as when objections were raised or requests were made?	62	4	45
8. Did the judge/hearing officer resolve problems that came up during the case fairly and efficiently?	62	3	45
9. Did the judge/hearing officer issue written decisions and orders in a timely fashion?	106	3	4

<b>Written Documents</b>	Yes	No	N/A
1. Was information provided in notices useful?	109	1	3
2. Were decisions and orders written in clear, understandable language?	112	0	2
3. Did the decision describe the facts clearly and accurately?	106	5	2
4. Did the decision and any orders include clear explanations of the law?	109	2	3
5. Did the decision's analysis include enough detail to explain the result?	107	3	5

<b>Facilities and Staff</b>	Yes	No	N/A
1. Were hearing support staff helpful in answering general (non-legal) questions or redirecting calls to others who could answer them?	90	2	24
2. Was the location of the hearing room accessible?	27	2	85
3. For in-person hearings: was the hearing room (size, set up, temperature) suitable for the type of proceeding?	19	1	94
4. For telephone hearings: was the sound quality of the telephone connection good?	71	2	40
5. For participants who listened to a recording of the hearing or other proceedings: was the sound quality of the recording adequate?	12	3	98

<b>Overall Satisfaction</b>	Yes	No
Do you agree with the final result in the case?	96	17
Whether or not you agree with the final result, were you satisfied with the hearing process overall?	102	12