

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

January 31, 2015

Office of Administrative Hearings
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I. Introduction

The Office of Administrative Hearings (OAH) is an independent agency within the Department of Administration charged with providing administrative adjudication services, regulatory review and training. *See* AS 44.64.010 – AS 44.64.020. OAH is the state executive branch’s central hearing panel. It was created “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 eleventh such report. It covers OAH’s activities for calendar year 2014.

II. Activities of the Office of Administrative Hearings

For reporting purposes, OAH’s activities are grouped into eight categories drawn from the statutory duties of OAH and the chief ALJ. The first is OAH’s core function, and the remainder are its ancillary duties. The activities are:

- 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

OAH’s adjudication services range from preparing proposed decisions based on written submittals of the parties in simple administrative appeals to conducting multi-day trial-like evidentiary hearings in complex matters. The services do not stop at conducting hearings and writing decisions. They also 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.¹

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 nonetheless be parties to disputes, such as procurement protests that OAH hears on behalf of a separate executive branch decisionmaker.

Office of Administrative Hearings Mandatory Jurisdiction	
<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"> • Retirement and Benefits • Contract and Procurement • Claims for Reimbursement • Violent Crime Compensation • Breach of Security Involving Personal Information
Commerce, Community and Economic Development	<ul style="list-style-type: none"> • Licensing (Corporations, Businesses and Professions) • Banking and Securities • Insurance • Alcoholic Beverage Control • Film Tax Credits
Education and Early Development	<ul style="list-style-type: none"> • Teacher Certification • PFD Execution
Environmental Conservation	<ul style="list-style-type: none"> • Environmental Permitting • Food Safety
Health and Social Services	<ul style="list-style-type: none"> • Facilities Licensing • Child Protection²

¹ OAH ALJs do not provide general legal advice to the decision-maker, 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.

² 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 facility or foster care licensing or other decisions concerning children. These adjudications serve a purpose different from that of child protection cases heard by the courts.

	<ul style="list-style-type: none"> • Medicaid benefits, audits & rates • Public assistance benefits • PFD Execution
Labor and Workforce Development	<ul style="list-style-type: none"> • Occupational Safety and Health • PFD Execution
Natural Resources	<ul style="list-style-type: none"> • Land Sale Contracts • Water Rights
Transportation and Public Facilities	Construction Procurement (portion ³)
Revenue	<ul style="list-style-type: none"> • Tax (original jurisdiction⁴) • Child Support • PFD Eligibility, Charitable Contribution & Fine/Forfeiture • Charitable Gaming • Unclaimed Property
University of Alaska	PFD Execution

1. *Caseload*

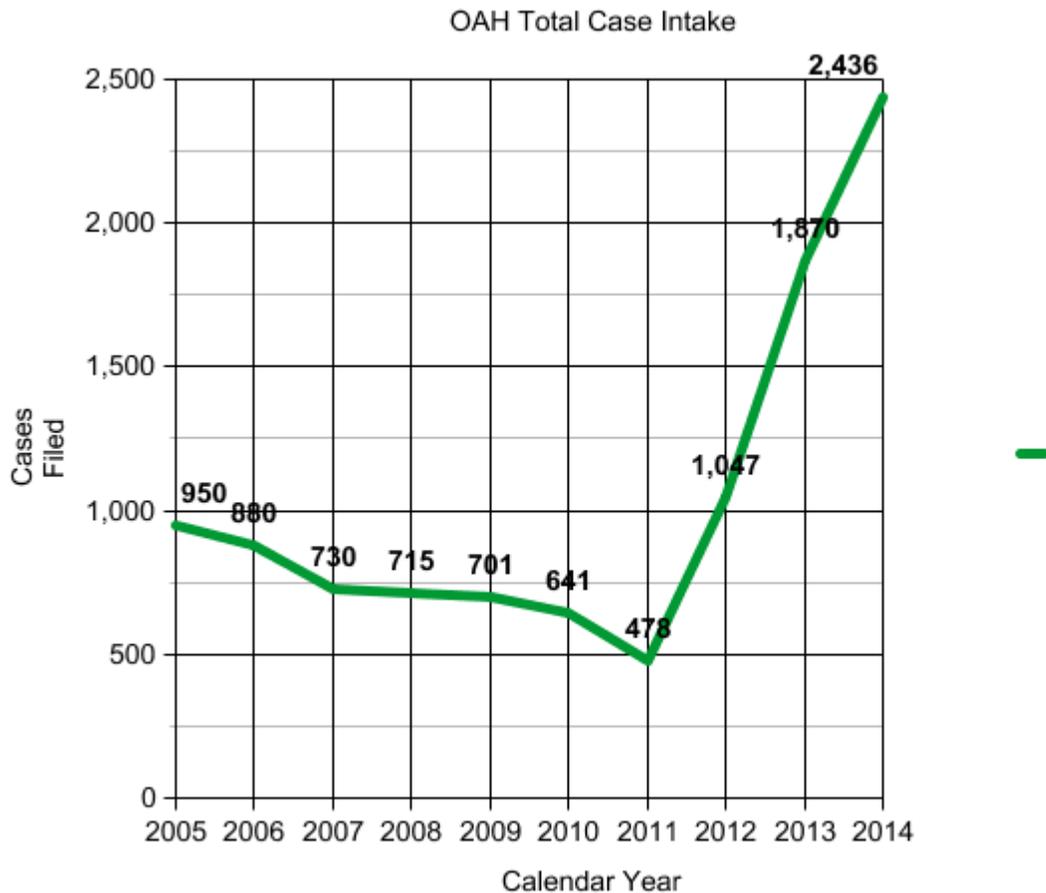
During 2014, OAH’s active cases—that is, the number of cases that were open or being managed in some fashion at some point during the year—totaled approximately 2,959. New cases that came in during the year totaled 2,436.

Growth in overall case intake is the central theme of OAH’s last two years. Driven largely by an enormous surge in Medicaid services appeals, it shows no signs of slackening. Indeed, of the 2436 cases filed with OAH in 2014, 1,100 were filed in the first six months and 1,336 were filed in the second six months.

The growth in caseload has put tremendous pressure on OAH at every level, but the burden of the increase has fallen especially heavily on our case management and public interface staff. That staff increased by one—from three to four—in July of 2012. The staff’s handling of the 100% caseload increase for that year led to a Denali Award nomination. Since then, the number of cases has surged another 133%, but no new staff has been added to handle this greatly increased caseload. The graph below shows the case intake trend over the ten years since OAH was formed:

³ 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. DOT&PF sends some additional cases to OAH on a voluntary basis.

⁴ 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.



The table below focuses on OAH’s overall active 2014 caseload (which is a larger universe than case intake, graphed above), to give a sense of the distribution of our effort over the course of the year. However, one must remember that not all cases are equal: a typical procurement, human rights, or professional licensing case requires about five times as much ALJ time as a typical Medicaid Services case, which in turn requires about five times as much time as a typical Food Stamps case. That being said, staff resources (as opposed to ALJ resources) are burdened approximately equally regardless of the case type. The table below is divided into eleven groups. The first (Business, Professional & Occupational Licensing/Regulation) crosses several departments. The “other” group does as well. It includes occupational safety and health, environmental conservation, substantiation of child abuse/neglect, public offices commission, violent crime victim’s compensation, and workers’ compensation, among others. The column on the right shows percentage growth or decrease over one year (since 2013).

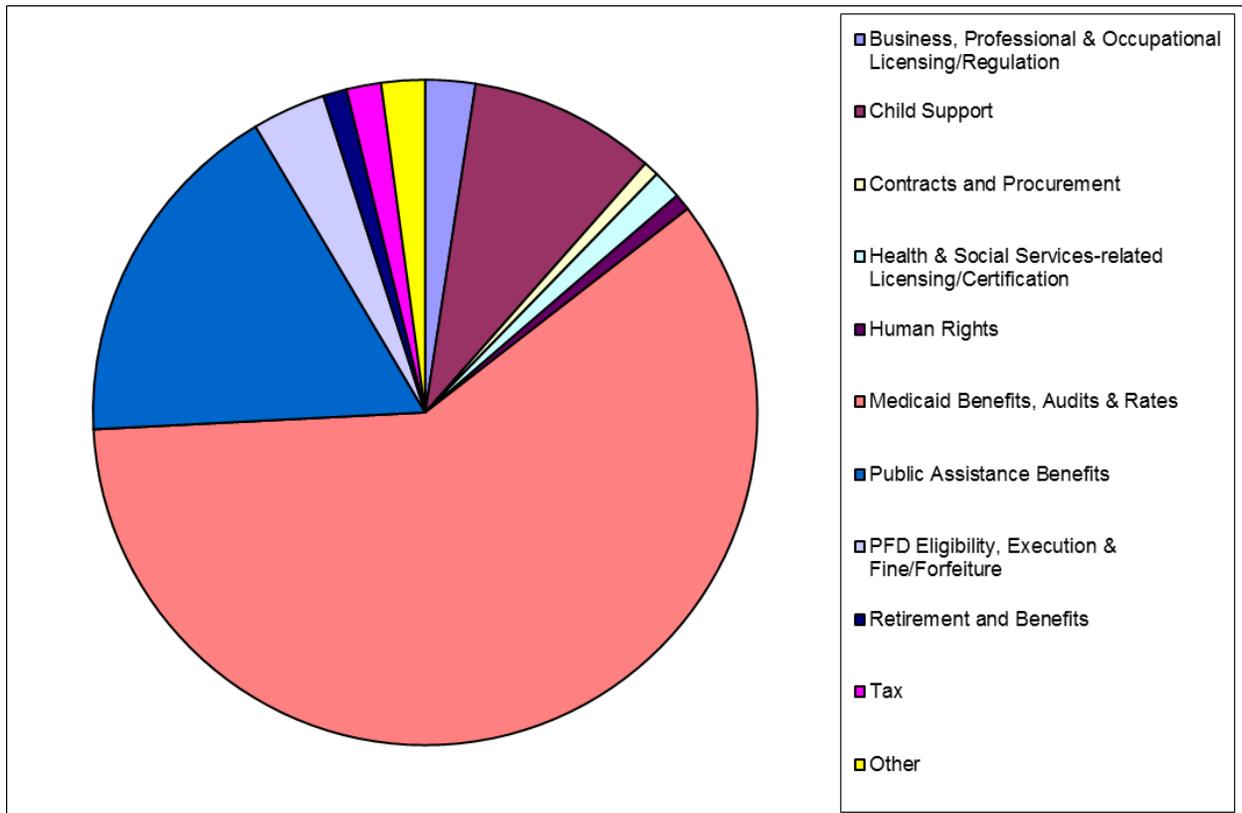
Number of active cases in 2014

Business, Professional & Occupational Licensing/Regulation	72	+47%
Child Support	270	+ 8%
Contracts and Procurement	22	+16%
Health & Social Services-related Licensing/Certification	42	+35%
Human Rights	24	+41%
Medicaid Benefits, Audits & Rates	1,769	+68%

Public Assistance Benefits	512	-14%
PFD Eligibility, Charitable Contribution, Execution (like garnishment) & Fine/Forfeiture	106	+20%
Retirement and Benefits	34	+79%
Tax	50	+19%
Other	63	+ 9%
Total	2,959	+33%

The chart below depicts the relative number of cases on which OAH actively worked in 2014, divided into the eleven groups. The chart is derived from the data in the above table.

What OAH was working on in 2014



During calendar 2014, OAH closed approximately 2,093 cases, a figure that is 86 percent of new cases accepted. One hundred thirty-seven cases were diverted to formal ADR (usually mediation). Many others were resolved through efficient case management techniques, including informal ADR used to reach agreement on consent orders or stipulations, as well as through voluntary dismissal due to agency concession or private party withdrawal. Six hundred and one full-dress decisions were issued (in addition to thousands of lesser orders). Appeals to the courts from OAH decisions were filed in 23 cases during 2014, an appeal rate of less than one percent.

2. *Time Devoted to Hearings and Related Work*

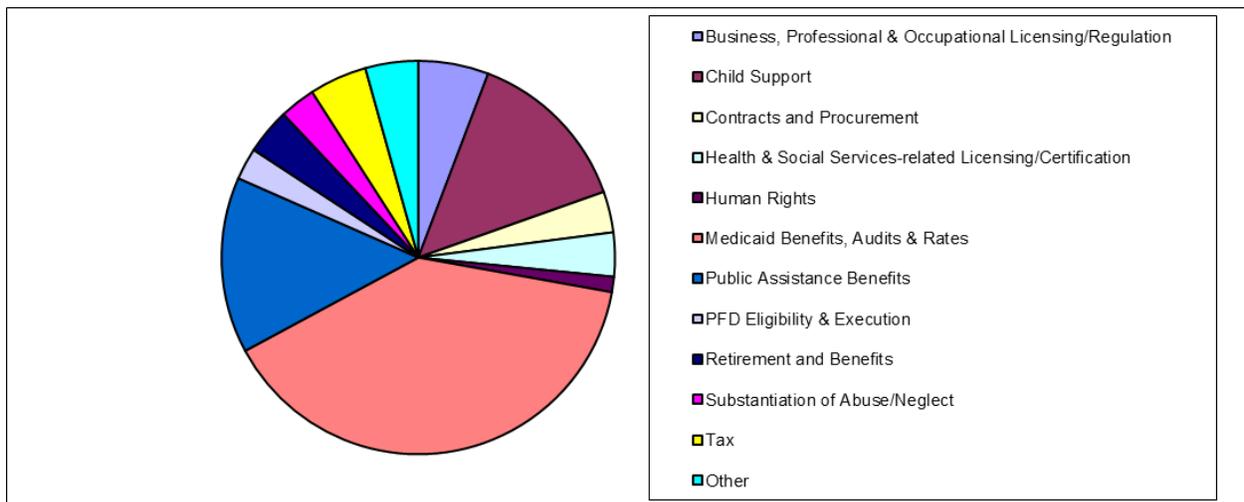
OAH’s ALJs collectively devoted 13,609 hours to hearing or mediating cases and to related work such as reviewing evidence, researching the law, ruling on motions, and writing decisions.

The commitment of hours is broken out below into twelve areas; these are the same as the groupings used in the case intake data in the preceding section, except that the case category of substantiation of child abuse and neglect has been carved out of the “other” category and listed separately (the substantiation cases account for a very small percentage of case intake, but they account for a large enough percentage of ALJ hours to merit a separate listing):

Grouping	2014 Hours
Business, Professional & Occupational Licensing/Regulation	786
Child Support	1,879
Contracts and Procurement	458
Health & Social Services-related Licensing/Certification	492
Human Rights	172
Medicaid Benefits, Audits and Rates	5,349
Public Assistance Benefits	1,969
PFD Eligibility & Execution	356
Retirement and Benefits	514
Substantiation of child abuse/neglect	399
Tax	644
Other	591
Total	13,609

Below is a pie chart depicting the same data:

How we spent our time on cases in 2014



3. *Deadlines*

OAH cases are subject to many deadlines. OAH-specific deadlines imposed by AS 44.64.060 apply to most, but not all.⁵ The most important of these is the 120-day time limit to take a case from hearing request all the way to issuance of a proposed decision. 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 matters, child support appeals, 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.

Final decision deadlines usually are calculated relative to a triggering event, such as issuance of a proposed decision or the date the record closes following the hearing. Tax appeals, for instance, are subject to a final decision deadline 180 days after record closure.

Nearly all of the Health and Social Services case categories transferred to OAH under Executive Order 116 are subject to short timelines for reaching a **final**, not just proposed, decision. For Medicaid benefits and most public assistance benefits cases, the final decision is due 90 days after the hearing request is filed. For Food Stamps, it is even shorter at 60 days. This is driven in large part by federal program requirements.

Historically, the key deadline OAH monitored for purposes of this report has been the 120-days-from-hearing-request deadline for issuance of a proposed decision. With the addition of the high-volume Health and Social Services “Fair Hearings” cases and the short final decision deadlines they bring, OAH has added to this report data from monitoring for satisfaction of final decision deadlines. In addition to the Fair Hearings final decision deadlines, this report addresses monitoring of final decision deadlines for tax appeals.

a. Proposed Decision Deadlines

Under AS 44.64.060(d), the 120-day deadline to proposed decision 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.⁶

⁵ 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.

⁶ In addition to complexity of a case, the unavailability of the parties, witnesses or legal counsel, 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.

In 2014, the 120-day deadline was met or not applicable in 95 percent of the 2,093 cases OAH closed by all types of closing orders. The deadline was not met in 107 cases. These 107 overdue decisions represent 17.8 percent of the 601 full decisions issued during the year.

The number of late decisions relative to this deadline was about twice as high as 2013, a larger increase than the overall increase in caseload. Most of the late decisions were issued either very early in the year, as OAH worked through a backlog that had built up late in 2013, or in the fall in connection with the surge in Medicaid Services cases, discussed in the next section. In fact, in the late spring of 2014 OAH nearly achieved—through a concerted push, and for the first time in its history—its longstanding goal of bringing every one of its cases current. However, OAH was not able to maintain that status as the caseload continued to mount through the remainder of the year.

A great many of the cases reached final resolution—not just a proposed decision—within much less than 120 days, frequently within fewer than 50 days for fast-track cases such as child support, Medicaid benefits and public assistance benefits.

b. Final Decision Deadlines

In 2014, final decisions were issued after the applicable deadline in 83 of the 2,093 cases closed.⁷ This represents 13.8 percent of the 601 cases brought to closure through a full decision. Most of the late-final-decision cases were fast-track, high volume cases such as Medicaid benefits and public assistance cases. The number of tardy final decisions has increased from 49 in 2013. This is explained by the large increase in overall caseload, coupled with the fact that most of the caseload growth occurred in the Medicaid Services docket, a case category that has a short and ambitious final decision deadline set by federal law. In addition, 2014 presented a special challenge that we had not encountered before: Medicaid Services appeals came in at such a high rate in the second half of the year that open hearing slots to hear these cases could not be found until 50 to 80 days after the hearing had been requested, virtually guaranteeing that the federal 90-day deadline for completion of all subsequent processes leading to the final (Commissioner-level) decision could not be met.

OAH manages its cases with the goal of meeting all applicable deadlines to the greatest extent possible. This is always challenging, particularly when the need to meet the shorter deadlines in large numbers of cases (*e.g.*, child support, public assistance and Medicaid benefits) competes for ALJ time required to keep the rest of the cases on track. The glut of Medicaid Services referrals brought this problem to a crisis level. Late in the year, OAH took the initiative to study case management techniques used by the highly successful North Carolina Medicaid

⁷ OAH charges itself for a “late” final decision if OAH does not deliver a ripe decision document to the final decisionmaker in time for the final decisionmaker to render a decision before the final decision deadline. There were some additional late final decisions, not counted in this figure, which occurred solely because of delays in the receiving agency.

Note that it is possible for a case to have a late proposed decision but not a late final decision. This can occur in a variety of ways; most commonly, it is because certain final decision deadlines do not begin to run until the proposed decision is issued. The fact that a proposed decision was late, but the subsequent final decision was not, should not be regarded as having “cured” the lateness of the proposed decision. Either kind of lateness is to be avoided.

appeals system. OAH then suggested a number of reforms in handling this group of cases to the Department of Health and Social Services. Several of these suggestions were accepted, and we are hopeful that they will begin to bear fruit in 2015.

A particular area of concern in 2012 and 2013 was OAH's backlog of unfinished major tax decisions. Through a concerted effort, this backlog was entirely cleared as of May, 2014.

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 feedback to the reviewed ALJ. The reviewing ALJ also is available for consultations on questions of law or procedure.

In 2014, a formal peer review assignment was made in 494 of the 2,436 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 the first half of 2014, OAH continued to expand its on-line publication database, posting 335 new decisions, bringing the total to nearly 3,000. The web page also provides links to on-line decisions posted by the Commercial Fisheries Entry Commission, the Regulatory Commission of Alaska, the Employment Security Division (unemployment insurance appeals), the Workers' Compensation Appeals Commission, and the Workers' Compensation Board.

During the summer, OAH contracted with a former ALJ to create a subject matter index for this database. This has gone live, and has made past decisions much easier for both lay people and attorneys to research, since effective word searching in a database of this kind is difficult to master.

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 2014. A comprehensive regulations project is anticipated in 2015.

OAH routinely tracks notices of other state agencies' proposed regulations, looking for those that have the potential "to govern procedures in administrative hearings." In 2014, OAH reviewed all proposed regulations by all executive branch agencies. The vast majority did not implicate hearing procedures. None raised concerns about how hearing procedures were addressed. OAH did not formally comment on any of the proposed regulations, although it did provide informal (pre-promulgation) feedback prior to issuance of public comment drafts in one or two cases.

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 2014, sending surveys to parties in past OAH-heard cases. Late in 2014, OAH revamped the format of its survey and put the survey on-line. For 2014, the number of responses to the written survey was 272. In addition, there were 22 responses to the on-line survey, which was added to OAH's website at the end of November 2014.

Responses were generally positive and narrative comments were more often than not constructive. Even if not satisfied with the outcome of the case, the majority of people responding were satisfied with the adjudication process overall. The data from both the 2014 written and on-line surveys is summarized in Appendix A.

The survey process will continue in 2015. Although OAH completed the process of transitioning from mail in to on-line surveys late in 2014, hearing participants without on-line access will still be able to request a hard copy of the survey to complete. The use of an on-line survey should make it easier for hearing participants to submit comments, and will greatly facilitate the collating of the data collected.

F. Training

OAH's training mandate extends beyond providing training to OAH ALJs and state employed or retained 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 2014, three OAH ALJs attended education courses presented by the National Judicial College, with an additional three ALJs participating in webcast training offered by the same institution. Three ALJs attended Department of Education and Early Development training for conducting special education hearings, and two ALJs attended a Bar-sponsored program on mediating high-conflict disputes. In conjunction with the annual central hearing panel directors' conference, the chief and deputy chief attended education sessions covering a variety of tribunal management issues.

OAH ALJs presented courses on practicing before OAH for the Alaska Public Office Commission, the Alaska Commission of Postsecondary Education, the Child Support Services Division, and the Alaska Bar Association's Elder Law Section. OAH also provided training to the Aleutian and Pribilof Islands Association Tribal Court.

G. Administration of Code of Hearing Officer Conduct

In addition to developing the Code of Hearing Officer Conduct, the chief ALJ plays a 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.⁸ 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.⁹ The chief ALJ, therefore, must field questions from hearing officers about code compliance requirements and, in appropriate circumstances, issue written opinions.

In 2014, two complaints of violation of the Code of Hearing Officer Conduct were filed with the chief ALJ, but both fell below the standard for referral to the attorney general. No formal opinions were issued.

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 2014, the chief ALJ conducted recruitment of applicants for a 2015 vacancy in the position of chair of the Workers' Compensation Appeals Commission. After a number of applicants withdrew, primarily due to financial considerations, four remained. All four met the minimum qualifications for the position, and all were forwarded to the governor's office, where they are presently under consideration.

I. Innovations

To increase efficiency and to better manage the exploding caseload, in 2014 OAH worked with a contractor to design and implement new case management software. A large investment of ALJ and staff time was required; it is hoped that the new technology will begin to pay dividends in 2015. OAH has also automated its surveying function in 2014. In addition, OAH created a subject index for its decisions, which facilitates legal research in the nearly 3000 decisions posted on OAH's website.

Additionally, during 2014 OAH researched and developed a new system for handling high volumes of Medicaid Services appeals. After obtaining stakeholder buy-in, this entirely new way of setting up hearings for these cases went into effect in late December.

⁸ AS 44.64.050(c). Complaints alleging violations by the chief ALJ are considered by the attorney general. AS 44.64.050(e).

⁹ 2 AAC 64.060(c).

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 is embarking on a comprehensive review of the statutes and regulations affecting administrative hearings in 2015. It is anticipated that OAH's next annual report will contain a number of new recommendations for statutory changes. In the meantime, OAH continues to recommend consideration of changes outlined below.

A. 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' subpoena power was repealed when the boards were eliminated, but due to an oversight the legislation giving OAH jurisdiction to hear these cases did not include subpoena power. New statutory authority is necessary for OAH to issue subpoenas in these cases.

B. Recommendation: Fix the Issues in AS 44.64 that Have Been Identified by Experience

Ten years of experience with OAH's organic statute, AS 44.64, have shown it to be a well-crafted piece of legislation. However, experience has shown that a few improvements could be made. The issues to be addressed include:

- The final decision deadline applicable to agency heads, though reasonable in concept, is counted from the wrong event. This has caused some agency heads to have less than a reasonable time to consider proposals for action and deliberate on their final action;
- Final decision-makers have no deadline at all to act on revised proposed decisions submitted to them after a case has been returned to the ALJ for supplemental proceedings. This can lead to long delays that frustrate the parties.
- The lack of provision for allowing parties to respond to one another's proposals for action, in appropriate cases, has led to due process concerns in some instances.

IV. Conclusion

In 2014, OAH's activities continued to focus on its core function—adjudication of executive branch cases—and especially on resolving disputes between agencies and private parties using alternative dispute resolution techniques. OAH was primarily occupied with absorbing the enormous growth in the Medicaid services case load, although growth in most

other case categories also caused stresses on the tribunal. OAH added no new capacity at either the staff or ALJ level.

OAH continued making progress on the ancillary functions, particularly e-publishing and indexing decisions. 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 31st day of January, 2015.

- Signed -

Kathleen A. Frederick
Chief Administrative Law Judge

Appendix A

Survey Results: January 2014-December 2014 Mail-in Survey

Demographics of Hearing Participants Responding

Question	Number Responding				
What was your role in this case?	Private Party		Agency Party		Attorney
	78		129		32
Where do you live?	Rural Alaska		City in Alaska		Outside Alaska
	16		178		13
Including this one, in how many hearings have you participated?	One	2-5	6-10	11-20	20 or more
	63	39	7	5	114

Administrative Law Judge/Hearing Officer	Yes	No	N/A
1. Did the judge/hearing officer start the proceedings on time?	236	6	30
2. Was the judge/hearing officer familiar with the issues in the case?	235	9	22
3. Did the judge/hearing officer pay attention during the proceedings?	238	3	31
4. Did the judge/hearing officer show you respect?	248	4	23
5. Did the judge/hearing officer remain even-tempered in the proceedings?	238	3	29
6. Did the judge/hearing officer give you (or your attorney) opportunities to speak?	242	3	29
7. Did the judge/hearing officer make clear decisions and rulings during the hearing, such as when objections were raised or requests were made?	211	11	46
8. Did the judge/hearing officer resolve problems that came up during the case fairly and efficiently?	207	18	49
9. Did the judge/hearing officer issue written decisions and orders in a timely fashion?	220	22	28

Written Documents	Yes	No	N/A
1. Was information provided in notices useful?	247	9	8
2. Were decisions and orders written in clear, understandable language?	226	17	18
3. Did the decision describe the facts clearly and accurately?	219	13	24

4. Did the decision and any orders include clear explanations of the law?	221	11	25
5. Did the decision's analysis include enough detail to explain the result?	218	11	26

Facilities and Staff	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?	214	7	39
2. Was the location of the hearing room accessible?	114	2	145
3. For in-person hearings: was the hearing room (size, set up, temperature) suitable for the type of proceeding?	87	2	156
4. For telephone hearings: was the sound quality of the telephone connection good?	178	1	69
5. For participants who listened to a recording of the hearing or other proceedings: was the sound quality of the recording adequate?	66	3	179

Overall Satisfaction	Yes	No
Do you agree with the final result in the case?	213	37
Whether or not you agree with the final result, were you satisfied with the hearing process overall?	237	18

Survey Results: November 2014 - December 2014
On-line Survey

Demographics of Hearing Participants Responding

Question	Number Responding			
	<i>Attorney</i>	<i>Party</i>	<i>Agency Representative</i>	<i>Other</i>
<i>Define your participation</i>	1	4	16	1
<i>Did you attend in person or by telephone?</i>	<i>Attended in person</i>		<i>Attended by telephone</i>	
	13		9	
<i>Where do you live?</i>	<i>Rural Alaska</i>	<i>City in Alaska</i>	<i>Outside Alaska</i>	
	1	20	1	
<i>What was the final ruling of your hearing?</i>	<i>In your favor</i>	<i>Not in your favor</i>	<i>Other</i>	
	12	4	6	

<i>Including this one, how many hearings at the Office of Administrative Hearings have you participated in?</i>	<i>One</i>	<i>2 to 10</i>	<i>More than 10</i>
	5	2	15

Hearing Evaluation for Administrative Law Judge (ALJ)	Excellent	Adequate	Poor
ALJ's preparation for the case	18	4	
ALJ's courtesy toward both parties	21	1	
ALJ's impartiality toward both parties	19	3	
ALJ's efficiency	20	2	
ALJ explained the hearing process	20	1	1

Written Decision Evaluation	Excellent	Adequate	Poor
ALJ's promptness issuing order	13	5	3
Decision clearly explained the issues and ruling	18	1	1

Overall Evaluation	Agree	Disagree	No Comment
Office of Administrative Hearing Clerks were courteous and helpful	19	2	1
Overall, I was satisfied with the hearing process and felt it was a positive experience	18	1	3