

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

January 31, 2013

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 ninth such report. It covers OAH’s activities for calendar year 2012.

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:

- 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.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 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 • Permanent Fund Dividend (PFD) Execution (like garnishment)
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 • Medicaid benefits, audits & rates

¹ 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.

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"> • Public assistance benefits • PFD Execution (like garnishment)
Labor and Workforce Development	<ul style="list-style-type: none"> • Occupational Safety and Health • PFD Execution (like garnishment)
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 (like garnishment)

1. *Caseload*

During 2012, OAH's active cases totaled 1,214. New cases that came in during the year totaled 1,047 the year. In the table below, OAH's active 2012 caseload 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; substantiated child abuse/neglect; public offices commission; film tax credits; violent crime victim's compensation; workers' compensation (conflict cases); and various education-related subjects, among others.

Number of active cases in 2012

Business, Professional & Occupational Licensing/Regulation	34
Child Support	189
Contracts and Procurement	19
Health & Social Services-related Licensing/Certification	18
Human Rights	20
Medicaid Benefits, Audits & Rates	362
Public Assistance Benefits	345
PFD Eligibility, Charitable Contribution, Execution (like garnishment) & Fine/Forfeiture	74
Retirement and Benefits	29
Tax	45
Other	79
Total	1,214

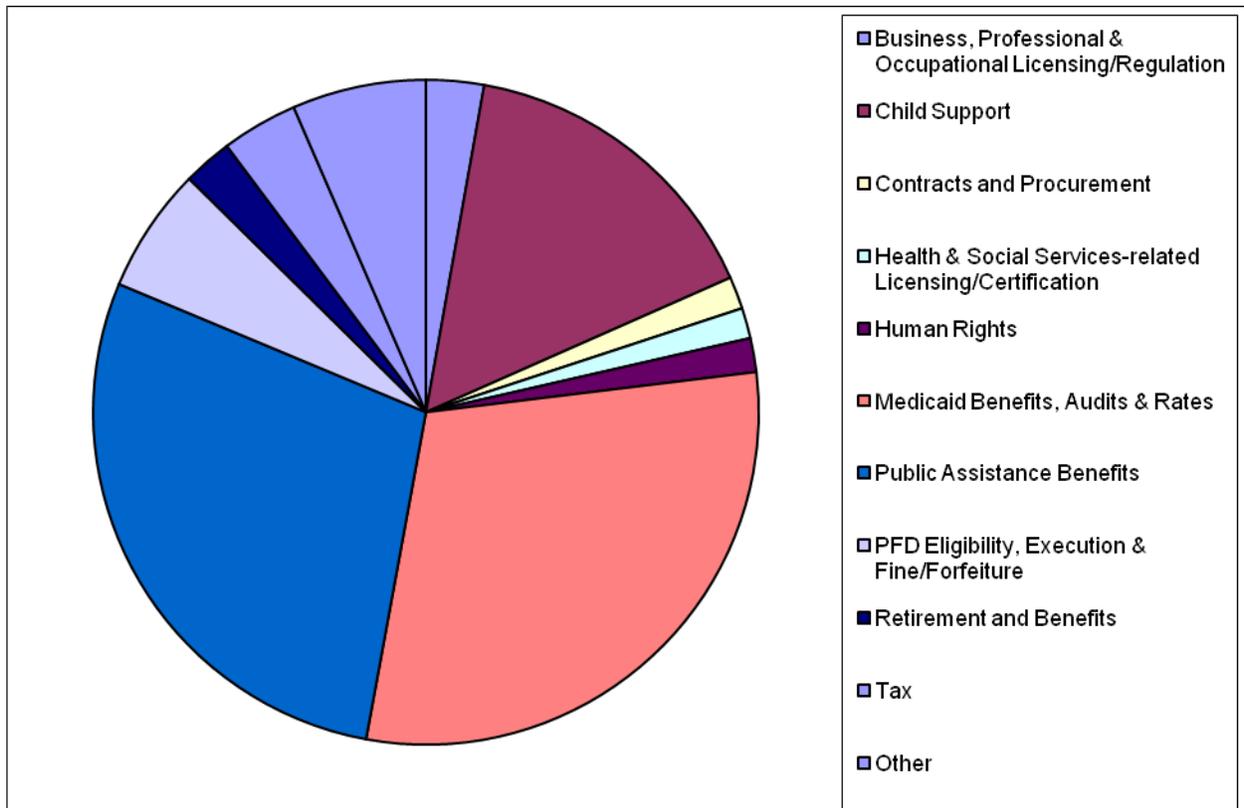
³ OAH's hears only some of the Department of Transportation and Public Facilities construction-related procurement cases under its mandatory jurisdiction. Construction cases subject to arbitration are exempted from OAH's mandatory jurisdiction.

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 Medicaid and public assistance groups were added this year as a result of Executive Order 116’s transfer to OAH of the Health and Social Services “Fair Hearings” function. That transfer took effect July 1. Cases remaining open cases from the first six-months of the year were transferred to OAH, but cases that had been concluded by the time of the transfer were not. Thus, data on this new docket does not reflect a full year’s caseload.

The chart below depicts the relative number of cases on which OAH actively worked in 2012, divided into the eleven groups. The chart is derived from the data in the above table.

What we were working on in 2012



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 1,214 cases encompass cases referred voluntarily by

- Administration (public offices commission cases);
- 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 all previous years, the number of new case referrals was up, quite significantly relative to recent years. This is due to the “Fair Hearings” function transfer from Health and Social Services.

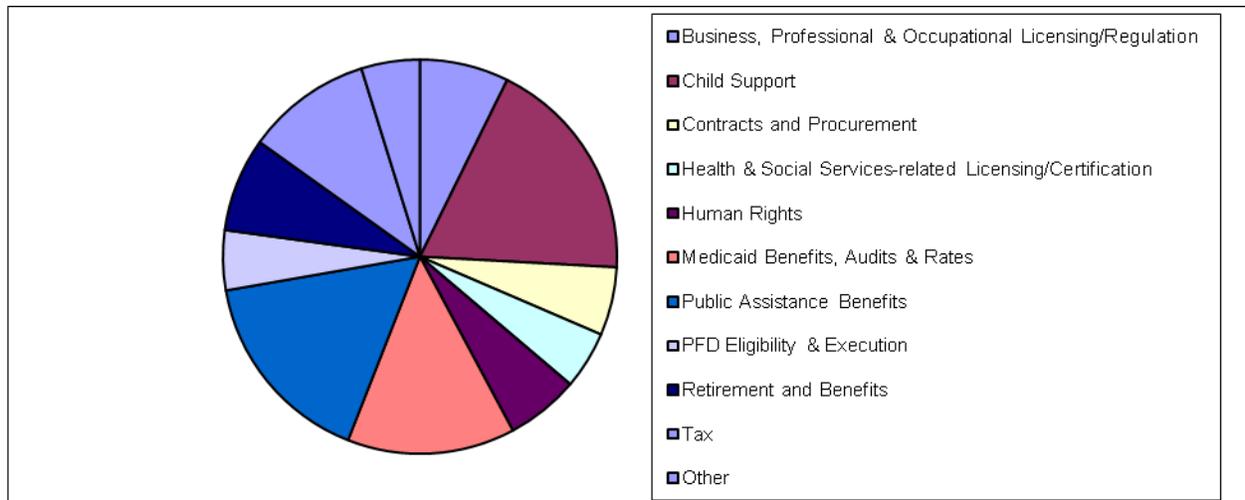
During calendar 2012, OAH closed cases equal to 85 percent of the number of new cases. Thirty-eight cases were diverted to formal ADR (usually mediation). Many others were resolved through efficient case management techniques, including informal ADR used to reach agreement on consent orders or stipulations, as well as through voluntary dismissal due to agency concession or private party withdrawal. The table below identifies by number and percentage, relative to the total 1,214 active cases, the cases closed in 2012; the cases settled; and the cases in which requests for further consideration or new appeals to the courts were filed.

Case Resolution Data – 2012 (as a percentage of 1,214 active cases)		
Cases Closed	887	73.1%
Settled Formally (Does not include consent orders.)	47	3.9%
Reconsideration Requested/Proposal for Action Filed ⁵	82	6.8 %
Appeals Filed ⁶	7	1.1 %

2. Time Devoted to Hearings and Related Work

OAH’s ALJs collectively devoted 9,150 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.

How we spent our time on cases in 2012



⁵ In 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 provides for post-final-decision reconsideration. 2 AAC 64.350.

⁶ By subject matter, the seven new superior court appeals filed in 2012 are as follows: three public assistance benefits matters (Adult Public Assistance and Alaska Temporary Assistance); one certificate of need matter; one contract claim; one procurement protest appeal; and one tax appeal. The superior court decisions in five cases (one environmental case, two PFD appeals and two tax appeals) were further appealed to the Supreme Court.

Grouping	2012 Hours
Business, Professional & Occupational Licensing/Regulation	668
Child Support	1,698
Contracts and Procurement	512
Health & Social Services-related Licensing/Certification	434
Human Rights	548
Medicaid Benefits, Audits and Rates	1,260
Public Assistance Benefits	1,492
PFD Eligibility & Execution	449
Retirement and Benefits	705
Tax	944
Other	440
Total	9,150

3. *Deadlines*

The cases OAH hears are subject to many deadlines. The OAH-specific deadlines imposed by AS 44.64.060 apply to most, but not all.⁷ 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 set at 180 days after record closure.

Nearly all of the case categories transferred to OAH under Executive Order 116 are subject to short timelines for reaching a final 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 to the docket 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.

⁷ 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.

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.⁸

In 2012, the 120-day deadline was met or not applicable in 94 percent of the 887 cases OAH closed. The deadline was not met in 52 cases. These were

- One each, Certificate of Need, Occupational Licensing, and Post-secondary Education (medical cancelation of student loan)
- Twenty-eight Child Support
- Nine PFD Eligibility
- Four Procurement
- Eight Retirement and Benefits

A great many of the cases reached final resolution—not just a proposed decision—within 120 days, frequently within less than 40 days for fast-track cases such as child support, Medicaid benefits and public assistance benefits.

Final Decision Deadlines

In 2012, final decisions were issued after the applicable deadline 53 cases. Six of these were tax appeals. The remaining 47 were Medicaid benefits and public assistance benefits cases. Eight were from the short, 60-day track Food Stamps category. Fifteen were from the Adult Public Assistance category. Eleven were from the Medicaid services category. The others were spread in ones, twos and threes across other public assistance benefits programs.

With just six month's experience in managing the caseload transferred from Health and Social Services, it is too early to judge whether late final decisions in 47 of the hundreds of cases processed through to closure is likely to be the norm. At the time of the transfer, there was a backlog of cases needing decisions. It has been cleared up and the number of late final decisions has dropped.

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 and public assistance benefits) competes for ALJ time required to keep the rest of the cases on track. The efforts in 2012 appear to have been successful. With an active caseload in excess of 1,200, issuing a few dozen decisions late is not unusual. As OAH continues the effort to bring the number of late decision down, it will redouble its case management efforts to reduce the length of delays as well.

⁸ 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.

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 2012, a formal peer review assignment was made in 633 of the 1,047 new cases. The proportion was higher than in past years because of the need to absorb the new cases from Health and Social Services, and cross train the ALJs affected. 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 2012, 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 web posted 387 decisions in 2012, bringing the total to more than 2,000. 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.

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 2012.

OAH routinely tracks notices of other state agencies' proposed regulations, looking for those that have the potential "to govern procedures in administrative hearings." In 2012, OAH reviewed 89 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 one set of proposed regulations: Administrative Hearing Process Regulations proposed by the Department of Health and Social Services.

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 2012, sending surveys to parties in past OAH-heard cases, and in cases heard by the Workers' Compensation Board and the former in-house hearing unit at the Department of Health and Social Services.

The number of responses—91—was similar to 2011. The proportion of responses from parties/attorneys in cases before the Workers' Compensation Board was much higher than in past years.

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.

The data from the 2012 survey responses is summarized in Appendix A.

The written survey process will continue in 2012 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.

Beginning with May of 2012, the court system began providing OAH with monthly reports on the administrative appeals filed in the superior courts. This report is the first for which data for the entire reporting period is available. A total of 131 administrative appeals were filed in the superior courts in 2012.

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 2012, one OAH ALJ attended the mid-year conference of the National Association of Administrative Law Judiciary, which included 12-hours of instruction on practical topics of use to administrative adjudicators. Also, OAH's ALJs presented or participated in training and continuing education on the following subjects:

- Administrative Law and Procedures (various topics);
- Ethics (including ethics in alternative dispute resolution);
- Formal Hearings in Child Support Matters
- Mixed Courts, Mixed Tribunals
- Negotiation Strategies for Lawyers

- Appearing Before OAH: Hearing process training (1) for Health and Social Services managers and staff in preparation for the July 1, 2012 transfer of the Fair Hearings case docket to OAH; (2) for UAA paralegal studies class.

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.⁹ 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.¹⁰ The chief ALJ, therefore, must field questions from hearing officers about code compliance requirements and, in appropriate circumstances, issue written opinions.

In 2012, no complaints of violation of the Code of Hearing Officer Conduct were filed with the chief ALJ. The chief ALJ fielded a few questions about code requirements but issued no formal or written informal opinions.

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 2012, the chief ALJ conducted recruitment of applicants for a representative-of-employee commission seat with a term expiring in 2013. Three individuals applied for the seat. All applicants met the minimum qualifications and their names were forwarded to the governor.

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:

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

¹⁰ 2 AAC 64.060(c).

(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 a fair hearing 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;

(4) lack of flexibility to allow parties to respond to one another's proposals for action, when appropriate.

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

The APA adjudication provisions (AS 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' subpoena power was repealed when the boards were eliminated, but the legislation giving OAH jurisdiction to hear these cases omitted to include subpoena power. 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 2012, 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 devoted a good deal of time and attention to absorbing the functions of the Health and Social Services' former in-house hearing unit, including the "Fair Hearings" case docket consisting of hundreds of Medicaid and public assistance benefits cases.

OAH was able to continuing making progress on the ancillary functions, especially monitoring executive branch adjudicatory processes and publishing 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, 2013.

Terry L. Thurbon
Chief Administrative Law Judge

Appendix A

Survey Results: January 2012-December 2012

Demographics of Hearing Participants Responding

Question	Number Responding				
	What was your role in this case?	Private Party	Agency Party	Attorney	
	32	18	29		
Where do you live?	Rural Alaska	City in Alaska	Outside Alaska		
	6	64	5		
Including this one, in how many hearings have you participated?	One	2-5	6-10	11-20	20 or more
	16	23	6	2	29

Administrative Law Judge/Hearing Officer	Yes	No	N/A
1. Did the judge/hearing officer start the proceedings on time?	67	5	7
2. Was the judge/hearing officer familiar with the issues in the case?	66	8	7
3. Did the judge/hearing officer pay attention during the proceedings?	67	5	8
4. Did the judge/hearing officer show you respect?	66	6	6
5. Did the judge/hearing officer remain even-tempered in the proceedings?	64	8	7
6. Did the judge/hearing officer give you (or your attorney) opportunities to speak?	70	2	7
7. Did the judge/hearing officer make clear decisions and rulings during the hearing, such as when objections were raised or requests were made?	61	7	10
8. Did the judge/hearing officer resolve problems that came up during the case fairly and efficiently?	54	11	12
9. Did the judge/hearing officer issue written decisions and orders in a timely fashion?	66	8	6

Written Documents	Yes	No	N/A
1. Was information provided in notices useful?	69	7	4
2. Were decisions and orders written in clear, understandable language?	69	3	6
3. Did the decision describe the facts clearly and accurately?	62	5	7
4. Did the decision and any orders include clear explanations of the law?	62	7	7
5. Did the decision's analysis include enough detail to explain the result?	61	8	9

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?	47	10	21
2. Was the location of the hearing room accessible?	47	3	26
3. For in-person hearings: was the hearing room (size, set up, temperature) suitable for the type of proceeding?	41	4	30
4. For telephone hearings: was the sound quality of the telephone connection good?	51	5	21
5. For participants who listened to a recording of the hearing or other proceedings: was the sound quality of the recording adequate?	20	2	54

Overall Satisfaction	Yes	No
Do you agree with the final result in the case?	50	22
Whether or not you agree with the final result, were you satisfied with the hearing process overall?	61	12