

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

January 31, 2014

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 tenth such report. It covers OAH’s activities for calendar year 2013.

## **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 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.<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> <li>• Alcoholic Beverage Control</li> <li>• Film Tax Credits</li> </ul>
Education and Early Development	<ul style="list-style-type: none"> <li>• Teacher Certification</li> <li>• Permanent Fund Dividend (PFD) Execution (like garnishment)</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>• Medicaid benefits, audits &amp; rates</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 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"> <li>• Public assistance benefits</li> <li>• PFD Execution (like garnishment)</li> </ul>
Labor and Workforce Development	<ul style="list-style-type: none"> <li>• Occupational Safety and Health</li> <li>• PFD Execution (like garnishment)</li> </ul>
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 (like garnishment)

### 1. *Caseload*

During 2013, OAH's active cases totaled 2,219. New cases that came in during the year totaled 1,870 the year. The number of cases closed in 2013 totaled 1,723. In the table below, OAH's active 2013 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; violent crime victim's compensation; and workers' compensation (conflict cases), among others.

#### *Number of active cases in 2013*

Business, Professional & Occupational Licensing/Regulation	49
Child Support	249
Contracts and Procurement	19
Health & Social Services-related Licensing/Certification	31
Human Rights	17
Medicaid Benefits, Audits & Rates	1,051
Public Assistance Benefits	596
PFD Eligibility, Charitable Contribution, Execution (like garnishment) & Fine/Forfeiture	88
Retirement and Benefits	19
Tax	42
Other	58
<b>Total</b>	<b>2,219</b>

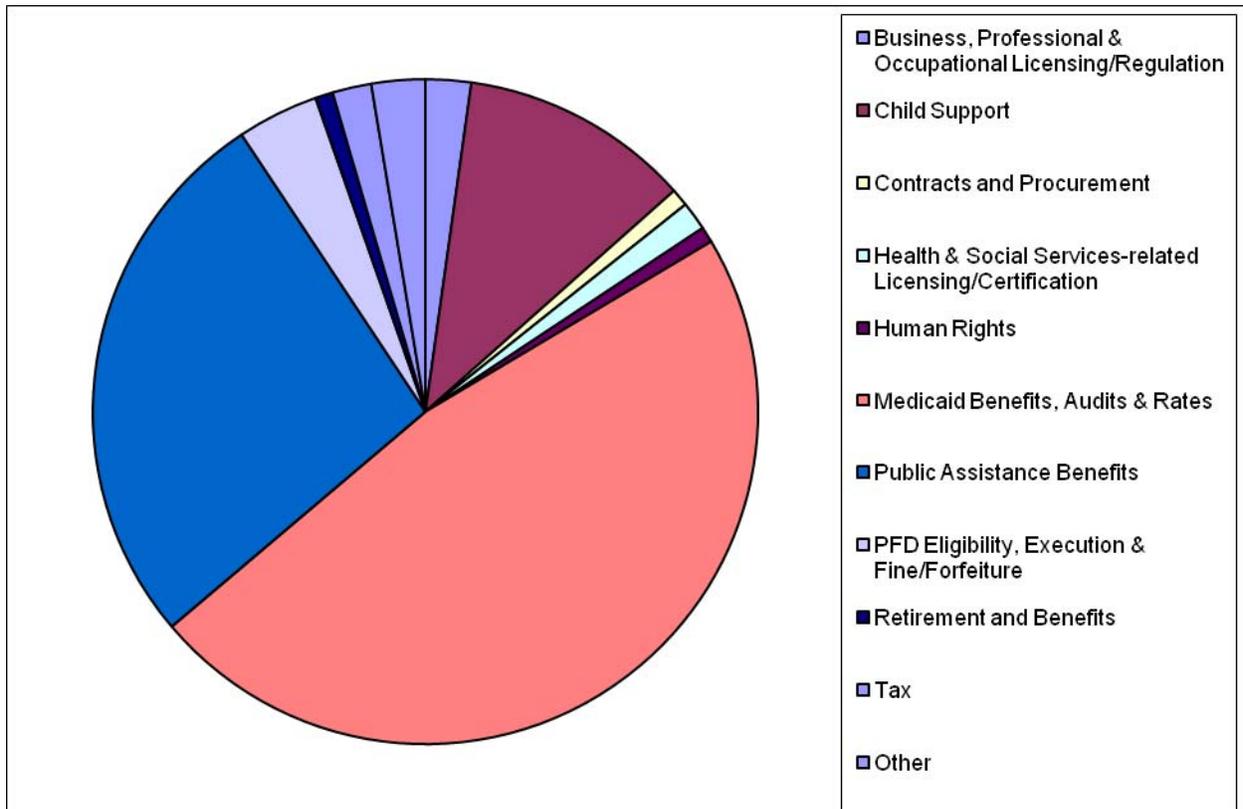
<sup>3</sup> OAH's hears only some of the Department of Transportation and Public Facilities construction-related procurement cases under its mandatory jurisdiction. Construction cases subject to arbitration are exempted from OAH's mandatory jurisdiction.

<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.

This was the first year in which the Medicaid and public assistance case data was available for the full reporting year. Together, in 2013, these two recently added case categories accounted for nearly 75 percent of the caseload by number.

The chart below depicts the relative number of cases on which OAH actively worked in 2013, divided into the eleven groups. The chart is derived from the data in the above table.

*What we were working on in 2013*



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 2,219 cases encompass cases referred voluntarily by

- Alaska Public Offices Commission;
- Workers’ Compensation Appeal Commission and Workers’ Compensation Board (conflict cases);
- Police Standards Council (police officer certification cases);
- State Assessment Review Board/Commissioner of Revenue (oil and gas property taxability and valuation appeals).

Compared to all previous years, the number of new case referrals was up significantly. This is due in large part to increasing referrals from Health and Social Services’ Medicaid and public assistance dockets.

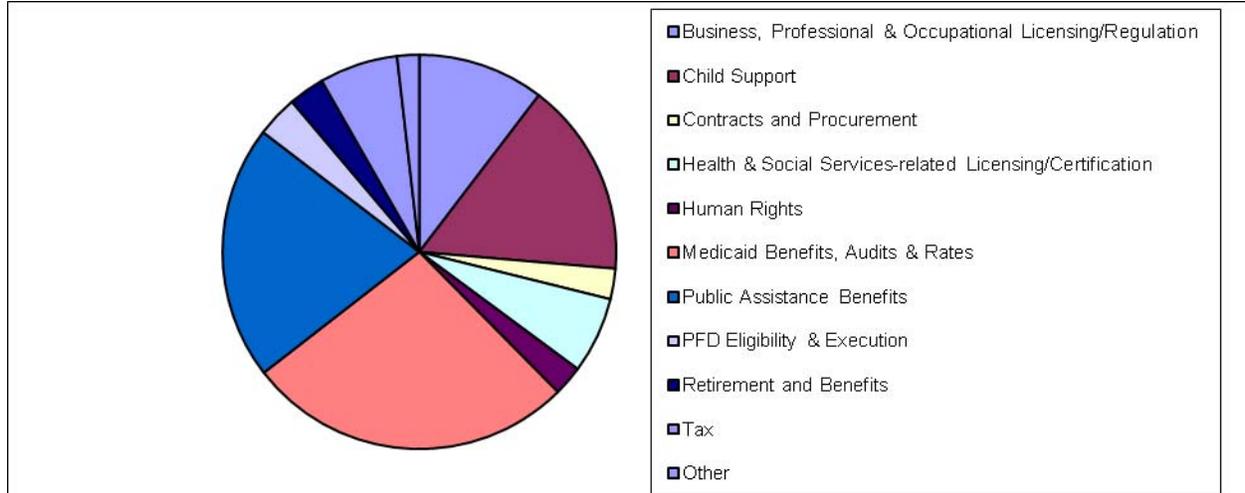
During calendar 2013, OAH closed cases equal in number to 92 percent of new cases. Fifty-one cases were diverted to formal ADR (usually mediation). Many others were resolved through efficient case management techniques, including informal ADR used to reach agreement on consent orders or stipulations, 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 2,219 active cases, cases closed, cases settled formally, and cases in which requests for further consideration or new appeals to the courts were filed during 2013.

<b>Case Resolution Data – 2013</b> (as a percentage of 2,219 active cases)		
Cases Closed	1,723	77.6 %
Settled Formally (Does not include consent orders.)	29	1.3%
Reconsideration Requested/Proposal for Action Filed <sup>5</sup>	112	5.1%
Appeals Filed <sup>6</sup>	24	1.0 %

## 2. Time Devoted to Hearings and Related Work

OAH’s ALJs collectively devoted 12,353 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 2013*



<sup>5</sup> 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.

<sup>6</sup> By subject matter, the 24 new superior court appeals filed in 2013 are as follows: ten Medicaid benefits appeals; three public assistance benefits matters (Adult Public Assistance, Heating Assistance and Food Stamps); three Health and Social Services facility-related appeals; three Tax appeals; one certificate of need matter; one child support appeal; one contract claim; one procurement protest appeal; and one Retirement and Benefits appeal. One already-pending procurement appeal was further appealed to the Supreme Court.

<b>Grouping</b>	<b>2013 Hours</b>
Business, Professional & Occupational Licensing/Regulation	1,282
Child Support	1,974
Contracts and Procurement	309
Health & Social Services-related Licensing/Certification	774
Human Rights	303
Medicaid Benefits, Audits and Rates	3,326
Public Assistance Benefits	2,580
PFD Eligibility & Execution	421
Retirement and Benefits	364
Tax	796
Other	224
<b>Total</b>	<b>12,353</b>

### 3. *Deadlines*

OAH cases are subject to many deadlines. OAH-specific deadlines imposed by AS 44.64.060 apply to most, but not all.<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 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 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.

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<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.

### ***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.<sup>8</sup>

In 2013, the 120-day deadline was met or not applicable in 97 percent of the 1,723 cases OAH closed. The deadline was not met in 51 cases.

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

### ***Final Decision Deadlines***

In 2013, final decisions were issued after the applicable deadline in just 49 of the 1,723 cases closed. Most of the late-final-decision cases were fast-track, high volume cases such as Medicaid benefits and public assistance cases. Since we took over these two dockets in 2012, we have seen two significant and unusually persistent spikes in the Medicaid benefits docket. This probably accounts for the late final decisions being concentrated in that docket. The spikes certainly affected our case management strategy and likely will continue to do so for a good while.

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, public assistance and Medicaid benefits) competes for ALJ time required to keep the rest of the cases on track. Despite the Medicaid benefits spikes, our efforts in 2013 appear to have been quite successful.

To position OAH for continued success in meeting deadlines, we hired an additional ALJ in December to help meet the growing needs of the health and social services dockets. Earlier, in March, we hired an additional tax qualified ALJ to help OAH give appropriate priority these important appeals while also providing capacity to help meet the overall caseload demands.

## **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

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<sup>8</sup> 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.

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

In 2013, a formal peer review assignment was made in 612 of the 1,870 new cases. The proportion remained high because of the need to continue absorbing the new cases from Health and Social Services, and cross train the existing and new ALJs. 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 2013, 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 445 decisions in 2013, bringing the total to approximately 2,500. 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 2013.

OAH routinely tracks notices of other state agencies’ proposed regulations, looking for those that have the potential “to govern procedures in administrative hearings.” In 2013, OAH reviewed 101 sets of proposed regulations. The vast majority did not implicate hearing procedures. None raised concerns about how hearing procedures were addressed. OAH did not comment on any of the proposed regulations.

## **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 2013, sending surveys to parties in past OAH-heard cases, including cases transferred from Health and Social Services, and in cases heard by the Workers’ Compensation Board. To achieve a higher return, we now send surveys to all case parties and counsel in all categories, instead of limiting the high volume case surveys to a random sampling of participants. In the past it was typical to receive only one hundred or so responses.

For 2013, the number of responses was 536. The largest increase in returns was from the Health and Social Services case categories. More surveys were returned by agency parties than private ones, and far more came from responders located in cities in Alaska than from rural Alaska or outside the state.

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.

We did see an increase in negative, even hostile narrative comments over prior years. This may be partly a product of more people responding, but it appears also to be somewhat attributable to self-represented parties in the Health and Social Services case docket who are upset not just with the hearing process, but rather with the entire process of applying for benefits or assistance, and trying to maintain their eligibility.

The data from the 2013 survey responses is summarized in Appendix A.

The written survey process will continue in 2014 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.

The court system’s monthly reports on the administrative appeals filed in the superior courts show a total of 134 administrative appeals filed in 2013.

## **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 2013, one OAH ALJ attended a multiday education course on evidence presented by the National Association of Administrative Law Judiciary. Also, OAH ALJs presented a course on practicing before OAH for the Alaska Bar Association's Administrative Law Section. The chief ALJ presented a refresher course on procedures to the agency representatives who present PFD appeals.

In conjunction with the annual central hearing panel directors' conference, the chief and deputy chief attended education sessions covering Medicaid case management, judicial ethics, final decision authority in central panel cases, judicial review of decisions, and media relations.

All of the ALJs participated in a retreat meeting that included sessions on case management techniques, ethics, mediation, and public benefits law.

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

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.<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 2013, 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 and issued one formal opinion.

## **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 2013, the chief ALJ conducted recruitment of applicants for a representative-of-employer commission seat with a term expiring in 2014. Two individuals applied for the seat. Both 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:

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

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<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).

(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 2013, 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 continued to devote much attention to absorbing the functions of the Health and Social Services' former in-house hearing unit. OAH added needed capacity and tax expertise with the hiring of two new ALJs.

OAH continued making progress on the ancillary functions, particularly e-publishing decision. 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, 2014.

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Terry L. Thurbon  
Chief Administrative Law Judge

## Appendix A

Survey Results: January 2013-December 2013

### Demographics of Hearing Participants Responding

Question	Number Responding				
	What was your role in this case?	Private Party	Agency Party	Attorney	
	105	230	37		
Where do you live?	Rural Alaska	City in Alaska	Outside Alaska		
	18	343	2		
Including this one, in how many hearings have you participated?	One	2-5	6-10	11-20	20 or more
	83	45	13	9	219

<b>Administrative Law Judge/Hearing Officer</b>	Yes	No	N/A
1. Did the judge/hearing officer start the proceedings on time?	384	10	56
2. Was the judge/hearing officer familiar with the issues in the case?	385	19	56
3. Did the judge/hearing officer pay attention during the proceedings?	380	5	58
4. Did the judge/hearing officer show you respect?	394	8	49
5. Did the judge/hearing officer remain even-tempered in the proceedings?	389	2	58
6. Did the judge/hearing officer give you (or your attorney) opportunities to speak?	391	3	53
7. Did the judge/hearing officer make clear decisions and rulings during the hearing, such as when objections were raised or requests were made?	355	22	69
8. Did the judge/hearing officer resolve problems that came up during the case fairly and efficiently?	347	18	77
9. Did the judge/hearing officer issue written decisions and orders in a timely fashion?	386	14	45

<b>Written Documents</b>	Yes	No	N/A
1. Was information provided in notices useful?	401	26	24
2. Were decisions and orders written in clear, understandable language?	390	18	28
3. Did the decision describe the facts clearly and accurately?	375	28	46
4. Did the decision and any orders include clear explanations of the law?	380	18	50
5. Did the decision's analysis include enough detail to explain the result?	364	24	50

<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?	327	11	92
2. Was the location of the hearing room accessible?	160	6	256
3. For in-person hearings: was the hearing room (size, set up, temperature) suitable for the type of proceeding?	134	6	237
4. For telephone hearings: was the sound quality of the telephone connection good?	323	13	112
5. For participants who listened to a recording of the hearing or other proceedings: was the sound quality of the recording adequate?	108	3	314

<b>Overall Satisfaction</b>	Yes	No
Do you agree with the final result in the case?	303	49
Whether or not you agree with the final result, were you satisfied with the hearing process overall?	375	49