

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

January 31, 2024

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I. OAH in Context

Across the country, administrative adjudication within state governments has evolved over the last fifty years as states have increasingly replaced siloed agency hearing officers with independent centralized panels of administrative law judges.

The central panel approach was created to bring a new level of due process to state-based administrative adjudication. Hearings within the central panel were designed to be cost efficient, uniform, high quality, and fair to all parties. Over time, the goals of central panels have expanded to include providing an effective, due process-oriented environment for the increasing number of persons seeking justice without the benefit of legal counsel.¹

As described by the National Judicial College, central panels are “panels of administrative law judges who, instead of being attached to a single administrative agency, are assigned to a ‘central,’ ‘independent’ panel that supplies administrative law judges to conduct contested case hearings for a variety of agencies.”² A central panel’s main role “is to provide fair adjudications and due process to both the litigating agencies and the public.”³ Roughly 35 states have a central panel, although the scope of such panels can vary greatly between states.

The Alaska Office of Administrative Hearings (OAH) is the state executive branch’s central hearing panel, charged with providing administrative adjudication services, regulatory review, and training.⁴ An independent agency housed within the Department of Administration, OAH was created “to increase the separation between the adjudicatory functions of executive branch agencies and the agencies’ investigatory, prosecutory, and policy-making functions.”⁵

OAH operates under the supervision of the Chief Administrative Law Judge (Chief ALJ) for whom the law prescribes certain duties and goals. 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[.]⁶

This twentieth such report covers OAH’s activities for calendar year 2023.

¹ M.C. Rich and A.C. Goldstein, *The Need for a Central Panel Approach to Administrative Adjudication: Pros, Cons, and Selected Practices*, 39 J. Nat’l Ass’n Admin. L. Judiciary 1 (2019) (<https://digitalcommons.pepperdine.edu/naalj/vol39/iss1/1>).

² Hon. W.M. Gillette. *ALJ Central Panels: How’s it Going Out There?* The Judicial Edge (National Judicial College, Sept. 17, 2015) (<https://www.judges.org/alj-central-panels-how-is-it-going-out-there/>).

³ L.J. Craddock, *Final Decision Authority and the Central Panel ALJ*, 33 J. Nat’l Ass’n Admin. L. Judiciary Iss. 2 (2013) (<http://digitalcommons.pepperdine.edu/naalj/vol33/iss2/1>).

⁴ See AS 44.64.010 – AS 44.64.020.

⁵ Sec. 1, ch. 163, SLA 2004.

⁶ AS 44.64.020(a)(7).

II. Activities of the Office of Administrative Hearings

OAH's core function is providing adjudication and mediation services in administrative disputes. Ancillary duties of OAH and its Chief Administrative Law Judge include a range of activities to enhance the quality of administrative adjudication internally and statewide through training and education of administrative adjudicators; peer review; monitoring the hearing process and surveying participants; publishing OAH decisions; reviewing and developing regulations pertaining to administrative hearings; administering the Code of Hearing Officer Conduct; and recruiting members of the Workers Compensation Appeals Commission.⁷ This report first discusses OAH's hearing and mediation services before addressing the additional ancillary duties of the agency and its Chief.

A. Adjudication Services

1. Overview

OAH provides adjudication services for a wide range of administrative disputes between citizens and the executive branch or certain other governmental entities. The range of case types heard by OAH varies widely, as does the type of adjudication services performed in a particular case or case type. Some cases heard by OAH's administrative law judges are narrow, single-issue disputes that can be heard in less than an hour; others are wide-ranging, and involve complicated legal and factual disputes requiring multi-week trial-like evidentiary hearings.

The duration of OAH proceedings from hearing request to resolution varies according to complexity. Using formal or informal alternative dispute resolution (ADR), or simply through good case management, OAH can resolve many cases within a matter of weeks. Other cases may remain active for many months, as the parties develop their positions, engage in motion practice, and prepare for detailed presentation of highly technical evidence and argument on complex legal issues. Most cases referred to OAH fall somewhere between these two extremes.

By law, the OAH ALJs are the final decisionmakers in only a few case categories. More commonly, the final decisionmaker is a board or commission or a principal agency head, with OAH providing a recommended decision. Whether the final decisionmaker is the ALJ, a board or commission, or an agency head, a final decision in an OAH appeal may be appealed to the Superior Court.

OAH has a core area of mandatory jurisdiction, in which the law requires all valid hearing requests to be handled at OAH. Agencies not within the mandatory jurisdiction have the option to refer their cases to OAH, and many have elected to do so.

The following illustrates the reach of OAH's adjudication services under its *mandatory* jurisdiction, which extends to most executive branch departments.

⁷ See AS 44.64.020(a)(4)-(8); AS 44.64.050; AS 44.64.090; AS 23.30.007(d).

Table 1: Office of Administrative Hearings: *Mandatory Jurisdiction*

<p>Offices of the Governor and Lt. Governor</p> <ul style="list-style-type: none"> • Human Rights Commission (Gov.) • Notaries (Lt. Gov.) 	<p>Department of Administration</p> <ul style="list-style-type: none"> • Retirement & Benefits, • Contract & Procurement • Claims for Reimbursement • Breach of Security Involving Personal Information 	<p>Department of Commerce, Community, and Economic Development</p> <ul style="list-style-type: none"> • Licensing (Corporations, Businesses, and Professions) • Banking and Securities • Insurance • Alcoholic Beverage Control • Marijuana Control • Land Sales Practices
<p>Department of Education and Early Development</p> <ul style="list-style-type: none"> • Teacher Certification • Discrimination in public education • Education-related facilities grants • PFD Execution 	<p>Department of Environmental Conservation</p> <ul style="list-style-type: none"> • Environmental Permitting • Food Safety 	<p>Department of Family & Community Services</p> <ul style="list-style-type: none"> • Facilities Licensing • Child Protection/ Child Maltreatment Findings
<p>Department of Health</p> <ul style="list-style-type: none"> • Medicaid Benefits, Audits, & Rates • Public Assistance Benefits • PFD Execution 	<p>Department of Labor & Workforce Development</p> <ul style="list-style-type: none"> • Occupational Safety and Health • PFD Execution 	<p>Department of Natural Resources</p> <ul style="list-style-type: none"> • Land Sale Contracts • Water Rights
<p>Department of Public Safety</p> <ul style="list-style-type: none"> • Violent Crimes Compensation 	<p>Department of Revenue</p> <ul style="list-style-type: none"> • Tax (original jurisdiction); • PFD Eligibility • Charitable Contributions & Fine/Forfeiture • Child Support • Charitable Gaming • Unclaimed Property 	<p>Department of Transportation & Public Facilities</p> <ul style="list-style-type: none"> • Construction Procurement (some)
<p>University of Alaska</p> <ul style="list-style-type: none"> • Suspension and Removal of Regents • PFD Execution 		<p>Other</p> <ul style="list-style-type: none"> • Executive Branch Ethics Act hearings

As previously noted, in addition to these areas of mandatory jurisdiction, agencies may also become parties before OAH by voluntarily referring an individual dispute or a class of disputes to OAH. In 2023, OAH handled voluntary referral matters from a range of agencies including DOT&PF, the Department of Public Safety, and the University of Alaska. Additionally, as discussed further below, municipalities, school districts, and other governmental entities may also voluntarily refer cases to OAH.

2. *Dockets*

With more than 100 different types of cases across a wide variety of State programs, the scope of OAH’s work is as broad as State government itself. What follows is an overview of some of the types of matters that came before OAH in 2023.

PFD eligibility. OAH hears administrative appeals of PFD applicants whose applications were denied, whether because the application was received after the deadline or because the applicant was found ineligible. In 2023, OAH heard 77 PFD-related cases, the vast majority of which were PFD application denials. Common litigated issues included applications filed after the March 31 deadline, absences from the state for more time than statutorily allowed, and ineligibility based on incarceration or some other factor during the qualifying year. Of the 61 PFD eligibility appeals heard in 2023, twelve resulted in a decision reversing the finding of ineligibility.

Child maltreatment. OAH hears administrative appeals of parents and other caregivers who have been the subject of a “child maltreatment” finding by the Office of Children’s Services (OCS). A maltreatment finding is a confidential administrative finding that can affect certain kinds of background checks and eligibility for certain types of employment. An individual who is the subject of a substantiated finding may request an evidentiary hearing before an OAH administrative law judge. Some such hearings center on whether or not a particular event occurred, while others

center more on whether the events that occurred warrant a civil finding of “maltreatment.” In either case, OCS has the burden of proving that the substantiated finding should be maintained. The final decisionmaker in these cases is the Commissioner of Family & Community Services.

During 2023, OAH had an active docket of several hundred child maltreatment appeals, including 107 new appeals filed during the year, 127 matters closed during the year, and another 127 cases remaining open at the close of the year.

Eighteen appeals of OCS child maltreatment findings were tried to decision during 2023. Of those where final decisions had been issued by the date of this report – cases involving allegations of neglect (3), physical abuse (3), sexual abuse (4), infliction of mental injury (2), or some combination of these (2) – nine cases resulted in final agency decisions upholding all findings, two had all findings reversed, and the remaining three had some upheld and others reversed.

Medicaid and other public benefits. OAH provides “fair hearings” for an array of public benefits programs administered by the Department of Health. In addition to hearings on Medicaid eligibility and

eligibility for particular Medicaid programs, OAH administrative law judges hear Alaskans' administrative appeals of agency decisions in Adult Temporary Assistance, Child Care Assistance, Heating Assistance, Food Stamps, and other public benefits programs.

OAH's public assistance and Medicaid docket requires the resolution of questions involving public benefit eligibility, benefit amount, and often determinations regarding a person's medical and physical care needs. These cases are usually presented by non-lawyer agency personnel, and self-represented parties, both of whom can be significantly disadvantaged in navigating the complex and often confusing world of public benefits and Medicaid. OAH's hearing work in these areas requires listening carefully to both sides, determining underlying issues, and issuing understandable decisions that clearly explain both the factual and legal bases for the decision.

In addition to facilitating the resolution of 202 Medicaid appeals through an award-winning Fast-Track Mediation Program, OAH conducted hearings and issued decisions in 68 public benefits cases and 24 Medicaid cases in 2023.

Child support. OAH hears administrative appeals of child support establishment and modification orders issued by the Child Support Services Division. Most commonly, parents requesting these hearings assert that their income has been incorrectly calculated, that they are entitled to deductions to lower their support amount, that the non-custodial parent is not paying their fair share of support, or that the ordered amount of support poses an undue hardship on the obligor parent. OAH heard 28 child support cases in 2023. Of these, 20 were able to be resolved through consent

agreements between the parties; the remaining eight were resolved through contested decisions.

Municipal appeals. OAH's statute allows it to accept hearing work from municipal and local governmental entities, with those entities then reimbursing OAH for the cost of those services. OAH has heard more than fifty such cases since it began performing this work in 2016. While the majority of these have been planning and zoning appeals, OAH has also heard board of ethics matters, procurement disputes, local tax matters, and municipal employment matters. 2023 was OAH's busiest year yet for cases in this docket, handling ten active cases – a mix of zoning and employment matters – for seven different municipal entities. The municipalities pay the full cost of the work OAH does for them. For many local governments, this represents an important cost savings in comparison to other options available to them, and it produces better quality, more consistent handling of their appeal dockets. The state benefits because the added case volume creates economies of scale.

Contracts and Procurement. On behalf of the Commissioner of Administration and the Commissioner of Transportation and Public Facilities, OAH handles appeals by disappointed bidders in state procurements and by private parties who have claims relating to their existing contracts with the state. In most years, there are a number of such appeals, some of them very large. 2023 had fewer such disputes than usual. OAH handled four appeals and issued one decision, resolving (by delegation from the Commissioner of Administration) a dispute over selection of the state's Medicaid fiscal agent.

Environmental Conservation. By legislative mandate, OAH hears appeals

from decisions made by the divisions of the Department of Environmental Conservation. These cases, which often involve facility permits of great public significance, are handled in close cooperation with the Commissioner. Specifically, by request and under AS 44.64.060(c), the Commissioner jointly heard the evidence and argument, after which an OAH ALJ prepared a draft decision according to the direction of the Commissioner. Six of these matters were before OAH in 2023, with final decisions issued in three of them. In a fourth, a major non-final decision was issued which the parties are attempting to appeal prior to finality.

Professional licensing and certification.

OAH conducts administrative hearings for all State occupational licensing boards and several professional certification commissions. These cases include appeals of licensure denial, requests for license reinstatement, disciplinary matters ranging from reprimands to license revocation, and appeals of summary license suspensions.

OAH's active cases in 2023 included 42 licensing cases on behalf of 15 different entities, including the State Medical Board, the Board of Nursing, the Alaska Police Standards Council, the Professional Teaching Practices Commission, the Board of Public Accountancy, the Board of Social Work Examiners, the Board of Certified Direct-Entry Midwives, the Board of Massage Therapists, the Big Game Commercial Services Board, and the Alaska Real Estate Commission.

In these cases, the OAH administrative law judge typically conducts an evidentiary hearing and prepares a proposed decision for the Board or Commission to consider. OAH's 12 professional licensing decisions in 2023 crossed a range of professions, from

big game commercial services providers, to realtors, to medical professionals, and addressed issues including misrepresentation and fraud, standard of care violations, firearm eligibility, and good moral character requirements.

In other 2023 occupational licensing matters, OAH Administrative Law Judges serving as mediators were able to assist parties in reaching a Board-approved resolution as an alternative to going through the formal hearing process.

University of Alaska. OAH contracts with the University of Alaska to provide hearing services both in employment disputes and to meet the University's heightened hearing obligations concerning alleged sex-based discrimination under Title IX. 2023 was a significant year for the Title IX docket, as it involved the first hearings under new federal regulations implemented in 2020. Decisions were issued in two such cases in 2023, and OAH judges conducted active case management activities in several others. OAH has made significant progress identifying and refining internal procedures for this docket, including interfacing with central panel colleagues in other states, and compiling a library of in-house resources and training materials.

Tax. OAH is the state's tax court of general jurisdiction, and hears all state tax appeals, including matters relating to corporation income tax, oil and gas production tax, and fisheries taxes. OAH also provides adjudicatory assistance to the State Assessment Review Board (SARB). Some of the tax cases carry high stakes, and the amount of pre-hearing management and motion practice can be significant. In 2023, OAH handled 16 tax-related cases, issuing decisions in two of them.

3. *Caseload by the numbers*

OAH’s last annual report noted the significant reduction in case referrals during the pandemic, and that case numbers in certain dockets had begun to rebound while other dockets remained suppressed. While docket numbers across the board continued to rise in 2023, overall case referral numbers remain below pre-pandemic levels. While at the end of 2022 OAH anticipated a significant surge in public benefits related case referrals, to date that surge has not occurred.

a. Raw active case numbers

OAH tracks its caseload in terms of new referrals, case closures, decision issuance, and active caseload. During 2023 OAH took in 802 new cases. In terms of case closures, either through resolution or through issuance of a final decision, OAH closed 780 cases in 2023.

OAH has found that the most informative measure for considering the overall distribution of case types during the course of a year is that year’s overall active caseload – that is, the total number of cases that were open and active at any point during the year. This is a larger universe than the year’s case intake, and in particular tends to capture more complex cases which, for various reasons, might not resolve during a single calendar year. OAH had a total of 1,086 open cases during 2023. Table 2 shows the number of active cases in different case categories, and that number as a percentage of all open cases that calendar year.

Table 2. OAH Distribution of Active Cases 2023

Case Type	Active cases	% of total cases
Occupational and Professional Licensing ⁸	42	4%
Business Licensing and Regulation ⁹	47	4%
Child Support	48	4%
Contracts, Procurement, and Claims	2	<1%
DOH and DFCS-related Licensing/Certification	17	2%
Medicaid Benefits, Audits, & Rates	333	31%
Public Assistance Benefits	159	15%
PFD Eligibility, Charitable Contribution, Execution, and Fines	109	10%
Retirement and Benefits	9	<1%
Substantiation of Child Abuse and Neglect	266	25%
Municipalities	10	<1%
University of Alaska	10	<1%
Tax	16	2%
DEC	7	<1%
Other ¹⁰	11	<1%
Total	1086	

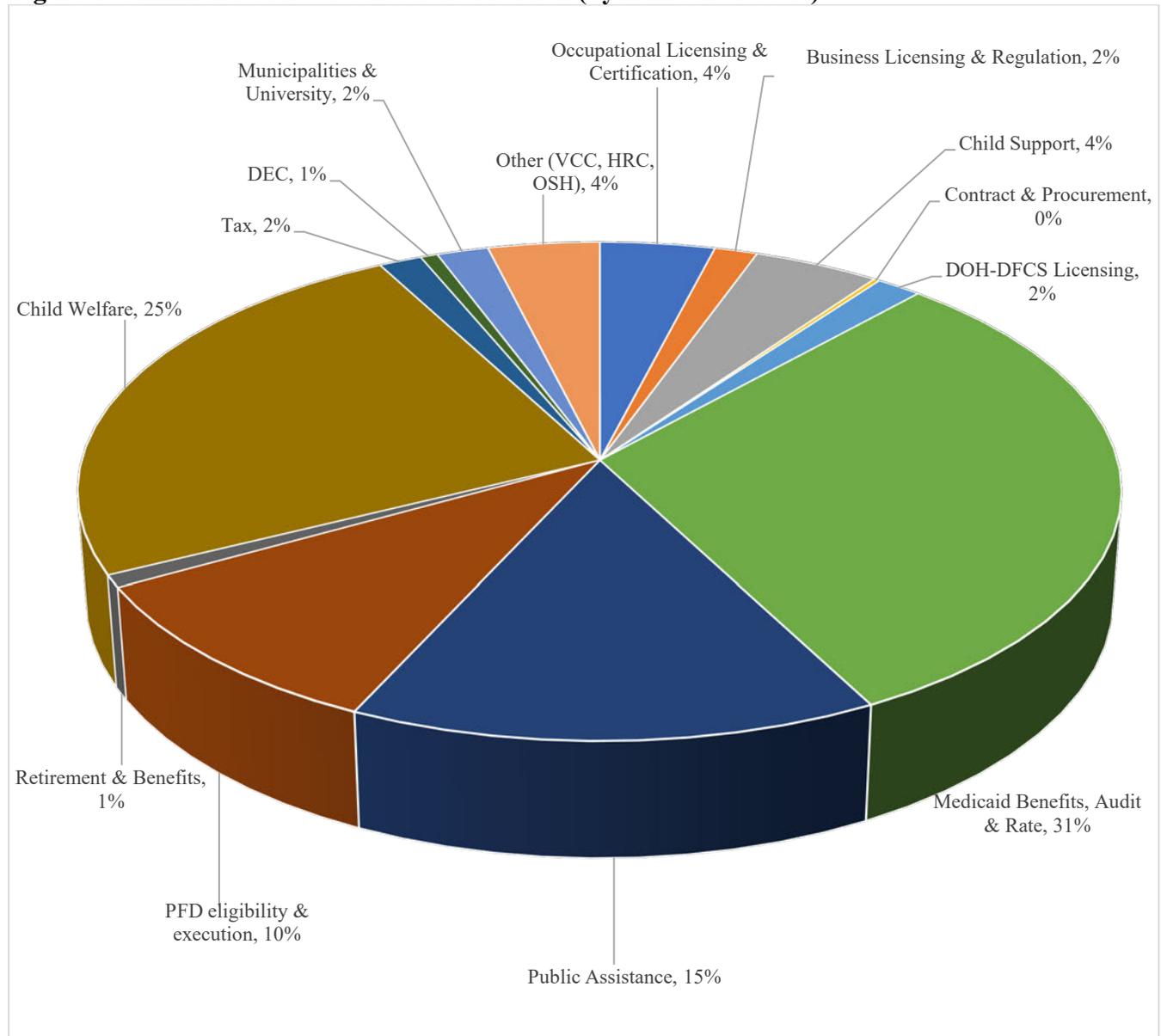
⁸ In addition to cases arising out of the Department of Commerce, Community, and Economic Development’s Division of Corporations, Business, and Professional Licensing, this category includes peace officer certification cases from the Alaska Police Standards Council, and teacher and administrator licensing matters from the Professional Teaching Practices Commission.

⁹ Includes cases related to the regulation of alcohol, marijuana, and tobacco businesses, as well as DCCED securities and insurance cases, and the Occupational Safety & Health Board.

¹⁰ The catch-all “Other” category includes hearings on behalf of the Alaska Human Rights Commission and the Violent Crimes Compensation Board.

Figure 1, below, depicts the relative number of cases on which OAH actively worked in 2023, divided into general subject areas.

Figure 1. OAH 2023 active caseload distribution (by number of cases)



Since the start of the pandemic, OAH’s annual reports have noted a significant drop in OAH’s public benefits case load. While OAH averaged 675 new Medicaid referrals per year in 2018-2019, fewer than 350 Medicaid cases were referred in 2022. Surprisingly, the number of Medicaid referrals continued to drop in 2023, with just 300 new referrals pertaining to Medicaid coverage and benefits – roughly half of the referral numbers for this docket in 2017 – 2019. It is anticipated that OAH will see a surge in Medicaid benefit cases, as the moratorium imposed during the pandemic that affected both reduction and termination of Medicaid benefits was lifted late last spring. The amount of an increase, if any, however, is unpredictable and dependent on factors outside of OAH’s control.

Fair hearing referrals for public benefits programs dropped even more dramatically during the pandemic, falling to roughly one-quarter of their pre-pandemic numbers. Those case numbers rebounded somewhat in 2023, nearly doubling the number of referrals from 2022, but still remaining significantly below pre-pandemic referral rates. It is anticipated that case referrals will continue to increase, depending upon the Department of Health case processing.

At the same time, however, OAH saw a significant increase in Food Stamp hearing referrals during 2023, with 80 such referrals received – the highest number since 2018, and nearly three times the number received in 2022. This increase is attributable to the well-publicized significant delays experienced by the Department of Health’s Division of Public Assistance (DPA) in processing its Food Stamps caseload. The vast majority of cases ultimately referred to OAH, however, were resolved by DPA prior to the hearing.

Naturally, these case referral patterns are also reflected in the distribution of ALJ time, as seen in Figures 2 and 3, below.

b. Alternative dispute resolution

As in the court system, OAH seeks to promote the use of alternative dispute resolution (ADR) where appropriate. Of cases active during 2023, approximately 284 were diverted to ADR, including 243 cases diverted to the fast-track Medicaid mediation program, and 41 other matters diverted to formal ADR with an administrative law judge. In all, 26% of OAH’s active cases were provided some form of formal ADR in 2023.

In addition to cases resolved through formal ADR, 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.

c. decisions and other orders

Of those cases that did not resolve through mediation or dismissal, a total of 210 full-dress decisions were issued, in addition to thousands of lesser orders. This “full decisions” number, however, understates the work done by OAH during the year.

Because this number only tracks full decisions that result in a case closure, it fails to capture those often large and complex OAH matters handled in which a significant decisional document is prepared, and the parties then resolve the case. Many of the most complex and time-consuming matters heard and managed by OAH do not ultimately result in a full decision measured by this metric.

4. *Time Devoted to Hearings and Related Work*

The previous section detailed the distribution of new and open cases across case categories. This method of viewing and understanding the OAH caseload is limited, however, in that not all cases are equal in terms of the ALJ time and effort required. A typical procurement, contracting, or professional licensing case easily requires about five times as much ALJ time as a typical Medicaid services case, which in turn requires about five times as much ALJ time as a typical Food Stamps case.

And even within a case category, an atypically complicated case can require five times as much ALJ time as a more routine matter. At the same time, a matter from a typically time-intensive case category might resolve quickly, and another matter from a normally straightforward case category might become unexpectedly complex and time-consuming. All of these factors contribute to the need for a degree of caution in assessing ALJ workload based on traditional metrics alone.¹¹

OAH’s ALJs collectively devoted 9,613 hours in 2023 to hearing or mediating cases and to related work, such as reviewing evidence, researching the law, ruling on motions, and writing decisions. Table 3 compares the raw number of active cases in various case categories with the number of ALJ hours spent in these categories.

Table 3: OAH Case Distribution and ALJ Hours, 2023

Case Type	2023 Active OAH cases	% of active cases	% of all billed ALJ hours
Occupational and Professional Licensing	42	4%	14%
Business Licensing and Regulation	47	4%	8%
Child Support	48	4%	4%
Contracts, Procurement, and Claims	2	<1%	2%
DOH- and DFCS related Licensing/ Certification	17	2%	3%
Medicaid Benefits, Audits, & Rates	333	31%	11%
Public Assistance Benefits	159	15%	6%
PFD Eligibility, Charitable Contribution, Execution, and Fines	109	10%	7%
Retirement and Benefits	9	<1%	4%
Child Protection	266	25%	18%
Tax	10	<1%	3%
DEC	10	<1%	8%
Municipalities	16	<2%	5%
University of Alaska	7	<1%	5%
Other	11	<1%	2%
	1086		

As Table 3 demonstrates, some case categories take a proportionately larger percentage of ALJ hours than others. Thus, while Medicaid-related cases made up more than 30% of OAH’s active cases by sheer numbers, they accounted for only 11% of case billings.¹² Child welfare

¹¹ Staff resources, as opposed to ALJ resources, are burdened approximately equally regardless of the case type.

¹² This statistic understates the ALJ resources required when Medicaid benefits cases go to hearing. Because of the current downturn in case referrals and a large portion of Medicaid benefits cases resolving through the fast-track mediation program, only a small number of Medicaid cases actually went to hearing in 2023. Indeed, OAH

cases, 25% of all OAH cases by numbers, accounted for 18% of case billings. Professional licensing cases, by contrast, represent only 4% of active cases, but 14% of case billings, as these cases tend to involve lengthy hearings and complex legal and factual issues. Similarly, while OAH’s tax, environmental permitting, municipal law, and university dockets each amounted to less than two percent of OAH’s active case load in 2023, the complexity of these dockets resulted in the devotion of proportionally greater ALJ time on these matters.

While there are exceptions on both sides of this general rule, the overall picture is represented in Table 3. With some simplification, the distribution of OAH ALJs’ 2023 work time across case types is shown in Figure 2.

Figure 2. OAH ALJ Time 2023

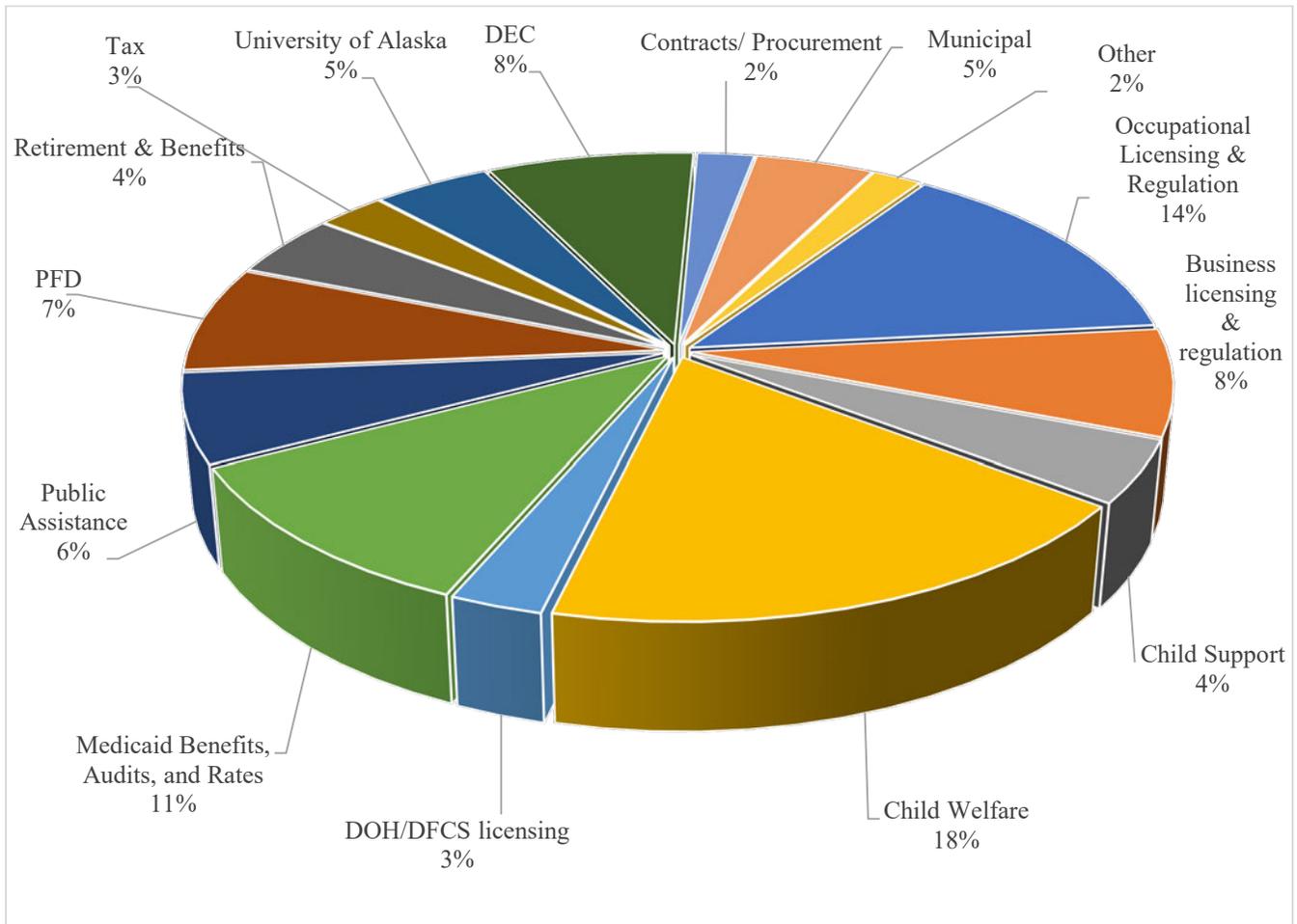
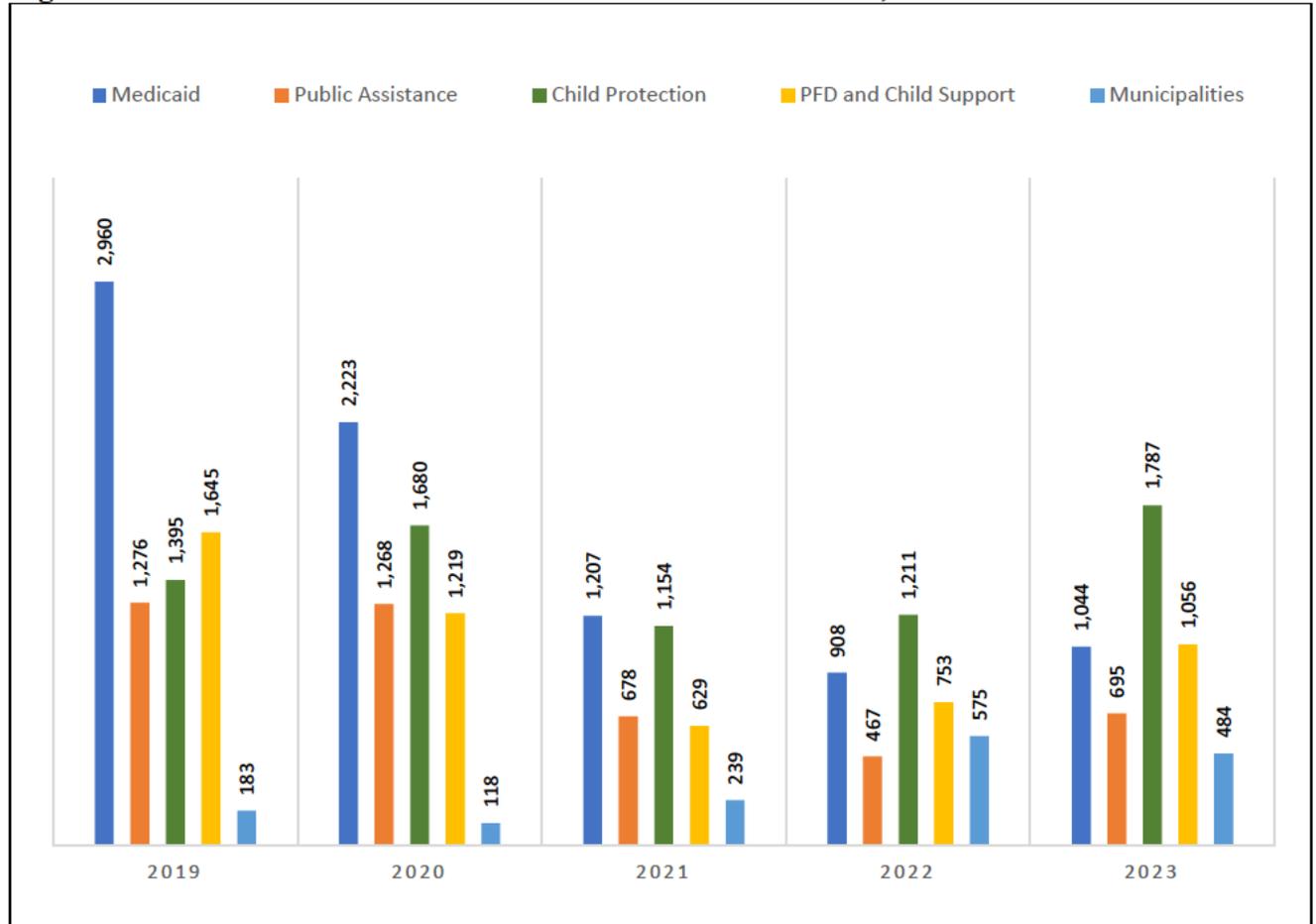


Figure 3, below, illustrates some of the changes in OAH’s active dockets since the last full pre-pandemic year. The time spent on Medicaid and public benefits cases remains significantly below pre-pandemic levels, but is higher than either of the two preceding years. Other case types,

issued just 25 Medicaid benefits decisions in 2023, compared with nearly 80 in 2019. That year, Medicaid cases made up 42% of OAH’s active docket, and 28% of ALJ time.

such as Child Support and PFD, have nearly returned to their pre-pandemic levels, while others – municipal and child protection cases – were above those levels in 2023.

Figure 3. Variation in ALJ hours worked across selected dockets, 2019-2023



5. *Decision deadlines and efficient case resolution*

Swift resolution is a key goal in administrative adjudication. Parties have an interest in obtaining a timely final agency decision resolving their dispute. Because this important principle is recognized in both state and federal law, OAH cases are subject to many deadlines.

The OAH-specific deadlines imposed by AS 44.64.060 apply to most, but not all, of OAH cases.¹³ 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. This time frame is substantially shorter than the amount of time it takes a matter to be heard and resolved in the trial courts.

¹³ 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 Crimes Compensation Board cases, and Professional Teaching Practices Commission cases. In addition, 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.

In addition to deadlines imposed by the OAH statute, other statutes and regulations establish deadlines that apply to certain types of cases. For instance, cease and desist order cases, summary license suspension actions, some insurance cases, securities matters, some procurement matters, child support appeals, and education-related facility grant cases are subject to shorter deadlines than those imposed by AS 44.64.060. Some case types have shorter or different deadlines for bringing the case to hearing, for issuing the decision, or for both.

Additionally, public benefits cases under the Department of Health are subject to short timelines for the agency to reach its final decision. These final decision deadlines are generally driven by federal program requirements, which set short timeframes from the filing of an appeal to issuance of a final agency decision. In Food Stamps cases, the agency's final decision is due 60 days after the appeal is filed; for Medicaid benefits and most other public assistance benefits cases, the final decision is due 90 days after the hearing request is filed. Within this time frame, the OAH ALJ must hear the case and issue a proposed decision, the parties must be allowed an opportunity to comment, and the final decisionmaker must then decide the case. In these cases, the 120-day state deadline for proposed decision still applies but is almost always subsumed in the shorter federal deadline unless the latter is extended by special circumstances.

Historically, the key deadline OAH monitored for purposes of this report has been the 120-day deadline from the date of the hearing request to the issuance of a *proposed decision*. Under AS 44.64.060(d), the 120-day deadline to proposed decision can be extended only by agreement of both parties, together 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 issued.¹⁴

In 2023, the 120-day deadline was met or not applicable in more than 98% of the total number of cases OAH closed. At the same time, many cases reached final resolution — not just a proposed decision — within a much shorter timeframe than 120 days, often within fewer than 50 days for fast-track cases such as child support and public assistance benefits. For cases resolved prior to hearing, the median time to final resolution was 29 days. For cases resolved through a full decision, the median time to resolution was 88 days. Even among these cases, however, 5% percent were fully decided in under 30 days, 17% in under 50 days, and 53% in 90 days.

In OAH's high-volume Department of Health "Fair Hearings" cases, which have short final decision deadlines, OAH also monitors these *final decision* deadlines. For such a case to meet its final decision deadline, the agency must refer it without delay, OAH must process it on an expedited basis, and the Commissioner's designee in the Department of Health must act swiftly once the proposed decision is transmitted.

OAH's statute requires that when an agency receives a request for hearing within OAH's jurisdiction, the agency must, within ten days, either refer the request to OAH or provide a notice of non-referral. In OAH's Medicaid docket, the vast majority of hearing requests during 2023 were promptly referred to OAH, often well before the ten days had elapsed. On average, Medicaid cases were able to be resolved within 35 days of the hearing request. In the public benefits docket,

¹⁴ In addition to the complexity of a case, other factors that have led to use of the extension-on-consent tool are 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 the case by the referring agency.

however, 2023 saw a significant volume of requests being processed outside of the timeframe permitted by OAH's statute. That statute requires agencies to refer a request or provide notice of non-referral within ten days of receipt. Both as to cases referred to OAH and as to significantly larger volume of hearing requests that DPA did not refer to OAH for hearing, referrals or formal notices of non-referral were frequently untimely. Of requests that were referred to OAH for hearing, 82% were referred late. The large volume of non-referral notices received from DPA similarly reflected that non-referral decisions were occurring significantly outside the 10-day window provided by statute. Because the significant volume of late-referred fair hearing requests kept this measure from being a meaningful indicator of OAH performance, OAH did not formally track federal final decision timeliness of decisions in 2023.

6. *Court Appeals*

Very few OAH decisions are appealed to the courts, and the affirmance rate for such appeals is generally high. Of the decisions issued by OAH in 2023, only 15 – or 2% – were appealed to the Superior Court in 2023. In addition, four new Alaska Supreme Court appeals were filed which arose out of OAH decisions. Sixteen Superior Court appeals of OAH decisions were closed in 2023. Of these, ten decisions were affirmed, four cases were dismissed without a decision on the merits, and two decisions were remanded in whole or in part. A total of seven appeals arising out of OAH matters are currently open before the Alaska Supreme Court; no Supreme Court appeals of OAH matters were closed during 2023.

B. Fast-Track Medicaid Mediation Program

Since 2016, OAH has offered an award-winning fast-track mediation program to parties in Medicaid Fair Hearings cases. The voluntary program's one-hour mediation sessions are conducted by a contract mediator under OAH supervision. While not all Medicaid Services appeals are amenable to resolution through a fast-track mediation and some ultimately must be resolved through the hearing process, the availability of the mediation program enables speedy resolution of many cases without ALJ involvement.

Although OAH's Medicaid services docket remained contracted during 2023, the success of the fast-track mediation program continued this year. In 2023, 233 Medicaid Services cases were entered into the fast-track mediation program. Of these, 99% went to mediation, with 86% resolving through mediation.

The fast-track mediation program continues to be well received by recipients, care providers, and agency personnel. Parties value its expediency, and the opportunity to come together in an informal and transparent setting.

The success of the fast-track mediation program continues to contribute significantly to speedy resolution of Medicaid Services appeals, while yielding considerable cost savings to the Medicaid program. Of cases resolved through the fast-track mediation program, full resolution was achieved, on average, within 24 days of the hearing request – nearly fifty days faster than cases that went to hearing. The program has resulted in a notable reduction in OAH's billings to the Department of Health (DOH), as well as providing additional program savings for DOH because of the ability to resolve disputes more quickly than in a contested hearing.

C. Peer Review

OAH's ALJs seek to promote excellency in the adjudication of disputes, including the preparation of proposed decisions. OAH employs a peer review process to assist newer ALJs as they become familiar with the range of the OAH caseload, and to assist all ALJs in improving their work product.

Peer review at OAH serves two purposes: it promotes consistency in decision-making 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 and is available for consultations on questions of law or procedure.

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.

In addition to peer review serving a valuable training function, OAH also employs peer review for ALJs handling particularly complex cases. Again, one of the benefits of a central panel of administrative law judges as opposed to isolated or siloed hearing officers is the ability to share knowledge, skills, and resources. Peer review occurs in complex cases to enhance the quality of the final product. The peer reviewer may point out analytical or legal weak spots, suggest structural or language changes, or assist the assigned ALJ in reasoning through a complex problem. However, the assigned ALJ retains complete decisional autonomy.

In 2023, a formal peer review assignment was made in roughly 17% of new cases. Not all peer review assignments lead to time spent or billed conducting peer reviews, since many cases resolve through mediation or other pre-hearing means. On the other hand, an ALJ may seek out peer review in any matter, whether or not a formal peer review assignment has been made.

In addition to formal peer review assignments made as part of the training process or for complex decisions, 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 promotes consistency among ALJs on both legal issues as well as best practices in case management.

D. Publication of final decisions

OAH is required to "make final agency decisions reached after administrative hearings available online through an electronic data base." AS 44.64.090(a). To satisfy this requirement, OAH maintains a website of published decisions, sorted by OAH case type and by subcategories within them, and searchable for key terms. Because a great many of OAH's decisions are confidential under law, OAH staff must typically redact identifying information from each decision before publishing it. Staff vacancies and other issues have also posed challenges to keeping the database up to date. Nonetheless, in 2023, OAH added 101 new OAH decisions to its online publications database.

E. 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. Both the Code of Hearing Officer Conduct and the regulations governing procedures for OAH cases were enacted in 2006, and have not been amended since that time. OAH intends to pursue a comprehensive regulations review project once its proposed statutory changes are adopted by the legislature.

OAH is also tasked by statute with tracking notices of other state agencies' proposed regulations, looking for those that have the potential "to govern procedures in administrative hearings." OAH did not identify any proposed regulations in 2023 on which OAH comment was required.

F. Monitoring and Surveys

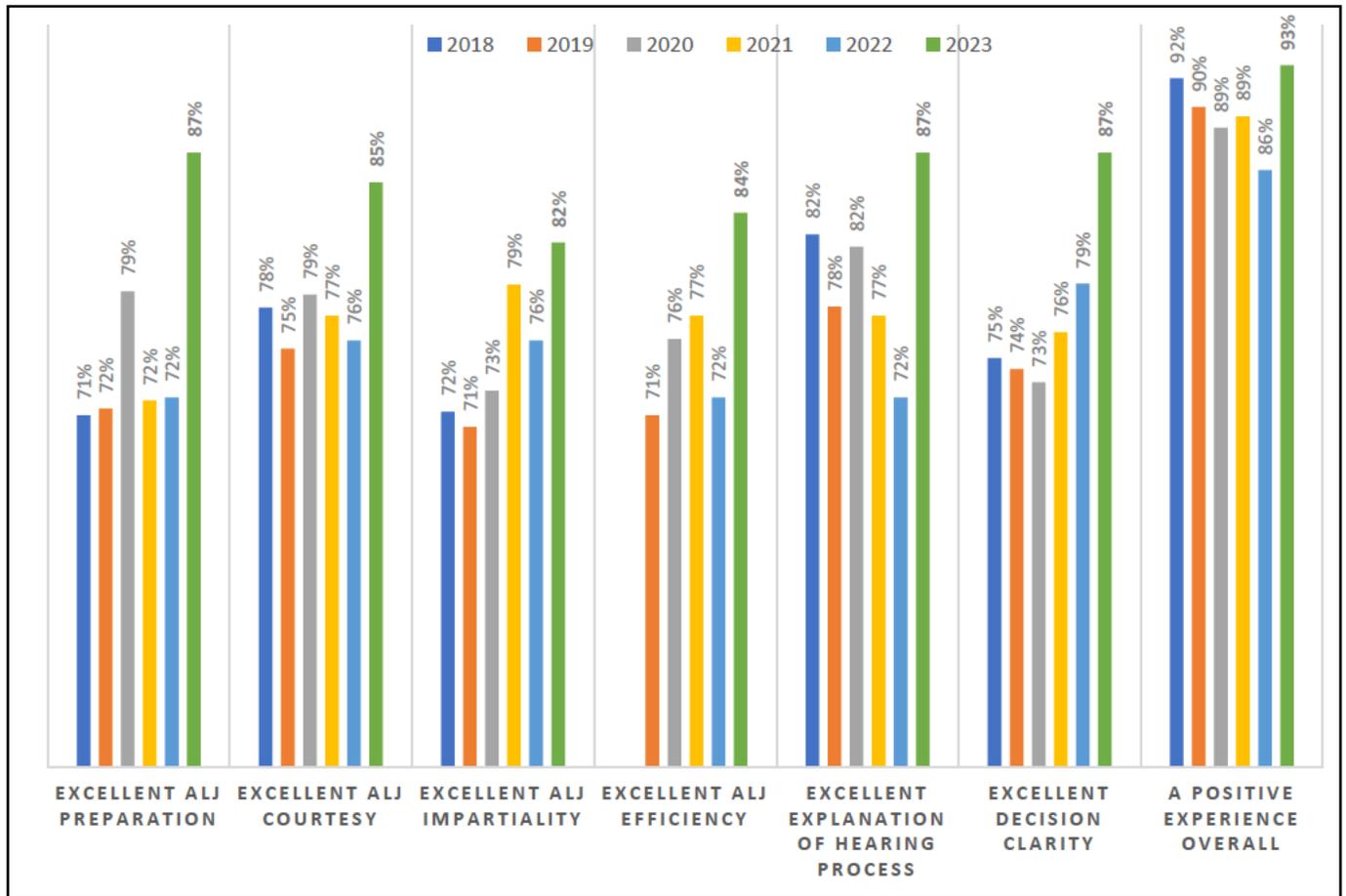
OAH is required to "survey administrative hearing participants and use other methods to monitor the quality of administrative hearings held by the office and other state agencies[.]" AS 44.64.020(a)(7). The purpose of the surveys and other monitoring is to enable the Chief ALJ to include in the annual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

OAH distributes a survey to all hearing participants at the close of a case, whether through dismissal or when a final decision in a case is issued. Surveys can be completed online or returned in the mail. In the second half of 2023, recognizing a gradual decrease in the number of survey responses, OAH altered its survey protocol to see if participation could be increased. The result has been a significant increase in survey responses returned to OAH or submitted online, with OAH ultimately receiving twice as many completed surveys in 2023 as were returned the previous year.

OAH's survey responses have always been broadly positive, but in 2023 they reached the highest levels of satisfaction that have ever been recorded. A summary of all responses is provided in Appendix A to this report. Respondents generally reported that the judge was prepared, had explained the process, treated participants fairly, and issued a decision promptly. Even when a litigant was not satisfied with the outcome of the case, the vast majority of respondents were satisfied with the adjudication process overall.

A particularly noteworthy aspects of this year's survey results was an across-the-board increase in items rated "excellent," as seen in Figure 4, below.

Figure 4: Survey respondents characterizing OAH’s work as “Excellent,” 2018-2023



The survey tool also provides a place for hearing participants to add narrative comments about their OAH experience. As with the survey responses overall, the comments received were vastly positive, and included the following.

- “[The OAH Administrative Law Judge] handled the stressful and heartfelt case in a professional and thoughtful manner, his patience and understanding helped both parties get through some hard and stressful information. Although [the agency] did not prevail, I felt the judge was fair and I appreciated his full review, assistance for us lay people and his court room manner.”
- “[The OAH Administrative Law Judge] is respectful and flexible with both parties throughout the process. The office staff at OAH do an outstanding job communicating and accommodating for the various needs of our individuals experiencing disabilities.”
- “The judge was impartial towards both parties. She was thorough in her explanation of the proceedings and ensured that both parties were respected and heard.”

- “I feel like our judge actually listened to all of our concerns. We appealed the decision [because] we felt like all our concerns were not being heard. We wanted a non biased judgement on neutral ground. We feel like [the OAH Administrative Law Judge] did a great job and would like to thank him for listening to us and pushing back the [agency] who wanted our case dismissed.”
- “I greatly appreciated the ability to obtain a timely resolution of this matter through the hearing process. The ALJ was very knowledgeable, fair, and gracious with parties and counsel who were less experienced. His ruling was well-written and reasoned. Thank you.”
- “They were very patient with me as I had no clue what I needed to do when we started.”
- “Was a very easy going process and was very formal[;] I like the outcome and the explanation of things I needed help with as well.”
- “I’ve been practicing for over 40 years and I cannot complement [the OAH Administrative Law Judge] enough for his courtesy and professionalism. A pleasure to be in front of. Thank you.”

As is typically the case, a small handful of respondents expressed dissatisfaction either with the administrative hearing process in its entirety, or with some aspect of their experience. OAH takes all participant feedback seriously and strives to learn from it. It is heartening, however, that the vast majority of survey respondents report a positive experience, even when they lose.

G. Training and Professional Development

OAH’s training mandate extends beyond providing training to OAH Administrative Law Judges. 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[.]¹⁵

To satisfy this mandate, OAH’s training plan consists of the following components:

- Informal training for OAH ALJs through peer review assignments, conferences among the ALJs on a periodic basis, 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;

¹⁵ AS 44.64.020(a)(6).

- Formal training for non-OAH administrative adjudicators through participation by OAH representatives in periodic, agency-specific conferences; and
- Formal training for administrative adjudicators in the form of programs made available by OAH.

In keeping with OAH’s mandate to provide training and technical assistance to other administrative adjudicators, the OAH management team provided adjudication trainings and trainings about the administrative adjudication process to a range of audiences, including state worker’s compensation hearing officers, several Department heads and other final decisionmakers, including boards and commissions, and to state employees tasked with administrative investigations. The OAH management team also conducted frequent outreach to final decisionmakers and responded to informal inquiries from other adjudicators and final adjudicatory decisionmakers throughout the year.

Within OAH, 2023 was also a busy year for ALJ professional development. OAH’s two newest judges both attended the National Judicial College’s administrative adjudication course. OAH’s management team also coordinated multiple in-house continuing education events for OAH administrative law judges during 2023, including periodic lunch-hour sessions as well as a half-day retreat covering a range of substantive and procedural topics. OAH also reinstated a peer-led continuing education component of its ALJ training program.

Finally, this year OAH cohosted the annual conference of state Central Panels with Washington State’s Office of Administrative Hearings. This three-day training conference attracted Chief Administrative Law Judges and Deputy Chief Administrative Law Judges from dozens of central panels around the country, and featured programs designed to improve the adjudicative process, identify best practices for quality assurance and due process, improve access to justice, and share both concerns and knowledge of common interest to Central Panels like OAH. OAH’s Chief Administrative Law Judge, Deputy Chief Administrative Law Judge, and former Deputy Chief Administrative Law Judge were among the presenters and panelists at this annual conference.

H. Administration of the Code of Hearing Officer Conduct

By statute, complaints alleging violation of the Code of Hearing Officer Conduct must be considered by OAH’s Chief ALJ, who determines whether they meet the standard for referral to the Attorney General for investigation.¹⁶ 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.¹⁷ The Chief ALJ, therefore, must field questions from hearing officers about code compliance requirements and, in appropriate circumstances, issue written opinions.

In 2023, the Chief ALJ received no complaints of a violation of the Code of Hearing Officer Conduct that met the criteria for consideration under 2 AAC 64.070. One prior complaint, received in 2022 and forwarded to the Attorney General under the low standard for referral, was dismissed

¹⁶ AS 44.64.050(c). Complaints alleging violations by the Chief ALJ are considered by the Attorney General. AS 44.64.050(e).

¹⁷ 2 AAC 64.060(c).

during 2023 after the Attorney General found “no probable cause to believe that a violation of the Code of Conduct occurred” and dismissed the complaint.

I. 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 (WCAC) 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. By statute, only individuals with 18 months or more of service on the workers compensation board are eligible to be considered for a WCAC vacancy, making this a very small recruitment pool.

The Chief ALJ’s 2023 activities relating to the WCAC were carried over from a vacancy for a management/employer representative that arose in 2022. At that time, the Director of the Workers’ Compensation Division provided the Chief ALJ with a short list of individuals with the requisite experience on the Board to apply for the position. The Chief ALJ contacted each person on the list, only two of whom were interested in serving on the WCAC. Both of these individuals submitted applications for the vacancy, and these were forwarded to the Governor’s office in October of 2022. However, neither individual was appointed to the WCAC. With the vacancy still outstanding in 2023, the Chief ALJ again reached out to all the individuals on the Director’s 2022 list to see if anybody else would be willing to apply for the position but had no success in that endeavor. Currently, the WCAC only has one employer representative and if the other employer representative is not available or has a conflict in a case, the Board will be unable to take any action.

III. Recommendations of the Chief Administrative Law Judge

In addition to the description of activities, the Legislature has directed OAH to include in its annual report “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).

A. Recommendation: Adopt legislative revisions to OAH’s statute

In the fall of 2016, OAH embarked on a comprehensive review of the statutes and regulations affecting administrative hearings. Based on this review, OAH recommended certain specific statutory changes, with sample language offered in an Appendix to the 2017 annual report. In 2019, Senator Micciche introduced SB 88, encompassing many of those proposed changes. The bill was scheduled to be heard in the Finance Committee in March 2020 but was unable to have a hearing before the pandemic-related end of the legislative session. This bill was not introduced during the 2021 legislative session. In the last legislative session, the bill was reintroduced as HB 7 by Representative Hannan.

OAH continues to strongly believe that legislative adoption of the changes identified in prior annual reports and as embodied in the proposed legislation would improve both efficiency and due process. In brief, the major improvements recommended in prior annual reports, which are also embodied in HB 7, address the following:

- OAH’s statute has a deadline for proposed decisions, and a deadline for agency heads to then make final decisions. The final decision deadline applicable to agency heads, though reasonable in concept, is counted from the wrong event – namely, it is counted from the date the proposed decision is issued, instead of the date that the matter is transmitted to the agency head. This has caused some agency heads to have less than a reasonable time to consider proposals for action and deliberate on their final action. HB 7 addresses this in Section 14 by starting the decision clock for final decisionmakers from the point at which the proposed decision is actually transmitted to them.
- The lack of a provision allowing parties to respond to one another’s proposals for action, in appropriate cases, has led to due process concerns in some instances. HB 7 addresses this concern in Section 14.
- The lack of opportunity for the ALJ to revise a proposed decision based on errors pointed out in proposals for action has led to delay and inefficiency in a number of cases. HB 7 addresses this in Section 14 with a time-saving mechanism for ALJs to correct proposed decisions before transmitting them to the final decisionmaker.
- The current statute provides a one-size-fits-all period of 45 days for remanded cases. This timeline is simultaneously too relaxed in instances of simple clarifications or redrafts, and too tight for more complex remands. In Section 14, HB 7 provides a mechanism whereby the final decisionmaker can set deadlines appropriate to the circumstances of a case.
- Although the Chief ALJ can employ administrative staff, the statute inadvertently was written in such a way that an Associate Attorney I (law clerk) cannot be hired by OAH even though such a hire might result in cost-savings to OAH. HB 7 addresses this in Sections 2 and 4 by allowing the hiring of professional staff.
- The current provision for the Chief ALJ’s salary inadvertently results in the Chief being paid less than most other ALJs, which limits the governor’s recruiting options when a new chief must be appointed in 2024, and in the future. As the Chief ALJ must be a lawyer and should have considerable working experience, the current salary makes recruitment of a qualified candidate very difficult. HB 7 rationalizes the chief salary provision.
- OAH currently has subpoena power of some kind in the great majority of its cases, drawn from a patchwork of dozens of sources scattered across many statutory titles. At the same time, there is no subpoena power in a few important case categories. Ideally, OAH subpoena authority should be consolidated into a single, uniform provision of AS 44.64. The patchwork of subpoena authorities causes uncertainty, inefficiency, and extra cost. Although subpoenas are issued in only a very small percentage of cases, situations in which the authority to issue them is absent or questionable disrupt orderly and effective adjudication and can lead to waste and injustice. HB 7 addresses this issue by providing more uniform subpoena authority. Over the years, OAH has had

both litigants and agencies express concern from time to time that the inability to subpoena a critical witness has dictated the outcome of a case.

- At the time OAH's statute was enacted, there was debate over how much experience an ALJ should have before being hired by OAH. Given the complexity of some of the cases now before OAH, having at least four years of practice overall as the minimum standard for hiring now makes sense. (In actuality, OAH ALJs average closer to twenty years of law practice experience). However, experience in other jurisdictions should be countable. The inability to count experience in other jurisdictions has caused severe recruiting difficulties in the tax docket. HB 7 addresses this in Section 7 by allowing OAH to count legal practice in other jurisdictions towards the tax-qualified ALJ position's practice requirements.
- Like the court system, OAH needs to have a means of reopening decisions that were entered in error, such as when a party failed to appear but the failure later turns out to be because the party was incapacitated, or because the agency sent the notice to the wrong person. OAH currently has no mechanism that allows a case to be reopened, even in the presence of frank and obvious error. HB 7 addresses this in section 16 by allowing OAH to reopen cases for the same reasons allowed in the court system.

HB 7 is consistent with the changes to OAH's statute that the Chief Administrative Law Judge has been recommending in OAH's annual reports since 2018 – changes which fix the issues in AS 44.64 that have been identified by experience.

B. Recommendation: Consolidate the Workers Compensation Appeals Commission's Professional Staff Within OAH

The Workers Compensation Appeals Commission has a very low caseload. OAH has multiple statutory roles in connection with this Commission but does not presently house its chair and staff. Since 2014, there have been on-and-off discussions between the Department of Labor and the Department of Administration and, more particularly, between OAH and past Chairs of the Commission concerning consolidating the Commission's paid staff within OAH so that the Chair would have a full-time docket consisting of OAH cases and cases for the Commission. This would maintain the independence of the Commission but would keep its Chair fully employed. Certain cost savings would result from such a consolidation given the very small docket of the Commission.

C. Recommendation: Modify OAH funding model to provide stability during temporary fluctuations in caseload

The Chief ALJ recommends that the Legislature modify OAH's funding model to bring it in line with other state agencies providing adjudication and/or legal services. Both the court system as well as the legal services agencies within the Executive Branch – the Department of Law, the Office of Public Advocacy, and the Public Defender's Office – are primarily funded through General Fund appropriations. OAH, by contrast, receives only a small GF appropriation – equivalent to just 3% of its total budget – and is instead funded almost exclusively by direct billing to individual agencies for ALJ services.

OAH has billed agencies for ALJ services since its inception. However, OAH originally had a significant General Fund appropriation that enabled it to keep rates lower and insulated against unanticipated fluctuations in workload. Since 2014, however, OAH has seen its General Fund significantly reduced from \$450,000 that year to just \$93,800 in FY23. As a result, OAH is reliant upon direct billing to agencies for 97% of its budget. As discussed above, however, variation in the number of matters referred, or the complexity of those matters, can lead to significant variability of workload distribution and dedication of ALJ time from year to year. OAH's funding model is particularly challenging during the kind of drastic caseload shifts that occurred during the pandemic and that continue even now.

While the elasticity of OAH's current funding model creates unpredictability, the vast majority of OAH's costs are inelastic personnel and infrastructure costs. In FY2023, OAH experienced a significant disconnect between those inelastic costs and its elastic funding when the legislature passed a bill raising the salaries of most attorneys employed by the state, including OAH's administrative law judges, yet OAH received no additional general fund appropriation to offset this considerable increase in personnel costs. The resultant financial crisis demonstrated the need to return to a General Fund-focused funding model for OAH, which provides a cushion and much needed stability in years where there the number of cases referred to OAH is lower than normal.

Returning to the higher level of General Fund funding would ensure stable funding and operations during leaner years. When case referrals are plentiful and sufficient to cover personnel costs, OAH would – as it did before – use the General Fund appropriation to lower the hourly rate OAH charges to agencies using its hearing and mediation services. Additionally, a cushion in its General Fund appropriation would enable OAH to meet its professional development and training obligations, and to keep pace with technological advances and needs.

It is respectfully recommended that the legislature implement these changes, and it is noted that the Governor's budget includes such funding.

IV. Conclusion

A strong central panel for administrative adjudication is a vital part of the executive branch. It provides citizens with a fast, fair, and accessible way to have their disputes with state agencies addressed.

To achieve its function, a central panel must operate with considerable independence. This means that elements within state government will occasionally be frustrated. Nonetheless, the 2023 survey results show that hearing participants—both public and private—overwhelmingly feel they receive genuinely fair and professional hearings at OAH, whether they win or lose their cases.

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The undersigned's term as Chief Administrative Law Judge draws to a close on March 1, 2024. The unprecedented levels of positive feedback from hearing participants confirms that OAH is poised to continue meeting the adjudication needs of Alaska's agencies and the Alaskans they serve.

Submitted effective the 31st day of January 2024.

Signed _____
Kathleen A. Frederick
Chief Administrative Law Judge

Appendix A: Post-Hearing Survey Results: January 2023-December 2023

Demographics of Responding Hearing Participants

Question	Number of Responses ¹⁸			
	Attorney	Party	Agency Representative	Other
<i>Define your participation</i>	7	14	34	1
<i>Did you attend in person or by telephone/videoconference?</i>	Attended in person		Attended by telephone/videoconference	
	1		56	
<i>Where do you live?</i>	Rural Alaska	City in Alaska	Outside Alaska	
	7	46	5	
<i>What was the final outcome of your hearing?</i>	In your favor	Not in your favor	Other	
	39	7	6	
<i>Including this one, how many OAH hearings have you participated in?</i>	One	2 to 10	More than 10	
	13	16	27	

Hearing Evaluation for Administrative Law Judge (ALJ)	Excellent	Adequate	Poor
ALJ's preparation for the case	48	3	4
ALJ's courtesy toward both parties	47	6	2
ALJ's impartiality toward both parties	45	5	5
ALJ's efficiency	46	6	3
ALJ explained the hearing process	48	5	2

Written Decision Evaluation	Excellent	Adequate	Poor
ALJ's promptness issuing order	48	4	3
Decision clearly explained the issues and ruling	48	4	3

Overall Evaluation	Agree	Disagree
Office of Administrative Hearings Clerks were courteous and helpful.	50	2
Overall, I was satisfied with the hearing process and felt it was a positive experience.	50	4

¹⁸ Note: not all respondents answered every question.