



D.C. Office of Administrative Hearings Fiscal Year 2022 Annual Report



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A Message from Chief Administrative Law Judge M. Colleen Currie



The D.C. Office of Administrative Hearings (OAH) respectfully submits its Annual Report for Fiscal Year (FY) 2022. This annual Report provides information required by law and addresses other issues that are of interest to the public, private stakeholders, government agencies we service, the Mayor, and the Council of the District of Columbia. The information includes OAH's accomplishments and initiatives that are ongoing and are intended to improve operations and efficiencies.

As Chief Administrative Law Judge, it is my privilege to work with the Agency's extraordinarily talented staff – judges and administrative professionals alike. Together, we are committed to reviewing practices, policies, and procedures to ensure that our litigants receive timely consideration of their cases and prompt, fair decisions.

In the last fiscal year, as was the case with many District agencies – indeed, across the spectrum of both private and public sector employment – OAH suffered from a high number of vacancies in its full-time employee positions. This has impacted all levels of our operations. Despite this, we accomplished several of our goals, including rolling out the first phases of our eFiling Portal, which allows registered users to electronically file new appeals and documents; rebuilding our website to facilitate ease of access to information about OAH and to provide assistance with navigating our processes; and rebuilding our Resource Center to facilitate ease of access for users.

Looking forward, our agenda for FY 2023 includes:

- Vigorously recruiting to fill vacant positions;
- In coordination with an external vendor, developing methodologies to determine appropriate staffing and salary levels and determining baseline levels;
- Expanding the eFiling Portal to permit electronic filing of cases and documents in all case types;
- Continuing to evaluate current policies and practices within the rubric of racial equity with the goal of encouraging equal access to hearings and equal justice to all;
- Publishing to the web a searchable database of final orders;
- Assessing courtroom equipment and determining options to maximize operations; and
- Assessing space needs and procuring additional space in anticipation of expansion of OAH staff.

I am confident that, by working together, OAH will achieve these goals, and we look forward to report on them in the future.

Introduction and History of OAH



Mission:

The D.C. Office of Administrative Hearings strives to enhance the quality of life in our city by providing residents with a fair, efficient, and effective system to manage and resolve administrative litigation arising under District of Columbia law.

Overview:

In 2002, the Council of the District of Columbia created OAH as an executive agency responsible for the adjudication of administrative cases within the District. Office of Administrative Hearings Establishment Act (“OAH Establishment Act”), D.C. Law 14-76, 48 D.C. Reg. 11442 (effective Mar. 6, 2002); D.C. Code § 2-1831.02.

OAH began formal operations in 2004. Today, the agency has 37 Administrative Law Judges (ALJs), including the Chief Administrative Law Judge (CALJ), who decide contested cases involving more than 30 District of Columbia agencies, boards, and commissions. In addition, OAH employs more than 60 other employees who provide critical support services ranging from customer service to data processing, case management, legal analysis, and operational support (such as human resources and information technology).

The OAH Establishment Act provides OAH with the authority to adjudicate disputes arising from a number of District agencies, and other matters not specifically covered through an inter-agency agreement or upon the approval of the CALJ. A current listing of the agencies OAH serves has been included within this Annual Report for reference.

OAH Jurisdiction

Mandated Under the OAH Establishment Act or by Statute:

Board of Appeals and Review (BAR)
Child and Family Services Agency (CFSA)
Department of Behavioral Health (DBH)
District of Columbia Housing Authority (DCHA)
Department of Consumer and Regulatory Affairs (DCRA)
Department of Employment Services (DOES)
Department of Energy and the Environment (DOEE)
Department of For Hire Vehicles (DFHV)
Department of Health (DOH)
Department of Housing and Community Development (DHCD)
Department of Health Care Finance (DHCF)
Department of Human Services (DHS)
Department of Public Works (DPW)
Department on Disability Services (DDS)
Department of Small & Local Business Development (DSLBD)
Department of Transportation (DDOT)
District of Columbia Public Schools (DCPS)
Fire and Emergency Medical Services (FEMS)
Metropolitan Police Department (MPD)
Office of Human Rights (OHR)
Office of Planning (OP)
Office of the Secretary (OS)
Office of the State Superintendent of Education (OSSE)
Office of Tax and Revenue (OTR)
Washington Metropolitan Area Transportation Authority (WMATA)
Office of Risk Management (ORM)

Covered via Memoranda of Understanding:

Office of the Attorney General – Child Support Services Division (CSSD)
Health Benefit Exchange (HBX)
Lottery and Charitable Games Control Board (DCLB)

Organizational Structure

OAH is divided into four divisions:

- 1) **Trials, Appeals and Judicial Management** implements the agency's pre-trial, adjudication, and mediation functions. The program is composed of the agency's ALJs, who are charged with ensuring and improving the quality, efficiency, and administration of justice.
- 2) **Agency Management and Operational Support** provides the administrative and operational support tools required to achieve programmatic results. The budget, human resources, contracting and procurement, and information technology support functions comprise this program, which is staffed with the Chief Operating Officer, Administrative Officer, Human Resources Specialist, a Program Analyst, and IT Specialists.
- 3) **Case Management and Judicial Support** provides efficient intake and distribution of cases; data entry; caseload reporting; maintenance of forms and documentation; and serves as the primary customer service interface. Program staff includes the Clerk of Court and staff that support the Clerk of Court function.
- 4) **Judicial Assistance and Legal Counsel** supports the ALJs' responsibility to ensure agency compliance with applicable case law, statutes, and rules by tracking relevant court cases and District and Federal legislative and regulatory initiatives. Legal Counsel also responds to FOIA requests and manages agency litigation.



The Administrative Law Judges

As of September 30, 2022, OAH had a total of 37 ALJs, including the CALJ, all of whom are listed on the next page.

Several ALJs, referred to as Principal ALJs (PALJs), assist the CALJ in case management across clusters of jurisdictions. The current PALJs (denoted by asterisks on the list) are:

- PALJ Paul Handy, Unemployment Insurance
- PALJ Nicholas Cobbs, Compensation
- PALJ Claudia Crichlow, Licensing & Enforcement
- PALJ Bennett Rushkoff, Public Benefits
- PALJ Vytas Vergeer, Rental Housing, School Discipline & Residency.

For more information on ALJ appointments and terms, see the OAH Establishment Act.

**OAH Administrative Law Judges
as of September 30, 2022**

	ALJ Name	Date of 1st Appointment	Length of Current Term (Years)	Current Term Expires
1	CALJ Currie, M. Colleen	9/6/2016	6	5/4/2027
2	Aderoju, Yewande	7/25/2016	6	7/25/2024
3	Alper, Jeremy	7/25/2016	6	7/25/2024
4	Alvarado, Allison	6/22/2022	2	6/22/2024
5	Bullock, Repunzelle	9/17/2018	6	9/17/2026
6	Campbell, Curt Jr.	1/4/2021	6	1/4/2029
7	Carroll, Deborah	6/12/2017	6	6/12/2025
8	Chandler, Cory	3/2/2020	6	3/2/2028
9	Cobbs, Nicholas*	8/29/2005	6	8/29/2023
10	Costa, Christopher	5/16/2018	6	5/16/2026
11	Crichlow, Claudia*	11/26/2007	6	11/26/2027
12	Cruz, Kimberley	4/12/2022	2	4/12/2024
13	Deal, Thomas	12/6/2021	2	12/6/2023
14	England, William Jr.	8/9/2004	6	8/9/2028
15	Gilmore, Jack	2/27/2022	2	2/27/2024
16	Goodie, Sharon	8/29/2005	6	8/29/2023
17	Gunn, Marissa	1/4/2021	6	1/4/2029
18	Hall, Jonathan	1/17/2021	6	1/17/2029
19	Handy, Paul*	7/26/2004	6	7/26/2028
20	Harvey, Scott	8/29/2005	6	11/15/2023
21	Hildum, Robert	7/25/2016	6	7/25/2024
22	Lederstein, Jason	8/30/2020	6	8/30/2028
23	Mangan, Margaret	1/22/2007	6	1/22/2027
24	Masulla, Mary	8/15/2005	6	8/15/2023
25	McBean, Maxine	1/7/2020	6	1/7/2028
26	McClendon, Samuel	11/27/2006	6	11/27/2026
27	McDonald, Calonette	3/22/2004	6	3/22/2028
28	Meek, Leslie	6/22/2014	6	6/22/2028
29	Newhouse, Millicent	1/4/2021	6	1/4/2029
30	Opkins, Nicole	12/6/2021	2	12/6/2023
31	Robinson, Angela	3/1/2022	2	3/1/2024
32	Rushkoff, Bennett*	7/25/2016	6	7/25/2024
33	Sharkey, Robert	3/22/2004	6	3/22/2028
34	Taylor, Alexis	6/12/2017	6	6/12/2025
35	Teal, Arabella	8/29/2005	6	11/15/2023
36	Vergeer, Vytas*	8/18/2014	6	8/18/2028
37	Weberman, Bernard	6/30/2014	6	6/30/2028

ALJ Performance Statistics

The OAH Establishment Act states the “annual report shall include performance evaluations and case statistics for each Administrative Law Judge from the filing of a case to disposition.”

At the conclusion of FY 2022, performance appraisals for all ALJs were completed for the first time since 2017. All ALJs received performance ratings of “Meets Expectations.”

Those ALJs who served as PALJs typically carry reduced caseloads to offset administrative duties. The chart on the following page reflects the number of cases assigned to each ALJ during FY 2022 and the number of cases disposed by each ALJ during the fiscal year. The data is derived from OAH’s eCourt case management system and does not include information regarding Department of For-Hire Vehicles (DFHV) Title 31 infractions, as those are processed and adjudicated using a separate Department of Motor Vehicles (DMV) case management system.

Cases Assigned and Disposed in FY22		
ALJ Name	Assigned	Disposed
CALJ Currie	52	41
Aderoju	164	81
Alper	383	359
Alvarado	11	6
Aniton	28	45
Bullock	315	326
Campbell	431	391
Carroll	372	361
Chandler	382	396
Cobbs*	119	127
Costa	227	248
Crichlow*	302	461
Cruz	103	68
Deal	163	137
England	156	135
Gilmore	161	99
Goodie	378	380
Gunn	251	257
Hall	395	292
Handy*	260	240
Harvey	348	331
Hildum	94	109
Howard	62	173
Lederstein	102	108
Mangan	172	168
Masulla	359	401
McBean	364	358
McClendon	349	388
McDonald	347	459
Meek	338	476
Newhouse	260	208
Opkins	127	112
Robinson	67	51
Rushkoff*	216	202
Sharkey	373	360
Taylor	387	389
Teal	567	549
Vergeer*	212	186
Weberman	557	491

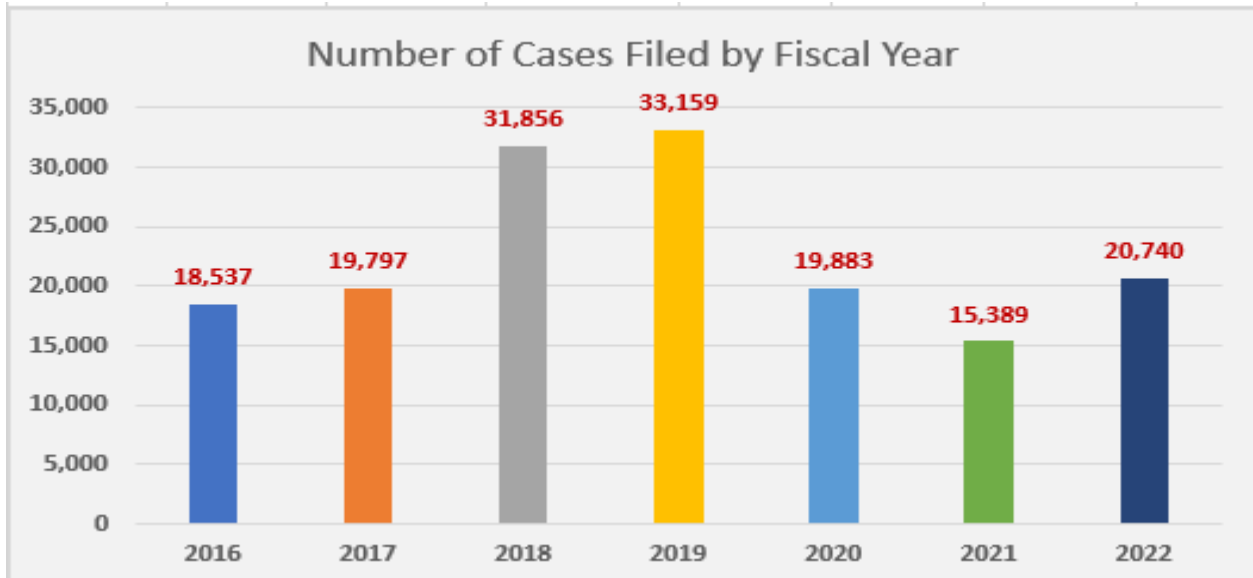
Caseload Information and Trends

In FY 2022, a total of 21,540 cases were filed with OAH and OAH closed 19,260 cases.

Agency	Cases Filed in FY 2022	Cases Closed in FY 2022
DBH	5	4
DCPS	164	162
DCRA	7,933 ¹	5,155
DDOT	210	231
DDS	12	11
DFHV	0	15
DHCD	137	111
DHCF	227	338
DHS-Public Benefits	1,264	1,308
DHS-SHEL	351	277
DOEE	213	211
DOES-OPFL	30	34
DOES-OWH	41	50
DOES-UI	1,979	2,688
DOH	879	581
DPW	7,859	7,815
DSLBD	3	3
FEMS	28	14
HBX	19	19
MPD	53	58
OAG	20	26
OP	28	33
ORM-PSWC	40	69
OSSE	13	9
OTR	30	37
OTS	1	1
OVSJG	1	0
Total	21,540	19,260

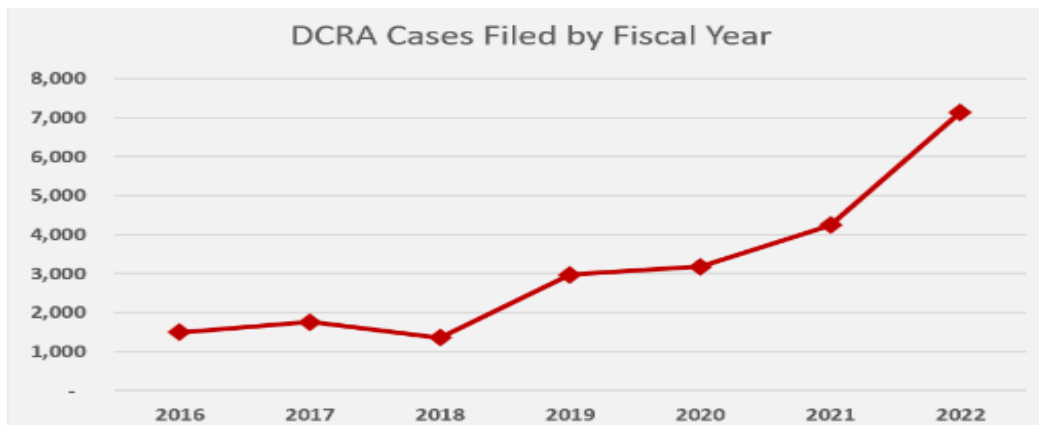
¹ DCRA filed with OAH thousands of Notices of Infractions at the end of FY 2022. OAH is still in process of entering these Notices of Infractions into its case management system. The number presented here is not the total amount of DCRA cases filed in FY 2022.

Total OAH Cases



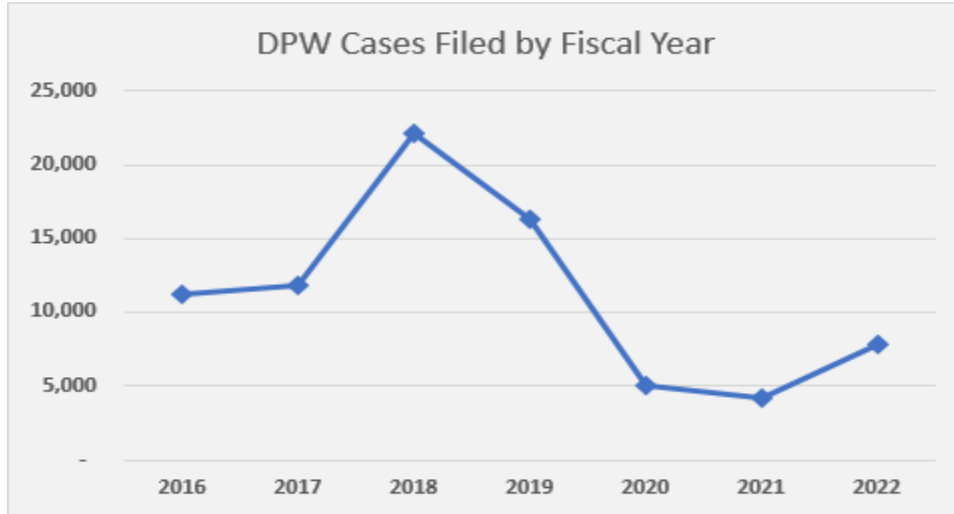
In FY 2022, OAH experienced a 35% increase in overall cases filed from FY 2021, with the highest caseloads coming from DCRA, DPW, DOES-UI, and DHS.

DCRA



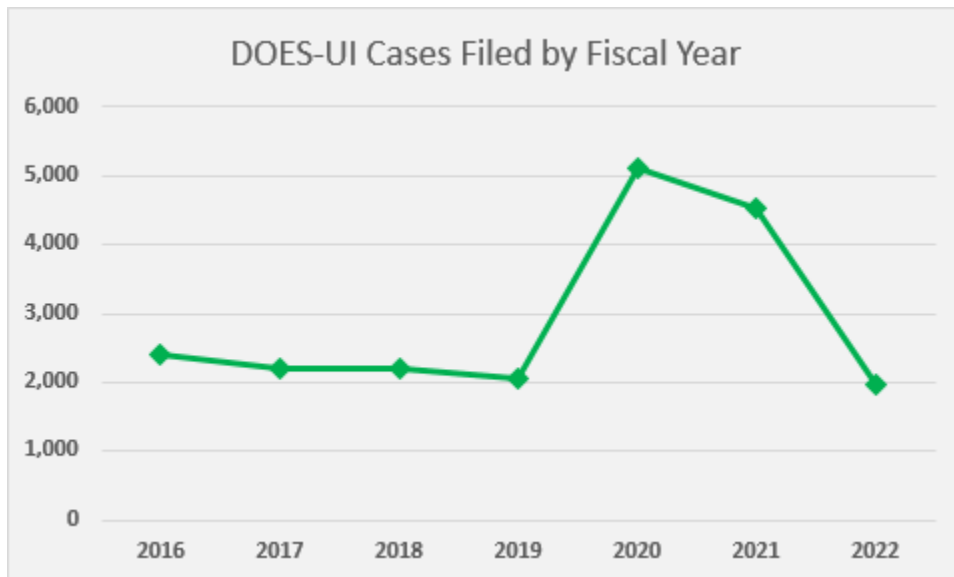
DCRA caseload increased 62% from FY 2021 to FY 2022. At the close of FY 2022, DCRA cases had more than doubled compared to their pre-pandemic amounts. DCRA caseload has shown a steady increase since FY 2018. With the recent split of DCRA at the start of FY 2023, OAH predicts this trend continuing through FY 2023.

DPW



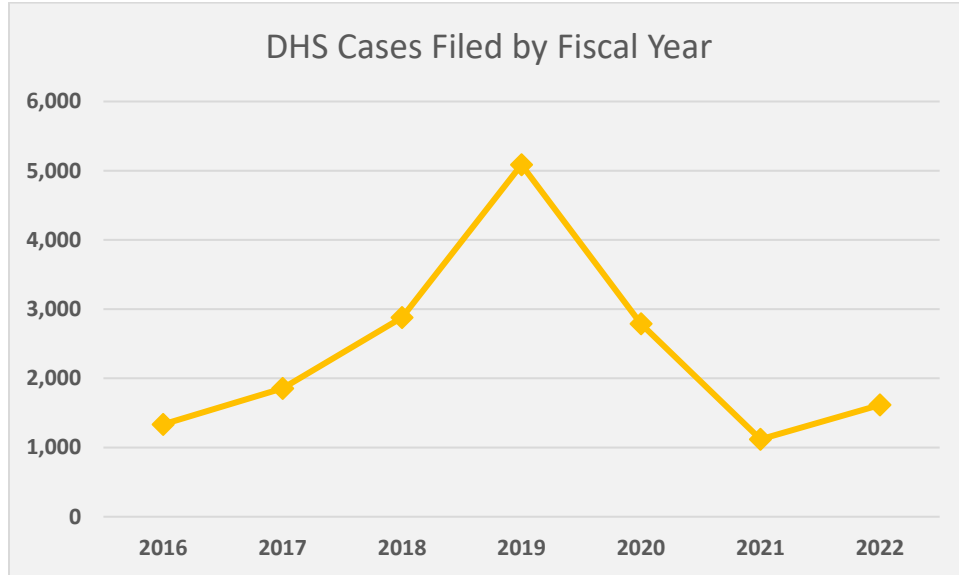
Between FY 2019 and FY 2020, DPW caseloads dipped by 69%, which was attributed to the public health emergency. However, recent case filings for FY 2022 have increased by 87% from FY 2021 as appeals and citations increased as the public health emergency leveled out and the District's moratorium on the issuance of notices of violation ended.

DOES – UI



During FY 2020, OAH experienced a 149% increase in DOES-UI cases, which can be attributed to the public health emergency. As the public health emergency leveled out, DOES-UI cases started to decline with a 56% decrease in case load from FY 2021 to FY 2022.

DHS



DHS cases peaked its highest in FY 2019 with a 281% increase in caseload from FY 2016. As the pandemic started in FY 2020, DHS cases saw a steady decrease as DHS did not enforce the removal or reduction of public benefits during the public health emergency. DHS had a 44% increase in case load from FY 2021 to FY 2022.