

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS

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ORDER

By virtue of the authority vested in me as the Interim Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), by Sections 8(a)(7) and 8(b)(12) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76, D.C. Official Code § 2-1831.05(a)(7) and (b)(12)), in accordance with the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, effective June 8, 2020, D.C. Act 23-328, the Public Health Emergency Authority Additional Extension Emergency Amendment Act of 2020, effective October 5, 2020, D.C. Act 23-411, and Mayor's Order 2020-103, dated October 7, 2020, it is hereby **ORDERED**:

OAH operations are adjusted as described below in accordance with the Mayor's Declarations of public emergency and public health emergency to address concerns regarding the spread of Coronavirus (COVID-19). OAH will make additional adjustments as circumstances warrant and in keeping with the Mayor's further instructions to DC Government agencies.

The following procedures are in effect through December 31, 2020:

I. Hearings

All in-person hearings are canceled until further notice. Remote telephone hearings, currently in use, will continue to be held onward for prioritized public benefits or unemployment insurance applicants/recipients where benefits or services have been denied, terminated, or reduced; and for certain enforcement and wage-hour cases. Remote telephone hearings for public sector workers' compensation cases will also continue to be heard in that manner. At the presiding Administrative Law Judge's discretion, video hearings may be scheduled on a case-by-case basis, balancing the equities of all parties, the nature of the proceedings, and the complexity of the evidence. Hearings for all other

Questions regarding your appeal during this period may be directed to (202) 442-9094 or

oah.filing@dc.gov.

case types will not be scheduled until further notice. In all cases in which an in-person or remote telephone hearing has been canceled, an order rescheduling the hearing will be sent to the parties.

II. 441 Fourth Street, NW, Suite 450N Closure

The Office of Administrative Hearings' office at 441 Fourth Street, NW, Suite 450N will continue to be closed to the public until further notice. Because the Mayor determined that all OAH operations should be performed remotely, only limited staff access to the building will be allowed. As discussed below, the court will still receive and consider all electronically filed documents and will receive and consider mailed and faxed documents at the expiration of the public emergency.

III. Suspension/Tolling/Extension of Filing Deadlines

All filing deadlines are suspended/tolled/extended for the duration of the public health emergency and for thirty calendar days following the end of the public health emergency for the following case types:

- Unemployment Insurance (DOES)
- General Assistance for Children (DHS)
- TANF (DHS)
- Interim Disability Assistance (DHS)
- Power on Work, Employment, and Responsibility (DHS)
- Shelter and services for homeless persons (DHS)
- Rental Assistance Programs (DHS)
- Child Care Subsidy Programs (OSSE)
- Burial Assistance (DHS)
- Low Income Home Energy Assistance Program (LIHEAP) (DOEE)
- Vocational Rehabilitation Services (DDS)
- Nursing Home Facility Resident Appeals (DOH)
- Mental Health Community Residence Facility Resident Appeals (DBH)
- Randolph-Sheppard Blind Vendor's Program (DDS)

- Attachment of a child support obligor's settlement funds on a personal injury or worker's compensation claim (OAG)
- Attachment and seizure of funds owned by child support obligors and held in financial institutions (OAG)
- Proposed denial, refusal to renew, or suspension of a driver's license and car registration of a child support obligor (OAG).

Filing deadlines in other case types may be suspended/tolled/extended by Order of the Chief Administrative Law Judge on a case-by-case basis. Upon the expiration of the public health emergency, the Chief Administrative Law Judge will issue an order ending the suspension/tolling/extension period and parties will have thirty calendar days to submit their filings. This applies to all deadlines associated with the filing of any hearing request, motion, exhibit, witness list, or any other written submission filed with OAH for the aforementioned case types.

IV. New filings

OAH can receive new filings by email, mail, and fax. However, electronic filing is strongly encouraged, as filing by mail or fax will result in delays. To file a document electronically with OAH, a party should email oah.filing@dc.gov. Except as provided in OAH Rule 2809.4, a document received during regular business hours, i.e., 9:00 a.m. to 5:00 p.m., on a business day will be filed that day. The filing date for a document received outside of normal business hours will be the next following regular business day. Any document filed by email must comply with OAH Rule 2841. In public benefits cases, as provided by OAH Rule 2971, a hearing may be requested by telephone as well. Requests should be made to 202-671-0055.

Note: As stated above, all filing deadlines for the specified cases in Section III are suspended/tolled/extended throughout the duration of the public health emergency and for thirty calendar days following the end of the public health emergency.

V. Requesting Reconsideration, a New Hearing, or Relief from a Final Order

The time an Administrative Law Judge has to rule on any motion requesting reconsideration, a new hearing, or relief from a final order is suspended/tolled/extended for the duration of the public health emergency and for thirty calendar days following the end of the public health emergency. Any motion requesting reconsideration, a new hearing, or relief from a final order to which an ALJ has not issued an applicable Order during this time period will not be deemed denied or denied by operation of law.

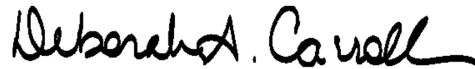
Please note that pursuant to DCCA Order issued on August 27, 2020, the District of Columbia Court of Appeals “is no longer suspending or tolling filing deadlines. Motions requesting extensions of time with respect to filing deadlines for motions, briefs, and other similar filings will be liberally granted consistent with the equities of the case.”

VI. Motions for Summary Disposition

OAH will continue to consider and decide cases based on the parties' briefs and motions for summary disposition. Electronic filing of briefs and motions for summary disposition is strongly encouraged, as filing by mail or fax will result in delays.

VII. Mediations

Since the last issuance, OAH has resumed mediations in some cases. Postponed mediations will continue to be scheduled or rescheduled accordingly by the presiding Administrative Law Judge for each case.



Deborah Carroll
Interim Chief Administrative Law Judge

10/9/2020

Date