

OFFICE OF ADMINISTRATIVE HEARINGS  
RESOURCE CENTER



# WHAT TO EXPECT AT A HEARING

District of Columbia Office of Administrative Hearings

One Judiciary Square  
441 4th Street NW  
Washington, DC 20001  
Phone: 202-442-9094  
Fax: 202-442-4789

<http://oah.dc.gov>





## **After the Hearing**

### **How do I find out the result of the hearing?**

The judge probably won't make a decision at the hearing itself. After the hearing, the judge will write a Final Order that contains the judge's decision. The Final Order will be mailed to you and the other parties involved in the case.

### **What can I do if I disagree with the Final Order?**

If you aren't satisfied with the result in the Final Order, you usually can do one of two things. First, you may file a Motion for Reconsideration of the judge's order. Second, you may file an appeal with the District of Columbia Court of Appeals (or some other appeals body, depending on the case). Read your final order carefully because each Final Order includes a description of where and how to file an appeal. There are strict time deadlines to file most appeals. Another OAH guide entitled "Understanding a Final Order" provides additional information.

## **Table of Contents**

Introduction .....	4
Requesting a Hearing.....	5
Before the Hearing.....	6
The Hearing .....	8
After the Hearing .....	10

## **Introduction**

### **What is the Office of Administrative Hearings (OAH)?**

OAH is an independent agency within the District of Columbia government which hears and decides appeals from many different DC agencies. If you disagree with the decision (such as a denial of benefits, a revocation of a license, or a Notice of Infraction) of a DC agency, you can file an appeal at OAH. OAH also accepts and processes payments when you do not dispute a decision made against you.

### **Who are the Administrative Law Judges?**

At OAH, an independent Administrative Law Judge will hear the evidence and make a decision. The judges are not employed by the agency that issued the original decision. The judges are appointed by an independent commission. OAH judges are all experienced attorneys with many years of practice and come from many different legal backgrounds. Biographies of each judge are available at <http://oah.dc.gov> and in print at OAH.

### **What is a hearing?**

A hearing at OAH is similar to a trial. A judge is in charge of the proceedings and gives each side a chance to present evidence and witness testimony. While the hearings may not be as formal as a trial, there are OAH Rules, available at <http://oah.dc.gov> and in print at OAH, which the judge applies.

### **Can I get an interpreter?**

If you communicate in a language other than spoken English and need an interpreter, OAH will provide one free of charge. Please inform OAH as soon as possible. If you are not sure if you need an interpreter, please request one anyway. Unfortunately, you cannot have a friend, family member, or another party in the case interpret for you.

tell your story. If you have an attorney or representative, that person will ask you questions. If you present witnesses on your behalf, you can ask them questions. The judge may also have questions for you or your witnesses.

After each witness tells his or her facts, the other party will have an opportunity to cross examine that witness. Cross examination allows you to ask questions which challenge or further explain the witness's testimony. Cross examination is NOT a chance to argue with the other side or give your own testimony.

When you are testifying, you may ask the judge to look at and "admit" your documents into the formal record of the case. The judge will need to make sure the documents are real and related to the case. The judge will also need to give the other side an opportunity to object to admitting the document.

The rules that govern hearings and evidence are contained in the OAH Rules, available at <http://oah.dc.gov> and in print at OAH. In a hearing at OAH, rules of evidence aren't as strict as they might be in other courts. The rules of evidence are designed to ensure that the hearing process is fair to all the parties.

### **What if I have a question during the hearing?**

If you don't understand something, ask the judge to explain it. The judges realize that some parties aren't attorneys, and they are used to answering questions. But always remember that the judge cannot give you advice on your case or help you present your evidence.

## **The Hearing**

### **Bring a photo ID with you.**

A photo ID is necessary in order to enter the government building where the hearings are held.

### **Plan to arrive early.**

The judges start the hearings on time. If you are late, you will miss some or all of the hearing. If you miss your hearing, you may automatically lose your case. Plan to arrive at least **15 minutes early**, in case you get lost or have trouble finding parking. The hearings are held in a building convenient to Metro bus and train service. OAH's address is located on the back of this guide.

### **Avoid arguing.**

The purpose of the hearing is to give the judge the facts, not to argue with the other side. Focus on presenting the facts of your case to the judge. Your case will be much more convincing if you stay calm and don't allow your emotions to cloud your testimony.

### **Why are there microphones?**

You will see microphones in the courtroom because all hearings are digitally recorded. When the hearing begins, the Judge will introduce the case and may discuss how the case started at OAH. The judge will ask the parties to state their names for the record. This is so any written transcript prepared later accurately reflects who is speaking.

### **How is the hearing run?**

The party with the burden of proof generally goes first and has the responsibility to prove his or her side. The party with the burden of proof is the party that has actually has to prove its case in order to win. That party will put on his or her entire case first—all the witnesses and document evidence.

The judge will swear in any witnesses, and then the witnesses will tell what they know. If you do not have an attorney, you can simply

## **Requesting a Hearing**

### **How do I ask for OAH to hear my case?**

You must request your hearing in writing. Your written request should include:

- (a) a short description of your dispute;
- (b) what you want the judge to do;
- (c) dates and other important facts;
- (d) a copy of the decision or ruling you're appealing; and
- (e) your full name and contact information.

OAH accepts documents for filing by US mail, fax or in person.

### **What happens next?**

After you ask for a hearing, OAH will mail you a Scheduling Order to the address you provide. A Scheduling Order is a written order from the Court that tells you the date and time of your hearing and what the hearing will cover. **NOTE:** In some cases, the agency whose decision you're appealing may be required to do an Administrative Review before you can have a hearing at OAH.

### **Do I have to go to my hearing?**

Yes. You **must** attend the hearing in person. If you don't, you could lose your case. In rare circumstances, such as scheduled surgery or a hearing in another court, you can request a new hearing by filing a written Motion for a Continuance. You must ask for a continuance **as soon as** you know about the conflict. OAH won't normally postpone a hearing for personal reasons or business appointments. Judges also usually won't accept last minute Motions for Continuance, unless you have an unforeseen, serious conflict outside of your control, such as a medical emergency.

### **Can I appear by telephone?**

In **rare** circumstances you may file a written Motion to Appear by Telephone at your hearing. OAH generally doesn't allow telephone hearings because it puts the person on the telephone (and the parties and judge in the courtroom) at a disadvantage. You must

show that coming to the hearing in person is a true hardship in order to be allowed to appear by phone.

### **How do I file a written motion with OAH?**

Before you file a Motion for Continuance or any other written motion, you must make a good-faith effort to contact the other side and ask for consent. You must say in your motion that you tried to make contact and whether or not consent was given. You must also always send all other parties in your case a copy of your motion.

### **What happens at a hearing?**

A hearing gives all parties an opportunity to tell their side of the story to the judge. To tell your story, you may testify and have witnesses testify for you. You may also ask the judge to look at documents, photographs or other physical evidence. You will also hear the evidence presented by the other side and have an opportunity to question the other side's witnesses. The judge will make sure that you understand the hearing process, and have the time you need to present your case.

## **Before the Hearing**

### **Do I need a lawyer?**

You're allowed – but not required – to have a lawyer at your hearing. If you don't have a lawyer, you may bring a representative who isn't a lawyer.

If you want a lawyer or representative, you must tell that person about the hearing date as soon as possible. If you cannot afford a lawyer, but still wish to have one, you may contact the OAH Clerk's Office or Resource Center. OAH has a list of organizations that may be able to provide representation for free or reduced rates. In certain circumstances, the OAH Resource Center may provide a referral at your request.

### **Practice telling your side of the story.**

You may always testify on your own behalf. Think of your testimony like a speech presenting the facts of your case. When it's your turn, the judge will allow you to tell your side of the case.

### **Can I bring witnesses?**

If other people have evidence directly relevant to the issues, you may ask them to come to the hearing and testify. If the witnesses aren't willing to come to the hearing, you may file a request for a subpoena. A subpoena is an order to require the witness to come and testify. You can also ask for a subpoena requiring the witness to bring documents. A judge will decide whether to issue the subpoena. If the judge signs a subpoena, you or a friend must give the subpoena to the witness.

In rental housing and unemployment insurance cases, you may be able to receive up to three subpoenas from the Clerk's Office without asking a judge for them.

### **Can I bring documents or other evidence?**

If you can have written documents, photographs, videos or other items that will help you to prove your case, you may ask the judge to look at them during the hearing and make them part of the formal record of the case. You may also ask the judge to watch or listen to a recording of the event.

You may also ask the judge to look at photographs. The photo must be a fair and accurate representation of the situation it reflects. **NOTE:** A photo that is still in your camera or telephone cannot be added to the record and therefore cannot be used by the judge.

### **Give your evidence and witness list to the other side.**

You must follow the directions in your Scheduling Order. Send copies of the evidence to the other side and to OAH **BEFORE** the hearing. Both sides must share their evidence and their witness lists before the hearing. This is so no one will be surprised by the evidence at the hearing. The judge may not allow you to present any evidence which you didn't show the other side before the hearing.