

MEETING MINUTES
ADVISORY COMMITTEE TO THE
DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS
March 22, 2018

[DRAFT]

Final meeting minutes (recorded minutes) will be published
on or before the next meeting date of the Advisory Committee

The Advisory Committee to the District of Columbia Office of Administrative Hearings (OAH) met on Thursday, March 22, 2018 at 4:00 p.m. in the BEGA Hearing Room, 441 4th Street NW, Washington, DC, 20001.

Attendance

Committee Members

Chair Betsy Cavendish, General Counsel to Mayor Muriel Bowser
Paul Wolfson
Mary Buckley
Eugene Adams
Sheryl Johnson for Wayne Turnage
Toni Jackson, Chief, Equity Section, Public Interest Division, Office of Attorney General

OAH Staff

Chief Administrative Law Judge (CALJ) Eugene Adams
Vanessa Natale, OAH General Counsel
Louis Neal, OAH Deputy General Counsel
ALJ Cobbs
ALJ England
ALJ Rooney
ALJ Tucker
ALJ Rushkoff
ALJ Little
ALJ Carroll

Call to Order

The meeting was called to order at 4:00 p.m. by Chair Betsy Cavendish.

Remarks of OAH CALJ Adams

Chief Adams:

- There are currently 3 ALJ vacancies. COST will interview 13 people on March 26th. The candidates will be on by the 3 voting members of The COST
- There were 41 Applicants for the position, some from the private sector
- Finishing up ALJ evaluations. Should start sending them out early next week
- Working on get Final Orders online. Now uploaded about 5,000. Most are DPW due to volume and lack of privacy issues. We are using a cloud based system.

Betsy Cavendish:

- Asked about jurisdiction by MOU

Chief Adams:

- Council accepted most of CCE's recommendations.

Sheryl Jackson:

- ACA requires an MOU

Chief Adams:

- Chairman Todd and staff very helpful. [Discussion regarding the history of MOU use at OAH, including the CCE report which discussed that MOUs make it appear that OAH could be improperly influenced by the paying agency.]
- Oversight hearing was in February; Mayor's Budget Hearing April 13

[4:23 pm Professor Alice Thomas arrived]

- Spring offensive. Re-energize the committees. Look at Court Rules. Standardizing templates

Betsy Cavendish:

- Jurisdictions going well?

Chief Adams:

- Yes, at the point where transfer requests come in. Would like to let people transfer but have to preserve brain power. We have some suggested tweaks to the UI Cluster. Carve out a subset for Workers Comp and Wage/Hour cases.

Betsy Cavendish:

- Any questions for the Chief?

Chief Adams:

- Thank you for your support. Please don't be shy and drop in. We are all committed to making it the best central panel.

Betsy Cavendish:

- Systemic Issues (computer systems), particularly human services matters (are the bugs fixed?); there were operational issues which caused a spike in cases on the front end resulting in benefits being cut (constitutional issues)

Vanessa Natale:

- People are getting notices of their benefits being cut when they did not received no notices because of filing requests for emergency hearing.
- There is a glitch in the DHS system. It is better, but still problematic. DHS has a resource issue – not enough people.

ALJ Little:

- Admin review allows the agency to resolve matters before adjudication; it is required by legislation, but Petitioner does not have to go.
- Agency and Petitioner should resolve the matter; Petitioner should still retain benefits, provided, they filed timely – so Petitioner is not without benefits.

ALJ Rushkoff:

- Admin review must be done within 15 days in Shelter cases. OAH hearing cannot happen before an admin review. Admin review takes about a month – puts OAH in a bad situation of not following the statutory scheme by not providing petitioner with their statutory rights.
- DHS should review shelter rules
- Shelter should not enforce rules not reviewed by DHS
- In such a situation where DHS has not reviewed a rule enforced by the Shelter, should OAH enforce the rule?

ALJ Little:

- Statements are sent regarding the rules, but they often have no signature and the agency reps do not come to the hearings.

ALJ Rushkoff:

- There are some obvious rules in the statutes.

Betsy Cavendish:

- What mechanisms are required of DHS? Did they approve the rules that the shelter is enforcing?

ALJ Little:

- Go forth with the hearing and ask for proof of an approved rule after the hearing.

Chief Adams:

- Various jurisdictions have meetings with the agencies.
- DHS only has three representatives per week to send to hearings
- OAH cannot get the number of hearings that we would like to have because of this
- And we cannot always get the messenger to carry back the message to the agency \
- Change cluster conversation every six weeks or so; Vanessa will research this issue with the judges and pass her finding on to the Chair.
- Director Bolling (not present); wanted to consider notice by email (service of process)

Betsy Cavendish:

- Is there any new business - systemic issues?
- Canvass the PB cluster about additional challenges – how do people get personal care assistance?
- Backlog of customers – but ability of agency is slowed because only so many people can certify

Cheryl Johnson:

- DHCF – Medicaid determinations
- Face to face interviews required; but problem with contractors doing it timely causing an extension in eligibility
- The problem stems from a lack of registered nurses; trying to fix
- Looking at amending the waiver applications
- Looking at allowing clinical social workers to do assessments

Betsy Cavendish: Any new business?

- Discussion regarding immigrants' justice – people not taking advantage of government access because of fear (of deportation, etc.); but no such issues at OAH

[ADDITIONAL COMMENTS – OUT OF SEQUENCE IN MINUTES]

ALJ England:

- Concerned about Notice of meeting of Advisory Committee
- Points out that email Notice not received by OAH personnel until this morning

- Requests earlier notice

Louis Neal:

- Acknowledged that email notice not sent to OAH personnel until this morning.
- Notes, however, that Notice was published in D.C. Register, OAH website and BEGA website last week.
- Agrees that, as a courtesy, it would not be a problem to email all OAH personnel at time notices published on public sites.

ALJ Rooney:

- Brought to the Committee's attention that today is OAH's official birthday.

Re-Introduction of Committee Memembers

Toni Jackson – OAG

Mary Buckley – Residents

Cheryl Johnson – for Wayne Turnage

Alice Thomas – Citizens

Paul Wolfson – Mayor

Adjournment

The meeting adjourned