



Washington State Office of Administrative Hearings

OAH Annual Report

Calendar Year 2021

Message from the Chief Administrative Law Judge

The services we provide at the Office of Administrative Hearings (OAH) play an important role in promoting public trust and confidence in Washington's government.

OAH is an executive branch state agency. Its mandate is to provide an independent administrative hearing when an individual or business disagrees with the action of a state agency. Many of you reading this report will be very familiar with OAH's work. For others, OAH's important work may be relatively invisible, taking place behind the scenes and out of the spotlight. Our purpose is to hear and independently resolve disputes between the public and state agencies with an impartial, quick, and easy to access process.

This year, we are issuing an annual report for the first time. This is part of an effort to increase transparency and understanding of the vital role OAH plays in the legal system. In this first edition of the OAH Annual Report, we share some basic information about OAH and our work. The report also covers how OAH has been resilient in coping with the challenges of a dynamic operating environment.

In some ways, it is more difficult to provide our core services than it ever has been. For OAH, the COVID-19 pandemic meant sudden growth of our workforce and a simultaneous near-total shift to remote working for employees, all while maintaining the same service level. This has been a huge effort.

I am very proud of the entire team. OAH has dedicated, hard-working employees who are deeply committed to carrying out our mission. This has allowed us to maintain and, in some ways, increase our level of public service. I am also thankful for the support of those we serve, who have been adaptive, patient, and understanding, even in the most trying of times.

I hope you find this report informative and helpful.
Best wishes for the year ahead!

Chief Administrative Law Judge Lorraine Lee



OAH Mission

To hear and independently resolve disputes between the public and state agencies with an impartial, quick, and easy to access process.



OAH History and Role

Washington’s public agencies make thousands of decisions that directly impact the lives and businesses of Washingtonians.

The basic purpose of an administrative hearing is to allow people to dispute a decision which impacts them, and have that dispute reviewed fairly by an impartial judge.

The Office of Administrative Hearings is an independent agency responsible for many, but not all, of the administrative hearings in Washington.¹

OAH was created as a “central panel” agency, meaning that it is an independent agency whose only function is to hear disputes of decisions from different agencies. The use of the central panel model has grown significantly since 1981 when OAH was created. Around 30 states now use a central panel to hold their administrative hearings.

¹ *Hearings are also held by the Board of Industrial Insurance Appeals, Department of Health, Department of Revenue, Department of Licensing, Board of Tax Appeals, Department of Retirement Systems, Utilities and Transportation Commission, Department of Corrections, Environmental and Land Use Hearings Office, Public Employment Relations Commission, and others.*

Purpose and Mandate

In the spring of 1979, the Washington State Bar Association’s Board of Governors appointed a special Administrative Law Task Force in response to allegations of unfairness in the administrative hearing process. The Task Force put forward a proposal for administrative hearing reform, which became House Bill (HB) 101 in the 1981 Legislative session.

The proposal was designed “to lend credibility, confidence and believability to the resolution of contested cases within the agencies of government.”² The bill was signed into law by Governor Spellman on April 25, 1981.

² *Report of Administrative Law Task Force, page 3.*

Examples of OAH Case Types:

- unemployment insurance
- public assistance benefits
- business licensing
- wage complaints
- cannabis regulation
- paid family and medical leave
- child support
- financial institution regulation
- student conduct violations
- special education
- Medicaid
- teacher discipline
- state trooper discipline
- whistleblower complaints



OAH Mandate

The general objectives of HB 101 were:

1. To create an open door, full disclosure policy with State Agency administrative hearings and decisions.
2. To increase the fairness, quality, uniformity, and consistency of the administrative hearing process.
3. To improve, simplify, and increase the accessibility of the administrative hearing process to the public.
4. To expedite and speed up the administrative hearing and decision process.
5. To reduce the cost of the administrative hearing process.
6. To improve the appearance of fairness in the entire administrative hearing process.³

Included among the bill's provisions was the specific mandate that "Hearings shall be conducted with the greatest degree of informality consistent with fairness and the nature of the proceeding." On July 1, 1982, OAH officially opened its doors.

³ WSBA Task Force letter to Governor John Spellman in support of the bill that created OAH, SHB 101. April 21, 1981.



Basic Structure and Dynamics of OAH

OAH's team currently includes about 275 employees, led by the agency director, Chief Administrative Law Judge Lorraine Lee. The workforce includes administrative law judges (ALJs), legal support professionals, customer service and other administrative staff.

Most of the team works remotely full time, but OAH has four physical facilities around the state: in Olympia, Tacoma, Seattle, and Spokane Valley.

Over the past several years, OAH has been shifting from a location-based organization to a caseload-based organizational structure. This has helped OAH to provide a more consistent experience. Regardless of which office holds the hearing, the processes are the same. This strategic shift to a more caseload-based structure was accelerated by the demands of the pandemic because OAH was forced to make a quick shift to a remote work model. This dynamic has allowed OAH to more easily allocate team assignments based on business needs rather than geographical considerations.



Administrative Law Judge Tom Rowan teleworking

OAH has four division chief administrative law judges who serve as the leaders for each of the caseloads OAH operates. Four legal administrative managers lead the professional support staff operations for each of the caseloads. A customer service manager leads a centralized call center within OAH's headquarters team. See the [OAH Organization Chart](#) for more on OAH's structure.

Caseloads

Since 2014, OAH has handled work from 67 agencies and organizations. The work ranges from large agencies referring tens of thousands of cases per year, to small agencies who might only use OAH one time. The referring agencies are largely executive branch agencies (49), but OAH also handles cases for local governments (17) and the Legislative Ethics Board. The 49 executive branch agencies that have referred cases to OAH recently are in all sectors: general government (11), community and economic development (1), education (21), environment and natural resources (4), health and human services (8), and transportation (4). In calendar year 2021, OAH received cases from 30 different agencies, for 141 different programs.

For management and judge assignment purposes, OAH groups the caseload types into four categories: Unemployment Insurance, Social and Health Services, Regulatory, and Office of the Superintendent of Public Instruction (OSPI).

Not all OAH work is alike. In addition to the vast differences between various programs, there are different procedures required to handle the different types of cases. For some programs, OAH holds a hearing and issues an initial administrative order. For others, OAH issues a final administrative order. For still others, an OAH ALJ presides over the hearing, but the order is issued by the referring agency. OAH conducts mediations for some programs. More rarely, an OAH ALJ is assigned as the review judge, when the referring agency needs a decision reviewed by someone other than the agency director.

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Key Workload Statistics

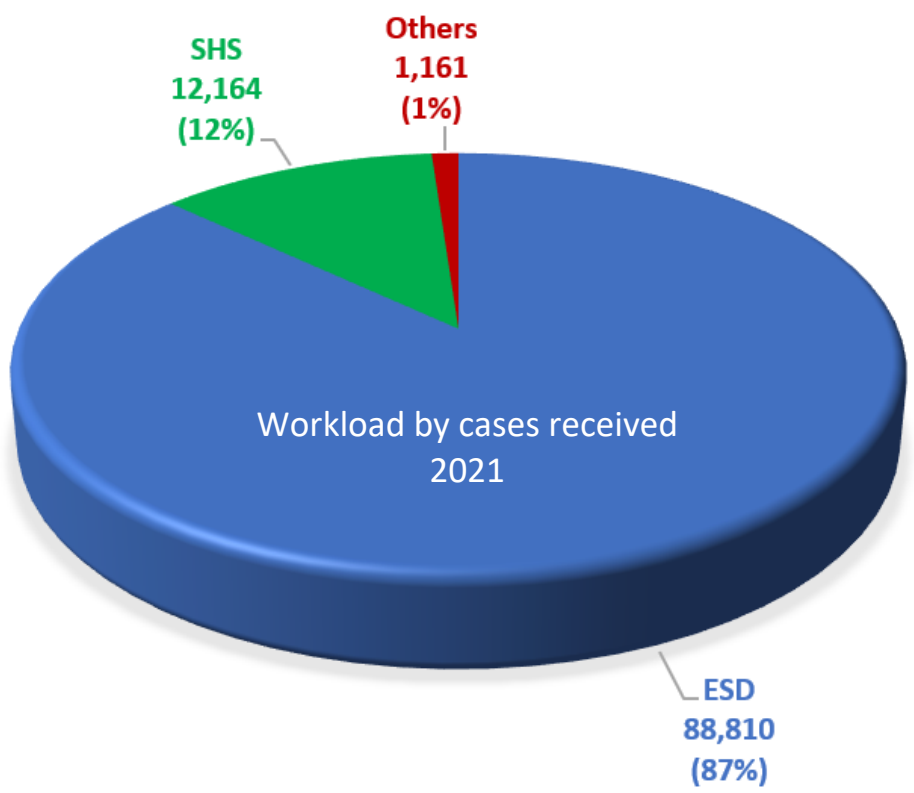
OAH received 102,134 cases and closed 88,686 cases in calendar year 2021. Both are records, far more than any other year in OAH's history. The big numbers were driven by a historic surge in unemployment insurance appeals related to the pandemic. Following are some details.



| OAH Workload CY 2020 vs. CY 2021 | Received | | Closed | |
|---|---------------|----------------|---------------|---------------|
| | CY 2020 | CY 2021 | CY 2020 | CY 2021 |
| Employment Security Department (ESD) | 60,584 | 88,810 | 35,790 | 74,861 |
| DSHS Division of Child Support (DCS) | 6,980 | 6,698 | 7,310 | 7,082 |
| Health Care Authority (HCA) | 2,412 | 2,239 | 2,605 | 2,064 |
| DSHS Public Assistance (PA) | 2,591 | 2,155 | 2,599 | 2,186 |
| Department of Children, Youth, and Families (DCYF) | 1,069 | 850 | 1,049 | 894 |
| Office of the Superintendent of Public Instruction (OSPI) | 262 | 255 | 258 | 257 |
| DSHS Licensing (LIC) | 233 | 222 | 263 | 238 |
| Paid Family and Medical Leave (PFML) | 156 | 215 | 100 | 242 |
| Department of Transportation (TOLL) | 247 | 181 | 250 | 206 |
| Department of Labor and Industries (LI) | 337 | 166 | 284 | 257 |
| Liquor and Cannabis Board (LCB) | 74 | 114 | 94 | 116 |
| Office of the Insurance Commissioner (INS) | 68 | 95 | 21 | 148 |
| Washington State University (WSU) | 18 | 28 | 12 | 21 |
| Department of Fish and Wildlife (DFW) | 43 | 24 | 29 | 24 |
| Gambling Commission (GMB) | 23 | 21 | 15 | 27 |
| Department of Financial Institutions (DFI) | 34 | 15 | 33 | 19 |
| Department of Licensing (DOL) | 6 | 12 | 9 | 10 |
| Office of Minority and Women's Business Enterprises (OMWBE) | 4 | 6 | 4 | 7 |
| Attorney General's Office (AGO) | 4 | 4 | 4 | 3 |
| Colleges (CLG) | 1 | 4 | 1 | 1 |
| Government - County and Local (GOV) | 12 | 4 | 10 | 7 |
| Washington State Patrol (WSP) | 9 | 4 | 11 | 3 |
| Department of Agriculture (AGR) | 1 | 3 | 1 | 3 |
| Lottery Commission (LTY) | 3 | 3 | 5 | 3 |
| Department of Archaeology and Historic Preservation (AHP) | 2 | 1 | 1 | 2 |
| Department of Health (DOH) | - | 1 | - | - |
| Department of Transportation (DOT) | 6 | 1 | 3 | 3 |
| Energy Facility Site Evaluation Council (EFSEC) | - | 1 | - | - |
| Legislative Ethics Board (LEB) | - | 1 | - | 1 |
| Washington Student Achievement Council (WSAC) | - | 1 | 1 | 1 |
| Human Rights Commission (HRC) | 1 | - | 1 | - |
| Workforce Training and Education Coordinating Board (WTECB) | 1 | - | 1 | - |
| Office of Financial Management (OFM) | - | - | 1 | - |
| TOTALS | 75,181 | 102,134 | 50,765 | 88,686 |

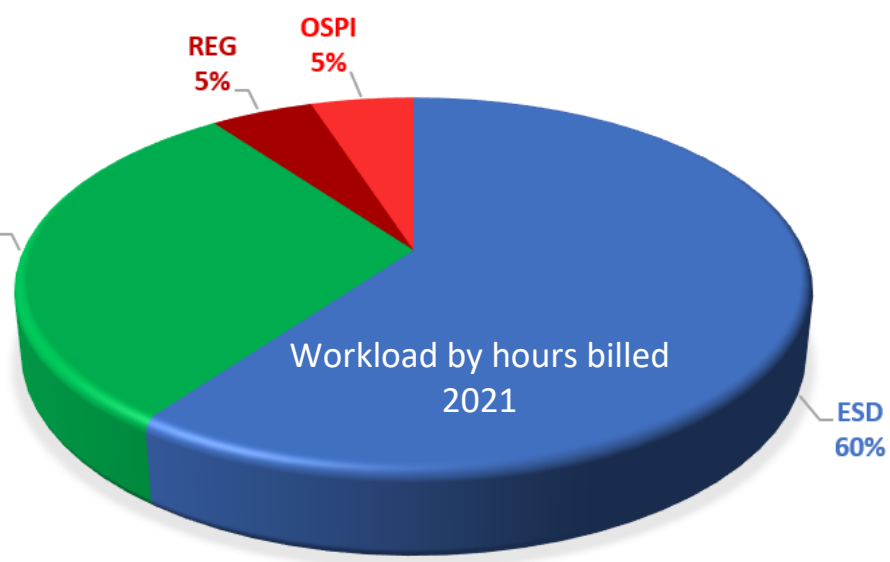
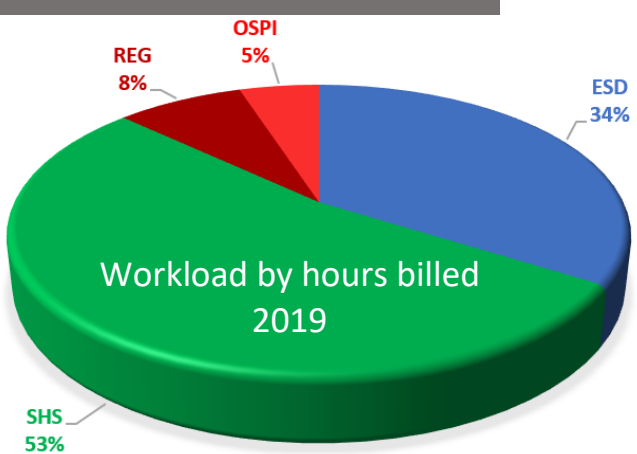
Workload Distribution

This chart shows the distribution of OAH workload by the number of cases received in calendar year 2021. However, some case types require far more hours than others. While unemployment insurance cases were 87% of volume by sheer case numbers, they accounted for only 60% of the billable hours worked by ALJs and legal support staff.



ESD: Employment Security Department
SHS: Social & Health Services (includes Department of Social and Health Services; Health Care Authority and Department of Children; Youth, and Family)
Others: Regulatory and Office of Superintendent of Public Instruction

The charts below show the workload distribution by number of hours billed in 2019, the most recent pre-pandemic year, and 2021.

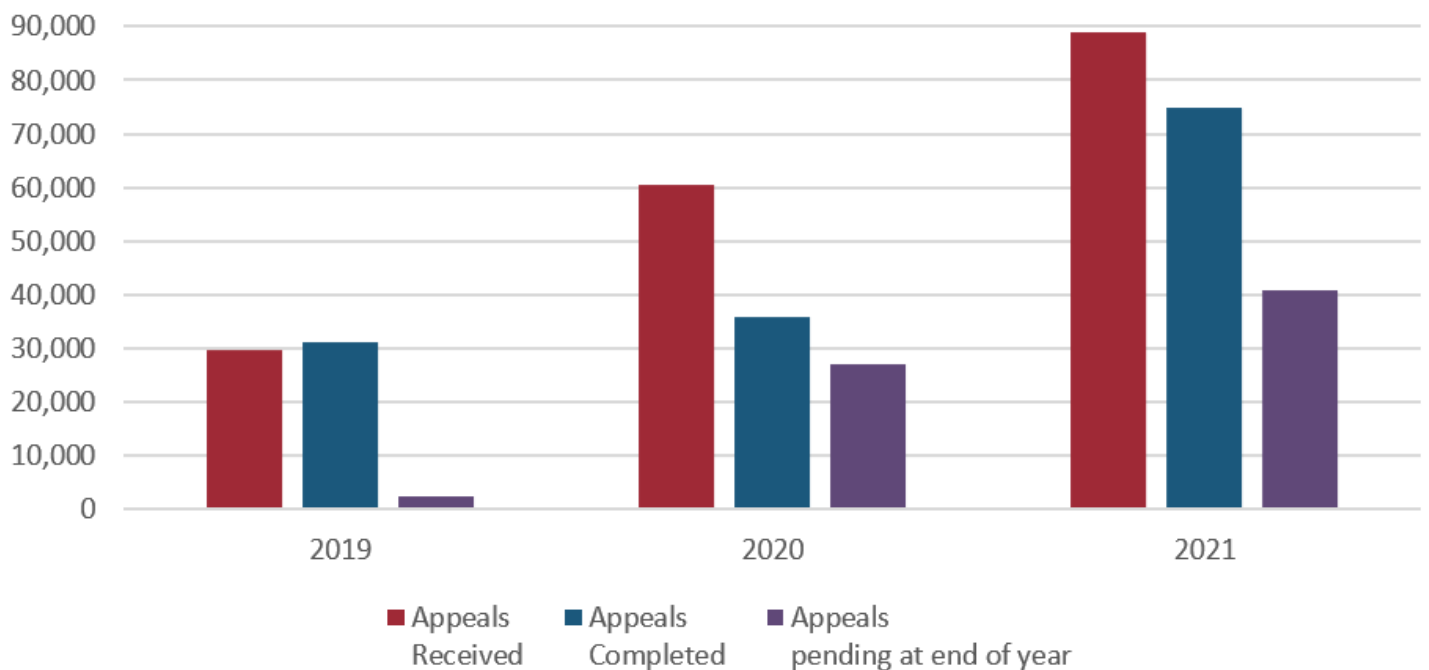


Unemployment Insurance Caseload

The pandemic has caused a historic and unprecedented surge in unemployment insurance (UI) appeals from the Employment Security Department. The sudden increase in the numbers of unemployed people was the main driver of this wave of appeals. The addition of new federal programs to expand and extend the scope of benefits acted as a multiplier, further increasing volume and complexity.

The following table shows the comparison of pre-pandemic UI dynamics with current UI dynamics.

Unemployment Insurance Appeals by the Numbers



You can keep up to date with the status of UI appeals at OAH on our [Unemployment Appeals Dashboard](#).

Unemployment Insurance Caseload

Significant staffing increases and a long list of process improvements have allowed OAH to handle far more appeals than ever before. Unfortunately, the volume and rate of appeals have still outpaced our capacity to provide speedy hearings to all those who are waiting.

OAH’s call center team has provided responsive customer service throughout the pandemic, serving as a key source of timely information for claimants and employers alike.

In addition to our staffing and process improvement efforts, OAH continues to explore innovative solutions to address the backlog, including rule changes to reduce the amount of time people are waiting for their UI hearing.

Performance Measures Reported to the Office of Financial Management

OAH’s case management system and database allow for meaningful reporting on how quickly ALJs’ orders are published after the hearing is held. In mid-2021, OAH revised the performance measures

it reports to the Office of Financial Management. We also added a measure to report on the quality of work from our customer service team. Here are the performance results for calendar year 2021.

| Performance Measure | Target | Calendar Quarter | Result |
|--|--------|------------------|-------------------|
| Case Quality Percentage of randomly selected cases meeting or exceeding agency quality standards for all hearings and decisions. | 98% | 1 | 96% |
| | | 2 | 94% |
| | | 3 | 98% |
| | | 4 | Not yet available |
| Order Timeliness Percentage of all orders issued on time. | 95% | 1 | 95% |
| | | 2 | 96% |
| | | 3 | 96% |
| | | 4 | 95% |
| Customer Service Quality Percentage of customer calls resolved without transferring caller. | 95% | 1 | 99% |
| | | 2 | 99% |
| | | 3 | 99% |
| | | 4 | 99% |



Laura Sanchez
Bilingual Call Center Supervisor


Recognition from Governor Inslee

The OAH Call Center team was recognized by Governor Jay Inslee and received letters from him. “I have been informed that since the start of the pandemic, call volumes have increased to record levels, with no month

having fewer than 5,000 calls.” He continued, “You have been resilient to the pressure – continuing to provide excellent customer service, especially to a number of desperate and frustrated callers. I am particularly impressed with your ability to innovate in these stressful conditions, suggesting process improvements and taking the initiative where possible to provide a better level of service to both internal and external customers.”

You have my gratitude and respect for your outstanding efforts. It is an honor to work with dedicated and hard-working OAH employees. You have not only persevered through the challenges of this past year, but you have also gone above and beyond to provide the kind of service Washingtonians deserve.

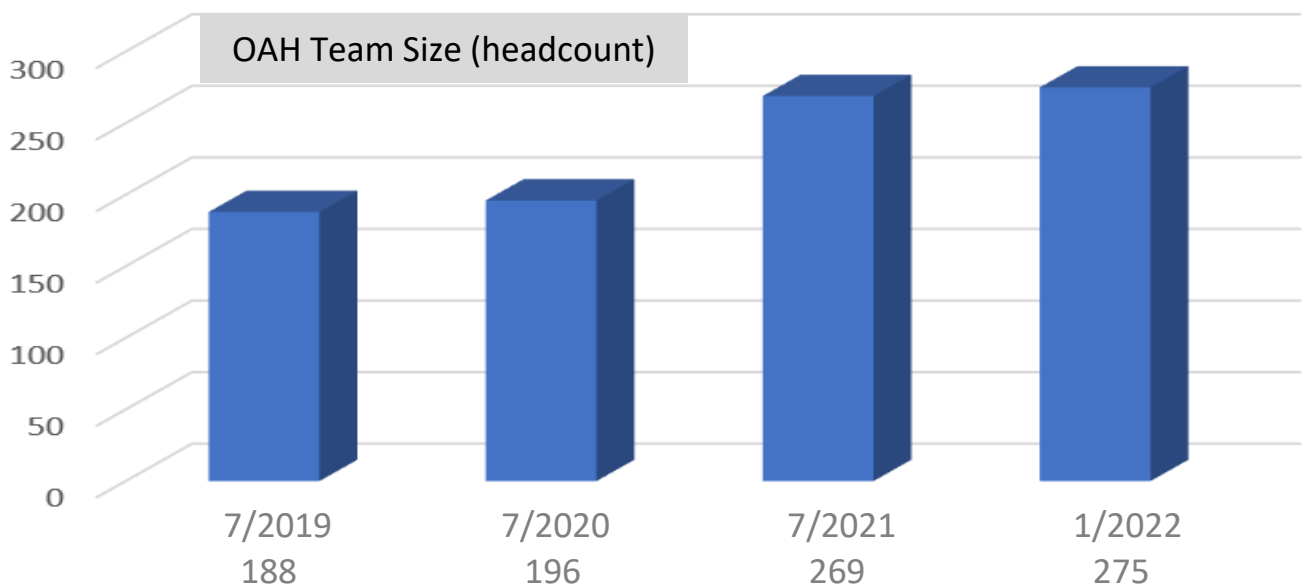
Very truly yours,



Jay Inslee
Governor

Expansion of Workforce

OAH has expanded its workforce dramatically in response to the pandemic and the record high wave of unemployment insurance appeals. This steady march of hiring and training has increased the OAH team by nearly 50% since the start of the pandemic.



Expansion of Workforce

Although many of the new hires are in temporary positions, this fast growth and the prevalence of remote work has created new challenges for our managers, trainers, and administrative staff. To meet these challenges, OAH has added some key administrative positions since the beginning of the pandemic, including:

- Diversity, Equity, & Inclusion Manager and Language Access Coordinator (*Dec 2021*)
- Training & Development Coordinator (*June 2020*)
- Management Analyst, Project Management Team (*April 2021*)

New Operational Committees

OAH's rapid growth has also prompted us to put some key agency-wide internal standing committees in place, to better support our employees and operations:

- Diversity, Equity, Inclusion, and Respect Committee (*est. calendar year 2020*)
- Ethics Advisory Committee (*est. calendar year 2020*)
- Writing Style Committee (*est. calendar year 2021*)
- Training Program Steering Committee (*est. calendar year 2021*)

Stellar Study

In 2018, the Legislature provided funding for an independent [review of OAH's fee structure, billing methodology, productivity, and organizational structure](#). Stellar Associates, LLC, completed the study in 2019 and made 63 recommendations on actionable ways to improve overall agency performance. Generally, the recommendations fall into five areas:

- Processes and Operations
- Employees, Training, and Performance Measures
- Organizational Structure, and Roles and Responsibilities
- External Stakeholder Relations
- Billing, Rate Setting, Funding, and Productivity Assumptions

By the end of calendar year 2021, OAH had fully completed 19 of the recommendations and made significant progress on many more of the long-term recommendations.

OAH team members have been busy with projects in calendar year 2021:

Key Strategic Projects

Videoconference hearings

A project to develop training materials and test processes to support secure videoconference hearings as an alternative to in-person hearings was completed.

Spanish UI hearings pilot

OAH is currently piloting Spanish-language hearings where all parties' primary language is Spanish. OAH assigns a bilingual ALJ to conduct the hearing in Spanish. The response from participants has been very positive. The pilot is expected to be completed in March 2022.

Printing operations consolidation

OAH's work is moving from paper processes to electronic ones. OAH has begun a project to consolidate printing, mailing, and paper intake operations from four locations to two locations. This project must be coordinated with re-structuring of our facility footprint and is not expected to be fully completed until after 2022.

Order summaries

To help parties more easily understand OAH's written decisions, UI orders will include new plain language order summaries on the first page. This project is expected to be completed in February 2022.

LEP interviews and research

This project will identify potential barriers faced by Limited English Proficiency (LEP) parties in navigating the OAH hearing process. We are focusing on OAH's three most common LEP languages: Spanish, Vietnamese, and Amharic. The research and interview stage is expected to be completed in mid-2022.



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OAH has been on a long technology journey, updating foundational systems over the past several years, including:

- Moving to a leased equipment model, with up-to-date laptop computers for all employees.
- Building a single case management system and database to manage all OAH cases.
- Launching portals for referring agencies and case participants to access their case information online. The portals allow them to see case documents and file documents electronically. The last portal went live on April 20, 2020.
- Implementing automated hearing reminders for case participants; they can choose to receive reminders via text or email.

The Information Technology architecture built over the last several years allowed OAH to quickly transition more than 90% of its operations to full-time remote work in the spring of 2020 when the pandemic hit.



New Case Types

Some new caseloads and programs were added to OAH's workload in calendar year 2021. The new work includes:

- Presiding over DCYF hearings to determine whether parents with a founded finding of abuse or neglect may obtain a certificate of parental improvement. OAH received the first of these cases in calendar year 2021. [2SHB 1645](#) from the 2020 legislative session.
- Presiding over DSHS hearings to determine whether incarcerated parents qualify for an abatement of child support payments. OAH received more than 900 of these cases in calendar year 2021. [SHB 2302](#) from the 2020 legislative session.
- OAH also took on new work for the Washington State Board of Health, the State of Washington Energy Facility Site Evaluation Council, and The Evergreen State College.
- Working with the Washington State Board for Community and Technical Colleges, OAH added ten technical and community colleges to its referring agencies.



Significant Legislation

In 2021, [E2SSB 5051](#) amended OAH's enabling legislation to specify that OAH ALJs preside over decertification hearings conducted by the Washington State Criminal Justice Training Commission. The revised statutory language clarifies that the assigned ALJ must have subject matter expertise. This is new work for OAH and is expected to begin in 2022.



In 2020, [SHB 2017](#) granted collective bargaining rights to most of OAH's administrative law judges. The judges then formed a union affiliated with the Washington Federation of State Employees. OAH entered into a collective bargaining agreement with the union, effective July 1, 2021.



Strategic Plan for 2021-2026

In August 2021, we published our [new 5-year strategic plan](#).

It is remarkable how much the world and operating environment have changed since OAH developed the last plan in 2016. Some of what OAH will be doing in the next five years includes:

- Redoubling efforts to ensure equitable access to OAH services
- Focusing on language access
- Re-assessing facility needs, considering substantially increased remote working
- Continuing to expand use and usefulness of our customer portals

We have updated our mission statement, vision statement, goal areas and clarified our core values. For example:

Diversity, Equity, Inclusion & Respect

- **Serve Our Communities Equitably**
- **Demonstrate Empathy**
- **Treat All People Respectfully**
- **Thrive on Diverse Voices**

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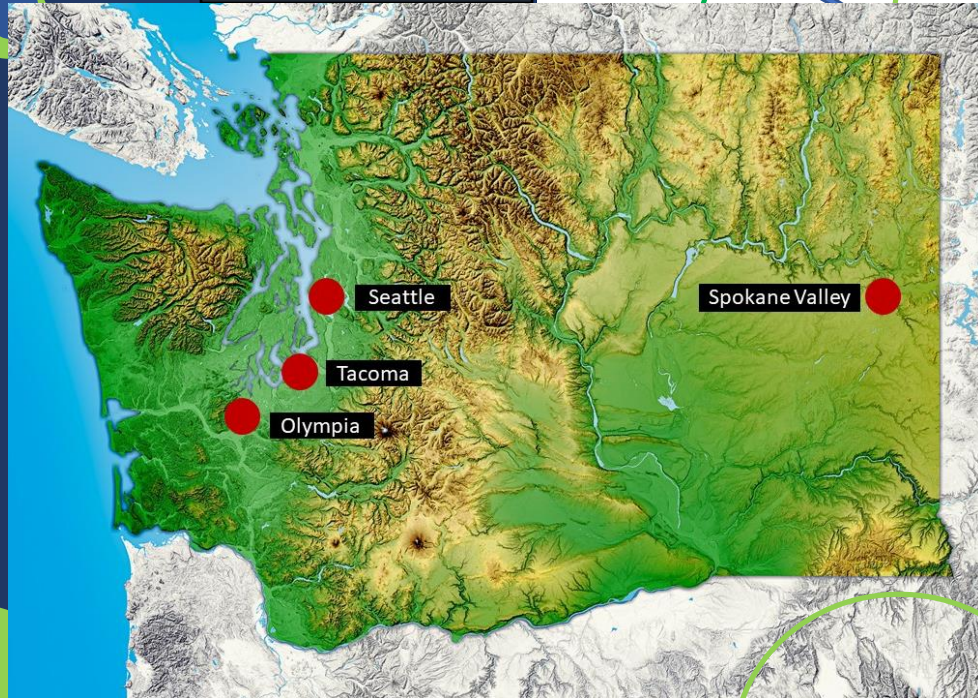
[Mission Statement](#)

[Vision Statement](#)

[Core Values](#)



OAH Office Locations



Conclusion

This report highlights how OAH's workload has grown and how our employees have been resilient in responding to the challenges of a dynamic environment. Agility and innovation have been key to our ability to adapt and we will build on the successes and lessons learned. We will continually strive to meet the OAH mission so that all people of Washington can meaningfully participate in their hearings and understand the result.

Contact Information

For more information, visit our website at oah.wa.gov or call us at 800-583-8271.

If you would like to be on our email list for news and updates, please send your request to publicinfo@oah.wa.gov or give us a call at 800-583-8271.