

**Office of Administrative Hearings**  
**Annual Report For Fiscal Year 2006**

**Wyoming Quality of Life Result:**

Wyoming State Government is a responsible steward of State assets and effectively responds to the needs of residents and guests.

**Department/Division/Program:**

The Office of Administrative Hearings (OAH) is a separate operating agency with no separate departments, divisions or programs.

**Contribution to Wyoming Quality of Life:**

This agency contributes to the Wyoming quality of life by presiding over administrative hearings and assuring due process in disputes between Wyoming's residents or guests and state agencies.

The OAH acts as a responsible steward of State assets by fairly deciding many different types of disputes over Wyoming's benefit programs. Examples include workers' compensation benefits, food stamps and other welfare benefits, nursing home waiver benefits, game and fish damage claims, and state employee's group insurance benefits among many other types of benefit cases.

Conversely, the OAH also decides disputes regarding actions taken by state agencies against its residents and guests. Hearings are conducted by the OAH for driver's license citations, OSHA citations, state employee personnel disciplinary actions, child and adult abuse central registry determinations, professional licensing boards' disciplinary and licensure actions and others as referred by state agencies.

The OAH strives to provide a timely and fair hearing process in response to requests for hearings from Wyoming's residents and guests in disputes with state agencies. The OAH also strongly encourages alternative dispute resolution such as mediation and arbitration to resolve disputes. OAH decisions that are both high in quality and done in a timely fashion contribute to the state's overall prosperity by enhancing relationships between Wyoming's residents or guests and their state government.

**Basic Facts:**

The OAH employs three full-time Hearing Examiners, six part-time Hearing Examiners and four support staff. The current OAH biennial budget is \$1,915,970. The OAH budget is not funded by general funds, but instead is funded 55 percent by the Department of Employment and 45 percent by the Department of Transportation. The OAH is statutorily mandated to provide contested case hearing services for these two agencies and their caseloads are the OAH's two largest caseloads.

*Office of Administrative Hearings*

The sole function of the OAH is to conduct contested case hearings statewide in disputes between Wyoming's residents or guests and state governmental agencies. The OAH is uniquely situated to act as an independent, impartial hearing authority because it is a separate operating agency with no agency interest in the substantive issues presented in any of the cases it hears. The parties are therefore assured a neutral process that will favor neither side.

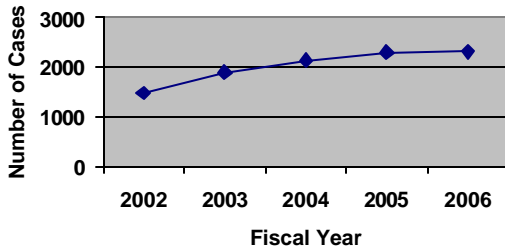
The OAH is only statutorily required to hear contested cases for the Department of Employment and for the Department of Transportation because these two agencies provide our funding. However, the OAH also has statutory authority to hear any dispute between any other state agency/board and the public that is served by that state agency/board. The five categories of cases where the OAH receives contested case referrals across the entire State of Wyoming follow:

1. Most Workers' Compensation disputed cases for the Department of Employment in accordance with W.S. 27-14-602 and most Small Claims Workers' Compensation disputed cases, where the amount in controversy is less than \$2,000 and compensability of the injury is not an issue, for the Department of Employment according to W.S. 27-14-602(b)(i).
2. All Driver's License actions involving suspension, restriction or cancellation of driving privileges for the Department of Transportation pursuant to W.S. 31-7-105.
3. Any other state agency or board dispute where a request is made for the OAH to provide hearing services pursuant to the authority granted to the OAH by W.S. 9-2-2202(b). Various state boards and agencies such as the Board of Nursing, the Board of Psychology, the Board of Architects, the Board of Radiology, the Board of Physical Therapy, the Board of Professional Engineers, The Office of State Lands and Investments, the OSHA Division of the Department of Employment and the Department of Revenue have all requested and received OAH hearing services. The OAH also currently hears all Department of Health Medicaid Waiver disputes and all Department of Family Services' cases concerning entitlement to welfare benefits and abuse/neglect central registry cases pursuant to a memorandum of understanding.
4. All disciplinary suspension, dismissal or reduction in force appeals involving a permanent state employee where the parties are unable to agree on a presiding officer for all state agencies according to W.S. 9-2-1019(a).
5. Mediation and arbitration services are also being requested by agencies such as the Department of Employment and the Game and Fish Department.

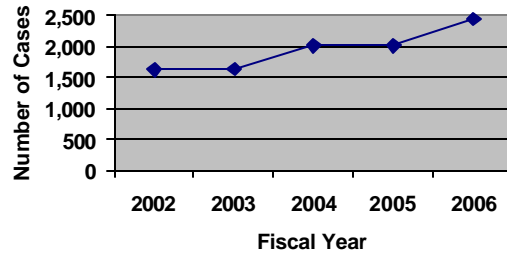
Every Wyoming resident or guest is a potential OAH customer.

**Performance:**

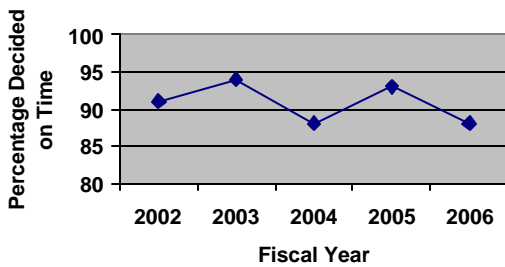
**Cases Received by OAH**



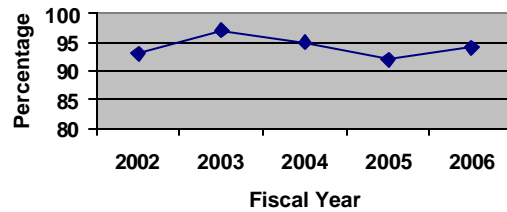
**Cases Closed by OAH**



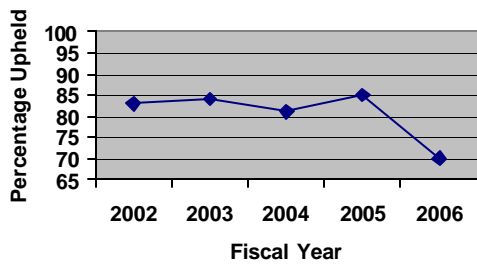
**Timeliness of OAH Decisions**



**Fairness of OAH Process From Surveys**



**OAH Decisions Upheld on Appeal**



**Story Behind the Last Year of Performance:**

The OAH's cases received during Fiscal Year 2006 increased by 0.4 percent, but did not increase as much as projected. The OAH has no control over how many cases are referred each fiscal year by State Agencies. Caseloads are affected by varying factors that are significantly different for every State Agency. The Director did conduct training for the Attorney General's Office and for various Boards and Commissions that may have impacted the number of improper case referrals.

The number of cases closed by the OAH increased when we projected it would remain the same as last year. Since our received cases did not increase significantly as projected, additional time was available to dedicate to closing more cases and the OAH was able to focus on the backlog of pending cases. The OAH closed 26 percent more Driver's License cases and 21 percent more Workers' Compensation cases in Fiscal Year 2006 than in the previous year. Overall, 22 percent more cases were closed in Fiscal Year 2006 than in Fiscal Year 2005.

The timeliness of OAH decisions again suffered as projected and dropped to 88 percent for Fiscal Year 2006 from 93 percent in Fiscal Year 2005. It should be noted that 100 percent of the OAH's All Other cases and Small Claims cases were decided on time. Ninety percent of the OAH's Driver's License cases were decided timely. Workers' Compensation cases were decided on time in 84 percent of the cases closed during Fiscal Year 2006.

The fairness rating obtained from annual surveys rose to 94 percent during Fiscal Year 2006. The OAH has again been successful in giving parties fair and impartial hearings.

Although 98 percent of the OAH's closed cases were not appealed, the percentage of OAH decisions that were appealed and affirmed dropped to 70 percent during Fiscal Year 2006. The OAH was unable to maintain the appeal rating above 80 percent as has been accomplished in past years. A part of this decline may be attributed to both the turnover and poor performance of two contract Hearing Examiners during the past few years.

### **What has been Accomplished?**

The OAH's greatest accomplishment during Fiscal Year 2006 was to significantly increase its number of cases closed by 22 percent. While the backlog of cases pending before the OAH remains large, this accomplishment goes a long way to reduce that backlog. This statistic reflects the hard work and dedication of all those employed by the OAH.

The OAH reorganized and redistributed its caseloads among contractors during Fiscal Year 2006 in an effort to improve our timeliness. The OAH management again worked closely with all Hearing Examiners to improve the number of cases decided in a timely manner. The management also realizes that a more active role in monitoring timeliness is required. The OAH also replaced a contract Hearing Examiner, hired a new contract Hearing Examiner along with a new full-time Hearing Examiner to help increase our timeliness rating in the future.

Another significant accomplishment by the OAH was the increase of its fairness rating to 94 percent despite its heavy caseload.

*Office of Administrative Hearings*

The OAH plans to improve upon our declining appeal rating of 70 percent by retaining and hiring only well-qualified and highly educated Hearing Examiners. All new Hearing Examiners that have been hired are extremely competent, reliable and of high caliber. Another accomplishment toward improving our appeal rating is that one of the contract Hearing Examiners attended training at the National Judicial College in the spring of 2006. The OAH is considering sending more contractors for additional training. The OAH will continue to provide training during Hearing Examiner meetings that are held twice each year.

**Supplemental Budget Implications:**

The OAH will not submit a supplemental budget request for Budget Fiscal Year 2007.