

The Office of Administrative Hearings



“OAH”



OAH's History

- In the late 1980s, a Task Force was formed to address widespread concerns as to the fairness, effectiveness and excessive costs of each State agency conducting its own hearings.
- Prior to 1990, various State agencies employed 85 full-time and 5 contractual hearing examiners to conduct administrative hearings.
- OAH was created as a centralized agency to conduct administrative hearings on January 1, 1990.

OAH Mission Statement

To provide prompt, accessible and efficient due process for any person or business affected by the action or proposed action of State and government agencies.

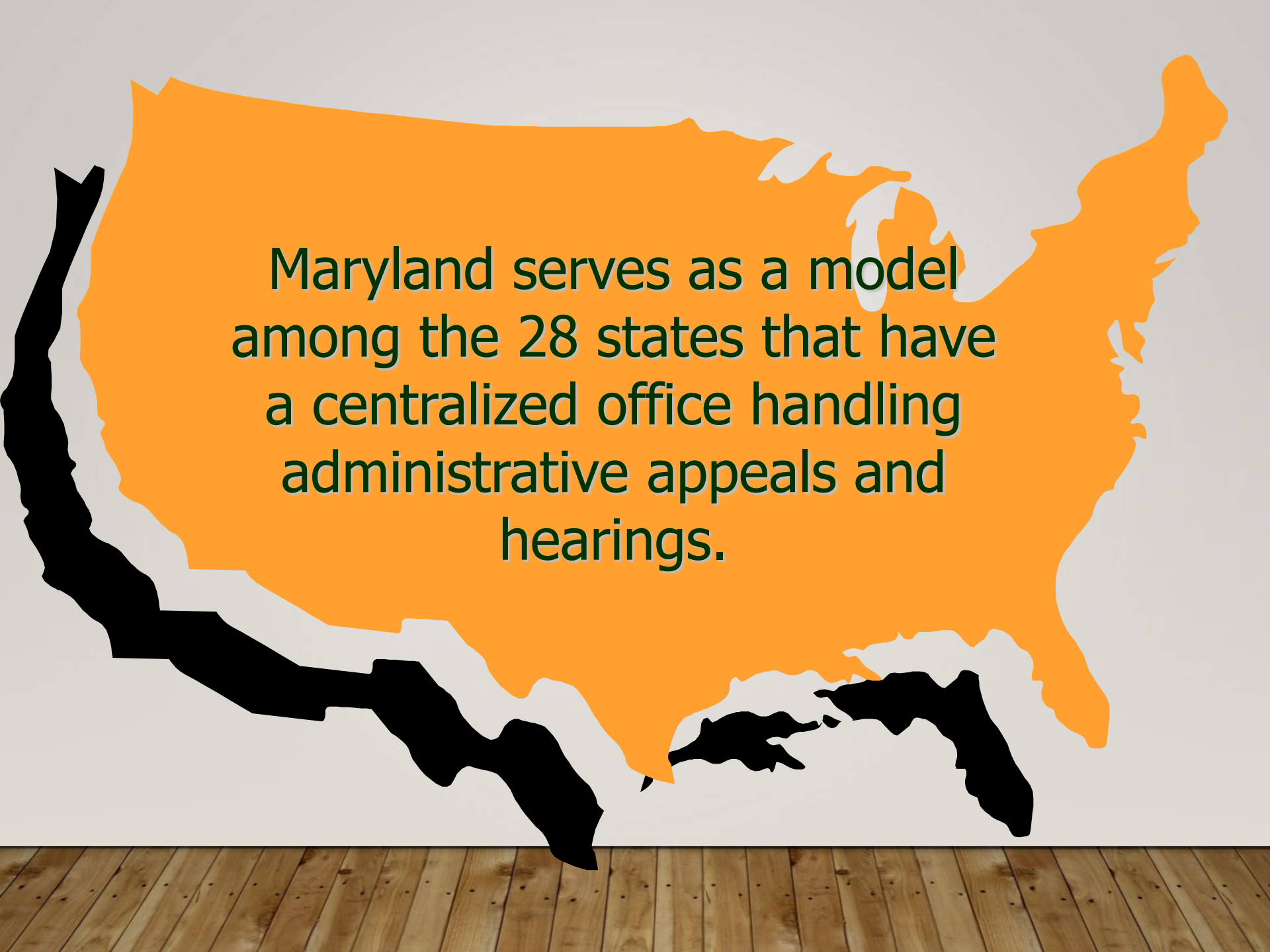


OAH Value Statement

- At the Office of Administrative Hearings, we are committed to upholding the highest standards of justice, fairness, and impartiality. Our goal is to provide a transparent and efficient platform for resolving administrative disputes, ensuring that all parties are heard and treated with respect. We strive to foster a culture of integrity and excellence, guided by the principles of due process and the rule of law.

OAH Core Values

- **Integrity:** We are dedicated to acting in a manner that merits the trust of Maryland citizens, stakeholders, and fellow employees.
- **Fairness:** We are committed to providing fair and unbiased hearings.
- **Access to Justice:** We are dedicated to providing accessible and timely resolution of cases.
- **Efficiency:** We strive to enhance the efficiency of the administrative hearing process, without compromising the quality of justice.
- **Accountability:** We hold ourselves accountable to the highest ethical standards, ensuring that our actions and decisions are transparent and legally sound.
- **Diversity and Inclusion:** We celebrate and value diversity in all its forms. We recognize that a diverse and inclusive environment strengthens our ability to understand and address the unique needs of the communities we serve.



Maryland serves as a model
among the 28 states that have
a centralized office handling
administrative appeals and
hearings.

Quality Assurance Division

- Provides initial and ongoing ALJ training, as required by Section 9-1604(a) of the State Government Article
- Creates and maintains resources to aid ALJs in the hearing and decision writing processes
- Supervises staff attorneys, paralegal, librarian, and management associate
- Maintains OAH online decision portal and library accessible to the public
- In conjunction with Operations Division, periodically reviews hearing notices, OAH website, and other forms and templates for readability and accessibility, and revises where appropriate

ALJ Training

- Initial training is approximately 10-12 months
- Training on holding an effective contested case hearing and writing an effective decision
- Emphasis on using plain language in oral and written communication so both the hearing and the decision are accessible
- In core subject matters, new ALJs receive overviews on the statutes, regulations, and case law that govern the subject matter
- After the overview, new ALJs have opportunity to observe hearings conducted by experienced ALJs, then conduct hearings while being observed by experienced ALJs

ALJ Training

- OAH provides continuing legal education in the form of monthly training sessions on topics in administrative law and relevant substantive areas of the law – in house presentations and presentations from representatives of fellow State agencies and other stakeholders
- All substantive written product is subject to 2-step review process – (i) peer/subject matter specialist review and (ii) proofreading review

OAH Decisions

BENCH DECISIONS

- Motor Vehicle Administration (MVA)
- Involuntary Admission (IVA)
- Clinical Review Panel (CRP) Appeals
- Patient Bill of Rights (PBR)
- Developmental Disabilities Administration (DDA)

WRITTEN DECISIONS

- Proposed Decision
- Final Decision
- Written decisions issued in all other case types

Content of Decisions

- Statement of the Case
- Issues
- Summary of the Evidence
- Findings of Fact
- Discussion
- Conclusions of Law
- Order/Proposed Order
- Review Rights/Right to File Exceptions

How do cases arrive at OAH?

- Agency delegation
- Statutory delegation
- Agency MOU on a case-by-case basis
- Under the Administrative Procedure Act, the OAH applies the delegating agency's pre-existing, settled policies. State Gov't § 10-214

DOT	MVA	THRS	MBP	SPMS
MDH	MHBE	IVA	DHS	CAN
MSDE	DHCD	DPSCS	IGO	CCU
DNR	LABOR	HIC	REC	MOSH
OAG	CPD	MDE	MBE	CCR
MSP	WLA	MPAA	MIA	RPS



OAH Procedural Regulations

COMAR 28.02.01

OAH Rules of Procedures

- Party Representation – 28.02.01.08
- Powers and Duties of ALJs – 28.02.01.11
- Motions – 28.02.01.12
- Postponements – 28.02.01.16
- Remote/Hybrid Proceedings – 28.02.01.20
- Evidence/Burden of Proof – 28.02.01.21

Operations Division

- Monitors timeliness
- Supervises ALJs, administrative aides, and the Clerk's Office
- Makes case assignments to distribute workload fairly and avoid backlogs
- In conjunction with Quality Assurance evaluates all ALJs

Administrative Law Judge (ALJ)

- 55 at present
- Members of the Maryland bar
- Trained Mediators
- Extensive years of legal experience
- Vast range of backgrounds - from large and small law firms, from state's attorney/public defender's office, from State agencies
- From throughout Maryland
- Subject to the Code of Judicial Conduct for Administrative Law Judges, modeled on the Judicial Code of Ethics

Alternative Dispute Resolution

- In compliance with Maryland Rule 17-104, all ALJs have completed the initial 40-hour mediation training course and receive the required annual continuing mediation training.
- In Fiscal Year 2023, OAH conducted 740 mediations/settlement conferences (e.g., Special Education, Foreclosures, Patient Bill of Rights, Health Care Matters, Environment, and other cases)

OAH Workload



Fiscal Year 2022: 29,712

Fiscal Year 2023: 33,931

OAH Partnership & Collaboration with other entities

- Maryland Tax Court in promulgating new rules to conduct remote or hybrid hearings during COVID
- Department of LABOR
 - Unemployment Insurance identify fraud cases (2,614 cases)
 - Family Medical Leave Insurance regarding process and procedures for the appeal process
- Maryland District Court by sharing our ALJ training and ALJ evaluation approaches

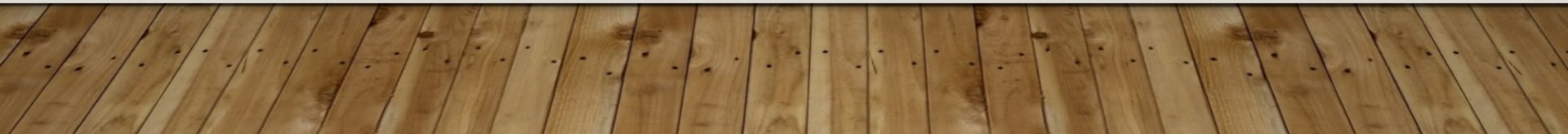
OAH WORKLOAD

In FY 2023 OAH

- Received a favorable audit with no findings from the Office of Legislative Audits
- Accomplished a timeliness rate of approximately 99.75% for the issuance of written decisions
- Successfully resolved 46% of the special education cases during mediation sessions
- Conducted in-depth monthly ALJ training sessions
- Appointed and trained six new Administrative Law Judges
- Ensured that no backlog of cases developed



OAH Headquarters in Hunt Valley



Maryland



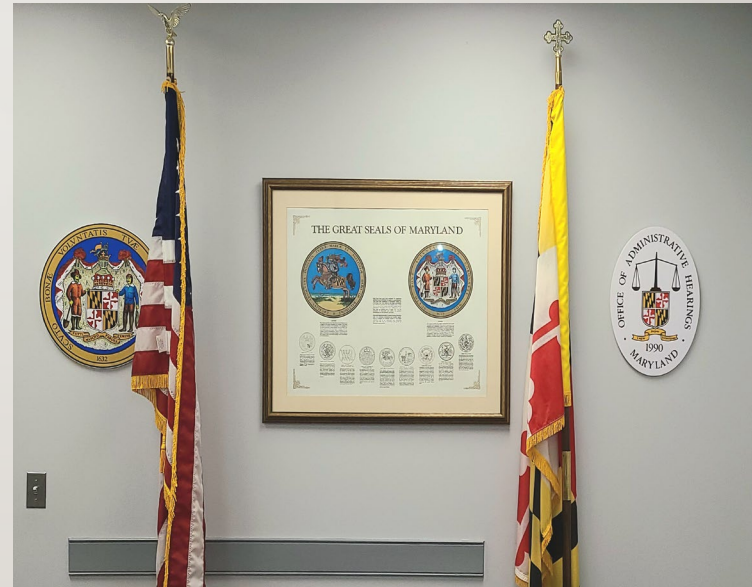
OFFICE OF ADMINISTRATIVE HEARINGS





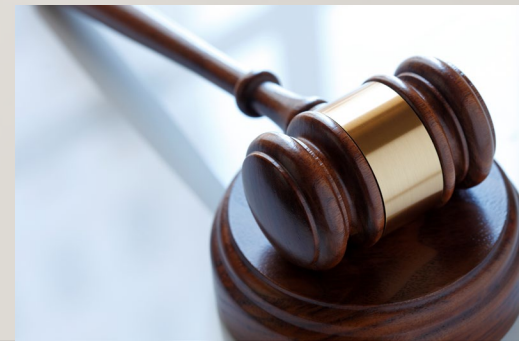
Other Hearing Locations

- Satellite offices in Salisbury and Rockville
 - Government facilities, such as courthouses and agency offices
 - Nursing facilities
 - Other dedicated hearing space throughout the State
- Remote Hearings via Webex



Case Type Examples

- Motor Vehicle Administration License Suspensions & Revocations
- Involuntary Admissions to Psychiatric Hospitals and Forced Medication
- Social Service Entitlement Appeals, e.g. Food Stamps and Medical Assistance
- State Employee Discipline, Termination & Grievance
- Caregiver's Appeal of Inclusion on Central Registry of Child Abusers and Neglectors
- Civil Rights Commission, i.e. Discrimination in Employment & Housing
- Special Education Disputes (FAPE, IDEA, LRE) – mediations and due process hearings
- Discipline of Physicians and other Licensed Health Professionals
- Environmental Appeals
- Insurance Disputes



MSP Handgun Cases

PRE-BRUEN

- Appeals of Handgun Permit (HGP) denials
- Evaluated in some cases under “good and substantial reason” standard
- Also considered an appellant’s criminal history or whether appellant displays “propensity” for violence

POST-BRUEN & 4TH CIRCUIT DECISION

- Under *Bruen*, “good and substantial reason” deemed unconstitutional
- For cases pending when *Bruen* was issued, OAH developed guidance for the ALJs to give parties the opportunity to address *Bruen* before decision was issued
- MSP still sends cases if HGP denial turns on criminal history/propensity for violence
- Currently in holding pattern pending 4th Circuit *en banc* proceedings in *Maryland Shall Issue, Inc. v. Moore*

WALTER LOMAX ACT (WLA) - EXONEREE COMPENSATION

From July 1, 2021 – January 8, 2024

- Number of cases received – 37 cases
 - Supplemental Compensation – 5 cases
 - Eligibility Petitions - 32
- Number of decisions issued – 28 decisions issued
- Number withdrawn – 3 cases

Medical Marijuana and Cannabis Licensing Cases

MEDICAL MARIJUANA

1/1/2017-1/8/2024

- Number of cases received – 10
- Number of decisions issued – 7
- Number of cases withdrawn/settled/cancelled - 3

CANNABIS CASES

- The OAH has not received cases under the new law passed in 2023.

Maryland Police Accountability Act

ALJ Training

- ALJs received the required two (2)-day in-person training from the Maryland Police Training and Standards Commission.
- ALJs receive on-going training to improve the procedural processes.

MPAA Statistics

- To date the OAH has received 26 requests from various law enforcement agencies.
- Seven (7) matters were either settled or rescinded before hearing

Representation at OAH Hearings

- Assistant Public Defenders
- Private Attorneys
- Assistant Attorneys General
- Self-represented Individuals
- Union representatives
- Agency employees
- Incarcerated Individuals

After Covid

- A wide variety of hearings are held remotely via the Webex videoconferencing platform or in-person.
- If a party prefers a different format, they can request a change (from remote to in-person, or from in-person to remote), by filing a request following the instructions provided on the OAH website.

Access to Justice

Remote Hearings – COMAR 28.02.01.20

- Require less travel for all hearing participants & less time off from work for the appellants
- Decrease FTAs in MVA & Public Assistance hearings
- Increase writing time for ALJs
- Bench decisions are sent via email
- Hearing notices contain meeting room number & telephone number

Change Hearing format – Good Cause Standard

- Form available on OAH website

Accommodations

- OAH includes a form with all hearing notices that provides easy-to-follow instructions.
 - Ad Astra & Language Line Interpreters
 - Assistive Technology
 - Google Translate on OAH website to translate in 105 languages.

Agency wide training on accommodations with the Maryland Department of Disabilities.

IT MODERNIZATION INITIATIVES

- E-Filing - Development of a secure online portal to allow appellants to file requests for hearings electronically.
- Cybersecurity - Strengthening defenses to bolster OAH's cybersecurity posture.
- Hybrid and Virtual Hearings - Enhancing capabilities for hybrid and virtual hearings to facilitate better access to justice.
- Accessibility to Decisions - Improving public access to issued decisions for increased transparency.
- Regular Website review to update and improve ease of use.

ALJS WHO WERE APPOINTED IN 2022 & 2023



ANY QUESTIONS?