

Office of Administrative Hearings

❖ *Mission and philosophy*

The Office of Administrative Hearings is a separate operating agency created by WYO. STAT. ANN. 9-2-2201. The office is statutorily charged with providing impartial hearing services to state agencies. The mission of the office is to serve as a professional, independent and impartial hearing authority in administrative contested cases and to encourage and facilitate agreed resolution of all contested cases referred to the office.

❖ *Results of outcomes*

Overall there were decreases in both cases referred and closed during FY00 as the following chart illustrates:

| | Fiscal Year 2000 | | Fiscal Year 1999 | | Fiscal Year 1998 | |
|-----------------------|------------------|--------|------------------|--------|------------------|--------|
| | Referred | Closed | Referred | Closed | Referred | Closed |
| All Other | 35 | 48 | 90 | 93 | 129 | 134 |
| Driver's License | 524 | 592 | 809 | 804 | 723 | 707 |
| Personnel Appeal | 6 | 7 | 14 | 15 | 6 | 3 |
| Small Claims | 35 | 30 | 61 | 61 | 46 | 58 |
| Workers' Compensation | 653 | 636 | 789 | 729 | 705 | 791 |

The office is statutorily required to hear most workers' compensation benefits cases and all actions involving restriction, suspension or cancellation of driving privileges. For these services, the office is funded from Workers' Compensation and Highway Funds, resulting in no reversions to the general fund.

WYO. STAT. ANN. 9-2-2202 provided that the office could furnish hearing services to other state agencies. It also provided that the costs of such services would be paid by the requesting agency. Additionally, the office is statutorily required to hear personnel appeal cases where the parties are unable to agree on a presiding officer. Previously the B-11 process was utilized to recognize both the expenses and revenues associated with hearings conducted on behalf of other state agencies. In the 1999-2000 biennium this expense organization became a part of the standard budget. This expense organization is a clearing account.

| Programs/Expense Orgs. | Current Biennial Appropriation | Previous Biennial Appropriation | Reversions |
|------------------------|--------------------------------|---------------------------------|------------|
| 0201 Administration | \$1,443,623.00 | \$1,382,583.00 | |
| 0202 All Other | \$74,762.00 | \$75,000.00 | |

General information

Larry M. Donovan, Director

Agency contact

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Office of Administrative Hearings
Cheyenne, WY 82002-0270

Other locations

Casper, Gillette, Powell, Riverton, Rock Springs, Sheridan

Year established and reorganized

1987, 1992

Statutory references

Wyo. Stat. Ann. 9-2-2201 through 9-2-2203

Number of authorized personnel

Seven full-time, six part-time (under contract)

Organizational structure

No divisions or sections

Clients served

Various state agencies required by law to provide formal hearings, primarily the Department of Employment and the Department of Transportation

Budget information

Total \$663,721

Goal 1, Outcome 1.01

Surveys of attorneys who had participated in driver's license and workers' compensation hearings in FY00 were distributed. No surveys were distributed in the all other or personnel appeal cases categories.

In the area of the office's ability to provide parties and attorneys a dispute resolution process that at least 80 percent perceive to be fair and impartial, the office received an overall approval rating of 87.6 percent (88.1 percent in the driver's license area and 87.1 percent for workers' compensation cases). This approval rating represents a decrease in the overall approval rating from the previous fiscal year.

The same surveys were used to obtain data regarding the office's ability to provide parties and attorneys a hearing process that at least 80 percent perceive to be expeditious and efficient. A 95.6 percent overall approval rating was received (97.6 percent in the driver's license area and 93.6 percent for workers' compensation cases). This rating represents a 0.6 percent decrease in the overall approval rating from the previous fiscal year.

Goal 1, Outcome 2.01

During the fiscal year, 636 workers' compensation cases were closed. Decisions after hearing were rendered in 221 cases; settlements, dismissals and withdrawals were subtracted from the total number of cases closed. Of the 221 decisions rendered, 186 cases, or 84.2 percent, were not appealed. Of the 221 decisions rendered, 35 cases were appealed to the District Courts, representing a 15.8 percent appeal rate.

During the fiscal year, the District Courts disposed of 38 cases. Of these cases, 18 were certified to the Supreme Court, dismissed, settled, withdrawn or remanded. Of the remaining 20 cases, 13 affirmed decisions made by the office, totaling 65 percent, which represents a decrease of 21.9 percent from the previous fiscal year. During the same period, 38 appeals were decided by the Wyoming Supreme Court, nine of which were dismissed. Of the remaining 29 cases, 16 (55.2 percent) were affirmances of decisions made by the office, a 28.1 percent decrease from the prior year.

Goal 1, Outcome 3.01

Of the 221 workers' compensation cases that went to hearing, 157 final decisions were prepared by the OAH and 64 final decisions were prepared by counsel for the parties. Of those 157 decisions prepared by the OAH, 113 decisions, or 72 percent, were entered within 30 days after the close of the contested case evidentiary record. When the 64 final decisions prepared by the parties' counsel are included, only 68 percent of the cases that went to hearing had orders entered within 30 days after the close of the contested case evidentiary record. In the area of the "small claims" workers' compensation cases, 30 cases were closed, and 80 percent of these cases were closed within 75 days following referral of the request for hearing.

Goal 1, Outcome 4.01

Of the 22 all other cases that went to hearing, 100 percent were closed within 60 days after the close of the contested case evidentiary record. Two personnel appeal cases proceeded to hearing, and both were closed within 60 days after the close of the contested case evidentiary record. Of the 282 driver's license cases that went to hearing, 92.9 percent were closed within 60 days and 99.6 percent were closed within 120 days.

Goal 2, Outcome 1.01

With respect to the proper and timely performance of management services and internal operating functions, historically the Office of Administrative Hearings has met this goal and continued to do so this fiscal year. Reports required by outside agencies are provided on a timely basis as are payments to vendors, contract hearing examiners, etc. Trainings and/or meetings regarding human resources, group insurance, WOLFS procedures, Y2K issues, budget, compensation plan, strategic plan and annual report preparation were attended by appropriate staff.

❖ Strategic plan changes

Minor changes were made to the strategic plan to reflect the continuing evolution of the Office of Administrative Hearings.

Office of Administrative Hearings organization chart

