



February 14, 2025

Co-Chair Gomberg, Co-Chair Woods and Members of the Committee:

Thank you for the opportunity to provide follow-up to the Office of Administrative Hearings (OAH) informational budget presentation. This letter will cover three questions raised by the committee in turn.

## I. Outcome Statistics for Administrative Law Judges

Chair Gomberg requested longitudinal data on the outcome of contested case hearings in the OAH Unemployment Insurance (UI) program. The relevant dataset has been attached to this letter. For this request, OAH concentrated on the 2023-25 biennium (July 2023-January 31, 2025.) The OAH has also provided data pertaining to the Division of Motor Vehicles (DMV) contested case program for comparison. As the data demonstrate, affirm rates tend to be program specific and therefore not uniform across the agency.

The dataset is sorted to include affirm rates for both dismissals and contested case matters that reach the merits. As you can see from the data, this delineation has a significant impact on whether the matter is affirmed or disaffirmed.

## II. Apportionment of OAH Employees by Job Classification

At Senator Starr's request, we have provided the current breakdown of OAH employees by job classification. As we discussed during the informational hearing, the OAH employs Administrative Law Judges, staff to support contested case work, customer focused staff and an internal technical team overseeing the OAH Case Management System (CMS.) The data presented is further broken down by program area, to give the committee a better understanding of each team's size.

The OAH frequently uses creative staffing to address caseload surges. To that end, some staff positions have been frozen to pay for other limited duration positions where there is greater need in the organization. The data presented herein represents actual staff positions after conducting a quick survey with team leaders. Other vacant positions are in the process of recruitment or part of larger succession planning, accounting for upcoming retirements in key positions.

The staff breakdown is as follows:

**Total Staff Administrative Law Judge Positions (including Chief ALJ): 71**

**Total Operations Staff Positions (including all Job Classifications): 43**

Program Area	Job Classification	Number of Positions
Unemployment Insurance	Presiding Administrative Law Judge	1

Unemployment Insurance	Administrative Law Judge 1	20
DMV / ODOT	Presiding Administrative Law Judge	1
DMV / ODOT	Administrative Law Judge 1	12
Child Support / Water / UI Tax	Presiding Administrative Law Judge	1
Child Support / Water / UI Tax	Administrative Law Judge 2	7
Social Services (DHS / OHA)	Presiding Administrative Law Judge	1
Social Services (DHS / OHA)	Administrative Law Judge 2	9
Social Services (DHS / OHA)	Administrative Law Judge 1	1
Paid Leave Oregon	Presiding Administrative Law Judge	1
Paid Leave Oregon	Administrative Law Judge 1	7
Agency / Boards / Commissions	Presiding Administrative Law Judge	1
Agency / Boards / Commissions	Administrative Law Judge 3	8
Technical Team	Legal Support Services Manager 1	1
Technical Team	Operations & Policy Analyst 1	2
Technical Team	Operations & Policy Analyst 2	3
Technical Team	Operations & Policy Analyst 3	1
Legal Support Services Team 1	Office Specialist 1	3
Legal Support Services Team 1	Legal Secretary	9
Legal Support Services Team 1	Administrative Specialist	2
Legal Support Services Team 2	Legal Support Services Supervisor 2	1
Legal Support Services Team 2	Office Specialist	4
Legal Support Services Team 2	Legal Secretary	16
Legal Support Services Team 2	Administrative Specialist	1

### III. Budget Comparison- Previous Biennium, Current Service Level and Governor's Recommended Budget

Senator Meek requested a comparison of the 2023-2025 legislatively approved budget, the 2025-2027 current service level budget and the Governor's Recommended Budget. The following table provides that

comparison, with a breakdown between “personal services” and “service and supply / capital outlay.” Of course, these figures can be broken down further and the Office of Administrative Hearings would be happy to provide further data.

<b>Budget Category</b>	<b>2023-2025 LAB</b>	<b>2025-27 Current Service Level</b>	<b>2025-27 Governor's Budget</b>
Personal Services:	35,542,847	38,074,734	38,074,734
Service and Supply/ Capital Outlay:	6,687,920	6,218,239	6,097,973
<b>Total:</b>	<b>\$ 42,230,767</b>	<b>\$ 44,292,973</b>	<b>\$ 44,172,707</b>
Positions:	122	122	122

The Governor's Budget is \$120,266 less than the Current Service Level budget for 2025-27.  
The reduction is a result of a decrease in costs related to State Government Service Charges.

#### IV. Conclusion

Once again, thank you for the opportunity to provide this follow-up to the February 12<sup>th</sup>, 2025 public hearing. The Office of Administrative Hearings is committed to providing this committee with up-to-date and accurate information for the decision-making process. Please don't hesitate to contact me with further questions or concerns and we will address them immediately.

Respectfully,



**Jeffrey R. Rhoades**

Chief Administrative Law Judge

Oregon Office of Administrative Hearings

Affirmed

Disaffirmed

Modified

Dismissed due to withdraw, no show, amended administrative decision, or direct review dismissal

<b>DMV</b>	Affirmed	Affirmed in Part	Disaffirmed	Not Applicable	Grand Total
Dismissal Orders Issued	611	0	298	284	1193
Merit Orders Issued	2178	13	452	1	2644

	Affirmed	Affirmed in Part	Disaffirmed	Not Applicable	Grand Total
Percent by Outcome of Total Dismissed	51.22%	0.00%	24.98%	23.81%	100.00%
Percent by Outcome of Total Order on Merits	82.38%	0.49%	17.10%	0.04%	100.00%

	Affirmed	Affirmed in Part	Disaffirmed	Not Applicable	Grand Total
Percentage by Outcome of both Dismissals and Orders on the Merits	72.69%	0.34%	19.55%	7.43%	100.00%

<b>UI</b>	Affirmed	Disaffirmed	Modified	Not Applicable	Grand Total
Dismissal Orders Issued	18,204	67	2	44	18,317
Merit Orders Issued	4,266	7,138	2,013	9	13,426

	Affirmed	Disaffirmed	Modified	Not Applicable	Grand Total
Percent by Outcome of Total Dismissed	99.38%	0.37%	0.01%	0.24%	100.00%
Percent by Outcome of Total Order on Merits	31.77%	53.17%	14.99%	0.07%	100.00%

	Affirmed	Disaffirmed	Modified	Not Applicable	Grand Total
Percentage by Outcome of both Dismissals and Orders on the Merits	70.79%	22.70%	6.35%	0.17%	100.00%

**DMV Dismissal Reasons**

- Agency Withdrew Referral
- Agency Witness Unavailable
- Lack of Prima Facie
- Officer Failed to Appear
- Officer Failed to Appear for the 2nd Time
- Petitioner Default
- Petitioner Withdrawal

**UI Dismissal Reasons**

- Amended/Cancelled or Superseded Admin Decision
- Appellant Failed to Appear
- Direct Review Dismissal
- Direct Review Order
- No Show
- No Show on Reopen
- Withdrawn

Note: Total excludes Relief of Charges Cases and the Disposition Type "File Closed/No Order"