

## **Office of Administrative Hearings**

### **Agency Information:**

**Director:**

Peter H. Froelicher

**Contact Person:**

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**Website:**

<http://oah.state.wy.us>

### **Statutory References:**

W.S. 9-2-1019(a) Personnel hearings (Personnel Cases Involving a State Employee)

W.S. 9-2-1517 Panel created, compensation; director of panel; appointment and duties; rulemaking (Medical Review Panel - All Other Cases)

W.S. 9-2-2201 Office Created; Appointment of Director and Hearing Examiners

W.S. 9-2-2202(a) Duties and Function of Office

W.S. 9-2-2202(b) Authority to Provide Hearing Services for Any Other State Agency (All Other Cases)

W.S. 9-2-2203 Rulemaking Authority

W.S. 14-3-204 Duties of Local Child Protective Agency (Department of Family Services child abuse and neglect - All Other Cases)

W.S. 21-7-106 Notice of Recommendation of Termination to Teacher; When Termination Effective (Wyoming Teacher Employment Law – All Other Cases)

W.S. 27-14-602 Contested Cases Generally (Workers' Compensation Cases and Small Claims Workers' Compensation Cases)

W.S. 31-7-105 Administrative Hearings (Driver's License Cases)

### **Clients Served:**

Wyoming's residents or guests, state agencies and school districts.

## **Budget Information/Expenditures for FY17:**

The Office of Administrative Hearings' expenditures for fiscal year 2017 were \$1,815,494.

## **Primary Function:**

The primary function of the OAH is to adjudicate disputes between Wyoming's residents or guests and state agencies.

The OAH issues **final decisions** in the following types of cases:

- Workers' Compensation
- Driver's License
- Department of Family Services' child abuse/neglect central registry cases
- State Employee Personnel cases

The OAH makes **recommended decisions or writes proposed orders** when requested by the referring agency for all remaining entities which refer cases. The following have used the OAH's hearing services in the past:

- Professional Licensing Boards such as Architects, Banks, Chiropractic Examiners, Cosmetologists, CPAs, Engineers, Geologists, Medical Doctors, Mental Health Professionals, Nurses, Outfitters, Peace Officers, Pharmacists, Physical Therapists, Psychologists, Real Estate Agents and Teachers' Standards
- Departments of Agriculture, Education, Environmental Quality (Industrial Siting Division), Family Services (benefit entitlement), Game and Fish Department (arbitration services), Health, Revenue, Transportation and Workforce Services (OSHA Division)
- Medical Review Panel
- School Facilities Commission
- Wyoming Employees' Group Insurance
- Wyoming Retirement System
- Wyoming School Districts and Community Colleges (teacher discipline or termination)

## **Performance Highlights/Major Accomplishments of FY2017:**

**Performance measure #1 – Cases Received and Closed:** The OAH has always endeavored to close as many or more cases as it receives each year so that no backlog is created. During Fiscal Year 2017, the OAH closed 1,435 cases and received 1,446 new cases. It is anticipated that the Workers' Compensation and Driver's License caseloads will remain consistent through fiscal year 2020. With new state agencies seeking OAH's hearing services, the "All Other" caseload has grown slightly.

**Performance Measure #2 – Hearings Held:** The OAH held 412 hearings during fiscal year 2017, broken down by case type as follows:

- All Other 80
- Driver’s License 182
- Workers’ Compensation 150

The OAH anticipates that the number of contested cases going to hearing will slightly increase over the next few years.

**Performance Measure #3 - Cases Timely Progressed:** In order to maintain a current docket and provide excellent customer service to all parties involved, the OAH Director has maintained maximum time guidelines from start to finish for each of the various types of cases referred:

- Workers’ Compensation cases should progress through the OAH’s hearing process within one year or 365 days of the date the first order setting hearing is issued because injured worker’s benefits are at stake, and the parties are entitled to timely and efficient resolution of disputes.
- Driver’s License cases should progress through the OAH within four months or 120 days because individual driving privileges affecting public safety are at issue.
- “All Other” cases referred by various entities should progress through the OAH’s hearing process within one year or 365 days of receipt.

During the past five years, the OAH’s performance in this area has gradually improved from 95 percent to 98 percent.

**Performance Measure #4 – Timeliness of Decisions:** The OAH tracks the length of time from the record closed date (usually the hearing date) to the final decision date. The OAH must render written decisions, to include findings of fact and conclusions of law, in:

- Workers’ Compensation cases within 30 days after the close of the record pursuant to W.S. 27-14-602(b)(ii).
- Driver’s License cases within 30 days after the close of the record per OAH Rules.
- “All Other” cases within 30 days after the close of the record, unless an agency’s rules state otherwise, per the OAH Director’s self-imposed deadline.

During the past year, 99 percent of the OAH’s decisions were entered on time.

**Performance Measure #5 - OAH Decisions Upheld on Appeal:** A strong affirmance percentage assures hearing participants that their disputes are being heard by well-qualified, educated, and experienced Hearing Examiners.

During FY 2017, 97 percent of OAH decisions were **not** appealed, which reflects that our Hearing Examiners are making sound decisions.

In FY 2017, the OAH overall affirmance rating was 85 percent.

In the All Other caseload, the District courts decided one cases and it was affirmed.

In Driver's License cases, the District Courts decided six cases and all of them were affirmed. At the Supreme Court level, one case was decided and it was affirmed.

In Workers' Compensation cases, the District Courts decided 28 cases and affirmed 22 cases. At the Supreme Court level, five cases were decided and all of them were affirmed.

