

# Office of Administrative Hearings

## Mission and philosophy

The mission of the Wyoming Office of Administrative Hearings (OAH) is to serve as a statewide, professional, independent and impartial hearing authority in administrative contested cases involving disputes between Wyoming's residents or guests and state agencies. The OAH is statutorily authorized to provide hearing services to all state agencies. The OAH is uniquely situated to act as an 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 encourages and facilitates all efforts made by the parties in timely resolving contested issues through less formal proceedings such as mediations, settlements and other resolutions, while always providing a full contested case hearing when necessary.

## Results of outcomes

Pursuant to Wyo. Stat. Ann. 27-14-602, the OAH is statutorily required to conduct hearings on disputes between Wyoming's employees, employers, health care providers and the Department of Employment in most workers' compensation benefits cases and in most small claims workers' compensation cases (where the amount in controversy is less than \$2,000 and compensability is not at issue). Pursuant to Wyo. Stat. Ann. 31-7-105, the OAH is also required to conduct hearings on disputes between Wyoming drivers and the Department of Transportation in all actions involving restriction, suspension or cancellation of driving privileges in Wyoming. For these hearing services the OAH is funded from workers' compensation funds and from highway funds. Budget expense organization 0201 (administration) represents the traditional program that is responsible for these cases. The FY 05-FY 06 biennial appropriation for 0201 was initially \$1,626,868. That amount was increased through the B-11 process to \$1,844,192 due to increases in the areas of rental space, remodeling, cost of living and market adjustments, renegotiation of contract Hearing Examiners' service contracts, replacement of a contract Hearing Examiner and hiring a temporary, part-time office assistant.

Wyo. Stat. Ann. § 9-2-2202 provides that the OAH may furnish hearing services to other state agencies, designated as the "all other" category. The OAH is also statutorily authorized to hear personnel disputes between state employees and state agencies when the parties are unable to agree on a presiding officer per Wyo. Stat. Ann. 9-2-1019(a). The OAH bills costs of hearing services in

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[http://wyoming.gov/state/government/state\\_agencies/admin\\_hearings.html](http://wyoming.gov/state/government/state_agencies/admin_hearings.html)

### Other locations

Casper, Evanston, Lander, Pinedale, Powell and Rock Springs

### Year established and/or Reorganized (Please specify)

Established in 1987, Reorganized in 1992

### Statutory references

Wyo. Stat. Ann. § 9-2-1019(a)  
Wyo. Stat. Ann. §§ 9-2-2201 through 9-2-2203  
Wyo. Stat. Ann. § 27-14-602  
Wyo. Stat. Ann. § 31-7-105

### Authorized personnel

7 full-time, 6 part-time (under service contracts)

### Clients served

Wyoming residents or guests who have disputes with state agencies and all state agencies required by law to provide formal hearings, primarily the Department of Employment and the Department of Transportation, along with other hearing participants and legal counsel

### Budget information

\$797,669

“all other” and personnel cases directly to the state agency referring the case. Budget expense organization 0202 (all other) was created in 1998 as a clearing account that is responsible for “all other” and personnel cases referred by other state agencies. The FY 05-FY 06 biennial appropriation for 0202 was \$71,778.

Statistically, when compared with the previous year, the OAH’s caseloads showed an overall increase of 8 percent in cases referred. What is significant in reviewing cases referred is the 56 percent increase from FY 2002 to FY 2005. The overall number of closed cases did not increase, but remained steady in FY 05, as the following charts illustrate:

**FY 05**

	Referred	Closed
“All Other”	116	102
Driver’s License	1,233	1,138
Personnel	12	7
Small Claims	34	38
Workers’ Compensation	909	732
Totals	2,304	2,017

**FY 04**

	Referred	Closed
“All Other”	85	87
Driver’s License	1,060	1,007
Personnel	8	7
Small Claims	61	63
Workers’ Compensation	924	853
Totals	2,138	2,017

**FY 03**

	Referred	Closed
“All Other”	58	48
Driver’s License	979	929
Personnel	7	7
Small Claims	78	75
Workers’ Compensation	770	577
Totals	1,892	1,636

**FY 02**

	Referred	Closed
“All Other”	25	26
Driver’s License	872	897
Personnel	6	5
Small Claims	40	42
Workers’ Compensation	534	661
Totals	1,477	1,631

**Goal 1, Outcome 1.01**

The OAH determined the percentage of attorneys surveyed who perceive the dispute resolution process in the OAH to be fair, impartial, expeditious and efficient. Surveys were distributed to attorneys who participated in “all other,” driver’s license, personnel and workers’ com-

penation hearings in FY 05. No surveys were distributed in the small claims workers’ compensation category since attorneys are not usually involved in these types of cases. The strategic plan projects an 80 percent approval rating.

The OAH received an overall approval rating of 93 percent in the area of being fair and impartial. This 93 percent approval rating exceeds the projected 80 percent by 13 percent.

The same surveys were used to obtain data regarding the OAH’s perceived expediency and efficiency. An 82 percent overall approval rating was received in this area and the projected 80 percent has been exceeded by 2 percent.

**Goal 1, Outcome 2.01**

The OAH calculated the percentage of decisions that are not appealed or that are sustained on appeal. Again the strategic plan projects an 80 percent approval rating.

Exceeding the projected 80 percent by 18 percent, 98 percent of the OAH’s decisions were not appealed during FY 05.

The percentage of decisions that were sustained on appeal during FY 05 was 85 percent, 5 percent greater than the projected 80 percent. These statistics contain district court decisions and supreme court decisions rendered during FY 05, regardless of the fiscal year when the OAH decided the cases.

**Goal 1, Outcome 3.01**

The OAH’s strategic plan projects that 100 percent of workers’ compensation cases should be closed within 30 days after close of the record. For small claims workers’ compensation cases, the OAH should close 100 percent within 75 days of referral.

Of the 732 workers’ compensation cases closed in FY 05, 654 or 89 percent were closed within 30 days after close of the record. A shortfall of 11 percent results in this category from the strategic plan projection of 100 percent.

Of the 38 small claims workers’ compensation cases closed during FY 05, 34 cases or 89 percent were closed within 75 days of referral. A shortfall of 11 percent results in this category from the strategic plan projection of 100 percent. However, these statistics do not give an accurate picture of the speedy handling of small claims workers’ compensation cases. The statutory limit of 75 days does not take into account continuances granted at the request of the parties and also fails to take into account the delay in receiving cases from the workers’ compensation division.

**Goal 1, Outcome 4.01**

The OAH determined the percentages of “all other,” personnel and driver’s license cases where a final order or recommended decision, as appropriate, was issued:

first within 60 days after close of the record; and second within 120 days after close of the record.

Of the 102 “all other” cases closed in FY 05, 100 percent were closed within the projected 60 days after close of the record. The first strategic plan projection of 80 percent closed within 60 days after close of the record has been exceeded by 20 percent. The second projection of 100 percent closed within 120 days after close of the record has been met.

Of the seven personnel cases that closed in FY 05, 100 percent were closed within the projected 60 days after close of the record. The first projection of 80 percent closed within 60 days after close of the record has been exceeded by 20 percent. The second projection of 100 percent closed within 120 days after close of the record has been met.

Of the 1,138 driver’s license cases closed in FY 05, 94 percent or 1071 cases were closed within 60 days after close of the record, exceeding the projected 80 percent by 14 percent. All but six cases, or 99 percent, of the driver’s license cases closed in FY 05 were closed within 120 days after close of the record, falling just 1 percent short of the 100 percent projection.

#### **Goal 2, Outcome 1.01**

Pursuant to the November 26, 2002 Performance Measures Audit, the Department of Audit determined that the management services and internal operation functions referred to in this goal could not be measured because the tasks were not properly defined in the current strategic plan. Consequently, the strategic plan was updated in August 2003 to eliminate this goal from future annual reports starting in FY 05. Even though it has been determined that this goal cannot be measured, the OAH can state with certainty that essential management services and internal operating functions have been timely and properly completed during FY 05.

## **Strategic plan changes**

The OAH has prepared a new strategic plan under the new guidelines for FY 07 and FY 08.

# Office of Administrative Hearings organizational chart

