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***Before the Committee on Public Works and Operations
Council of the District of Columbia***

Budget Oversight Hearing Regarding Office of Administrative Hearings

April 10, 2024

Legal Aid DC¹ submits the following testimony regarding the proposed budget for the Office of Administrative Hearings (OAH). OAH is responsible for adjudicating crucial safety-net public benefits cases, including Supplemental Nutrition Assistance Program (SNAP) food assistance benefits, cash benefits like Temporary Assistance for Needy Families (TANF) and Interim Disability Assistance (IDA), medical insurance like Medicaid and Alliance, rental assistance, home health aide services, and unemployment benefits. If a District family is wrongfully deprived of those benefits, filing an appeal at OAH is often the only way that family can access the benefits they are owed. But in recent months, backlogs and delays have impeded OAH's ability to timely resolve cases, leaving families waiting months longer to access their benefit entitlements.

The proposed budget cuts will exacerbate this issue. Specifically, the proposed budget cuts will worsen OAH's existing case backlogs and undermine OAH's technology modernization efforts. At a time when OAH's caseloads are rising dramatically, its operating budget should see a corresponding increase – not a decrease.

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

Proposed Cuts to OAH Will Worsen Existing Case Backlogs

There has been an unprecedented increase in cases filed at OAH. 26,353 cases were filed in FY 2023, a 27% increase compared to FY 2022.² Based on the cases filed in the first quarter of FY 2024, this trend has held – OAH is on track to see an even larger increase in case numbers in FY 2024.³ Increases in public benefit case numbers have been particularly severe. Compared to FY 2022, FY 2023 saw a 50% increase in cases involving the Department of Human Services,⁴ and three times as many cases involving the Department of Healthcare Finance.⁵

OAH has not been able to keep up with this increased case volume, resulting in backlogs across numerous areas. Legal Aid is particularly concerned with backlogs in safety net benefit cases. Families receiving SNAP or TANF benefits often have no other income. A delay of a month or more in getting their case heard means that for each day within that period, that family has no money to purchase food, pay rent, or access other necessities. By the time a case is finally heard, that family may have already been evicted, been deprived of medication that should have been covered by Medicaid, or gone hungry. That harm is irreversible.

As described in Legal Aid’s oversight testimony, these delays also bring the District out of compliance with applicable timeliness standards required by the Code of Federal Regulations Title 7 Part 273 Section 15. In the first quarter of FY 2024, the average time it took OAH to close SNAP cases was 79 days,⁶ almost a full month longer than the 60-day deadline set by federal regulations.⁷

² See Office of Administrative Hearings Performance Oversight FY 2023-2024 Pre-Hearing Questions, Question 39.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See Office of Administrative Hearings Performance Oversight FY 2023-2024 Pre-Hearing Questions, Question 40(b).

⁷ 7 CFR 273.15(c)(1).

On top of these delays in hearing and resolving cases, the increased pressure on OAH also makes it difficult to consistently staff phone lines and answer questions. This is particularly harmful to *pro se* litigants, who rely on the ability to contact OAH to confirm the status of their case and determine next steps.

Given the current state of affairs, Legal Aid is particularly concerned to see funding cuts in Adjudication Support, specifically Case Management, and Administrative Adjudication Services, specifically Judicial Assistance and Legal Counsel. Investment in these adjudicatory functions of OAH is crucial to ensure OAH can timely resolve cases. Legal Aid was also concerned to see the reduction in continuing full-time funding. OAH needs increased funding in order to hire and retain staff, and in particular, administrative support staff. In fact, a third-party study on OAH funded by the Council and published last year concluded that OAH would need to increase staffing just to meet previous *lower* case volumes.⁸ This study also highlighted the issue of salaries for support staff, which is crucial for recruitment and retention. The investments the District already made in funding this study will not be realized if OAH is financially precluded from implementing the study's primary recommendations.

More Funding Is Needed for Information and Technology Services

The proposed budget also shows a decrease in Information and Technology Services, despite the fact that OAH is currently in the process of undertaking crucial and overdue modernization efforts.

Over the past few years, OAH has made the transition from default in-person hearings to default remote hearings, and the use of video-and teleconferencing technology to conduct hearings will continue indefinitely. More recently, OAH launched an eFiling Portal, allowing District residents to file documents and access materials from their case online in one centralized location. OAH is also in the process of developing a searchable database of Final Orders, which is set to launch in the fourth quarter of FY 2024.⁹ Legal Aid's Oversight Testimony earlier this year detailed the importance of each of these efforts in increasing accessibility, streamlining cases, and ensuring parties and their representatives are equipped for their hearings.

⁸ See Office of Administrative Hearings Performance Oversight FY 2023-2024 Pre-Hearing Questions, Attachment No. 21 B – B McNamee Court Feasibility Study.

⁹ See Office of Administrative Hearings Performance Oversight FY 2023-2024 Pre-Hearing Questions, Question 51.

But these important initiatives will not be successful without increased funding. While the eFiling Portal is now live, it has significant room for improvement – for example, the site often generates error messages for PDFs that are well within the file size limitations, the site does not have functionality to search for a case by a party’s name, and the site is difficult to navigate. This is part of the reason that the portal was used for less than 1% of cases in FY 2023 and the first quarter of FY 2024.¹⁰

Performing user testing and committing resources to making improvements to the portal in its first years of operation is crucial to ensuring it serves its intended purpose. Similarly, while Legal Aid looks forward to the launch of the searchable database of Final Orders, we are concerned about limitations in its proposed search functionality. Having public access to Final Orders will not be meaningful without a way to search for relevant cases.

Accordingly, in order to ensure these modernization efforts are successful, the cuts must be reversed and funding for Information and Technology must be increased during this important transitional period.

The Development of the Resource Center Shows that Investing in OAH Translates to Concrete Benefits for District Residents in Need of Assistance

During last year’s budget testimony, many organizations (including Legal Aid) testified about the importance of revitalizing and expanding the OAH Resource Center. The majority of litigants at OAH represent themselves in their cases. Providing assistance through the Resource Center is crucial to ensuring that District residents can access the fair hearing process at OAH, while also helping to promote the just and accurate resolution of their cases.

Due to the efforts of this Committee and the funding approved in last year’s budget, the Resource Center has become a major success story. The Resource Center has already dramatically increased the number of District residents that it has served and is continuing to grow and expand. We thank this Committee for its work to facilitate the growth of this important initiative.

Conclusion

To effectively serve all District residents, OAH needs enough staff to be able to facilitate timely adjudication of its rising caseload. OAH also needs sufficient resources to be able

¹⁰ See Office of Administrative Hearings Performance Oversight FY 2023-2024 Pre-Hearing Questions, Question 53(a).

to follow through on new technology initiatives. The proposed budget is insufficient to accomplish these goals, and we therefore ask that the council reverse the proposed budget cuts. We look forward to working with members of the Committee, OAH, and other advocates on these and related proposals to ensure OAH's success.