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

Budget Hearing Regarding the Office of Administrative Hearings

June 6, 2025

Legal Aid DC¹ submits the following testimony regarding the Office of Administrative Hearings (OAH) FY2026 proposed budget. If a District resident is not receiving their benefit entitlement, OAH is often their only option for obtaining the benefits they are owed. The budget provided by the mayor does not address our concerns about the delays and backlog at OAH and penalizes street vendors, potentially creating an unnecessarily increased burden on OAH. Legal Aid also questions how dollars from FY2025 were spent for information technology and contractual services and would like to see those funds restored for FY2026. Legal Aid appreciates the opportunity to offer our thoughts and recommendations on these issues in support of the many DC residents for whom OAH is often the last opportunity to obtain life-sustaining benefits.

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.

The Mayor's Budget Will Not Adequately Address OAH's Delays and High Case Numbers

Background

In FY24, OAH hit an all-time record for new filings: 33,745 new cases were filed.² This was a 28% increase from FY23 and a 57% increase from FY22, demonstrating a sharp upward trajectory that shows no signs of slowing down.³ Filings are quickly outpacing capacity - OAH disposed of only 75% of the number of cases filed in FY24.⁴

Public Benefits cases comprise a significant component of this increase. For example, there were 3,791 DHS cases filed in FY24, a 51% increase compared to FY23.⁵ This number includes cases involving SNAP, TANF, IDA, and Medicaid eligibility. There were 1,455 cases filed related to the Department of Health Care Finance in FY24, which constitutes more than two times as many cases compared to FY23.⁶ These cases involve home health aide hours and denials of Medicaid coverage.

This increase in volume has caused unacceptable backlogs, which in turn cause immense hardship for District residents waiting to have their cases heard. Scheduling delays at OAH leave District residents waiting months to access crucial safety-net benefits, which are essential for paying rent, feeding their families, and accessing necessary medical treatment – expenses that cannot wait. In the meantime, they incur additional costs,

² See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 39.

³ See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 39.

⁴ *Compare* Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 39 *with* Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 57.

⁵ See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 39.

⁶ See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 39.

including late penalties on rent, interest on bills, and other fees for which they will never be reimbursed.

These delays mean that DC is often in violation of the federal mandate for cases involving SNAP benefits, which requires that a *decision* be reached within 60 days of receipt of a request for a fair hearing.⁷ For Fiscal Year 2024, OAH's Oversight Responses show that the average time from the filing of an appeal related to SNAP benefits to the initial event in the case was 83 days, already surpassing the 60-day limit.⁸ The statistics are similar in the TANF and Medicaid contexts.⁹

In order for DC to comply with federal regulations, and to achieve this Committee's and OAH's goal to reduce backlogs and barriers to accessing needed public benefits, we recommend that adjustments and investments be made to the mayor's proposed budget.

Increased OAH Staffing

In order to address expected and current high case numbers and court delays, OAH must be adequately staffed. Legal Aid understands that OAH currently has 9-10 legal staff vacancies, 4 Administrative Law Judge ("ALJ") vacancies (will be 5 in July) and at least 3 Information Technology ("IT") staff. The current staffing level is insufficient considering agencies like DHCF and DHS will likely grow OAH's caseload if the budget remains austere. In order to avoid further decreased access to justice for District residents, OAH cases require more staff – at all levels of the agency – including support and administrative staff. In order to maintain the status quo, OAH would benefit from at least one additional ALJ and 2 additional legal assistants - and probably more as recommended by the McNamee report.¹⁰ While Legal Aid appreciates OAH's rigorous recruitment efforts, OAH should implement a hiring plan despite potential fiscal

⁷ 7 CFR 273.15(c)(1).

⁸ See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 40b.

⁹ See Office of Administrative Hearings Performance Oversight FY 2024-2025 Pre-Hearing Questions, Question 40d and e (The average time for filing for TANF was 100 days in Q1 of 2025 and for Medicaid was 88 days in Q1).

¹⁰ B. McNamee Consulting LLC, Court Feasibility Study (Sept. 30, 2023), <https://lims.dccouncil.gov/Hearings/hearings/278> (ATTACH 1) at 6-7.

challenges.¹¹ OAH should have approximately 50+ ALJs but they only have 36 (and some are vacant) and 80+ staff.

Information Technology and Contractual Services

This Committee's additional investment in OAH's IT and contractual services line items in FY2025 was greatly appreciated by Legal Aid. Unfortunately, those additional funds are not allocated in the FY2026 budget. We do not know whether those funds were spent in FY2025; if not, we would like to know why. If the funds were simply reprogrammed, we suggest that the Committee replace these funds in FY2026, to allow OAH to utilize the dollars for its IT and contractual needs.

The Removal of the Street Vendor Subtitle from the FY2026 BSA Would Reduce Additional Burden to OAH

Legal Aid agrees with our partners at Beloved Community Incubator that the mayor's entire Subtitle on Street Vendors should be removed from the Budget Support Act ("BSA").

There are provisions within the Subtitle that impose an increased burden on OAH that would not be deemed necessary if the spirit of the Street Vendor Advancement Amendment Act of 2023 were followed and implemented by executive agencies. The Street Vendors Amendment Act was a proposal that progressed through the entire legislative process, garnering unanimous support from the Council to limit the harsh treatment of street vendors by DC agencies and to promote gainful employment through street vending. In addition to potentially burdening OAH, the proposed BSA Subtitle does not advance the goals of the Council in increasing street vendors' ability to work safely in DC, and therefore, it should be struck in its entirety.

Conclusion

We appreciate the Council's attention to these issues, as well as OAH's ongoing efforts to improve operations and provide access to justice. We look forward to working with the Committee to achieve a budget that reflects the needs of OAH that will in turn result in greater access to justice for DC's low income and marginalized residents.

¹¹ See Chief Administrative Judge M. Colleen Currie, Fiscal Year 2024 Performance Oversight Hearing, Office of Administrative Hearings at 4.