

YEAR-END REPORT

OFFICE OF
ADMINISTRATIVE HEARINGS

STATE OF IDAHO

2024

350 N. 9th St., Suite 300
Boise, ID 83702

(208) 605-4300
<https://oah.idaho.gov>



Message from the Chief

As the State of Idaho's Office of Administrative Hearings ("OAH") completes its second full year of operations, we are given the opportunity to look back at the successes - and challenges - of 2024.

New Year, New Rules

One of OAH's first statutory charges was to update and replace the Idaho Rules of Administrative Procedure ("IRAP"), which had previously been managed by the Office of the Attorney General. The IRAP was initially written in 1992, with relatively few changes in the subsequent 30+ years. Additionally, as had previously been permitted by statute prior to OAH's creation, many Idaho agencies had developed their own agency-specific contested case rules. OAH assisted the Division of Financial Management in identifying any agency-specific contested case rules for elimination upon launch of the new IRAP.

Effective July 1, 2024, after extensive negotiated rulemaking and approval by the legislature, the new IRAP launched, completely replacing the prior IRAP, and also removing all existing agency-specific contested case rules from the current IDAPA. This ensures that virtually all administrative contested cases in Idaho operate under the same core set of procedural rules, reducing the procedural complexity that parties face when participating in a contested case proceeding. This effort also modernized the IRAP, aligning administrative procedures with standard civil case procedures, as well as both simplifying and modernizing the language to improve coherency and readability.

OAH is now allowing the new IRAP to be tested in real-world contested case proceedings, with an eye towards another (smaller) round of negotiated rulemaking in 2025 to continue improvement of the IRAP, to ensure that it's serving its intended ends: allowing parties to meaningfully participate in contested case proceedings, focusing on the merits of their arguments rather than becoming bogged down in unnecessary procedural complexity.

The “Merge”

On July 1, 2024, OAH assumed responsibility for presiding over all Department of Health and Welfare (“DHW”) contested cases, which were previously handled by the Fair Hearing Unit of the Office of the Attorney General. This significantly increased the number of contested cases over which OAH’s administrative law judges (“ALJs”)* preside, likely quadrupling existing figures. To help with the new caseload, OAH added 3 additional ALJs and 2 additional deputy clerks.

To assist in coordinating and handling this new caseload influx, OAH created two divisions: the Health and Social Services Division (handling all DHW matters) and the General Government Division (handling all other agency matters). OAH also relocated from its original small temporary office space to new, larger, semi-permanent space in the Capitol Mall area.

With assistance and cooperation from both the Office of the Attorney General and DHW, the transition of contested case handling to OAH was well-planned and well-executed, resulting in a seamless cutover.

The Central Panel Directors’ Conference

Idaho’s OAH, like approximately 30 other states in the U.S., provides independent and unbiased decision-making in contested cases and other administrative proceedings and houses the state’s administrative law judges, which is referred to as a “central panel agency.”

Central panel agencies across the U.S. meet annually at a Central Panel Directors’ Conference (“CPDC”), attended by central panel agency directors, deputy directors, and other key executive staff. The purpose of the conference is for central panel agencies to meet and discuss topics specific to the administrative law judiciary, and to share and confer about issues that one or more agencies may be facing, in a collaborative, constructive setting.

* OAH’s statutes currently use the older term “hearing officer”; however, modern administrative parlance utilizes the term “administrative law judge” (“ALJ”), a term also utilized by the Idaho Supreme Court -as such, in-house hearing officers at OAH, who are required to meet the same qualifications as magistrate judges, are classed by DHR as “Administrative Law Judges”, to distinguish them from other non-lawyer and contract hearing officers.

Hosting the CPDC rotates among each of the participating states yearly. In 2024, the CPDC was held in New Orleans, Louisiana, and hosted by the Louisiana Division of Administrative Law. It was attended by representatives from central panel agencies in Alaska, Arizona, D.C., Florida, Idaho, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, North Dakota, South Dakota, Tennessee, Texas, Washington, and Wisconsin, as well as representatives from the National Judicial College and the American Bar Association - Judicial Division. Topics included training of administrative law judges, balancing quality control with judicial independence, the future of technology and artificial intelligence in central panel operations, legislative trends, and access to justice issues for self-represented and disabled/mentally ill litigants.



CPDC attendees - including Chief Nickels and Deputy Chief Hayes - visit the Louisiana Supreme Court, and meet with Louisiana Supreme Court Chief Justice John Weimer, Justice William Crain, and Justice Piper Griffin

As an agency, we're also pleased to announce that OAH has been selected to host the CPDC in 2026, and we look forward to having administrative law judges from around the country visit Idaho and continue our collective efforts to improve state administrative law across the U.S.

Improving Efficiency Behind the Scenes

In addition to our visible work that is both public-facing and agency-facing, OAH continues to make internal improvements to its operations to ensure the best and most efficient service for Idaho's citizens, businesses, and agencies.

OAH continues its robust training regimen for all of its in-house ALJs, including those who joined OAH in July 2024. In addition to completing the "new ALJ" course at the National Judicial College, OAH's ALJs also undertake a slew of other trainings, including 40-hour mediation training, 6-hour arbitration training, quarterly CLEs with all in-house ALJs and all contract hearing officers (to include an ethical component), as well as additional administrative law courses offered through the National Judicial College on topics including self-represented litigants, evidence challenges, and judicial writing.

Additionally, with the creation of the separate General Government and Health and Social Services divisions, OAH also took the opportunity to introduce a peer review process (to monitor and improve the quality of ALJ orders while preserving those ALJs' decisional independence) as well as a file closure process to ensure that agencies promptly receive completed agency records for any next step(s) in review of agency decisions.

Additionally, OAH continues to participate in the University of Idaho Law School's externship program both during the school year and during the summer. This provides ALJs with a resource to help with drafting judicial opinions and conducting research, while at the same time supporting the Law School's externship program, which provides students with real-world experience in exchange for course credit.



OAH's first six Administrative Law Judges, at the inaugural investiture held in the Borah Courtroom on December 9, 2024.

The Data

This year-end report, summarizing key data points gathered during the time period of January 1, 2024 through December 31, 2024, is intended to provide transparency about OAH's operations and performance in handling contested case proceedings before almost all of Idaho's agencies, boards, and commissions.

In addition to key data points provided in this report - including case counts by agency, representation rates, time-to-order averages, etc. - it is worth emphasizing that OAH's efforts to ensure the quality of its ALJs' decisions are evident in its overall reversal rate, regardless of whether the reversal is made by the agency head or a district court. Of the 514 contested cases completed by OAH since January 1, 2023 (when OAH began operations) through December 31, 2024, only 1 case has been reversed (where an agency director determined that an application was ripe for determination, though the ALJ had initially determined it premature) - a reversal rate of just 0.19%.

Final Thoughts

As OAH enters its third full year of operations in 2025, OAH will rise to meet the challenges of a still-young agency, focusing on improvements in contested cases across all of the matters over which OAH's ALJs preside, encouraging ongoing learning opportunities both for ALJs and stakeholders who appear before them, and building strong confidence in the hearings conducted by ALJs and the decisions they render. Through these efforts by OAH and its staff, OAH hopes to continue to demonstrate its reliability and impactful presence as an independent, unbiased agency both in Idaho and nationally.

Best wishes for 2025!



Bryan A. Nickels
Chief Administrative Hearing Officer



OAH's Mission Statement

The Office of Administrative Hearings serves the citizens, businesses, and state agencies of Idaho by providing independent, efficient, and unbiased hearings of contested administrative cases, and facilitates the opportunity for parties to resolve their disputes through alternative dispute resolution.

Case Mix – General Government Division

In 2024, OAH's General Government Division received 140 case assignments from 14 different Idaho state agencies, compared to 142 in 2023. The majority of case assignments were from the Idaho Department of Transportation, which included matters ranging from commercial driver's license (CDL) disqualification proceedings to right-of-way encroachment disputes.

Agency	Cases (+/- 2023)	%age of total
Idaho Transportation Dept.	91 (-17)	65.0%
Idaho Personnel Commission	16 (+8)	11.4%
Dept. of Lands	10 (+2)	7.1%
Div. of Occupational & Professional Licensing*	7 (+7)	5.0%
Dept. of Environmental Quality	5 (+3)	3.6%
Oil & Gas Commission*	2 (+2)	1.5%
Dept. of Finance	2 (+1)	1.5%
PERSI	1 (-3)	0.7%
Idaho State Police (POST)	1 (-2)	0.7%
Dept. of Education / Educational Institutions	1 (-1)	0.7%
Idaho State Bar	1 (no change)	0.7%
Div. of Vocational Rehabilitation	1 (+1)	0.7%
Dept. of Administration / DOP / DPW	1 (no change)	0.7%
Div. of Veterans Services	1 (+1)	0.7%
Total Cases	140	

* Within the category of DOPL cases, OAH conducted contested cases for various member boards as follows: Board of Nursing (2), Board of Pharmacy (2), Board of Professional Counselors and Marriage and Family Therapists (1), State Plumbing Board (1), and one (1) other matter jointly before the State Plumbing Board, the Idaho Electrical Board, and the HVAC Board.

* Due to the nature and complexity of cases before the Oil & Gas Commission, they are tracked separately from Dept. of Lands case counts.

Case Mix – Health and Social Services Division

OAH's Health and Social Services Division received 340 case assignments from the Department of Health and Welfare for 2024, once OAH began handling DHW matters beginning July 1, 2024. This compares with a total of 468 DHW case assignments to the prior Fair Hearings Unit for all of FY24.

DHW Division	Program	Cases	%age of total
Audit/Investigation		6	1.8%
	Intentional Program Violation	3	
	Medicaid Program Audits	3	
Behavioral Health		3	0.9%
	Minor Access to Tobacco	3	
Family & Comm. Serv.		43	12.6%
	Central Registry	43	
Licensing & Cert.		2	0.6%
	Facility Discharge/Transfer	2	
Medicaid		91	26.8%
	Children's Develop. Disab. Programs	3	
	Children's Support and Spending Plan	30	
	Early Per. Screening, Diag. & Treatment	3	
	Medicaid Benefits & Services	55	
Welfare		191	56.2%
	Aid to Aged, Blind & Disabled	6	
	Child Care Licensing	2	
	Food Stamp Program	69	
	Idaho Child Care Program	16	
	Medicaid Eligibility	20	
	Temporary Assistance for Families in Idaho	3	
	Child Support Services	75	
Other		4	1.2%
Total Cases		340	

Mandatory and Permissive Matters

Pursuant to Idaho Code §67-5280(2)(a), OAH has two major functions:

- “Conduct all contested case proceedings that arise from an appeal of an agency order” - these are the **mandatory** case proceedings, where an agency **must** use OAH for hearing officer services, and where OAH must accept the case assignment. These are matters which arise within, and are subject to, the Administrative Procedure Act (“APA”).
- “Conduct such adjudicatory hearings, mediations, and arbitrations not required by this chapter that are requested by agencies and agreed to by the office of administrative hearings at such monetary rates as established by the office of administrative hearings” - these are the **permissive** case proceedings, where an agency **may** use OAH (but is not required to), and where OAH **may** accept the assignment. These are matters which can arise under the APA, but may also arise under other statutory provisions or in other existing cases (such as where an agency may request a mediator).

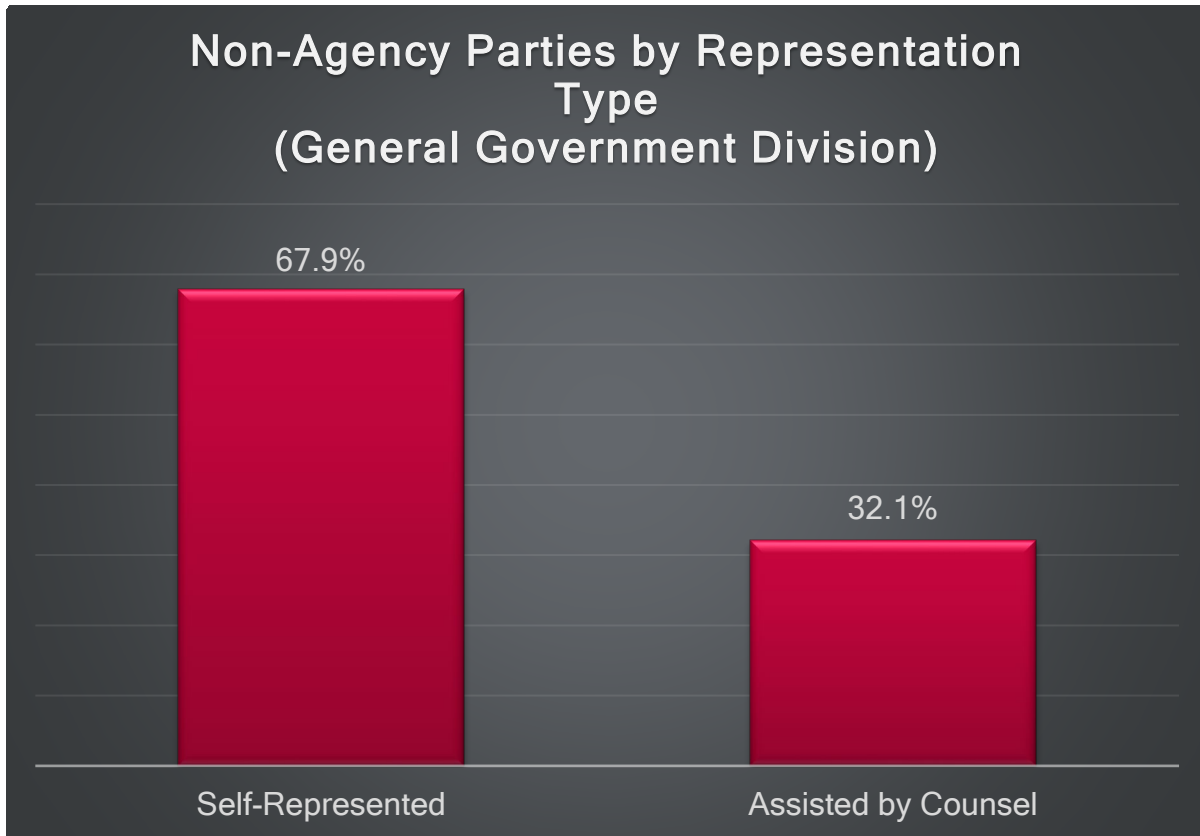
While all of OAH’s case assignments from DHW are mandatory in nature, the General Government Division occasionally handles permissive matters for Idaho’s other agencies, including matters when an agency requests an OAH ALJ to oversee a proceeding before the agency issues an initial determination.

In 2024, **22.9%** of OAH’s accepted case assignments in the General Government Division were permissive in nature, largely reflective of the increased assignments from IPC and DOPL. Although OAH may refuse such assignments (based upon conflicts, caseload, etc.), OAH did not refuse any such assignments in 2024.

Finally, OAH’s “permissive” function also includes the broad ability to provide mediators and arbitrators, if an agency requests, in any scenario where an agency might require one. OAH conducted **2** mediations in 2024. Agencies are permitted to select a specific mediator, and OAH currently maintains a roster of nine (9) mediators to choose from.

Non-Agency Party Representation Profile General Government Division

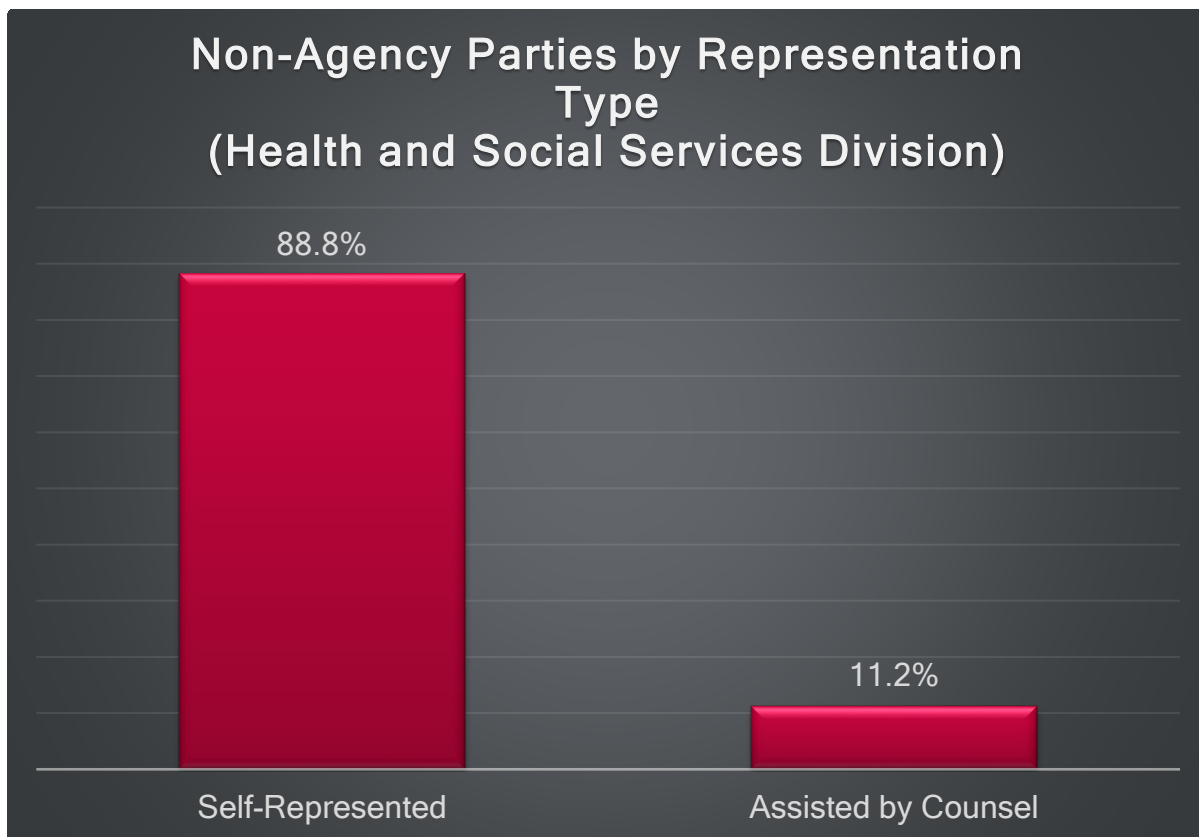
Non-agency parties (that is, citizens and businesses) that appear in contested cases before OAH ALJs may be represented by counsel. For 2024, the majority of those parties were self-represented:



This represented a notable increase in self-represented individuals as compared with 2023, when 59.9% of non-agency parties were self-represented in General Government matters.

Non-Agency Party Representation Profile Health and Social Services Division

For 2024, the vast majority of non-agency parties appearing in matters before the Health and Social Services Division of OAH were self-represented:

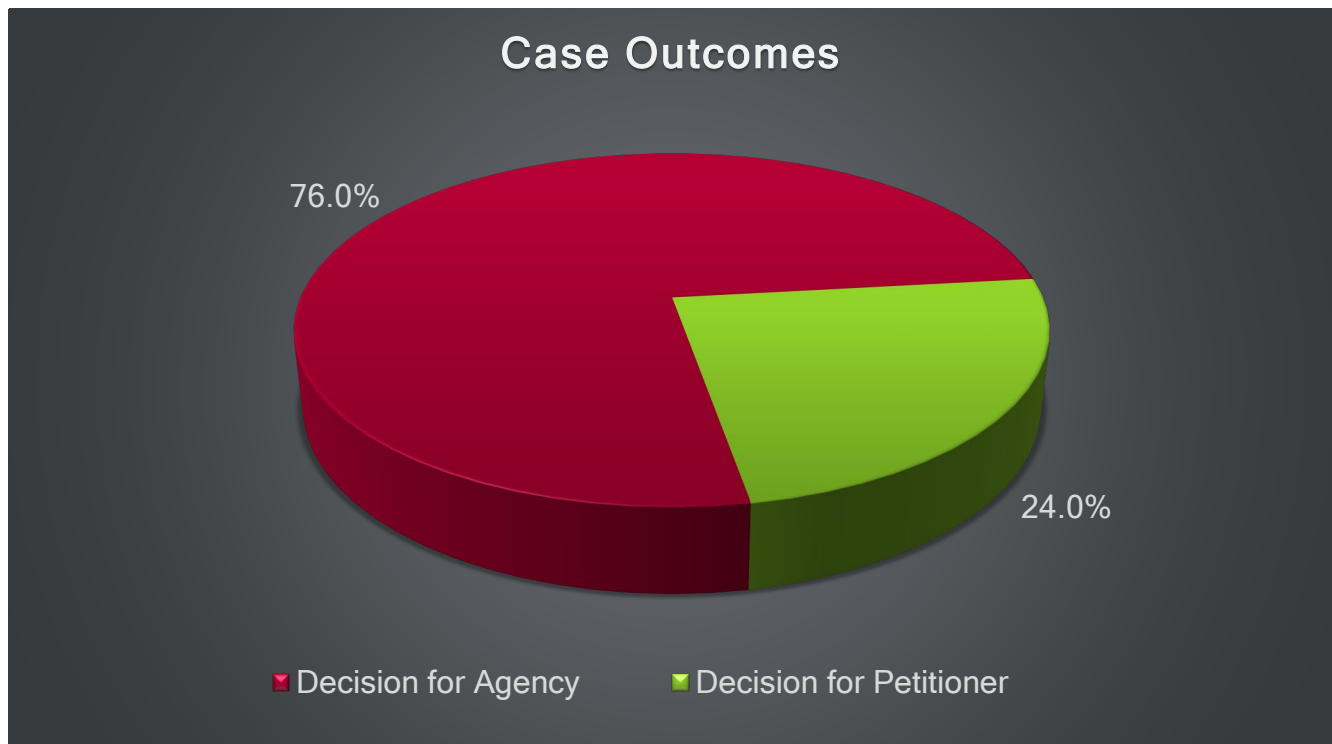


Representation by counsel within higher-volume program cases (program cases comprising ~5%+ of OAH's total case count) was mixed:

- Central Registry: 40%
- Child Support and Spending Plan: 10%
- Medicaid Benefits & Services: 7%
- Child Support Services: 7%
- Idaho Child Care Program: 6%
- Medicaid Eligibility: 0%
- Food Stamps: 0%

Case Outcomes – General Government Division

In General Government Division proceedings, non-agency parties (that is, citizens and businesses) generally seek relief either in the form of relief from an existing agency order, or in the form of the granting of an application/permit made to the agency. In contested case proceedings that went to decision (included matters that were resolved, at least in part, in non-agency parties' favor prior to decision), non-agency parties prevailed in securing whole or partial relief 24.0% of the time in 2024*, as compared to 15.3% in 2023:



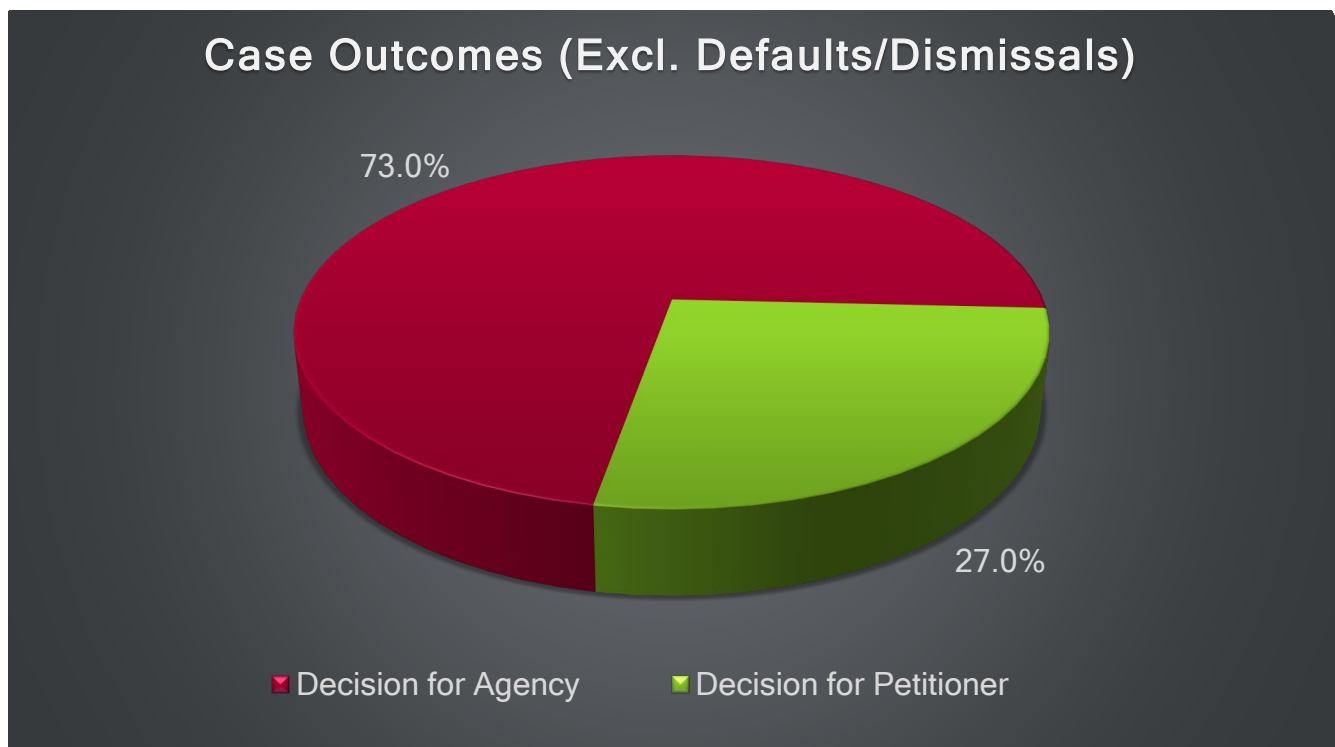
In ITD matters, non-agency parties achieved some favorable result in 23.9% of contested cases. In non-ITD matters, non-agency parties achieved some favorable result in 24.3% of contested cases.

* Data includes 13 carryover cases from 2023 which were completed in 2024.

Case Outcomes – Health and Social Services Division

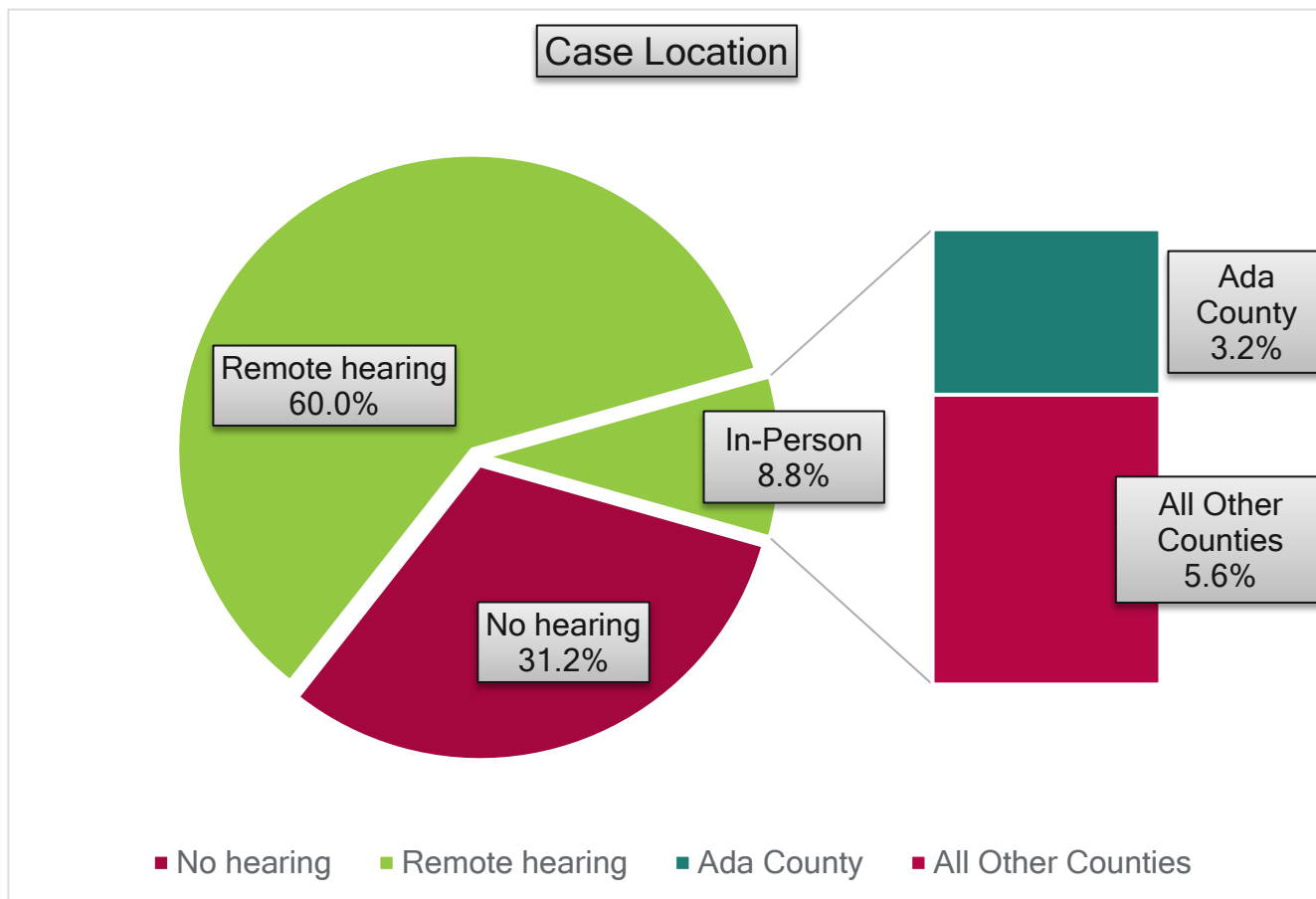
In Health and Social Services Division proceedings, non-agency parties (that is, citizens and businesses) generally seek relief from an existing agency order. For 2024, in all completed cases (irrespective of form of conclusion), non-agency parties secured whole or partial relief in 13.1% of all contested case outcomes.

However, where a contested case concluded with a formal written decision issued by ALJs (that is, excluding defaults and dismissals), non-agency parties prevailed, in whole or in part, 27.0% of the time:



Hearing Locations – General Government

OAH generally allows parties to conduct their contested case proceedings either in-person or remotely. For matters that are conducted in-person, the OAH ALJ will work with the parties to identify a location for the hearing, unless otherwise set by statute or regulation. As a result, OAH ALJs conduct “field hearings” all across Idaho whenever a proceeding necessitates an in-person hearing. For cases completed in 2024*, **68.8%** of those cases went to hearing (an increase compared to 63.2% in 2023), **8.8%** of which were held live (versus 8.3% in 2023):



* Data includes 13 carryover cases from 2023 which were completed in 2024.

Key Deadline – Time to Appointment General Government Division

OAH previously determined that two key timeframes should be tracked for analysis: time for appointment of a hearing officer on a matter, and the time from case receipt to issuance of the ALJ's concluding order.

Recognizing that the contested case process before an OAH ALJ may be, for many petitioners, the first step before additional levels of review either by an agency head or the court system, OAH recognized the need to ensure that the appointment process be made as quickly as feasibly possible. Prompt assignment enables the assigned ALJ to quickly set initial hearings, including scheduling conferences.

In light of this, OAH set an internal standard that aims to 1) confirm receipt of new matters with the assigning agency within 1 business day of transmittal to OAH, and 2) thereafter appoint a ALJ within 1 additional business day thereafter. Cases may be assigned more promptly than this 2-business day target.

OAH's General Government Division was able to meet this 2-business day standard in **99.3%** of its 2024 contested case assignments (139 out of 140 cases), compared to 97.2% in 2023.

Additionally, as OAH successfully streamlined the assignment of certain matters, the average time from assignment by an agency to appointment of a hearing officer, across all case assignments, was **1.3 business days** (down from 1.4 in 2023).

Key Deadline – Time to Appointment Health and Social Services Division

Consistent with prior practice of the Fair Hearings Unit of the Office of the Attorney General, OAH has determined that, in the vast majority of Health and Social Services Division contested cases, a single joint notice of appointment/notice of hearing is the best practice as a first filing for the parties in the proceeding. This contrasts with General Government Division practice, where only an initial notice of appointment issues, after which the assigned ALJ sets subsequent hearings depending on the demands of the case and governing statutory/regulatory authority.

Given the variety of cases handled by the Health and Social Services Division and the organizational needs prior to conducting a hearing, and to accommodate the joint notice of appointment/notice of hearing, OAH has set an initial internal standard to issue the joint notice of appointment/notice of hearing within 5 business days following assignment by DHW. The initial joint notice is frequently issued more promptly than this target.

OAH's Health and Social Services Division was able to meet this 5-business day standard in 91.7% of contested cases assigned by DHW after the July 1, 2024 start date of OAH's handling of DHW contested case proceedings.

Additionally, the average time for OAH's issuance of the initial notice, across all Health and Social Services Division matters assigned after July 1, 2024, was 2.6 business days.

Key Deadline – Time-to-Order General Government Division

OAH's internal goal for all ALJs across all cases in the General Government Division is to issue a decision within **180 days** of assignment (recognizing that there will always be outliers, typically the result of either case complexity or accommodation of unusual scheduling needs by the parties).

For General Government cases that resulted in a concluding order in 2024 (including holdover cases assigned in 2023), **93.6%** had orders issued within the 180-day target.

Digging deeper into the data, **85.1%** of all General Government cases had orders issued within 90 days of agency assignment. Looking at an even smaller timeframe, OAH's ALJs were able to issue concluding orders within 30 days of assignment in **56.4%** of cases; for ITD matters (primarily comprised of licensure matters), that figure was **67.5%**.

Across all General Government Division cases, the average time-to-order was **55.6** days; for non-ITD matters, it was **143.5** days, and for ITD matters, **34.8** days.

As of December 31, 2024, all holdover cases handled by the General Government Division which had been assigned in 2023 were concluded. For cases assigned in 2024, 28 cases remain pending as of end-of-year, the results of which will be reflected in OAH's 2025 year-end report.

Key Deadline – Time-to-Order Health and Social Services Division

Based on initial evaluation of data following the transition of DHW contested cases to OAH beginning July 1, 2024, OAH's initial internal goal for all ALJs across all cases in the Health and Social Services Division is to issue a decision with 90 days of assignment (recognizing that some matters are required, by regulation, to be completed within even shorter periods).

For those cases assigned to OAH after July 1, 2024, which resulted in a concluding order in 2024 (including defaults and other dismissals, which are more common in Health and Social Services Division proceedings than in General Government Division matters), 96.8% were completed within the target of 90 days. Looking at additional benchmarks, 67.0% were completed within a 45-day period, increasing to 82.1% by the 60-day mark.

In terms of days-to-order, the Health and Social Services Division's overall average across all orders was 37.4 days in 2024; for matters that required a full written preliminary order, the average days-to-order was 60.7 days.

As of December 31, 2024, for Health and Social Services Division cases assigned in 2024, 80 cases remain pending as of end-of-year, the results of which will be reflected in OAH's 2025 year-end report.

Budgetary Efficiency

For FY2025, OAH is staffed with 6 ALJs and 3 Deputy Clerks, with a total agency budget of \$1,589,000. Based upon a comparison of current ALJ numbers amongst other central panel agencies similar to OAH, Idaho's OAH is most similar to Wyoming and South Carolina:

State	Annual Budget	ALJs	Staff	\$/ALJ
Idaho Office of Administrative Hearings	\$1,589,000	6	3	\$264,833
Wyoming Office of Administrative Hearings	\$2,339,787	6	6	\$389,965
S. Carolina Administrative Law Court	\$6,694,507	6	44	\$1,115,752

Accordingly, Idaho's OAH remains well atop its peers in terms of budgetary efficiency, without sacrificing quality of service.

Questions?

Questions regarding this report may be directed to:

Bryan A. Nickels
Chief Administrative Hearing Officer
Office of Administrative Hearings
350 N. 9th Street, Suite 300
(208) 605-4300
Bryan.Nickels@oah.idaho.gov

