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**FEDERAL
ADMINISTRATIVE
LAW
JUDGE
HEARINGS**

Statistical Report for 1976—1978

Uniform Caseload Accounting System
Office of the Chairman
Administrative Conference of the United States
July 1980



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FOREWORD

In 1977, the Office of the Chairman of the Administrative Conference published the first report of its Uniform Caseload Accounting System, covering formal administrative proceedings at 23 Federal agencies for fiscal year 1975. This report builds on that initial report by covering 28 agencies and three years--fiscal years 1976-1978. It represents the culmination of an arduous effort to assemble useful statistics on administrative proceedings in a manner similar to that used for many years to collect statistics on Federal court cases.

This publication contains the only existing inventory of formal proceedings at the Federal agencies. For that reason alone, I believe it to be a significant contribution to public understanding of the Government's regulatory activities. But its more important goal is to provide information on how long it takes agencies to decide these cases. Performance comparisons among types of cases and among agencies, if done carefully, and with a sensitivity to procedural and substantive differences, can be crucial in identifying undue delays. I am confident that those of us who seek to improve the fairness and efficiency of agency hearing and review procedures will be materially aided in planning our reform efforts by the data contained in this report.

When the Uniform Caseload Accounting System was developed under former Chairmen Antonin Scalia and Robert Anthony, it was intended as a three-to-five year "pilot project". The Conference has received much encouragement in this effort, but now is the time for a reckoning of the project's long-term goals and the Conference's ability to meet those goals. I hope that users of this report will help by sending in their comments and suggestions.

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ACKNOWLEDGMENTS

This report of the Administrative Conference's Uniform Caseload Accounting System for fiscal years 1976—1978 is the result of the cooperative efforts of many persons. The principal coordinator of the entire project and author of the text has been Jeffrey Lubbers, Senior Staff Attorney. The data processing effort for the derivation of most of the statistics in this report was directed by David Pritzker.

Others who provided invaluable assistance during the pendency of this project were staff attorney William Bush, whose organizational skills helped coax this manuscript out of the word-processor; law students Sally Pfund and Janet Nash, who coded data cards, transcribed numbers and produced charts with insight, diligence and unfailing good humor; Sharon Anderson for typing; and Kathy Tyson for proofreading assistance.

We also wish to thank the many agency Administrative Law Judges and docket personnel, without whose cooperation this report would not have been possible.

Finally, we wish to acknowledge responsibility for any errors in this publication, either in the text or in the transcription of the statistics.

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July 1980

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PREFACE: THE UNIFORM CASELOAD ACCOUNTING SYSTEM

Each year Federal agencies (including both executive departments and independent agencies) make hundreds of thousands of administrative decisions that directly affect rights and obligations of private persons. The Administrative Procedure Act in many instances requires that agencies hold formal hearings of record before final decisions are reached. The various agencies employ about 1100 administrative law judges (ALJs) to conduct such formal proceedings. As the following report shows, formal hearing procedures are employed in an enormously wide range of decisional matters: from simple disciplinary actions against individuals who have abused horses to complicated airline route certification cases. There are great differences, both within and among agencies, in the complexity of issues and the processing time associated with various types of proceedings.

The Uniform Caseload Accounting System is designed to bring together, in one document, significant statistical information about these cases. As an ongoing data collection project, the system is designed to help agencies to work for more expeditious disposition of their formal decision-making responsibilities by assisting them in the identification of areas of avoidable delay.

STATISTICS ON ADMINISTRATIVE PROCEEDINGS— HISTORICAL BACKGROUND

Extensive statistics on the Federal courts have been systematically collected and disseminated since 1940 in the annual reports of the Director of the Administrative Office of the U.S. Courts. The Office's efforts are supervised by the Judicial Conference of the United States, which exercises comprehensive administrative direction over the Federal courts. Moreover, in 1968, the Federal Judicial Center was created to serve as a research arm of the courts. The Center makes extensive use of the statistics gathered by the Administrative Office.

The success of the courts' statistical program has led to several efforts to collect similar statistics on administrative proceedings, but these efforts have never achieved the consistency or continuity of the Administrative Office's system. The first continuing compilation was initiated in 1957 by the Office of Administrative Procedure, a unit then existing in the Department of Justice, which undertook a compilation of statistics relating to formal proceedings conducted

by ALJs (then called "hearing examiners") in those agencies that regularly employed ALJs. Annual reports were issued for fiscal years 1957, 1958, and 1959. The 1959 report (page 9) stated:

In the brief experience of the Office of Administrative Procedure its statistics on administrative proceedings have received widespread acceptance and have been an indispensable aid in studying agency process.

In 1960, with the change in administrations, President Kennedy named Dean James M. Landis to prepare for him a report on the Federal independent regulatory agencies and their problems. In this report, Dean Landis took note of the increased interest in a permanent conference on administrative procedure modeled after President Eisenhower's Conference on Administrative Procedure (1953--1955). Landis recommended that advocates (led by Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit) of a permanent conference be supported. Dean Landis stated:

Much can come from this effort including not merely revisions in our administrative procedures, but also the making of our regulatory agencies into a system just as the Judicial Conference of the United States has made a system of what were once isolated and individual federal courts. . . . For a conference of this type to be effective it is essential that a permanent secretariat be established

More specifically, he urged that

The work and functions now lodged in the Office of Administrative Procedure in the Department of Justice should be transferred to this secretariat, for the statistics can there be refined and reworked so as to make them significant to the operations of the conference.

(Landis, Report on the Regulatory Agencies to the President-Elect, p. 73 (Senate Comm. on the Judiciary, Committee Print 1960).)

In response to the Landis Report, President Kennedy in March 1961 issued an Executive Order establishing the "Administrative Conference of the United States." It was a temporary conference--its lifespan fixed at 18 months--composed of members from the private sector as well as from the agencies, with a small full-time staff, and funds appropriated by Congress.

Once established, the Conference took over the statistical work started by the Office of Administrative Procedure. Indeed, the Conference's first formal recommendation was to continue this effort. The activity was directed by the Conference's Committee on

Statistics and Reports and resulted in the publication of two volumes of statistics for fiscal year 1961, listing the types of formal proceedings conducted by Federal agencies and providing caseload, backlog, and elapsed time data for these cases. The Conference later compiled the same data (in one volume) for fiscal year 1962.

The 1961 and 1962 reports were more ambitious than the earlier 1957--1959 reports of the Department of Justice. The earlier reports had been limited to cases involving ALJs at those agencies regularly employing them. The Conference reports published information for all proceedings involving oral hearings with verbatim transcripts.

Furthermore, the Conference reports contained a computer print-out of raw data on elapsed time for each individual case closed in the year. Although the reports continued the service of cataloguing, citing and describing the Federal government's formal proceedings, their attempt to present all the raw data for each case may have been too ambitious, because the reports were bulky, lacking in textual aid, and therefore very difficult to use and disseminate.

Before the temporary Conference disbanded, it adopted a recommendation which urged that the statistics-gathering function performed by the Conference be continued, expanded, and improved upon by the Office of Administrative Procedure or some other office created for the purpose. Further, it recommended that sufficient additional research and study be undertaken to develop meaningful categories of administrative proceedings comparable to those developed by the Administrative Office of the U.S. Courts relating to judicial proceedings. Finally, it called for study of the data-gathering systems used by the various agencies and for consideration of the feasibility of establishing a central statistical data processing system available to all agencies.

After the temporary Conference had disbanded, the Senate Judiciary Subcommittee on Administrative Practice and Procedure, in cooperation with the Office of Administrative Procedure, published one additional report for fiscal year 1963, and held for processing the raw data for the years 1964 and 1965 in anticipation of the organization of the permanent Administrative Conference, which was established by statute in 1964. When the permanent Administrative Conference of the United States (ACUS) was finally organized in January 1968, the Office of the Chairman compiled the raw data along the lines of the 1961--1962 reports into a massive compendium for 1961--1966. These data were kept on file for the use of the committees and consultants of the Conference, but budget limitations precluded their

publication or dissemination. The 1961--1966 compilation suffered the same defects of bulk and inaccessibility which plagued the 1961--1962 reports.

Along with format problems, these statistical efforts suffered from a lack of consistent oversight as they passed from the Department of Justice, to the temporary Conference, to a Congressional subcommittee, and then, after a two-year delay, to the permanent Administrative Conference. Because widespread dissemination, or even systematic distribution to the participating agencies, was never undertaken due to budgetary constraints, the utility of the statistics was never appraised on the basis of any comments from the agencies, the bar, the scholarly community, or the public.

In 1969, the Administrative Conference of the U.S. again took up the subject of collection of statistics on administrative proceedings. Under its enabling act, the Conference is specifically empowered to collect and publish such statistics from administrative agencies as it considers useful. (See 5 U.S.C. 574(3)) Given the experience of the previous decade, the Conference this time opted for fostering the development of basic statistical data by the agencies themselves. In Recommendation 69-6 ACUS urged agencies to maintain statistics that would show:

- a) the number and kinds of proceedings that are opened, terminated, and pending during the year;
- b) the number of days which elapsed during each significant step of proceedings concluded during the year; and
- c) the manner in which such cases were closed.

The effect of this recommendation was to leave the initiative for gathering statistics to the agencies that conducted the administrative proceedings. In 1971, the Office of the Chairman made a general call on agencies to submit their current caseload statistics in order that the figures could be consolidated and published. However, it was determined that there was so little uniformity in the separately developed data, that they could not be presented in any uniform or consistent format. For example, some agencies supplied data on a calendar year basis; others did so on a fiscal year basis. These data were never published.

By 1973 only five agencies were deemed to have met the standards for data collection and publication set by Recommendation 69-6. In that year, the Conference commissioned Norbert Halloran, a management specialist with the Administrative Office of the U.S. Courts, to develop a uniform method of

caseload accounting which would not unduly burden the participating agencies. Mr. Halloran prepared a management study report entitled "Federal Agency Hearings: A Proposed Caseload Accounting System", and by July 1, 1974, the data collection process as envisioned by that report was initiated.

In October 1977 the Office of the Chairman published the first report of its Uniform Caseload Accounting System, covering fiscal year 1975. The present report, the second in the series, covers fiscal years 1976–1978.

THE UNIFORM CASELOAD ACCOUNTING SYSTEM

Unlike the data collection efforts of the 1960's, this system is geared to one constant factor--the involvement of an administrative law judge. Like the original effort of the Department of Justice in the late 1950's, data were sought only from those agencies which employ at least one ALJ on a permanent basis (28 agencies by fiscal year 1978). Each of those agencies was asked to report on all its decision-making proceedings that are characterized by the opportunity for a hearing before an ALJ. Most such proceedings are classified as formal adjudications under the Administrative Procedure Act; a few agencies also conduct formal rulemaking proceedings presided over by an ALJ.

The agencies were asked to report on all cases opened, closed, or pending during fiscal years 1976--1978, and to categorize their types of cases in a way that was most meaningful to the agency. For the most part, cases were categorized according to the governing statute, but some agencies differentiated between types of cases according to procedural characteristics or to the division initiating the case within the agency. This compilation of categories of formal proceedings, classified by agencies, was one of the most useful features of the FY 1975 publication, and it has been continued herein. For each category there is provided a thumbnail description of the case type, citations to the governing statutes, and a citation to the applicable agency rules of practice or procedure in the Code of Federal Regulations.

Three agencies (Interstate Commerce Commission, National Labor Relations Board, and Social Security Administration) supplied pre-tabulated data from their own computer-based case-management systems. A number of others also provided manually pretabulated caseload information to us. Most agencies, however, provided data on each case by means of a uniform reporting card designed by Mr. Halloran. The card and

the reporting arrangements are discussed more fully in Chapter II.

Tabulations of data taken from these cards, along with the pre-tabulated data submitted by the other agencies, form the basis for the statistics presented in this report. Completeness, accuracy, and timeliness of data-gathering have depended on the interest and cooperation of the ALJs, their staffs, and the agency docket-section personnel who have been completing and sending in the cards. With so many participating agencies and so many varying procedures involved, problems inevitably occurred. Those that bear on the statistics presented in this report are described in Chapter II of this report.

WHY COLLECT AND PUBLISH THESE STATISTICS?

In 1974, when Norbert Halloran designed the Uniform Caseload Accounting System, he proposed that the system be operated for a trial period of from three to five years. Any assessment of the system's utility or even the usefulness of this report will depend in part on comments from the agencies and from persons interested in agency performance of formal adjudicative functions. Nonetheless, it may be helpful to suggest what we believe to be the potentialities of the system, some of which may be partly realized by the publication of this report, others of which will not be realized until the system is refined, and still others of which will not be realized without an increase in the resources available to the system and a commitment by the participating agencies to give the submission of data to the system a higher priority than they have to date.

The report constitutes a unique source of information on the types, volumes, and processing times of formal adjudications undertaken by agencies and departments of the Federal government. The mere availability of a government-wide inventory of formal adjudications undertaken by these agencies and departments provides a reference for those who participate in the quest to improve Federal agency procedures, whether through procedural reform or reorganization. Making such data available in one document should prove helpful to any agency that wishes to learn more about functions of other agencies which are analogous to its own, to the Congress in its capacity as overseer of Federal agencies and the programs they administer, and to the Office of Personnel Management in its role as overseer of the ALJ program. Furthermore, these statistics should prove useful to the Administrative Conference in its mandated role of promoting improvements in administrative procedure. The Conference already has

made significant recommendations for procedural improvement in agency formal adjudication (e.g., the increased use of summary decision techniques, pre-trial discovery, subpoena power, intermediate appellate review boards, and discretionary review by the agency). Further development of these statistics should provide necessary data for evaluation of the impact of such recommended procedural improvements.

The most consequential goal for this system rests on a hypothesis advanced by Norbert Halloran in his prospectus for the system to the effect that since caseload accounting has been useful for the Federal judiciary, it should be no less useful to the administrative judiciary as well.

The system developed by the Administrative Office of the U.S. Courts for collection of court statistics did indeed provide the model for the system now employed by the Administrative Conference. The Federal court statistics are compiled from a stream of individual case-opened and case-closed card reports. (In calendar year 1978 the number of filings in Federal district court exceeded 175,000 cases.) However, the system has been modified to take account of important differences between court cases and administrative cases. ALJs and Federal court judges operate within substantially different circumstances, and these differences must be taken into account in both the collection of data and the use of the resulting statistics on agency proceedings. The data collection must reflect the entire agency decisional process, not just the formal hearing stage. Any use of the statistics must involve an understanding of the distinct role of the ALJ, not only in comparison to Federal judges, but also in relation to the functioning of the particular agency, as well as an understanding of the procedural distinctiveness of the class of case for which the statistics are given.

In Mr. Halloran's words, "while the civil court case might be considered a one act drama, the administrative case unfolds in three acts":

Act I. Administrative actions prior to formal proceedings (the prehearing stage)

This stage is triggered by the agency's first investigative action or by a petitioner's inquiry, application or complaint. It may require extensive legal work or technical research by a field organization, technical bureau, or separate legal or investigatory staff. It ends when the agency—usually the staff of the Board or Commission—formally refers the case to the office of ALJs. Unlike a civil court case, which is under almost complete control of the judge from its inception, the administrative case has been shaped by the agency itself. In some instances, the issues for decision are specified or at least circumscribed, by the agency before the ALJ receives the case.

Act II. Formal proceedings (the hearing stage)

In most agencies, once a case is assigned to an ALJ, he or she will bear sole responsibility to rule on preliminary motions, conduct a pre-hearing conference, control the hearing (which may include written and/or oral testimony and cross-examination), review the briefs, and prepare and issue an initial decision in the case along with extensive written findings and conclusions.

Act III. Agency review of ALJ decisions (the posthearing stage)

This stage begins when the ALJ releases a decision and ends when all agency review functions, possibly including an oral argument before the reviewing authority, are completed and the agency issues its final decision. Review is usually by the Board, Commission or single Administrator that heads the agency, but some agencies delegate some review authority to subpanels of their members or to intermediate review boards or officers. In a few agencies final review authority is delegated to a special review board, e.g., Department of Interior (various Appeals Boards), Social Security Administration (Appeals Council), and Department of Labor (Benefits Review Board).

We do not blithely accept the premise that the use of caseload accounting in the Federal judiciary can be wholly transferred to the administrative arena, but we do find an encouraging lesson in its successful application as a tool in court administration. Mr. Halloran, in a section of his report headed "Relevance of Court Statistics to Agency Proceedings," outlined three ways that the Federal judiciary employs court statistics:

- a) to gauge workload conditions and the currency of dockets in individual courts;
- b) to support management decisions relating to new judgeship requests, assignment of visiting judges, opening or closing of court facilities, and court staffing needs; and
- c) to provide facts needed to evaluate recommended legislation, procedural changes, and reorganization proposals

The comprehensive and centralized administrative direction of the court system by the Administrative Office (under the supervision of the Judicial Conference) greatly facilitates the use of such statistics in making management decisions relating to that system. Such uniform, central direction in the management of agency adjudications does not (and perhaps could not) exist. However, even within the decentralized administration of the agency adjudicative sphere, management decisions must be made by

individual agencies, by Congress, and by the Office of Personnel Management. Procedural innovations must be evaluated and procedural bottlenecks minimized. All of these goals require a greater understanding of caseloads, case processing times, and complexities of the various types or classes of agency adjudications.

Classification and categorization of the agencies' formal proceedings in order to attain some measure of comparability between cases would not be an easy job. But we take encouragement from the fact that the Administrative Office has found a way to make useful generalizations about a variety of types of cases with characteristics as widely varying as those decided by administrative agencies. Its approach was to develop, over the years, a system of "weighting" cases in terms of judicial time required. For example, classes of cases that, through studies of judges' time logs, were found to be of average duration and complexity, such as tax suits and tort claims, were assigned a weight of "one". Antitrust cases, which are normally much more time-consuming, were assigned a weight of 8; social security cases were weighted .67, and so on. The weightings are periodically revised to ensure that they reflect current time studies. This development of weighted caseload figures is crucial to providing the Administrative Office with a more meaningful picture of calendaring and manpower needs. It also provides the Office with a better framework in which to judge the significance of its elaborate and refined case processing time figures.

Few would argue that the Administrative Office's court statistics have not been a useful tool for those interested in improving the administration of the Federal courts. But the question remains whether a system designed for caseload accounting in the courts can have the same utility with respect to agency proceedings. The weighting of types of agency adjudications may be much more problematic. The "three act" proceeding increases the number of variables to take account of. And differences in agencies and their procedures may create additional variables not present in the Federal courts where the Federal Rules of Civil Procedure provide a measure of procedural uniformity far exceeding that provided by the Administrative Procedure Act. These variables may render fruitless any attempt to assign meaningful numerical weights to types of agency proceedings--even if that were thought desirable. Nonetheless, some useful measure of comparability between types of agency proceedings is clearly possible and desirable. For example, even if the Department of Agriculture's Horse Protection Act civil penalty case is not at all comparable with a CAB foreign route permit case, it may be quite usefully comparable with an OSHA civil penalty case. As the data collection is completed,

techniques should emerge that will enable us to form generalizations about procedures. Through comparative analysis, red flags might be raised with respect to problems of undue delay or inefficient procedures.

DELAY AND PRODUCTIVITY

It is a truism among lawyers that "justice delayed is justice denied," and delay in the administrative process has been a major concern for a long time. In an essay on the subject in 1971, the then Chairman of the Administrative Conference Roger Cramton, declared:

While administrative agencies were created to provide expeditious determinations of matters that courts and legislatures could not effectively handle, a continuing chorus of complaints of delay in the administrative process indicates that the ideal has not yet been achieved.

The chorus continues unabated. Courts have more frequently reviewed agency inaction and ordered action. In 1976, the House Committee on Interstate and Foreign Commerce issued a report highly critical of delays in a number of Federal agencies, and the Senate Committee on Governmental Affairs, in 1977, published, as Volume IV of its six-part Study on Federal Regulation, a committee print devoted to "Delay in the Regulatory Process". Both President Ford and President Carter have strongly supported measures designed to reduce regulatory delays.

No one should expect that addressing the issue of delay in administrative adjudication is an easy thing to do. Hearings take time. They must be fair, and the Administrative Procedure Act's adjudicative procedures are well designed to ensure fairness. But a judgment can be arrived at within each agency--and for different types of cases--as to how long a case should normally take. And agencies should employ some system to keep track of the progress of cases from initiation to final agency action. When pending cases fail to progress toward completion in accordance with expected timetables, an explanation should be sought. In many instances there will be a reasonable explanation; when there is not, corrective steps should be taken.

This is not just a theoretical ideal. The NLRB's Office of General Counsel has for some time employed a highly effective case-tracking system with well-known goals for the processing of cases in the prehearing stages. It has not only reduced the processing time, but has provided incentives for employees' efficiency and bolstered the agency's ability to back up its claims of high productivity. Other agencies are also developing sophisticated, computer-based case-tracking systems.

And such in-house capability will undoubtedly reduce delay in those agencies.

A government-wide compilation of statistics should, in the long run, provide a stimulus and a basis for achieving some measure of comparability between classes of agency cases. Experts in administrative procedure can carefully compare the procedures of different agencies which perform, through adjudication, such similar functions as disciplinary proceedings, ratemakings, civil penalty assessments, permit revocations, merger approvals, applications for entry into regulated industry, construction permit applications, or claims for statutory benefits. Of course, some classes of cases defy aggregation, but a basis for comparison among certain classes of cases (such as those mentioned above) is surely attainable. Once the cataloguing is accomplished, elapsed time statistics would become more meaningful, and a refinement of such statistics to make them illuminate other intermediate steps of the case would be worthwhile. After all this, the goal would still be a modest one: to identify dissimilarities in elapsed time of identical stages in similar cases. Where found, a red flag would be raised, bottlenecks could be sought out and eliminated, and procedural recommendations would have an empirical base. This effort can complement, facilitate, and be assisted by the agencies' development of their own in-house case-tracking systems and internal case-processing guidelines. In time, procedures for agency adjudications could be standardized to a greater extent, budget and manpower decisions could be made more intelligently, and undue administrative delay could be reduced.

SCOPE OF THIS REPORT

It has been said that, "There are three kinds of lies: lies, damned lies, and statistics." Prompted by this aphorism, we wish to emphasize the limitations of this report after dwelling at such length on its potential.

One basic caveat is that the report deals only with quantity, not quality. Also, its scope is, at this stage, intentionally quite narrow. It includes information only on those administrative proceedings involving administrative law judges in those agencies which employ ALJs on a permanent basis. Agencies which occasionally borrow ALJs from other agencies are not included. Nor are a large number of administrative adjudications, including those by the Veterans Administration and Immigration and Naturalization Service which have most of the attributes of a formal hearing, but are not presided over by ALJs.

Furthermore, even within the intended scope of this report the results of our data collection are in some respects incomplete (as explained in Chapter II). For this reason we have not analyzed the meaning of these statistics—we have merely attempted to present them in a fair, informative, and readable fashion in as full a context as possible in these circumstances.

We hope that this report, limited though it may be, will not only be useful in and of itself, but will also stimulate comments, suggestions, and questions that will make future statistics-gathering even more useful to the long-range goals of achieving some measure of comparability of cases and of alerting agency management to situations of undue delay.

In closing this preface we would cite a cautiously optimistic statement by Chief Justice Harlan Fiske Stone, made as a law professor, speaking about the goals of judicial statistics:

This statistical method of dealing with social problems often cannot be relied upon as a mathematical demonstration leading to specific conclusions, but it may be used to indicate tendencies, to mark out the boundaries of a problem, and to point the directions to be given to a particular investigation of a non-statistical character.

It is in that spirit that we publish this report.

CHAPTER I: THE ADMINISTRATIVE LAW JUDGE*

As explained in the Preface, the statistics compiled in this report pertain to the conduct of formal administrative proceedings characterized by a quasi-judicial hearing before an administrative law judge (ALJ)¹ appointed under 5 U.S.C. 3105.² Users of the report may therefore find it helpful to know something about administrative law judges, what the ALJ's role is in these adjudications, how the ALJ is selected, and what issues involving the ALJ are of interest to those concerned with the fairness and efficiency of administrative law.

The ALJ is the central figure in formal administrative adjudication. There were 1127 ALJs³ employed by 29 Federal agencies⁴ as of April 2, 1980. One indication of the importance of ALJs as lawmakers and law appliers is suggested by the fact that they outnumber by two to one the corps of United States

district court judges who preside over the nation's entire Federal civil and criminal trial docket.⁵

ALJs are employed by Executive departments (e.g., Agriculture, Interior, Labor, etc.) and independent agencies⁶ (e.g., Federal Trade Commission, Interstate Commerce Commission, National Transportation Safety Board, etc.) to conduct hearings and make decisions in proceedings in which administrative determinations must be based on the record of a trial-type hearing. An ALJ's decision may be, and often is, the final decision of the agency without further proceedings if there is no appeal to, or review on the motion of, the agency.⁷ A mere listing of some of the types of matters acted on by ALJs shows how important they are to our daily lives and to the national economy: licenses and route certificates for transportation by air, rail, motor vehicle or ship; licenses for radio and television broadcasting; rates for gas, electrical, communication, and transportation services; compliance with Federal standards relating to interstate trade, labor-management relations, advertising, communications, consumer products, food and drugs, banking, corporate mergers, and antitrust; regulations on health and safety in mining, transportation, and industry; regulation of trading in securities, commodities, and futures; adjudication of claims relating to social security benefits, workers' compensation, international trade, and mining; and many other matters.

When compared to the role of judges of the Federal courts, the role of ALJs in our governmental system is less visible, and, one would guess, less well understood. The Federal judge is, after all, the personification of the Judicial branch of the government, a robed authority figure who can demand and receive respect

* Prepared by Jeffrey S. Lubbers, Senior Staff Attorney, Office of the Chairman, Administrative Conference of the United States (revised, April 1980). The paper represents only the analysis of the author and has not been reviewed or approved by the Administrative Conference of the United States or by any of its standing committees.

1. The newsletter of the Federal Administrative Law Judges Conference expressed displeasure with the proliferation of the acronym "ALJ" (August 1979 newsletter). It is used in this publication solely for the sake of brevity.

2. 5 U.S.C. 3105 was originally the first sentence of section 11 of the Administrative Procedure Act (APA). The great majority of proceedings presided over by an ALJ are adjudications as defined by the APA (5 U.S.C. 554, 556, 557). However, a few formal rulemaking proceedings (5 U.S.C. 553(c), 556, 557) are included due to the assignment of an ALJ as presiding officer.

3. Statement of Margery Waxman, General Counsel, U.S. Office of Personnel Management, before the Committee on Post Office and Civil Service of the U.S. House of Representatives, on H.R. 6768, April 2, 1980, page 7. Of this total, 43 are women and 54 are "minorities." *Id.*

4. This includes the 28 agencies included in the report plus the Federal Labor Relations Authority which began employing ALJs in fiscal year 1979. Also in FY 1979, the reorganization of the Civil Service Commission effected the transfer of CSC's ALJ to the new Merit Systems Protection Board.

5. As of June 1979, there were 516 authorized federal district court judgeships, 397 filled and 119 vacancies. Most of those vacancies were unfilled new positions created by the Omnibus Judgeship Act of 1978. Administrative Office of the U.S. Courts, 1979 Ann. Report, p. 4.

6. The term "agency" as used in this chapter includes Executive departments, agencies within such departments, (e.g., Social Security Administration) and independent agencies.

7. 5 U.S.C. 557(b).

and obeisance even from Presidents. Federal judges are guaranteed life tenure by the Constitution; there is little reason to question their independence. The significance of their decisions, which are regularly published and widely accessible, is clearly comprehensible within the context of the familiar three-tier structure of the Federal court system (i.e., district courts, courts of appeals, and the Supreme Court). ALJs, on the other hand, in spite of being called judges and functioning as such, are subject to doubts about their independence due in part to their employment status as agency personnel. Furthermore, few agencies systematically publish decisions of their ALJs, and the significance of an ALJ's "decision" as a determinant of his agency's decision or final action varies markedly from agency to agency.

The position of administrative law judge (formerly called "hearing examiner"⁸) did not even exist until the Administrative Procedure Act (APA) was enacted in 1946. Prior to the APA,⁹ there were no reliable safeguards to ensure the objectivity and judicial capability of presiding officers in formal administrative proceedings. Ordinarily these officers were subordinate employees chosen by the agencies, and the power of the agencies to control and influence such personnel made questionable any agency contention that its proceedings assured fundamental fairness. Furthermore, the role of the presiding officer in an agency's decisional process was often unclear; many agencies would ignore the officer's decisions without giving reasons, and enter their own de novo decisions. The APA was designed to correct these conditions. Reshaping the role of the "hearing examiner" was a crucial pre-condition to both of these basic reforms.

I. THE ALJ'S ROLE UNDER THE ADMINISTRATIVE PROCEDURE ACT

Despite the wide variety of types of cases heard by ALJs throughout the government, the functions of the ALJ are substantially the same in most cases. The ALJ normally has the following duties, grounded in his

8. The APA originally used the term "examiner". This was changed to "hearing examiner" in the 1966 codification of the Act. After a long campaign by the examiners, the title was changed to Administrative Law Judge by the Civil Service Commission on August 19, 1972. The APA was subsequently so amended in 1978. Pub. L. 95-251.

9. The following discussion is derived from Macy, The APA and the Hearing Examiners: Products of a Visible Political Society, 27 Fed. Bar. J. 351, 355 (1967).

powers specified in the APA.¹⁰

- Administer oaths and affirmations.
- Issue subpoenas authorized by law.
- Rule upon offers of proof and receive relevant evidence.
- Take or cause the taking of depositions.
- Hold conferences for the settlement or simplification of the issues by consent of the parties.
- Dispose of procedural requests or similar matters.
- Question witnesses as necessary or desirable.
- Consider the facts in the record, arguments or contentions made, or questions resolved.
- Determine credibility of witnesses and make findings of fact and conclusions of law.
- Make decisions on the basis of reliable, probative, and substantial evidence on the record.
- Take any other action authorized by agency rule that is consistent with the provisions of the APA.

Not only does the APA specify the authority of ALJs as presiding officers, it also attempts to insure their impartiality and independence. A chief effect of the Act was to lodge in the Civil Service Commission (now the Office of Personnel Management, Pub. L. 95-454, 1978) exclusive authority for the initial examination and certification for selection of ALJs, the determination of applicable pay scales, and action on agency initiatives to terminate appointments of ALJs. The Act requires that the ALJ's functions (as well as those of other agency decisionmakers) be conducted in an impartial manner.¹¹ Moreover, if a disqualification petition is filed against an ALJ in any case, the agency must determine that issue on the record, and as part of the decision in that case.¹² The Act also prescribes that an ALJ may not be responsible to, or subject to supervision by, anyone performing investigative or prosecutorial functions for an agency.¹³ This "separation of functions" requirement is designed to

10. 5 U.S.C. 556(c). For a comprehensive look at the duties of an ALJ see Ruhlen, Manual for Administrative Law Judges (Administrative Conference of the United States, 1974), and Zwerdling, Reflections on the Role of the Administrative Law Judge, 25 Admin. L. Rev. 9 (1973).

11. 5 U.S.C. 556(b).

12. Id.

13. 5 U.S.C. 554(d).

prevent the investigative or prosecutorial arm of an agency from controlling a hearing or influencing the ALJ. Finally, to insure that the ALJ is well insulated from improper agency pressure and controls, the APA contains two other provisions designed to make the ALJ at least semi-independent of the employing agency: ALJs are to be assigned to their cases in rotation so far as practicable; and they may not perform duties inconsistent with their role as ALJs.¹⁴ They receive their pay as prescribed by the Office of Personnel Management (OPM) independently of agency recommendation or ratings,¹⁵ and are removable by the agency only after good cause is established before the Merit Systems Protection Board after opportunity for hearing.¹⁶

II. SELECTION AND APPOINTMENT OF ALJs

Since the passage of the Administrative Procedure Act, the U.S. Civil Service Commission (now OPM) has been exclusively responsible for the initial examination, certification for selection, and compensation of ALJs. Exercising these responsibilities has not been an easy task. The story of the controversy that surrounded the Commission's early attempts to administer the examination and selection of qualified ALJs and the maintenance of an eligibility roster is an interesting one, but it is too lengthy to be retold here.¹⁷ What is of more immediate interest is how the current and future members of the corps of ALJs attained or will attain their positions.

There are several important interrelated facets of the selection and appointment process. The Office of Personnel Management through its Office of Administrative Law Judges administers the recruitment, evaluation, and selection of those eligible to be appointed as ALJs. OPM has determined the minimum level of qualifying experience which an individual must have to be eligible. In addition OPM conducts interviews, administers a test of writing ability,

evaluates the qualifying experience of all applicants who meet the minimum experience requirements, and scores each of them on a scale of 100 points. Those who score 80 points or above become "eligibles" and are ranked (highest scores at the top) on registers maintained by OPM from which the agencies make their appointments. The Office maintains two registers; one at the GS-16 grade level, the other at GS-15. This is done because OPM has created ALJ positions at both of these level. ALJ positions in a majority of those agencies which employ ALJs (including most of the major agencies engaged in economic regulation) are at the GS-16 level.¹⁸ The positions in the remaining four agencies (including the Social Security Administration which employs over half of all ALJs) are at the GS-15 level.¹⁹

Before considering the entire selection and appointment process in more detail, it is necessary to note the importance of two complicating factors. The first such factor results from the applicability of the Veterans Preference Act²⁰ to the process. This Act (applicable to all competitive civil service jobs in the Federal government) provides that veterans of the armed services shall receive preference points in addition to their scored rating. This, as will be shown, tends markedly to enhance the ranking of veterans on both the GS-15 and GS-16 ALJ registers in relation to non-veterans. The second complicating factor is the Office's policy of permitting agencies to appoint eligibles who are not at the top of the register if the eligible possesses requisite specialized experience. Most of the agencies employing GS-16 ALJs utilize this procedure, known as "selective certification," and its impact on the appointment of GS-16 ALJs is therefore crucial.

18. One constraint on the number of GS-16 ALJ positions authorized by OPM is that there is a statutory ceiling on the number of "supergrade" positions (i.e., GS-16, GS-17 and GS-18 positions) in the Federal government. See 5 U.S.C.A. 5108(a) (1979 Supplement), authorizing the Director of OPM, at his discretion, to establish 10,777 supergrade positions. A provision in this section reserving 240 positions at the GS-16 level and 9 positions at the GS-17 level for ALJs was deleted by Pub. L. 95-454.

19. The other 3 agencies that employ ALJs classified (by OPM) at GS-15 are the Bureau of Alcohol, Tobacco and Firearms, the Department of HUD, and the U.S. Coast Guard. In addition, the Environmental Protection Agency and the Departments of Interior and Labor employ both GS-15s and GS-16s. Chief ALJs at agencies with more 10 ALJs are classified at GS-17.

20. Veterans Preference Act of 1944, as amended, 5 U.S.C. 2108, 3309, 3317, 3318.

14. 5 U.S.C. 3105.

15. 5 U.S.C. 5362.

16. 5 U.S.C. 7521, 5 C.F.R. 1201.131, 44 Fed Reg. 3953 (1979).

17. The definitive account, with rich Civil Service Commission documentation, is found in Macy, *supra* note 9, at 363-378. Mr. Macy was then the Chairman of the Commission.

A. Evaluation by the Office of ALJs

The Office of Personnel Management has set forth the minimum qualifying experience which must be possessed by an applicant as well as the general rating factors considered by the Office of ALJs in the determination of the applicant's eligibility and score.²¹

In order to qualify as an ALJ, the applicant must be an attorney and have seven or more years of "qualifying experience," at least two of which must be within the seven-year period immediately preceding the date of the application. Qualifying experience means primarily (1) judicial experience; (2) the preparation, trial, hearing or review of administrative law cases at the Federal, state, or local level; or (3) the preparation, trial or appeal of cases in courts of unlimited or original jurisdiction.²²

The ALJ applicant must consent to having inquiries (referred to by OPM as "vouchers") sent to about 20 individuals having personal knowledge of the applicant's experience, professional abilities, and qualifications (e.g., supervisors, judges, law partners, co-counsel and opposing counsel). The applicant also must demonstrate writing ability by preparing, under OPM supervision, a sample opinion which is examined for clarity, conciseness and legal soundness. Finally, the applicant must participate in an oral interview before a special panel composed of an official of OPM, a practicing attorney, and an official of an administrative agency.²³

To become an eligible, and be placed on either the GS-15 or GS-16 register, an applicant must score at least 80 points on a scale of 100 in the final grading of the application. Applications are first screened to determine whether the applicant has the requisite minimal qualifying experience. Only those that do are graded. The applicant's qualifying experience may then be scored up to 60 points based upon the level of difficulty, complexity, responsibility and importance of

at least one year of his experience. This score is computed by the Office of ALJs from an internal manual it has assembled over the years containing numerical scores for all anticipated types of qualifying experience. The computation is also affected by the civil service rating sought by the applicant; his experience will probably be assigned fewer points if he applies for eligibility at GS-16 than if he seeks eligibility at GS-15.

In addition to a score for qualifying experience, the applicant is assigned up to 40 points based upon the evaluation of professional qualifications contained in the applicant's vouchers. The staff of the Office of ALJs scores the evaluations on a specially designed "factor rating sheet", giving most weight to evaluations in vouchers submitted by individuals in the best position to evaluate the applicant objectively. Applicants who have scored at least 80 points on the basis of their combined scores for qualifying experience and the vouchers are rated as tentatively eligible and are asked to prepare a sample opinion and to appear before the special interviewing panel. After the panel completes the interview and reviews the writing sample, it may recommend an adjustment of the tentative eligibility rating score, though in practice adjustment are minor (nearly always less than five points). The Director of the Office of ALJs may, in his discretion, accept, reject, or modify the recommendation. The former Director estimated that about 72 percent of all applicants are rated ineligible. Approximately 32 percent of all applicants fail to pass the threshold because they lack one or more of the minimum experience requirements, about 36 percent fail to establish tentative eligibility by scoring above 79 points after the first two ratings are totaled, and 4 percent have their score lowered below 80 after evaluation by a special panel.²⁴

Individuals determined eligible for listing on either of the two ALJ registers are ranked in order of their scores with the highest scores at the top of the list, and appointments are made by the individual agencies from these registers. However, the agencies' appointment power is restricted by a statutory requirement known as the "rule of three" which is applicable to all competitive

21. U.S. Office of Personnel Management Announcement No. 318, reissued January 1979. This 21-page pamphlet announces the examination for ALJ positions and is available from OPM's Office of ALJs.

22. The element of general trial experience liberalized the prior standard and was adopted in response to a recommendation by the Administrative Conference, ACUS Recommendation 69-9, 1 C.F.R. 305.69-9.

23. The attorney is usually, but not always, nominated by the Administrative Law Section of the A.B.A. The agency official is generally a Chief ALJ but sometimes a board member, commissioner, or general counsel. Interview with Charles Dullea, former Director of Office of ALJs, February 1976.

24. *Id.* It is interesting to note that the rating process received its first court challenge in March 1973. The complainant alleged that the Commission's failure to find him qualified was arbitrary, capricious, and discriminatory. The district court entered judgment for the Commission, and the 7th Circuit, in an unpublished order, affirmed. *Bromberg v. U.S. Civil Service Commission*, No. 75-1485 (7th Cir., submitted December 19, 1975).

civil service jobs in the Federal government. Under this requirement, when an agency requests a list of eligibles, OPM must certify enough names from the top of the register to permit the agency to consider at least three names per appointment to each vacancy. The agency is then obliged to make its selection from those three who have the highest scores and are actually available for appointment.²⁵ As will be shown, the Veterans Preference Act tends to make the "rule of three" even more restrictive on agency choice. However, the operation of OPM's selective certification policy effectively removes the restrictiveness with respect to most appointments from the GS-16 register.

B. Veterans Preference

As explained above, those eligible for appointment as ALJs are ranked on the two registers maintained by OPM in order of their scores. However, the impact of the Veterans Preference Act on register rankings is crucial. The Act provides that an eligible applicant (applicant with an earned score of 80 or more) who meets certain requirements as a wartime veteran of the armed services is entitled to 5 (10 in the case of a disabled veteran) additional points above his scored rating.²⁶ Since there is only a 20-point spread on scores among all ALJ eligibles (from 80 to 100), the addition of 5 to 10 veterans preference points to any score can change by many places an eligible's ranking on the register. Statistics compiled in February 1974 by the Office of ALJs show that of the top 60 eligibles on the GS-15 register, 9 were 10-point veterans, 42 were 5-point veterans, and only 9 had no veteran status. (Of the remaining 98 eligibles on the register, 45 were 5-point veterans and 53 were non-veterans). The pattern was similar in the GS-16 register (although the importance of the rankings on this register is lessened considerably by selective certification) where 58 of the 177 eligibles were non-veterans, but only 15 of those were in the top 100.²⁷ The Veterans Preference Act also affects the operation of the "rule of three" due to

25. 5 U.S.C. 3317, 3318.

26. 5 U.S.C. 2108, 3309.

27. The statistics are found in the report of a subcommittee of the LaMacchia Committee (discussed in the text at note 67). Report of Subcommittee on Recruitment, Qualification, Certification, and Appointment, February 26, 1974, pp. 47-48. (Appendix to Committee report.) It has recently been reported that 49 of the top 50 people on the GS-16 register are veterans. Legal Times of Washington, June 2, 1980, p. 32.

its restrictions on an agency's passing over an eligible who has veterans preference to select a non-preference eligible.²⁸ This means that the agency will have little choice as to whom it will appoint among the eligibles certified by OPM in instances where the first ranked eligible of those certified to the agency has veterans preference and the remainder do not; the agency must normally select the veteran.

The impact of veterans preference on the register-ranking combined with the "rule of three" has led to criticism of the ALJ selection system as keeping many outstanding candidates, especially women, at the bottom of the register and as discouraging others from even applying.²⁹ The Administrative Conference has recommended that both the extra points and the selection preference requirement for veterans be repealed with respect to the certification and selection of ALJs, and that agencies be permitted to appoint an ALJ from among the highest ten ranked eligibles on the register at the time of selection.³⁰

C. Selective Certification

As intimated above, many agencies have sought to avoid the restrictions on their appointment of ALJs through the procedure of "selective certification." Using this process, an agency, upon a showing of necessity and with the prior approval of OPM, is permitted to appoint specially certified eligibles without regard to their ranking in relation to other eligibles on the register who lack the special certification. For example, the Federal Communications Commission (FCC) has arranged with OPM for special certification of eligibles who can show:

(t)wo years of experience in the preparation, presentation, or hearing of formal cases, or in

28. 5 U.S.C. 3318(b).

29. Report of Subcommittee on Recruitment, Qualifications, Certification and Appointment, *supra* note 27, at 49--50, 65. The full Committee did not accept the Subcommittee's recommendation that the Veterans Preference Act be amended to eliminate its application to the selection of ALJs. See also the discussion in Park, Report of the Committee on Personnel in Support of Administrative Conference of the U.S. Recommendation 69-9, 1 ACUS Reports 381, 404-408 (1969).

30. ACUS Recommendation 69-9(A)(4) ("Recruitment and Selection of Hearing Examiners..."), 1 CFR 305.69-9(A)(4). In August 1976, the American Bar Association's House of Delegates adopted a resolution recommending that ALJs be exempted from the provisions of the Veterans Preference Act.

making decisions on the basis of the record of such hearings, originating before governmental regulatory bodies at the Federal, state, or local level, in the field of communications law.³¹

Suppose that four individuals on the GS-16 register were certified as having these special qualifications and their rankings on the register were 15, 31, 68, and 95, respectively. When the FCC wished to appoint an ALJ, OPM would send it a list containing the names of the top three selectively certified eligibles (numbers 15, 31, and 68). The FCC could then choose from among those three, although the Veterans Preference Act's prohibition against passing over a veteran to select a non-veteran would still apply. Without selective certification, if the FCC were limited to picking new appointees from the top of the register, those ranked 15, 31, and 68 could not be considered, and the agency might not be able to consider for appointment an eligible possessing special qualifications for the particular position.

The result of this selective certification procedure is to establish, in effect, separate registers for those eligibles who have specialized experience. Announcement No. 318 lists the following agencies as utilizing selective certification for appointees from the GS-16 register:³² Department of Agriculture, Civil Aeronautics Board, Federal Communications Commission, Federal Energy Regulatory Commission, Department of Labor, Interstate Commerce Commission, National Labor Relations Board, and Securities and Exchange Commission. Only three agencies utilize selective certification for appointment from the GS-15 register: Bureau of Alcohol, Tobacco and Firearms, Social Security Administration (positions in Puerto Rico only) and U.S. Coast Guard. The possible benefits of selective certification to the agencies that have arranged for it are obvious, and those agencies have in fact utilized it extensively. A study made for the Civil Service Commission in 1974 reported that "approximately 82 percent of the ALJs in the agencies using selective certification attained their positions through its use."³³ In fiscal years 1975 to 1979, 83 of the 98 appointments from the GS-16 register were

31. Office of Personnel Management, Announcement 318 (emphasis added). (See note 21, *supra*, at 19). The special qualifications for all agencies utilizing selective certification are set forth in the Announcement.

32. *Id.* at 19-21.

33. LaMacchia Committee Report ("Report of the Committee on the Study of the Utilization of Administrative Law Judges"), see note 27, *supra*, July 30, 1974, p. 12.

selectively certified.³⁴

The practice of selective certification has been the subject of criticism on the grounds that it severely limits opportunities for generalist applicants and that it leads to "inbreeding" among an agency's ALJs through biasing the selection process in favor of the agency's own staff attorneys who are most likely to meet the specialized experience criteria.³⁵ A study done for the Administrative Conference in 1969 reported that in the preceding 5-year period, 52 of 66 ALJs appointed by the agencies utilizing selective certification had been previously employed on the staffs of those agencies.³⁶ There is no reason to think that the effect is less prevalent today.

Although attorneys in private practice have the same opportunity to be specially certified as do agency staff attorneys, it appears that private attorneys with specialized expertise in law practice within areas of ALJ selective certification have little interest in forsaking their practice to become ALJs. The percentage of private attorneys on the GS-16 register has fluctuated in recent years,³⁷ but very few private attorneys listed on the register are specially certified. In March 1980 there were 220 eligibles on the GS-16 register; 23 were private attorneys and only 2 were specially certified.³⁸

It seems clear that selective certification represents a response by OPM to agencies' complaints about the restrictions on their power to appoint ALJs with particularized expertise. The policy does strike a sort of balance with the restrictiveness of the applicable provisions of the Veterans Preference Act and the "rule

34. Information obtained from OPM, Office of ALJs, March 1980.

35. Report of Subcommittee on Recruitment, Qualifications, Certification and Appointment, *supra* note 27, at 37. See generally, Miller, The Vice of Selective Certification in the Appointment of Hearing Examiners, 20 Admin. L. Rev. 477 (1968).

36. Park, *supra* note 29, at 396.

37. See note 22, *supra*, and accompanying text. On July 1, 1967, only 20 percent of the attorneys on the register were in private practice. See Miller, *supra* note 35, at 478-479, n. 1. By January 1, 1974, that figure had risen to 34 percent. Report of the Subcommittee on Recruitment, Qualifications, Certification, and Appointment, *supra* note 27, at 42. In February 1976 the figure was 32 percent (42 of 180), but in March 1980, the percentage was only 10.5.

38. Information obtained from OPM, Office of ALJs, March 1980. One of the two was specially certified because of prior government service.

of three", but whether it strikes an optimum balance, whether it enhances the quality or productivity of the ALJs, and whether it unduly discriminates against "generalist" eligibles remain much debated questions. The agencies utilizing selective certification generally favor its continuation, generalist eligibles oppose it, and others have urged its modification.

The Administrative Conference believes that the objective of selective certification could be achieved without closing the door to highly-qualified generalists by changing the process of ALJ certification and selection. Under its recommendation, eligibles would be awarded extra rating points for specialized experience of the kind now recognized for selective certification; a pool of the ten, rather than three, highest ranking eligibles on the register would be certified for agency selection; and, by amendment of the Veterans Preference Act, the agency would be free to select any eligible in the certified pool even if there were a higher-rated veteran in the pool.³⁹

D. Recruitment

The range of choice for agencies in selecting ALJs depends in part on the overall composition of the registers of eligibles. This in turn depends in part on recruitment of applicants. As mentioned, many fewer private attorneys tend to apply than do Federal agency lawyers. One can only assume that the limited salary potential for ALJs is a major factor in this. ALJs' salaries like those of other top governmental officers are limited by a statutory ceiling. As of October 1979 a GS-15's salary ranged from \$40,832 to the ceiling of \$50,112 and a GS-16's ranged from \$47,889 to \$50,112.⁴⁰ Apparently this salary level is not high enough to attract many specialized practitioners from the private bar. Indeed as far back as 1974, the then-Director of the Office of ALJs expressed the opinion that ALJ service was also gradually losing its appeal to specially qualified agency staff attorneys in relation to the more lucrative lure of private practice.⁴¹ The Office of ALJs has the responsibility for recruitment as well as examination and selection, and can therefore tailor its recruitment effort according to the agencies' needs and the interests of practicing attorneys. For the

most part, the Office has effected its recruitment through dissemination of Announcement No. 318, correspondence with bar associations and law schools, press releases, and speeches by the Director.⁴² However, this recruitment effort has largely been limited to general recruitment, i.e., solicitation of applicants for positions on the general registers. (Most of the efforts in recent years have been directed to attracting applicants for GS-15 positions to meet the burgeoning needs of the Social Security Administration.)⁴³

Because the Office does not wish to favor one agency over another in its recruitment activities, it has refrained from recruiting those with specialized experience, leaving that task to the agencies. Unfortunately, though not surprisingly, few agencies have responded by organizing recruitment efforts aimed at attorneys outside their own legal staffs.⁴⁴

III. WHEN SHOULD / MUST ALJs PRESIDE?

Administrative law judges play a special role in the administrative process. Generally speaking, their function under the Administrative Procedure Act is to preside over proceedings which are to be conducted in a manner resembling a trial, i.e., according to the procedures required by Sections 556 and 557 of the Act, or other similar procedures. However, despite this general framework provided by the APA, the Act does not provide a simple answer to the question of when an ALJ is to preside.

A preliminary question that must be answered is whether a particular proceeding is intended to be a "trial-type" proceeding (sometimes called a "formal" or "APA" proceeding) governed by the procedures of Sections 556 and 557 (or their equivalent). If not, then an ALJ is not required and probably not needed; if so, then the question still remains--whether an ALJ shall preside.

This preliminary question, whether a particular type of agency proceeding is governed by the APA's formal adjudicative procedures, is usually answerable by reference to the particular statutory language involved. If the underlying statute provides for an adjudication to be determined "on the record after an opportunity for an agency hearing," this means that the

39. ACUS Recommendation 69-9(A)(2); 1 CFR 305.69-9(A)(2).

40. See 5 U.S.C.A. 5332 (1979 supplement).

41. Report of Subcommittee on Recruitment, Qualifications, Certification and Appointment, *supra* note 27, at 28.

42. *Id.* at 3-4.

43. *Id.* at 5.

44. *Id.* at 4, 14.

APA's adjudicative procedures must be followed.⁴⁵

In such instances, the APA does provide guidance as to who is to preside over the hearing. Section 556(b) provides that the presiding officer shall be "(1) the agency; (2) one or more members of the body which comprises the agency, or (3) one of more administrative law judges appointed under section 3105 of this title."⁴⁶ This provision means that unless the agency itself or a member of the agency (i.e., the Board, Commission or Administrator heading the agency) presides over the hearing, the case must be heard by an ALJ. The provision gives the agency discretion to hear selected cases or types of cases itself rather than delegating the responsibility to ALJs. This discretion is seldom used, and the effectiveness of its use as a management procedure can only be evaluated on an agency-by-agency basis. Of course, as mentioned previously, agencies are allotted ALJ positions by the Office of Personnel Management, and where a proceeding is clearly an "APA proceeding," OPM will normally, upon request of the agency, automatically allot what it considers to be a sufficient number of ALJ positions to handle the proceedings. Disputes between the agency and OPM in these instances would likely concern only the sufficiency of the number.

It is the next sentence of Section 556(b) which gives rise to problems of interpretation and thus occasionally causes disputes between OPM and agencies, engenders litigation, and clouds the preceding discussion. This sentence disclaims any intent to "supersede the conduct of specified classes of proceedings, in whole or in part, by or before . . . other employees specially provided for or designated under statute."⁴⁷ Thus, where a statute, other than the APA, arguably provides for or allows the

utilization of "other employees" as presiding officers, a dispute may arise as to who should preside--ALJs or "other employees." When Congress has not been explicit about who shall preside, the agency is left to determine who will preside. If the agency decides to utilize ALJs, then it must secure the cooperation of the Office of Personnel Management to obtain a sufficient number of ALJs. As described below, this cooperation, for various reasons, has not always been readily given. If the agency decides to use "other employees," that decision may be challenged by litigants who argue that Congress intended, or that due process requires, that the proceeding be presided over by an ALJ whose independence from agency control is assured by the APA.

Sometimes Congress addresses the question of whether ALJs must preside over hearings, but seldom have statutes dealt with the issue conclusively. An example of inconclusiveness concerns Indian probate determinations made by hearing officers employed by the Department of the Interior. Although the Department has construed the governing statute's⁴⁸ requirement of notice and hearing to require a full adjudicatory hearing,⁴⁹ Congress, in 1954, began attaching a section to the Department's appropriations act providing that "hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedure Act, as amended."⁵⁰ Thus, the Department was apparently permitted to use non-ALJs as hearing officers. This is what, in fact, the Department has done, but until Congress made this proviso permanent in 1967,⁵¹ there was potential for disagreement among the Civil Service Commission, the Department, and litigants before the Department about the appropriateness of using ALJs due to the inconclusiveness of the statutory language.

An example of what statutory indefiniteness can lead to is the brouhaha that was caused by a provision in the 1972 Supplemental Security Income (SSI) Amendments (Title XVI) to the Social Security Act.⁵² (The new Title XVI transferred from the states to the Social Security Administration primary responsibility for welfare aid to the aged, blind, and disabled.) Although

45. 5 U.S.C. 554(a). This "black letter law" does not, however, always provide the right answer. In an adjudicative context, the Supreme Court has ruled that due process of law may require that a statute which says nothing about a hearing be interpreted as requiring a hearing with a determination on the record. Wong Yang Sung v. McGrath, 339 U.S. 33 (1950) (construing the Immigration Act). On the other hand, in the context of national rate setting (technically "rulemaking"), the Court has twice ruled that the requirement of a "hearing" in the underlying statute means an informal, notice-and-comment rulemaking proceeding unless the statute "prescribes explicitly" that the hearing be "on the record." United States v. Florida East Coast R. Co., 410 U.S. 224 (1973); United States v. Allegheny-Ludlum Steel Corp., 406 U.S. 742 (1972). These cases have been read to extend only to rulemaking situations. See Davis, Administrative Law of the Seventies, section 6.04-1.

46. 5 U.S.C. 556(b).

47. Id. (emphasis added).

48. 25 U.S.C. 372.

49. 43 C.F.R. 4.200 et seq.

50. 25 U.S.C. 372-1.

51. 25 U.S.C.A 372-1 (1979 Supplement); Pub. L. 90-28, June 24, 1967.

52. Pub. L. 92-603; 42 U.S.C. 1381 et seq.

hearings necessary in the Social Security Retirement and Disability (Title II) and Medicare (Title XVIII) programs were generally thought to be subject to APA requirements and were presided over by ALJs, in the SSI program Congress provided that "to the extent the Secretary (of Health, Education, and Welfare) finds it will promote the objectives of this title, qualified persons may be appointed as hearing examiners without meeting the specific standards prescribed for hearing examiners" by the APA.⁵³ The Secretary proposed to employ ALJs appointed under the APA as presiding officers in SSI cases.

The Civil Service Commission initially took the position that the new SSI presiding officers were not to be ALJs, arguing that Congress had intended to authorize only the use of HEW staff attorney-claims examiners as presiding officers. The Commission further argued that the nature of SSI cases required "relatively low level employees", and that to make these officers ALJs under the APA "would ultimately lead to the diminution" of the effective operation of APA-ALJ provisions in "those major economic agencies dealing with highly litigious, complex and pervasive issues" for which the APA-ALJ system was primarily designed.⁵⁴ This position was challenged by the Secretary of Health, Education, and Welfare who urged that the Commission classify these claims examiners as ALJs, establish positions for them at GS-13 and GS-14 levels, and follow full APA procedures in selecting and controlling them.⁵⁵ The Chairman of the Commission agreed to do this,⁵⁶ but after receiving letters of protest from ALJ organizations⁵⁷ decided to ask for review of his

decision by the full Commission. The Commission reiterated its initial position, arguing that it was consonant with Congressional intent⁵⁸ and therefore required as a matter of law. The SSI program was then staffed with claims examiners to preside over any necessary formal hearings.

Subsequently it became evident that the Commission was mistaken when Congress amended Title XVI, and the Senate Finance Committee's report delivered a mild rebuke to the Civil Service Commission.⁵⁹ The amendment explicitly provided that SSI proceedings be conducted according to APA formal hearing procedures presided over by APA ALJs' and designated the staff attorneys originally hired as SSI claims examiners to conduct these APA hearings in SSI cases (and on Social Security Retirement, Disability, and Medicare claims as well). The amendment also explicitly made these examiners ALJs until the end of 1978. In 1977, however, Congress appointed these "temporary" ALJs to permanent, fully qualified ALJ status.⁶⁰

The dispute about SSI ALJs represents not only a clash of philosophy about the need for formality (symbolized by the presence of an "APA-ALJ") in mass benefit claims adjudication, but also the sensitivity of ALJs as a group to perceived dilution of their special status by the addition of hundreds of "lower-level" claims adjudicators to their corps. The merits of this particular dispute are beyond the scope of this discussion,⁶¹ but it does serve as an example of controversy brought on by Congressional ambiguity. Other similar areas of uncertainty over the need for an ALJ as presiding officer have included the National Pollution Discharge Elimination System (NPDES) permit proceedings under the Federal Water Pollution Control Act amendments of 1972 administered by the

53. 42 U.S.C. 1383(d)(2).

54. Letter from Anthony Mondello, General Counsel, Civil Service Commission, to Robert G. Dixon, Asst. Attorney General, Office of Legal Counsel, July 10, 1973, pp. 6-7, as cited by Rosenblum, *infra* note 65, at 85.

55. Letter from Caspar W. Weinberger, Secretary of HEW, to Robert E. Hampton, Chairman, CSC, October 12, 1973, as cited by Rosenblum, *infra* note 65, at 106-108.

56. Letter from Robert E. Hampton, Chairman, CSC, to Caspar W. Weinberger, Secretary, HEW, October 30, 1973, as cited by Rosenblum, *infra* note 65, at 109.

57. Letter from Arthur A. Gladstone, Chairman, Conference of ALJs, November 12, 1973; letter from FALJC, November 16, 1973; letter from Stanley N. Ohlbaum, Chairman, Committee of ALJs, Federal Bar Association, November 16, 1973. All letters were to Chairman Hampton. As cited by Rosenblum, *infra* note 65, at 109.

58. Letter from Robert E. Hampton, Chairman, CSC, to Caspar W. Weinberger, Secretary, HEW, December 14, 1973, as cited by Rosenblum, *infra* note 65, at 109.

59. P.L. 94-202, 89 Stat. 1135 (1976). The Senate Report (No. 94-550) at page 5 states: "The performance of the Civil Service Commission Office of Administrative Law Judges in overruling the administering agency (HEW) in its legal opinion that SSI was under the APA does not reflect the will of Congress." See also the House report (No. 94-679) which was even more critical of the Office of Administrative Law Judges (page 4).

60. Pub. L. 95-216, section 371 (1977).

61. See "Background Material on H.R. 5723: Conversion of Temporary Social Security ALJ's", Subcomm. on Social Security of the House Comm. on Ways and Means, 95th Cong., 1st Sess., (Comm. Print, April 18, 1977).

Environmental Protection Agency,⁶² and the proceedings under the Black Lung Benefits Act of 1972, administered by the Social Security Administration initially, then transferred to the Department of Labor.⁶³

62. 33 U.S.C. 1341. These cases involve permits for discharge of pollution. Federal permits are issued until applicable state NPDES plans are approved. The statute requires a "public hearing" prior to the issuance, denial, or modification of a permit in certain circumstances. The EPA in its rules of practice, 40 C.F.R. 124 *et seq.*, has established a two stage process—an informal process leading up to the issuance of a permit, and a second stage "evidentiary hearing", presided over by ALJs with initial decisions reviewed by the Administrator. In initial permit cases, the ALJ is assisted by a panel of experts (40 C.F.R. 124, 120).

63. 30 U.S.C. 901 *et seq.* The sections of the Act relating to claims filed after July 1, 1973, to be processed by the Department of Labor, provided that the procedures of the Longshoremen's and Harbor Workers' Compensation Act of 1927 (LHWCA), as amended (33 U.S.C. 901 *et seq.*) be applicable to the Department of Labor's determination of black lung claims as well, 30 U.S.C. 925(a)(4), 932(a). In 1972, just after the Black Lung Benefits Act was passed, Congress amended the LHWCA (PL 92-576) and in so doing amended the latter Act to provide that hearings be conducted by administrative law judges, 33 U.S.C. 919. After the amendments, the meaning of the cross-reference in the Black Lung Benefits Act become a subject of dispute with respect to whether ALJs were to be required in black lung cases as well. The Civil Service Commission, after construing the cross-reference to refer to the original LHWCA, refused to authorize the appointment of ALJs to hear the cases. The Secretary of Labor, though disagreeing with the Commission, issued a regulation designed to expedite the cases, providing that hearings under the Act be conducted by departmental hearing officers, 20 C.F.R. 715.101(a)(27) (1975). The regulations did, however, invoke the 1972 Act's new review scheme. The Civil Service Commission thereafter continued to oppose the Department's entreaties to classify these examiners as ALJs and even persuaded President Ford to veto a bill containing a rider which would have reclassified these examiners as GS-16 ALJs on the grounds that the "fiat" was contrary to merit selection of ALJs and would over-classify those positions in relation to Social Security ALJs (Farm Labor Contractors Registration Act Amendments of 1974, H.R. 13342; see 32 Cong. Record 3044, 3047-8 (November 2, 1974)). The Department of Labor's own Benefit Review Board then ruled that hearings under the Act must be conducted by ALJs and concluded that the Department's regulations were contrary to law, *Fields v. A.K.P. Coal Company*, 3 BRBS 269 (1976). The practical result of this decision was to render the black lung hearing officers inactive, to cause the assignment of some cases to regular Department of Labor ALJs and generally to slow down the hearing process until the matter could be worked out with the Civil Service Commission. Congress finally stepped in

Such uncertainty would not occur if Congress would be more explicit in its procedural legislation. Congress should consistently specify whether or not it intends the proceedings in question to be subject to Sections 556 and 557 of the APA and conducted by ALJs appointed under Section 3105. If this were done, interagency squabbles would be minimized, dilatory litigation would be forestalled, and lobbying and political pressures would be confined to the legislative process.⁶⁴

IV. THE FUTURE OF THE ALJ'S ROLE

Thirty-four years after the passage of the Administrative Procedure Act the Administrative Law Judge is a strong and flourishing institution. Both the number of judges and the number of agencies using them have been growing yearly. Their status and functions have been enhanced by a long series of decisions of Federal courts reviewing administrative agency decisionmaking.⁶⁵ And they themselves have organized an effective professional association—the Federal

to break the logjam by enacting a joint resolution (Public Law 94-504) which provides that "qualified individuals" could hear and determine such claims regardless of whether the individuals are ALJs. This tangled history was parsed by a number of Courts of Appeals. See, e.g., *Director v. Peabody Coal Co.*, 554 F. 2d 310 (7th Cir. 1977), all of which held that the subsequent Congressional action validated the use of the non-ALJ hearing officers. On March 1, 1979, the Department was given sufficient ALJ positions (many of whom were "converted" hearing officers) to use fully qualified ALJs in all black lung cases.

64. Of course, disputes could still arise between the agency and OPM over use of ALJs in non-APA proceedings. But at least the issue of Congressional intent would not be a stumbling block.

65. See Macy, *supra* note 9, at 380-382. For a comprehensive discussion see Rosenblum, *The Administrative Law Judge in the Administrative Process: Interrelations of Case Law with Statutory and Pragmatic Factors in Determining ALJ Roles*, Subcomm. on Social Security of the House Comm. on Ways and Means, 94th Cong., 1st Sess., Recent Studies Relevant to the Disability Hearings and Appeals Crisis 171-245 (Comm. Print December 20, 1975). The Supreme Court recognized the ALJ's functional comparability to judges in *Butz v. Economou*, 438 U.S. 478 (1978). (ALJs have absolute immunity from liability for damages for actions taken in their quasi-judicial capacity.)

Administrative Law Judges Conference (FALJC).⁶⁶ Nevertheless, in recent years questions about the recruitment, selection, utilization, independence, and competence of the ALJ have been asked with increasing, rather than decreasing, frequency.

A. Action by the Civil Service Commission (OPM)

The Civil Service Commission has undertaken several efforts to address these questions. The first of a two-stage study was commenced in June 1973 by a study group composed of six Chief ALJs and five ALJs under the direction of Philip LaMacchia, then the Deputy General Counsel of the Civil Service Commission. The "LaMacchia Committee" was given a broad mandate to make findings pertaining to the overall effectiveness of the ALJ program. The Committee submitted its report to the Commission on July 30, 1974.

The Committee recommended against a change in the application of veterans preference to the ALJ selection program, but urged changes in the operation of the "rule of three"⁶⁷ and of selective certification. The Committee also urged an enhanced recruitment effort and called for greater Congressional explicitness as to the need for ALJ hearings in particular programs.⁶⁸

The recommendations of the LaMacchia Committee were reviewed by a "second level" committee known as the "Advisory Committee on Administrative Law Judges," which was established in August 1976,⁶⁹ and held nine meetings before issuing its final report on February 14, 1978.⁷⁰

This more broadly representative advisory committee formally adopted four recommendations for approval of

the Commission (although the Committee discussed many other issues). It recommended that ALJs be removed from coverage of the Veterans Preference Act, that the practice of selective certification be abandoned if veterans preference coverage is removed, that the Commission permit certain additional types of occupations to count as qualifying experience for ALJ positions,⁷¹ and that the Commission modify its requirement pertaining to the recentness of qualifying experience.⁷²

The Commission, in 1978, published a proposal to implement the recommendations pertaining to the experience requirements for eligibility, but has taken no further action on the matter.⁷³ The Commission did, however, undertake a systematic content validity study of its ALJ examination process.⁷⁴ When completed, this study may result in change in the selection process.

B. Recent Legislative Proposals

Spurred by increasing concern about regulatory costs, administrative delay and bureaucratic red tape, the President and Members of Congress have proposed several major "regulatory reform" bills in the 95th and 96th Congresses. A significant component of many of these bills has been a revamping of the ALJ system. The Senate Governmental Affairs Committee in the 95th Congress (1977-78) laid the foundation for the bills with its six-volume Study on Federal Regulation. A portion of Volume IV, "Delay in the Regulatory Process", was devoted to a description of and a suggestion for reform of the ALJ selection process (pages 105-112). The Committee's study led to the introduction in the 95th Congress of an omnibus regulatory reform bill which, in modified form, became S. 262 in the 96th Congress. Among the bill's many provisions is a complete revision of the ALJ selection

66. The FALJC is the only independent association of ALJs. The ABA's Section of Judicial Administration has organized a Conference of ALJs, and the numerous ALJs in the Department of HEW have also formed their own Association of ALJs.

67. See text at note 25. The Committee urged a change to a rule of 10 or 15. (Finding I (8), p. 15, 62).

68. Indeed, to encourage this, the Committee urged that the APA be amended "to provide that no future statute or Executive Order which provides for a hearing shall be deemed to require the use of ALJs absent explicit language therein that the proceedings in question are to be subject to Sections 556 and 557 of the APA in all respects and conducted by ALJs appointed under Section 3105." (Finding VIII (1), p. 56, 67-8).

69. See 41 F.R. 36682 (1976).

70. Final Report of the Advisory Committee on Administrative Law Judges, February 14, 1978.

71. Specifically, the Committee recommended deleting from Announcement 318's list of excluded occupations (1) adjudicator; (2) arbitrator; (3) mediator; (4) teacher or professor; (5) hearing officer in informal or conference proceedings; and (6) legal consultant.

72. Specifically, the Committee recommended that the two most recent years of qualifying experience be acquired in the preceding ten years rather than the preceding seven years. See text at note 22.

73. See 43 F.R. 24565, June 6, 1978. Legislative proposals to amend the veteran's preference provisions have, however, been supported by the Commission. (See *infra*.)

74. See Sharon, "Validation of the Administrative Law Judge Examination" (Draft, February 13, 1980).

process. (The Carter Administration subsequently proposed a similar bill S. 755 (H.R. 3263), and a subcommittee of the Senate Judiciary Committee drafted its own version, S. 2147).⁷⁵

Under S. 262, (Title II, Part B), as reported, the Administrative Conference would assume the function heretofore performed by OPM of setting qualifying standards for ALJs and maintaining the register of eligibles. In addition, agencies would be permitted to select from the top ten eligibles without reference to veterans preference. The bill also provides that all ALJs appointed after the effective date of the Act shall be appointed for a term of ten years. Furthermore, a new procedure for evaluating, reappointing and removing ALJs is established by the bill and also assigned to the Administrative Conference. The procedure calls for the appointment of review boards by the Chairman⁷⁶ of the Administrative Conference to aid the Chairman in making determinations as to reappointment. Removals of ALJs would be made easier by the bill as well.⁷⁷

As might be predicted, many of these proposals have been strenuously opposed by witnesses representing ALJ associations,⁷⁸ and there is some doubt as to whether any or all of these provisions will be enacted by the 96th Congress. Nevertheless, these developments indicate a fairly widespread perception of a need for change in the

75. As of this writing, the Senate Governmental Affairs Committee reported S. 262 on April 15, 1980. The Senate Judiciary Committee is considering S. 262 (under a joint, 45-day referral) as well as its subcommittee's bill, S. 2147. The House Judiciary Committee is considering the Administration's bill, H.R. 3263, as reported by its subcommittee on April 8, 1980. However, the ALJ portion of the latter bill was dropped from the bill and reintroduced as a separate bill, H.R. 6768.

76. Title IV of S. 262 also reorganizes the Administrative Conference and designates its head as "Administrator."

77. The analogous provision of the Administration's bill S. 755 and H.R. 6768 (see note 75) are quite similar to those in S. 262. However, the Administration's bill provides for seven-year terms with no exemption for sitting judges. The Senate Judiciary Committee bill, S. 2147, contains a similar selection procedure (transferred to the Administrative Conference) but contains no new evaluation or removal procedure.

78. See, e.g., Statement of William Fauver on behalf of the Federal Administrative Law Judges Conference before the Senate Committee on Governmental Affairs, May 3, 1979, and the FALJC Newsletter of April 1980, which details the association's "battle" on behalf of its members.

ALJ selection process and for increased ALJ productivity.

C. Productivity Concerns

In the Administrative Conference's first report on the Uniform Caseload Accounting System, we referred to the "irrepressible question of whether one can evaluate ALJs' performance."⁷⁹ The question is, if anything, even more timely now, since an assumption of the above-mentioned bills is that objective evaluation of ALJ performance can and should be undertaken.

The Administrative Conference has engaged Professor Victor Rosenblum of the Northwestern University School of Law to undertake a study of the feasibility of evaluation of ALJ performance, but some recent developments warrant brief mention here.

One of the earliest forays into this area was by the LaMacchia Committee, which surveyed private practitioners and government attorneys about the overall quality of ALJs' initial decisions and the performance of ALJs as to the time taken to write those decisions. The results were quite inconclusive, with a majority of government attorneys and a minority of private practitioners finding the quality of initial decisions to be good or superior and a slight majority of both groups finding the time performance to be good or superior.⁸⁰ More sophisticated surveys or evaluative questionnaires, as employed by numerous state bar associations with respect to state judges,⁸¹ could be used. However, systematic evaluation of the work product of ALJs as a corps, by agency, or by individual judge is problematic due to the potential conflict with ALJ independence. Agency ratings of ALJs cannot be taken into account by the Office of Personnel Management in compensation,⁸² and the "good cause" test for discipline and removal of an ALJ has rarely been invoked. (Only ten ALJs in the history of the corps

79. Federal Administrative Law Judge Hearings—Statistical Report for 1975 (Administrative Conference of the U.S., 1977), p.14.

80. Reports were received from 54 private practitioners and 134 government attorneys. LaMacchia Committee Report, supra note 27, at 34–37.

81. See, e.g., How Bar Associations Evaluate Sitting Judges, Institute for Judicial Administration, 1976.

82. 5 U.S.C. 5372. See also 5 U.S.C. 4301 which exempts ALJs from the performance ratings prescribed for other civil servants.

have been formally charged and only 3 removed.)⁸³

The potential tension between ALJ independence and management initiatives was dramatically illustrated by the controversy, acrimony, and litigation occasioned by the aggressive efforts of Robert Trachtenberg, former Director of the Social Security Administration's Bureau of Hearings and Appeals, to institute a number of management initiatives with respect to ALJ performance.⁸⁴ Among the practices most strenuously opposed by members of the SSA ALJ corps were a peer review program, a monthly production goal/quota and a quality assurance program designed to identify ALJs whose decisions deviated significantly from the agency-wide rate of reversals of initial benefit-denials.⁸⁵

Whether or not the agency's productivity rate was enhanced by these initiatives (and the evidence seems to indicate that it was), the agency's morale was obviously harmed and the SSA, in a recent settlement of one of the lawsuits engendered by the actions, has agreed to drop mention of production figures in its training and transfer policies.⁸⁶

Even if the Social Security Administration's

management initiatives have been slowed by the above events, other voices have urged increased emphasis on management. A 1977 survey of Chief ALJs by the Civil Service Commission's advisory committee on case management procedures showed widely inconsistent practices in this regard.⁸⁷ In 1978, the General Accounting Office (GAO) concluded that a system was needed for applying personnel management techniques to administrative law judges, through the development by agencies of objective quantitative and qualitative performance standards with periodic performance evaluation by a central organization.⁸⁸ In 1979, in a follow-up report, the GAO reported that little had changed.⁸⁹ The American Bar Association's Commission on Law and the Economy, in 1979, also urged improved management of agency adjudications.⁹⁰

A number of agencies have taken the first step to performance evaluation by developing in-house data collection systems.⁹¹ And we reaffirm the premise, stated in the Administrative Conference's 1975 statistical report, that "given enough data and with careful determination, over a period of several years, of what similarities and differences exist among the various types of formal administrative cases processed, some method of evaluation of ALJ performance may be feasible and useful."⁹² The Conference's efforts have

83. Fauver testimony, note 78 *supra*, at 32-34. The three removals occurred in 1962, 1972, and most recently in March 1980. Six of the judges have been charged since January 1978, mostly by the Social Security Administration. One judge has been charged twice.

84. For the full airing of this controversy, see "Social Security Administrative Law Judges: Survey and Issue Paper", Subcomm. on Social Security of the House Comm. on Ways and Means (Comm. print, January 27, 1979). The remarkable bitterness that arose during this period is illustrated therein by statements in an affidavit filed by Director Trachtenberg (Appendix B): "Upon my appointment as Director in January, 1975, I discovered the most lethargic, indifferent, unresponsive, and unaccountable organization that I have ever seen in 15 years as a Federal employee"; and by a letter of commentary on that affidavit by an agency official (Mr. James A. Minton, program operations officer, Region III) who opened his letter (Appendix C) by stating that Mr. Trachtenberg "grossly exaggerates and flagrantly distorts the truth in his self-serving sworn statement of September 5, 1978. He appears intoxicated by his own press releases: thereby deluding himself in believing that he is the Messiah whose mission was to redeem BHA of all its base and scandalous deeds."

85. The Second Circuit has recently upheld the standing of an SSA ALJ to challenge these practices, *Nash v. Califano*, 47 Ad. L. 2d 783, January 7, 1980 (remanded to district court).

86. *Bono v. Social Security Administration*, C.A. No. 77-0819-CV-W (W.D. Mo., settled June 19, 1979). As cited by *Nash v. Califano*, 47 Ad. L. 2d 783, 792, n. 13.

87. Copies of the responses are on file at the Administrative Conference.

88. "Administrative Law Process: Better Management is Needed," Report to the Congress by the Comptroller General of the U.S., May 15, 1978 (FPCD-78-25).

89. "Management Improvements in the Administrative Law Process: Much Remains to be Done," Report by the Comptroller General of the U.S., May 23, 1979 (FPCD 79-44).

90. *Federal Regulation: Roads to Reform*, ABA Commission on Law and the Economy, Final Report 1979, pp. 101-104.

91. Agencies that have developed the most systematic in-house data collection systems for their adjudicative activity are CAB, FERC, ICC, NLRB, and SSA.

92. *Federal Administrative Law Judge Hearings--Statistical Report for 1975* (Administrative Conference of the U.S., 1977), p. 15.

been encouraged by Congress,⁹³ by GAO,⁹⁴ and by other commentators.⁹⁵ Publication of this second volume of statistics covering three years will, at a minimum, encourage a heightened and more informed debate about this issue.

93. "Delay in the Regulatory Process," Senate Committee on Governmental Affairs", 95th Congress, 1st Session, (Committee Print, July 1977): "The Conference's present efforts to collect uniform statistics from regulatory agencies is a step in the right direction, but needs refinement, enforcement capability, permanence, and adequate funding."

94. Cf. Report of the Comptroller General, supra note 88, at 48.

95. See, e.g., Morgan, Toward a Revised Strategy for Ratemaking, 78 U. of Ill. L. For. 21, 34, n. 63 (1978); Pedersen, The Decline of Separation of Functions in Regulatory Agencies, 64 Va. L. Rev. 991, 993 (1978); and Mans, Selecting The Hidden Judiciary: How the Merit Process Works in Choosing Administrative Law Judges (Part I), 63 Judicature 60, 63 (1979).

APPENDIX A

NUMBER OF ADMINISTRATIVE LAW JUDGES SERVING, BY AGENCY

AGENCY OR DEPARTMENT	NUMBER OF ALJs	
	Jan 1979 ^a	June 1980 ^b
Agriculture, Department of	5	5
Alcohol, Tobacco and Firearms, Bureau of (Dept. of the Treasury)	1	1
Civil Aeronautics Board	17	11
Commodity Futures Trading Commission	4	4
Consumer Product Safety Commission	1	0 ^c
Drug Enforcement Administration (Dept. of Justice)	1	1
Environmental Protection Agency	6	7
Federal Communications Commission	14	13
Federal Energy Regulatory Commission	23	22
Federal Labor Relations Authority	4	10 ^d
Federal Maritime Commission	7	7
Federal Mine Safety and Health Review Commission	12	18
Federal Trade Commission	12	12
Food and Drug Administration (Dept. of H.E.W.)	1	1
Housing and Urban Development, Department of	1	1
Interior, Department of the	8	13 ^e
Interstate Commerce Commission	61	55
Labor, Department of	49	66
Maritime Administration (Dept. of Commerce)	3	3
Merit Systems Protection Board	1	1 ^f
National Labor Relations Board	98	115
National Transportation Safety Board	6	6
Nuclear Regulatory Commission	1	1
Occupational Safety and Health Review Commission	47	48
Postal Rate Commission	0	0 ^g
Securities and Exchange Commission	8	7
Social Security Administration (Dept. of H.E.W.)	660	698
U. S. Coast Guard (Dept. of Transportation)	16	16
U. S. International Trade Commission	2	2
U. S. Postal Service	2	2
TOTAL:	1070	1146

NOTES:

a. Data derived from "Management Improvements in the Administrative Law Process: Much Remains to be Done", Report by the Comptroller General of the U.S., FPCD-79-44, May 23, 1979 (Appendix III).

b. Information obtained from Office of Administrative Law Judges, OPM, June 1980.

c. Position is temporarily vacant due to a retirement.

d. The FLRA was created in 1979 by the Civil Service Reform Act.

e. Does not include 11 GS-14 Indian Probate Judges.

f. The MSPB was created in 1979 by the Civil Service Reform Act. This position was formerly located in the Civil Service Commission.

g. The position allotted to the Postal Rate Commission has been vacant since 1977.

APPENDIX B

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U.S. Office of Personnel Management, Announcement No. 318, Administrative Law Judge (1979).

CHAPTER II: DATA GATHERING METHODS

This report contains caseload and case-processing statistics for every Federal agency and department (hereinafter referred to as "agency") which employed its own administrative law judge (ALJ) in fiscal years 1976-1978. Eighteen agencies filled out and submitted cards provided to them by ACUS for every case that was closed by that agency during the period. (A copy of this card may be found as an appendix to this chapter.) One agency (SEC) submitted a computer tape containing the same information sought by the cards. Three agencies (EPA, FCC, Interior) submitted a sampling of cards and added some pretabulated information to the sampling. Thus, twenty-two agencies submitted some cards (or the equivalent) for tabulation. Additionally, six agencies (CFTC, FMSHRC, ICC, NLRB, OSHRC, and SSA) submitted statistics in pretabulated form. We tabulated the information received on all cards, and added the other pretabulated information for presentation in this report.

THE REPORTING SYSTEM

Each of the 22 reporting agencies was provided with blank cards and instructions on how to complete them. They were told that whenever a proceeding reaches the stage of referral to the agency's office of ALJs (usually the Chief ALJ's office), a "case-opened" card is to be completed and held for forwarding to ACUS at the end of that quarter. (This means that cases terminated before referral to the office of ALJs are not "counted" by the system.) When the case is opened, a separate "case-closed" card is also started, to be filled in as the case proceeds to termination. When the agency terminates the case by whatever manner (as long as the termination represents final agency action and occurs at some stage after referral to the office of ALJs), the "case-closed" card should be completely filled in and forwarded to ACUS at the end of that quarter. Additionally, each agency submits a caseload inventory form every quarter, broken down by type of case, summarizing the number of cases opened and closed in that quarter as well as giving figures for the pending caseload. Each agency was asked in advance to categorize its formal cases, using some functional characteristic as a guide. Thus, cases were categorized by governing statute (e.g., "Horse Protection Act" cases), by subject matter (e.g., CAB "Merger and Agreements" cases), or by agency organizational structure (e.g., FTC "Bureau of Consumer Protection" cases). Not every case type identified by the agencies

gave rise to closed cases in the period covered by this report.

The "case-closed" cards are designed to provide key facts about each proceeding without unduly burdening the agency with record-keeping chores. Four main categories of information are obtained from the cards:

I—Key Dates and Intervals—Dates of occurrence of key steps in the proceeding—from the earliest agency action to final agency decision. From these dates are derived the times consumed by each of three basic stages in the case: the time elapsed in the agency's handling of the case before it is referred to the office of ALJs; the time elapsed while the case is in the custody of the ALJ; and the time elapsed during the agency's review of the ALJ's decision.

II—Manner and Stage in which Proceedings Terminated—The manner in which a case is terminated: by a decision on the merits after a full hearing; or by settlement, withdrawal, or dismissal—and whether before a hearing or after a partial or full hearing.

III—ALJ's Decision Reviewed—Whether or not the initial decision is reviewed by the agency, and if so, the outcome of the review.

IV—Time and Effort Index—Indications of the complexity of the case such as the number of days and hours of hearings; the number of motions, parties, evidentiary documents; and the number of pages of briefs, transcripts, exhibits and the written decision.

The following discussion provides more detail about the information sought with respect to the above categories, the instructions to the agencies and problems encountered in the data collection, processing, and presentation.

I—Key Dates and Intervals

The reporting card provides boxes, numbered 0 to 21, for recording the dates of as many as 22 procedural steps in the life of an administrative case. Each case is subdivided into three basic stages: the prehearing, hearing and posthearing stages.

A) The Prehearing Stage. A case may begin in several different ways, depending on the type of case and the particular agency's case initiation procedures. As stated above, a case is entered into the Uniform Caseload Accounting System when it is referred to the Chief ALJ's office. That date is to be entered in Box 7. At that point we ask the agency to determine the dates of earlier agency action and enter them in Boxes 0-6. If the case was begun by an application, a private

complaint, a petition, or a preliminary determination of violation made at an inspection, the applicable date of that event is to be entered in Box 1. If the application or petition is denied or if the private complaint or agency inspection has led to a preliminary investigation or to a citation or notice of violation, then the date of denial, order of preliminary investigation or notice of violation is entered in Box 2. In some types of cases, the origination of the case occurs with an event that is more appropriately entered in Box 2, and Box 1 is left blank. Boxes 3 through 6 are provided for recording dates of other procedural steps a case may go through prior to referral to the ALJ for hearing. These steps include a formal order of investigation, a formal complaint, a staff recommendation of hearing, completion of an environmental impact statement, and issuance of a formal order or notice of hearing. Not all cases go through the same prehearing steps. As we learn more about the various types of cases and the prehearing steps, we may be able to refine our data collection for this stage. In this report our more limited objective is to present some idea of how long the prehearing stage takes for the various case types.

We have asked that the first date filled in on the card (be it in Box 1, Box 2, or Box 3) also be entered in a separate Box 0 marked "origination of case." The interval between this first date in Box 0 and the date in Box 7 is the time span for the prehearing stage of a case. We have found that the prehearing phase of a case presents one of our most difficult data-gathering problems. It is often difficult for an agency to pin down the exact date that a case originates, especially if the first action in the case occurs in a field office. Thus, although we have asked the agencies to record the date of the earliest action in a case, sometimes agencies were not able to ascertain this information, and in such cases supplied the earliest identifiable date. This would, of course, cause the prehearing stage to appear less time-consuming than it actually was. We have pointed out instances of this deficiency where they are known to us, but the reader should bear in mind that there may be other instances, unknown to us, where the prehearing interval, as recorded, is misleadingly short.

B) The Hearing Stage. The hearing stage encompasses the period during which the ALJ has control of the case. Boxes 8-14 are provided for recording dates of procedural events during the hearing stage (assignment to individual ALJ, pre-hearing conference, first and last days of hearing, and the closing of the record). Box 14 is for the date the ALJ's decision or order is released. Because agency records of the dates entered in Boxes 7 and 14 are relatively certain and reliably retrievable, the elapsed-time statistics computed for the hearing stage would appear

to be quite reliable. As a refinement to the charts in our fiscal year 1975 report, in this report we have divided the elapsed time statistics for the hearing stage into two groups--those cases decided on the merits where the ALJ conducted a hearing, and all other cases.

C) The Posthearing Stage. The posthearing stage begins when the ALJ's decision or order is released. The case then may or may not be reviewed by the agency head (i.e., a full board or commission, or panel thereof, or an individual administrator). Review procedures vary almost as widely as prehearing procedures. In some agencies review by the agency is within the discretion of the agency and is infrequent. In others, appeal may be had by right and review is frequent. In some, review is mandatory. Boxes 15 to 21 are provided for recording dates of procedural events during the posthearing stage. These include the filing of an appeal from, or exceptions to, the ALJ's decision, perfecting the appeal, recommendation by review staff, and oral argument. The date of final agency action is to be entered in Box 21. Where review of an ALJ's decision has occurred, its completion should be recorded as the date when the agency's decision is released for publication. (Any waiting period that may be required before the decision has legal finality is not to be included.) Where there is no review on the merits, the agency, in effect, adopts the ALJ's decision as its own. This is usually done by an order issued after a short period of time has elapsed (e.g., after a 30-day time limit on appeals has expired). We have had some difficulty achieving consistency in the completion of this portion of the card in cases where there was no review by the agency. Although in some instances the short time span for the agency's order-issuing process was properly reflected, sometimes the date in Box 14 (ALJ's decision) was entered in Box 21 as well. We wanted to make sure that we could obtain information about the posthearing time span for those cases which were reviewed. Therefore, before calculating the elapsed time between dates 14 and 21, we divided the cases into two groups: those reviewed and all other cases. The first group included only the cases on which the agency review portion of the card was completed. The latter group included those cards on which that portion of the card was left blank. Thus, those cases we know were reviewed are isolated from the rest.

D) Total Elapsed Time. Finally, we present the total time elapsed from start to finish (0-21) in a case. Again we have separated the cases into the same two groups used to isolate out those cases that were reviewed. Of course, the informational deficiencies relative to the prehearing stage, noted above, may affect the validity of the total elapsed-time data.

II—Manner and Stage in which Proceedings Terminated

The manner and stage of termination of a case are important variables affecting the duration of the case. Termination of a case can be with or without a formal decision on the merits. For a case terminated without a formal decision on the merits, one of the following four boxes is to be checked to indicate the procedure by which termination occurred:

SETTLEMENT/COMPROMISE: Where all parties agree on a settlement of all issues and this terminates the proceeding.

WITHDRAWAL/CONSENT: Where parties or respondents, usually in an enforcement type proceeding, accept the agency's demands in sufficient degree to permit withdrawal of the formal complaint and/or issuance of a consent order.

MOTION TO DISMISS / DISCONTINUANCE: Where proceedings terminate for jurisdictional or procedural reasons, insufficient statutory basis for the action, or failure of the moving parties or the agency adequately to support an application, petition, complaint, etc. Also included in this category are those cases in which the action ends by the parties' or the agency's discontinuing it or being granted a motion to dismiss.

OTHER: Any termination without formal decision which does not fit the above categories.

These four categories of termination procedure are neither as precise nor as illuminating (in the context of a particular proceeding) as one might like. Only by knowing the nature of the case can the significance of the manner of termination be fully grasped. For instance, a dismissal of an enforcement proceeding means the agency's case has been dismissed. Dismissal of an application for permit means that the private applicant has lost his case. We have tried to describe each case type in such a way that the manner of termination is meaningful, although we have not attempted to obtain data on which party prevailed in each case.

If a case fell into one of the four categories of termination without a decision on the merits, we asked the agency also to note whether the termination was without a hearing or whether it occurred after a partial or full hearing.

For cases terminated with a decision on the merits, one of the following three boxes was to be checked to indicate the manner of decision:

AN ALJ HEARING & DECISION: The standard initial decision by the ALJ.

AN ALJ HEARING WITHOUT ALJ DECISION: Where the agency's procedural rules permit the parties to waive the ALJ's decision and move

directly for a final decision by the agency. Also included are cases in which the ALJ does not make a decision but merely certifies the record to the agency for decision.

AN ALJ ACTION OR DECISION WITHOUT HEARING: Where the agency's procedural rules permit an ALJ to render a decision on the basis of the submitted record, without hearing.

It should be apparent that we are able to determine how many cases went to at least a partial hearing. Furthermore, by isolating different combinations of manner and stage of termination along with the presence or absence of review by the agency, it may be possible to draw more refined conclusions about elapsed time. For example, if an agency's 20 enforcement cases took an average of 300 days from start to finish, more detailed analysis might show that this average includes 15 ALJ hearings and decisions averaging 375 days, and 5 dismissals without hearings averaging 75 days. The numbers may seldom be that dramatic, but we have tried to shed as much light as we can on the significance of averages.

III—Review of ALJ Decision

For cases terminated with a decision on the merits, we asked the agencies to record the fact that the ALJ's decision was reviewed by the agency. We also asked for the outcome of agency review: whether the ALJ's decision was affirmed, reversed, modified significantly, or remanded. The card also sought information about how agency review was initiated (i.e., whether by exceptions of agency staff or of non-agency parties, and whether the review was standard agency policy or was at the initiative of the review authority).

IV—Time and Effort Index

Where a partial or full hearing was held in a case we asked the agency to fill in a series of boxes ("Time and Effort Index") intended to show the time and effort expended by the ALJ, and meant to give a rough indication of the complexity of the case. The entries are as follows:

A) PREHEARING & HEARING (SEPARATE DAYS): The number of days on which any portion of a prehearing conference or hearing took place, including conferences and evidentiary hearings relating to substantive motions and interlocutory appeals.

B) PREHEARING & HEARING (ACTUAL HOURS): The approximate total number of hours devoted to all activities referred to in (A) above.

C) NUMBER OF PARTIES & INTERVENORS: The approximate number of separate parties, claimants, respondents, intervenors, petitioners, etc. (including the agency as a party) who appeared

in the proceeding.

D) HOURS OF ALJ TRAVEL: The approximate number of hours, including evenings and week-end hours, the ALJ was required to spend in travel to and from hearings and conferences for any part of the proceeding. (Note--the instructions for this box were imprecise, and we are not confident about the accuracy and consistency of these entries. There does not seem to be, among the agencies, a uniform definition of "travel status".)

E) NUMBER OF CONTESTED MOTIONS: The number of motions handled by the ALJ which either were contested or involved substantive rather than minor procedural or administrative matters.

F) NUMBER OF EVIDENTIARY DOCUMENTS (EXCLUDING BRIEFS & TRANSCRIPTS): The aggregate number of separate documents comprising the record (e.g., exhibits, interrogatories, depositions and other discovery documents and pre-trial memoranda).

G) NUMBER OF PAGES OF BRIEFS: Approximate number of pages of all briefs.

H) NUMBER OF PAGES OF TRANSCRIPTS: Approximate number of pages of transcripts.

I) NUMBER OF PAGES OF EXHIBITS: Approximate number of pages of exhibits and other evidentiary documents.

J) NUMBER OF PAGES OF WRITTEN OPINION: Approximate number of pages of ALJ's written opinion.

K) ORAL ARGUMENT: Was there oral argument before the ALJ?

DATA PROCESSING

The completed cards were forwarded quarterly to ACUS. Except for the visual inspection and computer editing described below, we relied on the reporting agencies for the accuracy of their entries. We made no attempt to verify whether or not the agencies were correctly reporting the dates and other information about each case unless we discovered some inconsistency in the data. Where our editing revealed errors, we asked the reporting agencies to supply the correct information.

Initially, each card was examined for legibility and to see whether the information on the card was entered in the proper place. Incomplete or incorrectly filled out cards were returned to the agency for further attention. In this respect, the data contained in this report is much more comprehensive than that contained in our FY 1975 report, although in some instances complete data (especially on pre-hearing and post-hearing activity) was still unavailable. The cards were then coded by ACUS staff and visually inspected for apparent errors, in preparation for transferring the data

to magnetic tape. For each case, code numbers were assigned for the agency, the type of case, the ALJ, and other non-numerical data such as manner and stage of termination. Dates were examined to make sure they were written numerically as a string of double digits for day, month, and year. In those few instances where only the month and year were given, the entry was filled out by arbitrarily making the day the 15th (e.g., 01/74 = 01/15/74). In the time and effort section, any fractions were rounded up to the next higher whole number and any zeros appearing in these boxes were analyzed. Our guiding principle, aside from the exception noted below, was that if there was no hearing in the case, the time and effort boxes should have been left blank--so any zeros entered in the boxes in such cases were converted to blanks. In this way, the averages obtained for time and effort were not misleadingly lowered by the inclusion of zeros from nonhearing cases. However, if, as occurred occasionally, a non-hearing card did contain some entries (other than zero) in this part of the card, those numbers were retained. (Several of the entries, such as the number of parties, motions, or pages of decision could legitimately be recorded in a non-hearing case and were therefore retained for averaging purposes.) If there had been a hearing or partial hearing in a case, we retained all entries (including zeros) and left any blanks blank.

The coded cards were keyed directly onto magnetic tape with independent verification. They were then subjected to a comprehensive computer edit for consistency and completeness. This process created a master file, on tape, of all the information from the cards for those cases that had passed the edit. Agency and case codes were checked for validity, and date entries were checked to insure that they represented actual dates. The entry in Box 0 was checked to make sure that it was the same as the earliest date recorded. The four key dates (Boxes 0, 7, 14, 21) were checked to make sure they were complete and in proper chronological order. Although a further attempt was made to obtain missing key dates, the agencies were not always able to supply them. Where this follow-up did not elicit more complete information on key dates, the cases were nevertheless added to the master file, provided they contained no further errors. In addition, the manner of termination of proceedings was checked to make sure that there was an entry for either "with" or "without" formal decision on the merits and not for both.

We tightened our computer editing procedure considerably as compared to our FY 1975 process, primarily by adding many consistency checks to insure that dates were properly chronological and that mutually exclusive entries were not made in the

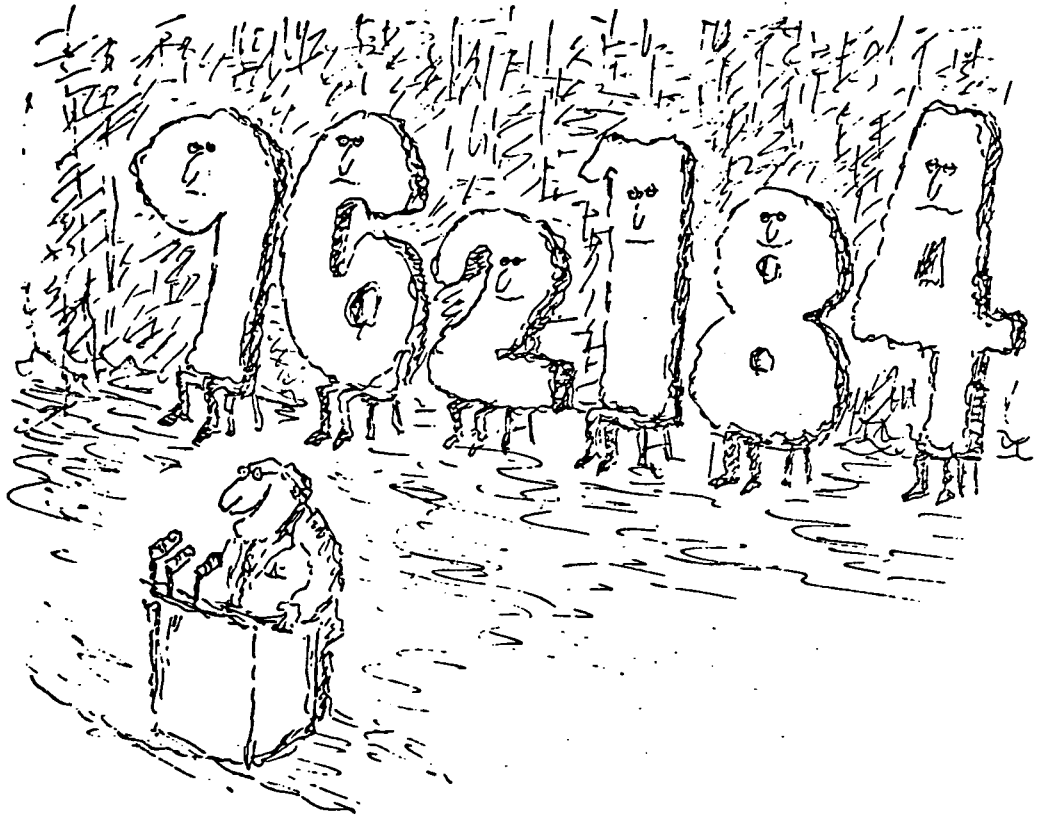
manner-and-stage-of-termination and review segments of the data. The computer editing procedure screened out for correction approximately 15--20% of the 15,399 cards processed. The errors were corrected, the data re-keyed onto tape, re-edited, and merged into the file of cases for which no error had been detected. The program for creation of the master file (including the

edit program) was written to our specifications by the Department of HEW's Data Management Center. After creation of the master file on tape, computation and the compilation of the resulting tables contained in this report were performed by an attorney on our staff, with the assistance of HEW, using the Statistical Package for the Social Sciences (SPSS) on an IBM 370 System.

APPENDIX The Reporting Card

Case/Docket Number	Applicant/Respondent/Petitioner	Agency	Type or Class of Case and Statutory Section																																	
1 Priv. Complaint/Applic./claim/Petition	Regional or District Office _____ LAW JUDGE ASSIGNED _____																																			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <h3 style="text-align: center;">I. KEY DATES AND INTERVALS</h3> <p>2 Citation/Viol. Notice/Claim Denied/Prelim Investigation</p> <p>3 Start of/Order for Investigat'n/Pre-ALJ proceeding or review</p> <p>4 Formal Complaint/staff recom'nd's hearing or mod. proc.</p> <p>5 Safety/envIRON. research done/Contest. Plead'gs Complete</p> <p>6 Order/Notice of Evidentiary Proceeding or Hrg</p> <p>8 Assigned to ALJ</p> <p>10 First Day Hrg.</p> <p>12 Last Day Hrg.</p> <p>15 Appeal/Excep. Filed</p> <p>17 Review Staff Recom'gat'n</p> <p>19 Rev. BD/Com. Decision</p> </div> <div style="width: 45%;"> <h3 style="text-align: center;">II. MANNER & STAGE IN WHICH PROCEEDINGS TERMINATED</h3> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">WITHOUT FORMAL DECISION ON THE MERITS</p> <p>BY <input type="checkbox"/> Settlement/Compromise</p> <p><input type="checkbox"/> Withdrawal Consent</p> <p><input type="checkbox"/> Without hrg.</p> </div> <div style="width: 45%;"> <p style="text-align: center;">WITH FORMAL DECISION ON THE MERITS</p> <p>BY <input type="checkbox"/> Motn. Dismiss/Discontinuance</p> <p><input type="checkbox"/> Other See Reverse</p> <p><input type="checkbox"/> After partial or full hrg.</p> </div> </div> </div> </div>																																				
0 Origination of Case	<h3 style="text-align: center;">IV. Time & Effort Index</h3> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Approx. Number</th> <th>ALJ</th> <th>Rev. Bd</th> </tr> </thead> <tbody> <tr> <td rowspan="2">PHC & or Hrg</td> <td>Separate Days</td> <td></td> </tr> <tr> <td>Aggregate Hrs.</td> <td></td> </tr> <tr> <td>No. Parties, Respondents, Interveners</td> <td></td> <td></td> </tr> <tr> <td>Hrs ALJ in Travel</td> <td></td> <td></td> </tr> <tr> <td>No. Contested Motions</td> <td></td> <td></td> </tr> <tr> <td>No. Evidential Docs. & Exhibits (Excl. Briefs)</td> <td></td> <td></td> </tr> <tr> <td rowspan="3">Pages of</td> <td>• Briefs</td> <td></td> </tr> <tr> <td>• Transcripts</td> <td></td> </tr> <tr> <td>• Exhibits, etc.</td> <td></td> </tr> <tr> <td>• Written Decision</td> <td></td> <td></td> </tr> <tr> <td>Oral Arg. (Yes/No)</td> <td></td> <td></td> </tr> </tbody> </table>			Approx. Number	ALJ	Rev. Bd	PHC & or Hrg	Separate Days		Aggregate Hrs.		No. Parties, Respondents, Interveners			Hrs ALJ in Travel			No. Contested Motions			No. Evidential Docs. & Exhibits (Excl. Briefs)			Pages of	• Briefs		• Transcripts		• Exhibits, etc.		• Written Decision			Oral Arg. (Yes/No)		
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7 Referred to CALJ	<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																			
14 ALJ's Decision/Order				<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																
21 Final Agency Action	<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																			
9 Pre-Hrg Conf.				<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																
11 Last Interloc. Order	<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																			
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16 Appeal Perfected/Briefs Opposing Exceptions	<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																			
18 Rev. BD/Commission Oral Argument				<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																
20 Referred for Agency HD or (CAB) Presidential Rev.	<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																			
21 Final Agency Action				<h3 style="text-align: center;">III. ALJ's DECISION REVIEWED BY</h3> <p><input type="checkbox"/> Intermed. Board (FCC) <input type="checkbox"/> Agency Head/Bd or Commission</p> <p style="text-align: center;">RESULTING FROM</p> <p>Exceptions Filled By <input type="checkbox"/> Non-Agency Parties <input type="checkbox"/> Agency Staff</p> <p><input type="checkbox"/> INITIATIVE OF REVIEW AUTHORITY <input type="checkbox"/> STANDARD AGENCY POLICY</p> <p>If Agcy Reviewed ALJ Decision, the Outcome</p> <p>Summary Affirm W/Out <input type="checkbox"/> Affirm With <input type="checkbox"/> Reverse <input type="checkbox"/> Modify Significantly <input type="checkbox"/> Remand/Other</p> <p style="text-align: center;">Opinion or Discussion</p>																																

ACUS 3 Administrative Conference of U.S.



"Tonight, we're going to let the statistics speak for themselves."

Drawing by Koren; © 1974
The New Yorker Magazine, Inc.

CHAPTER III: STATISTICS FOR FISCAL YEARS 1976-1978

In the remainder of the report, we present statistics for all 28 Federal agencies that employed at least one full-time administrative law judge during the fiscal years 1976-1978 period. Agencies that borrowed ALJs or that conducted adjudications without using ALJs are not included. The 28 agencies are arranged alphabetically. Within each agency's report we have provided (1) caseload statistics and (2) data on closed cases. For the 22 agencies that submitted cards on individual cases, plus the ICC, a uniform format, described below, was followed. For the other five agencies (CFTC, FMSHRC, NLRB, OSHRC, and SSA) each of which supplied pretabulated information, a less uniform approach was required.

CASELOAD STATISTICS

We begin each agency's report, where possible, with caseload statistics arranged by category of case. Caseloads were reported to us quarterly on inventory sheets submitted along with completed case-closed cards. In this report we present, for each case type, the number of cases pending at the beginning of each fiscal year, the number of new cases referred to the office of ALJs during the fiscal year, and the number of cases closed by agency action during the fiscal year. We then give the number of cases pending at the end of each fiscal year. For purposes of comparison we also supply caseload data for fiscal year 1975, taken from our previous publication.

For each case type we provide a capsule description of the cases, as well as citations to the governing statutory procedural provisions in the United States Code and to the applicable rules of practice in the Code of Federal Regulations.

Except where indicated, the caseload statistics are taken from the the inventory sheets submitted by the agencies, and the yearly total of closed cases should theoretically match the number of case-closed cards processed for each case type. A few agencies provided case-closed cards for only a sample of their closed cases. In some other instances, however, the number of closed cases on an inventory sheet unaccountably differed from the number of corresponding case-closed cards submitted. It would appear that these discrepancies (most of which are minor) resulted from the agencies' occasional failure to submit a card for every closed case.

DATA ON CLOSED CASES

Following the caseload data for each case type is a

tabulation of data on closed cases. For twenty-one of the agencies that submitted cards, we have developed a two-page chart of tabulations for most case types that had at least one closed case during the FY 1976-1978 period. For each of the EPA's and ICC's case types, we used a one-page chart. In addition, for the other five agencies that submitted pre-tabulated information, we present whatever information we have relating to their closed cases. Our own tabulations are presented as follows:

Case-Closed Cards Submitted. This yearly figure represents the number of cards processed. (As explained above, the number should be approximately the same as the number of closed cases taken from the inventory sheet.)

Manner of Termination. The number of cases is given for each type of termination.

Agency Review. The numbers of ALJ decisions reviewed and not reviewed are reported along with the outcome of reviewed cases. Note that all cases are accounted for in this section, even though reviewability normally is pertinent only to cases decided by the ALJ on the merits.

Elapsed Time Data. In this report we continue to present data on the time intervals for the three principal stages of a case—prehearing, hearing, and posthearing—as well as the total elapsed time from opening to termination of a case. Data with respect to intermediate dates within those principal stages are retrievable, but we concluded that, absent an agency-by-agency analysis, this information was not sufficiently useful to warrant inclusion in a government-wide report. We have, however, attempted to make the statistics on the major stages more meaningful by providing a more elaborate breakdown. For each stage of a case type we present, by fiscal year, the average number of days of elapsed time, taking as the universe of cases of a particular type all those cases within that case type for which we have a date reported in both the first and last boxes for the interval of the stage. The number of such cases is denoted by "N". For example, although for FY 1977 the FTC reported 10 closed Bureau of Competition cases (see p. 162), for only 9 of those cases were dates reported in both Box 0 and Box 7; the number of cases ("N") in the prehearing stage would thus be 9 and the figures reported for that stage would be derived from only these 9 cases. In other words, for each line in the table, the number of cases upon which the data are based is given in the column headed "N". The data in this report are much more complete in this regard than the data in our FY 1975 report. We also provide the minimum and maximum

elapsed times for each interval, and, instead of providing a median as we did for FY 1975, we provide a range of distribution so as to permit the reader more readily to spot aberrational elapsed times. Note also that the hearing stage is divided into two categories (ALJ hearings on merits/all others) as are the posthearing stage and total time (with agency review/all others). Wherever we have any other information that sheds light on the averages, that information is included in the notes.

Time and Effort at the Hearing Stage: We first indicate how many of the total cases in that case type were heard or partially heard by an ALJ. This is the number of cases for which time and effort data should be present. In our FY 1975 report, these data were quite incomplete for many case types. This report is markedly more complete in this regard; however, where data are missing, the averages, minima, maxima, and range of distribution should be discounted accordingly. As with the elapsed time data, where an agency did not submit complete data on all cases, "N" represents the number of cases for which information was received. The ten sub-categories in the time and effort index are explained in Chapter II. Finally, even though three years' data are presented, the number of cases closed within some of the case types is quite small, since we have included reports on all case types with at least one closed case. Therefore, we reiterate our caution, stated in our FY 1975 report, that great care must be observed when drawing any conclusions from the statistics that are presented for such case types.

DEFINITIONS

Except as otherwise noted, the following definitions apply to the terms used in this report.

New Cases: Formal proceedings (including a few formal rulemakings) referred to an agency's office of ALJs during the year, regardless of whether the case actually went to hearing. Cases disposed of prior to referral to the office of ALJs are not counted.

Closed Cases: Cases in which final agency action was taken during the year (either by agency head or by unappealed ALJ decision).

Pending cases: Cases which have reached the stage of referral to the office of ALJs, but remain in the pipeline pending final agency action at the close of the reported fiscal year.

T.Q.: Transition quarter (July–September 1976), when the fiscal year was changed to start October 1. Counted as part of FY 1976.

N/A: Statistics are not available. Where a case category did not exist during a part of the reporting period, a dash (—) is used instead.

AGENCY ADJUDICATIVE CASELOADS

The chart on the facing page summarizes the caseload data for all agencies covered by the report. Figures for CFTC, EPA, FCC, FMSHRC, ICC, Interior, NLRB, and OSHRC were provided by the agency in pretabulated form. All other figures are derived from inventory statements sent to ACUS by the agencies quarterly.

NOTES:

a. Created in 1975. No case reports for 1975. Case-closed figures are the sum of closed cases at ALJ and Commission levels.

b. Case-closed figures reflect activity in ALJ stage only.

c. Succeeded the Federal Power Commission in 1977. FY 1975 figures are revised.

d. Created in March 1978. Figures given are from March 9 to September 30, 1978, and reflect activity in the office of ALJs only. Cases transferred from the Department of the Interior are not counted as new cases but are reflected in the pending figure.

e. Figures reflect activity in ALJ stage only. The pending figure does not include the 1528 cases under the Coal Mine Health and Safety Act that were transferred to FMSHRC. It also does not include Indian probate cases (approximately 2000 per year) which are not subject to the APA and are heard by special hearing officers, but are otherwise similar to ALJ cases.

f. Some 1976 data from ICC are missing. Totals for that year are probably too low.

g. Figures reflect estimated totals for Fair Labor Standards Act cases.

h. Until 1977, black lung cases in the Department of Labor were not heard by fully-qualified ALJs.

i. 1975 cases do not include contract appeal cases, approximately 10 per year.

j. NLRB case-closed figures are derived similarly to those of other agencies, although the NLRB does not consider some cases closed until Federal court action is final.

k. The NLRB pending figure is for cases pending in the office of ALJs only. Another 500 cases were probably pending at Board level.

l. 1976 figures are estimates.

m. SSA case-closed figures in this table were determined as follows. We know the number of cases decided by ALJs and by the Appeals Council, but we do not know the exact number of cases that were terminated (were unappealed) at the ALJ level. For the period FY 76-78, there were 631,626 dispositions by ALJs and 161,949 new cases at the Appeals level. Therefore a rough estimate is that 74.36% of all ALJ dispositions represent final agency action. Thus we can arrive at an equally rough estimate of total SSA terminations by adding 74.36% of the ALJ terminations to the Appeals Council terminations for each year, and rounding off.

n. SSA figures for FY 1975 were adjusted to include Supplemental Security Income cases which, until 1976, were not decided by regularly appointed administrative law judges. Therefore the FY 1975 figures are higher than the figure given in the table (page 22) of our 1975 Statistical Report.

o. Coast Guard 1975 new-case figure is an estimate.

AGENCY ADJUDICATIVE CASELOADS FY 1975-1978

AGENCY	1975		1976 & TQ		1977		1978		Final Pending
	New	Closed	New	Closed	New	Closed	New	Closed	
Agriculture	251	191	293	269	244	250	247	260	120
AT&F	61	41	124	95	105	129	96	88	57
CAB	79	74	111	108	58	69	93	79	103
CFTC ^a	—	—	37	8	292	97	336	206	414
CPSC	3	0	23	14	7	8	4	9	7
DEA	N/A	N/A	53	40	35	45	31	40	11
EPA ^b	242	85	208	87	183	128	104	166	304
FCC	172	131	141	142	186	93	127	58	353
FERC ^c	274	177	283	228	155	216	137	125	390
FMC	57	53	98	74	100	100	88	110	103
FMSHRC ^d	—	—	—	—	—	—	2147	1579	1743
FTC	61	41	54	58	15	32	17	36	72
FDA	—	—	4	2	6	4	3	1	9
HUD	N/A	N/A	272	245	213	225	131	182	49
Interior ^e	4353	9782	3685	6885	1942	2960	1513	1176	413
ICC ^f	1313	1154	807	934	1044	2006	1371	1692	1694
Labor ^g	1134	884	1773	1589	2277	1687	2560	2167	1950
-black lung ^h	—	—	—	—	1879	988	209	1051	1039
Maritime Admin.	5	4 ⁱ	19	12	20	19	19	14	35
NLRB ^j	3345	3469	5185	4589	4902	5406	5378	5081	2642 ^k
NTSB	577	665	778	831	562	597	568	586	256
NRC	39	27	18	18	20	14	10	13	96
OSHRC ^l	2513	2513	3950	3100	3311	3843	4331	3777	N/A
SEC	77	114	85	127	69	98	30	54	127
SSA ^m	154,945	111,000 ⁿ	203,106	236,000	193,657	191,000	196,428	209,000	83,131
U.S. CSC	5	10	11	7	16	14	27	14	22
U.S. Coast Guard	571 ^o	553	651	620	683	648	681	657	249
U.S. ITC	—	—	11	3	8	9	24	10	21
U.S. Postal Serv.	160	127	251	251	113	200	133	100	52
TOTAL:	170,237	131,095	222,031	256,336	212,102	210,885	216,843	228,331	95,462
TOTAL, other than SSA:	15,292	20,095	18,925	20,336	18,445	19,885	20,415	19,331	12,331

— Footnotes are on facing page (p. 32).

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF AGRICULTURE

<u>Case Type</u>	<u>FY</u>	<u>Cases Pending at Start of FY</u>	<u>New Cases Referred to Office of ALJs</u>	<u>Cases Terminated by Agency</u>	<u>Cases Pending at End of FY</u>
Packers and Stockyards Act					
Disciplinary Proceedings					
7 USC 204, 213(b) 7 CFR 1.130-1.151, 9 CFR 202	(75)		131	109	
	76	44	160	148	56
	77	56	130	132	54
	78	54	126	136	44
	76-78		416	416	
Perishable Agricultural Commodities Act					
Disciplinary Proceedings					
7 USC 499h(a),(b),(c); 499i 7 CFR 1.130-1.151, 7 CFR 47	(75)		36	22	
	76	22	26	31	17
	77	17	29	31	15
	78	15	33	36	12
	76-78		88	98	
Laboratory Animal Welfare Act					
7 USC 2149, 2150 7 CFR 1.130-1.151, 9 CFR 4	(75)		18	9	
	76	9	19	22	6
	77	6	15	17	4
	78	4	21	21	4
	76-78		55	60	
Horse Protection Act					
15 USC 1825 7 CFR 1.130-1.151, 9 CFR 12	(75)		22	12	
	76	10	18	14	14
	77	14	6	8	12
	78	12	16	19	9
	76-78		40	41	

Disciplinary proceedings against stockyard owner, market agency or dealer, as defined in the Act, resulting in cease and desist order or suspension of registration for unfair, discriminatory, or deceptive practices in connection with the marketing of livestock.

Disciplinary proceedings against licensed produce dealer, broker, or commission merchant resulting in suspension or revocation of license, or in the publication of an adverse finding for violation of the record-keeping or fair trade provisions of the Act.

Disciplinary proceedings against persons engaged in the sale of animals for pet or research purposes, or against research facilities, resulting in cease and desist orders and suspension or revocation of licenses of sellers and facilities for violation of humane standards.

Civil penalty proceedings against any person charged with violation of the Act or regulation thereunder, concerning the sorting of horses or the exhibition of sored horses.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF AGRICULTURE (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Commodity Exchange Act					
7 USC 6g, 9	(75)		10	14	
	76	14	0	14	0
	77	--	--	--	--
	78	--	--	--	--
	76-78		0	14	
Disciplinary proceedings resulting in suspension or revocation of registration of floor broker or of futures commission merchant, and denial of trading privileges, for violations of the Act, including manipulation of prices and cornering of the market. (These cases have been transferred to the Commodity Futures Trading Commission effective October 1975. See 7 USC 4(a), 18, 21 (1978 Supplement)).					
Agricultural Marketing Agreement Act Marketing Orders (Rulemaking)					
7 USC 608c(3), 17	(75)		20	15	
	76	5	25	23	7
	77	7	18	18	7
	78	7	21	17	11
	76-78		64	58	
Rulemaking proceedings for the promulgation of regulations governing the handling of milk, fruits, vegetables, and other commodities in regional marketing areas. Marketing orders regulate handling in such forms as classification and minimum pricing of milk, grade and size restrictions, and volume control.					
Agricultural Marketing Agreement Act Petitions for Relief from Marketing Orders					
7 USC 608c(15)(A) 7 CFR 900.50-900.71	(75)		7	5	
	76	8	20	2	26
	77	26	7	6	27
	78	27	9	14	22
	76-78		36	22	
Adjudications whereby a handler regulated by a marketing order may contest the validity of such order or any obligation imposed upon the handler by such order as "not in accordance with law".					
U.S. Grain Standards Act Licensing					
7 USC 85, 86, 87e 7 CFR 1.130-1.151, 7 CFR 26.2001 et seq.	(75)		1	1	
	76	0	6	3	3
	77	3	1	4	0
	78	0	0	0	0
	76-78		7	7	
Proceedings to challenge revocation, suspension or refusal to renew a license to perform inspections, or to challenge refusal of official inspection service. (Not subject to Administrative Procedure Act unless respondent so requests.)					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF AGRICULTURE (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Veterinarian Accreditation					
21 USC 111, et seq. 7 CFR 1.130-1.151, 9 CFR 160 et seq.	(75)		0	0	
Proceedings by veterinarian to challenge suspension of accreditation.	76	0	0	0	0
	77	0	0	0	0
	78	0	7	3	4
	76-78		7	3	
U.S. Warehouse Act Licensing					
7 USC 246, 253 7 CFR 1.130-1.151, 7 CFR 101.89	(75)		0	0	
Proceedings to challenge suspension of warehouseman's license.	76	0	1	1	0
	77	0	0	0	0
	78	0	0	0	0
	76-78		1	1	
Inspection and Grading Service ^a					
7 USC 1622, 1624 7 CFR 1.130-1.151, 7 CFR 50	(75)		2	1	
Proceedings to determine whether applicants for inspection and grading service, or persons having such service, have violated the conditions for such service, and whether such service should therefore be denied or withdrawn.	76	2	7	6	3
	77	3	30 ^b	24	9 ^c
	78	9	—	6	—
	76-78		—	36	
Federal Meat Inspection Act ^a					
21 USC 601 et seq. 7 CFR 1.130-1.151, 9 CFR 335	(75)		2	1	
Proceedings to determine whether applicants for meat inspection service, or persons having such service, have violated the conditions for such service, and whether such service should therefore be denied or withdrawn.	76	1	6	2	5
	77	5	7 ^b	7	5 ^c
	78	5	—	6	—
	76-78		—	15	

^a During FY 1978 these two case types (inspection and grading service cases under the Agricultural Marketing Agreement Act and proceedings under the Federal Meat Inspection Act) were combined along with some similar cases to form a new case type, "Food Safety and Quality Service". Separate data for new cases referred and for cases pending for 1978 are unavailable.

^b The total number of new cases for both case types equals 13.

^c The total number of pending cases for both case types equals 14.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF AGRICULTURE (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Civil Rights Enforcement					
42 USC 2000d-1 7 CFR 15	(75)		0	0	
	76	0	4	3	1
	77	1	1	1	1
	78	0	1	1	0
	76-78		6	5	

Actions against recipients of financial assistance from the Department to terminate such assistance because of violations of civil rights laws.

NOTES:

Four miscellaneous cases were also closed in FY 1976-FY 1978, but complete caseload data was not submitted to ACUS for these cases.

Other adjudicatory proceedings administered by USDA for which no cases were reported:

- 1) Egg Products Inspection Act, Section 18 (21 USC 1047)
- 2) Federal Seed Act, Section 409 (7 USC 1599)
- 3) Poultry Products Inspection Act, Sections 6, 7, 8(d), 18 (21 USC 455, 456, 457(d), 467)
- 4) Virus-Serum Toxin Act (21 USC 156)
- 5) Federal Land Policy and Management Act of 1976, Section 506 (43 USC 2149)
- 6) United States Cotton Standards Act, as supplemented, Section 3 of the Act and Section 2 of 47 Stat. 1621 (7 USC 51b, 53)

Agency: DEPARTMENT OF AGRICULTURE

Case type: Packers and Stockyards Act
Disciplinary Proceedings

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	155	143	123	421

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	1	1
Withdrawal	104	88	73	265 ^a
Dismissal	2	10	6	18
Other	2	1	1	4
On Merits—				
ALJ Hearing & Decision	10	15	22	47
ALJ Hearing w/o Decision	0	0	0	0 ^b
ALJ Decision w/o Hearing	37	29	20	86 ^b

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	7	9	11	27
No:	148	134	112	394
Result—				
Affirm	7	6	10	23
Reverse	0	1	1	2
Modify	0	1	0	1
Remand/Other	0	1	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal complaint / Arrival of case in CALJ's office	All	76	141.3	18	4722	4	102	45	2	1	154
		Cases	77	167.1	0	1146	14	70	42	12	5	143
			78	154.3	0	1227	12	65	36	6	4	123
		76-78		153.9	0	4722	30	237	123	20	10	420
Hearing	Arrival of case in CALJ's office / Release of ALJ's decision or order	With ALJ	76	337.2	119	636	0	1	5	4	0	10
		Hearing on	77	461.9	56	954	0	2	6	3	4	15
		Merits	78	467.4	1	1208	1	1	9	7	4	22
		76-78		438.0	1	1208	1	4	20	14	8	47
		All	76	41.1	0	566	109	17	18	1	0	145
		Other	77	58.6	0	1020	100	11	11	5	1	128
Posthearing	Release of ALJ's decision or order / Final agency action	Cases	78	72.1	0	1377	59	27	10	4	1	101
		76-78		55.5	0	1377	268	55	39	10	2	374
		With Agency	76	179.1	63	636	0	4	2	1	0	7
		Review	77	132.1	62	375	0	6	2	1	0	9
			78	261.2	64	533	0	5	2	4	0	11
		76-78		196.9	62	636	0	15	6	6	0	27
Total Time	Formal complaint / Final agency action	All	76	13.3	0	250	113	31	4	0	0	148
		Other	77	13.9	0	329	100	32	2	0	0	134
		Cases	78	16.0	0	150	82	29	1	0	0	112
		76-78		14.3	0	329	295	92	7	0	0	394
		With Agency	76	690.0	225	1101	0	0	2	0	4	6
		Review	77	620.2	196	1045	0	0	2	3	4	9
	78	849.9	360	1253	0	0	1	1	9	11		
76-78		733.5	196	1253	0	0	5	4	17	26		
Total Time	Formal complaint / Final agency action	All	76	199.9	18	4722	1	57	80	9	1	148
		Other	77	267.1	0	1408	9	38	59	16	12	134
		Cases	78	284.5	1	1436	4	29	55	14	10	112
		76-78		246.8	0	4722	14	124	194	39	23	394

Notes—

- ^a Consents (see procedures).
- ^b Defaults (see procedures).

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						FY: 76 77 78 76-78						
			Number: 13 17 27 57									
Prehearing & Hearing Time	ALJ prehearing	76	1.4	0	4	11	1	0	0	0	12	
	and hearing:	77	5.0	1	35	7	8	1	0	0	16	
	separate	78	2.8	1	19	17	7	1	0	0	25	
	days per case	76-78	3.2	0	35	35	16	2	0	0	53	
	ALJ prehearing	76	9.0	0	26	3	5	4	0	0	12	
	and hearing:	77	48.1	8	210	0	3	11	1	1	16	
	hours per case	78	21.5	1	152	2	10	12	1	0	25	
		76-78	26.7	0	210	5	18	27	2	1	53	
	ALJ Travel:	76	43.3	0	96	1	0	8	4	0	13	
hours per case	77	32.2	8	78	0	3	4	2	0	9		
	78	49.6	8	80	0	1	8	8	0	17		
	76-78	43.5	0	96	1	4	20	14	0	39		
Parties	Petitioners, respon-	76	2.0	0	6	119	20	0	0	0	139	
	dents, intervenors	77	2.3	2	4	40	11	0	0	0	51	
	(including agency):	78	2.6	1	7	30	18	0	0	0	48	
	number per case	76-78	2.2	0	7	189	49	0	0	0	238	
Paperwork	Evidentiary docu-	76	27.9	0	82	3	0	5	2	0	10	
	ments (excluding	77	97.7	2	361	1	0	4	3	1	9	
	briefs):	78	34.4	0	118	1	0	8	2	0	11	
	number per case	76-78	51.2	0	361	5	0	17	7	1	30	
	Transcripts:	76	240.7	0	660	1	0	2	4	5	12	
	pages per case	77	658.8	129	3358	0	0	0	1	12	13	
		78	397.6	6	2996	0	2	3	7	12	24	
		76-78	428.4	0	3358	1	2	5	12	29	49	
	Briefs:	76	41.2	0	75	1	0	7	2	0	10	
	pages per case	77	81.8	26	199	0	0	4	9	0	13	
		78	84.7	21	228	0	0	7	6	2	15	
		76-78	72.3	0	228	1	0	18	17	2	38	
	Exhibits:	76	60.5	0	175	2	0	5	4	0	11	
	pages per case	77	1058.2	5	10889	0	1	6	2	4	13	
		78	114.4	13	536	0	0	12	7	2	21	
	76-78	373.9	0	10889	2	1	23	13	6	45		
Contested	76	0	0	0	1	0	0	0	0	1		
motions:	77	9.0	2	16	1	0	1	0	0	2		
number per case	78	1.4	0	5	8	1	0	0	0	9		
	76-78	2.6	0	16	10	1	1	0	0	12		
Written opinions	76	5.6	1	40	2	134	14	0	0	150		
by ALJ:	77	10.8	1	45	2	35	16	0	0	53		
pages per case	78	23.2	1	152	1	27	14	6	0	48		
	76-78	10.1	1	152	5	196	44	6	0	251		

Procedures—

An informal complaint may be filed under the Act by any interested person. If, after an investigation, the Administrator finds an apparent violation he may attempt an informal adjustment. If that fails, the Administrator files a formal complaint which, for the purpose of the elapsed time data, begins the prehearing stage.

At any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the

complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Packers and Stockyards Administration.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Perishable Agricultural Commodities Act
Disciplinary Proceedings

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	32	35	31	98

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	0	0	0	0
Withdrawal	9	5	17	31
Dismissal	1	1	0	2 ^a
Other	0	0	0	0 ^a
On Merits--				
ALJ Hearing & Decision	5	6	3	14
ALJ Hearing w/o Decision	0	0	0	0 ^b
ALJ Decision w/o Hearing	17	23	11	51 ^b

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	1	2	4	7
No:	31	33	27	91
Result--				
Affirm	1	2	3	6
Reverse	0	0	1	1
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal complaint / Referral to CALJ	All	76	75.5	0	347	7	20	5	0	0	32
		Cases	77	108.5	0	214	5	13	16	0	0	34
			78	103.6	0	699	12	9	9	1	0	31
			76-78	96.0	0	699	24	42	30	1	0	97
Hearing	Referral to CALJ / Release of ALJ's decision or order	With ALJ	76	425.8	146	636	0	0	2	3	0	5
		Hearing on	77	281.3	124	771	0	0	5	0	1	6
		Merits	78	487.7	314	632	0	0	1	2	0	3
			76-78	377.1	124	771	0	0	8	5	1	14
		All	76	32.4	0	419	22	4	0	1	0	27
		Other	77	24.7	0	217	24	3	2	0	0	29
	78	24.3	0	222	24	1	3	0	0	28		
	76-78	27.0	0	419	70	8	5	1	0	84		
Posthearing	ALJ's decision or order / Final agency action	With Agency	76	62.0	62	62	0	1	0	0	0	1
		Review	77	115.0	103	127	0	1	1	0	0	2
			78	330.3	45	1105	0	3	0	0	1	4
			76-78	230.4	45	1105	0	5	1	0	1	7
		All	76	30.7	0	75	13	18	0	0	0	31
		Other	77	41.4	0	95	7	26	0	0	0	33
	78	20.1	0	100	17	10	0	0	0	27		
	76-78	31.5	0	100	37	54	0	0	0	91		
Total Time	Formal complaint / Final agency action	With Agency	76	595.0	595	595	0	0	0	1	0	1
		Review	77	618.0	337	899	0	0	1	0	1	2
			78	843.8	243	1835	0	0	1	2	1	4
			76-78	743.7	243	1835	0	0	2	3	2	7
		All	76	188.4	2	1006	5	6	17	1	2	31
		Other	77	196.1	4	410	1	3	27	1	0	32
	78	142.3	0	778	11	3	12	0	1	27		
	76-78	177.3	0	1006	17	12	56	2	3	90		

Notes--

^a Consents (see procedures).

^b Defaults (see procedures).

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						FY: 76 77 78 76-78						
						Number: 5 6 4 15						
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	1.6	1	2	5	0	0	0	0	5	
		77	1.2	1	2	6	0	0	0	0	6	
		78	1.5	1	3	3	1	0	0	0	4	
		76-78	1.4	1	3	14	1	0	0	0	15	
		ALJ prehearing and hearings: hours per case	76	20.2	2	48	1	0	4	0	0	5
		77	9.7	3	24	0	5	1	0	0	6	
		78	6.8	2	15	1	2	1	0	0	4	
		76-78	12.4	2	48	2	7	6	0	0	15	
		ALJ Travel: hours per case	76	31.8	0	72	1	1	2	1	0	5
		77	42.0	0	72	1	0	2	2	0	5	
		78	44.3	24	60	0	0	2	1	0	3	
		76-78	38.6	0	72	2	1	6	4	0	13	
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	1.9	1	3	20	3	0	0	0	23	
		77	2.1	2	4	21	2	0	0	0	23	
		78	2.0	2	2	15	0	0	0	0	15	
		76-78	2.0	1	4	56	5	0	0	0	61	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	.5	0	1	2	0	0	0	0	2	
		77	16.0	12	20	0	0	2	0	0	2	
		78	2.0	2	2	1	0	0	0	0	1	
		76-78	7.0	0	20	3	0	2	0	0	5	
	Transcripts: pages per case	76	303.0	65	445	0	0	0	1	2	3	
		77	126.4	33	241	0	0	2	1	2	5	
		78	228.3	55	493	0	0	1	1	1	3	
		76-78	202.4	33	493	0	0	3	3	5	11	
	Briefs: pages per case	76	43.0	15	58	0	0	3	0	0	3	
		77	42.3	3	78	0	1	1	1	0	3	
		78	21.6	5	45	0	1	4	0	0	5	
		76-78	33.1	3	78	0	2	8	1	0	11	
	Exhibits: pages per case	76	12.0	4	20	0	1	2	0	0	3	
		77	58.6	4	225	0	1	3	0	1	5	
		78	32.0	5	55	0	1	2	0	0	3	
		76-78	38.6	4	225	0	3	7	0	1	11	
	Contested motions: number per case	76	0	0	0	2	0	0	0	0	2	
		77	—	—	—	0	0	0	0	0	0	
	78	2.5	2	3	1	1	0	0	0	2		
	76-78	1.3	0	3	3	1	0	0	0	4		
Written opinions by ALJ: pages per case	76	6.0	2	26	2	23	6	0	0	31		
	77	6.6	3	39	0	25	5	0	0	30		
	78	6.9	3	39	0	12	2	0	0	14		
	76-78	6.4	2	39	2	60	13	0	0	75		

Procedures—

An informal complaint may be filed under the Act by any interested person. If, after an investigation, the Administrator finds an apparent violation he may attempt an informal adjustment. If that fails, the Administrator files a formal complaint which, for the purpose of the elapsed time data, begins the prehearing stage.

At any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the

complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Agricultural Marketing Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Laboratory Animal Welfare Act

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	22	18	20	60

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	15	7	14	36
Dismissal	3	2	1	6 ^a
Other	0	0	0	0 ^a
On Merits—				
ALJ Hearing & Decision	3	5	1	9
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	4	4	9 ^b

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	1	0	1
No:	22	17	20	59
Result—				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal complaint / Referral to CALJ	All	76	77.5	11	215	4	14	4	0	0	22
		Cases	77	184.8	26	735	1	7	9	0	1	18
			78	143.4	43	712	0	16	2	2	0	20
			76-78	131.7	11	735	5	37	15	2	1	60
Hearing	Referral to CALJ / Release of ALJ's decision or order	With ALJ	76	320.0	227	403	0	0	2	1	0	3
		Hearing on	77	560.8	205	870	0	0	2	1	2	5
		Merits	78	501.0	501	501	0	0	0	1	0	1
			76-78	473.9	205	870	0	0	4	3	2	9
		All	76	44.5	0	190	11	6	2	0	0	19
		Other	77	39.6	0	265	10	2	1	0	0	13
Posthearing	ALJ's decision or order / Final agency action	Cases	78	68.6	0	436	15	0	2	2	0	19
			76-78	52.2	0	436	36	8	5	2	0	51
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	169.0	169	169	0	0	1	0	0	1
			78	--	--	--	0	0	0	0	0	0
			76-78	169.0	169	169	0	0	1	0	0	1
Total Time	Formal complaint / Final agency action	All	76	7.1	0	41	18	4	0	0	0	22
		Other	77	25.4	0	100	9	8	0	0	0	17
		Cases	78	11.2	0	55	15	5	0	0	0	20
			76-78	13.7	0	100	42	17	0	0	0	59
Total Time	Formal complaint / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	421.0	421	421	0	0	0	1	0	1
			78	--	--	--	0	0	0	0	0	0
			76-78	421.0	421	421	0	0	0	1	0	1
		All	76	166.6	37	492	0	10	9	3	0	22
		Other	77	401.5	27	969	1	2	7	3	4	17
Total Time	Formal complaint / Final agency action	Cases	78	244.8	47	718	0	9	6	5	0	20
			76-78	260.8	27	969	1	21	22	11	4	59

Notes—

^a Consents (see procedures).

^b Defaults (see procedures).

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						FY: 76 77 78 76-78							
			Numbers: 5 6 2 13										
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.8 1.2 .7 1.3	1 1 0 0	3 2 1 3	4 6 3 13	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	5 6 3 14		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	22.8 10.0 2.7 13.8	10 6 0 0	36 16 6 36	0 0 2 2	0 2 1 3	5 1 0 6	0 0 0 0	0 0 0 0	5 3 3 11		
	ALJ Travel: hours per case	76 77 78 76-78	54.7 59.0 16.0 47.2	8 36 0 0	90 84 24 90	0 0 1 1	1 0 0 1	0 3 2 5	2 3 0 5	0 0 0 0	3 6 3 12		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	2.0 2.4 2.2 2.1	1 2 2 1	3 4 3 4	16 7 5 28	2 3 1 6	0 0 0 0	0 0 0 0	0 0 0 0	18 10 6 34	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	10.8 9.8 0 9.1	3 1 0 0	24 22 0 24	0 1 1 2	2 1 0 3	2 2 0 4	0 0 0 0	0 4 1 9	
			Transcripts: pages per case	76 77 78 76-78	292.0 158.4 45.7 164.1	214 9 0 0	398 296 96 398	0 0 1 1	0 1 0 1	0 0 1 1	0 3 1 4	3 1 0 4	3 5 3 11
			Briefs: pages per case	76 77 78 76-78	43.0 33.0 7.5 30.9	30 30 0 0	62 40 15 62	0 0 1 1	0 0 0 0	2 5 1 8	1 0 0 1	0 0 0 0	3 5 2 10
	Exhibits: pages per case		76 77 78 76-78	30.0 15.6 2.5 17.3	14 2 0 0	57 33 5 57	0 1 1 2	0 2 1 3	3 2 0 5	0 0 0 0	0 0 0 0	3 5 2 10	
	Contested motions: number per case		76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
		Written opinions by ALJ: pages per case		76 77 78 76-78	5.9 11.3 5.7 7.3	1 3 3 1	24 19 11 24	3 0 0 3	15 4 5 24	3 6 1 10	0 0 0 0	0 0 0 0	21 10 6 37

Procedures--

An informal complaint may be filed under the Act by any interested person. If, after an investigation, the Administrator finds an apparent violation he may attempt an informal adjustment. If that fails, the Administrator files a formal complaint which, for the purpose of the elapsed time data, begins the prehearing stage.

At any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the

complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Agricultural Research Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Horse Protection Act

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	15	9	18	42

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	6	3	6	15
Dismissal	0	0	3	3
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	6	3	6	15
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	3	3	3	9

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	2	0	3	5
No:	13	9	15	37
Result—				
Affirm	2	0	2	4
Reverse	0	0	0	0
Modify	0	0	1	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal complaint / Referral to CALJ	All	76	152.8	40	628	0	9	5	1	0	15
		Cases	77	166.7	34	759	0	5	3	0	1	9
			78	308.2	35	1057	0	8	6	0	4	18
			76-78	222.4	34	1057	0	22	14	1	5	42
Hearing	Referral to CALJ / Release of ALJ's decision or order	With ALJ	76	355.3	141	618	0	0	3	3	0	6
		Hearing on	77	361.0	186	532	0	0	2	1	0	3
		Merits	78	607.2	170	723	0	0	1	5	0	6
			76-78	457.2	141	723	0	0	6	9	0	15
		All	76	55.7	1	295	6	2	1	0	0	9
		Other	77	212.0	1	794	3	0	2	0	1	6
	78	49.8	0	228	7	3	2	0	0	12		
	76-78	87.8	0	794	16	5	5	0	1	27		
Posthearing	ALJ's decision or order / Final agency action	With	76	90.0	90	90	0	2	0	0	0	2
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	158.7	138	172	0	0	3	0	0	3
			76-78	131.2	90	172	0	2	3	0	0	5
		All	76	31.2	0	110	6	7	0	0	0	13
		Other	77	24.1	0	68	4	5	0	0	0	9
	78	14.8	0	42	9	6	0	0	0	15		
	76-78	22.8	0	110	19	18	0	0	0	37		
Total Time	Formal complaint / Final agency action	With	76	487.5	362	613	0	0	1	1	0	2
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	884.0	875	899	0	0	0	0	3	3
			76-78	725.4	362	899	0	0	1	1	3	5
		All	76	348.8	52	850	0	2	6	4	1	13
		Other	77	452.4	125	917	0	0	5	2	2	9
	78	522.3	154	1158	0	0	8	1	6	15		
	76-78	444.4	52	1158	0	2	19	7	9	37		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
			FY: 76 77 78 76-78				Number: 6 5 6 17				
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.7	1	3	5	1	0	0	0	6
		77	2.0	1	3	4	1	0	0	0	5
		78	1.5	1	2	6	0	0	0	0	6
		76-78	1.7	1	3	15	2	0	0	0	17
	ALJ prehearing and hearing: hours per case	76	9.2	1	20	1	3	2	0	0	6
		77	17.6	8	24	0	1	4	0	0	5
		78	9.2	6	11	0	3	3	0	0	6
		76-78	11.6	1	24	1	7	9	0	0	17
	ALJ Travel: hours per case	76	48.3	8	72	0	1	2	3	0	6
	77	64.0	8	84	0	1	0	4	0	5	
	78	57.5	33	79	0	0	3	3	0	6	
	76-78	56.2	8	84	0	2	5	10	0	17	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	1.8	1	3	11	1	0	0	0	12
		77	2.3	2	3	5	2	0	0	0	7
		78	2.3	2	3	7	3	0	0	0	10
		76-78	2.1	1	3	23	6	0	0	0	29
Paperwork	Evidentiary documents (excluding briefs): number per case	76	4.0	0	7	1	2	0	0	0	3
		77	3.5	2	5	1	1	0	0	0	2
		78	—	—	—	0	0	0	0	0	0
		76-78	3.8	0	7	2	3	0	0	0	5
	Transcripts: pages per case	76	204.3	25	372	0	0	1	1	4	6
		77	215.5	187	244	0	0	0	1	1	2
		78	267.7	142	379	0	0	0	2	4	6
		76-78	233.1	25	379	0	0	1	4	9	14
	Briefs: pages per case	76	38.2	7	63	0	1	3	2	0	6
		77	54.0	54	54	0	0	1	0	0	1
		78	54.2	35	89	0	0	4	2	0	6
		76-78	46.8	7	89	0	1	8	4	0	13
	Exhibits: pages per case	76	10.5	1	28	1	3	2	0	0	6
		77	15.5	14	17	0	0	2	0	0	2
		78	5.0	2	12	3	1	1	0	0	5
	76-78	9.2	1	28	4	4	5	0	0	13	
Contested motions: number per case	76	1.0	0	2	2	0	0	0	0	2	
	77	2.0	2	2	1	0	0	0	0	1	
	78	—	—	—	0	0	0	0	0	0	
	76-78	1.3	0	2	3	0	0	0	0	3	
Written opinions by ALJ: pages per case	76	5.8	3	12	0	12	3	0	0	15	
	77	6.3	3	13	0	6	2	0	0	8	
	78	11.5	1	27	1	4	5	0	0	10	
	76-78	7.6	1	27	1	22	10	0	0	33	

Procedures—

An informal complaint may be filed under the Act by any interested person. If, after an investigation, the Administrator finds an apparent violation he may attempt an informal adjustment. If that fails, the Administrator files a formal complaint which, for the purpose of the elapsed time data, begins the prehearing stage.

At any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the

complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Animal and Plant Health Inspection Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Agricultural Marketing Agreement Act
Marketing Orders (Rulemaking)

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	7	22	33	62

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	1	1	2
Dismissal	1	3	0	4
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	1	3	2	6 ^a
ALJ Hearing w/o Decision	5	14	28	47
ALJ Decision w/o Hearing	0	1	1	2

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	0	2	3
No:	6	22	31	59
Result—				
Affirm	1	0	1	2
Reverse	0	0	0	0
Modify	0	0	1	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Proposal of order / Referral to ALJ	All	76	18.1	0	33	5	2	0	0	0	7
		Cases	77	31.1	0	212	13	8	1	0	0	22
			78	26.9	0	68	18	15	0	0	0	33
			76-78	27.4	0	212	36	25	1	0	0	62
Hearing	Referral to ALJ / ALJ's certification of transcript	With ALJ	76	161.0	24	265	1	1	4	0	0	6
		Hearing on	77	209.6	48	383	0	4	10	3	0	17
		Merits	78	310.7	47	1006	0	10	8	11	1	30
			76-78	261.4	24	1006	1	15	22	14	1	53
		All	76	28.0	28	28	1	0	0	0	0	1
		Other	77	214.8	0	641	1	1	2	1	0	5
Posthearing	Certification of transcript / Final agency action	Cases	78	245.7	0	499	1	0	1	1	0	3
			76-78	204.3	0	641	3	1	3	2	0	9
		With Agency Review	76	46.0	46	46	0	1	0	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	59.5	55	64	0	2	0	0	0	2
			76-78	55.0	46	64	0	3	0	0	0	3
Total Time	Proposal of order / Final agency action	All	76	21.2	0	36	3	2	0	0	0	5
		Other	77	57.2	0	400	11	7	3	1	0	22
		Cases	78	200.0	0	855	5	14	6	3	3	31
			76-78	130.4	0	855	19	23	9	4	3	58
		With Agency Review	76	344.0	344	344	0	0	1	0	0	1
			77	--	--	--	0	0	0	0	0	0
	78	206.5	131	282	0	0	2	0	0	2		
	76-78	252.3	131	344	0	0	3	0	0	3		
	All	76	164.0	28	317	1	1	3	0	0	5	
	Other	77	299.1	35	853	0	5	8	8	1	22	
	Cases	78	543.6	56	1116	0	4	7	11	9	31	
		76-78	418.2	28	1116	1	10	18	19	10	58	

Notes—

^a These reported cases with initial decisions are inexplicable in view of the procedures noted on page 47.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
			FY:				Number:				
			76 77 78 76-78				6 18 31 55				
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.6 2.8 2.4 2.4	1 1 1 1	4 10 8 10	4 12 22 38	1 4 9 14	0 1 0 1	0 0 0 0	0 0 0 0	5 17 31 53
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	10.4 23.1 21.3 20.9	2 5 2 2	26 78 84 84	1 0 1 2	2 5 10 17	2 10 19 31	0 2 1 3	0 0 0 0	5 17 31 53
	ALJ Travel: hours per case	76 77 78 76-78	43.0 47.7 55.4 51.5	8 7 8 7	76 92 96 96	0 0 0 0	1 2 4 7	3 7 8 18	1 6 14 21	0 0 0 0	5 15 26 46
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	1.7 4.1 3.0 3.3	1 1 1 1	2 34 18 34	3 13 23 39	0 1 1 2	0 1 2 3	0 0 0 0	0 0 0 0	3 15 26 44
	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	12.0 12.1 13.2 12.7	8 0 0 0	16 23 33 33	0 1 2 3	1 3 4 8	1 5 7 13	0 0 0 0	0 0 0 0	2 9 13 24
	Transcripts: pages per case	76 77 78 76-78	169.8 436.4 449.0 414.5	54 94 41 41	323 1560 1428 1560	0 0 0 0	0 0 0 0	1 0 2 3	3 5 8 16	1 10 16 27	5 15 26 46
Briefs: pages per case		76 77 78 76-78	24.5 0 23.7 20.0	14 0 0 0	35 0 44 44	0 1 1 2	0 0 0 0	2 0 2 4	0 0 0 0	0 0 0 0	2 1 3 6
	Exhibits: pages per case	76 77 78 76-78	24.8 110.3 27.7 52.8	7 6 4 4	70 1050 120 1050	0 0 0 0	2 3 8 13	1 7 13 21	1 1 2 4	0 1 0 1	4 12 23 39
	Contested motions: number per case	76 77 78 76-78	-- 0 0 0	-- 0 0 0	-- 0 0 0	0 1 1 2	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 1 1 2
Written opinions by ALJ: pages per case		76 77 78 76-78	14.0 4.3 6.5 6.0	14 1 2 1	14 11 21 21	0 3 3 6	0 6 10 16	1 1 5 7	0 0 0 0	0 0 0 0	1 10 18 29

Procedures—

These proceedings are administered by the Agricultural Marketing Service. A marketing order or agreement may be proposed by the Secretary or any other person. The proceeding is formally instituted by filing a notice of hearing with the clerk and publishing it in the Federal Register. Such notice must ordinarily precede the hearing date by at least 15

days. The ALJ conducts the hearing but has no power to make an initial decision; he only certifies the transcript to the Administrator who makes the recommended decision. This decision is published in the Federal Register and after a comment period the Secretary makes the final decision.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Agricultural Marketing Agreement Act
Petitions for Relief from Marketing Orders

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	5	9	5	19

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	1	2	1	4
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	6	4	13
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	1	0	1

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	3	7	3	13
No:	2	2	2	6
Result—				
Affirm	3	4	3	10
Reverse	0	1	0	1
Modify	0	1	0	1
Remand/Other	0	1	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of Petition / Referral to CALJ	All	76	46.4	30	86	1	4	0	0	0	5
		Cases	77	36.7	23	67	4	5	0	0	0	9
			78	44.0	31	90	0	5	0	0	0	5
			76-78	41.2	23	90	5	14	0	0	0	19
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	754.0	181	1711	0	0	1	1	1	3
		Hearing on	77	539.2	320	712	0	0	1	5	0	6
		Merits	78	219.5	163	313	0	0	4	0	0	4
			76-78	490.4	163	1711	0	0	6	6	1	13
		All	76	99.5	6	193	1	0	1	0	0	2
		Other	77	382.0	247	545	0	0	2	1	0	3
Posthearing	ALJ's decision or order / Final agency action	Cases	78	245.0	245	245	0	0	1	0	0	1
			76-78	265.0	6	545	1	0	4	1	0	6
		With Agency Review	76	213.0	85	295	0	1	2	0	0	3
			77	153.7	76	307	0	4	3	0	0	7
			78	60.0	57	64	0	3	0	0	0	3
			76-78	145.8	57	307	0	8	5	0	0	13
Total Time	Petition / Final agency action	All	76	0	0	0	2	0	0	0	0	2
		Other	77	0	0	0	2	0	0	0	0	2
		Cases	78	42.5	39	46	0	2	0	0	0	2
			76-78	14.2	0	46	4	2	0	0	0	6
		With Agency Review	76	1024.0	505	2056	0	0	0	2	1	3
			77	704.7	445	934	0	0	0	4	3	7
Total Time	Petition / Final agency action		78	350.0	277	408	0	0	2	1	0	3
			76-78	696.5	277	2056	0	0	2	7	4	13
		All	76	130.0	37	223	0	1	1	0	0	2
		Other	77	427.0	280	574	0	0	1	1	0	2
		Cases	78	279.0	236	322	0	0	2	0	0	2
			76-78	278.7	37	574	0	1	4	1	0	6

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—					
		76	77	78	76-78						
		Number:									
		3	8	4	15						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	1	4	0	0	0	0	4
		77	2.0	1	8	7	2	0	0	0	9
		78	1.5	1	2	4	0	0	0	0	4
		76-78	1.6	1	8	15	2	0	0	0	17
	ALJ prehearing and hearing: hours per case	76	6.8	5	8	0	4	0	0	0	4
		77	15.0	3	64	0	6	2	1	0	9
		78	18.0	3	48	0	2	2	0	0	4
		76-78	13.8	3	64	0	12	4	1	0	17
	ALJ Travel: hours per case	76	21.3	16	24	0	0	3	0	0	3
		77	53.7	24	72	0	0	4	3	0	7
		78	42.3	8	83	0	1	2	1	0	4
		76-78	43.5	8	83	0	1	9	4	0	14
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.2	2	3	4	1	0	0	0	5
		77	11.2	2	52	3	4	2	0	0	9
		78	2.8	2	4	2	2	0	0	0	4
		76-78	6.8	2	52	9	7	2	0	0	18
Paperwork	Evidentiary documents (excluding briefs): number per case	76	5.0	5	5	0	1	0	0	0	1
		77	12.7	10	17	0	0	3	0	0	3
		78	7.5	6	9	0	2	0	0	0	2
		76-78	9.7	5	17	0	3	3	0	0	6
	Transcripts: pages per case	76	140.0	115	167	0	0	0	3	0	3
		77	222.4	69	716	0	0	0	7	2	9
		78	159.8	68	337	0	0	0	3	1	4
		76-78	191.3	68	716	0	0	0	13	3	16
	Briefs: pages per case	76	59.0	25	107	0	0	2	1	0	3
		77	135.6	57	350	0	0	2	4	1	7
		78	35.0	11	55	0	0	3	0	0	3
		76-78	94.7	11	350	0	0	7	5	1	13
	Exhibits: pages per case	76	12.3	11	14	0	0	3	0	0	3
		77	502.3	12	3364	0	0	6	0	1	7
		78	16.7	16	17	0	0	3	0	0	3
		76-78	277.2	11	3364	0	0	12	0	1	13
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	34.3	19	48	0	0	3	0	0	3	
	77	25.6	1	54	2	0	7	0	0	9	
	78	16.0	14	20	0	0	4	0	0	4	
	76-78	24.8	1	54	2	0	14	0	0	16	

Procedures—

These proceedings are administered by the Agricultural Marketing Service and are begun by filing a petition for relief with the hearing clerk. The Administrator, as respondent, shall file a motion to dismiss or an answer within 30 days. If the motion to dismiss is denied, the Administrator has 15 days to answer. The ALJ rules on any such motion, holds necessary hearings and makes an initial decision. Appeal is to the Secretary.

Agency: DEPARTMENT OF AGRICULTURE

Case type: U.S. Grain Standards Act
Licensing

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	4	0	7

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	2	0	3
Dismissal	1	2	0	3
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	0	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	3	4	0	7
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	35.7	21	63	2	1	0	0	0	3
	Cases	77	135.0	1	446	2	1	0	1	0	4
		78	--	--	--	0	0	0	0	0	0
		76-78		92.4	1	446	4	2	0	1	0
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	--	--	--	0	0	0	0	0	0
	Merits	78	--	--	--	0	0	0	0	0	0
		76-78		--	--	--	0	0	0	0	0
	All	76	39.0	0	99	2	1	0	0	0	3
	Other	77	139.0	3	284	1	1	2	0	0	4
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78		96.1	0	284	3	2	2	0	0
Posthearing	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	--	--	--	0	0	0	0	0	0
	Review	78	--	--	--	0	0	0	0	0	0
		76-78		--	--	--	0	0	0	0	0
	All	76	0	0	0	3	0	0	0	0	3
	Other	77	0	0	0	4	0	0	0	0	4
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78		0	0	0	7	0	0	0	0
<u>Total Time</u>	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	--	--	--	0	0	0	0	0	0
	Review	78	--	--	--	0	0	0	0	0	0
		76-78		--	--	--	0	0	0	0	0
	All	76	74.7	21	162	1	1	1	0	0	3
	Other	77	274.0	49	449	0	1	2	1	0	4
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78		188.6	21	449	1	2	3	1	0

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

		Cases with full or partial hearing--										
		FY:				76 77 78 76-78						
		Number:				0 0 0 0						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
		ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	3	0	0	0	0	3	
		77	2.0	2	2	1	0	0	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	2.0	2	2	4	0	0	0	0	4	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		
Written opinions by ALJ: pages per case	76	3.7	1	8	2	1	0	0	0	3		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	3.7	1	8	2	1	0	0	0	3		

Procedures--

Proceedings under the U.S. Grain Standards Act are not subject to the Administrative Procedure Act unless the respondent so requests. Upon such request, a hearing will be conducted by an ALJ. The respondent has 20 days in which to answer the formal complaint of the Administrator. An appeal from the initial decision of the ALJ may be filed within 30 days.

These proceedings are administered by the Agricultural Marketing Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Veterinarian Accreditation

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	0	1	1

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	0	0	1	1
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	--	--	--	0	0	0	0	0	0
			78	166.0	166	166	0	0	1	0	0	1
			76-78	166.0	166	166	0	0	1	0	0	1
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	10.0	10	10	1	0	0	0	0	1	
		76-78	10.0	10	10	1	0	0	0	0	1	
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	39.0	39	39	0	1	0	0	0	1	
		76-78	39.0	39	39	0	1	0	0	0	1	
Total Time	Complaint / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	215.0	215	215	0	0	1	0	0	1	
		76-78	215.0	215	215	0	0	1	0	0	1	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—									
		FY:	76	77	78	76-78					
		Number:	0	0	0	0					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	2.0	2	2	1	0	0	0	0	1
		76-78	2.0	2	2	1	0	0	0	0	1
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	4.0	4	4	0	1	0	0	0	1
		76-78	4.0	4	4	0	1	0	0	0	1

Procedures—

Summary suspension of accreditation pending a hearing is available in some situations. Prior to the official prehearing stage an informal conference is held which may terminate the matter with a warning or by consent of the veterinarian to a suspension or revocation. If that fails, the Administrator files a formal complaint which, for the purpose of the elapsed time data, begins the prehearing stage.

At any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the

complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Animal and Plant Health Inspection Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: U.S. Warehouse Act
Licensing

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	0	2	3

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	1	2
Dismissal	0	0	1	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	1	0	2	3
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing Complaint / Referral to CALJ	All	76	47.0	47	47	0	1	0	0	0	1
	Cases	77	--	--	--	0	0	0	0	0	0
		78	112.5	8	217	1	0	1	0	0	2
		76-78	90.7	8	217	1	1	1	0	0	3
Hearing Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
	78	6.0	1	11	2	0	0	0	0	2	
	76-78	4.0	0	11	3	0	0	0	0	3	
Posthearing ALJ's decision / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
	78	0	0	0	2	0	0	0	0	2	
	76-78	0	0	0	3	0	0	0	0	3	
Total Time Complaint / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	47.0	47	47	0	1	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
	78	118.5	19	218	1	0	1	0	0	2	
	76-78	94.7	19	218	1	1	1	0	0	3	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
					Number: 0 0 0 0						
Prehearing & Hearing Time	ALJ prehearing and hearing:	76	--	--	--	0	0	0	0	0	0
	separate	77	--	--	--	0	0	0	0	0	0
	days per case	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing:	76	--	--	--	0	0	0	0	0	0
	hours per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel:	76	--	--	--	0	0	0	0	0	0
	hours per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respon-	76	2.0	2	2	1	0	0	0	0	1
	dents, intervenors	77	--	--	--	0	0	0	0	0	0
	(including agency):	78	--	--	--	0	0	0	0	0	0
	number per case	76-78	2.0	2	2	1	0	0	0	0	1
Paperwork	Evidentiary docu-	76	--	--	--	0	0	0	0	0	0
	ments (excluding	77	--	--	--	0	0	0	0	0	0
	briefs):	78	--	--	--	0	0	0	0	0	0
	number per case	76-78	--	--	--	0	0	0	0	0	0
	Transcripts:	76	--	--	--	0	0	0	0	0	0
	pages per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Briefs:	76	--	--	--	0	0	0	0	0	0
	pages per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits:	76	--	--	--	0	0	0	0	0	0
	pages per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Contested	76	--	--	--	0	0	0	0	0	0
	motions:	77	--	--	--	0	0	0	0	0	0
	number per case	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Written opinions	76	1.0	1	1	1	0	0	0	0	1
	by ALJ:	77	--	--	--	0	0	0	0	0	0
	pages per case	78	--	--	--	0	0	0	0	0	0
		76-78	1.0	1	1	1	0	0	0	0	1

Procedures—

An oral hearing before an official authorized by the Secretary is available to the challenged licensee upon timely request. The hearing officer's report and any exceptions to the report are transmitted to the Secretary for determination.

These proceedings are administered by the Agricultural Marketing Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Inspection and Grading Service

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	6	23	6	35

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	4	22	1	27
Dismissal	1	1	0	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	4	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	1	2

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	2	2
No:	6	23	4	33
Result—				
Affirm	0	0	0	0
Reverse	0	0	1	1
Modify	0	0	1	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice of violation / Referral to CALJ	All	76	47.2	0	106	2	4	0	0	0	6
		Cases	77	485.0	49	797	0	2	3	16	2	23
			78	69.7	0	199	2	3	1	0	0	6
			76-78	338.7	0	797	4	9	4	16	2	35
Hearing	Referral to CALJ / Recommended findings of ALJ	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	266.5	165	400	0	0	3	1	0	4
			76-78	266.5	165	400	0	0	3	1	0	4
		All	76	19.7	0	110	5	1	0	0	0	6
		Other	77	49.4	0	538	19	0	3	1	0	23
Posthearing	Recommended findings of ALJ / Final agency action	Cases	78	1.5	0	3	2	0	0	0	0	2
			76-78	40.6	0	538	26	1	3	1	0	31
		All	76	13.2	0	79	5	1	0	0	0	6
		Other	77	.2	0	5	23	0	0	0	0	23
		Cases	78	41.5	0	82	1	3	0	0	0	4
			76-78	7.6	0	82	29	4	0	0	0	33
Total Time	Notice of Violation / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	532.5	493	572	0	0	0	2	0	2
			76-78	532.5	493	572	0	0	0	2	0	2
		All	76	80.0	3	190	2	2	2	0	0	6
		Other	77	534.7	204	809	0	0	4	16	3	23
	Cases	78	219.3	166	308	0	0	4	0	0	4	
			76-78	413.8	3	809	2	2	10	16	3	33

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
												FY: 76	77
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76 77 78 76-78	-- -- 2.2 2.0	-- -- 1 1	-- -- 3 3	0 0 3 3	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 4 4		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- 2.0 35.0 28.4	-- 2 8 2	-- 2 72 72	0 1 0 1	0 0 1 1	0 0 2 2	0 0 1 1	0 0 0 0	0 1 4 5		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- 50.0 50.0	-- -- 8 8	-- -- 84 84	0 0 0 0	0 0 1 1	0 0 2 2	0 0 1 1	0 0 0 0	0 0 4 4		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	2.2 2.5 2.2 2.2	2 2 2 2	3 3 3 3	5 1 4 10	1 1 1 3	0 0 0 0	0 0 0 0	0 0 0 0	6 2 5 13	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- 68.0 68.0	-- -- 68 68	-- -- 68 68	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	0 0 0 0	0 0 1 1
			Transcripts: pages per case	76 77 78 76-78	-- 9.0 377.7 285.5	-- 9 251 9	-- 9 536 536	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 0 3 3	0 1 3 4
			Briefs: pages per case	76 77 78 76-78	-- -- 53.7 53.7	-- -- 30 30	-- -- 85 85	0 0 0 0	0 0 0 0	0 0 2 2	0 0 1 1	0 0 0 0	0 0 3 3
	Exhibits: pages per case		76 77 78 76-78	-- -- 67.0 67.0	-- -- 9 9	-- -- 177 177	0 0 0 0	0 0 1 1	0 0 1 1	0 0 1 1	0 0 0 0	0 0 3 3	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case	76 77 78 76-78	2.7 1.5 17.4 8.2	1 1 5 1	4 2 43 43	2 2 0 4	4 0 2 6	0 0 3 3	0 0 0 0	0 0 0 0	6 2 5 13	

Procedures—

These proceedings are administered by the Agricultural Marketing Service. The director of the applicable division of the Service initiates the proceeding by filing a notice of violation, giving the respondent not less than 10 days to answer. The proceeding is held before the Administrator of the Service or his delegate, unless the respondent requests a hearing before an ALJ. The ALJ makes recommended findings of fact and conclusions, but no recommended order. Exceptions may be filed and the Administrator then makes the final decision and order.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Federal Meat Inspection Act

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	7	6	15

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	1	1
Withdrawal	2	7	2	11 ^a
Dismissal	0	0	3	3
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	0	0	0	0
No:	2	7	6	15
Result--				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Referral to CALJ	All	76	156.0	98	214	0	1	1	0	0	2
		Cases	77	105.7	4	491	4	1	1	1	0	7
			78	226.5	8	815	1	3	1	0	1	6
			76-78	160.7	4	815	5	5	3	1	1	15
Hearing	Referral to CALJ / Release of ALJ's decision or order	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	170.0	6	334	1	0	1	0	0	2
		Other	77	367.3	3	568	2	0	0	5	0	7
	78	59.0	3	212	4	1	1	0	0	6		
	76-78	217.7	3	568	7	1	2	5	0	15		
Posthearing	ALJ's decision or order / Final agency action	With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	0	0	0	2	0	0	0	0	2
		Other	77	1.4	0	5	7	0	0	0	0	7
	78	6.8	0	41	5	1	0	0	0	6		
	76-78	3.4	0	41	14	1	0	0	0	15		
<u>Total Time</u>	Complaint / Final agency action	With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	326.0	220	432	0	0	1	1	0	2
		Other	77	474.4	7	582	1	0	0	6	0	7
	78	292.3	20	818	1	1	3	0	1	6		
	76-78	381.8	7	818	2	1	4	7	1	15		

Notes—

^a Consents (see procedures).

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—				FY: 76 77 78 76-78					
						Number: 1 0 0 1					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		0	0	0	1	0	0	0	0	1
	ALJ prehearing and hearing: hours per case	76	60.0	60	60	0	0	0	1	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		60.0	60	60	0	0	0	1	0	1
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	2	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	3.0	3	3	0	1	0	0	0	1
	76-78		2.3	2	3	2	1	0	0	0	3
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	57.0	57	57	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		57.0	57	57	0	0	1	0	0	1
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		--	--	--	0	0	0	0	0	0
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78		--	--	--	0	0	0	0	0	0
	Written opinions by ALJ: pages per case	76	3.5	3	4	0	0	2	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	1.0	1	1	1	0	0	0	0	1
	76-78		2.7	1	4	1	2	0	0	0	3

Procedures—

The Administrator begins the proceeding by filing a complaint. Any time after the issuance of the complaint and prior to the hearing, the proceeding may be terminated if the respondent consents to an order. Such an order is not appealable and there is no elapsed time in the hearing stage.

The respondent has 20 days after service of the complaint in which to file an answer. If he fails to do so, the complainant may file a motion for a proposed decision, and the respondent has 20 days in which to file objections. The ALJ will issue a decision without further procedure not less

than 30 days after service of complainant's motion and proposed decision.

If there is no default or consent order, a hearing will be held. A reasonable time after the close of the hearing, the ALJ will issue a decision. The parties have 30 days in which to file an appeal.

These proceedings are administered by the Food Safety and Quality Service.

Agency: DEPARTMENT OF AGRICULTURE

Case type: Civil Rights Enforcement

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	4	0	0	4

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	3	0	0	3

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	4	0	0	4
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	103.8	92	113	0	4	0	0	0	4
	Cases	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	103.8	92	113	0	4	0	0	0	4
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	--	--	--	0	0	0	0	0	0
	Merits	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All	76	83.8	28	237	2	1	1	0	0	4
	Other	77	--	--	--	0	0	0	0	0	0
Posthearing	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	83.8	28	237	2	1	1	0	0	4
	With Agency	76	--	--	--	0	0	0	0	0	0
	Review	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
<u>Total Time</u>	All	76	18.8	15	20	4	0	0	0	0	4
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	18.8	15	20	4	0	0	0	0	4
	With Agency	76	--	--	--	0	0	0	0	0	0
	Review	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
	All	76	206.3	140	357	0	0	4	0	0	4
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	206.3	140	357	0	0	4	0	0	4

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Parties	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Petitioners, respondents, intervenors (including agency): number per case	76	3.0	2	4	1	3	0	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	3.0	2	4	1	3	0	0	0	4
Paperwork	Evidentiary documents (excluding briefs): number per case	76	5.0	5	5	0	1	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	5.0	5	5	0	1	0	0	0	1
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Written opinions by ALJ: pages per case	76	8.5	7	12	0	3	1	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	8.5	7	12	0	3	1	0	0	4

Procedures--

A proceeding is commenced by mailing a notice of the alleged noncompliance to the applicant for or recipient of financial aid. A notice of hearing or of opportunity to request a hearing will be included. The initial decision of the ALJ is reviewable by the Secretary on his own motion within 45 days or pursuant to the timely filing of exceptions.

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, Department of the Treasury

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Federal Alcohol Administration Act Permits					
27 USC 204 27 CFR 200 et seq.	(75)		47	31	
	76	33	92	71	54
	77	54	73	95	32
	78	32	55	54	33
	76-78		220	220	
Proceedings in which (1) an applicant for a basic permit to import, sell, or distill alcoholic beverages may challenge a threatened denial of the application, or (2) a holder of a basic permit may challenge a threatened suspension or revocation of the permit.					
Internal Revenue Code Permits					
26 USC 5271 27 CFR 200 et seq.	(75)		2	1	
	76	3	4	4	3
	77	3	3	5	1
	78	1	7	7	1
	76-78		14	16	
Proceedings in which (1) an applicant for a permit to use denatured distilled spirits (industrial use) may challenge a threatened denial of the application, or (2) a holder of such a permit may challenge a threatened suspension or revocation of the permit.					
Firearms Licensing					
18 USC 923 27 CFR 200 et seq., 27 CFR 178	(75)		1	1	
	76	1	11	7	5
	77	5	7	7	5
	78	5	11	7	9
	76-78		29	21	
Proceedings in which (1) an applicant for a license to import, manufacture, or deal in firearms or ammunition may challenge a denial of the application, or (2) a holder of such a license may challenge a revocation of the license.					
Explosives Permits					
18 USC 843 27 CFR 181.71	(75)		0	0	
	76	0	6	1	5
	77	5	8	8	5
	78	5	4	6	3
	76-78		18	15	
Proceedings in which (1) an applicant for a user permit or a license to import, manufacture, or deal in explosive materials may challenge a denial of the application, or (2) a permittee may challenge a revocation of the permit.					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978

(and FY 1975 from previous publication)

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, Department of the Treasury (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Director of Practice (Internal Revenue Service)					
31 USC 1026	(75)		11	8	
31 CFR 10					
	<u>76</u>	6	10	11	5
	<u>77</u>	5	12	13	4
	<u>78</u>	4	14	8	10
	<u>76-78</u>		36	32	

Proceedings to suspend or disbar an attorney, accountant, or enrolled agent from practice before the IRS because of violation of the rules of practice.

Revenue Sharing (Department of the Treasury)					
31 USCA 1242	(75)		0	0	
31 CFR 51					
	<u>76</u>	1	1	1	1
	<u>77</u>	1	2	1	2
	<u>78</u>	2	5	6	1
	<u>76-78</u>		8	8*	

Hearings requested by a state or local government to contest a determination by the Secretary of the Treasury to suspend payment of funds on the ground that the state or local government failed to comply with prohibitions against discrimination.

* No case-closed cards were received for this case type.

Agency: BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (DEPT. OF THE TREASURY)

Case type: Federal Alcohol Administration Act
Permits

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	60	97	44	201

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits—				
Settlement	16	35	16	67
Withdrawal	3	9	4	16
Dismissal	5	0	1	6
Other	0	0	2	2
On Merits—				
ALJ Hearing & Decision	12	26	5	43
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	24	27	16	67

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	5	9	4	18
No:	55	88	40	183
Result—				
Affirm	3	7	3	13
Reverse	1	0	1	2
Modify	0	2	0	2
Remand/Other	1	0	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application or show cause order / Referral to CALJ	All	76	337.1	25	1086	2	10	25	18	5	60
		Cases	77	336.0	19	1556	3	18	48	19	9	97
			78	350.3	0	1368	9	8	11	10	6	44
			76-78	339.5	0	1556	14	36	84	47	20	201
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	159.5	1	308	2	4	6	0	0	12
		Hearing on	77	131.3	1	532	8	6	10	1	0	25
		Merits	78	207.6	79	375	0	2	2	1	0	5
			76-78	148.5	1	532	10	12	18	2	0	42
		All	76	160.5	0	457	8	13	22	3	0	46
		Other	77	148.7	1	573	17	17	32	5	0	71
Posthearing	ALJ's decision / Final agency action	Cases	78	95.8	0	587	15	10	13	1	0	39
			76-78	138.9	0	587	40	40	67	9	0	156
		With Agency	76	60.6	0	274	4	0	1	0	0	5
		Review	77	174.0	30	535	1	3	4	1	0	9
			78	442.0	72	617	0	1	0	3	0	4
			76-78	202.1	0	617	5	4	5	4	0	18
Total Time	Application or show cause order / Final agency action	All	76	9.0	0	104	49	3	0	0	0	52
		Other	77	5.5	0	77	86	1	0	0	0	87
		Cases	78	7.6	0	98	38	2	0	0	0	40
			76-78	7.0	0	104	173	6	0	0	0	179
		With Agency	76	534.6	478	666	0	0	0	5	0	5
		Review	77	869.2	353	2031	0	0	1	4	4	9
	78	952.3	702	1217	0	0	0	2	2	4		
	76-78	794.7	353	2031	0	0	1	11	6	18		
Total Time	Application or show cause order / Final agency action	All	76	514.4	47	1160	0	1	20	17	15	53
		Other	77	462.0	41	1597	0	3	32	38	15	88
		Cases	78	461.3	6	1576	2	8	8	13	9	40
			76-78	477.2	6	1597	2	12	60	68	39	181

Notes—

^a ALJ decisions without hearings occur in show cause cases where the respondent permittee waives the hearing. (See 27 CFR 200.71.)

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 13 28 5 46

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing	76	1.2	1	2	11	0	0	0	0	11
	and hearing:	77	1.3	1	5	22	2	0	0	0	24
	separate	78	1.0	1	1	5	0	0	0	0	5
	days per case	76-78	1.3	1	5	38	2	0	0	0	40
	ALJ prehearing	76	4.0	3	5	0	2	0	0	0	2
	and hearing:	77	14.0	5	35	0	4	2	0	0	6
	hours per case	78	5.8	4	8	0	4	0	0	0	4
		76-78	9.6	3	35	0	10	2	0	0	12
	ALJ Travel:	76	5.0	0	10	1	0	1	0	0	2
	hours per case	77	8.0	2	14	1	0	1	0	0	2
		78	12.0	12	12	0	0	1	0	0	1
		76-78	7.6	0	14	2	0	3	0	0	5
Parties	Petitioners, respon-	76	2.0	2	2	22	0	0	0	0	22
	dents, intervenors	77	1.9	1	2	21	0	0	0	0	21
	(including agency):	78	2.0	2	2	4	0	0	0	0	4
	number per case	76-78	1.9	1	2	47	0	0	0	0	47
Paperwork	Evidentiary docu-	76	12.6	1	37	3	3	9	0	0	15
	ments (excluding	77	17.9	2	57	1	9	11	0	0	21
	briefs):	78	10.0	3	22	0	5	2	0	0	7
	number per case	76-78	14.7	1	57	4	17	22	0	0	43
	Transcripts:	76	119.4	0	390	1	0	2	5	2	10
	pages per case	77	200.4	28	668	0	0	3	7	3	13
		78	73.0	0	149	2	0	1	3	0	6
		76-78	146.1	0	668	3	0	6	15	5	29
	Briefs:	76	36.9	0	111	1	1	6	2	0	10
	pages per case	77	50.9	4	115	0	2	6	3	0	11
		78	46.0	1	99	1	0	3	2	0	6
		76-78	44.6	0	115	2	3	15	7	0	27
	Exhibits:	76	19.1	1	64	1	4	8	1	0	14
	pages per case	77	22.7	5	75	0	8	9	4	0	21
		78	37.3	0	200	2	1	5	0	1	9
		76-78	24.5	0	200	3	13	22	5	1	44
	Contested	76	0	0	0	4	0	0	0	0	4
	motions:	77	—	—	—	0	0	0	0	0	0
	number per case	78	—	—	—	0	0	0	0	0	0
		76-78	0	0	0	4	0	0	0	0	4
Written opinions	76	7.2	0	55	14	10	6	0	0	30	
by ALJ:	77	7.4	2	50	1	39	11	0	0	51	
pages per case	78	17.9	2	50	1	4	4	0	0	9	
	76-78	8.4	0	55	16	53	21	0	0	90	

Procedures—

These cases are of two basic types: (a) Applications for permits, where one of the 7 regional directors has filed a "notice of contemplated disapproval" and (b) "show cause cases," where the regional director finds a violation and issues a citation ordering the permittee to show cause why his permit should not be suspended, revoked, or annulled. In application cases the prehearing stage begins with the date of application; in show cause cases it begins with the date of the show cause order. (The investigative time is not recorded in these statistics.) Also, in show cause cases, the ALJ makes the initial decision, while in applications, the judge only

makes a recommended decision which is acted upon by the assistant regional commissioner who makes the initial decision.

Petitions for review may be filed by the applicant or respondent or by the assistant regional commissioner in show cause cases within 15 days of the initial decision. Review is by the Director. However, the applicant or respondent may opt for direct review of either the initial decision or the Director's decision in the U.S. Court of Appeals. (Data on these appeals are not included.)

Agency: BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (DEPT. OF THE TREASURY)

Case type: Internal Revenue Code
Permits

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	4	3	12	19

MANNER OF TERMINATION (number of cases)^a

Not on Merits—	76	77	78	76-78
Settlement	1	3	3	7
Withdrawal	0	0	2	2
Dismissal	0	0	6	6
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	2	0	0	2
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	1	2

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	0	0	2
No:	2	3	12	17
Result—				
Affirm	2	0	0	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application or show cause order / Referral to CALJ	All Cases	76	307.0	146	573	0	0	3	1	0	4
		77	275.0	155	377	0	0	2	1	0	3	
		78	94.2	20	270	1	8	1	0	0	10	
		76-78	176.2	20	573	1	8	6	2	0	17	
Hearing	Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	217.5	147	288	0	0	2	0	0	2
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	217.5	147	288	0	0	2	0	0	2	
		All Other Cases	76	30.0	6	54	1	1	0	0	0	2
		77	123.3	31	306	0	2	1	0	0	3	
78	70.2	5	281	5	3	2	0	0	10			
76-78	75.5	5	306	6	6	3	0	0	15			
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	16.5	14	19	2	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	16.5	14	19	2	0	0	0	0	2	
		All Other Cases	76	6.5	0	13	2	0	0	0	0	2
		77	0	0	0	3	0	0	0	0	3	
78	0	0	0	12	0	0	0	0	12			
76-78	.8	0	13	17	0	0	0	0	0	17		
Total Time	Application or show cause order / Final agency action	With Agency Review	76	488.5	342	635	0	0	1	1	0	2
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	488.5	342	635	0	0	1	1	0	2	
		All Other Cases	76	396.0	165	627	0	0	1	1	0	2
		77	398.3	188	599	0	0	1	2	0	3	
78	228.8	55	551	0	5	4	3	0	12			
76-78	278.4	55	627	0	5	6	6	0	17			

Notes—

^a ALJ decisions without hearings occur in show cause cases where the respondent permittee waives the hearing. (See 27 CFR 200.71.)

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:	76	77	78	76-78						
		Number:	2	0	2	4						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	1.0	1	1	2	0	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	0
		76-78	1.0	1	1	2	0	0	0	0	0	2
	ALJ prehearing and hearings: hours per case	76	7.0	7	7	0	2	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	0
		76-78	7.0	7	7	0	2	0	0	0	0	2
	ALJ Travel: hours per case	76	7.0	6	8	0	2	0	0	0	0	2
	77	--	--	--	0	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	0	
	76-78	7.0	6	8	0	2	0	0	0	0	2	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	2	0	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	0
		76-78	2.0	2	2	2	0	0	0	0	0	2
Paperwork	Evidentiary documents (excluding briefs): number per case	76	34.0	14	54	0	0	2	0	0	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	34.0	14	54	0	0	2	0	0	2	
	Transcripts: pages per case	76	220.5	199	242	0	0	0	1	1	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	220.5	199	242	0	0	0	1	1	2	
	Briefs: pages per case	76	44.5	27	62	0	0	1	1	0	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	44.5	27	62	0	0	1	1	0	2	
	Exhibits: pages per case	76	52.0	22	82	0	0	1	1	0	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
	76-78	52.0	22	82	0	0	1	1	0	2		
Contested motions: number per case	76	2.0	0	4	1	1	0	0	0	2		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	2.0	0	4	1	1	0	0	0	2		
Written opinions by ALJ: pages per case	76	8.7	2	12	1	0	2	0	0	3		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	8.7	2	12	1	0	2	0	0	3		

Procedures—

These cases are of two basic types: (a) Applications for permits, where one of the 7 regional directors has filed a "notice of contemplated disapproval" and (b) "show cause cases," where the regional director finds a violation and issues a citation ordering the permittee to show cause why his permit should not be suspended, revoked, or annulled. In application cases the prehearing stage begins with the date of application; in show cause cases it begins with the date of the show cause order. (The investigative time is not recorded in these statistics.) Also, in show cause cases, the ALJ makes the initial decision, while in applications, the judge only

makes a recommended decision which is acted upon by the assistant regional commissioner who makes the initial decision.

Petitions for review may be filed by the applicant or respondent or by the assistant regional commissioner in show cause cases within 15 days of the initial decision. Review is by the Director. However, the applicant or respondent may opt for direct review of either the initial decision or the Director's decision in the U.S. Court of Appeals. (Data on these appeals are not included.)

Agency: BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (DEPT. OF THE TREASURY)

Case type: Firearms Licensing

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	7	7	7	21

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	1	2
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	6	7	5	18
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	6	7	6	19
No:	1	0	1	2
Result—				
Affirm	5	4	5	14
Reverse	0	1	1	2
Modify	0	1	0	1
Remand/Other	1	1	0	2

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application or show cause order / Referral to CALJ	All Cases	76	405.0	147	589	0	0	2	5	0	7
		77	523.3	204	993	0	0	2	3	2	7	
		78	455.7	0	1602	1	0	4	1	1	7	
		76-78	461.3	0	1602	1	0	8	9	3	21	
Hearing	Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	138.0	98	191	0	2	4	0	0	6
		77	93.9	1	170	1	5	1	0	0	7	
		78	99.2	70	157	0	4	1	0	0	5	
		76-78	110.1	1	191	1	11	6	0	0	18	
		All Other Cases	76	29.0	29	29	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0	0
78	49.0	32	66	0	2	0	0	0	0	2		
76-78	42.3	29	66	1	2	0	0	0	0	3		
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	86.2	48	132	0	4	2	0	0	6
		77	105.0	24	277	1	4	2	0	0	7	
		78	166.3	83	339	0	3	3	0	0	6	
		76-78	118.4	24	339	1	11	7	0	0	19	
		All Other Cases	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0	0
78	0	0	0	1	0	0	0	0	0	1		
76-78	0	0	0	2	0	0	0	0	0	2		
Total Time	Application or show cause order / Final agency action	With Agency Review	76	672.2	356	878	0	0	1	3	2	6
		77	722.1	352	1056	0	0	1	3	3	7	
		78	791.7	476	1766	0	0	0	4	2	6	
		76-78	728.3	352	1766	0	0	2	10	7	19	
		All Other Cases	76	176.0	176	176	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0	0
78	32.0	32	32	0	1	0	0	0	0	1		
76-78	104.0	32	176	0	1	1	0	0	0	2		

Notes—

^a ALJ decisions without hearings occur in show cause cases where the respondent permittee waives the hearing. (See 27 CFR 200.71.)

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
												Cases with full or partial hearing—
			FY: 76 77 78 76-78									
			Number: 6 7 5 18									
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 1.0 1.0 1.0	1 1 1 1	1 1 1 1	6 7 5 18	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	6 7 5 18	
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	5.0 5.0 4.6 4.8	5 5 4 4	5 5 5 5	0 0 0 0	2 2 5 9	0 0 0 0	0 0 0 0	0 0 0 0	2 2 5 9	
	ALJ Travel: hours per case	76 77 78 76-78	6.0 8.0 — 7.0	6 8 — 6	6 8 — 8	0 0 0 0	1 1 0 2	0 0 0 0	0 0 0 0	0 0 0 0	1 1 0 2	
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	2.0 2.0 2.0 2.0	2 2 2 2	2 2 2 2	6 6 6 18	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	6 6 6 18
	Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	18.2 17.5 19.3 18.3	12 8 15 8	44 28 29 44	0 0 0 0	0 1 0 1	6 5 6 17	0 0 0 0	0 0 0 0	6 6 6 18
		Transcripts: pages per case	76 77 78 76-78	99.8 133.1 98.0 111.5	14 72 52 14	175 268 169 268	0 0 0 0	0 0 0 0	2 0 2 4	4 6 4 14	0 1 0 1	6 7 6 19
Briefs: pages per case		76 77 78 76-78	9.3 16.0 10.8 12.1	0 7 3 0	28 26 23 28	1 0 0 1	3 1 3 7	2 5 2 9	0 0 0 0	0 0 0 0	6 6 5 17	
Exhibits: pages per case		76 77 78 76-78	23.3 17.3 73.6 34.9	12 3 18 3	60 28 188 188	0 0 0 0	0 1 0 1	5 6 3 14	1 0 2 3	0 0 0 0	6 7 5 18	
Contested motions: number per case		76 77 78 76-78	0 — — 0	0 — — 0	0 — — 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	
Written opinions by ALJ: pages per case		76 77 78 76-78	11.0 11.4 8.5 10.4	6 4 5 4	16 22 13 22	0 0 0 0	3 2 4 9	3 5 2 10	0 0 0 0	0 0 0 0	6 7 6 19	

Procedures—

These cases are of two basic types: (a) Applications for permits, where one of the 7 regional directors has filed a "notice of contemplated disapproval" and (b) "show cause cases," where the regional director finds a violation and issues a citation ordering the permittee to show cause why his permit should not be suspended, revoked, or annulled. In application cases the prehearing stage begins with the date of application; in show cause cases it begins with the date of the show cause order. (The investigative time is not recorded in these statistics.) Also, in show cause cases, the ALJ makes the initial decision, while in applications, the judge only

makes a recommended decision which is acted upon by the assistant regional commissioner who makes the initial decision.

Petitions for review may be filed by the applicant or respondent or by the assistant regional commissioner in show cause cases within 15 days of the initial decision. Review is by the Director. However, the applicant or respondent may opt for direct review of either the initial decision or the Director's decision in the U.S. Court of Appeals. (Data on these appeals are not included.)

Agency: BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (DEPT. OF THE TREASURY)

Case type: Explosives Permits

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	8	7	15

MANNER OF TERMINATION (number of cases)^a

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	1	1	2
Dismissal	0	0	2	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	7	4	11
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	3	1	4
No:	0	5	6	11
Result—				
Affirm	0	3	0	3
Reverse	0	0	0	0
Modify	0	0	1	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application or show cause order / Referral to CALJ	All	76	--	--	0	0	0	0	0	0	
		Cases	77	636.6	73	2033	0	1	1	4	2	8
			78	469.6	67	1520	0	3	2	0	2	7
			76-78	558.7	67	2033	0	4	3	4	4	15
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	0	0	0	0	0	0	
		Hearing on	77	125.4	64	154	0	2	5	0	0	7
		Merits	78	199.8	101	274	0	1	3	0	0	4
			76-78	152.5	64	274	0	3	8	0	0	11
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	28.0	28	28	1	0	0	0	0	1
Posthearing	ALJ's decision / Final agency action	Cases	78	79.3	57	120	0	3	0	0	0	3
			76-78	66.5	28	120	1	3	0	0	0	4
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	28.0	13	42	2	1	0	0	0	3
			78	196.0	196	196	0	0	1	0	0	1
			76-78	70.0	13	196	2	1	1	0	0	4
Total Time	Application or show cause order / Final agency action	All	76	--	--	0	0	0	0	0	0	
		Other	77	48.8	0	116	3	2	0	0	0	5
		Cases	78	30.8	0	90	4	2	0	0	0	6
			76-78	39.0	0	116	7	4	0	0	0	11
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	1144.3	579	2216	0	0	0	2	1	3
	78	1968.0	1968	1968	0	0	0	0	1	1		
	76-78	1350.3	579	2216	0	0	0	2	2	4		
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	578.8	235	1015	0	0	1	2	2	5	
	Cases	78	456.2	124	1219	0	0	3	2	1	6	
		76-78	511.9	124	1219	0	0	4	4	3	11	

Notes—

^a ALJ decisions without hearings occur in show cause cases where the respondent permittee waives the hearing. (See 27 CFR 200.71.)

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 0 7 5 12

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	—	—	—	0	0	0	0	0	0
		77	1.0	1	1	6	0	0	0	0	6
		78	1.3	1	2	4	0	0	0	0	4
		76-78	1.1	1	2	10	0	0	0	0	10
	ALJ prehearing and hearings: hours per case	76	—	—	—	0	0	0	0	0	0
		77	—	—	—	0	0	0	0	0	0
		78	8.0	4	15	0	3	1	0	0	4
		76-78	8	4	15	0	3	1	0	0	4
	ALJ Travel: hours per case	76	—	—	—	0	0	0	0	0	0
		77	1.0	1	1	1	0	0	0	0	1
		78	—	—	—	0	0	0	0	0	0
		76-78	1.0	1	1	1	0	0	0	0	1
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	—	—	—	0	0	0	0	0	0
		77	2.0	2	2	7	0	0	0	0	7
		78	2.0	2	2	4	0	0	0	0	4
		76-78	2.0	2	2	11	0	0	0	0	11
Paperwork	Evidentiary documents (excluding briefs): number per case	76	—	—	—	0	0	0	0	0	0
		77	18.4	11	40	0	0	7	0	0	7
		78	36.5	10	95	0	0	3	1	0	4
		76-78	25.0	10	95	0	0	10	1	0	11
	Transcripts: pages per case	76	—	—	—	0	0	0	0	0	0
		77	127.7	64	281	0	0	0	6	1	7
		78	313.8	61	692	0	0	0	1	3	4
		76-78	195.4	61	692	0	0	0	7	4	11
	Briefs: pages per case	76	—	—	—	0	0	0	0	0	0
		77	19.4	9	26	0	1	6	0	0	7
		78	52.0	24	96	0	0	2	1	0	3
		76-78	29.2	9	96	0	1	8	1	0	10
Exhibits: pages per case	76	—	—	—	0	0	0	0	0	0	
	77	21.9	13	50	0	0	7	0	0	7	
	78	231.5	47	500	0	0	2	0	2	4	
	76-78	98.1	13	500	0	0	9	0	2	11	
Contested motions: number per case	76	—	—	—	0	0	0	0	0	0	
	77	0	0	0	1	0	0	0	0	1	
	78	—	—	—	0	0	0	0	0	0	
	76-78	0	0	0	1	0	0	0	0	1	
Written opinions by ALJ: pages per case	76	—	—	—	0	0	0	0	0	0	
	77	11.3	6	25	0	4	3	0	0	7	
	78	21.0	8	45	0	1	3	0	0	4	
	76-78	14.8	6	45	0	5	6	0	0	11	

Procedures—

These cases are of two basic types: (a) Applications for permits, where one of the 7 regional directors has filed a "notice of contemplated disapproval" and (b) "show cause cases," where the regional director finds a violation and issues a citation ordering the permittee to show cause why his permit should not be suspended, revoked, or annulled. In

application cases the prehearing stage begins with the date of application; in show cause cases it begins with the date of the show cause order. (The investigative time is not recorded in these statistics.) The ALJ then makes a recommended decision which is acted upon by the assistant regional commissioner who makes the initial decision.

Agency: BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (DEPT. OF THE TREASURY)

Case type: Director of Practice
(Internal Revenue Service)

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	8	13	9	30

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	6	1	7
Withdrawal	0	0	0	0
Dismissal	4	1	3	8
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	3	3	1	7
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	3	3	7

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	2	1	4
No:	7	11	8	26
Result—				
Affirm	1	2	0	3
Reverse	0	0	0	0
Modify	0	0	1	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Assignment of ALJ	All	76	275.3	110	471	0	1	5	2	0	8
		Cases	77	342.2	56	762	0	3	4	5	1	13
			78	294.2	0	444	1	0	5	3	0	9
			76-78	309.9	0	762	1	4	14	10	1	30
Hearing	Assignment of ALJ / ALJ's initial decision	With ALJ	76	150.0	141	163	0	0	3	0	0	3
		Hearing on	77	170.7	126	235	0	0	3	0	0	3
		Merits	78	143.0	143	143	0	0	1	0	0	1
			76-78	157.9	126	235	0	0	7	0	0	7
		All	76	69.6	44	77	0	5	0	0	0	5
		Other	77	78.6	1	212	3	3	4	0	0	10
Posthearing	ALJ's initial decision / Final agency action	Cases	78	79.4	2	223	2	4	2	0	0	8
			76-78	76.9	1	223	5	12	6	0	0	23
		With Agency Review	76	212.0	212	212	0	0	1	0	0	1
			77	138	133	143	0	0	2	0	0	2
			78	158.0	158	158	0	0	1	0	0	1
			76-78	161.5	133	212	0	0	4	0	0	4
Total Time	Complaint / Final agency action	All	76	9.0	0	33	6	1	0	0	0	7
		Other	77	10.5	0	35	8	3	0	0	0	11
		Cases	78	13.9	0	36	5	3	0	0	0	8
			76-78	11.1	0	36	19	7	0	0	0	26
		With Agency Review	76	745.0	745	745	0	0	0	0	1	1
			77	971.5	803	1140	0	0	0	0	2	2
	78	624.0	624	624	0	0	0	1	0	1		
	76-78	828.0	624	1140	0	0	0	1	3	4		
Total Time		All	76	361.4	154	545	0	0	4	3	0	7
		Other	77	381.3	124	689	0	0	6	5	0	11
		Cases	78	383.9	52	557	0	1	3	4	0	8
			76-78	376.7	52	689	0	1	13	12	0	26

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 3 4 1 8

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	1	2	3	0	0	0	0	3	
		77	1.3	1	2	4	0	0	0	0	4	
		78	1.0	1	1	1	0	0	0	0	1	
		76-78	1.3	1	1	8	0	0	0	0	8	
		ALJ prehearing and hearing: hours per case	76	8.7	3	16	0	2	1	0	0	3
		77	4.0	4	4	0	1	0	0	0	1	
		78	6.0	6	6	0	1	0	0	0	1	
		76-78	7.2	3	16	0	4	1	0	0	5	
		ALJ Travel: hours per case	76	8.7	4	16	0	2	1	0	0	3
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	8.7	4	16	0	2	1	0	0	3	
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	2.0	2	2	4	0	0	0	0	4	
		77	2.0	2	2	4	0	0	0	0	4	
		78	2.0	2	2	1	0	0	0	0	1	
		76-78	2.0	2	2	9	0	0	0	0	9	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	14.7	8	27	0	2	1	0	0	3	
		77	19.5	9	42	0	1	3	0	0	4	
		78	16.0	16	16	0	0	1	0	0	1	
		76-78	17.3	8	42	0	3	5	0	0	8	
		Transcripts: pages per case	76	68.7	34	122	0	0	2	1	0	3
		77	102.8	30	222	0	0	2	1	1	4	
		78	37.5	0	75	1	0	0	1	0	2	
		76-78	76.9	0	222	1	0	4	3	1	9	
		Briefs: pages per case	76	7.0	0	16	1	1	1	0	0	3
		77	26.5	8	61	0	1	2	1	0	4	
		78	18.0	0	36	1	0	1	0	0	2	
		76-78	18.1	0	61	2	2	4	1	0	9	
		Exhibits: pages per case	76	21.3	15	33	0	0	3	0	0	3
		77	23.5	9	60	0	1	2	1	0	4	
		78	100.0	0	200	1	0	0	0	1	2	
		76-78	39.8	0	200	1	1	5	1	1	9	
		Contested motions: number per case	76	0	0	0	3	0	0	0	0	3
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	0	0	0	3	0	0	0	0	3	
		Written opinions by ALJ: pages per case	76	8.8	4	13	0	3	1	0	0	4
		77	11.3	4	31	0	3	3	0	0	6	
		78	9.3	2	17	1	1	1	0	0	3	
		76-78	10.1	2	31	1	7	5	0	0	13	

Procedures--

The prehearing stage begins on the date the complaint is signed by the Director of Practice. The ALJ is assigned and has the authority to make an initial decision. The Director or the respondent (attorney, accountant or enrolled agent) may appeal to the Secretary of the Treasury, or the Secretary may review on his own motion. If there is no review, the ALJ's decision becomes final in 30 days.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

CIVIL AERONAUTICS BOARD

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Federal Aviation Act Routes and Licenses					
49 USC 1371 14 CFR 302 et seq.	(75)		18	10	
				
	76	29	36	29	36
	77	37	28	23	42
	78	42	61	37	66
	76-78		125	89	
Federal Aviation Act Foreign Permits					
49 USC 1372 14 CFR 302 et seq.	(75)		39	40	
				
	76	29	47	42	34
	77	33	19	30	22
	78	22	16	21	17
	76-78		82	93	
Federal Aviation Act Mergers and Agreements					
49 USC 1378, 1379, 1382 14 CFR 302 et seq.	(75)		5	7	
				
	76	16	6	16	6
	77	6	3	4	5
	78	5	5	6	4
	76-78		14	26	
Federal Aviation Act Commercial Rates					
49 USC 1373 14 CFR 302 et seq.	(75)		7	9	
				
	76	14	12	12	14
	77	14	5	7	12
	78	12	3	9	6
	76-78		20	28	
Federal Aviation Act Mail and Government Rates					
49 USC 1376 14 CFR 302 et seq.	(75)		2	0	
				
	76	3	0	0	3
	77	3	0	0	3
	78	3	0	1	2
	76-78		0	1	

Applications for certificate of public convenience and necessity. Certification is necessary before new or modified air service is allowed.

Each foreign air carrier operating to the U.S. must have a foreign air carrier permit which can be granted only after notice and hearing and a finding that the service is in the public interest.

Includes a variety of proceedings, the most important of which is the determination whether to approve the mergers of two carriers or the acquisition of control by one of the other.

Includes all proceedings with respect to rates charged by the carriers for air transportation of persons and cargo.

Proceedings to determine the rate to be paid by the U.S. Postal Service for the transportation of mail, and in the case of subsidy carriers, the amount of subsidy required.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

CIVIL AERONAUTICS BOARD (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Enforcement	(75)		8	8	
49 USC 1471; 1482(a),(b),(f) 14 CFR 302 et seq.	76	6	10	9	7
Adversary proceedings involving violations of the Act or the Board's regulations.	77	7	3	5	5
	78	5	8	5	8
	76-78		21	19	

Agency: CIVIL AERONAUTICS BOARD

Case type: Federal Aviation Act
Routes and Licenses

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	30	27	33	90

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	2	0	0	2
Withdrawal	0	0	0	0
Dismissal	1	1	1	3
Other	4	1	0	5
On Merits—				
ALJ Hearing & Decision	23	25	31	79
ALJ Hearing w/o Decision	0	0	1	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	22	23	29	74
No:	8	4	4	16
Result—				
Affirm	20	17	12	49
Reverse	0	0	1	1
Modify	2	5	16	23
Remand/Other	0	1	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of applicaiton / Referral to CALJ	All	76	515.5	6	2172	3	4	12	4	6	29
		Cases	77	406.5	2	2560	10	2	6	5	3	26
			78	191.4	1	1552	16	5	7	3	2	33
			76-78	361.9	1	2560	29	11	25	12	11	88
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	291.4	60	649	0	2	14	7	0	23
		Hearing on	77	356.9	108	1111	0	3	14	6	2	25
		Merits	78	317.8	56	678	0	4	16	12	0	32
			76-78	322.4	56	1111	0	9	44	25	2	80
		All	76	234.3	202	258	0	0	3	0	0	3
		Other	77	234.5	90	379	0	1	0	1	0	2
Posthearing	ALJ's decision or order / Final agency action	Cases	78	223.0	223	223	0	0	1	0	0	1
			76-78	232.5	90	379	0	1	4	1	0	6
		With Agency Review	76	345.0	89	1005	0	4	12	2	4	22
			77	247.0	61	959	0	8	11	3	1	23
			78	223.7	20	1104	2	10	13	3	1	29
			76-78	267.0	20	1104	2	22	36	8	6	74
Total Time	Filing of application / Final agency action	All	76	5.0	0	20	4	0	0	0	0	4
		Other	77	31.5	0	63	2	2	0	0	0	4
		Cases	78	70.8	0	202	2	1	1	0	0	4
			76-78	35.8	0	202	8	3	1	0	0	12
Total Time	Filing of application / Final agency action	With Agency Review	76	1288.4	392	3324	0	0	0	7	14	21
			77	1067.0	259	3101	0	0	2	10	10	22
			78	745.2	77	1948	0	1	2	13	13	29
			76-78	1001.9	77	3324	0	1	4	30	37	72
		All	76	348.1	222	480	0	0	4	4	0	8
		Other	77	406.3	381	432	0	0	0	4	0	4
	78	466.8	95	894	0	1	1	1	1	4		
	76-78	392.3	95	894	0	1	5	9	1	16		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N (cases)		
		FY	Avg	Min	Max	Cases with full or partial hearing—							
						FY: 76 77 78 76-78							
		Number: 24 25 32 81					0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	7.2 13.3 3.9 7.7	1 1 1 1	52 77 32 77	10 4 15 29	12 14 15 41	4 5 2 11	0 1 0 1	0 0 0 0	26 24 32 82		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	121.5 129.8 135.1 129.7	1 4 2 1	659 616 565 659	1 0 1 2	1 4 3 8	12 6 11 29	2 3 8 13	4 6 7 17	20 19 30 69		
	ALJ Travel: hours per case	76 77 78 76-78	13.7 20.7 5.5 12.9	0 0 0 0	80 97 32 97	9 9 13 31	2 1 4 7	6 7 6 19	1 3 0 4	0 0 0 0	18 20 23 61		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	9.8 13.9 14.6 13.0	3 3 2 2	23 61 62 62	0 0 1 1	15 11 15 41	10 13 14 37	0 1 3 4	0 0 0 0	25 25 33 83	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	304.0 205.8 251.8 253.0	4 6 5 4	990 898 837 990	0 0 0 0	2 3 5 10	6 8 7 21	3 5 5 13	11 7 13 31	22 23 30 75
			Transcripts: pages per case	76 77 78 76-78	685.0 740.0 518.8 633.0	69 30 32 30	4255 5332 4909 5332	0 0 0 0	0 0 0 0	0 1 2 3	5 3 14 22	18 20 17 55	23 24 33 80
			Briefs: pages per case	76 77 78 76-78	246.0 289.5 280.5 273.1	0 46 42 0	573 1116 1400 1400	1 0 0 1	0 0 0 0	1 2 5 8	9 8 12 29	12 14 14 40	23 24 31 78
	Exhibits: pages per case		76 77 78 76-78	984.4 2292.4 1412.8 1569.4	151 55 83 55	2600 15000 12000 15000	0 0 0 0	0 0 0 0	0 1 0 1	1 0 7 8	22 24 24 70	23 25 31 79	
	Contested motions: number per case		76 77 78 76-78	1.6 2.7 2.9 2.5	0 0 0 0	14 16 45 45	15 12 21 48	2 7 6 15	1 1 1 3	0 0 0 0	0 0 0 0	18 20 28 66	
		Written opinions by ALJ: pages per case		76 77 78 76-78	65.7 61.6 68.3 65.5	19 16 21 16	173 178 189 189	0 0 0 0	0 0 0 0	13 16 17 46	10 9 15 34	0 0 0 0	23 25 32 80

Procedures—

The prehearing stage begins when the application for authority is filed by the carrier. If consolidations occur, the earliest date is used. Upon a staff recommendation, the Board issues a formal order of investigation. At that point the case is referred to the CALJ. After the decision is made,

exceptions may be filed. The reviewing staff makes a recommendation to the Board. Oral argument may be had before the Board. The Board then decides the case and gives instructions to its opinion writing staff which transmits the draft opinion for final Board decision.

Agency: CIVIL AERONAUTICS BOARD

Case type: Federal Aviation Act
Foreign Permits

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	42	29	22	93

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	1	1
Dismissal	2	1	0	3
Other	1	0	2	3
On Merits—				
ALJ Hearing & Decision	39	28	19	86
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	39	27	16	82
No:	3	2	6	11
Result—				
Affirm	35	24	10	69
Reverse	0	0	0	0
Modify	1	3	4	8
Remand/Other	3	0	2	5

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Filing of applicaiton / Referral to CALJ	All	76	61.2	4	853	22	16	1	0	1	40
		Cases	77	82.5	4	347	7	17	5	0	0	29
			78	268.3	4	2419	4	12	2	2	2	22
			76-78	118.1	4	2419	33	45	8	2	3	91
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	87.4	24	305	5	27	7	0	0	39
		Hearing on	77	165.9	27	287	1	6	21	0	0	28
		Merits	78	216.9	44	822	0	7	10	1	1	19
			76-78	141.6	24	822	6	40	38	1	1	86
		All	76	303.5	56	551	0	1	0	1	0	2
		Other	77	185.0	185	185	0	0	1	0	0	1
Posthearing	ALJ's decision or order / Final agency action	Cases	78	157.3	98	269	0	2	1	0	0	3
			76-78	210.7	56	551	0	3	2	1	0	6
		With Agency	76	162.1	56	555	0	18	19	2	0	39
		Review	77	262.6	31	1186	0	12	9	4	2	27
			78	324.2	89	1530	0	4	9	2	1	16
			76-78	226.8	31	1530	0	34	37	8	3	82
Total Time	Filing of application / Final agency action	All	76	5.5	0	11	2	0	0	0	0	2
		Other	77	586.5	76	1097	0	1	0	0	1	2
		Cases	78	43.8	0	106	3	3	0	0	0	6
			76-78	144.7	0	1097	5	4	0	0	1	10
		With Agency	76	303.8	101	1312	0	1	31	4	2	38
		Review	77	515.0	110	1518	0	1	9	14	3	27
Total Time	Filing of application / Final agency action		78	870.8	226	3310	0	0	5	5	6	16
			76-78	486.2	101	3310	0	2	45	23	11	81
		All	76	258.7	101	569	0	2	0	1	0	3
		Other	77	791.0	287	1295	0	0	1	0	1	2
Total Time	Filing of application / Final agency action	Cases	78	335.7	161	635	0	0	3	3	0	6
			76-78	397.5	101	1295	0	2	4	4	1	11

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 39 28 19 86

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.6	1	11	37	1	1	0	0	39
		77	2.5	1	20	23	4	1	0	0	28
		78	2.4	1	9	14	3	0	0	0	17
		76-78	2.0	1	20	74	8	2	0	0	84
	ALJ prehearing and hearing: hours per case	76	35.9	1	245	2	4	26	2	1	35
		77	58.5	8	160	0	1	11	9	0	21
		78	22.6	2	80	2	8	4	3	0	17
		76-78	39.3	1	245	4	13	41	14	1	73
	ALJ Travel: hours per case	76	0	0	0	23	0	0	0	0	23
		77	0	0	0	17	0	0	0	0	17
		78	0	0	0	10	0	0	0	0	10
		76-78	0	0	0	50	0	0	0	0	50
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.4	2	19	22	16	1	0	0	39
		77	4.6	2	11	7	15	4	0	0	26
		78	5.1	2	16	4	12	3	0	0	19
		76-78	4.1	2	19	33	43	8	0	0	84
Paperwork	Evidentiary documents (excluding briefs): number per case	76	24.8	1	259	9	9	17	1	1	37
		77	27.2	0	120	1	11	11	4	0	27
		78	26.3	3	96	0	3	13	2	0	18
		76-78	25.9	0	259	10	23	41	7	1	82
	Transcripts: pages per case	76	54.1	3	559	0	12	17	9	1	39
		77	93.9	8	496	0	1	15	8	4	28
		78	194.2	9	1286	0	1	4	11	3	19
		76-78	98.0	3	1286	0	14	36	28	8	86
	Briefs: pages per case	76	37.4	0	236	10	2	13	6	1	32
		77	51.8	0	210	4	1	13	7	1	26
		78	108.3	0	759	2	2	7	3	3	17
		76-78	58.4	0	759	16	5	33	16	5	75
	Exhibits: pages per case	76	113.8	0	114	1	2	20	11	5	39
		77	187.0	24	700	0	0	6	14	8	28
		78	411.1	37	3026	0	0	1	10	8	19
		76-78	203.4	0	3026	1	2	27	35	21	86
	Contested motions: number per case	76	.9	0	12	24	2	1	0	0	27
		77	.7	0	8	19	1	0	0	0	20
		78	2.7	0	30	14	0	2	0	0	16
		76-78	1.3	0	30	57	3	3	0	0	63
	Written opinions by ALJ: pages per case	76	19.8	6	82	0	4	33	1	0	38
		77	27.3	10	57	0	0	28	0	0	28
		78	30.2	9	116	0	1	17	1	0	19
		76-78	24.6	6	116	0	5	78	2	0	85

Procedures—

The prehearing stage begins when the application for authority is filed by the carrier. If consolidations occur, the earliest date is used. The case is then set for hearing, usually without a formal Board order. At that point the case is referred to the CALJ. After the decision is made, exceptions may be filed. The reviewing staff makes a recommendation

to the Board. Oral argument may be had before the Board. The Board then decides the case and gives instructions to its opinion writing staff which transmits the draft opinion for Board decision. The Board's decision must be ratified by the President of the U.S. This time is reflected in the posthearing stage.

Agency: CIVIL AERONAUTICS BOARD

Case type: Federal Aviation Act
Mergers and Agreements

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	16	4	6	26

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	0	1	1	2
Other	0	1	0	1
On Merits--				
ALJ Hearing & Decision	15	1	5	21
ALJ Hearing w/o Decision	0	1	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	14	2	4	20
No:	2	2	2	6
Result--				
Affirm	5	1	2	8
Reverse	4	1	0	5
Modify	2	0	2	4
Remand/Other	3	0	0	3

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Filing of applicaiton / Referral to CALJ	All	76	195.8	0	1984	8	3	4	0	1	16
		Cases	77	26.5	1	56	2	2	0	0	0	4
			78	149.8	3	268	1	1	3	0	0	5
			76-78	159.5	0	1984	11	6	7	0	1	25
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	315.7	98	630	0	2	8	5	0	15
		Hearing on	77	184.0	93	275	0	1	1	0	0	2
		Merits	78	300.4	91	454	0	1	2	2	0	5
			76-78	300.3	91	630	0	4	11	7	0	22
		All	76	194.0	194	194	0	0	1	0	0	1
		Other	77	410.0	410	410	0	0	0	1	0	1
Posthearing	ALJ's decision or order / Final agency action	Cases	78	93.0	93	93	0	1	0	0	0	1
			76-78	232.3	93	410	0	1	1	1	0	3
		With Agency Review	76	381.1	139	781	0	0	8	5	1	14
			77	116.0	83	149	0	1	1	0	0	2
			78	295.0	134	570	0	0	3	1	0	4
			76-78	337.4	83	781	0	1	12	6	1	20
<u>Total Time</u>	Filing of application / Final agency action	All	76	14.5	0	29	2	0	0	0	0	2
		Other	77	492.0	492	492	0	0	0	1	0	1
		Cases	78	13.5	0	27	2	0	0	0	0	2
			76-78	109.6	0	492	4	0	0	1	0	5
		With Agency Review	76	794.3	258	1621	0	0	1	6	7	14
			77	304.5	177	432	0	0	1	1	0	2
<u>Total Time</u>			78	820.0	764	883	0	0	0	0	3	3
			76-78	746.8	177	1621	0	0	2	7	10	19
		All	76	1154.0	130	2178	0	0	1	0	1	2
		Other	77	545.5	148	943	0	0	1	0	1	2
<u>Total Time</u>		Cases	78	128.0	106	150	0	1	1	0	0	2
			76-78	609.2	106	2178	0	1	3	0	2	6

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 15 3 5 23

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	9.8	1	21	2	6	7	0	0	15
		77	6.0	4	10	0	2	1	0	0	3
		78	6.2	2	20	2	2	1	0	0	5
		76-78	8.5	1	21	4	10	9	0	0	23
	ALJ prehearing and hearing: hours per case	76	173.6	8	516	0	1	2	3	4	10
		77	91.3	20	96	0	0	2	1	0	3
		78	49.0	8	160	0	1	3	1	0	5
		76-78	125.3	8	516	0	2	7	5	4	18
	ALJ Travel: hours per case	76	0	0	0	5	0	0	0	0	5
		77	0	0	0	1	0	0	0	0	1
		78	2.0	0	6	2	1	0	0	0	3
		76-78	.7	0	6	8	1	0	0	0	9
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	15.5	4	36	0	5	10	0	0	15
		77	19.0	12	29	0	0	3	0	0	3
		78	6.8	1	12	1	2	2	0	0	5
		76-78	14.1	1	36	1	7	15	0	0	23
Paperwork	Evidentiary documents (excluding briefs): number per case	76	238.9	10	664	0	0	6	4	5	15
		77	57.3	4	152	0	1	1	1	0	3
		78	13.6	3	25	0	2	3	0	0	5
		76-78	166.2	3	664	0	3	10	5	5	23
	Transcripts: pages per case	76	1231.4	154	2864	0	0	0	1	13	14
		77	770.7	410	1210	0	0	0	0	3	3
		78	349.8	161	645	0	0	0	1	4	5
		76-78	968.2	154	2864	0	0	0	2	20	22
	Briefs: pages per case	76	432.5	60	881	0	0	0	3	11	14
		77	319.3	160	497	0	0	0	1	2	3
		78	284.4	26	700	0	0	1	1	3	5
		76-78	383.4	26	881	0	0	1	5	16	22
	Exhibits: pages per case	76	2581.5	475	8441	0	0	0	0	14	14
		77	864.3	700	950	0	0	0	0	3	3
		78	785.2	35	1764	0	0	1	0	4	5
		76-78	1939.1	35	8441	0	0	1	0	21	22
	Contested motions: number per case	76	5.0	0	10	3	4	2	0	0	9
		77	13.5	2	25	1	0	1	0	0	2
		78	.8	0	3	4	1	0	0	0	5
		76-78	4.8	0	25	8	5	3	0	0	16
Written opinions by ALJ: pages per case	76	89.0	38	255	0	0	4	9	1	14	
	77	64.3	19	154	0	0	2	1	0	3	
	78	49.6	14	101	0	0	4	1	0	5	
	76-78	76.7	14	255	0	0	10	11	1	22	

Procedures—

The prehearing stage begins when the application for authority is filed by the carrier. If consolidations occur, the earliest date is used. The case is then set for hearing, usually without a formal Board order. At that point the case is referred to the CALJ. After the decision is made, exceptions

may be filed. The reviewing staff makes a recommendation to the Board. Oral argument may be had before the Board. The Board then decides the case and gives instructions to its opinion writing staff which transmits the draft opinion for final Board decision.

Agency: CIVIL AERONAUTICS BOARD

Case type: Federal Aviation Act
Commercial Rates

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	13	7	9	29

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	4	0	0	4
Dismissal	1	1	3	5
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	8	6	6	20
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	8	6	5	19
No:	5	1	4	10
Result—				
Affirm	3	3	2	8
Reverse	2	0	0	2
Modify	2	3	2	7
Remand/Other	1	0	1	2

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of tariff / Referral to CALJ	All	76	114.7	14	362	4	2	6	0	0	12
		Cases	77	209.9	47	545	0	3	3	1	0	7
			78	132.7	6	413	4	1	3	1	0	9
			76-78	144.3	6	545	8	6	12	2	0	28
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	378.4	167	802	0	0	5	2	1	8
		Hearing on	77	686.7	218	1285	0	0	1	3	2	6
		Merits	78	415.5	41	711	0	1	2	3	0	6
			76-78	482.0	41	1285	0	1	8	8	3	20
		All	76	349.0	41	1512	0	4	0	0	1	5
		Other	77	127.0	127	127	0	0	1	0	0	1
Posthearing	ALJ's decision or order / Final agency action	Cases	78	1038.0	384	1692	0	0	0	1	1	2
			76-78	493.5	41	1692	0	4	1	1	2	8
		With Agency	76	466.8	61	972	0	1	3	2	2	8
		Review	77	418.7	76	852	0	1	2	2	1	6
			78	632.4	84	2123	0	1	2	1	1	5
			76-78	495.2	61	2123	0	3	7	5	4	19
<u>Total Time</u>	Filing of tariff / Final agency action	All	76	0	0	0	5	0	0	0	0	5
		Other	77	365.0	365	365	0	0	1	0	0	1
		Cases	78	9.7	0	29	3	0	0	0	0	3
			76-78	43.8	0	365	8	0	1	0	0	9
		With Agency	76	859.3	405	1743	0	0	0	3	4	7
		Review	77	1342.3	368	2682	0	0	0	1	5	6
	78	1269.8	658	2798	0	0	0	1	4	5		
	76-78	1134.3	368	2798	0	0	0	5	13	18		
		All	76	418.8	68	1726	0	4	0	0	1	5
		Other	77	539.0	539	539	0	0	0	1	0	1
		Cases	78	746.0	390	1716	0	0	0	3	1	4
			76-78	561.7	68	1726	0	4	0	4	2	10

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 8 6 6 20

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	6.9	1	26	3	4	2	0	0	9
		77	13.6	5	38	0	3	2	0	0	5
		78	14.3	1	67	3	2	1	1	0	7
		76-78	11.0	1	67	6	9	5	1	0	21
	ALJ prehearing and hearing: hours per case	76	26.4	1	71	1	1	2	1	0	5
		77	441.0	37	1930	0	0	2	2	1	5
		78	172.8	16	539	0	0	1	2	1	4
		76-78	216.3	1	1930	1	1	5	5	2	14
	ALJ Travel: hours per case	76	15.3	0	46	2	0	1	0	0	3
		77	13.3	0	40	2	0	1	0	0	3
		78	0	0	0	1	0	0	0	0	1
		76-78	12.3	0	46	5	0	2	0	0	7
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	26.3	1	81	1	2	3	1	0	7
		77	21.8	13	40	0	0	4	0	0	4
		78	11.9	3	37	0	5	2	0	0	7
		76-78	19.7	1	81	1	7	9	1	0	18
Paperwork	Evidentiary documents (excluding briefs): number per case	76	268.9	39	779	0	0	1	2	4	7
		77	184.3	30	277	0	0	1	0	2	3
		78	65.5	7	212	0	1	3	1	1	6
		76-78	176.8	7	779	0	1	5	3	7	16
	Transcripts: pages per case	76	968.6	137	2598	0	0	0	1	6	7
		77	1751.0	570	5111	0	0	0	0	5	5
		78	530.2	61	1739	0	0	0	2	4	6
		76-78	1039.8	61	5111	0	0	0	3	15	18
	Briefs: pages per case	76	529.0	58	2000	0	0	1	2	4	7
		77	737.8	427	1593	0	0	0	0	5	5
		78	175.0	0	485	1	0	1	1	3	6
		76-78	469.0	0	2000	1	0	2	3	12	18
	Exhibits: pages per case	76	3139.0	191	9000	0	0	0	1	6	7
		77	3258.4	999	8824	0	0	0	0	5	5
		78	563.3	11	1223	0	0	1	0	5	6
		76-78	2313.6	11	9000	0	0	1	1	16	18
	Contested motions: number per case	76	.3	0	1	4	0	0	0	0	4
		77	4.8	0	15	2	1	1	0	0	4
		78	5.0	2	8	1	3	0	0	0	4
		76-78	3.3	0	15	7	4	1	0	0	12
	Written opinions by ALJ: pages per case	76	50.9	32	87	0	0	6	1	0	7
		77	119.0	38	329	0	0	2	2	1	5
		78	53.2	19	172	0	0	5	1	0	6
		76-78	70.6	19	329	0	0	13	4	1	18

Procedures—

The prehearing stage begins when the tariff is filed. The staff begins its investigation promptly because the Board must make its initial order allowing or suspending the tariff within 30 days. Most cases are disposed of by negotiations during informal conference proceedings. Only those for which the Board has ordered a hearing are reflected in these statistics.

Agency: CIVIL AERONAUTICS BOARD

Case type: Federal Aviation Act
Mail and Government Rates

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	0	0	1	1

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits--				
ALJ Hearing & Decision	0	0	1	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review--				
Yes:	0	0	1	1
No:	0	0	0	0
Result--				
Affirm	0	0	1	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Petition or Order / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	--	--	--	0	0	0	0	0	0
			78	1011.0	1011	1011	0	0	0	0	1	1
			76-78	1011.0	1011	1011	0	0	0	0	1	1
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	1183.0	1183	1183	0	0	0	1	1	1
			76-78	1183.0	1183	1183	0	0	0	0	1	1
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	--	--	--	0	0	0	0	0	0	
Posthearing	ALJ's decision or order / Final agency action	With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	428.0	428	428	0	0	0	1	0	1
			76-78	428.0	428	428	0	0	0	1	0	1
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	--	--	--	0	0	0	0	0	0	
<u>Total Time</u>	Petition or order / Final agency action	With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	2622.0	2622	2622	0	0	0	0	1	1
			76-78	2622.0	2622	2622	0	0	0	0	1	1
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	Cases with full or partial hearing—					
						0-2	3-9	10-59	60-199	200+days, etc.	
						FY:	76	77	78	76-78	
						Number:	0	0	1	1	
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	15.0	15	15	0	0	1	0	0	1
		76-78	15.0	15	15	0	0	1	0	0	1
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	75.0	75	75	0	0	0	1	0	1
		76-78	75.0	75	75	0	0	0	1	0	1
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
	78	0	0	0	1	0	0	0	0	1	
	76-78	0	0	0	1	0	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	10.0	10	10	0	0	1	0	0	1
		76-78	10.0	10	10	0	0	1	0	0	1
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	1919.0	1919	1919	0	0	0	0	1	1
		76-78	1919.0	1919	1919	0	0	0	0	1	1
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
	78	896.0	896	896	0	0	0	0	1	1	
	76-78	896.0	896	896	0	0	0	0	1	1	
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	6227.0	6227	6227	0	0	0	0	1	1	
	76-78	6227.0	6227	6227	0	0	0	0	1	1	
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	21.0	21	21	0	0	1	0	0	1	
	76-78	21.0	21	21	0	0	1	0	0	1	
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	235.0	235	235	0	0	0	0	1	1	
	76-78	235.0	235	235	0	0	0	0	1	1	

Procedures—

These proceedings may be initiated by (1) the filing of a petition either by the Postmaster General or by a carrier whose rate is to be fixed, or (2) upon issuance of an order by the Board directing the respondent to show cause why the Board should not adopt specified findings, conclusions, and rates. In a show cause order case, if a timely answer is filed which raises a material issue of fact, a prehearing conference and a hearing will be held unless waived. In a petition case, the Board orders a hearing on issues which will be formulated

at a prehearing conference.

The case is then referred to the CALJ. After the decision is made, exceptions may be filed. The reviewing staff makes a recommendation to the Board. Oral argument may be had before the Board. The Board then decides the case and gives instructions to its opinion writing staff which transmits the draft opinion for final Board decision.

Agency: CIVIL AERONAUTICS BOARD

Case type: Enforcement

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	9	6	4	19

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	1	0	1
Withdrawal	2	0	0	2
Dismissal	0	0	0	0
Other	1	0	2	3
On Merits—				
ALJ Hearing & Decision	6	5	2	13
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	5	1	7
No:	8	1	3	12
Result—				
Affirm	1	5	1	7
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date complaint is found worthy of investigation / Referral to CALJ	All	76	185.0	31	385	0	3	4	2	0	9
		Cases	77	160.8	2	574	2	2	1	1	0	6
			78	192.8	52	392	0	2	1	1	0	4
		76-78	179.0	2	574	2	7	6	4	0	19	
Hearing	Referral to CALJ / ALJ's decision or order	With ALJ	76	123.3	76	225	0	4	2	0	0	6
		Hearing on	77	374.0	222	700	0	0	3	2	0	5
		Merits	78	152.0	46	258	0	1	1	0	0	2
		76-78	224.2	46	700	0	5	6	2	0	13	
		All	76	92.5	63	122	0	1	1	0	0	2
		Other	77	98.0	98	98	0	1	0	0	0	1
Posthearing	ALJ's decision or order / Final agency action	Cases	78	102.0	98	106	0	2	0	0	0	2
		76-78	97.4	63	122	0	4	1	0	0	5	
		With Agency	76	30.0	30	30	1	0	0	0	0	1
		Review	77	247.0	115	396	0	1	3	1	0	5
		78	447.0	447	447	0	0	0	1	0	1	
		76-78	244.6	30	447	1	1	3	2	0	7	
Total Time	Date complaint is found worthy of investigation / final agency action	All	76	75.0	0	266	4	2	1	0	0	7
		Other	77	29.0	29	29	1	0	0	0	0	1
		Cases	78	27.0	22	31	2	1	0	0	0	3
		76-78	57.7	0	266	7	3	1	0	0	11	
		With Agency	76	268.0	268	268	0	0	1	0	0	1
		Review	77	813.6	458	1174	0	0	0	2	3	5
		78	969.0	969	969	0	0	0	0	1	1	
		76-78	757.9	268	1174	0	0	1	2	4	7	
		All	76	369.4	168	587	0	0	4	4	0	8
		Other	77	129.0	129	129	0	0	1	0	0	1
		Cases	78	279.3	129	526	0	0	2	1	0	3
		76-78	326.8	129	587	0	0	7	5	0	12	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						FY: 76	77	78	76-78			
						Number: 7	5	2	14			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.7	1	10	5	0	1	0	0	6	
		77	6.8	1	22	2	2	1	0	0	5	
		78	2.0	2	2	1	0	0	0	0	1	
		76-78	4.3	1	22	8	2	2	0	0	12	
		ALJ prehearing and hearing: hours per case	76	131.2	18	320	0	0	3	0	2	5
		77	93.7	15	194	0	0	1	2	0	3	
		78	232.0	232	232	0	0	0	0	1	1	
		76-78	129.9	15	320	0	0	4	2	3	9	
		ALJ Travel: hours per case	76	16.0	0	48	2	0	1	0	0	3
		77	11.0	0	22	1	0	1	0	0	2	
		78	0	0	0	1	0	0	0	0	1	
		76-78	11.7	0	48	4	0	2	0	0	6	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.6	2	4	3	2	0	0	0	5	
		77	4.4	3	6	0	5	0	0	0	5	
		78	2.8	2	4	2	2	0	0	0	4	
		76-78	3.3	2	6	5	9	0	0	0	14	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	38.4	23	81	0	0	4	1	0	5	
		77	322.0	11	920	0	0	1	2	2	5	
		78	12.0	3	17	0	1	2	0	0	3	
		76-78	141.4	3	920	0	1	7	3	2	13	
	Transcripts: pages per case	76	135.8	39	327	0	0	2	2	1	5	
		77	813.2	142	2832	0	0	0	1	4	5	
		78	227.0	227	227	0	0	0	0	1	1	
		76-78	452.0	39	2832	0	0	2	3	6	11	
	Briefs: pages per case	76	76.0	34	130	0	0	2	3	0	5	
		77	182.6	23	340	0	0	1	2	2	5	
		78	180.0	180	180	0	0	0	1	0	1	
		76-78	133.9	23	340	0	0	3	6	2	11	
	Exhibits: pages per case	76	207.8	0	739	1	0	1	2	1	5	
		77	875.0	133	1923	0	0	0	1	3	4	
		78	195.0	195	195	0	0	0	1	0	1	
		76-78	473.4	0	1923	1	0	1	4	4	10	
	Contested motions: number per case	76	6.2	0	15	2	2	1	0	0	5	
		77	3.5	2	5	1	3	0	0	0	4	
	78	1.0	1	1	2	0	0	0	0	2		
	76-78	4.3	0	15	5	5	1	0	0	11		
Written opinions by ALJ: pages per case	76	27.0	14	49	0	0	5	0	0	5		
	77	67.6	20	110	0	0	1	4	0	5		
	78	10.3	4	15	0	2	2	0	0	4		
	76-78	36.7	4	110	0	2	8	4	0	14		

Procedures—

The prehearing stage begins when the staff determines that a complaint (filed either by the Board or by a third party) is worthy of investigation. If, during the investigatory stage, the case is not dismissed or settled, the Board, pursuant to a staff recommendation, issues notice of hearing. Only those cases for which the Board ordered a hearing are reflected in these statistics.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

COMMODITY FUTURES TRADING COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Enforcement					
17 CFR 10					
Enforcement includes the following types of formal proceedings:					
Denial, suspension or revocation of registration as a futures commission merchant, floor broker, commodity pool operator, or commodity trading advisor, 7 USC 6n(6), 9, 12a(2), 12a(3).					
Denial, suspension or revocation of registration of designation of a contract market, 7 USC 8.					
Issuance of cease and desist orders, 7 USC 13a, 13b.					
Denial of trading privileges, 7 USC 9.					
Assessment of civil penalties, 7 USC 9, 13a.					
	ALJ Level				
	(75)				
	76	0	21	2	19
	77	19	22	10	31
	78	31	67	7	91
	76-78		110	19	
	Commission Level				
	(75)				
	76	0	6*	6*	0
	77	0	9	2	7
	78	7	4	4	7
	76-78		19	12	
	Reparations				
7 USC 18					
17 CFR 12					
In these proceedings, anyone complaining of a violation of the Act or any CFTC regulation by a person required to be registered with the Commission, may apply to the Commission for an award of money damages against such person. If the Commission decides that the facts warrant, it may institute a formal adjudicatory hearing and notify the respondent of a right to a hearing. Formal adjudicatory hearings are required by statute where the amount in controversy exceeds \$5000 (prior to October 1978, the amount was \$2500). In cases where a lesser amount is at issue, a summary procedure is utilized, normally without participation by an ALJ.					
	ALJ Level				
	(75)				
	76	0	16	0	16
	77	16	270	84	202
	78	202	269	184	287
	76-78		555	268	
	Commission Level				
	(75)				
	76	0	0	0	0
	77	0	21	1	20
	78	20	20	11	29
	76-78		41	12	

* Initial decisions transferred from the Department of Agriculture.

Note:

The Commodity Futures Trading Commission (CFTC) began operation in April 1975. In October 1975, cases pending at the Department of Agriculture involving disciplinary proceedings under the Commodity Exchange Act were transferred to the CFTC. The amended Act also gave the Commission additional authority to regulate the Commodities industry. (The data on ALJ activity were obtained from the office of the Chief ALJ. The data on Commission activity were obtained from the CFTC Annual Reports, 1976-1978.)

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
 (and FY 1975 from previous publication)

CONSUMER PRODUCT SAFETY COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Consumer Product Safety Act Rulemaking	(75)		1	0	
15 USC 2058 16 CFR 1105					
	76	1	0	1	0
	77	0	0	0	0
	78	0	0	0	0
	76-78		0	1	
Consumer Product Safety Act & Flammable Fabric Act Enforcement	(75)		2	0	
15 USC 1192, 1197(b); 2064(c), (d), (f); 2066(b) 16 CFR 1025					
	76	3	23	13	13
	77	13	7	8	12
	78	12	4	9	7
	76-78		34	30	

Informal rulemaking proceedings (with oral presentations) to promulgate consumer product safety rules (including the banning of hazardous products) proposed by the Commission or through the Commission's offeror process.

Proceedings to order sanctions against respondent for knowingly acting in violation of either Act or safety standards promulgated under the CPSA. Sanctions under the FFA include cease and desist orders; under CPSA sanctions may include recall, refund, repair, and, if in conjunction with another sanction (16 CFR 1026), civil penalties.

Agency: CONSUMER PRODUCT SAFETY COMMISSION

Case type: Consumer Product Safety Act
Rulemaking

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	0	0	1

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	0	0	1
No:	0	0	0	0
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	1	0	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	422.0	422	422	0	0	0	1	0	1
	Cases	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	422.0	422	422	0	0	0	1	0	1
Hearing	With ALJ	76	272.0	272	272	0	0	1	0	0	1
	Hearing on	77	--	--	--	0	0	0	0	0	0
	Merits	78	--	--	--	0	0	0	0	0	0
		76-78	272.0	272	272	0	0	1	0	0	1
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
Posthearing	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	With	76	330.0	330	330	0	0	1	0	0	1
	Agency	77	--	--	--	0	0	0	0	0	0
	Review	78	--	--	--	0	0	0	0	0	0
		76-78	330.0	330	330	0	0	1	0	0	1
Total Time	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	With	76	1024.0	1024	1024	0	0	0	0	1	1
	Agency	77	--	--	--	0	0	0	0	0	0
Review	78	--	--	--	0	0	0	0	0	0	
	76-78	1024.0	1024	1024	0	0	0	0	1	1	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	Cases with full or partial hearing—							
						0-2	3-9	10-59	60-199	200+days, etc.			
						FY:	76	77	78	76-78			
						Number:	1	0	0	1			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	13.0 -- -- 13.0	13 -- -- 13	13 -- -- 13	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	1 0 0 1		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	70.0 -- -- 70.0	70 -- -- 70	70 -- -- 70	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	1 0 0 1		
	ALJ Travel: hours per case	76 77 78 76-78	16.0 -- -- 16.0	16 -- -- 16	16 -- -- 16	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	1 0 0 1		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	26.0 -- -- 26.0	26 -- -- 26	26 -- -- 26	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	1 0 0 1	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	100.0 -- -- 100.0	100 -- -- 100	100 -- -- 100	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	1 0 0 1
			Transcripts: pages per case	76 77 78 76-78	2900.0 -- -- 2900.0	2900 -- -- 2900	2900 -- -- 2900	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1
			Briefs: pages per case	76 77 78 76-78	1000.0 -- -- 1000.0	1000 -- -- 1000	1000 -- -- 1000	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1
	Exhibits: pages per case		76 77 78 76-78	2000.0 -- -- 2000.0	2000 -- -- 2000	2000 -- -- 2000	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1	
	Contested motions: number per case		76 77 78 76-78	5.0 -- -- 5.0	5 -- -- 5	5 -- -- 5	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	
	Written opinions by ALJ: pages per case		76 77 78 76-78	77.0 -- -- 77.0	77 -- -- 77	77 -- -- 77	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	1 0 0 1	

Procedures—

When a proposed rule is published in the Federal Register, the notice will specify either that an oral proceeding will be held or that one will be held if requested. If a hearing is held, the presiding officer will chair the proceedings and have all the powers necessary to contribute to the equitable and efficient conduct of the proceeding.

Agency: CONSUMER PRODUCT SAFETY COMMISSION

Case type: Consumer Product Safety Act &
Flammable Fabric Act
Enforcement

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	13	8	9	30

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	10	6	3	19
Withdrawal	0	0	1	1
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	2	4	9
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	2	5	9
No:	11	6	4	21
Result—				
Affirm	1	0	1	2
Reverse	0	1	0	1
Modify	0	1	3	4
Remand/Other	1	0	1	2

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing Complaint / Referral to CALJ	All	76	64.5	0	453	10	1	1	1	0	13
	Cases	77	29.6	0	168	6	1	1	0	0	8
		78	524.7	35	791	0	1	0	5	3	9
		76-78	193.3	0	791	16	3	2	6	3	30
Hearing Referral to CALJ / ALJ's decision	With ALJ	76	280.7	194	448	0	0	2	1	0	3
	Hearing on	77	169.0	104	234	0	1	1	0	0	2
	Merits	78	316.3	260	393	0	0	3	1	0	4
		76-78	271.7	104	448	0	1	6	2	0	9
	All	76	111.4	52	188	0	8	2	0	0	10
	Other	77	324.8	264	386	0	0	4	2	0	6
Posthearing ALJ's decision / Final agency action	Cases	78	257.8	90	621	0	1	3	1	0	5
		76-78	207.2	52	621	0	9	9	3	0	21
	With Agency Review	76	131.0	129	133	0	0	2	0	0	2
		77	328.5	205	452	0	0	1	1	0	2
		78	538.8	313	763	0	0	1	3	1	5
		76-78	401.4	129	763	0	0	4	4	1	9
Total Time Complaint / Final agency action	All	76	20.6	0	37	8	2	1	0	0	11
	Other	77	0	0	0	6	0	0	0	0	6
	Cases	78	46.5	0	131	2	1	1	0	0	4
		76-78	19.6	0	131	16	3	2	0	0	21
Total Time Complaint / Final agency action	With Agency Review	76	726.0	676	776	0	0	0	1	1	2
		77	615.0	376	854	0	0	0	1	1	2
		78	1494.4	1364	1649	0	0	0	0	5	5
		76-78	1128.2	376	1649	0	0	0	2	7	9
	All	76	183.9	65	482	0	1	9	1	0	11
	Other	77	325.2	266	386	0	0	4	2	0	6
	78	673.0	227	1004	0	0	1	1	2	4	
	76-78	317.4	65	1004	0	1	14	4	2	21	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 2 2 5 9

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.4	1	3	9	1	0	0	0	10
		77	2.0	1	3	1	1	0	0	0	2
		78	6.0	4	11	0	3	1	0	0	4
		76-78	2.6	1	11	10	5	1	0	0	16
	ALJ prehearing and hearing: hours per case	76	4.4	2	18	6	2	1	0	0	9
		77	8.5	4	13	0	1	1	0	0	2
		78	24.8	14	46	0	0	4	0	0	4
		76-78	10.4	2	46	6	3	6	0	0	15
	ALJ Travel: hours per case	76	5.0	0	10	1	1	1	0	0	3
		77	5.0	5	5	0	2	0	0	0	2
		78	8.0	2	10	1	0	3	0	0	4
		76-78	6.3	0	10	2	3	4	0	0	9
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	4.4	2	6	5	5	0	0	0	10
		77	2.0	2	2	2	0	0	0	0	2
		78	2.0	1	3	3	1	0	0	0	4
		76-78	3.5	1	6	10	6	0	0	0	16
Paperwork	Evidentiary documents (excluding briefs): number per case	76	25.5	22	29	0	0	2	0	0	2
		77	12.0	12	12	0	0	2	0	0	2
		78	90.0	15	264	0	0	3	0	1	4
		76-78	54.4	12	264	0	0	7	0	1	8
	Transcripts: pages per case	76	102.8	30	378	0	0	6	0	2	8
		77	224.0	70	378	0	0	0	1	1	2
		78	787.0	398	1514	0	0	0	0	4	4
		76-78	315.6	30	1514	0	0	6	1	7	14
	Briefs: pages per case	76	86.0	53	119	0	0	1	1	0	2
		77	38.0	31	45	0	0	2	0	0	2
		78	134.5	53	268	0	0	1	2	1	4
		76-78	98.3	31	268	0	0	4	3	1	8
	Exhibits: pages per case	76	67.3	5	110	0	1	0	2	0	3
		77	22.5	0	45	1	0	1	0	0	2
		78	294.8	111	792	0	0	0	3	1	4
		76-78	178.3	0	792	1	1	1	5	1	8
	Contested motions: number per case	76	1.0	0	2	2	0	0	0	0	2
		77	0	0	0	1	0	0	0	0	1
	78	3.8	2	5	1	3	0	0	0	4	
	76-78	2.5	0	5	4	3	0	0	0	7	
Written opinions by ALJ: pages per case	76	55.5	26	85	0	0	1	1	0	2	
	77	30.0	28	32	0	0	2	0	0	2	
	78	32.5	23	41	0	0	4	0	0	4	
	76-78	37.6	23	85	0	0	7	1	0	8	

Procedures—

The proceeding is commenced by the issuance of a complaint by the Commission. A respondent has 20 days in which to file an answer. The ALJ will file an initial decision which will become the decision of the Commission in forty days unless review is ordered. Any party may appeal a

decision to the Commission by filing a notice of intention to appeal within ten days after the initial decision. The Commission may also review the decision upon its own motion.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
(and FY 1975 from previous publication)

DRUG ENFORCEMENT ADMINISTRATION, Department of Justice

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Controlled Substances Act Registration					
21 USC 823, 824 21 CFR 1301, 1316	(75)		N/A	N/A	
	76	10	52	33	29
	77	29	34	44	19
	78	19	29	39	9
	76-78		115	116	
<p>Proceedings in which (1) an applicant for registration to manufacture or distribute a controlled substance may challenge a denial of the application, or (2) a registrant may challenge a revocation or suspension of the registration. (In the first quarter of 1976 combined data were submitted for Registration and Importation Permit cases. Therefore, the 1976 figures for each of the two case types are approximations.)</p>					
Controlled Substances Act Importation Permits					
21 USC 952 21 CFR 1312	(75)		N/A	N/A	
	76	5	1	6	0
	77	0	0	0	0
	78	0	2	0	2
	76-78		3	6	
<p>Proceedings in which (1) an applicant for a permit to import a controlled substance may challenge a denial of the application, or (2) a holder of a permit may challenge a revocation or suspension of the permit. (In the first quarter of 1976 combined data were submitted for Registration and Importation Permit cases. Therefore, the 1976 figures for each of the two case types are approximations.)</p>					
Controlled Substances Act Production Quotas					
21 USC 826 21 CFR 1303	(75)		N/A	N/A	
	76	1	0	1	0
	77	0	1	0	1
	78	1	0	1	0
	76-78		1	2	
<p>Hearings on challenges to issuance, adjustment, suspension or denial of production quotas.</p>					
Controlled Substances Act Rulemaking					
21 USC 821	(75)		N/A	N/A	
	76	0	0	0	0
	77	1	0	1	0
	78	0	0	0	0
	76-78		0	1	
<p>Hearings to evaluate a proposed addition to a regulation.</p>					

Agency: DRUG ENFORCEMENT ADMINISTRATION (Department of Justice)

Case type: Controlled Substances Act
Registration

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	33	44	41	118

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	2	7	9
Withdrawal	13	22	5	40
Dismissal	8	3	12	23
Other	2	0	0	2
On Merits—				
ALJ Hearing & Decision	10	16	15	41
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	1	2	3

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	10	18	20	48
No:	23	26	21	70
Result—				
Affirm	8	16	18	42
Reverse	1	0	1	2
Modify	0	1	0	1
Remand/Other	1	1	1	3

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Issuance of show cause order / Referral to CALJ	All	76	33.3	0	113	16	17	0	0	0	33
		Cases	77	30.7	13	78	22	22	0	0	0	44
			78	27.8	9	63	23	18	0	0	0	41
			76-78	30.4	0	113	61	57	0	0	0	118
Hearing	Referral to CALJ / ALJ's recommended decision or order	With ALJ	76	251.8	143	382	0	0	9	1	0	10
		Hearing on	77	263.8	188	356	0	0	16	0	0	16
		Merits	78	228.6	137	345	0	0	15	0	0	15
			76-78	248.0	137	382	0	0	40	1	0	41
		All	76	153.7	38	553	0	14	7	2	0	23
		Other	77	162.6	26	524	2	14	9	3	0	28
Posthearing	ALJ's decision or order / Final agency action	Cases	78	110.5	34	270	0	17	9	0	0	26
			76-78	142.4	26	553	2	45	25	5	0	77
		With Agency Review	76	37.0	18	60	2	8	0	0	0	10
			77	36.7	12	122	11	6	1	0	0	18
			78	55.7	10	307	10	9	1	0	0	20
			76-78	44.6	10	307	23	23	2	0	0	48
<u>Total Time</u>	Show cause order / Final agency action	All	76	1.8	0	36	22	1	0	0	0	23
		Other	77	1.0	0	25	26	0	0	0	0	26
		Cases	78	7.2	0	42	19	2	0	0	0	21
			76-78	3.1	0	42	67	3	0	0	0	70
		With Agency Review	76	319.2	231	443	0	0	8	2	0	10
			77	332.6	155	544	0	0	12	6	0	18
	78	282.1	117	634	0	1	15	4	0	20		
	76-78	308.7	117	634	0	1	35	12	0	48		
		All	76	190.1	53	587	0	10	9	4	0	23
		Other	77	185.6	61	553	0	11	10	5	0	26
		Cases	78	146.0	63	315	0	9	12	0	0	21
			76-78	175.2	53	587	0	30	31	9	0	70

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY: 76 77 78 76-78
 Number: 13 20 17 50

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.2	1	5	9	5	0	0	0	14
		77	2.1	1	3	16	4	0	0	0	20
		78	2.4	1	6	10	7	0	0	0	17
		76-78	2.2	1	6	35	16	0	0	0	51
	ALJ prehearing and hearing: hours per case	76	8.2	1	20	3	8	3	0	0	14
		77	5.2	1	10	2	17	1	0	0	20
		78	7.1	1	20	3	7	7	0	0	17
		76-78	6.6	1	20	8	32	11	0	0	51
	ALJ Travel: hours per case	76	10.4	0	26	1	4	3	0	0	8
		77	9.8	5	20	0	7	4	0	0	11
		78	6.5	2	15	3	8	4	0	0	15
		76-78	8.5	0	26	4	19	11	0	0	34
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	1.9	1	2	14	0	0	0	0	14
		77	2.0	2	2	20	0	0	0	0	20
		78	2.0	2	2	18	0	0	0	0	18
		76-78	2.0	1	2	52	0	0	0	0	52
Paperwork	Evidentiary documents (excluding briefs): number per case	76	29.0	16	49	0	0	13	0	0	13
		77	19.7	5	44	0	2	18	0	0	20
		78	27.0	8	62	0	1	15	1	0	17
		76-78	24.6	5	62	0	3	46	1	0	50
	Transcripts: pages per case	76	251.0	12	923	0	0	3	5	6	14
		77	125.7	4	260	0	1	2	12	5	20
		78	220.8	8	668	0	1	2	7	7	17
		76-78	191.8	4	923	0	2	7	24	18	51
	Briefs: pages per case	76	40.0	8	107	0	1	7	2	0	10
		77	23.0	11	55	0	0	15	0	0	15
		78	30.3	7	68	0	1	13	2	0	16
		76-78	30.0	7	107	0	2	35	4	0	41
	Exhibits: pages per case	76	95.4	34	290	0	0	5	4	1	10
		77	43.0	36	50	0	0	2	0	0	2
		78	253.8	14	810	0	0	6	3	8	17
		76-78	184.6	14	810	0	0	13	7	9	29
	Contested motions: number per case	76	1.4	1	2	5	0	0	0	0	5
		77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0	
	76-78	1.4	1	2	5	0	0	0	0	5	
Written opinions by ALJ: pages per case	76	17.7	6	46	0	2	8	0	0	10	
	77	12.5	1	25	2	6	11	0	0	19	
	78	18.2	6	32	0	1	15	0	0	16	
	76-78	15.7	1	46	2	9	34	0	0	45	

Procedures--

The prehearing stage begins with the issuance of an order to show cause why a registration should not be revoked or an application denied. A hearing will be held if a timely request is made by the applicant or registrant. A registration may, however, be suspended pending a final order where the Administrator finds that there is an imminent danger to the public health or safety.

Prehearing conferences may be held. At the close of the hearing any party may file proposed findings within a time

specified by the ALJ. A time will also be set for submission of proposed corrections to the transcript. After corrections have been made, the ALJ will prepare a recommended decision including findings of fact and conclusions of law. He will certify the record (including his recommended decision) to the Administrator for review.

The Administrator will publish a final order in the Federal Register "as soon as practicable".

Agency: DRUG ENFORCEMENT ADMINISTRATION (Department of Justice)

Case type: Controlled Substances Act
Importation Permits

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	3	1	0	4

MANNER OF TERMINATION (number of cases)

Not on Merits--	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	3	0	0	3
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits--				
ALJ Hearing & Decision	0	1	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	0	1	0	1
No:	3	0	0	3
Result--				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Request for hearing / Referral to CALJ	All	76	0	0	0	3	0	0	0	0	3
		Cases	77	31.0	31	31	0	1	0	0	0	1
			78	--	--	--	0	0	0	0	0	0
			76-78	7.8	0	31	3	1	0	0	0	4
Hearing	Referral to CALJ / ALJ's recommended decision or order	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	323.0	323	323	0	0	1	0	0	1
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	323.0	323	323	0	0	1	0	0	1
		All	76	158.3	118	183	0	1	2	0	0	3
		Other	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	158.3	118	183	0	1	2	0	0	3		
Posthearing	ALJ's decision or order / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	32.0	32	32	0	1	0	0	0	1
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	32.0	32	32	0	1	0	0	0	1
		All	76	0	0	0	3	0	0	0	0	3
		Other	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	0	0	0	3	0	0	0	0	3		
<u>Total Time</u>	Request for hearing / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	386.0	386	386	0	0	0	1	0	1
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	386.0	386	386	0	0	0	1	0	1
		All	76	158.3	118	183	0	1	2	0	0	3
		Other	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	158.3	118	183	0	1	2	0	0	3		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
Prehearing & Hearing Time	ALJ prehearing	76	1.3	1	2	3	0	0	0	0	3
	and hearing:	77	2.0	2	2	1	0	0	0	0	1
	separate	78	--	--	--	0	0	0	0	0	0
	days per case	76-78	1.5	1	2	4	0	0	0	0	4
	ALJ prehearing	76	4.0	2	6	1	2	0	0	0	3
	and hearing:	77	6.0	6	6	0	1	0	0	0	1
	hours per case	78	--	--	--	0	0	0	0	0	0
		76-78	4.5	2	6	1	3	0	0	0	4
	ALJ Travel:	76	--	--	--	0	0	0	0	0	0
	hours per case	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respon-	76	2.0	2	2	3	0	0	0	0	3
	ds, intervenors	77	2.0	2	2	1	0	0	0	0	1
	(including agency):	78	--	--	--	0	0	0	0	0	0
	number per case	76-78	2.0	2	2	4	0	0	0	0	4
Paperwork	Evidentiary docu-	76	--	--	--	0	0	0	0	0	0
	ments (excluding	77	11.0	11	11	0	0	1	0	0	1
	briefs):	78	--	--	--	0	0	0	0	0	0
	number per case	76-78	11.0	11	11	0	0	1	0	0	1
	Transcripts:	76	117.7	80	164	0	0	0	3	0	3
	pages per case	77	131.0	131	131	0	0	0	1	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	121.0	80	164	0	0	0	4	0	4
	Briefs:	76	--	--	--	0	0	0	0	0	0
	pages per case	77	7.0	7	7	0	1	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	7.0	7	7	0	1	0	0	0	1
Exhibits:	76	--	--	--	0	0	0	0	0	0	
pages per case	77	55.0	55	55	0	0	1	0	0	1	
	78	--	--	--	0	0	0	0	0	0	
	76-78	55.0	55	55	0	0	1	0	0	1	
Contested	76	--	--	--	0	0	0	0	0	0	
motions:	77	--	--	--	0	0	0	0	0	0	
number per case	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions	76	--	--	--	0	0	0	0	0	0	
by ALJ:	77	8.0	8	8	0	1	0	0	0	1	
pages per case	78	--	--	--	0	0	0	0	0	0	
	76-78	8.0	8	8	0	1	0	0	0	1	

Procedures--

Before denial of any application or revocation of any permit, a hearing will be held if a timely request is made by the applicant or registrant. A permit may, however, be suspended pending a final order where the Administrator finds that there is an imminent danger to the public health or safety.

Prehearing conferences may be held. At the close of the hearing any party may file proposed findings within a time

specified by the ALJ. A time will also be set for submission of proposed corrections to the transcript. After corrections have been made, the ALJ will prepare a recommended decision including findings of fact and conclusions of law. He will certify the record (including his recommended decision) to the Administrator for review.

The Administrator will publish a final order in the Federal Register "as soon as practicable".

Agency: DRUG ENFORCEMENT ADMINISTRATION (Department of Justice)

Case type: Controlled Substances Act
Production Quotas

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	0	1	2

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	1	2
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	0	1	2
No:	0	0	0	0
Result—				
Affirm	1	0	1	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Request for hearing / Referral to CALJ	All Cases	76	3.0	3	3	1	0	0	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	49.0	49	49	0	1	0	0	0	1
			76-78	26.0	3	49	1	1	0	0	0	2
Hearing	Referral to CALJ / ALJ's recommended decision or order	With ALJ Hearing on Merits	76	68.0	68	68	0	1	0	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	179.0	179	179	0	0	1	0	0	1
			76-78	123.5	68	179	0	1	1	0	0	2
		All Other Cases	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision or order / Final agency action	With Agency Review	76	36.0	36	36	0	1	0	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	61.0	61	61	0	1	0	0	0	1
			76-78	48.5	36	61	0	2	0	0	0	2
		All Other Cases	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
Total Time	Request for hearing / Final Agency action	With Agency Review	76	107.0	107	107	0	1	0	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	289.0	289	289	0	0	1	0	0	1
			76-78	198.0	107	289	0	1	1	0	0	2
		All Other Cases	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—									
						FY: 76 77 78 76-78					
						Number: 1 0 1 2					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	7.0	7	7	0	1	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	11.0	11	11	0	0	1	0	0	1
		76-78	9.0	7	11	0	1	1	0	0	2
	ALJ prehearing and hearing: hours per case	76	28.0	28	28	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	45.0	45	45	0	0	1	0	0	1
		76-78	36.5	28	45	0	0	2	0	0	2
ALJ Travel: hours per case		76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	4.0	4	4	0	1	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	2.0	2	2	1	0	0	0	0	1
		76-78	3.0	2	4	1	1	0	0	0	2
Paperwork	Evidentiary documents (excluding briefs): number per case	76	40.0	40	40	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	115.0	115	115	0	0	0	1	0	1
		76-78	77.5	40	115	0	0	1	1	0	2
Transcripts: pages per case		76	770.0	770	770	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	1113.0	1113	1113	0	0	0	0	1	1
		76-78	941.5	770	1113	0	0	0	0	2	2
Briefs: pages per case		76	105.0	105	105	0	0	0	1	0	1
		77	--	--	--	0	0	0	0	0	0
		78	212.0	212	212	0	0	0	0	1	1
		76-78	158.5	105	212	0	0	0	1	1	2
Exhibits: pages per case		76	95.0	95	95	0	0	0	1	0	1
		77	--	--	--	0	0	0	0	0	0
		78	1003.0	1003	1003	0	0	0	0	1	1
		76-78	549.0	95	1003	0	0	0	1	1	2
Contested motions: number per case		76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Written opinions by ALJ: pages per case		76	13.0	13	13	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	42.0	42	42	0	0	1	0	0	1
		76-78	27.5	13	42	0	0	2	0	0	2

Procedures—

An applicant or registrant will be granted a hearing if one is requested within 30 days after receipt of the issuance, adjustment, suspension, or denial of a quota. The Administrator may initiate a hearing to gather information. Any interested person may request a hearing on the determination of an aggregate production quota.

Prehearing conferences may be held. At the close of the hearing any party may file proposed findings within a time

specified by the ALJ. A time will also be set for submission of proposed corrections to the transcript. After corrections have been made, the ALJ will prepare a recommended decision including findings of fact and conclusions of law. He will certify the record (including his recommended decision) to the Administrator for review.

The Administrator will publish a final order in the Federal Register "as soon as practicable".

Agency: DRUG ENFORCEMENT ADMINISTRATION (Department of Justice)

Case type: Controlled Substances Act
Rulemaking

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	0	1	0	1

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	1	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	1	0	1
No:	0	0	0	0
Result—				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)		
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+			
Prehearing	All Cases ^a	76	--	--	--	0	0	0	0	0	0		
		77	N/A	N/A	N/A	--	--	--	--	--	1		
		78	--	--	--	0	0	0	0	0	0		
		76-78	N/A	N/A	N/A	--	--	--	--	--	1		
Hearing	Notice of hearing / ALJ's recommended decision	With ALJ Hearing on Merits	76	--	--	--	0	0	0	0	0	0	
			77	116.0	116	116	0	1	0	0	0	1	
			78	--	--	--	0	0	0	0	0	0	
			76-78	116.0	116	116	0	1	0	0	0	1	
		All Other Cases	76	--	--	--	0	0	0	0	0	0	
			77	--	--	--	0	0	0	0	0	0	
			78	--	--	--	0	0	0	0	0	0	
			76-78	--	--	--	0	0	0	0	0	0	
	Posthearing	ALJ's decision / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
				77	51.0	51	51	0	1	0	0	0	1
			78	--	--	--	0	0	0	0	0	0	
			76-78	51.0	51	51	0	1	0	0	0	1	
		All Other Cases	76	--	--	--	0	0	0	0	0	0	
			77	--	--	--	0	0	0	0	0	0	
Total Time	Notice of hearing / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0	
			77	167.0	167	167	0	0	1	0	0	1	
			78	--	--	--	0	0	0	0	0	0	
			76-78	167.0	167	167	0	0	1	0	0	1	
		All Other Cases	76	--	--	--	0	0	0	0	0	0	
			77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0		
		76-78	--	--	--	0	0	0	0	0	0		

Notes—

^a No data are available for the prehearing stage, which presumably begins with publication of the proposed change of regulation in the Federal Register.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	Cases with full or partial hearing--							
						0-2	3-9	10-59	60-199	200+days, etc.			
						FY: 76 77 78 76-78							
						Number: 0 1 0 1							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- 3.0 -- 3.0	-- 3 -- 3	-- 3 -- 3	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- 18.0 -- 18.0	-- 18 -- 18	-- 18 -- 18	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- 20.0 -- 20.0	-- 20 -- 20	-- 20 -- 20	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- 75.0 -- 75.0	-- 75 -- 75	-- 75 -- 75	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	
			Transcripts: pages per case	76 77 78 76-78	-- 407.0 -- 407.0	-- 407 -- 407	-- 407 -- 407	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 1 0 1
			Briefs: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
Written opinions by ALJ: pages per case			76 77 78 76-78	-- 48.0 -- 48.0	-- 48 -- 48	-- 48 -- 48	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1	

Procedures--

This rulemaking hearing was conducted before the Administrator and an ALJ. The role of the ALJ was to prepare a summary of the testimony and statements presented along with a recommended decision. The Administrator made the final decision.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

ENVIRONMENTAL PROTECTION AGENCY

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
National Pollution Discharge Elimination System Permits					
33 USC 1342 40 CFR 124.71	(75)		141	10	
	76	130	83	7	206
	77	206	28	22	212
	78	212	27	55	184
	76-78		138	84	
<p>Proceedings in which any interested person may challenge the factual basis for the Regional Administrator's proposed issuance, denial, or modification of a permit to discharge pollutants into navigable waters.</p>					
Federal Insecticide, Fungicide and Rodenticide Act Civil Penalty Proceedings					
7 USC 136 l (a) 40 CFR 168	(75)		98	69	
	76	53	112	74	91
	77	91	97	73	115
	78	115	37	64	88
	76-78		246	211	
<p>Civil penalty proceedings to determine whether any pesticide registrant, commercial applicator, wholesaler, dealer, retailer or other distributor of pesticides has violated the Act, and if so the amount of penalty to be assessed.</p>					
Federal Insecticide, Fungicide and Rodenticide Act Pesticide Registration Denials, Cancellations and Suspensions					
7 USC 136(a), (d) 40 CFR 164, 164.120	(75)		3	6	
	76	3	1	2	2
	77	2	2	1	3
	78	3	1	2	2
	76-78		4	5	
<p>Proceedings in which (1) an applicant for registration of a pesticide may challenge the Administrator's notice of denial of the application or (2) a registrant may challenge the Administrator's notice of intent to cancel or change the classification because of its adverse effect on the environment. Includes expedited proceedings in which a pesticide registrant may challenge the Administrator's determination that in order to prevent an imminent health hazard, immediate suspension of the registration is warranted.</p>					
Federal Insecticide, Fungicide and Rodenticide Act Applications for Compensation for Use of Test Data					
7 USC 136a(c)(1)(D) (1976 Supp.)	(75)		—	—	
	76	0	0	0	0
	77	0	27	15	12
	78	12	12	10	14
	76-78		39	25	
<p>Proceedings to determine the amount of compensation to be paid to an original pesticide registration applicant by a later applicant for the use of test data submitted by the original applicant. (Hearings are required only for applications filed between October 21, 1972, and September 30, 1978. The law was amended in 1978, Pub. L. 95-396, to provide for arbitration of these disputes.)</p>					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

ENVIRONMENTAL PROTECTION AGENCY (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Clean Air Act					
Fuel Additive Enforcement Proceedings	(75)		0	0	
42 USCA 7545 (1979 Supp.)					
40 CFR 80.301					
	76	3	8	0	11
	77	11	28	16	23
	78	23	26	33	16
	76-78		62	49	
Miscellaneous					
	(75)		--	--	
	76	N/A	4	4	N/A
	77	N/A	1	1	N/A
	78	N/A	1	2	N/A
	76-78		6	7	

Hearings available to challenge the assessment of a civil penalty for violation of fuel additive regulations.

Miscellaneous proceedings involving FIFRA, pollutant standards, ocean dumping permits, and non-EPA cases.

Agency: ENVIRONMENTAL PROTECTION AGENCY

Case type: National Pollution Discharge Elimination System Permits

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	7	22	55	84

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	7	16	38	61
Withdrawal	0	1	1	2
Dismissal	0	3	7	10
Other	0	0	3	3
On Merits—				
ALJ Hearing & Decision	0	2	6	0
ALJ Hearing w/o Decision	0	0	0	8
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	N/A	N/A	N/A
No:	7	N/A	N/A	N/A
Result—				
Affirm	0	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application / Arrival in CALJ's office	All	76	666.9	145	1209	0	0	2	2	3	7
		Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	Arrival in CALJ's office / ALJ's initial decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	570.0	502	638	0	0	0	2	0	2
		Merits	78	438.2	30	1246	1	1	1	2	1	6
			76-78	471.3	30	1246	1	1	1	4	1	8
		All	76	227.9	107	373	0	1	5	1	0	7
		Other	77	314.7	30	1003	1	5	9	3	2	20
Posthearing	ALJ's initial decision / Final agency action	Cases	78	574.4	45	1383	0	9	8	12	15	44
			76-78	454.3	30	1383	1	15	22	16	17	73
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	Application / Final agency action	All	76	21.9	11	40	5	2	0	0	0	7
		Other	77	N/A	N/A	N/A	--	--	--	--	--	--
		Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	Application / Final agency action		78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	916.6	287	1444	0	0	2	0	5	7
		Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	78	N/A	N/A	N/A	--	--	--	--	--	--		
	76-78	N/A	N/A	N/A	--	--	--	--	--	--		

Notes—

These proceedings are begun by an application for a permit. The Regional Administrator, after a comment period, may issue or deny the permit. Within thirty days after such determination, any interested person may request an evidentiary hearing. ALJs preside and make initial decisions which are appealable to the Administrator. In the case of applications for permits by new applicants, a panel may assist the ALJ in hearing the case.

^a The data for FY 1977 and 1978 are based on the ALJs' monthly case-status reports, obtained from the Office of the Chief ALJ.

Agency: ENVIRONMENTAL PROTECTION AGENCY

Case type: Federal Insecticide, Fungicide and Rodenticide Act
Civil Penalty ProceedingsCase-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	75	73	64	212

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	61	52	54	117
Withdrawal	6	8	1	15
Dismissal	1	0	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	5	11	8	24
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	2	2	1	5

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	6	N/A	N/A	N/A
No:	69	N/A	N/A	N/A
Result—				
Affirm	6	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Inspection / Arrival in CALJ's office	All	76	307.9	77	961	0	7	45	20	3	75
		Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	Arrival in CALJ's office / ALJ's initial decision	With ALJ	76	228.0	143	400	0	0	4	1	0	5
		Hearing on	77	210.0	61	365	0	2	9	0	0	11
		Merits	78	167.2	15	395	1	3	3	1	0	8
			76-78	199.5	15	400	1	5	16	2	0	24
		All	76	88.8	2	259	20	27	12	0	0	69
		Other	77	123.8	15	395	10	30	21	1	0	62
	Cases	78	132.5	31	350	2	32	22	0	0	56	
		76-78	119.9	15	395	32	89	55	1	0	177	
Posthearing	ALJ's initial decision / Final agency action	With Agency	76	93.8	35	144	0	3	3	0	0	6
		Review	77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	48.5	0	260	29	35	4	0	0	68
		Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	--	
Total Time	Inspection / Final agency action	With Agency	76	529.3	381	776	0	0	0	5	1	6
		Review	77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	446.3	135	1141	0	0	28	33	8	69
		Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	--	

Notes—

These cases begin when a routine inspection turns up a possible violation. If a complaint is issued, the answer must be filed within 20 days and a hearing must be requested in the answer, if one is desired. Failure to answer results in a default judgment (not counted in these statistics). The ALJ serves a notice of hearing which will be held in the respondent's vicinity. Informal conferences and settlements are encouraged, and, if a settlement occurs after referral to the CALJ, the agreement is sent directly to the Regional Administrator (RA) for his final order. The ALJ may order a prehearing conference and may, at any time, issue an accelerated decision.

At the close of the hearing, each party has 20 days after the filing of the transcript to serve proposed findings and conclusions and a proposed order. Ten days are allowed for reply. The ALJ files his decision with the RA, and it becomes final unless exceptions are filed by any party within 30 days. Ten days are permitted for replies to exceptions. Review may also be by the RA's own motion.

^a The data for FY 1977 and 1978 are based on the ALJs' monthly case-status reports, obtained from the Office of the Chief ALJ.

Agency: ENVIRONMENTAL PROTECTION AGENCY

Case type: Federal Insecticide, Fungicide and Rodenticide Act
Pesticide Registration Denials, Cancellations and Suspensions

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	2	1	2	5

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	1	1	0	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	2	3
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	N/A	N/A	N/A
No:	0	N/A	N/A	N/A
Result—				
Affirm	1	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	1	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application or start of investigation / Referral to CALJ	All	76	391.0	259	523	0	0	1	1	0	2
		Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	Referral to CALJ / ALJ's initial decision	With ALJ	76	130.0	130	130	0	0	1	0	0	1
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	433.5	167	700	0	0	1	1	0	2
			76-78	332.3	130	700	0	0	2	1	0	3
		All	76	1007.0	1007	1007	0	0	0	0	1	1
		Other	77	122.0	122	122	0	1	0	0	0	1
Posthearing	ALJ's initial decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	564.5	122	1007	0	1	0	0	1	2
		All	76	23.0	12	34	1	1	0	0	0	2
		Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
		Review	78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	Application or investigation / Final agency action	All	76	982.5	401	1564	0	0	0	1	1	2
		Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
		Review	78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	78	N/A	N/A	N/A	--	--	--	--	--	--		
	76-78	N/A	N/A	N/A	--	--	--	--	--	--		

Notes—

If an application is denied, the applicant has 30 days to take the specified corrective action or petition for withdrawal of the application. If the applicant fails to remedy the deficiency of his application, or if the Administrator denies the petition for withdrawal, the Administrator publishes a notice of denial in the Federal Register. Within 30 days following publication, the applicant or any interested party with the written authorization of the applicant may request a hearing.

A hearing may also be held if the Administrator issues a notice of intent to hold a hearing to determine whether or not the registration of a pesticide should be canceled or its

classification changed. When the Administrator does this, interested persons may participate in the hearing by filing within 30 days.

Prehearing conferences are usually held. The ALJ is to prepare an initial decision within 25 days after the close of the hearing. Within 20 days after the ALJ's initial decision or dismissal, any party may file exceptions. The Administrator has 90 days to issue his final decision.

^a The data for FY 1977 and 1978 are based on the ALJs' monthly case-status reports, obtained from the Office of the Chief ALJ.

Agency: ENVIRONMENTAL PROTECTION AGENCY

Case type: Federal Insecticide, Fungicide and Rodenticide Act Applications for Compensation for Use of Test Data

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	0	15	10	25

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	2	1	3
Withdrawal	0	12	5	17
Dismissal	0	0	1	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	1	3	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	N/A	N/A	N/A
No:	0	N/A	N/A	N/A
Result—				
Affirm	0	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	182.0	182	182	0	0	1	0	0	1
	Merits	78	233.1	91	350	0	1	2	0	0	3
		76-78	220.3	91	350	0	1	3	0	0	4
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	67.4	15	182	4	8	2	0	0	14
Posthearing	Cases	78	152.0	15	410	2	2	2	1	0	7
		76-78	95.6	15	410	6	10	4	1	0	21
	With Agency	76	--	--	--	0	0	0	0	0	0
	Review	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
<u>Total Time</u>	All	76	--	--	--	0	0	0	0	0	0
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	78	N/A	N/A	N/A	--	--	--	--	--	--	
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	

Notes—

In 1978, the law was amended to provide for arbitration of these cases, rather than adjudicative hearings. Thus, these hearings will dwindle in future years.

^a The data for FY 1977 and 1978 are based on the ALJs' monthly case-status reports, obtained from the Office of the Chief ALJ.

Agency: ENVIRONMENTAL PROTECTION AGENCY

Case type: Clean Air Act
Fuel Additive Enforcement Proceedings

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	0	28	26	54

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	6	8	14
Withdrawal	0	3	5	8
Dismissal	0	0	2	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	7	18	25
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	N/A	N/A	N/A
No:	0	N/A	N/A	N/A
Result—				
Affirm	0	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	162.8	91	198	0	1	6	0	0	7
	Merits	78	153.7	91	380	0	7	10	1	0	18
		76-78	156.2	91	380	0	8	16	1	0	25
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	113.2	61	213	0	6	3	0	0	9
Posthearing	Cases	78	108.5	45	258	0	10	5	0	0	15
		76-78	110.3	45	258	0	16	8	0	0	24
	With Agency	76	--	--	--	0	0	0	0	0	0
	Review	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	All	76	--	--	--	0	0	0	0	0	0
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	With Agency	76	--	--	--	0	0	0	0	0	0
	Review	77	N/A	N/A	N/A	--	--	--	--	--	--
	78	N/A	N/A	N/A	--	--	--	--	--	--	
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	
Total Time	All	76	--	--	--	0	0	0	0	0	0
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

The procedures are similar to those used for the Federal Insecticide, Fungicide and Rodenticide Civil Penalty cases.

^a The data for FY 1977 and 1978 are based on the ALJs' monthly case-status reports, obtained from the Office of the Chief ALJ.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

FEDERAL COMMUNICATIONS COMMISSION (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Broadcast					
AM Radio, FM Radio and Television					
AM Radio					
47 CFR 1, 73.1-73.190					
	(75)		30	20	
	76	57	23	21	59
	77	59	13	4	68
	78	68	19	2	85
	76-78		55	27	
FM Radio					
47 CFR 1, 73.201-73.599					
	(75)		49	40	
	76	49	30	47	32
	77	32	33	11	54
	78	54	27	10	71
	76-78		90	68	
Television					
47 CFR 1, 73.601-73.699					
	(75)		13	14	
	76	25	17	14	28
	77	28	10	7	31
	78	31	3	1	33
	76-78		30	22	
Cable Television					
47 CFR 1, 76					
Cable Television includes hearings of the following two types:					
Authorizations of various types, 47 CFR 76.7. When required by the Commission, these evidentiary hearings are held to consider petitions by a cable television system for special relief from any of the provisions in the rules relating to such systems. A hearing may also be required when a system's application for a certificate of compliance (required to begin operations) is opposed. (47 CFR 76.27.)					
	(75)		10	10	
	76	6	17	11	12
	77	12	7	7	12
	78	12	7	6	13
	76-78		31	24	
Cease and desist orders, 47 USC 312(b). In these proceedings, a licensee or permittee is required to show cause why an order to cease and desist from certain activity should not be issued.					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976--1978
(and FY 1975 from previous publication)

FEDERAL COMMUNICATIONS COMMISSION (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Common Carrier					
Domestic, International and Satellite					
Domestic Common Carrier					
47 CFR 1, 21					
(75)			26*	14*	
76	31	19	17	33	
77	33	70	38	65	
78	65	17	16	66	
76-78		106	71		
International Common Carrier					
47 CFR 1, 23					
(75)		*	*		
76	0	2	0	2	
77	2	0	0	2	
78	2	0	0	2	
76-78		2	0		
Satellite Common Carrier					
47 CFR 1, 25					
(75)		*	*		
76	0	1	1	0	
77	0	1	0	1	
78	1	0	0	1	
76-78		2	1		
Safety and Special Radio					
47 CFR 1, 73.601--73.699					
This case type involves primarily two-way radio. Licensees include police, fire and public safety radio services, non-federal governmental, industry, land transportation services, and private citizens. The following types of hearings are included:					
Applications for licenses and permits, renewals, modifications, revocations, and cease and desist orders. These include any Title III case pertaining to safety and special service radio.					
Suspension of operator licenses, 47 USC 303(m). These are proceedings in which a holder of any operator license may challenge a proposed order of suspension of that license. (47 CFR 1.85.)					
(75)		44	33		
76	24	32	31	25	
77	25	52	26	51	
78	51	54	23	82	
76-78		138	80		

*The three common carrier case types were combined in 1975. The combined figures are reported under domestic common carrier.

FEDERAL COMMUNICATIONS COMMISSION

Case cards were submitted by the FCC for FY 1976 only (excluding the transition quarter). However, other information on FCC cases was provided to ACUS by the

FCC's Management Analysis Branch. (Letter from Jack J. Sharkey, Associate Executive Director for Information Management, January 28, 1980.)

Office of Administrative Law Judges

<u>Activities</u>	<u>FY 75</u>	<u>FY 76</u>	<u>FY 77</u>	<u>FY 78</u>
ALJs available in FY (avg)	13.8	13.4	13.3	13.0
Newly assigned cases	137	126	187	133
Initial decisions issued	52	60	64	78
Cases otherwise terminated	61	85	102	56
Cases pending at end of FY	129	110	131	130
Formal hearings held	99	72	53	63
Days in hearing	322	281	173	303
Conferences held	267	220	231	179
Days in conference	267	220	231	180
Field hearings held	28	42	29	47
Days in field hearings	78	183	143	95
Interlocutory orders issued	2154	1540	2047	1794

Initial Decisions *

% decisions effective w/o opposition	23%	24%	17.6%	26.5%
Cases affirmed after appeal	6	11	9	17
Cases remanded, reversed, modified	4	6	8	7

Elapsed Time (avg days)

Designation for hearing / Decision issued	504	392	572	501
Date record closed / Decision issued	122	93	146	150

* The remainder of each year's decisions were pending at either the review board or Commission level at the end of the year.

Review Board

The Review Board is a permanent body with continuing functions. It is composed of three or more Commission employees who are designated by the Commission, serve indefinitely on a full time basis, and are responsible only to the Commission.

The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Review Board regularly reviews initial decisions of administrative law judges in all adjudicative proceedings (including mixed adjudicative and

rulemaking proceedings). Excepted from review by the Board are proceedings involving the renewal or revocation of a station license in the Broadcast Radio Services or the Common Carrier Services. The Commission may also specify that a decision in any proceeding is not to be reviewed by the Board. Other hearing matters may be referred to the Board on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. (47 CFR 0.361, 0.365.)

<u>Period</u>	<u>No. of decisions issued</u>	<u>Average Elapsed Time in days (filing of reply to exceptions / issuance of decision)</u>
9/1/76--12/31/76	6	130.0
1/1/77--3/31/77	6	141.0
5/1/77--8/31/77	7	114.0
9/1/77--12/31/77	N/A	N/A
1/1/78--4/30/78	7	82.8
5/1/78--8/31/78	9	91.6
9/1/78--12/31/78	8	97.1

Office of Opinions and Review

The Office of Opinions and Review is composed of legal, engineering, accounting, and other personnel. It assists and makes recommendations to the Commission, and to individual commissioners designated to review initial decisions, in the disposition of matters arising in cases of adjudication which have been designated for hearing. (47 CFR 0.171, 0.371.)

Other miscellaneous actions (drafting of decisions following instructions, handling petitions for reconsideration, preparation of Commission agenda items, disposition of motions pursuant to delegated authority), were also taken by the Office of Opinions and Review during this period.

<u>Period</u>	<u>Interlocutory applications for review</u>		<u>Review of final Review Board decisions</u>		<u>Review of interlocutory Review Board decisions</u>		<u>Summary of exceptions prepared for oral argument</u>	
	<u>No.</u>	<u>Avg days</u>	<u>No.</u>	<u>Avg days</u>	<u>No.</u>	<u>Avg days</u>	<u>No.</u>	<u>Avg days</u>
5/1/76--8/31/76	3	116	3	406	0	--	2	84
9/1/76--12/31/76	6	122	7	164	0	--	3	77
1/1/77--4/30/77	7	317	4	440	0	--	1	60
5/1/77--8/31/77	7	126	1	256	0	--	0	--
9/1/77--12/31/77	8	206	3	444	2	751	0	--
1/1/78--4/30/78	4	107	4	625	0	--	3	160
5/1/78--8/31/78	0	--	8	241	1	202	5	352
Final pending no.	7		10		0		26	
Commission goal		45 days		45 days		75 days		105 days

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: AM Radio

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	20	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	1	N/A	N/A	N/A
Withdrawal	0	N/A	N/A	N/A
Dismissal	2	N/A	N/A	N/A
Other	0	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	15	N/A	N/A	N/A
ALJ Hearing w/o Decision	0	N/A	N/A	N/A
ALJ Decision w/o Hearing	2	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	10	N/A	N/A	N/A
No:	10	N/A	N/A	N/A
Result—				
Affirm	7	N/A	N/A	N/A
Reverse	2	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	1	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	821.2	7	3532	1	1	5	4	8	19
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	548.0	130	1315	0	0	2	11	2	15
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	--
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Posthearing	All	76	364.2	48	1190	0	2	2	0	1	5
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	With Agency Review	76	1869.4	936	3245	0	0	0	0	9	9
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	All	76	1463.1	421	4159	0	0	0	4	6	10
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 15 N/A N/A N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	6.8	1	13	1	5	3	0	0	9
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	14.7	1	35	4	1	5	0	0	10
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	ALJ Travel: hours per case	76	0	0	0	5	0	0	0	0	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.3	1	6	3	8	0	0	0	11
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	73.3	4	136	0	2	1	5	0	8
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Transcripts: pages per case	76	484.7	7	1369	0	1	1	3	5	10
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Briefs: pages per case	76	117.5	0	426	2	0	1	3	2	8
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Exhibits: pages per case	76	620.3	0	1942	1	0	2	0	5	8
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Contested motions: number per case	76	6.8	0	15	2	4	3	0	0	9
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	14.2	0	36	2	2	5	0	0	9
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--

Procedures—

The Commission designates a matter for hearing. No application may be denied without an opportunity for a hearing. If there are competitive applicants a comparative hearing must be held. Appeal to the Commission can be filed within 30 days after public release of the initial decision.

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: FM Radio

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	47	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	8	N/A	N/A	N/A
Withdrawal	1	N/A	N/A	N/A
Dismissal	9	N/A	N/A	N/A
Other	2	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	22	N/A	N/A	N/A
ALJ Hearing w/o Decision	1	N/A	N/A	N/A
ALJ Decision w/o Hearing	4	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	14	N/A	N/A	N/A
No:	33	N/A	N/A	N/A
Result—				
Affirm	11	N/A	N/A	N/A
Reverse	3	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	560.3	24	1452	1	0	8	25	9	43
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	475.2	159	1971	0	0	14	5	4	23
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	--
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	All	76	276.9	25	1361	1	6	12	4	1	24
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Posthearing	With	76	416.4	63	1027	0	1	5	6	2	14
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	All	76	31.0	0	120	19	14	0	0	0	33
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
<u>Total Time</u>	With	76	1750.5	755	3344	0	0	0	0	12	12
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	All	76	788.0	329	1276	0	0	1	12	18	31
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 31 N/A N/A N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	3.6	1	14	15	17	1	0	0	33
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	6.9	1	38	11	18	4	0	0	33
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	ALJ Travel: hours per case	76	0	0	0	14	0	0	0	0	14
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.9	1	6	11	23	0	0	0	34
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	55.2	0	856	6	4	13	1	1	25
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Transcripts: pages per case	76	256.8	4	1129	0	2	5	10	14	31
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Briefs: pages per case	76	85.4	0	445	6	0	8	8	3	25
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Exhibits: pages per case	76	111.0	0	725	5	0	4	12	3	24
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Contested motions: number per case	76	4.2	0	13	11	13	2	0	0	26
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	12.3	0	72	7	10	10	1	0	28
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78		N/A	N/A	N/A	--	--	--	--	--	--

Procedures—

The Commission designates a matter for hearing. No application may be denied without an opportunity for a hearing. If there are competitive applicants a comparative hearing must be held. Appeal to the Commission can be filed within 30 days after public release of the initial decision.

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: Television

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	13	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	2	N/A	N/A	N/A
Withdrawal	0	N/A	N/A	N/A
Dismissal	1	N/A	N/A	N/A
Other	1	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	9	N/A	N/A	N/A
ALJ Hearing w/o Decision	0	N/A	N/A	N/A
ALJ Decision w/o Hearing	0	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	8	N/A	N/A	N/A
No:	5	N/A	N/A	N/A
Result—				
Affirm	4	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	1	N/A	N/A	N/A
Remand/Other	3	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	286.0	0	1157	7	0	1	2	2	12
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	1003.2	307	2407	0	0	2	2	5	9
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	--
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Other	All	76	275.3	102	652	0	1	2	1	0	4
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Posthearing	With	76	682.4	183	1837	0	0	3	2	3	8
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Other	All	76	12.2	0	61	4	1	0	0	0	5
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	With	76	2055.0	544	3325	0	0	0	1	6	7
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Other	All	76	667.8	189	1259	0	0	1	2	2	5
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 11 N/A N/A N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	24.4	2	88	2	2	2	1	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	81.1	1	382	3	2	0	2	1	8
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	ALJ Travel: hours per case	76	1.5	0	6	3	1	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.3	1	7	4	5	0	0	0	9
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	104.9	4	419	0	2	2	2	1	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Transcripts: pages per case	76	2674.0	13	14951	0	0	3	0	5	8
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Briefs: pages per case	76	611.8	0	1600	1	0	1	0	3	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Exhibits: pages per case	76	1197.0	82	2800	0	0	0	2	3	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Contested motions: number per case	76	5.0	0	17	3	3	1	0	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	39.3	4	67	0	1	1	2	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Procedures—

The Commission designates a matter for hearing. No application may be denied without an opportunity for a hearing. If there are competitive applicants a comparative hearing must be held. Appeal to the Commission can be filed within 30 days after public release of the initial decision.

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: Cable Television

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	10	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	2	N/A	N/A	N/A
Withdrawal	2	N/A	N/A	N/A
Dismissal	1	N/A	N/A	N/A
Other	1	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	0	N/A	N/A	N/A
ALJ Hearing w/o Decision	0	N/A	N/A	N/A
ALJ Decision w/o Hearing	4	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	2	N/A	N/A	N/A
No:	8	N/A	N/A	N/A
Result—				
Affirm	2	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	427.0	53	1052	0	2	2	2	2	8
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	--
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Other	All	76	117.2	3	303	2	4	4	0	0	10
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Posthearing	With	76	149.5	127	172	0	0	2	0	0	2
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
All	All	76	23.0	0	89	5	3	0	0	0	8
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	With	76	407.0	407	407	0	0	0	1	0	1
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
All	All	76	629.9	106	1351	0	1	1	3	2	7
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 1 N/A N/A N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.9	1	3	5	2	0	0	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	1.4	1	2	7	0	0	0	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	ALJ Travel: hours per case	76	0	0	0	4	0	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.3	1	4	4	3	0	0	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	0.8	0	3	4	1	0	0	0	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	Transcripts: pages per case	76	39.3	6	105	0	1	4	2	0	7
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	Briefs: pages per case	76	15.8	0	47	2	0	2	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	Exhibits: pages per case	76	0	0	0	4	0	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	Contested motions: number per case	76	0.5	0	1	4	0	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	4.5	0	11	3	2	1	0	0	6
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	--

Procedures—

The Commission designates a matter for hearing. Hearings may be held when cable television systems petition for special relief or when licensees are required to show cause why a certain activity should not cease. Appeal to the Commission can be filed within 30 days after public release of the initial decision.

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: Domestic Common Carrier

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	13	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	3	N/A	N/A	N/A
Withdrawal	0	N/A	N/A	N/A
Dismissal	0	N/A	N/A	N/A
Other	5	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	4	N/A	N/A	N/A
ALJ Hearing w/o Decision	0	N/A	N/A	N/A
ALJ Decision w/o Hearing	1	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	N/A	N/A	N/A
No:	12	N/A	N/A	N/A
Result—				
Affirm	1	N/A	N/A	N/A
Reverse	0	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	362.4	0	2066	4	3	4	0	2	13
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	
		78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	
Hearing	With ALJ	76	229.3	172	341	0	0	4	0	0	4
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	
Posthearing	All	76	354.3	56	1389	0	3	4	0	2	9
	Other	77	N/A	N/A	N/A	--	--	--	--	--	
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	
Total Time	With	76	782.0	782	782	0	0	0	0	1	1
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	
	Review	78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	
Total Time	All	76	743.6	135	2167	0	0	5	3	4	12
	Other	77	N/A	N/A	N/A	--	--	--	--	--	
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 4 N/A N/A N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	6.0	1	1	4	1	0	0	6	
		77	N/A	N/A	N/A	--	--	--	--	--	
		78	N/A	N/A	N/A	--	--	--	--	--	
		76-78	N/A	N/A	N/A	--	--	--	--	--	
	ALJ prehearing and hearing: hours per case	76	20.0	1	68	1	2	2	1	0	6
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	ALJ Travel: hours per case	76	0	0	0	4	0	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	8.5	0	30	1	3	2	0	0	6
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	31.2	3	98	0	1	3	1	0	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Transcripts: pages per case	76	694.2	23	2414	0	0	2	0	4	6
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Briefs: pages per case	76	196.4	49	356	0	0	1	2	2	5
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Exhibits: pages per case	76	802.5	572	1258	0	0	0	0	4	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Contested motions: number per case	76	3.3	0	6	1	3	0	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	27.3	17	34	0	0	4	0	0	4
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Procedures—

The Commission designates a matter for hearing. See discussion in caseload tables (p.113) of various types of hearings.

Agency: FEDERAL COMMUNICATIONS COMMISSION

Case type: Safety and Special Radio

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	29	N/A	N/A	N/A

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	3	N/A	N/A	N/A
Withdrawal	1	N/A	N/A	N/A
Dismissal	6	N/A	N/A	N/A
Other	1	N/A	N/A	N/A
On Merits—				
ALJ Hearing & Decision	15	N/A	N/A	N/A
ALJ Hearing w/o Decision	0	N/A	N/A	N/A
ALJ Decision w/o Hearing	3	N/A	N/A	N/A

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	3	N/A	N/A	N/A
No:	26	N/A	N/A	N/A
Result—				
Affirm	2	N/A	N/A	N/A
Reverse	1	N/A	N/A	N/A
Modify	0	N/A	N/A	N/A
Remand/Other	0	N/A	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	331.1	71	791	0	3	14	11	1	29
	Cases	77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	With ALJ	76	168.7	70	231	0	1	14	0	0	15
	Hearing on	77	N/A	N/A	N/A	--	--	--	--	--	--
	Merits	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Posthearing	All	76	187.3	44	520	0	4	9	1	0	14
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	With	76	173.3	154	193	0	0	3	0	0	3
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	All	76	765.3	479	973	11	15	0	0	0	26
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	With	76	765.3	479	973	0	0	0	1	2	3
	Agency	77	N/A	N/A	N/A	--	--	--	--	--	--
	Review	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Total Time	All	76	538.1	249	1013	0	0	7	16	3	26
	Other	77	N/A	N/A	N/A	--	--	--	--	--	--
	Cases	78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--

Notes—

^a The FCC did not submit data for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.4	1	5	19	1	0	0	0	20
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	3.6	1	11	6	12	1	0	0	19
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	ALJ Travel: hours per case	76	21.2	0	72	2	6	11	1	0	20
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	2.0	1	4	21	3	0	0	0	24
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	10.1	0	38	2	11	7	0	0	20
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Transcripts: pages per case	76	115.0	4	457	0	2	4	12	3	21
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
	Briefs: pages per case	76	18.7	0	55	3	2	12	0	0	17
		77	N/A	N/A	N/A	--	--	--	--	--	--
		78	N/A	N/A	N/A	--	--	--	--	--	--
		76-78	N/A	N/A	N/A	--	--	--	--	--	--
Exhibits: pages per case	76	15.7	0	38	4	3	12	0	0	19	
	77	N/A	N/A	N/A	--	--	--	--	--	--	
	78	N/A	N/A	N/A	--	--	--	--	--	--	
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	
Contested motions: number per case	76	1.2	0	6	13	4	0	0	0	17	
	77	N/A	N/A	N/A	--	--	--	--	--	--	
	78	N/A	N/A	N/A	--	--	--	--	--	--	
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	
Written opinions by ALJ: pages per case	76	5.0	0	11	7	13	3	0	0	23	
	77	N/A	N/A	N/A	--	--	--	--	--	--	
	78	N/A	N/A	N/A	--	--	--	--	--	--	
	76-78	N/A	N/A	N/A	--	--	--	--	--	--	

Procedures—

The Commission designates a matter for hearing. No application may be denied without an opportunity for a hearing. If there are competitive applicants a comparative hearing must be held. Appeal to the Commission can be filed within 30 days after public release of the initial decision.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

FEDERAL ENERGY REGULATORY COMMISSION ^a

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Natural Gas Act Pipeline Certificates					
15 USC 717(c), 717b, 717f(b), 717m 18 CFR 1, 2.62, 157	(75)		67	33	
	76	67	43	53	57
	77	57	27	36	48
	78	48	8	17	39
	76-78		78	106	
Natural Gas Act Pipeline Rates					
15 USC 717c(e) 18 CFR 1, 2.56, 2.59, 2.75	(75)		44	16	
	76	86	79	44	121
	77	121	46	65	102
	78	102	49	35	116
	76-78		174	144	
Natural Gas Act Pipeline Curtailments					
15 USC 717c, 717d 18 CFR 1	(75)		20	5	
	76	33	8	12	29
	77	29	0	10	19
	78	19	0	1	18
	76-78		8	23	
Natural Gas Act Pipeline Emergency Curtailment Relief					
15 USC 717f(c) 18 CFR 1	(75)		23	25	
	76	18	11	13	16
	77	16	0	2	14
	78	14	0	0	14
	76-78		11	15	

^a The Federal Power Commission was reorganized as the Federal Energy Regulatory Commission by the Department of Energy Organization Act, 91 Stat. 569, 42 USC 7131, effective Oct. 1, 1977.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

FEDERAL ENERGY REGULATORY COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Natural Gas Act Producers Certificates					
15 USC 717c, 717f 18 CFR 1	(75)		29	47	
	76	44	27	25	46
	77	46	14	21	39
	78	39	5	4	40
	76-78		46	50	
Applications by producers (i.e., producers or sellers of natural gas in interstate commerce by means other than through pipelines) for certificates of public convenience and necessity for any service with respect to the transportation of natural gas in interstate commerce. This casetype also includes applications for permission to abandon facilities or services, for emergency temporary rate relief, and for temporary certificates.					
Federal Power Act Electric Rates					
16 USC 824d(e) 18 CFR 1	(75)		82	50	
	76	110	112	74	148
	77	148	62	75	135
	78	135	70	64	141
	76-78		244	213	
Proceedings to determine the lawfulness of changes in rates, charges, classifications or services filed by electric utility companies and suspended pending hearing. Investigation initiated by complaint or on the Commission's motion to determine the justness and reasonableness of rates or charges. This case type also includes electric antitrust cases and accounting procedure cases.					
Federal Power Act Licensed Projects					
16 USC 797(e) 18 CFR 1	(75)		9	1	
	76	26	3	7	22
	77	22	6	7	21
	78	21	1	4	18
	76-78		10	18	
Applications for licenses (and amendments thereto) to construct and maintain or operate hydro-electric projects affecting federal lands and/or navigable waters.					
Oil Pipelines Ratemaking and Rulemaking					
49 USC 15(1), 15(8)	(75)		—	—	
	76	—	—	—	—
	77	—	0	0	0
	78	0	4	0	4
	76-78		4	0	
Proceedings to issue rules and to establish oil pipeline rates under authority transferred from the Interstate Commerce Commission, effective October 1977, 42 USCA 7172(b).					

^a The Federal Power Commission was reorganized as the Federal Energy Regulatory Commission by the Department of Energy Organization Act, 91 Stat. 569, 42 USC 7131, effective Oct. 1, 1977.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Natural Gas Act
Pipeline Certificates

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	56	38	14	108

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	4	7	3	14
Withdrawal	5	0	0	5
Dismissal	4	0	3	7
Other	5	4	1	10
On Merits—				
ALJ Hearing & Decision	38	26	7	71
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	1	0	1

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	36	27	6	69
No:	20	11	8	39
Result—				
Affirm	33	21	6	60
Reverse	0	3	0	3
Modify	1	2	0	3
Remand/Other	2	1	0	3

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of application / Date of hearing order	All	76	177.1	42	574	0	20	32	3	0	55
		Cases	77	273.5	41	1672	0	14	14	4	3	35
			78	302.5	99	733	0	3	6	3	1	13
			76-78	225.7	41	1672	0	37	52	10	4	103
Hearing	Hearing order / ALJ's decision	With ALJ	76	213.6	57	847	0	7	28	2	1	38
		Hearing on	77	368.3	31	1126	0	2	13	9	2	26
		Merits	78	422.7	99	1009	0	1	3	2	1	7
			76-78	290.8	31	1126	0	10	44	13	4	71
		All	76	189.3	38	820	0	10	5	2	1	18
		Other	77	221.6	4	1296	2	4	5	0	1	12
Posthearing	ALJ's decision / Final agency action	Cases	78	200.7	70	447	0	3	3	1	0	7
			76-78	201.9	4	1296	2	17	3	3	2	37
		With Agency Review	76	246.0	38	1447	0	11	19	5	1	36
			77	308.2	37	647	0	5	11	11	0	27
			78	237.8	43	732	0	2	3	0	1	6
			76-78	269.6	37	1447	0	18	33	16	2	69
Total Time	Application / Final agency action	All	76	111.8	0	648	12	3	3	2	0	20
		Other	77	146.9	0	799	3	6	1	0	1	11
		Cases	78	86.6	0	404	4	2	1	1	0	8
			76-78	116.5	0	799	19	11	5	3	1	39
		With Agency Review	76	629.8	235	1705	0	0	7	18	10	35
			77	969.4	240	2309	0	0	1	4	21	26
			78	1016.7	477	1490	0	0	0	1	5	6
			76-78	796.2	235	2309	0	0	8	23	36	67
		All	76	496.7	116	1240	0	1	8	7	4	20
		Other	77	533.9	50	1470	0	1	1	6	1	9
		Cases	78	590.7	169	1050	0	0	2	2	3	7
			76-78	524.3	50	1470	0	2	11	15	8	36

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing:	76	2.9	0	35	45	3	4	0	0	52
	separate days per case	77	11.1	1	253	18	15	3	0	1	37
		78	6.8	1	38	8	1	3	0	0	12
		76-78	6.4	0	253	71	19	10	0	1	101
	ALJ prehearing and hearing:	76	--	--	--	0	0	0	0	0	0
	hours per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel:	76	--	--	--	0	0	0	0	0	0
	hours per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency):	76	5.9	2	25	3	29	5	0	0	37
	number per case	77	10.1	2	70	3	17	5	1	0	26
		78	10.7	3	19	0	3	4	0	0	7
		76-78	7.9	2	70	6	49	14	1	0	70
Paperwork	Evidentiary documents (excluding briefs):	76	19.1	0	162	1	20	13	3	0	37
	number per case	77	26.0	1	105	3	6	12	4	0	25
		78	60.9	5	201	0	2	2	2	1	7
		76-78	25.9	0	201	4	28	27	9	1	69
	Transcripts:	76	336.0	8	4517	0	2	5	26	18	51
	pages per case	77	1661.2	13	44894	0	0	5	10	21	36
		78	870.1	20	4697	0	0	2	5	5	12
		76-78	882.6	8	44894	0	2	12	41	44	99
	Briefs:	76	58.7	0	190	2	3	17	14	0	36
	pages per case	77	312.0	13	5000	0	0	8	12	4	24
		78	224.9	10	610	0	0	3	1	3	7
		76-78	166.7	0	5000	2	3	28	27	7	67
	Exhibits:	76	--	--	--	0	0	0	0	0	0
	pages per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Contested motions:	76	--	--	--	0	0	0	0	0	0
	number per case ^a	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ:	76	14.0	2	33	1	10	26	0	0	37	
pages per case	77	35.0	4	430	0	9	14	2	1	26	
	78	36.0	6	152	0	2	4	1	0	7	
	76-78	24.0	2	430	1	21	44	3	1	70	

Procedures—

The prehearing stage begins when the company files an application for relief. The Office of Pipeline and Producer Regulation assigns the case to a member of the staff who may recommend that a hearing be held. When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Natural Gas Act
Pipeline Rates

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	45	61	33	139

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	20	32	19	71
Withdrawal	1	1	0	2
Dismissal	1	1	0	2
Other	8	1	1	10
On Merits—				
ALJ Hearing & Decision	15	26	13	54
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	15	24	9	48
No:	30	37	24	91
Result—				
Affirm	14	15	7	36
Reverse	0	2	1	3
Modify	1	7	1	9
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Complaint or show cause order / Date of hearing order	All	76	49.8	4	402	12	28	0	1	0	41
		Cases	77	81.8	1	1119	22	34	1	2	1	60
			78	36.0	5	62	15	17	0	0	0	32
			76-78	61.0	1	1119	49	79	1	3	1	133
Hearing	Hearing order / ALJ's decision	With ALJ	76	448.3	122	1520	0	0	8	5	2	15
		Hearing on	77	606.9	19	2089	1	0	6	12	7	26
		Merits	78	623.9	308	1048	0	0	3	6	4	13
			76-78	566.9	19	2089	1	0	17	23	13	54
		All	76	317.4	44	1423	0	6	12	11	1	30
		Other	77	321.9	7	1057	3	4	14	12	2	35
Posthearing	ALJ's decision / Final agency action	Cases	78	478.5	90	1383	0	1	9	7	3	20
			76-78	357.1	7	1423	3	11	35	30	6	85
		With Agency Review	76	379.9	74	1212	0	3	5	6	1	15
			77	447.1	19	1265	1	3	9	7	4	24
			78	534.3	176	757	0	0	2	5	2	9
			76-78	442.5	19	1265	1	6	16	18	7	48
Total Time	Complaint or show cause order / Final agency action	All	76	52.8	0	223	17	8	5	0	0	30
		Other	77	167.6	0	598	11	11	8	7	0	37
		Cases	78	141.7	0	661	11	4	5	4	0	24
			76-78	122.9	0	661	39	23	18	11	0	91
		With Agency Review	76	950.7	467	1746	0	0	0	6	7	13
			77	1151.6	371	2240	0	0	0	2	21	23
Total Time			78	1147.8	571	1766	0	0	0	2	6	8
			76-78	1091.5	371	2240	0	0	0	10	34	44
		All	76	424.6	90	1582	0	4	10	12	2	28
		Other	77	576.8	18	1200	1	1	7	19	9	37
Total Time		Cases	78	704.3	185	1749	0	0	3	13	8	24
			76-78	563.3	18	1749	1	5	20	44	19	89

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
												FY: 76	77
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	7.4 3.3 2.4 4.1	0 1 1 0	121 21 9 121	14 30 21 65	14 22 8 44	1 3 0 4	1 0 0 1	0 0 0 0	30 55 29 114		
	ALJ prehearing and hearing: hours per case ^a	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ Travel: hours per case ^a	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	9.4 10.9 5.9 9.3	0 2 2 0	47 47 19 47	5 2 3 10	5 13 8 26	7 10 2 19	0 0 0 0	0 0 0 0	17 25 13 55	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	31.9 35.1 25.1 31.8	0 3 2 0	226 148 53 226	4 0 1 5	1 5 2 8	12 16 10 38	0 4 0 4	1 0 0 1	18 25 13 56
			Transcripts: pages per case	76 77 78 76-78	950.3 355.0 246.9 485.8	4 2 4 2	14432 2929 1296 14432	0 1 0 1	2 3 5 10	1 10 7 18	6 16 7 29	20 20 10 50	29 50 29 108
			Briefs: pages per case	76 77 78 76-78	197.4 113.9 153.5 150.4	0 16 40 0	1594 439 475 1594	3 0 0 3	1 0 0 1	5 8 2 15	4 12 8 24	4 3 3 10	17 23 13 53
	Exhibits: pages per case ^a		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case ^a		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case		76 77 78 76-78	22.8 21.2 23.4 22.2	0 3 7 0	100 70 50 100	3 0 0 3	2 1 2 5	12 23 11 46	1 1 0 2	0 0 0 0	18 25 13 56

Procedures—

The case is initiated by the filing of a rate by a gas company. An investigation may be initiated by a third-party complaint or by the Commission on its own motion. The rate may then be suspended pending a hearing.

When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled

to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Natural Gas Act
Pipeline Curtailments

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	15	11	1	27

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	3	4	0	7
Withdrawal	3	0	0	3
Dismissal	0	0	0	0
Other	2	0	0	2
On Merits--				
ALJ Hearing & Decision	7	7	1	15
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review--				
Yes:	7	7	1	15
No:	8	4	0	12
Result--				
Affirm	7	3	1	11
Reverse	0	1	0	1
Modify	0	3	0	3
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Plan, complaint, or show cause order / Date of hearing order	All	76	62.1	5	276	5	9	1	0	0	15
		Cases	77	99.9	0	266	3	5	3	0	0	11
			78	87.0	87	87	0	1	0	0	0	1
			76-78	78.4	0	276	8	15	4	0	0	27
Hearing	Hearing order / ALJ's decision	With ALJ	76	191.1	32	458	0	1	5	1	0	7
		Hearing on	77	374.6	127	622	0	0	4	3	0	7
		Merits	78	450.0	450	450	0	0	0	1	0	1
			76-78	294.0	32	622	0	1	9	5	0	15
		All	76	222.3	29	705	1	2	4	1	0	8
		Other	77	160.5	90	261	0	2	2	0	0	4
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	201.7	29	705	1	4	6	1	0	12
		With Agency Review	76	221.9	38	645	0	3	2	2	0	7
			77	211.1	42	411	0	2	3	2	0	7
			78	626.0	626	626	0	0	0	1	0	1
			76-78	243.8	38	645	0	5	5	5	0	15
Total Time	Plan, complaint, or show cause order / Final agency action	All	76	71.0	0	245	4	2	2	0	0	8
		Other	77	275.8	154	598	0	0	3	1	0	4
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	139.3	0	598	4	2	5	1	0	12
Total Time	Plan, complaint, or show cause order / Final agency action	With Agency Review	76	451.7	190	879	0	0	3	3	1	7
			77	693.4	477	908	0	0	0	4	3	7
			78	1163.0	1163	1163	0	0	0	0	1	1
			76-78	611.9	190	1163	0	0	3	7	5	15
		All	76	375.9	124	1005	0	0	6	1	1	8
		Other	77	522.5	278	886	0	0	2	1	1	4
	78	--	--	--	0	0	0	0	0	0		
	76-78	424.8	124	1005	0	0	8	2	2	12		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	Cases with full or partial hearing—							
						0-2	3-9	10-59	60-199	200+days, etc.			
						FY: 76 77 78 76-78							
						Number: 13 11 1 25							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	6.5 3.6 8.0 5.3	1 1 8 1	39 16 8 39	7 7 0 14	3 3 1 7	3 1 0 4	0 0 0 0	0 0 0 0	13 11 1 25		
	ALJ prehearing and hearing: hours per case ^a	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ Travel: hours per case ^a	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	19.7 16.7 31.0 19.1	3 3 31 3	54 48 31 54	0 0 0 0	4 4 0 8	3 3 1 7	0 0 0 0	0 0 0 0	7 7 1 15	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	45.9 26.4 28.0 35.6	6 1 28 1	116 92 28 116	0 1 0 1	1 1 0 2	4 4 1 9	2 1 0 3	0 0 0 0	7 7 1 15
			Transcripts: pages per case	76 77 78 76-78	914.8 416.4 520.0 679.7	37 18 520 18	6547 2841 520 6547	0 0 0 0	0 0 0 0	2 3 0 5	4 5 0 9	7 3 1 11	13 11 1 25
			Briefs: pages per case	76 77 78 76-78	146.1 122.9 28.0 127.4	18 15 28 15	438 415 28 438	0 0 0 0	0 0 0 0	2 2 1 5	4 4 0 8	1 1 0 2	7 7 1 15
	Exhibits: pages per case ^a		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case ^a		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case		76 77 78 76-78	21.7 21.9 11.0 21.1	14 5 11 5	29 79 11 79	0 0 0 0	0 3 0 3	7 3 1 11	0 1 0 1	0 0 0 0	7 7 1 15

Procedures—

The case may be initiated by (1) the filing of the company's curtailment plan, or (2) when such a plan is filed as a proposed tariff amendment, it may be challenged by a complaint or a show cause order issued on the motion of the Commission. A NEPA statement may be required in the prehearing stage.

When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits

until one week before the prehearing conference is scheduled to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Natural Gas Act
Pipeline Emergency Curtailment Relief

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	12	0	0	12

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	1	0	0	1
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	1	0	0	1
On Merits—				
ALJ Hearing & Decision	10	0	0	10
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	10	0	0	10
No:	2	0	0	2
Result—				
Affirm	9	0	0	9
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	1	0	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of application / Date of hearing order	All Cases	76	148.7	20	475	2	4	5	1	0	12
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	148.7	20	475	2	4	5	1	0	12	
Hearing	Hearing order / ALJ's decision	With ALJ Hearing on Merits	76	186.0	45	339	0	3	7	0	0	10
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	186.0	45	339	0	3	7	0	0	10	
		All Other Cases	76	99.5	87	112	0	2	0	0	0	2
		77	--	--	--	0	0	0	0	0	0	
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	132.3	40	234	0	4	6	0	0	10
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	132.3	40	234	0	4	6	0	0	10	
		All Other Cases	76	62.5	0	125	1	0	1	0	0	2
		77	--	--	--	0	0	0	0	0	0	
Total Time	Application / Final agency action	With Agency Review	76	492.1	259	743	0	0	3	6	1	10
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	492.1	259	743	0	0	3	6	1	10	
		All Other Cases	76	185.0	132	238	0	0	2	0	0	2
		77	--	--	--	0	0	0	0	0	0	
78	--	--	--	0	0	0	0	0	0			
76-78	185.0	132	238	0	0	2	0	0	2			

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 11 0 0 11

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.9	1	4	9	2	0	0	0	11
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	1.9	1	4	9	2	0	0	0	11
	ALJ prehearing and hearing: hours per case ^a	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case ^a	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Parties	Petitioners, respondents, intervenors (including agency): number per case	76	7.7	3	11	0	7	3	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	7.7	3	11	0	7	3	0	0	10
Paperwork	Evidentiary documents (excluding briefs): number per case	76	13.7	3	24	0	3	7	0	0	10
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	13.7	3	24	0	3	7	0	0	10
	Transcripts: pages per case	76	223.7	49	530	0	0	1	6	4	11
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	223.7	49	530	0	0	1	6	4	11
	Briefs: pages per case	76	88.4	22	180	0	0	3	4	0	7
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	88.4	22	180	0	0	3	4	0	7
	Exhibits: pages per case ^a	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Contested motions: number per case ^a	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	13.8	4	26	0	3	7	0	0	10	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	13.8	4	26	0	3	7	0	0	10	

Procedures—

The proceeding is initiated by the filing of a petition for relief by the distributor or user of natural gas. The Office of Pipeline and Producer Regulation assigns the case to a member of the staff who may recommend that a hearing be held. When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Natural Gas Act
Producers Certificates

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	26	21	3	50

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	8	8	1	17
Withdrawal	1	0	0	1
Dismissal	1	1	2	4
Other	3	2	0	5
On Merits—				
ALJ Hearing & Decision	12	10	0	22
ALJ Hearing w/o Decision	1	0	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	13	10	0	23
No:	13	11	3	27
Result—				
Affirm	11	10	0	21
Reverse	1	0	0	1
Modify	0	0	0	0
Remand/Other	1	0	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of application / Date of hearing order	All	76	172.7	39	587	0	10	9	2	0	21
		Cases	77	498.0	0	4338	3	6	6	2	4	21
			78	271.7	55	422	0	1	1	1	0	3
			76-78	331.1	0	4338	3	17	16	5	4	45
Hearing	Hearing order / ALJ's decision	With ALJ	76	258.3	49	415	0	3	7	3	0	13
		Hearing on	77	325.5	47	656	0	2	4	4	0	10
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	287.5	47	656	0	5	11	7	0	23
	All Other		76	195.2	23	578	1	3	7	2	0	13
		Cases	77	142.5	37	343	0	5	6	0	0	11
		78	556.3	85	1485	0	2	0	0	1	3	
		76-78	213.9	23	1488	1	10	13	2	1	27	
Posthearing	ALJ's decision / Final agency action	With	76	234.3	31	1223	0	7	4	1	1	13
		Agency	77	374.2	39	2210	0	5	3	1	1	10
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	295.1	31	2210	0	12	7	2	2	23
	All Other		76	64.2	0	248	6	5	2	0	0	13
		Cases	77	147.8	0	619	4	3	2	2	0	11
		78	41.7	0	125	2	0	1	0	0	3	
		76-78	95.8	0	619	12	8	5	2	0	27	
Total Time	Application / Final agency action	With	76	676.8	213	1691	0	0	3	4	3	10
		Agency	77	1421.8	186	4680	0	0	1	2	7	10
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	1049.3	186	4680	0	0	4	6	10	20
	All Other		76	451.5	250	724	0	0	4	7	0	11
		Cases	77	584.5	55	1318	0	1	4	2	4	11
		78	869.7	423	1543	0	0	0	2	1	3	
		76-78	560.2	55	1543	0	1	8	11	5	25	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Distribution of Cases by Time/Effort Item					N
		76	77	78	76-78	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
		Number:									
		21	20	1	42						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.9	1	12	13	7	1	0	0	21
		77	2.5	1	6	14	6	0	0	0	20
		78	2.0	2	2	1	0	0	0	0	1
		76-78	2.6	1	12	28	13	1	0	0	42
	ALJ prehearing and hearing: hours per case ^a	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case ^a	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	5.3	2	16	1	10	1	0	0	12
		77	5.4	2	15	1	7	2	0	0	10
		78	--	--	--	0	0	0	0	0	0
		76-78	5.3	2	16	2	17	3	0	0	22
Paperwork	Evidentiary documents (excluding briefs): number per case	76	17.6	0	66	1	4	6	1	0	12
		77	24.2	1	68	2	1	6	1	0	10
		78	--	--	--	0	0	0	0	0	0
		76-78	20.6	0	68	3	5	12	2	0	22
	Transcripts: pages per case	76	216.6	10	953	0	0	6	6	9	21
		77	197.0	12	695	0	0	7	5	8	20
		78	88.0	88	88	0	0	0	1	0	1
		76-78	204.2	10	953	0	0	13	12	17	42
	Briefs: pages per case	76	74.2	0	149	1	1	2	6	0	10
		77	80.4	15	262	0	0	4	3	1	8
		78	--	--	--	0	0	0	0	0	0
		76-78	76.9	0	262	1	1	6	9	1	18
Exhibits: pages per case ^a	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Contested motions: number per case ^a	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	19.9	2	4	1	2	9	0	0	12	
	77	15.9	4	32	0	3	7	0	0	10	
	78	--	--	--	0	0	0	0	0	0	
	76-78	18.1	2	32	1	5	16	0	0	22	

Procedures—

The prehearing stage begins when the company files an application for relief (in this case a certificate). The Office of Pipeline and Producer Regulation assigns the case to a member of the staff who may recommend that a hearing be held. When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Federal Power Act
Electric Rates

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	76	76	61	213

MANNER OF TERMINATION (number of cases)

Not on Merits--	76	77	78	76-78
Settlement	42	42	35	119
Withdrawal	3	1	2	6
Dismissal	2	1	2	5
Other	8	1	1	10
On Merits--				
ALJ Hearing & Decision	21	31	21	73
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	20	29	21	70
No:	56	47	40	143
Result--				
Affirm	18	18	20	56
Reverse	0	3	1	4
Modify	1	5	0	6
Remand/Other	1	3	0	4

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Complaint or show cause order / Date of hearing order	All	76	110.6	27	702	19	37	14	5	0	75
		Cases	77	119.9	25	2577	21	41	9	3	1	75
			78	63.2	0	453	26	27	6	1	0	60
			76-78	100.4	0	2577	66	105	29	9	1	210
Hearing	Hearing order / ALJ's decision	With ALJ	76	474.6	51	1159	0	1	8	9	3	21
		Hearing on Merits	77	683.2	223	1640	0	0	7	12	12	31
			78	584.6	105	1859	0	1	4	12	4	21
			76-78	594.8	51	1859	0	2	19	33	19	73
	All Other Cases		76	352.3	43	1294	0	4	29	19	3	55
			77	439.5	27	1833	1	1	20	18	5	45
		78	381.2	55	1395	0	3	22	11	4	40	
		76-78	388.6	27	1833	1	8	71	48	12	140	
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	198.1	34	638	0	7	12	1	0	20
			77	304.2	40	749	0	2	21	5	1	29
			78	341.7	45	681	0	2	11	8	0	21
			76-78	285.1	34	749	0	11	44	14	1	70
	All Other Cases		76	56.4	0	616	30	20	5	1	0	56
			77	74.8	0	375	19	17	10	1	0	47
		78	79.5	0	390	16	13	10	1	0	40	
		76-78	68.9	0	616	65	50	25	3	0	143	
Total Time	Complaint or show cause order / Final agency action	With Agency Review	76	837.5	290	1762	0	0	2	7	11	20
			77	1179.3	485	3788	0	0	0	6	23	29
			78	984.4	185	2374	0	0	2	3	16	21
			76-78	1023.1	185	3788	0	0	4	16	50	70
	All Other Cases		76	505.9	80	2091	0	1	16	32	6	55
			77	599.4	57	2118	0	1	10	26	9	46
		78	529.8	101	1848	0	1	12	21	5	39	
		76-78	543.3	57	2118	0	3	38	79	20	140	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:	76	77	78	76-78						
		Number:	49	69	58	176						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	3.5	0	23	28	18	4	0	0	50	
		77	4.6	1	36	35	26	8	0	0	69	
		78	3.2	1	16	38	15	4	0	0	57	
		76-78	3.8	0	36	101	59	16	0	0	176	
		ALJ prehearing and hearing: hours per case ^a	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		ALJ Travel: hours per case ^a	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	4.3	2	11	1	19	1	0	0	21	
		77	4.5	2	15	3	26	2	0	0	31	
		78	5.0	2	10	1	17	3	0	0	21	
		76-78	4.6	2	15	5	62	6	0	0	73	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	30.5	0	100	5	1	11	4	0	21	
		77	48.3	2	202	1	2	19	8	1	31	
		78	47.2	8	155	0	1	14	6	0	21	
		76-78	42.9	0	202	6	4	44	18	1	73	
		Transcripts: pages per case	76	364.5	3	2893	0	3	9	17	19	48
			77	514.6	2	4794	1	9	19	9	31	69
			78	320.7	2	2041	1	12	15	7	22	57
			76-78	409.7	2	4794	2	24	43	33	72	174
		Briefs: pages per case	76	86.5	5	400	0	1	10	6	2	19
			77	153.7	14	460	0	0	11	9	11	31
			78	165.0	29	543	0	0	4	10	7	21
			76-78	139.1	5	543	0	1	25	25	20	71
	Exhibits: pages per case ^a	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Contested motions: number per case ^a	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Written opinions by ALJ: pages per case	76	15.3	2	39	2	5	14	0	0	21	
		77	25.9	5	88	0	6	22	3	0	31	
		78	26.2	7	83	0	3	16	2	0	21	
		76-78	22.9	2	88	2	14	52	5	0	73	

Procedures—

The case is initiated by the filing of a rate by an electric company. An investigation may be initiated by a third-party complaint or by the Commission on its own motion. The rate may then be suspended pending a hearing.

When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled

to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

Agency: FEDERAL ENERGY REGULATORY COMMISSION

Case type: Federal Power Act
Licensed Projects

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	7	8	3	18

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	3	1	0	4
Withdrawal	0	0	0	0
Dismissal	1	0	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	7	3	13
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	3	7	3	13
No:	4	1	0	5
Result—				
Affirm	3	6	2	11
Reverse	0	0	1	1
Modify	0	1	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of application / Date of hearing order	All	76	1068.4	54	3949	0	1	1	3	2	7
		Cases	77	500.3	10	1191	1	1	1	3	2	8
			78	2309.7	676	3285	0	0	0	1	2	3
			76-78	1022.8	10	3949	1	2	2	7	6	18
Hearing	Hearing order / ALJ's decision	With ALJ	76	676.3	420	1153	0	0	0	2	1	3
		Hearing on	77	676.0	336	1241	0	0	2	3	2	7
		Merits	78	1028.0	833	1177	0	0	0	0	3	3
			76-78	757.3	336	1241	0	0	2	5	6	13
		All	76	563.8	202	1072	0	0	2	1	1	4
		Other	77	19.0	19	19	1	0	0	0	0	1
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	454.8	19	1072	1	0	2	1	1	5
		With Agency Review	76	317.7	98	577	0	1	1	1	0	3
			77	300.9	106	516	0	2	2	3	0	7
			78	478.3	327	604	0	0	1	2	0	3
			76-78	345.7	98	604	0	3	4	6	0	13
Total Time	Application / Final agency action	All	76	93.3	0	268	2	1	1	0	0	4
		Other	77	41.0	41	41	0	1	0	0	0	1
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	82.8	0	268	2	2	1	0	0	5
		With Agency Review	76	1455.0	608	2427	0	0	0	1	2	3
			77	1544.1	800	2512	0	0	0	0	7	7
	78	3816.0	2254	4722	0	0	0	0	3	3		
	76-78	2047.8	608	4722	0	0	0	1	12	13		
Total Time	Application / Final agency action	All	76	2181.0	891	4151	0	0	0	1	3	4
		Other	77	91.0	91	91	0	1	0	0	0	1
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	1763.0	91	4151	0	1	0	0	4	5

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	FY: 76 77 78 76-78						
					0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing:	76	12.2	1	25	1	1	3	0	0	5
	separate	77	19.0	2	67	3	0	4	1	0	8
	days per case	78	6.7	2	15	1	1	1	0	0	3
		76-78	14.6	1	67	5	2	8	1	0	16
	ALJ prehearing and hearing:	76	--	--	--	0	0	0	0	0	0
	hours per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel:	76	--	--	--	0	0	0	0	0	0
	hours per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respon-	76	8.0	3	16	0	2	1	0	0	3
	dents, intervenors	77	6.1	2	11	2	2	3	0	0	7
	(including agency):	78	5.3	4	7	0	3	0	0	0	3
	number per case	76-78	6.4	2	16	2	7	4	0	0	13
Paperwork	Evidentiary docu-	76	97.3	65	161	0	0	0	3	0	3
	ments (excluding	77	116.6	19	298	0	0	3	3	1	7
	briefs):	78	57.0	2	95	1	0	0	2	0	3
	number per case	76-78	98.4	2	298	1	0	3	8	1	13
	Transcripts:	76	1818.0	15	4047	0	0	1	0	4	5
	pages per case	77	2780.4	130	9827	0	0	0	2	6	8
		78	905.3	122	2096	0	0	0	1	2	3
		76-78	2128.1	15	9827	0	0	1	3	12	16
	Briefs:	76	249.0	179	383	0	0	0	2	1	3
	pages per case	77	253.4	75	480	0	0	0	3	4	7
		78	115.0	81	182	0	0	0	3	0	3
		76-78	220.5	75	480	0	0	0	8	5	13
	Exhibits:	76	--	--	--	0	0	0	0	0	0
	pages per case ^a	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Contested	76	--	--	--	0	0	0	0	0	0	
motions:	77	--	--	--	0	0	0	0	0	0	
number per case ^a	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions	76	49.3	34	62	0	0	2	1	0	3	
by ALJ:	77	52.1	13	94	0	0	4	3	0	7	
pages per case	78	38.3	21	68	0	0	2	1	0	3	
	76-78	48.3	13	94	0	0	8	5	0	13	

Procedures—

The prehearing stage begins when the company files an application for relief. The Office of Electric Power Regulation assigns the case to a member of the staff who may recommend that a hearing be held. When the case is ordered for hearing, it is referred to the CALJ's office. There is sometimes a delay before the case is assigned to an individual ALJ. Due to frequent postponements, often requested by staff, the CALJ waits until one week before the prehearing conference is scheduled to assign the case. In the meantime, all preliminary motions are handled by the Secretary to the FERC.

After the ALJ has written the initial decision, briefs on exceptions are due in 30 days, unless the time is extended or shortened by order of the Commission, and briefs opposing exceptions are normally due 20 days after that.

A NEPA statement may be required in the prehearing stage.

^aThe FERC Office of Administrative Law Judges did not submit data for these categories.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

FEDERAL MARITIME COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Shipping Act, 1916 Reparations					
46 USC 821 46 CFR 502	(75)		22	19	
	76	40	55	35	60
	77	60	17	40	37
	78	37	29	28	38
	76-78		101	103	
Shipping Act, 1916 Freight Forwarder Licensing					
46 USC 841b 46 CFR 502	(75)		4	3	
	76	3	2	5	0
	77	0	3	1	2
	78	2	1	0	3
	76-78		6	6	
Shipping Act, 1916 Agreements					
46 USC 814 46 CFR 502	(75)		8	8	
	76	19	7	6	20
	77	20	15	10	25
	78	25	2	6	21
	76-78		24	22	
Intercoastal Shipping Act, 1933 Proposed Rates					
46 USC 845 46 CFR 502	(75)		11	18	
	76	20	13	10	23
	77	23	6	10	19
	78	19	2	9	12
	76-78		21	29	

Determination upon formal complaint whether any rate, fare, charge, rule, regulation, or practice of common carriers by water or others subject to the Act, is lawful or unlawful, and if found unlawful, whether the payment of a reparation to the complainant should be directed.

Determination of whether an applicant for a forwarder's license, meets the Act's qualifications or whether an existing licensee no longer does.

Determination of whether any agreement between common carriers, terminal operators, freight forwarders or others subject to the Act or the Commission's regulations should be approved, modified, or cancelled.

Proceedings to investigate and determine the lawfulness of new or changed rates, fares, charges, regulations or practices contained in any schedule filed by a carrier engaged in domestic off-shore trade. Filings may be suspended up to four months during pendency of hearing.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

FEDERAL MARITIME COMMISSION (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Shipping Act, 1916 Civil Penalty (Discriminatory Practice)	(75)		2	1	
46 USC 815					
46 CFR 502					
	76	8	4	3	9
	77	9	0	4	5
	78	5	2	3	4
	76-78		6	10	
Shipping Act, 1916 Special Docket	(75)		10	4	
46 USC 817(b)(3)					
46 CFR 502					
	76	10	17	15	12
	77	12	59	35	36
	78	36	52	63	25
	76-78		128	113	
Miscellaneous	(75)		0	0	
	76	0	0	0	0
	77	1	0	0	1
	78	1	0	1	0
	76-78		0	1	

Proceedings to determine whether a civil penalty should be assessed for discriminatory action by common carriers and other persons subject to the Act.

Applications by a common carrier for permission to waive the collection of undercharges or to refund any portion of freight charges on the grounds of clerical or administrative error, where no discrimination will result.

Agency: FEDERAL MARITIME COMMISSION

Case type: Shipping Act, 1916
Reparations

Case-Closed Cards Submitted--				
FY:	76	77	78	76-78
Number:	31	36	23	90

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits--				
Settlement	4	0	0	4
Withdrawal	0	0	0	0
Dismissal	18	15	8	41
Other	0	1	0	1
On Merits--				
ALJ Hearing & Decision	4	8	8	20
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	5	12	7	24

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review--				
Yes:	11	32	22	65
No:	20	4	1	25
Result--				
Affirm	5	22	19	46
Reverse	2	3	1	6
Modify	0	2	0	2
Remand/Other	4	5	2	11

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of complaint / Referral to CALJ	All	76	2.0	0	9	31	0	0	0	0	31
		Cases	77	2.3	0	11	29	0	0	0	0	29
			78	2.9	0	14	20	0	0	0	0	20
			76-78	2.3	0	14	80	0	0	0	0	80
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	485.0	222	611	0	0	1	3	0	4
		Hearing on	77	678.5	113	1019	0	1	1	2	4	8
		Merits	78	682.1	105	1452	0	1	2	1	4	8
			76-78	641.3	105	1452	0	2	4	6	8	20
		All	76	317.9	9	1760	3	13	6	0	5	27
		Other	77	286.4	20	1064	1	11	8	5	3	28
Posthearing	ALJ's decision / Final agency action	Cases	78	461.5	2	2429	1	5	5	1	3	15
			76-78	336.1	2	2429	5	29	19	6	11	70
		With Agency Review	76	198.2	29	767	4	1	5	0	1	11
			77	227.8	25	594	6	9	6	11	0	32
			78	219.0	27	1067	5	7	5	3	2	22
			76-78	219.8	25	1067	15	17	16	14	3	65
Total Time	Filing of complaint / Final agency action	All	76	0	0	0	20	0	0	0	0	20
		Other	77	7.5	0	30	4	0	0	0	0	4
		Cases	78	28.0	28	28	1	0	0	0	0	1
			76-78	2.3	0	30	25	0	0	0	0	25
		With Agency Review	76	444.5	74	1379	0	3	3	2	3	11
			77	541.8	124	1098	0	0	6	13	6	25
Notes--			78	744.7	97	2461	0	2	8	2	7	19
			76-78	592.5	74	2461	0	5	17	17	16	55
		All	76	393.8	10	1761	3	8	4	0	5	20
		Other	77	165.5	47	283	0	2	2	0	0	4
		Cases	78	1160.0	1160	1160	0	0	0	0	1	1
			76-78	387.9	10	1761	3	10	6	0	6	25

Notes--

^a The cases listed as terminated by "ALJ Decision w/o Hearing" were subject to the "shortened procedure" authorized by 46 CFR 502.181. Consent of the parties is required for a case to be conducted without an oral hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	3.1	1	7	5	5	0	0	0	10
		77	2.0	1	3	6	2	0	0	0	8
		78	4.5	1	22	7	5	1	0	0	13
		76-78	3.4	1	22	18	12	1	0	0	31
	ALJ prehearing and hearing: hours per case	76	10.6	1	36	3	3	4	0	0	10
		77	4.8	1	14	5	1	2	0	0	8
		78	20.0	1	120	2	6	4	1	0	13
		76-78	13.0	1	120	10	10	10	1	0	31
	ALJ Travel: hours per case	76	—	—	—	0	0	0	0	0	0
		77	48.0	24	72	0	0	1	1	0	2
		78	62.4	48	96	0	0	3	2	0	5
		76-78	58.3	24	96	0	0	4	3	0	7
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	8.7	2	83	1	26	3	1	0	31
		77	6.4	3	19	0	6	2	0	0	8
		78	7.2	3	65	0	20	2	1	0	23
		76-78	7.8	2	83	1	52	7	2	0	62
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	20.5	2	35	1	0	7	0	0	8
		77	11.2	4	20	0	2	3	0	0	5
		78	28.1	1	100	1	0	6	1	0	8
		76-78	21.2	1	100	2	2	16	1	0	21
	Transcripts: pages per case	76	347.5	31	927	0	0	2	2	6	10
		77	135.6	18	447	0	0	5	1	2	8
		78	501.9	14	2984	0	0	2	5	6	13
		76-78	357.6	14	2984	0	0	9	8	14	31
	Briefs: pages per case	76	142.3	98	217	0	0	0	3	1	4
		77	40.2	17	63	0	0	4	1	0	5
		78	175.1	31	733	0	0	2	4	2	8
		76-78	127.7	17	733	0	0	6	8	3	17
Exhibits: pages per case	76	252.5	3	1200	0	1	1	4	2	8	
	77	118.8	17	266	0	0	2	3	1	6	
	78	262.1	2	1184	1	0	1	4	2	8	
	76-78	219.5	2	1200	1	1	4	11	5	22	
Contested motions: number per case	76	2.5	1	5	3	1	0	0	0	4	
	77	1.0	1	1	1	0	0	0	0	1	
	78	4.0	1	12	4	2	1	0	0	7	
	76-78	3.3	1	12	8	3	1	0	0	12	
Written opinions by ALJ: pages per case	76	10.1	2	34	1	5	3	0	0	9	
	77	19.2	6	52	0	1	5	0	0	6	
	78	20.2	3	92	0	8	7	1	0	16	
	76-78	17.1	2	92	1	14	15	1	0	31	

Procedures—

The case is initiated by the filing of a complaint by the person seeking reparations. The case is forwarded to the CALJ's office almost immediately, resulting in very little elapsed time in the prehearing stage. After the ALJ's initial decision is issued, the parties have 22 days in which to file exceptions. Replies are due in 22 days. The Commission may, within 45 days, determine to review on its own motion.

Agency: FEDERAL MARITIME COMMISSION

Case type: Shipping Act, 1916
Freight Forwarder Licensing

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	5	1	1	7

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	1	1	0	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	4	0	1	5
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	4	1	1	6
No:	1	0	0	1
Result—				
Affirm	3	1	0	4
Reverse	1	0	0	1
Modify	0	0	0	0
Remand/Other	0	0	1	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of complaint or application / Referral to CALJ	All	76	240.8	108	337	0	1	4	0	0	5
		Cases	77	508.0	508	508	0	0	0	1	0	1
			78	109.0	109	109	0	1	0	0	0	1
			76-78	260.1	108	508	0	2	4	1	0	7
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	241.3	175	290	0	0	4	0	0	4
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	339.0	339	339	0	0	1	0	0	1
			76-78	260.8	175	339	0	0	5	0	0	5
		All	76	143.0	143	143	0	0	1	0	0	1
		Other	77	42.0	42	42	0	1	0	0	0	1
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	92.5	42	143	0	1	1	0	0	2
		With	76	183.3	27	474	1	1	1	1	0	4
		Agency	77	63.0	63	63	0	1	0	0	0	1
		Review	78	158.0	158	158	0	0	1	0	0	1
			76-78	159.0	27	474	1	2	2	1	0	6
Total Time	Filing of complaint or application / Final agency action	All	76	0	0	0	1	0	0	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	0	0	0	1	0	0	0	0	1
		With	76	644.3	405	986	0	0	0	3	1	4
		Agency	77	613.0	613	613	0	0	0	1	0	1
Review	78	606.0	606	606	0	0	0	1	0	1		
	76-78	632.7	405	986	0	0	0	5	1	6		
		All	76	468.0	468	468	0	0	0	1	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	468.0	468	468	0	0	0	1	0	1

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY:	76	77	78	76-78
Number:	4	0	1	5

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.8	1	3	3	1	0	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	3.0	3	3	0	1	0	0	0	1
		76-78	2.0	1	3	3	2	0	0	0	5
	ALJ prehearing and hearing: hours per case	76	4.0	1	9	2	2	0	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	10.0	10	10	0	0	1	0	0	1
		76-78	5.2	1	10	2	2	1	0	0	5
	ALJ Travel: hours per case	76	28.0	24	32	0	0	2	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	28.0	24	32	0	0	2	0	0	2
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.0	3	3	0	5	0	0	0	5
		77	--	--	--	0	0	0	0	0	0
		78	3.0	3	3	0	1	0	0	0	1
		76-78	3.0	3	3	0	6	0	0	0	6
Paperwork	Evidentiary documents (excluding briefs): number per case	76	10.7	2	20	1	0	2	0	0	3
		77	--	--	--	0	0	0	0	0	0
		78	7.0	7	7	0	1	0	0	0	1
		76-78	9.8	2	20	1	1	2	0	0	4
	Transcripts: pages per case	76	114.5	11	265	0	0	2	1	1	4
		77	--	--	--	0	0	0	0	0	0
		78	282.0	282	282	0	0	0	0	1	1
		76-78	148.0	11	282	0	0	2	1	2	5
	Briefs: pages per case	76	30.8	12	47	0	0	4	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	91.0	91	91	0	0	0	1	0	1
		76-78	42.8	12	91	0	0	4	1	0	5
	Exhibits: pages per case	76	152.0	19	270	0	0	1	1	1	3
		77	--	--	--	0	0	0	0	0	0
		78	219.0	219	219	0	0	0	0	1	1
		76-78	168.8	19	270	0	0	1	1	2	4
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	2.0	2	2	1	0	0	0	0	1
		76-78	2.0	2	2	1	0	0	0	0	1
Written opinions by ALJ: pages per case	76	17.8	11	29	0	0	4	0	0	4	
	77	--	--	--	0	0	0	0	0	0	
	78	25.0	25	25	0	0	1	0	0	1	
	76-78	19.2	11	29	0	0	5	0	0	5	

Procedures--

These cases may arise in two ways. First, a complaint may be filed against an existing license holder by another party or by the Commission on its own motion, after which a suspension or revocation hearing begins. Secondly, if an application for a license or an amendment to a license is denied, a hearing may be held. Such a case is referred to the

CALJ's office when a formal order of investigation is issued.

After the ALJ's decision is issued, the parties have 22 days in which to file exceptions. Replies are due in 22 days. The Commission may, within 45 days, determine to review on its own motion.

Agency: FEDERAL MARITIME COMMISSION

Case type: Shipping Act, 1916 Agreements

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	6	10	6	22

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	1	7	4	12
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	3	1	7
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	1	2

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	5	10	4	19
No:	1	0	2	3
Result—				
Affirm	3	9	3	15
Reverse	1	0	0	1
Modify	0	1	1	2
Remand/Other	1	0	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of complaint or application / Referral to CALJ	All	76	231.0	63	727	0	3	2	1	0	6
		Cases	77	293.9	7	1000	2	2	3	2	1	10
			78	282.0	0	681	1	0	3	1	0	5
			76-78	273.1	0	1000	3	5	8	4	1	21
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	360.7	178	584	0	0	2	1	0	3
		Hearing on Merits	77	381.0	220	616	0	0	2	1	0	3
			78	1019.0	1019	1019	0	0	0	0	1	1
			76-78	463.4	178	1019	0	0	4	2	1	7
	All	76	429.0	141	810	0	0	2	0	1	3	
	Other	77	419.6	76	1319	0	4	1	0	2	7	
Posthearing	ALJ's decision / Final agency action	Cases	78	872.2	31	2087	0	1	2	0	2	5
			76-78	572.3	31	2087	0	5	5	0	5	15
		All	76	517.6	10	1159	1	0	2	0	2	5
		Agency Review	77	105.2	14	328	5	1	4	0	0	10
		78	245.0	27	896	3	0	0	0	1	4	
		76-78	243.2	10	1159	9	1	6	0	3	19	
Total Time	Filing of complaint or application / Final agency action	All	76	0	0	0	1	0	0	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	107.5	35	180	0	1	1	0	0	2
			76-78	71.7	0	180	1	1	1	0	0	3
Total Time	Filing of complaint or application / Final agency action	With Agency Review	76	1094.0	377	1696	0	0	0	2	3	5
			77	807.1	211	1395	0	0	1	4	5	10
			78	1163.0	296	2305	0	0	1	0	2	3
			76-78	946.1	211	2305	0	0	2	6	10	18
	All	76	873.0	873	873	0	0	0	0	1	1	
	Other	77	--	--	--	0	0	0	0	0	0	
Cases	78	1290.5	663	1918	0	0	0	1	1	2		
	76-78	1151.3	663	1918	0	0	0	1	2	3		

Notes—

^a The cases listed as terminated by "ALJ Decision w/o Hearing" were subject to the "shortened procedure" authorized by 46 CFR 502.181. Consent of the parties is required for a case to be conducted without an oral hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	Cases with full or partial hearing—							
						0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	13.8 8.7 4.0 9.3	1 6 1 1	43 12 10 43	2 0 2 4	1 2 1 4	2 1 1 4	0 0 0 0	0 0 0 0	5 3 4 12		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	75.8 47.3 17.5 49.3	3 36 1 1	247 63 52 247	0 0 1 1	2 0 1 3	1 2 2 5	1 1 0 2	1 0 0 1	5 3 4 12		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	27.8 10.3 15.7 19.5	13 9 8 8	57 12 24 57	0 0 0 0	0 1 2 3	6 2 4 12	0 0 0 0	0 0 0 0	6 3 6 15	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	55.5 81.3 31.0 58.7	8 47 14 8	107 126 48 126	0 0 0 0	1 0 0 1	1 1 2 4	2 2 0 4	0 0 0 0	4 3 2 9
			Transcripts: pages per case	76 77 78 76-78	1836.0 1264.7 430.3 1224.6	40 897 11 11	5211 1876 1258 5211	0 0 0 0	0 0 0 0	1 0 1 2	1 0 1 2	3 3 2 8	5 3 4 12
			Briefs: pages per case	76 77 78 76-78	370.5 293.0 190.0 318.9	22 206 190 22	673 415 190 673	0 0 0 0	0 0 0 0	1 0 0 1	0 0 1 1	3 3 0 6	4 3 1 8
	Exhibits: pages per case		76 77 78 76-78	652.0 683.7 733.0 680.6	14 231 161 14	1914 1043 1305 1914	0 0 0 0	0 0 0 0	1 0 0 1	1 0 1 2	2 3 1 6	4 3 2 9	
	Contested motions: number per case		76 77 78 76-78	4.0 4.5 1.8 3.1	1 3 1 1	10 6 3 10	2 0 3 5	0 2 1 3	1 0 0 1	0 0 0 0	0 0 0 0	3 2 4 9	
		Written opinions by ALJ: pages per case		76 77 78 76-78	65.5 43.7 22.0 51.9	13 32 22 13	119 58 22 119	0 0 0 0	0 0 0 0	2 3 1 6	2 0 0 2	0 0 0 0	4 3 1 8

Procedures—

These cases may arise in two ways. First, a complaint may be filed against an existing license holder by another party or by the Commission on its own motion, after which a suspension or revocation hearing begins. Secondly, if an application for a license or an amendment to a license is denied, a hearing may be held. Such a case is referred to the

CALJ's office when a formal order of investigation is issued.

After the ALJ's decision is issued, the parties have 22 days in which to file exceptions. Replies are due in 22 days. The Commission may, within 45 days, determine to review on its own motion.

Agency: FEDERAL MARITIME COMMISSION

Case type: Intercoastal Shipping Act, 1933
Proposed Rates

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	10	11	6	27

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits--				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	7	7	2	16
Other	0	2	0	2
On Merits--				
ALJ Hearing & Decision	1	2	3	6
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	1	2

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review--				
Yes:	7	9	5	21
No:	3	2	1	6
Result--				
Affirm	7	7	4	18
Reverse	0	1	0	1
Modify	0	0	0	0
Remand/Other	0	1	1	2

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice of rate change received / Referral to CALJ	All	76	384.1	27	2120	4	4	0	0	2	10
		Cases	77	159.9	0	1069	7	1	1	1	1	11
			78	76.2	29	239	2	2	1	0	0	5
			76-78	230.0	0	2120	13	7	2	1	3	26
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	252.0	252	252	0	0	1	0	0	1
		Hearing on	77	1348.0	574	2122	0	0	0	1	1	2
		Merits	78	944.7	522	1403	0	0	0	1	2	3
			76-78	963.7	252	2122	0	0	1	2	3	6
		All	76	289.8	27	781	1	4	0	3	1	9
		Other	77	677.1	51	1418	0	2	1	3	3	9
Posthearing	ALJ's decision / Final agency action	Cases	78	573.3	90	1395	0	1	1	0	1	3
			76-78	496.3	27	1418	1	7	2	6	5	21
		With Agency	76	161.0	10	935	4	2	0	0	1	7
		Review	77	194.9	15	922	5	2	0	1	1	9
			78	390.4	24	978	2	0	0	2	1	5
			76-78	230.1	10	978	11	4	0	3	3	21
<u>Total Time</u>	Notice of rate change / Final agency action	All	76	0	0	0	3	0	0	0	0	3
		Other	77	0	0	0	2	0	0	0	0	2
		Cases	78	36.0	36	36	0	1	0	0	0	1
			76-78	6.0	0	36	5	1	0	0	0	6
		With Agency	76	1000.7	122	2692	0	0	3	1	3	7
		Review	77	1051.9	133	3425	0	0	3	2	4	9
Notes--			78	1359.4	304	1296	0	0	1	0	4	5
			76-78	1108.0	122	3425	0	0	7	3	11	21
		All	76	274.3	55	594	0	1	1	1	0	3
		Other	77	1418.0	1418	1418	0	0	0	0	2	2
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	731.8	55	1418	0	1	1	1	2	5

Notes--

^a The cases listed as terminated by "ALJ Decision w/o Hearing" were subject to the "shortened procedure" authorized by 46 CFR 502.181. Consent of the parties is required for a case to be conducted without an oral hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						Cases with full or partial hearing—					
						FY: 76 77 78 76-78 Number: 3 5 4 12					
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	3.3	1	8	2	2	0	0	0	4
		77	6.8	1	15	2	1	2	0	0	5
		78	15.4	1	56	2	1	2	0	0	5
		76-78	8.9	1	56	6	4	4	0	0	14
	ALJ prehearing and hearing: hours per case	76	8.8	1	23	2	0	2	0	0	4
		77	28.4	3	75	0	3	1	1	0	5
		78	70.6	1	283	2	0	2	0	1	5
		76-78	37.9	1	283	4	3	5	1	1	14
	ALJ Travel: hours per case	76	48.0	48	48	0	0	1	0	0	1
		77	—	—	—	0	0	0	0	0	0
	78	—	—	—	0	0	0	0	0	0	
	76-78	48.0	48	48	0	0	1	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	12.3	3	50	0	7	2	0	0	9
		77	13.8	5	28	0	3	2	0	0	5
		78	11.2	6	20	0	3	3	0	0	6
		76-78	12.4	3	50	0	13	7	0	0	20
Paperwork	Evidentiary documents (excluding briefs): number per case	76	15.3	4	30	0	1	2	0	0	3
		77	27.3	4	61	0	2	1	1	0	4
		78	131.3	18	281	0	0	1	1	1	3
		76-78	54.9	4	281	0	3	4	2	1	10
	Transcripts: pages per case	76	246.5	15	655	0	0	2	0	2	4
		77	665.0	53	1815	0	0	1	2	2	5
		78	1697.8	25	6470	0	0	2	0	3	5
		76-78	914.3	15	6470	0	0	5	2	7	14
	Briefs: pages per case	76	51.5	23	80	0	0	1	1	0	2
		77	224.5	27	595	0	0	1	1	2	4
	78	387.0	145	632	0	0	0	1	2	3	
	76-78	240.2	23	632	0	0	2	3	4	9	
Exhibits: pages per case	76	288.7	48	584	0	0	1	0	2	3	
	77	368.0	33	876	0	0	1	0	3	4	
	78	2036.7	311	3349	0	0	0	0	3	3	
	76-78	844.8	33	3349	0	0	2	0	8	10	
Contested motions: number per case	76	10.0	10	10	0	0	1	0	0	1	
	77	2.7	2	3	1	2	0	0	0	3	
	78	2.7	1	4	1	2	0	0	0	3	
	76-78	3.7	1	10	2	4	1	0	0	7	
Written opinions by ALJ: pages per case	76	18.0	16	20	0	0	2	0	0	2	
	77	43.0	38	48	0	0	2	0	0	2	
	78	35.8	17	50	0	0	4	0	0	4	
	76-78	33.1	16	50	0	0	8	0	0	8	

Procedures—

The prehearing stage is begun by the carrier's filing of the rate which gives the Commission notice of the rate change. The Commission may then order a preliminary investigation and, where warranted, issue a formal order of investigation at which point the case is referred to the CALJ's office. Intervention by interested parties is common.

After the ALJ's initial decision is issued, the parties have 22 days in which to file exceptions. Replies are due in 22 days. The Commission may, within 45 days, determine to review on its own motion.

Agency: FEDERAL MARITIME COMMISSION

Case type: Shipping Act, 1916
Civil Penalty (Discriminatory Practice)

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	3	3	9

MANNER OF TERMINATION (number of cases)^a

Not on Merits—	76	77	78	76-78
Settlement	0	1	0	1
Withdrawal	0	0	0	0
Dismissal	2	1	0	3
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	1	1	3
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	2	2

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	2	3	7
No:	1	1	0	2
Result—				
Affirm	1	1	2	4
Reverse	0	0	0	0
Modify	1	1	0	2
Remand/Other	0	0	1	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of complaint / Referral to CALJ	All	76	457.7	0	956	1	0	0	1	1	3
		Cases	77	316.3	275	349	0	0	3	0	0	3
			78	328.0	180	610	0	0	2	1	0	3
			76-78	367.3	0	956	1	0	5	2	1	9
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	926.0	926	926	0	0	0	0	1	1
		Hearing on Merits	77	688.0	688	688	0	0	0	1	0	1
			78	1365.0	1365	1365	0	0	0	0	1	1
			76-78	993.0	688	1365	0	0	0	1	2	3
	All	76	338.0	86	590	0	1	0	1	0	2	
	Other	77	379.5	94	665	0	1	0	1	0	2	
	78	1465.5	293	2638	0	0	1	0	1	2		
	76-78	727.7	86	2638	0	2	1	2	1	6		
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	213.5	30	397	1	0	0	1	0	2
			77	258.0	109	407	0	1	0	1	0	2
			78	223.0	158	321	0	0	3	0	0	3
			76-78	230.3	30	407	1	1	3	2	0	7
	All	76	0	0	0	1	0	0	0	0	1	
	Other	77	0	0	0	1	0	0	0	0	1	
	78	--	--	--	0	0	0	0	0	0		
	76-78	0	0	0	2	0	0	0	0	2		
Total Time	Filing of complaint / Final agency action	With Agency Review	76	1197.5	956	1439	0	0	0	0	2	2
			77	949.0	478	1420	0	0	0	1	1	2
			78	1983.0	794	3438	0	0	0	0	3	3
			76-78	1463.1	478	3438	0	0	0	1	6	7
	All	76	1007.0	1007	1007	0	0	0	0	1	1	
	Other	77	1014.0	1014	1014	0	0	0	0	1	1	
	78	--	--	--	0	0	0	0	0	0		
	76-78	1010.5	1007	1014	0	0	0	0	2	2		

Notes—

^a The cases listed as terminated by "ALJ Decision w/o Hearing" were subject to the "shortened procedure" authorized by 46 CFR 502.181. Consent of the parties is required for a case to be conducted without an oral hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—						
		76	77	78	76-78							
						Number:						
						1	1	1	3			
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.0	2	2	2	0	0	0	0	2	
		77	7.0	7	7	0	1	0	0	0	1	
		78	3.5	3	4	0	2	0	0	0	2	
		76-78	3.6	2	7	2	3	0	0	0	5	
	ALJ prehearing and hearing: hours per case	76	5.0	3	7	0	2	0	0	0	2	
		77	24.0	24	24	0	0	1	0	0	1	
		78	13.0	8	18	0	1	1	0	0	2	
		76-78	12.0	3	24	0	3	2	0	0	5	
	ALJ Travel: hours per case	76	27.0	27	27	0	0	1	0	0	1	
		77	--	--	--	0	0	0	0	0	0	
		78	72.0	72	72	0	0	0	1	0	1	
		76-78	49.5	27	72	0	0	1	1	0	2	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	16.0	4	30	0	1	2	0	0	3	
		77	12.0	12	12	0	0	1	0	0	1	
		78	13.0	5	19	0	1	2	0	0	3	
		76-78	14.1	4	30	0	2	5	0	0	7	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	9.0	9	9	0	1	0	0	0	1	
		77	58.0	58	58	0	0	1	0	0	1	
		78	7.7	2	11	1	0	2	0	0	3	
		76-78	18.0	2	58	1	1	3	0	0	5	
	Transcripts: pages per case	76	138.0	105	171	0	0	0	2	0	2	
		77	647.0	647	647	0	0	0	0	1	1	
		78	404.5	297	512	0	0	0	0	2	2	
		76-78	346.4	105	647	0	0	0	2	3	5	
	Briefs: pages per case	76	16.0	16	16	0	0	1	0	0	1	
		77	214.0	214	214	0	0	0	0	1	1	
		78	121.0	60	182	0	0	0	2	0	2	
		76-78	118.0	16	214	0	0	1	2	1	4	
	Exhibits: pages per case	76	68.0	68	68	0	0	0	1	0	1	
		77	439.0	439	439	0	0	0	0	1	1	
		78	111.0	97	127	0	0	0	3	0	3	
		76-78	168.0	68	439	0	0	0	4	1	5	
	Contested motions: number per case	76	1.0	1	1	1	0	0	0	0	1	
		77	--	--	--	0	0	0	0	0	0	
	78	2.0	1	3	2	1	0	0	0	3		
	76-78	1.8	1	3	3	1	0	0	0	4		
Written opinions by ALJ: pages per case	76	17.0	17	17	0	0	1	0	0	1		
	77	25.0	25	25	0	0	1	0	0	1		
	78	47.3	30	60	0	0	2	1	0	3		
	76-78	36.8	17	60	0	0	4	1	0	5		

Procedures—

The case is initiated by the filing of a complaint. After the ALJ's initial decision is issued, the parties have 22 days in which to file exceptions. Replies are due in 22 days. The Commission may, within 45 days, determine to review on its own motion.

Agency: FEDERAL MARITIME COMMISSION

Case type: Shipping Act, 1916
Special Docket

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	13	35	62	110

MANNER OF TERMINATION (number of cases)^a

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	0	0	1	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	13	35	60	108

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	13	35	61	109
No:	0	0	1	1
Result—				
Affirm	12	33	55	100
Reverse	0	2	2	4
Modify	0	0	2	2
Remand/Other	1	0	2	3

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of complaint / Referral to CALJ	All	76	1.7	0	8	11	0	0	0	0	11
		Cases	77	2.3	0	11	35	0	0	0	0	35
			78	3.1	0	22	60	0	0	0	0	60
			76-78	2.7	0	22	106	0	0	0	0	106
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	1413.0	1413	1413	0	0	0	0	1	1
			76-78	1413.0	1413	1413	0	0	0	0	1	1
	All	76	159.8	20	376	1	4	7	1	0	13	
	Other	77	130.4	15	399	7	8	19	1	0	35	
	Cases	78	113.0	8	281	10	23	27	0	0	60	
	76-78	124.2	8	399	18	35	53	2	0	108		
Posthearing	ALJ's decision / Final agency action	With	76	49.2	24	133	9	2	2	0	0	13
		Agency	77	42.9	24	132	16	16	3	0	0	35
		Review	78	56.9	21	244	20	32	8	0	0	60
			76-78	51.4	21	244	45	50	13	0	0	108
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	--	--	--	0	0	0	0	0	0	
	Cases	78	37.0	37	37	0	1	0	0	0	1	
	76-78	37.0	37	37	0	1	0	0	0	1		
Total Time	Filing of complaint / Final agency action	With	76	205.2	44	400	0	3	7	1	0	11
		Agency	77	175.6	42	426	0	8	26	1	0	35
		Review	78	200.8	42	1479	0	21	34	3	1	59
			76-78	192.9	42	1479	0	32	67	5	1	105
	All	76	--	--	--	0	0	0	0	0	0	
	Other	77	--	--	--	0	0	0	0	0	0	
	Cases	78	52.0	52	52	0	1	0	0	0	1	
	76-78	52.0	52	52	0	1	0	0	0	1		

Notes—

^a The cases listed as terminated by "ALJ Decision w/o Hearing" were subject to the "shortened procedure" authorized by 46 CFR 502.181. Consent of the parties is required for a case to be conducted without an oral hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
												Cases with full or partial hearing—
			FY: 76 77 78 76-78				Number: 0 0 1 1					
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	6.0	6	6	0	1	0	0	0	1	
		76-78	6.0	6	6	0	1	0	0	0	1	
		ALJ prehearing and hearings: hours per case	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
		78	21.0	21	21	0	0	1	0	0	1	
		76-78	21.0	21	21	0	0	1	0	0	1	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.0	3	3	0	13	0	0	0	13	
		77	--	--	--	0	0	0	0	0	0	
		78	3.0	3	4	0	61	0	0	0	61	
		76-78	3.0	3	4	0	74	0	0	0	74	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	18.0	18	18	0	0	1	0	0	1	
		76-78	18.0	18	18	0	0	1	0	0	1	
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	499.0	499	499	0	0	0	0	1	1	
		76-78	499.0	499	499	0	0	0	0	1	1	
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	52.0	52	52	0	0	1	0	0	1	
		76-78	52.0	52	52	0	0	1	0	0	1	
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0		
	77	--	--	--	0	0	0	0	0	0		
	78	311.0	311	311	0	0	0	0	1	1		
	76-78	311.0	311	311	0	0	0	0	1	1		
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		
Written opinions by ALJ: pages per case	76	4.2	3	8	0	13	0	0	0	13		
	77	--	--	--	0	0	0	0	0	0		
	78	5.3	2	27	1	54	6	0	0	61		
	76-78	5.1	2	27	1	67	6	0	0	74		

Procedures—

Applications for permission to refund an overcharge or waive the collection of an undercharge must be filed with the Commission. Such applications are occasionally opposed by other shippers, and, if denied, are referred to the CALJ's office. Formal proceedings, including hearings, need not be

held, and most such cases are decided on the basis of written submissions.

These cases are initiated by the filing of an application, and they are almost immediately referred to the CALJ.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164), transferred the responsibility of enforcing the Federal Coal Mine Safety and Health Act of 1969 from the Department of the Interior's Mine Enforcement and Safety Administration (MESA) to the Department of Labor and its newly established Mine Safety and Health Administration (MSHA). The 1977 Act also expanded regulatory jurisdiction to non-coal mines.

Previously, when MESA brought an enforcement action, the cases were heard by an ALJ in the Department of the Interior's Office of Hearings and Appeals and ALJ decisions were subject to appeal in the Department's Board of Mining Operations Appeals. These cases are reflected in this report in the Department of the Interior section. Under the 1977 Act, MSHA brings enforcement actions before the newly established Federal Mine Safety and Health Review Commission (FMSHRC). The cases are heard by FMSHRC administrative law judges (most of whom had transferred from the Department of the Interior) and ALJ decisions are subject to appeal to the full five-member Commission.

The effective date of the 1977 Act was March 8, 1978, at which time the MESA cases were transferred to MSHA and the mine enforcement cases pending before the Department of the Interior ALJs and all cases pending before the Department of the Interior Board of Mining Operations Appeals were transferred to FMSHRC and its ALJs. FMSHRC did not really become operational until the end of September 1978, but FMSHRC ALJs were active almost immediately.

Statistics

The following statistics on FMSHRC activity in FY 1978 were provided by the Commission's Office of the Executive Director:

ALJ Level

On March 9, 1978, 1175 dockets were transferred from Interior ALJs to FMSHRC ALJs.

From March 9, 1978, to September 30, 1978, 2147 dockets were received and 1579 dockets were decided, leaving 1743 dockets pending at the end of FY 1978 in the FMSHRC ALJ offices.

Commission Level

On March 9, 1978, 87 cases (163 dockets) were transferred from the Board of Mining Operations Appeals.

From March 9, 1978, to October 30, 1978, 20 new cases (88 dockets) were accepted, 2 new cases (2 dockets) were remanded by the courts, and 15 cases were closed by the Commission, leaving 94 cases pending at the Commission level as of October 31, 1978.

Note:

The Office of Hearings and Appeals in the Department of Interior reported that a total of 1,528 cases were transferred to FMSHRC on March 8, 1978. The discrepancy was not explained.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
 (and FY 1975 from previous publication)

FEDERAL TRADE COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Federal Trade Commission Act					
Bureau of Consumer Protection					
15 USC 45	(75)		47	30	
16 CFR 3					
	76	66	37	40	63
	77	63	6	23	46
	78	46	10	24	32
	76-78		53	87	

Proceedings to determine, after complaint is issued by the Commission, whether advertising is false or misleading or whether an act, practice or method of competition in commerce is unfair or deceptive. The remedy sought is a cease and desist order.

The basis for the FTC's consumer protection jurisdiction is found in section 5 of the FTC Act (15 USC 45), which prohibits unfair or deceptive acts or practices in commerce. However, other more specific statutes serve to bring particular trade practices within the ambit of section 5. These statutes include:

Export Trade Act, 15 USC 64, 65,
 Wool Products Labeling Act, 15 USC 68,
 Fur Products Labeling Act, 15 USC 69a, 69f,
 Textile Fiber Products Identification Act, 15 USC 70a, 70e,
 Fair Packaging and Labeling Act, 15 USC 1456,
 Truth in Lending Act, 15 USC 1607(c),
 Fair Credit Reporting Act, 15 USC 1681s, and
 Equal Credit Opportunity Act, 15 USC 1691c(c).

Federal Trade Commission Act and Clayton Act					
Bureau of Competition					
15 USC 13, 14, 18, 19, 45	(75)		14	11	
16 CFR 3					
	76	46	17	18	45
	77	45	9	9	45
	78	45	7	12	40
	76-78		33	39	

Proceedings to determine, after complaint is issued by the Commission, whether a practice or method of competition is a restraint of trade under the Clayton Act or FTC Act. The remedy sought is a cease and desist order and/or a civil penalty.

The basis for the FTC's antitrust jurisdiction is found in section 5 of the FTC Act (15 USC 45), along with the following more specific sections of the Clayton Act:

Section 2, 15 USC 13 (price discrimination)(as amended by the Robinson-Patman Act),
 Section 3, 15 USC 14 (exclusive dealing),
 Section 7, 15 USC 18 (anti-competitive mergers), and
 Section 8, 15 USC 19 (interlocking directorates).

The Sherman Act (15 USC 1-7) is largely subsumed by the above corresponding provisions of the FTC and Clayton Acts.

Agency: FEDERAL TRADE COMMISSION

Case type: Federal Trade Commission Act
Bureau of Consumer Protection

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	42	18	21	81

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	24	12	10	46 ^a
Dismissal	0	1	0	1 ^a
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	13	5	11	29
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	5	0	0	5

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	17	5	12	34
No:	25	13	9	47 ^a
Result—				
Affirm	14	5	9	28
Reverse	0	0	0	0
Modify	2	0	2	4
Remand/Other	1	0	1	2

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Order of formal investigaton / Issuance of complaint	All	76	648.2	5	1638	1	3	8	17	13	42
		Cases	77	581.9	32	1224	0	3	3	6	6	18
			78	1032.7	8	4166	1	0	1	5	12	19
			76-78	725.6	5	4166	2	6	12	28	31	79
Hearing	Complaint / ALJ's decision	With ALJ	76	459.3	54	1030	0	1	4	5	3	13
		Hearing on	77	482.2	265	629	0	0	1	4	0	5
		Merits	78	715.6	269	1669	0	0	1	6	4	11
			76-78	560.5	54	1669	0	1	6	15	7	29
		All	76	233.0	57	482	0	4	23	2	0	29
		Other	77	466.3	38	1839	0	2	6	3	2	13
Posthearing	ALJ's decision / Final agency action	Cases	78	383.2	151	646	0	0	6	4	0	10
			76-78	320.2	38	1839	0	6	35	9	2	52
		All	76	233.7	48	448	0	2	12	3	0	17
		Agency	77	277.4	148	565	0	0	4	1	0	5
		Review	78	326.3	56	578	0	1	6	5	0	12
			76-78	272.8	48	578	0	3	22	9	0	34
Total Time	Order of formal investigation / Final agency action	All	76	248.6	125	432	0	0	24	1	0	25
		Other	77	283.3	4	506	1	1	8	3	0	13
		Cases	78	512.1	118	916	0	1	1	5	2	9
			76-78	308.6	4	916	1	2	33	9	2	47 ^a
		With	76	1236.7	629	2603	0	0	0	3	14	17
		Agency	77	1394.8	1053	2092	0	0	0	0	5	5
Review	78	2222.1	1237	6352	0	0	0	0	11	11		
	76-78	1589.1	629	6352	0	0	0	3	30	33		
Total Time	Order of formal investigation / Final agency action	All	76	1164.7	356	2139	0	0	1	2	22	25
		Other	77	1311.1	336	2573	0	0	1	2	10	13
		Cases	78	1695.4	1205	1928	0	0	0	0	8	8
			76-78	1298.3	336	2573	0	0	2	4	40	46

Notes—

^a The cards submitted for the 46 withdrawals and 1 dismissal did not indicate agency review. However, such cases are, in fact, examined by the Commission. Note that these 47 cases constitute the "all other cases" category for the posthearing stage.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
												Cases with full or partial hearing--
			FY:									
							Number:					
							76	77	78	76-78		
							16	8	13	37		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	6.4	0	44	21	8	6	0	0	35	
		77	9.0	2	23	1	3	4	0	0	8	
		78	12.6	0	119	5	11	4	1	0	21	
		76-78	8.8	0	119	27	22	14	1	0	64	
		ALJ prehearing and hearing: hours per case ^a	76	51.0	0	352	1	17	10	4	3	35
			77	72.0	16	184	0	0	4	4	0	8
			78	101.1	0	956	1	2	12	3	3	21
			76-78	70.1	0	956	2	19	26	11	6	64
		ALJ Travel: hours per case	76	6.8	0	36	13	6	5	0	0	24
			77	30.2	0	79	2	0	2	1	0	5
			78	9.9	0	32	8	2	9	0	0	19
			76-78	10.5	0	79	23	8	16	1	0	48
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.8	1	16	20	19	3	0	0	42	
		77	4.1	1	15	4	3	1	0	0	8	
		78	4.8	1	16	7	11	2	0	0	20	
		76-78	4.1	1	16	31	33	6	0	0	70	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	230.5	0	750	2	0	3	3	5	13	
		77	164.6	71	325	0	0	0	3	2	5	
		78	243.1	0	725	1	0	2	3	6	12	
		76-78	224.6	0	750	3	0	5	9	13	30	
	Transcripts: pages per case	76	1287.4	19	5229	0	0	3	3	11	17	
		77	793.3	40	2507	0	0	1	0	5	6	
		78	2349.0	0	16727	1	0	0	0	11	12	
		76-78	1566.7	0	16727	1	0	4	3	27	35	
	Briefs: pages per case	76	245.4	12	684	0	0	3	5	6	14	
		77	198.8	62	365	0	0	0	2	2	4	
		78	392.7	0	1900	1	0	1	3	7	12	
		76-78	298.1	0	1900	1	0	4	10	15	30	
	Exhibits: pages per case	76	2429.7	3	12000	0	1	0	2	9	12	
		77	602.8	215	1000	0	0	0	0	4	4	
		78	1584.9	0	10501	1	0	0	1	10	12	
		76-78	1806.6	0	12000	1	1	0	3	23	28	
	Contested motions: number per case	76	4.1	0	24	17	14	3	0	0	34	
		77	12.0	0	67	2	5	0	1	0	8	
	78	9.1	0	55	5	9	7	0	0	21		
	76-78	6.8	0	67	24	28	10	1	0	63		
Written opinions by ALJ: pages per case	76	47.4	12	143	0	0	13	5	0	18		
	77	54.6	24	75	0	0	2	3	0	5		
	78	74.1	18	211	0	0	6	4	1	11		
	76-78	57.1	12	211	0	0	21	12	1	34		

Procedures--

The prehearing stage begins when the head of the particular enforcement office signs the order of formal investigation. The staff then may send a memorandum to the Commission urging that a complaint be issued. If the complaint issues, it is sent to the CALJ's office about a week after issuance. It is assigned to the ALJ immediately.

Often a joint motion to withdraw the matter from adjudication is made to effect a settlement or to seek a consent order. In such a case, the ALJ ordinarily will certify the motion and the Commission will order the matter withdrawn and then will issue the final order and decision. The question at that point is whether the settlement is in the public interest.

By regulation, the ALJ's decision ordinarily must be filed within 90 days of completion of the reception of evidence. The loser has 10 days to file a notice of intention to appeal to the Commission, but the Commission may review the case on its own motion. The briefing periods are 30 days for initial briefs, 30 days for replies, and 7 days for supplemental briefs. Oral arguments before the Commission may be held.

^aInformation submitted by the Chief ALJ shows that the total number of hours spent on each case by the ALJ was about four times the number of hours spent in the hearing and prehearing.

Agency: FEDERAL TRADE COMMISSION

Case type: Federal Trade Commission Act and Clayton Act
Bureau of Competition

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	18	10	12	40

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	9	5	3	17 ^a
Dismissal	2	0	0	2 ^a
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	6	4	8	18
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	1	1	3

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	7	6	9	22
No:	11	4	3	18 ^a
Result—				
Affirm	6	4	6	16
Reverse	1	2	2	5
Modify	0	0	0	0
Remand/Other	0	0	1	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Order of formal investigation / Issuance of complaint	All	76	829.2	64	1729	0	2	4	1	11	18
		Cases	77	551.9	36	1554	0	1	4	1	3	9
			78	706.3	89	1732	0	1	2	6	3	12
		76-78		727.4	36	1732	0	4	10	8	17	39
Hearing	Complaint / ALJ's decision	With ALJ	76	999.2	234	1902	0	0	1	1	4	6
		Hearing on	77	752.8	269	1114	0	0	1	0	3	4
		Merits	78	1074.0	495	1528	0	0	0	2	6	8
		76-78		977.7	234	1902	0	0	2	3	13	18
		All	76	492.8	29	923	1	0	3	5	3	12
		Other	77	232.5	8	335	1	0	5	0	0	6
Posthearing	ALJ's decision / Final agency action	Cases	78	456.5	93	875	0	1	1	1	1	4
		76-78		415.2	8	923	2	1	9	6	4	22
		With Agency Review	76	412.6	217	614	0	0	3	4	0	7
			77	464.2	4	864	1	0	2	1	2	6
			78	552.6	175	916	0	0	3	3	3	9
		76-78		483.9	4	916	1	0	8	8	5	22
Total Time	Order of formal investigation / Final agency action	All	76	234.1	22	398	1	1	8	1	0	11
		Other	77	302.5	223	438	0	0	3	1	0	4
		Cases	78	419.7	132	873	0	0	2	0	1	3
		76-78		280.2	22	873	1	1	13	2	1	18 ^a
		With Agency Review	76	2317.7	853	3882	0	0	0	0	7	7
			77	1158.6	48	2139	0	1	0	0	4	5
	78	2333.4	730	3522	0	0	0	1	8	9		
76-78		2048.5	48	3882	0	1	0	1	19	21		
All	76	1461.3	115	2876	0	1	0	2	8	11		
Other	77	1500.8	851	2096	0	0	0	0	4	4		
Cases	78	1374.7	314	2362	0	0	1	0	2	3		
76-78		1455.6	115	2876	0	1	1	2	14	18		

Notes—

^a The cards submitted for 16 of the withdrawals and 2 dismissals did not indicate agency review. However, such cases are, in fact, examined by the Commission. Note that these 18 cases constitute the "all other cases" category for the posthearing stage.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 7 6 9 22

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	18.6	1	110	5	4	6	1	0	16
		77	16.3	1	48	4	0	3	0	0	7
		78	33.8	1	119	1	1	7	2	0	11
		76-78	23.1	1	119	10	5	16	3	0	34
	ALJ prehearing and hearing: hours per case ^a	76	149.2	8	880	0	2	7	2	5	16
		77	144.7	8	348	0	1	2	1	2	6
		78	344.7	8	952	0	1	1	4	5	11
		76-78	213.5	8	952	0	4	10	7	12	33
	ALJ Travel: hours per case	76	16.2	0	57	5	0	3	0	0	8
		77	0	0	0	2	0	0	0	0	2
		78	25.1	0	80	3	1	2	1	0	7
		76-78	17.9	0	80	10	1	5	1	0	17
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.2	1	5	12	5	0	0	0	17
		77	5.4	1	23	3	3	1	0	0	7
		78	4.8	1	19	4	5	1	0	0	10
		76-78	3.6	1	23	19	13	2	0	0	34
Paperwork	Evidentiary documents (excluding briefs): number per case	76	419.3	2	595	1	0	0	0	3	4
		77	148.0	1	312	1	0	0	1	1	3
		78	223.9	3	570	0	2	2	0	3	7
		76-78	263.4	1	595	2	2	2	1	7	14
	Transcripts: pages per case	76	3467.2	57	11000	0	0	1	1	3	5
		77	1931.3	74	3291	0	0	0	1	2	3
		78	6277.2	18	18383	0	0	1	0	8	9
		76-78	4683.9	18	18383	0	0	2	2	13	17
	Briefs: pages per case	76	884.5	0	2000	1	0	0	0	3	4
		77	399.7	75	754	0	0	0	1	2	3
		78	490.7	91	783	0	0	0	1	8	9
		76-78	572.1	0	2000	1	0	0	2	13	16
	Exhibits: pages per case	76	3383.8	5	8000	0	1	0	0	3	4
		77	1340.0	44	3364	0	0	1	0	2	3
		78	3380.8	75	7066	0	0	0	2	7	9
		76-78	2998.9	5	8000	0	1	1	2	12	16
	Contested motions: number per case	76	13.1	2	49	5	4	7	0	0	16
		77	5.5	0	13	2	2	2	0	0	6
		78	13.7	2	30	1	3	6	0	0	10
		76-78	11.9	0	49	8	9	15	0	0	32
	Written opinions by ALJ: pages per case	76	72.7	24	125	0	0	3	4	0	7
		77	46.0	2	91	1	0	3	2	0	6
		78	92.2	13	161	0	0	2	7	0	9
		76-78	73.4	2	161	1	0	8	13	0	22

Procedures—

The prehearing stage begins when the head of the particular enforcement office signs the order of formal investigation. The staff then may send a memorandum to the Commission urging that a complaint be issued. If the complaint issues, it is sent to the CALJ's office about a week after issuance. It is assigned to the ALJ immediately.

Often a joint motion to withdraw the matter from adjudication is made to effect a settlement or to seek a consent order. In such a case, the ALJ ordinarily will certify the motion and the Commission will order the matter withdrawn and then will issue the final order and decision. The question at that point is whether the settlement is in the public interest.

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^aInformation submitted by the Chief ALJ shows that the total number of hours spent on each case by the ALJ was about four times the number of hours spent in the hearing and prehearing.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

FOOD AND DRUG ADMINISTRATION, Department of HEW

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Federal Food, Drug and Cosmetic Act Human Drug Applications					
21 USC 355(d), (e) 21 CFR 12.21	(75)		N/A	N/A	
	76	1	2	2	1
	77	1	2	1	2
	78	2	1	0	3
	76-78		5	3	
<p>Proceedings to give applicant an opportunity to challenge the Administrator's refusal to approve a new drug application or the Administrator's withdrawal of approval for reasons stated in the statute.</p>					
Federal Food, Drug and Cosmetic Act Animal Drug Applications					
21 USC 360b(d), (e), (m)(3), (m)(4) 21 CFR 12.21	(75)		N/A	N/A	
	76	0	0	0	0
	77	0	1	0	1
	78	1	0	0	1
	76-78		1	0	
<p>Proceedings to give applicant an opportunity to challenge the Administrator's refusal to approve a new animal drug application or the Administrator's withdrawal of approval for reasons stated in the statute.</p>					
Federal Food, Drug and Cosmetic Act Food Additive Regulations					
21 USC 341, 343(j), 344(c), 346, 371(e) 21 CFR 12.21	(75)		N/A	N/A	
	76	2	0	0	2
	77	2	2	1	3
	78	3	1	1	3
	76-78		3	2	
<p>Formal rulemaking proceedings to issue regulations prescribing food standards and rules relating to food additives and misbranded or adulterated food.</p>					
Federal Food, Drug and Cosmetic Act Color Additive Regulations					
21 USC 376(d) 21 CFR 12.21	(75)		N/A	N/A	
	76	0	1	0	1
	77	1	0	0	1
	78	1	1	0	2
	76-78		2	0	
<p>Formal rulemaking proceedings to issue regulations prescribing conditions for use of color additives.</p>					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

FOOD AND DRUG ADMINISTRATION, Department of HEW (continued)

<u>Case Type</u>	<u>FY</u>	<u>Cases Pending at Start of FY</u>	<u>New Cases Referred to Office of ALJs</u>	<u>Cases Terminated by Agency</u>	<u>Cases Pending at End of FY</u>
Miscellaneous					
21 USC 351(b), 352(d), 352(h), 357(f), 360b(n)(5) 21 CFR 12.21	(75)		N/A	N/A	
Proceedings to issue rules concerning prescripion drug advertising, antibiotic drug certification, labeling of drugs and adulterated drugs.	76	0	1	0	1
	77	1	1	2	0
	78	0	0	0	0
	76-78		2	2	

Agency: FOOD AND DRUG ADMINISTRATION, Department of HEW

Case type: Federal Food, Drug and Cosmetic Act
Human Drug Applications

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	1	1	4

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	1	0	0	1
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	1	1	3
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	1	1	3
No:	1	0	0	1
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	1	1	1	3

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Filing of petition / Referral to ALJ	All	76	1087.5	0	2175	1	0	0	0	1	2
		Cases	77	0	0	0	1	0	0	0	0	1
			78	1411.0	1411	1411	0	0	0	0	1	1
			76-78	896.5	0	2175	2	0	0	0	2	4
Hearing	Referral to ALJ / ALJ's decision	With ALJ	76	209.0	209	209	0	0	1	0	0	1
		Hearing on	77	162.0	162	162	0	0	1	0	0	1
		Merits	78	170.0	170	170	0	0	1	0	0	1
			76-78	180.3	162	209	0	0	3	0	0	3
		All	76	160.0	160	160	0	0	1	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	160.0	160	160	0	0	1	0	0	1
		With	76	494.0	494	494	0	0	0	1	0	1
		Agency	77	414.0	414	414	0	0	0	1	0	1
		Review	78	1489.0	1489	1489	0	0	0	0	1	1
			76-78	799.0	414	1489	0	0	0	2	1	3
Total Time	Notice of hearing / Final agency action	All	76	0	0	0	1	0	0	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	0	0	0	1	0	0	0	0	1
		With	76	2878.0	2878	2878	0	0	0	0	1	1
		Agency	77	576.0	576	576	0	0	0	1	0	1
Review	78	3070.0	3070	3070	0	0	0	0	1	1		
	76-78	2174.7	576	3070	0	0	0	1	2	3		
Total Time	Notice of hearing / Final agency action	All	76	160.0	160	160	0	0	1	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	160.0	160	160	0	0	1	0	0	1

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	2	1	1	4

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	8.0	3	13	0	1	1	0	0	2
		77	12.0	12	12	0	0	1	0	0	1
		78	10.0	10	10	0	0	1	0	0	1
		76-78	9.5	3	13	0	1	3	0	0	4
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	2	0	0	0	0	2
		77	38.0	38	38	0	0	1	0	0	1
		78	22.0	22	22	0	0	1	0	0	1
		76-78	16.0	2	38	2	0	2	0	0	4
Paperwork	Evidentiary documents (excluding briefs): number per case	76	392.0	95	563	0	0	0	1	1	2
		77	170.0	170	170	0	0	0	1	0	1
		78	158.0	158	158	0	0	0	1	0	1
		76-78	246.5	95	563	0	0	0	3	1	4
	Transcripts: pages per case	76	905.0	221	1589	0	0	0	0	2	2
		77	2054.0	2054	2054	0	0	0	0	1	1
		78	1179.0	1179	1179	0	0	0	0	1	1
		76-78	1260.8	221	2054	0	0	0	0	4	4
	Briefs: pages per case	76	120.0	120	120	0	0	0	1	0	1
		77	254.0	254	254	0	0	0	0	1	1
		78	200.0	200	200	0	0	0	0	1	1
		76-78	191.3	120	254	0	0	0	1	2	3
	Exhibits: pages per case	76	1800.0	600	3000	0	0	0	0	2	2
		77	2800.0	2800	2800	0	0	0	0	1	1
		78	2400.0	2400	2400	0	0	0	0	1	1
		76-78	2200	600	3000	0	0	0	0	4	4
	Contested motions: number per case	76	1.0	1	1	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0	
	76-78	1.0	1	1	1	0	0	0	0	1	
Written opinions by ALJ: pages per case	76	13.0	2	24	1	0	1	0	0	2	
	77	28.0	28	28	0	0	1	0	0	1	
	78	37.0	37	37	0	0	1	0	0	1	
	76-78	22.8	2	37	1	0	3	0	0	4	

Procedures—

The proceeding is begun on the motion of the Commissioner or upon the filing of a petition by an interested person. If the petition is denied, a determination of denial specifying the reasons must be published in the Federal Register. A denial is final agency action subject to judicial review in the US Court of Appeals.

When a hearing is to be held, a notice will be published in the Federal Register. Within 90 days after the close of the hearing, the ALJ presiding will prepare an initial decision which becomes the decision of the Commissioner unless the parties file timely exceptions or the Commissioner files notice of intention to review on his own motion.

Agency: FOOD AND DRUG ADMINISTRATION, Department of HEW

Case type: Federal Food, Drug and Cosmetic Act
Food Additive Regulations

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	1	0	1

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	1	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	1	0	1
No:	0	0	0	0
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	1	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice of hearing / Referral to ALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	878.0	878	878	0	0	0	0	1	1
			78	--	--	--	0	0	0	0	0	0
		76-78	878.0	878	878	0	0	0	0	1	1	
Hearing	Referral to ALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	125.0	125	125	0	0	1	0	0	1
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	125.0	125	125	0	0	1	0	0	1
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	50.0	50	50	0	1	0	0	0	1
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	50.0	50	50	0	1	0	0	0	1
<u>Total Time</u>	Notice of hearing / Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	1053.0	1053	1053	0	0	0	0	1	1
Review	78	--	--	--	0	0	0	0	0	0		
	76-78	1053.0	1053	1053	0	0	0	0	1	1		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	Cases with full or partial hearing--						
						0-2	3-9	10-59	60-199	200+days, etc.		
						FY: 76 77 78 76-78						
						Number: 0 1 0 1						
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- 9.0 -- 9.0	-- 9 -- 9	-- 9 -- 9	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- 5.0 -- 5.0	-- 5 -- 50	-- 5 -- 5	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- 333.0 -- 333.0	-- 333 -- 333	-- 333 -- 333	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 1 0 1
			Transcripts: pages per case	76 77 78 76-78	-- 1170.0 -- 1170.0	-- 1170 -- 1170	-- 1170 -- 1170	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 1 0 1
			Briefs: pages per case	76 77 78 76-78	-- 594.0 -- 594.0	-- 594 -- 594	-- 594 -- 594	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 1 0 1
	Exhibits: pages per case		76 77 78 76-78	-- 4800.0 -- 4800.0	-- 4800 -- 4800	-- 4800 -- 4800	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	0 1 0 1	
	Contested motions: number per case	76 77 78 76-78	-- 9.0 -- 9.0	-- 9 -- 9	-- 9 -- 9	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 1 0 1	
		Written opinions by ALJ: pages per case	76 77 78 76-78	-- 41.0 -- 41.0	-- 41 -- 41	-- 41 -- 41	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1

Procedures--

The prehearing stage begins when a notice of hearing is published in the Federal Register. The Commissioner may initiate the proceeding on his own motion or pursuant to a petition by an interested party.

Within 90 days after the filing of briefs and any oral

argument, the ALJ will file an initial decision. This decision will become the final decision of the Commissioner by operation of law unless timely exceptions are received or the Commissioner decides to review on his own initiative.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Interstate Land Sales Full Disclosure Act Challenges to Registration Suspensions					
15 USC 1701; 1706(b), (d) 24 CFR 1720	(75)		N/A	N/A	
	76	60	201	173	88
	77	88	133	166	55
	78	55	45	97	3
	76-78		379	436	
<p>Proceedings whereby a developer may challenge the Secretary's determination that the developer's registration statement should be suspended due to inaccuracies or incompleteness.</p>					
Debarment And Suspension					
42 USC 3531; 3535(d) 24 CFR 24	(75)		N/A	N/A	
	76	20	42	53	9
	77	9	30	26	13
	78	13	25	26	12
	76-78		97	105	
<p>Proceedings whereby contractors or grantees may challenge Department's action to debar or suspend them for causes specified in 24 CFR 24.</p>					
Mortgagee Review Board					
42 USC 3531; 3535(d) 24 CFR 25	(75)		N/A	N/A	
	76	0	6	4	2
	77	2	7	6	3
	78	3	20	15	8
	76-78		33	25	
<p>Proceedings whereby a mortgagee who deals in mortgages insured by the Department may challenge a determination that Departmental approval be withdrawn.</p>					
Equal Opportunity					
42 USC 2000d; 18 USC 3601; E.O. 11063, 11246 24 CFR 21, 100	(75)		N/A	N/A	
	76	0	3	2	1
	77	1	3	2	2
	78	2	5	4	3
	76-78		11	8	
<p>Proceedings under various anti-discrimination statutes to terminate Departmental assistance to contractors and grantees for violations of such statutes.</p>					

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Mobile Home Construction And Safety Standards Act					
42 USC 5411(a); 5414(e), (g); 5422(d), (f) 24 CFR 3282.151(a); 3282.152(c), (g)	(75)		—	—	
	76	0	0	0	0
	77	0	24	6	18
	78	18	6	24	0
	76-78		30	30	
Cases of Other Agencies					
	(75)		N/A	N/A	
	76	5	20	13	12
	77	12	16	19	9
	78	9	30	16	23
	76-78		66	48	

Hearings under various provisions of the Act giving alleged violators the right to challenge contemplated injunctive relief and to challenge compliance orders, and giving the states the opportunity to challenge the Secretary's rejection or withdrawal of approval of state enforcement plans.

Proceedings in other agencies assigned to HUD ALJ.

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Interstate Land Sales Full Disclosure Act
Challenges to Registration Suspensions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	184	152	85	421

MANNER OF TERMINATION (number of cases)^a

	76	77	78	76-78
Not on Merits—				
Settlement	135	53	69	257
Withdrawal	18	44	2	64
Dismissal	6	7	6	19
Other	1	48	3	52
On Merits—				
ALJ Hearing & Decision	22	0	3	25
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	2	0	2	4

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	24	0	5	29
No:	160	152	80	392
Result—				
Affirm	2	0	0	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	22	0	5	27

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of application or beginning of investigation / Referral to CALJ	All Cases	76	30.6	3	1500	150	12	1	1	1	165
		77	26.4	7	290	113	22	2	0	0	137	
		78	43.6	11	1062	54	20	1	0	1	76	
		76-78	31.7	3	1500	317	54	4	1	2	378	
Hearing	Referral to CALJ / Date of ALJ's decision or order	With ALJ Hearing on Merits	76	153.8	77	235	0	8	13	0	0	21
		77	--	--	--	0	0	0	0	0	0	
		78	210.3	106	405	0	2	0	1	0	3	
	76-78	160.8	77	405	0	10	13	1	0	24		
	All Other Cases	76	84.4	0	520	15	47	10	2	0	74	
		77	150.7	16	259	1	0	2	0	0	3	
78		95.3	8	210	1	8	3	0	0	12		
76-78	88.1	0	520	17	55	15	2	0	89			
Posthearing	ALJ's decision or order / Final agency decision	With Agency Review	76	10.0	0	30	3	0	0	0	0	3
		77	--	--	--	0	0	0	0	0	0	
		78	139.6	1	398	2	0	2	1	0	5	
	76-78	91.0	0	398	5	0	2	1	0	8		
	All Other Cases	76	1.3	0	21	72	0	0	0	0	72	
		77	20.7	0	34	2	1	0	0	0	3	
78		259.3	159	398	0	0	8	2	0	10		
76-78	32.4	0	398	74	1	8	2	0	85			
Total Time	Application or beginning of investigation / Final agency decision	With Agency Review	76	99.8	88	128	0	3	1	0	0	4
		77	--	--	--	0	0	0	0	0	0	
		78	550.4	152	1183	0	0	2	2	1	5	
	76-78	350.1	88	1183	0	3	3	2	1	9		
	All Other Cases	76	135.6	5	1794	7	78	50	4	1	140	
		77	155.9	41	846	0	65	68	3	1	137	
78		268.0	30	970	1	16	38	14	2	71		
76-78	170.6	5	1794	8	159	156	21	4	348			

Notes—

^a Most cases are settled (includes consents). Withdrawals include only those cases where HUD withdraws its suspension unilaterally. Dismissals include only those cases where ALJ dismisses the case.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—									
						FY: 76 77 78 76-78					
						Number: 27 1 5 33					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearings: hours per case	76	3.2	1	5	2	3	0	0	0	5
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	3.2	1	5	2	3	0	0	0	5
	ALJ Travel: hours per case	76	1.0	1	1	1	0	0	0	0	1
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	1.0	1	1	1	0	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	1	0	0	0	0	1
Paperwork	Evidentiary documents (excluding briefs): number per case	76	4.8	2	9	1	3	0	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	4.8	2	9	1	3	0	0	0	4
	Transcripts: pages per case	76	27.3	9	57	0	2	2	0	0	4
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	27.3	9	57	0	2	2	0	0	4
	Briefs: pages per case	76	2.0	2	2	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	1	0	0	0	0	1
	Exhibits: pages per case	76	16.0	6	26	0	1	1	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
	76-78	16.0	6	26	0	1	1	0	0	2	
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	4.0	3	6	0	4	0	0	0	4	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	4.0	3	6	0	4	0	0	0	4	

Procedures—

Under this program a land developer is required by the Act to make full disclosure in the sale or lease of certain undeveloped property. If such land is to be offered for sale as part of a common promotional plan, the land must be registered with the Secretary. The registrant must file a "Statement of Record" and "Property Report" which are effective 30 days after filing unless the Secretary notifies him that the statement has been suspended. Effective statements may also be suspended. In either case the

registrant has 15 days to seek a hearing.

The ALJ's decision is to be made within 60 days after the close of evidence-taking. His decision is final unless a petition for appeal is filed within 10 days with the Appeals Officer of the Interstate Land Sales Board. Briefs are permitted. The Appeals Officer's decision becomes the final decision of the Secretary within 10 days unless the full Board accepts a petition for reconsideration.

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Department of Housing and Urban Development Act
Debarment and Suspension

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	75	8	21	104

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	3	0	7	10
Withdrawal	1	1	1	3
Dismissal	3	2	4	9
Other	4	2	3	9
On Merits—				
ALJ Hearing & Decision	36	0	3	39
ALJ Hearing w/o Decision	1	0	0	1
ALJ Decision w/o Hearing	27	3	3	33

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	61	3	6	70
No:	14	5	15	34
Result—				
Affirm	15	0	0	15
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	46	3	6	55

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of beginning of investigation / Referral to CALJ	All	76	110.0	0	2445	19	33	9	1	1	63
		Cases	77	42.5	11	77	2	4	0	0	0	6
			78	105.4	21	420	2	11	3	1	0	17
			76-78	104.3	0	2445	23	48	12	2	1	86
Hearing	Referral to CALJ / Date of ALJ's decision or order	With ALJ	76	147.3	35	352	0	17	20	0	0	37
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	162.0	162	162	0	0	2	0	0	2
			76-78	148.0	35	352	0	17	22	0	0	39
		All	76	148.0	37	690	0	21	14	1	0	36
		Other	77	131.0	131	131	0	0	1	0	0	1
Posthearing	ALJ's decision or order / Final agency decision	Cases	78	76.0	31	111	0	4	0	0	0	4
			76-78	140.6	31	690	0	25	15	1	0	41
		With Agency	76	24.0	0	71	33	5	0	0	0	38
		Review	77	168.0	168	168	0	0	1	0	0	1
			78	118.8	86	148	0	2	2	0	0	4
			76-78	36.1	0	168	33	7	3	0	0	43
<u>Total Time</u>	Beginning of investigation / Final agency decision	All	76	12.2	0	50	11	1	0	0	0	12
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	0	0	0	2	0	0	0	0	2
			76-78	10.4	0	50	13	1	0	0	0	14
		With Agency	76	321.0	59	2738	0	4	26	6	1	37
		Review	77	231.7	137	342	0	0	3	0	0	3
	78	331.5	176	537	0	0	4	2	0	6		
	76-78	316.5	59	2738	0	4	33	8	1	46		
<u>Total Time</u>		All	76	194.2	103	273	0	3	9	0	0	12
		Other	77	120.0	98	160	0	2	1	0	0	3
		Cases	78	270.3	102	612	0	2	7	2	0	11
			76-78	217.8	98	612	0	7	17	2	0	26

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
Item		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	1	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	1.0	1	1	1	0	0	0	0	1
	ALJ prehearing and hearing: hours per case	76	2.3	1	8	11	5	0	0	0	16
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.3	1	8	11	5	0	0	0	16
	ALJ Travel: hours per case	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	0	0	0	1	0	0	0	0	1
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	10	0	0	0	0	10
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	10	0	0	0	0	10
Paperwork	Evidentiary documents (excluding briefs): number per case	76	9.5	2	33	1	8	4	0	0	13
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	9.5	2	33	1	8	4	0	0	13
	Transcripts: pages per case	76	42.4	6	193	0	4	6	2	0	12
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	42.4	6	193	0	4	6	2	0	12
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	34.3	8	83	0	3	5	3	0	11
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	34.3	8	83	0	3	5	3	0	11
Contested motions: number per case	76	1.0	1	1	3	0	0	0	0	3	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	1.0	1	1	3	0	0	0	0	3	
Written opinions by ALJ: pages per case	76	3.2	2	5	5	11	0	0	0	16	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	3.2	2	5	5	11	0	0	0	16	

Procedures—

These proceedings are enforcement proceedings designed to remove "undesirables" as potential contractors of the Department. Various types of persons are regulated and there are many causes for debarment, as specified at 24 CFR 24.6. These proceedings are generally pursuant to the general rulemaking authority of the Department, and historically have been held by hearing officers who do not in most cases have to be ALJs. However, these cases are frequently heard

by an ALJ. They begin formally when the Assistant Secretary serves the contractor or grantee with written notice of the proposed action. The respondent has 10 days to request a hearing. The hearing officer's determination is final unless the Secretary decides to review within 30 days. Petitions for review may be filed within 10 days. The Secretarial determination is final.

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Department of Housing and Urban Development Act
Mortgagee Review Board

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	8	2	18	28

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	6	0	7	13
Withdrawal	0	0	3	3
Dismissal	0	0	3	3
Other	0	2	1	3
On Merits—				
ALJ Hearing & Decision	1	0	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	4	5

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	0	4	5
No:	7	2	14	23
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	1	0	4	5

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date Board begins review / Referral to CALJ	All	76	29.8	24	34	2	2	0	0	0	4
		Cases	77	--	--	--	0	0	0	0	0	0
			78	8.5	0	77	15	1	0	0	0	16
			76-78	12.8	0	77	17	3	0	0	0	20
Hearing	Referral to CALJ / Date of ALJ's decision or order	With ALJ	76	167.0	167	167	0	0	1	0	0	1
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	167.0	167	167	0	0	1	0	0	1
		All	76	46.0	27	55	1	6	0	0	0	7
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision or order / Final agency action	Cases	78	82.2	81	87	0	5	0	0	0	5
			76-78	61.1	27	87	1	11	0	0	0	12
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	0	0	0	4	0	0	0	0	4
			76-78	0	0	0	4	0	0	0	0	4
Total Time	Board begins review / Final agency action	All	76	0	0	0	4	0	0	0	0	4
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	0	0	0	1	0	0	0	0	1
			76-78	0	0	0	5	0	0	0	0	5
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
	78	83.3	81	84	0	4	0	0	0	4		
	76-78	83.3	81	84	0	4	0	0	0	4		
	All	76	84.8	79	89	0	4	0	0	0	4	
	Other	77	--	--	--	0	0	0	0	0	0	
	Cases	78	111.1	63	185	0	7	5	0	0	12	
		76-78	104.5	63	185	0	11	5	0	0	16	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
												Cases with full or partial hearing—	
			FY: 76 77 78 76-78										
			Number: 1 0 0 1										
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	2.0 -- -- 2.0	2 -- -- 2	2 -- -- 2	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Transcripts: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Briefs: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case	76 77 78 76-78	5.0 -- -- 5.0	5 -- -- 5	5 -- -- 5	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	

Procedures—

These actions are for the purpose of reviewing the performance of mortgagees who deal in mortgages insured by the Department. In these cases the Board (made up of HUD officials) determines that a mortgagee's approval be withdrawn and so notifies the mortgagee who has 30 days to

request a hearing. The hearing officer (who need not be an ALJ, but sometimes is) makes the initial determination, which is final unless reversed or modified within 30 days by the Secretary.

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Equal Opportunity

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	1	1	6	8

MANNER OF TERMINATION (number of cases)

Not on Merits--	76	77	78	76-78
Settlement	0	0	1	1
Withdrawal	0	0	0	0
Dismissal	0	0	1	1
Other	0	0	0	0
On Merits--				
ALJ Hearing & Decision	1	1	1	3
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	3	3

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	1	1	4	6
No:	0	0	2	2
Result--				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	1	1	4	6

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Private complaint or Departmental investigation / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	--	--	--	0	0	0	0	0	0
			78	22.5	12	38	3	1	0	0	0	4
			76-78	22.5	12	38	3	1	0	0	0	4
Hearing	Referral to CALJ / Date of ALJ's decision or order	With ALJ	76	216.0	216	216	0	0	1	0	0	1
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	328.0	328	328	0	0	1	0	0	1
			76-78	272.0	216	328	0	0	2	0	0	2
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision or order / Final agency action	Cases	78	146.0	65	271	0	2	1	0	0	3
			76-78	146.0	65	271	0	2	1	0	0	3
		With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	55.3	0	155	2	0	1	0	0	3
			76-78	55.3	0	155	2	0	1	0	0	3
Total Time	Private complaint or Departmental investigation/Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	103.0	103	103	0	1	0	0	0	1
			76-78	103.0	103	103	0	1	0	0	0	1
		With Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
	78	232.7	126	442	0	0	2	1	0	3		
	76-78	232.7	126	442	0	0	2	1	0	3		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: | | | 3

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	

Procedures—

These actions involve the termination of Departmental assistance to grantees who fail to use funds in a non-discriminatory manner. As such, these are specialized debarment cases and should be treated separately. ALJs are required. The oversight applies to 38 acts administered by HUD and listed in Appendix A of 24 CFR part 1. These cases begin one of three ways: private complaint, Departmental investigation, or through a periodic compliance review. The

formal proceeding is commenced by mailing the notice of hearing. Respondent has 20 days to answer and request a hearing. The ALJ makes either the initial decision or, in some cases, a recommended decision. The "responsible Departmental official" then decides either to terminate the assistance (which is not final until approved by the Secretary), or not to terminate the assistance (which decision is final).

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Mobile Home Construction and Safety Standards Act

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	6	23	31

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	2	0	2
Dismissal	1	4	23	28
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	0	0	1
No:	1	6	23	30
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	1	0	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Start of inquiry or evaluation of state performance / Referral to CALJ	All	76	20.0	8	32	1	1	0	0	0	2
		Cases	77	13.0	8	19	6	0	0	0	0	6
			78	22.3	12	44	18	5	0	0	0	23
			76-78	20.4	8	44	25	6	0	0	0	31
Hearing	Referral to CALJ / Date of ALJ's decision or order	With ALJ	76	133.0	133	133	0	0	1	0	0	1
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	133.0	133	133	0	0	1	0	0	1
		All	76	205.0	205	205	0	0	1	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision or order / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	205.0	205	205	0	0	1	0	0	1
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
<u>Total Time</u>	Start of inquiry or evaluation of state performance/ Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	95.7	60	203	0	5	1	0	0	6
	78	351.0	132	361	0	0	23	0	0	23		
	76-78	298.2	60	361	0	5	24	0	0	29		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 1 0 23 24

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Transcripts: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Briefs: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0

Procedures—

The Act requires the Secretary to set standards for all mobile homes manufactured for sale in the U.S. after June 15, 1976. Hearings may be conducted in several instances:

- whenever practicable, the Secretary must give a person notice and an opportunity to present views before seeking injunctive relief against him, Section 5411(a);
- whenever the Secretary contemplates making a determination of an imminent safety hazard or serious defect, Section 5414(e);
- before requiring correction of defects, Section 5414(g);
- before rejecting a state enforcement plan, Section 5422(d);
- before making a negative evaluation of a state's administration of an enforcement plan, Section 5422(f).

ALJs are arguably required in a, b & c, and definitely required in d and e. Some of the hearings are conducted under a shortened procedure with a recommended decision by the presiding officer and a final determination by the Secretary within 30 days. Others are formal with an initial decision made 10 days after the hearing, which is final unless reversed or modified by the Secretary.

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Case type: Cases of Other Agencies

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	21	12	13	46

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	2	3	11	16
Withdrawal	1	1	0	2
Dismissal	1	2	0	3
Other	4	5	1	10
On Merits—				
ALJ Hearing & Decision	12	0	0	12
ALJ Hearing w/o Decision	1	1	0	2
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	10	1	1	12
No:	11	11	12	34
Result—				
Affirm	1	0	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	9	1	1	11

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	111.2	8	204	2	0	4	0	0	6
	Cases	77	21.0	21	21	1	0	0	0	0	1
		78	10.8	3	27	6	0	0	0	0	6
		76-78	57.9	3	204	9	0	4	0	0	13
Hearing	With ALJ	76	201.0	65	525	0	2	6	1	0	9
	Hearing on	77	--	--	--	0	0	0	0	0	0
	Merits	78	--	--	--	0	0	0	0	0	0
		76-78	201.0	65	525	0	2	6	1	0	9
Posthearing	All	76	39.0	39	39	0	1	0	0	0	1
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0
		76-78	39.0	39	39	0	1	0	0	0	1
Total Time	With Agency	76	196.0	196	196	0	0	1	0	0	1
	Review	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	196.0	196	196	0	0	1	0	0	1
Total Time	All	76	365.5	166	565	0	0	1	1	0	2
	Other	77	203.0	203	203	0	0	1	0	0	1
	Cases	78	45.5	22	101	2	4	0	0	0	6
		76-78	134.1	22	565	2	4	2	1	0	9

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 14 2 0 16

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)			
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.				
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	7.0 -- -- 7.0	7 -- -- 7	7 -- -- 7	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	30.0 -- -- 30.0	30 -- -- 30	30 -- -- 30	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	1 0 0 1		
	ALJ Travel: hours per case	76 77 78 76-78	0 -- -- 0	0 -- -- 0	0 -- -- 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	8.0 -- -- 8.0	8 -- -- 8	8 -- -- 8	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	96.0 -- -- 96.0	96 -- -- 96	96 -- -- 96	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	1 0 0 1
			Transcripts: pages per case	76 77 78 76-78	1071.0 -- -- 1071.0	1071 -- -- 1071	1071 -- -- 1071	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1
			Briefs: pages per case	76 77 78 76-78	132.0 -- -- 132.0	132 -- -- 132	132 -- -- 132	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	1 0 0 1
	Exhibits: pages per case		76 77 78 76-78	800.0 -- -- 800.0	800 -- -- 800	800 -- -- 800	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1	
	Contested motions: number per case	76 77 78 76-78	3.5 -- -- 3.5	1 -- -- 1	6 -- -- 6	1 0 0 1	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	2 0 0 2	
		Written opinions by ALJ: pages per case	76 77 78 76-78	37.0 -- -- 37.0	37 -- -- 37	37 -- -- 37	0 0 0 0	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	1 0 0 1	

Procedures—

A varied mix of cases from other agencies, but heard and initially decided by HUD's ALJ.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF THE INTERIOR
Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Coal Mine Health and Safety Act ^a					
Applications for Compensation					
30 USC 820(a) 43 CFR 4.560 (1977)	(75)		9	3	
	76	7	5	12	0
	77	0	9	4	5
	78	5	2	2	5
	76-78		16	18	
Coal Mine Health and Safety Act ^a					
Civil Penalty Cases					
30 USC 819 43 CFR 4.540 (1977)	(75)		3753	9106	
	76	5289	2422	6078	1633
	77 *	1633	1162	2088	653
	78	653	766	415	1004
	76-78		4350	8581	
Coal Mine Health and Safety Act ^a					
Petitions for Modification of the Application of Safety Standards					
30 USC 861(c) 43 CFR 4.550 (1977)	(75)		137	178	
	76	143	702	218	627
	77	627	266	394	499
	78	499	43	184	358
	76-78		1011	796	
Coal Mine Health and Safety Act ^a					
Review of Discrimination					
30 USC 820(b) 43 CFR 4.560 (1977)	(75)		6	2	
	76	7	15	7	15
	77	15	21	16	20
	78	20	12	8	24
	76-78		48	31	

Applications for compensation initiated by a miner (or his representative) who is idled by an order of withdrawal or who claims he was not withdrawn due to the operator's non-compliance with an order to do so.

Proceedings to determine whether a mine operator or miner has violated a mandatory health and safety standard and, if so, the amount of penalty to be assessed.

Proceedings initiated by a mine operator or representative of miners to hear petitions for modification of the application of any mandatory safety standard.

Applications initiated by a miner (or his representative) who claims that the invocation of his rights under the Act led to his discharge or to discriminatory treatment against him.

* Discrepancy in arithmetic not explained by agency.

^a All Coal Mine Health and Safety Act cases were transferred to the Federal Mine Safety and Health Review Commission (see page 158) on March 8, 1978. The Department reported that 1,528 cases pending in the Hearings Division were transferred.

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DEPARTMENT OF THE INTERIOR (continued)
Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Coal Mine Health and Safety Act ^a					
Review of Orders of Withdrawal and Notices of Violation	(75)		252	319	
30 USC 815					
43 CFR 4.530 (1977)					
Proceedings whereby a mine operator or a representative of miners, in any mine affected by an order to withdraw all persons from the mine for violations of safety standards, may be heard to challenge such order or the modification or termination thereof.	76	320	233	303	107 *
	77	107	227	181	153
	78	153	195	211	137
	76-78		655	695	
			* Recounted during the year.		
Endangered Species Act					
Civil Penalty Cases					
16 USC 668aa et seq.	(75)		21	14	
50 CFR 11					
Civil penalty proceedings to determine whether the respondent has knowingly violated any provisions of the Act or of any permit or regulation issued thereunder and, if so, the amount of the penalty.	76	13	21	28	6
	77	6	32	16	22
	78	22	38	44	16
	76-78		91	88	
Bureau of Land Management					
Desert Land Cases ^b					
43 USC 321 et seq.	(75)		0	6	
43 CFR 4.450					
Proceedings by government or private party to determine the validity of entry under the desert land laws.	76	3	3	4	2
	77	2	7	7	2
	78	2	2	2	2
	76-78		12	13	
Bureau of Land Management					
Grazing Appeals ^b					
43 USC 315h	(75)		43	35	
43 CFR 4.470, 4100					
Appeals by applicants for, or holders of, grazing permits or licenses issued under the grazing laws for grazing privileges on the public domain.	76	43	31	42	32
	77	32	23	26	29
	78	29	26	32	23
	76-78		80	100	

^a All Coal Mine Health and Safety Act cases were transferred to the Federal Mine Safety and Health Review Commission (see page 158) on March 8, 1978. The Department reported that 1,528 cases pending in the Hearings Division were transferred.

^b No data on individual cases were reported.

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DEPARTMENT OF THE INTERIOR (continued)
Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Bureau of Land Management					
Grazing Enforcement ^a					
43 USC 315h 43 CFR 4.470, 4140	(75)		9	5	
Proceedings against grazing permittees or licensees for violation of the terms of the permit or license or of the regulations governing grazing on the public domain.	76	5	8	7	6
	77	6	3	7	2
	78	2	2	4	0
	76-78		13	18	
Bureau of Land Management					
Homestead Cases ^a					
43 USC 185 43 CFR 4.450	(75)		1	3	
Proceedings by government or private party to determine the validity of entry under the homestead laws.	76	2	6	3	5
	77	5	5	4	6
	78	6	5	4	7
	76-78		16	11	
Bureau of Land Management					
Multiple Mineral Development Claims Adjudications ^a					
30 USC 521 et seq. 43 CFR 4.450	(75)		3	3	
Proceedings to determine the validity of unpatented mining claims located prior to 1954 for the purpose of establishing the authority of the locator to control certain leasable minerals. If the claim is found to be invalid, the right to control and lease the leasable minerals reverts to the government.	76	1	0	0	1
	77	1	0	0	1
	78	1	0	0	1
	76-78		0	0	
Bureau of Land Management					
Mineral Adverse Proceedings ^a					
30 USC 22 43 CFR 4.450, 3871	(75)		53	51	
Proceedings to determine the validity of located but contested mining claims. Issues involve: who claimed the land first, whether the claim was properly recorded, who discovered minerals first, and whether the initial claim has lapsed for failure to develop the claim. The government often initiates the contest in order to clear the way for withdrawing the land from the operation of mining laws (e.g., to establish a national park).	76	124	124	94	153 *
	77	153	73	105	121
	78	121	189	138	172
	76-78		386	337	

* Recounted during the year.

^a No data on individual cases were reported.

ANNUAL CASELOAD INVENTORY
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DEPARTMENT OF THE INTERIOR (continued)
 Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Bureau of Land Management Mineral Patent Applications ^a					
30 USC 29 43 CFR 4.450, 3860	(75)		4	5	
	76	24	19	5	39 *
	77	39	13	11	41
	78	41	8	20	29
	76-78		40	36	
			* Recounted during the year.		
Bureau of Land Management Rights Restoration Act Claims ^a					
30 USC 621 43 CFR 4.450	(75)		20	18	
	76	17	8	22	3
	77	3	6	8	1
	78	1	38	19	20
	76-78		52	49	
Bureau of Land Management Surface Resources Claims Adjudications ^a					
30 USC 613 43 CFR 4.450	(75)		2	3	
	76	2	5	3	4
	77	4	6	4	6
	78	6	2	6	2
	76-78		13	13	
Bureau of Land Management Private Contests ^a					
43 USC 2, 1201 43 CFR 4.450	(75)		0	1	
	76	0	3	1	2
	77	2	1	2	1
	78	1	3	1	3
	76-78		7	4	

^a No data on individual cases were reported.

ANNUAL CASELOAD INVENTORY
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DEPARTMENT OF THE INTERIOR (continued)
Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Bureau of Land Management Discretionary Hearings ^a					
	(75)		13	3	
43 CFR 4.415	76	13	13	9	17
	77	17	18	8	27
	78	27	17	21	23
Various discretionary hearings conducted by the Hearings Division for the Bureau of Land Management.	76-78		48	38	
Surface Mining Control Act of 1977 Civil Penalty Cases ^a					
	(75)		--	--	
30 USC 1268	76	--	--	--	--
43 CFR 4.1100	77	--	--	--	--
	78	--	16	0	16
Petitions for review of assessment of civil penalty proposed by the Office of Surface Mining for violation of the Act.	76-78		16	0	
Surface Mining Control Act of 1977 Notices of Violation and Cessation Orders ^a					
	(75)		--	--	
30 USC 1271(a)(2), (3)	76	--	--	--	--
43 CFR 4.1100	77	--	--	--	--
	78	--	55	9	46
Applications for review of notices of violations and orders of cessation or modifications, vacations, or terminations thereof.	76-78		55	9	
Miscellaneous Hearings ^a					
	(75)		27	27	
	76	6	67	49	24
	77	24	70	79	15
	78	15	94	56	53
Environmental analyses, various public hearings, and rulemakings assigned to ALJs.	76-78		231	184	

^a No data on individual cases were reported.

ANNUAL CASELOAD INVENTORY
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DEPARTMENT OF THE INTERIOR (continued)
Hearings Division

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Hearings Division	Cases Pending at End of FY
Indian Probate ^a	(75)		N/A	N/A	
25 USC 371--373					
43 CFR 4.200	76	1763	2900	2641	2022
Various Indian probate determinations heard by a specialized corps of eleven judges who are technically not fully-qualified ALJs.	77	2022	2216	2488	1749 *
	78	1749	2083	1877	1955
	76-78		7199	7006	

* Recounted during the year.

Summary of ALJ Actions in Terminated Cases (Hearings Division)

Case Type	FY	Terminated	Decisions	Summary Dismissal
Coal Mine Health and Safety Act (all case types)	1976	6618	2562 *	4056
	1977	2683	936	1747
	1978	820	N/A	N/A
Public Lands (all case types)	1976	191	132	59
	1977	186	138	48
	1978	247	N/A	N/A
Endangered Species Act	1976	28	13	15
	1977	16	7	9
	1978	44	N/A	N/A

* 1784 of these were default judgments.

^a No data on individual cases were reported.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978

DEPARTMENT OF THE INTERIOR (continued)
Appeals Boards *

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Appeals Boards	Cases Pending at End of FY
Board of Land Appeals	(75)		N/A	N/A	
	76	N/A	N/A	N/A	N/A
	77	N/A	N/A	N/A	N/A
	78	634	662	512	784
	76-78				
<p>Appeals of cases heard initially by ALJs for the Bureau of Land Management. These totals also include some non-ALJ cases.</p>					
Board of Surface Mining Appeals	(75)		--	--	
	76	--	--	--	--
	77	--	--	--	--
	78	--	72	68	4
	76-78		72	68	
<p>The Board began receiving appeals in April 1978 concerning small operator exemptions. The Department expects a substantial increase in caseload for the Board in FY 1979 and FY 1980.</p>					
Board of Indian Appeals	(75)		N/A	N/A	
	76	N/A	N/A	N/A	N/A
	77	N/A	N/A	N/A	N/A
	78	23	22	40	5
	76-78				
<p>Appeals of Indian probate cases. The Department expects the FY 1979 case output to increase to approximately 90 cases decided, due to the following: (1) the Board has received a special delegation from the Director of the Office of Hearings and Appeals to decide all Alaska Native Disenrollment appeals, and (2) appeals from decisions of the Commissioner of the Bureau of Indian Affairs are beginning to resurface. With respect to the latter, during most of Fiscal Year 1978 there was no Commissioner of the Bureau, and appeals to the head of that office were disposed of by the Assistant Secretary for Indian Affairs.</p>					
Board of Contract Appeals	(75)		N/A	N/A	
	76	N/A	N/A	N/A	N/A
	77	N/A	N/A	N/A	N/A
	78	56	58	56	58
	76-78				
<p>Appeals by contractors. Appeals are heard by special three-member panels. ALJs are not involved.</p>					

* These boards hear appeals of cases initially decided by the Hearings Division of the Office of Hearings and Appeals (see preceding pages) and elsewhere in the Department. An individual case may be reported as a board of appeals case as well as a Hearings Division case. No individual case data are reported for these cases.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978

DEPARTMENT OF THE INTERIOR (continued)
Appeals Boards *

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Appeals Boards	Cases Pending at End of FY
Alaska Native Claims Appeals Board	(75)		N/A	N/A	
	76	N/A	N/A	N/A	N/A
	77	N/A	N/A	N/A	N/A
	78	69	68	83	54
	76-78				
Teton Ad Hoc Appeals Board	(75)		N/A	N/A	
	76	N/A	N/A	N/A	N/A
	77	N/A	N/A	N/A	N/A
	78	17	84	69	32
	76-78				

NOTE—

The Board of Mine Operations Appeals was abolished in March 1978 when all Coal Mine Health and Safety Act cases were transferred to the Federal Mine Safety and Health Review Commission. In FY 1976 (plus the transition quarter), the Board of Mine Operations Appeals terminated 101 cases.

*These boards hear appeals of cases initially decided by the Hearings Division of the Office of Hearings and Appeals (see preceding pages) and elsewhere in the Department. An individual case may be reported as a board of appeals case as well as a Hearings Division case. No individual case data are reported for these cases.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Coal Mine Health and Safety Act
Applications for Compensation

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	2	--	--	--

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	--	--	--
Withdrawal	0	--	--	--
Dismissal	0	--	--	--
Other	0	--	--	--
On Merits—				
ALJ Hearing & Decision	2	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	0	--	--	--

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	2	--	--	--
No:	0	--	--	--
Result—				
Affirm	2	--	--	--
Reverse	0	--	--	--
Modify	0	--	--	--
Remand/Other	0	--	--	--

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	--	--	--	--	--	--	--	--	--
	Merits	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Posthearing	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	--	--	--	--	--	--
	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	With	76	184.5	153	216	0	0	2	0	0	2
	Agency	77	--	--	--	--	--	--	--	--	--
	Review	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	--	--	--	--	--	--
	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--

Notes—

^a Due to the high volume of Coal Mine Health and Safety Act cases, ACUS agreed to the submission of a sampling of data for 1976. No data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 2 -- -- --

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--

Note: In March 1978 this type of case was transferred to the Federal Mine Safety and Health Review Commission, with enforcement by the Mine Safety and Health Administration in the Department of Labor.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Coal Mine Health and Safety Act
Civil Penalty Cases

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	372	--	--	--

MANNER OF TERMINATION (number of cases)

Not on Merits--	76	77	78	76-78
Settlement	0	--	--	--
Withdrawal	157	--	--	--
Dismissal	101	--	--	--
Other	19	--	--	--
On Merits--				
ALJ Hearing & Decision	94	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	1	--	--	--

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	49	--	--	--
No:	323	--	--	--
Result--				
Affirm	33	--	--	--
Reverse	5	--	--	--
Modify	8	--	--	--
Remand/Other	3	--	--	--

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	MESA's complaint / Referral to CALJ	All	76	216.8	0	1022	69	63	109	65	5	311
		Cases	77	--	--	--	--	--	--	--	--	--
			78	--	--	--	--	--	--	--	--	--
			76-78	--	--	--	--	--	--	--	--	--
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	300.6	101	904	0	7	28	13	1	49
		Hearing on	77	--	--	--	--	--	--	--	--	--
		Merits	78	--	--	--	--	--	--	--	--	--
			76-78	--	--	--	--	--	--	--	--	--
		All	76	220.5	11	909	27	119	60	44	13	263
		Other	77	--	--	--	--	--	--	--	--	--
Posthearing	ALJ's decision / Final agency action	Cases	78	--	--	--	--	--	--	--	--	--
			76-78	--	--	--	--	--	--	--	--	--
		All	76	188.4	34	653	0	12	36	1	0	49
		Agency	77	--	--	--	--	--	--	--	--	--
		Review	78	--	--	--	--	--	--	--	--	--
			76-78	--	--	--	--	--	--	--	--	--
Total Time	MESA's complaint / Final agency action	All	76	0.1	0	27	320	0	0	0	0	320
		Other	77	--	--	--	--	--	--	--	--	--
		Cases	78	--	--	--	--	--	--	--	--	--
			76-78	--	--	--	--	--	--	--	--	--
		With	76	390.5	264	621	0	0	2	2	0	4
		Agency	77	--	--	--	--	--	--	--	--	--
Review	78	--	--	--	--	--	--	--	--	--		
	76-78	--	--	--	--	--	--	--	--	--		
All	76	448.7	28	1041	1	24	90	156	48	319		
Other	77	--	--	--	--	--	--	--	--	--		
Cases	78	--	--	--	--	--	--	--	--	--		
	76-78	--	--	--	--	--	--	--	--	--		

Notes--

^a Due to the high volume of Coal Mine Health and Safety Act cases, ACUS agreed to the submission of a sampling of data for 1976. No data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	96	--	--	--

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	88.6	3	199	0	2	9	15	0	26
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	88.6	3	199	0	2	9	15	0	26
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	

Procedures—

These cases were initiated by the Mining Enforcement and Safety Administration (MESA) by filing a complaint with the Office of Hearings and Appeals. The respondent had 30 days after service to answer and request a hearing. If the respondent failed to respond to a prehearing order, the OHA issued an order to show cause why the respondent should not be held in default. If such an order was not satisfied, the hearing was deemed waived and the penalty assessed. After service of the ALJ's decision, the losing party could file a

notice of appeal to the Board of Mine Operations Appeals within 20 days. Twenty days were allowed for briefing and reply briefing.

Note: In March 1978 this type of case was transferred to the Federal Mine Safety and Health Review Commission, with enforcement by the Mine Safety and Health Administration in the Department of Labor.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Coal Mine Health and Safety Act
 Petitions for Modification of the Application of Safety Standards

Case-Closed Cards Submitted— ^a				
FY:	76	77	78	76-78
Number:	215	--	--	--

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	--	--	--
Withdrawal	32	--	--	--
Dismissal	64	--	--	--
Other	0	--	--	--
On Merits—				
ALJ Hearing & Decision	14	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	105	--	--	--

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	12	--	--	--
No:	203	--	--	--
Result—				
Affirm	4	--	--	--
Reverse	3	--	--	--
Modify	0	--	--	--
Remand/Other	5	--	--	--

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All Cases	76	95.5	2	840	14	118	31	4	1	168
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Hearing	With ALJ Hearing on Merits	76	579.3	136	1213	0	0	2	4	3	9
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Posthearing	All Other Cases	76	190.3	4	1213	10	64	62	21	2	159
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	With Agency Review	76	517.3	231	942	0	0	3	1	3	7
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	All Other Cases	76	302.1	13	1249	1	41	95	54	8	199
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--

Notes—

^aNo data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY: 76 77 78 76-78

Number: 15 -- -- --

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	ALJ prehearing and hearings: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	
ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	--	--	--	--	--	--	
	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	Transcripts: pages per case	76	323.5	4	1173	0	1	1	1	1	4
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	--	--	--	--	--	--	
	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	--	--	--	--	--	--	
	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	--	--	--	--	--	--	
	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	

Note: In March 1978 this type of case was transferred to the Federal Mine Safety and Health Review Commission, with enforcement by the Mine Safety and Health Administration in the Department of Labor.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Coal Mine Health and Safety Act
Review of Discrimination

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	18	--	--	--

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	--	--	--
Withdrawal	3	--	--	--
Dismissal	5	--	--	--
Other	0	--	--	--
On Merits—				
ALJ Hearing & Decision	9	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	1	--	--	--

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	9	--	--	--
No:	9	--	--	--
Result—				
Affirm	2	--	--	--
Reverse	0	--	--	--
Modify	0	--	--	--
Remand/Other	7	--	--	--

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	35.0	1	115	10	6	0	0	0	16
	Cases	77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Hearing	With ALJ	76	248.8	66	504	0	2	4	2	0	8
	Hearing on	77	--	--	--	--	--	--	--	--	--
	Merits	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Posthearing	All	76	77.6	15	173	2	4	2	0	0	8
	Other	77	--	--	--	--	--	--	--	--	--
	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	With	76	216.7	117	295	0	1	2	0	0	3
	Agency	77	--	--	--	--	--	--	--	--	--
	Review	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	All	76	195.8	54	505	0	5	1	2	0	8
	Other	77	--	--	--	--	--	--	--	--	--
	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--

Notes—

^aNo data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						FY: 76 77 78 76-78							
						Number: 9 -- -- --							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --
			Transcripts: pages per case	76 77 78 76-78	123.3 -- -- --	37 -- -- --	296 -- -- --	0 -- -- --	0 -- -- --	2 -- -- --	0 -- -- --	1 -- -- --	3 -- -- --
			Briefs: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	
Written opinions by ALJ: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --	0 -- -- --		

Note: In March 1978 this type of case was transferred to the Federal Mine Safety and Health Review Commission, with enforcement by the Mine Safety and Health Administration in the Department of Labor.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Coal Mine Health and Safety Act
Reviews of Orders of Withdrawal and Notices of Violation

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	259	--	--	--

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	--	--	--
Withdrawal	43	--	--	--
Dismissal	53	--	--	--
Other	4	--	--	--
On Merits—				
ALJ Hearing & Decision	114	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	45	--	--	--

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	67	--	--	--
No:	192	--	--	--
Result—				
Affirm	26	--	--	--
Reverse	9	--	--	--
Modify	2	--	--	--
Remand/Other	30	--	--	--

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	45.0	0	360	135	51	23	0	0	209
	Cases	77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Hearing	With ALJ	76	376.4	49	1544	0	14	35	11	15	75
	Hearing on	77	--	--	--	--	--	--	--	--	--
	Merits	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	All	76	116.4	2	850	19	81	28	5	2	135
	Other	77	--	--	--	--	--	--	--	--	--
Posthearing	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	With	76	196.4	0	569	3	17	23	7	0	50
	Agency	77	--	--	--	--	--	--	--	--	--
	Review	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
<u>Total Time</u>	All	76	0	0	0	191	0	0	0	0	191
	Other	77	--	--	--	--	--	--	--	--	--
	Cases	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
<u>Total Time</u>	With	76	414.8	113	1126	0	1	10	1	4	16
	Agency	77	--	--	--	--	--	--	--	--	--
	Review	78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
	All	76	233.8	13	1553	7	91	64	8	20	190
	Other	77	--	--	--	--	--	--	--	--	--
Cases	78	--	--	--	--	--	--	--	--	--	
	76-78	--	--	--	--	--	--	--	--	--	

Notes—

^a Due to the high volume of Coal Mine Health and Safety Act cases, ACUS agreed to the submission of a sampling of data for 1976. No data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:	76	77	78	76-78						
		Number:	124	--	--	--						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	1	0	0	0	0	0	1	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	Transcripts: pages per case	76	153.0	4	375	0	1	8	29	14	52	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	--	--	--	--	--	--	
		78	--	--	--	--	--	--	--	--	--	
	76-78		--	--	--	--	--	--	--	--	--	

Note: In March 1978 this type of case was transferred to the Federal Mine Safety and Health Review Commission, with enforcement by the Mine Safety and Health Administration in the Department of Labor.

Agency: DEPARTMENT OF THE INTERIOR

Case type: Endangered Species Act
Civil Penalty

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	27	--	--	--

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	2	--	-	--
Withdrawal	0	--	--	--
Dismissal	13	--	--	--
Other	0	--	--	--
On Merits—				
ALJ Hearing & Decision	12	--	--	--
ALJ Hearing w/o Decision	0	--	--	--
ALJ Decision w/o Hearing	0	--	--	--

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	--	--	--
No:	25	--	--	--
Result—				
Affirm	2	--	--	--
Reverse	0	--	--	--
Modify	0	--	--	--
Remand/Other	0	--	--	--

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All Cases	76	41.0	41	41	0	1	0	0	0	1
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Hearing	With ALJ Hearing on Merits	76	291.3	55	547	0	2	6	4	0	12
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Posthearing	All Other Cases	76	154.9	20	401	1	7	5	2	0	15
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	With Agency Review	76	174.0	97	251	0	1	1	0	0	2
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	All Other Cases	76	0	0	0	25	0	0	0	0	25
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--
Total Time	With Agency Review	76	156.0	156	156	0	0	1	0	0	1
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
		76-78	--	--	--	--	--	--	--	--	--

Notes—

^aNo data on individual cases were submitted for FY 1977 and FY 1978.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—					
		76	77	78	76-78						
		Number:									
		14									
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Transcripts: pages per case	76	65.5	15	185	0	0	4	2	0	6
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	--	--	--	--	--	--
		78	--	--	--	--	--	--	--	--	--
	76-78	--	--	--	--	--	--	--	--	--	--

Procedures—

The Director of the Fish and Wildlife Service initiates a proceeding by issuing a notice of violation. The respondent has 45 days to respond. If no settlement is reached during that period, the Director issues a notice of assessment. The respondent has 45 days to request a hearing. The case is then immediately assigned to an ALJ. Appeals from the ALJ's initial decision are to an ad hoc appeals board.

INTERSTATE COMMERCE COMMISSION

Statistics on the ICC's caseload and case processing time are developed within the Commission and are submitted to the Administrative Conference on a computer printout report prepared by the Assistant to the Managing Director for Information Systems. The ICC's in-house statistical reporting effort is among the most systematic of those agencies submitting data to ACUS. We have relied entirely on the accuracy of the data as generated within the ICC.

The Commission divided its formal proceedings into nineteen categories (each of which had at least one closed case in the period FY 1976-78). Only cases that reached the stage of referral to an administrative law judge are included in the "new cases" column. Generally speaking, ICC formal proceedings are of three main types: formal complaints, formal investigations and applications. The 19 case types are each briefly described in the case load summaries and are analyzed separately in the following tables. The basic procedure followed in such cases is as follows: Whenever an application, complaint or order of investigation initiates a proceeding which might result in a hearing, the proceeding is forwarded to the Office of Proceedings. That office, along with the Chief Administrative Law Judge's Office, then makes a determination whether to assign the case for oral hearing or whether to use "modified procedure", a procedure in which no oral hearing is held, but verified written submissions are made to the presiding officer. If the case is deemed to be potentially a complicated one with disputed issues of fact, the case will be forwarded to the CALJ's office for assignment to an ALJ for oral hearing. The remainder are adjudicated by modified procedure. In a few categories of cases, ALJs also preside over some modified procedure cases, but in most categories the CALJ's office will not see a case unless it is to involve an oral hearing. Other agency employees and "employee boards" preside over the bulk of the modified procedure cases. One difficulty with the ICC's statistics is that cases heard under the simplified and shorter "modified procedure" by ALJs are not separated from cases orally heard by ALJs. These cases are relatively few, however.

When a case is referred to the CALJ's office, it is then referred to an individual ALJ. Whether the case is set for oral hearing, or is to be presided over by an ALJ according to the modified procedure, the ALJ, in most categories of cases, must write an initial decision which is subject to review when exceptions are filed or upon the Commission's own motion. (In a few types of cases,

most notably in cases involving investigation and suspension of rates, where the Commission is under a statutory deadline to make a decision, the Commission has, by regulation, done away with the initial decision in order to issue its final decision more speedily. However, in practice, the Commission still asks the ALJ to write a draft decision, not given to the parties, which serves as a recommendation to the Commission and is often released as the decision of the Commission.)

The ALJ presides over the oral hearing (or the submission of written evidence in those modified procedure cases assigned to an ALJ). Oral argument may be permitted by the ALJ after the close of the hearing; otherwise the parties have 45 days to file trial briefs. Extensions and reply briefs are not permitted unless ordered by the Commission. In the usual case, where the ALJ issues an initial decision, the decision may become effective as the order of the Commission unless an exception is filed or the Commission stays the decision on its own motion. Exceptions must be filed within thirty days of service of the decision and any reply within twenty days. Oral argument before the Commission or other reviewing body (see below) is within the discretion of the reviewing body.

The rules of practice governing procedure before the ICC, including the formal hearings described in this report, are found at 49 CFR part 1100.

The rules of practice, however, do not shed much light on the procedures used by the Commission to review ALJs' initial decisions. As stated above, except in a few categories of cases, initial decisions are made—either by ALJs or employee boards. (In its report to ACUS, the ICC does not report on a case unless an ALJ is involved.) In most cases, where exceptions are filed, ALJ initial decisions are reviewed by a "division" of the Commission consisting of 3 members. There are three divisions: Division I (Operating Rights), Division II (Rates and Practices) and Division III (Finance and Service). These divisions also act as "Appellate Divisions" when a division has reversed or modified a decision by the ALJ. In such cases a petition for reconsideration is addressed to the same division acting in an appellate capacity (although the same Commissioners sit on the Appellate Division as sat on the Division.) Some cases are not, however, initially reviewed by a division, but by an employee review board which has been delegated review authority by the Commission, with the possibility of further review by a division and the entire Commission. The entire Commission (eleven members) will not review a decision

by the division or appellate division unless it announces, on its own motion or after a petition, that a "matter of general transportation importance" is involved.

The general reviewing procedures are set forth in the proposed rules at 49 CFR 1100.96--1100.98, but the Commission's policies and practices regarding the particular reviewing authority of the three divisions and employee boards are not included in the rules. Information on this can be found only in the minutes of Commission meetings.

ICC TABLES

In the following ICC tables, the case (and the post-hearing stage) is deemed terminated when the Commission issues a notice to the parties that the decision has become final. Thus, even if no exceptions have been filed, there is a slight delay before such notice is given.

Each type of case is treated separately and the information is analogous to that presented for the other agencies' cases. However, the prehearing stage is divided into two sub-stages to reflect the time taken between referral to the Office of Hearings and referral to the ALJ. The elapsed time for the hearing stage is further broken down by manner of termination to reflect either an ALJ decision on the merits or a dismissal/withdrawal. The latter grouping includes only those situations where the applicant agrees to withdraw his application or a complainant agrees to a dismissal of his complaint.

As with the other tables in this report, the post-hearing stage and the total elapsed time figures are divided into cases with Commission review and all other cases. Reviewed cases include cases where the ALJ's decision is not final because exceptions were filed or the Commission reviews on its own motion. Also included are those cases where the ALJ does not write an initial decision.

The effect of agency review is also given for those cases where the ALJ's decision was reviewed. Minor modifications are considered affirmances; major modifications are considered reversals. The affirmances include a significant number of summary affirmances by the division or Commission, called "decisions and orders". In some instances the review results in a "declaratory order" which is a disposition by issuance of an order which does not terminate the controversy on the merits, but which may state the Commission's future policy.

The only information available from the ICC corresponding to "Time and Effort at the Hearing Stage"

is the number of hours of hearing. The problem with this is that most, but not all, dismissals and withdrawals show zero hours and all cases heard under modified procedure presumably show zero hours. We have therefore counted the number of cases that show a number of hours of hearing greater than zero, to arrive at an estimate of the number of hearings held in each category of case.

The ICC publishes statistics relating to all of its activities in its Annual Report. The ICC's 1978 Annual Report (Appendix B, Table 1, pages 94--95) contains figures on the Commission's workload for fiscal years 1976--78. Caseload and elapsed-time figures are presented for all proceedings, not just those heard and decided by ALJs. However, a glance at the Annual Report's two partial tables that contain figures for cases decided by an "effective ALJ initial decision" and cases "decided by final report after service of initial decision" will show somewhat different figures than were provided to us by the ICC. The differences occurred because, in its report to us, the ICC used more particularized case categories, and because a case was not included in our report (for a particular fiscal year) unless the Commission's final order was issued in that year. In the Annual Report, the case was considered closed when the unappealed ALJ or division decision was issued, resulting in a different grouping of the cases.

Furthermore, the Office of Information Systems which supplied the report to ACUS has notified us that data for some cases (especially in FY 1976) were lost during a modification of its collection system. Therefore the caseload totals (especially for FY 1976) probably underestimate the actual caseload in many of the case types. In several case types, however (notably investigations and suspensions of proposed and existing rates), it appears from a comparison with the ICC Annual Report, that a number of dismissal cases in which no ALJ was involved may have been included erroneously in the report to ACUS. Nevertheless, the overall case-closed figures for the ICC as a whole are consistent with the Annual Report's figures and the elapsed times and other information given for each type of termination within each case type should represent at least a fair sampling of cases.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

INTERSTATE COMMERCE COMMISSION ^a

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Operating Authority Applications					
Motor Carrier					
(75)			1002	723	
49 USC 10923					
49 CFR 1100 et seq.	76	N/A	500	286 *	N/A
Applications by motor carriers for operating authority.	77	N/A	775	999	N/A
	78	N/A	1174	915	1364
* Some FY 1976 data are missing.	76-78		2449	2200	
Operating Authority Applications					
Freight Forwarder					
(75)			8	6	
49 USC 10923					
49 CFR 1100 et seq.	76	N/A	5	2	N/A
Applications by freight forwarders for operating authority.	77	N/A	4	5	N/A
	78	N/A	5	10	7
	76-78		14	17	
Operating Authority Applications					
Water Carrier					
(75)			5	4	
49 USC 10923					
49 CFR 1100 et seq.	76	N/A	3	1	N/A
Applications by water carriers for operating authority.	77	N/A	4	6	N/A
	78	N/A	0	7	0
	76-78		7	14	
Operating Authority Complaints					
Motor Carrier					
(75)			46	55	
49 USC 10701, 10704					
49 CFR 1100 et seq.	76	N/A	57	5 *	N/A
Applications by motor carriers for operating authority.	77	N/A	42	53	N/A
	78	N/A	30	50	55
* Some FY 1976 data are missing.	76-78		129	108	

^a All ICC pending figures, except final pending figures, are unavailable due to a loss of data by the ICC.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
(and FY 1975 from previous publication)

INTERSTATE COMMERCE COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Operating Authority Complaints					
Freight Forwarder					
49 USC 10701, 10704 49 CFR 1100 et seq.	(75)		2	4	
	76	N/A	1	0	N/A
	77	N/A	2	1	N/A
	78	N/A	0	1	2
	76-78		3	2	
Proceedings to determine whether, as charged in a complaint, a freight forwarder has operated in violation of the Act or regulations or authority, and if so, what action should be taken.					
Operating Authority Complaints					
Water Carrier					
49 USC 10701, 10704 49 CFR 1100 et seq.	(75)		0	0	
	76	N/A	0	1	N/A
	77	N/A	1	1	N/A
	78	N/A	0	3	0
	76-78		1	5	
Proceedings to determine whether, as charged in a complaint, a water carrier has operated in violation of the Act or regulations or authority, and if so, what action should be taken.					
Investigation of Existing Rates (etc.)					
Water Carrier, Rail Carrier and Freight Forwarder					
49 USC 10701, 10704 49 CFR 1100 et seq.	(75)		61	82	
	76	N/A	38	61	N/A
	77	N/A	24	195	N/A
	78	N/A	12	147	29
	76-78		74	403 *	
Formal investigations and complaints relating to the determination of the lawfulness of existing rates, fares, regulations and practices of rail, water, and freight forwarder carriers.					
* Case-closed figure likely includes some non-ALJ cases.					
Investigation of Existing Rates (etc.)					
Motor Carrier					
49 USC 10701, 10704 49 CFR 1100 et seq.	(75)		40	48	
	76	N/A	6	21	N/A
	77	N/A	4	61	N/A
	78	N/A	6	68	4
	76-78		16	150 *	
Formal investigations and complaints relating to the determination of the lawfulness of existing rates, fares, regulations and practices of motor carriers.					
* Case-closed figure likely includes some non-ALJ cases.					

^a All ICC pending figures, except final pending figures, are unavailable due to a loss of data by the ICC.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

INTERSTATE COMMERCE COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Investigation and Suspension of Proposed Rates (etc.) Water Carrier, Rail Carrier and Freight Forwarder					
49 USC 10707--10708 49 CFR 1100 et seq.	(75)		10	10	
				
	76	N/A	7	35	N/A
	77	N/A	7	27	N/A
	78	N/A	2	30	1
	76-78		16	92 *	
<p>Proceedings to investigate and determine the lawfulness of rates, fares, regulations and practices proposed by rail, water, and freight forwarder carriers.</p>					
<p>* Case-closed figure likely includes some non-ALJ cases.</p>					
Investigation and Suspension of Proposed Rates (etc.) Motor Carrier					
49 USC 10708 49 CFR 1100 et seq.	(75)		8	7	
				
	76	N/A	36	361	N/A
	77	N/A	15	427	N/A
	78	N/A	5	273	3
	76-78		56	1061 *	
<p>Proceedings to investigate and determine the lawfulness of rates, fares, regulations and practices proposed by motor carriers.</p>					
<p>* Case-closed figure likely includes some non-ALJ cases.</p>					
Finance Docket Water Carrier, Rail Carrier and Freight Forwarder					
49 USC 11301, 11343--11348 49 CFR 1100 et seq.	(75)		31	30 *	
				
	76	N/A	16	51	N/A
	77	N/A	21	54	N/A
	78	N/A	22	37	38
	76-78		59	142	
<p>Proceedings to determine whether or not to approve certain financial transactions (mergers, consolidations, issuance of securities, etc.) by rail, water, and freight forwarder carriers.</p>					
<p>*This figure was adjusted by removing 78 abandonment cases which were included in the FY 1975 totals.</p>					
Finance Docket Motor Carrier					
49 USC 11343--11348 49 CFR 1100 et seq.	(75)		91	97	
				
	76	N/A	80	68	N/A
	77	N/A	97	114	N/A
	78	N/A	78	91	143
	76-78		255	273	
<p>Proceedings to determine whether or not to approve certain financial transactions (mergers, consolidations, issuance of securities, etc.) by motor carriers.</p>					

^a All ICC pending figures, except final pending figures, are unavailable due to a loss of data by the ICC.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

INTERSTATE COMMERCE COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Transfers of Operating Authority Motor Carrier					
49 USC 10926 49 CFR 1100 et seq.	(75)		0	0	
Applications for transfer of a certificate or permit of a motor carrier.	76	N/A	6	1	N/A
	77	N/A	0	2	N/A
	78	N/A	1	2	3
	76-78		7	5	
Rate Agreement Applications Motor Carrier					
49 USC 10706 49 CFR 1100 et seq.	(75)		2	3	
Applications by motor carriers under section 5(a) of the Act, seeking Commission approval (and consequent antitrust immunity) of agreements between or among two or more carriers involving joint rates, etc.	76	N/A	1	2	N/A
	77	N/A	1	2	N/A
	78	N/A	0	3	0
	76-78		2	7	
Rate Agreement Applications Rail Carrier					
49 USC 10706 49 CFR 1100 et seq.	(75)		0	0	
Applications by railroads under section 5(a) of the Act, seeking Commission approval (and consequent antitrust immunity) of agreements between or among two or more carriers involving joint rates, etc.	76	N/A	3	0	N/A
	77	N/A	0	0	N/A
	78	N/A	1	3	1
	76-78		4	3	
Through Shipment Applications					
49 USC 10726 49 CFR 1100 et seq.	(75)		3	2	
Applications by any common carrier seeking authority to charge less for through shipments than the sum of charges to all intermediate points.	76	N/A	0	1	N/A
	77	N/A	0	1	N/A
	78	N/A	1	5	0
	76-78		1	7	

^a All ICC pending figures, except final pending figures, are unavailable due to a loss of data by the ICC.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
(and FY 1975 from previous publication)

INTERSTATE COMMERCE COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Abandonments					
49 USC 10903—10909 49 CFR 1100 et seq.	(75)		N/A	78	
	76	N/A	46	36	N/A
	77	N/A	42	56	N/A
	78	N/A	34	37	42
	76-78		122	129	
Ex Parte Proceedings Water Carrier, Rail Carrier or Freight Forwarder					
	(75)		3	3	
	76	N/A	2	2	N/A
	77	N/A	4	2	N/A
	78	N/A	0	5	2
	76-78		6	9	
Ex Parte Proceedings Motor Carrier					
	(75)		0	0	
	76	N/A	0	0	N/A
	77	N/A	1	0	N/A
	78	N/A	0	5	0
	76-78		1	5	

Applications by railroads and ferries to abandon or discontinue the operation of any part of their transportation lines.

Investigations of broad scope and rulemaking proceedings undertaken by the Commission on its own initiative involving changes of codified regulations concerning water, rail, or freight forwarder carriers.

Investigations of broad scope and rulemaking proceedings undertaken by the Commission on its own initiative involving changes of codified regulations concerning motor carriers.

^a All ICC pending figures, except final pending figures, are unavailable due to a loss of data by the ICC.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Applications
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	286	999	915	2200

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	161	750	596	1507
ALJ Decision Final	69	90	166	325
ALJ Decision Reviewed	56	159	153	368

HEARINGS	76	77	78	76-78
	Total Cases	36	120	187
Total Hours	397	1570	1961	3928

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	38	109	58	205
Reverse	16	36	30	82
Declaratory Order	2	15	65	82

CASES PENDING AT YEAR END	76	77	78
Up to 24 months old	471	623	1241
24 to 30 months old	50	69	76
Over 30 months old	33	46	47

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)	
Prehearing	Origination / Referral to Office of Hearings	All	76	106	285	
		Cases	77	116	996	
			78	106	908	
		76-78		111	2189	
	Office of Hearings / Referral to ALJ	All	76	192	167	
		Cases	77	164	466	
		78	149	404		
	76-78		163	1037		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	116	125	
			77	150	247	
			78	143	313	
			76-78		141	685
	Dismissal/Withdrawal		76	164	1	
			77	52	1	
			78	243	1	
		76-78		153	3	
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	280	56
				77	271	158
			78	268	148	
		76-78		271	362	
All Other Cases			76	61	70	
			77	63	90	
		78	42	166		
	76-78		52	326		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	739	56	
			77	681	158	
			78	699	148	
		76-78		697	362	
	All Other Cases		76	285	229	
			77	241	838	
		78	261	760		
	76-78		255	1827		

Procedures—

All applications for motor carrier operating rights are published in the Federal Register. After a 30 day period for filing protests has expired, the applications will be designated either for oral hearing or modified procedure. Only those cases deemed complex are assigned to the oral hearing docket, to be heard by ALJs. Some cases are first assigned to the modified procedure docket, but are later referred for oral

hearing if the employee review board feels such treatment is warranted.

Only those cases assigned or transferred to ALJs for hearing are reported above.

Note: Data for some FY 1976 cases are missing.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Applications
Freight Forwarder

Cases Terminated--

FY:	76	77	78	76-78
Number:	2	5	10	17

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	3	3	7
ALJ Decision Final	1	1	1	3
ALJ Decision Reviewed	0	1	6	7

HEARINGS	76	77	78	76-78
	Total Cases	0	1	2
Total Hours	0	5	14	19

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	3
Reverse	0	1	1	2
Declaratory Order	0	0	2	2

CASES PENDING AT YEAR END	76	77	78	76-78
	Up to 24 months old	5	5	6
24 to 30 months old	0	3	1	4
Over 30 months old	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)	
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	100	1	
			77	109	4	
			78	103	10	
			76-78	104	15	
	Office of Hearings / Referral to ALJ	All Cases	76	179	1	
			77	0	1	
		78	134	8		
		76-78	125	10		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	36	1	
			77	119	1	
			78	396	7	
			76-78	325	9	
	Dismissal/Withdrawal		76	--	0	
			77	--	0	
			78	--	0	
			76-78	--	0	
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
				77	--	0
			78	207	6	
			76-78	207	6	
All Other Cases			76	55	1	
			77	70	1	
		78	24	1		
		76-78	50	3		
Total Time	Origination / Final Commission action	With Commission Review	76	--	0	
			77	342	1	
			78	882	6	
			76-78	805	7	
	All Other Cases		76	544	2	
			77	214	4	
		78	244	4		
		76-78	292	10		

Procedures--

All applications for freight forwarder operating rights are published in the Federal Register. After a 30 day period for filing protests has expired, the applications will be designated either for oral hearing or modified procedure. Only those cases deemed complex are assigned to the oral hearing docket, to be heard by ALJs. Some cases are first assigned to

the modified procedure docket, but are later referred for oral hearing if the employee review board feels such treatment is warranted.

Only those cases assigned or transferred to ALJs for hearing are reported above.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Applications
Water Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	1	6	7	14

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	0	1	1	2
ALJ Decision Final	0	1	1	2
ALJ Decision Reviewed	1	4	5	10

HEARINGS	76	77	78	76-78
	Total Cases	1	3	5
Total Hours	28	54	169	251

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	1	3	4	8
Reverse	0	0	1	1
Declaratory Order	0	1	0	1

CASES PENDING AT YEAR END	76	77	78
Up to 24 months old	3	4	0
24 to 30 months old	0	0	0
Over 30 months old	2	2	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)	
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	79	1	
			77	103	5	
			78	94	7	
			76-78	96	13	
	Office of Hearings / Referral to ALJ	All Cases	76	222	1	
			77	88	4	
		78	213	7		
	76-78	172	12			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	255	1	
			77	151	4	
			78	177	6	
			76-78	175	11	
	Dismissal/Withdrawal		76	--	0	
			77	--	0	
			78	--	0	
			76-78	--	0	
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	368	1
				77	192	3
			78	620	5	
			76-78	449	9	
All Other Cases			76	--	0	
			77	27	1	
	78	36	1			
	76-78	32	0			
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	924	1	
			77	565	3	
			78	1116	5	
			76-78	911	9	
	All Other Cases		76	--	0	
			77	462	2	
	78	930	2			
	76-78	696	4			

Procedures—

All applications for water carrier operating rights are published in the Federal Register. After a 30 day period for filing protests has expired, the applications will be designated either for oral hearing or modified procedure. Only those cases deemed complex are assigned to the oral hearing docket, to be heard by ALJs. Some cases are first assigned to

the modified procedure docket, but are later referred for oral hearing if the employee review board feels such treatment is warranted.

Only those cases assigned or transferred to ALJs for hearing are reported above.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Complaints
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	5	53	50	108

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	2	23	20	45
ALJ Decision Final	2	17	13	32
ALJ Decision Reviewed	1	13	17	31

HEARINGS	76	77	78	76-78
	Total Cases	1	18	21
Total Hours	2	371	244	617

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	1	4
Reverse	1	10	9	20
Declaratory Order	0	2	4	6

CASES PENDING AT YEAR END				
Up to 24 months old	65	57	37	
24 to 30 months old	8	4	3	
Over 30 months old	6	13	15	

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	64	5		
			77	36	51		
			78	36	48		
			76-78	37	104		
	Office of Hearings / Referral to ALJ	All Cases	76	201	4		
			77	198	46		
		78	176	39			
		76-78	188	89			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	142	3		
			77	242	28		
			78	195	29		
			76-78	214	60		
	Dismissal/Withdrawal		76	—	0		
			77	152	3		
			78	216	9		
			76-78	200	12		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	809	1
					77	420	13
	78			307	16		
	76-78			372	30		
All Other Cases			76	58	2		
			77	96	18		
	78	152	22				
	76-78	124	42				
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	1268	1		
			77	824	13		
			78	708	16		
			76-78	777	30		
	All Other Cases		76	353	4		
			77	498	38		
	78	511	32				
	76-78	496	74				

Procedures—

These proceedings are instituted by the filing of a formal complaint against the license holder. The complaint is served upon the respondent or respondents by the Commission. The answer normally must be filed within 20 days, but there may be supplemental complaints by the complainant or cross-complaints filed by the respondent.

Note: Data for some FY 1976 cases are unavailable.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Complaints
Freight Forwarder

Cases Terminated—

FY:	76	77	78	76-78
Number:	0	1	1	2

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	0	1	1	2
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	0	0	0	0

HEARINGS	76	77	78	76-78
	Total Cases	0	0	0
Total Hours	0	0	0	0

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	0
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END			
Up to 24 months old	1	3	2
24 to 30 months old	0	0	0
Over 30 months old	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	--	0		
			77	0	1		
			78	12	1		
			76-78	6	2		
	Office of Hearings / Referral to ALJ	All Cases	76	--	0		
			77	--	0		
		78	--	0			
		76-78	--	0			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
	Dismissal/Withdrawal		76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
					77	--	0
	78			--	0		
	76-78			--	0		
All Other Cases			76	--	0		
			77	--	0		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
	All Other Cases		76	--	0		
			77	--	0		
	78	--	0				
	76-78	--	0				

Procedures--

These proceedings are instituted by the filing of a formal complaint against the license holder. The complaint is served upon the respondent or respondents by the Commission. The answer normally must be filed within 20 days, but there may be supplemental complaints by the complainant or cross-complaints filed by the respondent.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Operating Authority Complaints
Water Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	1	1	3	5

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	1	2	4
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	0	0	1	1

HEARINGS	76	77	78	76-78
	Total Cases	1	0	0
Total Hours	8	0	0	8

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	1
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END

Up to 24 months old	3	0	0
24 to 30 months old	0	3	0
Over 30 months old	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	Average Elapsed Time		N (cases)			
		FY	(Days)				
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	18	1		
			77	12	1		
			78	264	3		
		76-78	164	5			
	Office of Hearings / Referral to ALJ	All Cases	76	240	1		
			77	395	1		
		78	274	2			
		76-78	296	4			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0		
			77	--	0		
			78	334	1		
			76-78	334	1		
	Dismissal/Withdrawal		76	55	1		
			77	97	1		
			78	371	1		
			76-78	174	3		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
					77	--	0
	78			298	1		
	76-78		298	1			
All Other Cases			76	170	1		
			77	337	1		
		78	319	1			
	76-78	275	3				
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0		
			77	--	0		
			78	894	1		
			76-78	894	1		
	All Other Cases		76	483	1		
			77	839	1		
	78	997	2				
	76-78	580	4				

Procedures—

These proceedings are instituted by the filing of a formal complaint against the license holder. The complaint is served upon the respondent or respondents by the Commission. The answer normally must be filed within 20 days, but there may be supplemental complaints by the complainant or cross-complaints filed by the respondent.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Investigation of Existing Rates (etc.)
Water Carrier, Rail Carrier and Freight Forwarder

Cases Terminated—

FY:	76	77	78	76-78
Number:	61	195	147	403

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	7	62	99	168
ALJ Decision Final	13	35	22	70
ALJ Decision Reviewed	41	98	26	165

HEARINGS	76	77	78	76-78
	Total Cases	3	20	11
Total Hours	55	378	195	628

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	18	55	12	85
Reverse	23	42	9	74
Declaratory Order	0	2	5	7

CASES PENDING AT YEAR END	76	77	78
Up to 24 months old	44	32	17
24 to 30 months old	8	3	9
Over 30 months old	45	17	3

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	55	60		
			77	49	185		
			78	46	147		
			76-78	49	392		
	Office of Hearings / Referral to ALJ	All Cases	76	67	54		
			77	91	129		
		78	100	55			
		76-78	88	238			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	220	53		
			77	237	123		
			78	224	48		
			76-78	230	224		
	Dismissal/Withdrawal		76	--	0		
			77	438	1		
			78	298	1		
			76-78	368	2		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	486	40
					77	319	88
	78			249	26		
	76-78			351	154		
All Other Cases			76	49	13		
			77	57	36		
	78	39	23				
	76-78	50	72				
Total Time	Origination / Final Commission action	With Commission Review	76	851	40		
			77	717	88		
			78	708	26		
			76-78	750	154		
	All Other Cases		76	318	20		
			77	526	97		
			78	324	121		
			76-78	406	238		

Procedures—

Most of these cases are initiated by a complaint by a shipper about a carrier's rate or change in services. Some investigations are initiated by the Commission's own motion or are triggered by a protest filed when the carrier seeks to change the existing rate. The Commission forwards the complaint or investigative order to the Office of Proceedings, which, along with the Chief ALJ, determines whether the case will require an oral (ALJ) hearing, or whether it can

be handled without oral hearing (modified procedure) in which case it may or may not be assigned to an ALJ.

Note: Only ALJ cases were supposed to be reported in these figures, but it seems likely that some non-ALJ cases were erroneously reported.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Investigation of Existing Rates (etc.)
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	21	61	68	150

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	7	21	13	41
ALJ Decision Final	4	13	24	41
ALJ Decision Reviewed	10	27	31	68

HEARINGS	76	77	78	76-78
	Total Cases	0	5	3
Total Hours	0	168	76	244

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	5	15	9
Reverse	5	12	17	34
Declaratory Order	0	0	5	5

CASES PENDING AT YEAR END

Up to 24 months old	3	5	3
24 to 30 months old	1	0	0
Over 30 months old	7	1	1

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)	
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	43	20	
			77	36	57	
			78	18	67	
			76-78	29	144	
	Office of Hearings / Referral to ALJ	All Cases	76	0	13	
			77	21	36	
		78	6	56		
		76-78	10	105		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	273	13	
			77	265	36	
			78	182	55	
			76-78	222	104	
	Dismissal/Withdrawal		76	--	0	
			77	--	0	
			78	--	0	
			76-78	--	0	
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	310	9
				77	359	23
			78	210	31	
			76-78	279	63	
All Other Cases			76	91	4	
			77	55	13	
			78	36	24	
			76-78	47	41	
<u>Total Time</u>		Origination / Final Commission action	With Commission Review	76	657	9
				77	653	23
			78	456	31	
			76-78	557	63	
	All Other Cases		76	186	11	
			77	243	34	
			78	177	36	
			76-78	209	80	

Procedures—

Most of these cases are initiated by a complaint by a shipper about a carrier's rate or change in services. Some investigations are initiated by the Commission's own motion or are triggered by a protest filed when the carrier seeks to change the existing rate. The Commission forwards the complaint or investigative order to the Office of Proceedings, which, along with the Chief ALJ, determines whether the case will require an oral (ALJ) hearing, or whether it can be

handled without oral hearing (modified procedure) in which case it may or may not be assigned to an ALJ.

Note: Only ALJ cases were supposed to be reported in these figures, but it seems likely that some non-ALJ cases were erroneously reported.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Investigation and Suspension of Proposed Rates (etc.)
Water Carrier, Rail Carrier and Freight Forwarder

Cases Terminated—

FY:	76	77	78	76-78
Number:	35	27	30	92

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	34	27	29	90
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	1	0	0	1

HEARINGS	76	77	78	76-78
	Total Cases	0	0	2
Total Hours	0	0	116	116

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	0
Reverse	1	0	0	1
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END			
Up to 24 months old	4	7	1
24 to 30 months old	0	0	0
Over 30 months old	1	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	24	33		
			77	103	27		
			78	12	29		
			76-78	44	89		
	Office of Hearings / Referral to ALJ	All Cases	76	195	3		
			77	67	2		
		78	88	6			
		76-78	113	11			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	100	1		
			77	--	0		
			78	--	0		
			76-78	100	1		
	Dismissal/Withdrawal		76	--	0		
			77	--	0		
			78	152	1		
			76-78	152	1		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	866	1
					77	--	0
	78			--	0		
	76-78			866	1		
	All Other Cases		76	--	0		
		77	--	0			
		78	459	1			
		76-78	459	1			
Total Time	Origination / Final Commission action	With Commission Review	76	1204	1		
			77	--	0		
			78	--	0		
			76-78	1204	1		
		All Other Cases	76	64	32		
			77	319	27		
		78	173	29			
		76-78	178	88			

Procedures—

These investigatory proceedings are similar to investigations of existing rates. However, in these cases the proposed rates, by statute, can only be suspended for seven months; otherwise they become effective.

These proceedings are supposed to be reported if they are assigned to an ALJ, and in this category of cases, ALJs will generally be assigned only those relatively few cases that are to be heard orally. (The large number of proposed rates proceedings are handled according to modified procedure by

employee review boards.)

In the above reported cases the ALJ does not write an initial decision, to be served on the parties; instead the ALJ writes a recommended decision for the Commission, but in practice the ALJ's duty is the same as in other cases.

Note: Only ALJ cases were supposed to be reported in these figures, but it seems likely that some non-ALJ cases were erroneously reported.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Investigation and Suspension of Proposed Rates (etc.)
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	361	427	273	1061

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	361	421	270	1052
ALJ Decision Final	0	2	1	3
ALJ Decision Reviewed	0	4	2	6

HEARINGS	76	77	78	76-78
	Total Cases	0	1	2
Total Hours	0	10	27	37

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	2	0
Reverse	0	2	2	4
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END	76	77	78	76-78
	Up to 24 months old	13	6	1
24 to 30 months old	0	0	0	
Over 30 months old	4	2	2	

ELAPSED TIME DATA

Stage of Case	Case Breakdown	Average Elapsed Time		N (cases)		
		FY	(Days)			
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	12	360	
			77	3	425	
			78	3	270	
			76-78	6	1055	
	Office of Hearings / Referral to ALJ	All Cases	76	40	8	
			77	36	11	
		78	33	6		
		76-78	37	25		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0	
			77	320	4	
			78	423	3	
			76-78	364	7	
	Dismissal/Withdrawal		76	--	0	
			77	--	0	
			78	--	0	
			76-78	--	0	
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
				77	255	2
			78	222	2	
			76-78	239	4	
All Other Cases			76	--	0	
			77	52	2	
	78	36	1			
	76-78	47	3			
Total Time	Origination / Final Commission action	With Commission Review	76	--	0	
			77	465	2	
			78	803	2	
			76-78	634	4	
	All Other Cases		76	52	360	
			77	48	423	
			78	50	268	
			76-78	50	1051	

Procedures—

These investigatory proceedings are similar to investigations of existing rates. However, in these cases the proposed rates, by statute, can only be suspended for seven months; otherwise they become effective.

These proceedings are supposed to be reported if they are assigned to an ALJ, and in this category of cases, ALJs will generally be assigned only those relatively few cases that are to be heard orally. (The large number of proposed rates proceedings are handled according to modified procedure by

employee review boards.)

In the above reported cases the ALJ does not write an initial decision, to be served on the parties; instead the ALJ writes a recommended decision for the Commission, but in practice the ALJ's duty is the same as in other cases.

Note: Some non-ALJ cases may have been erroneously reported in these figures.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Finance Docket
Water Carrier, Rail Carrier and Freight Forwarder

Cases Terminated—

FY:	76	77	78	76-78
Number:	51	54	37	142

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	41	43	22	106
ALJ Decision Final	3	8	4	15
ALJ Decision Reviewed	7	3	11	21

HEARINGS	76	77	78	76-78
	Total Cases	1	3	5
Total Hours	7	55	107	169

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	6	1	9	16
Reverse	1	1	1	3
Declaratory Order	0	1	1	2

CASES PENDING AT YEAR END	76	77	78	76-78
Up to 24 months old	13	16	28	
24 to 30 months old	3	3	0	
Over 30 months old	6	8	10	

ELAPSED TIME DATA

Stage of Case	Case Breakdown	Average Elapsed Time		N (cases)		
		FY	(Days)			
Prehearing	Origination / Referral to Office of Hearings	All	76	207	47	
		Cases	77	407	52	
			78	100	37	
		76-78	254	136		
	Office of Hearings / Referral to ALJ	All	76	143	13	
		Cases	77	185	13	
		78	140	15		
		76-78	155	41		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	216	10	
			77	100	9	
			78	229	15	
			76-78	191	34	
		Dismissal/Withdrawal	76	264	2	
		77	152	1		
		78	--	0		
		76-78	227	3		
	Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	702	7
				77	82	1
			78	252	11	
			76-78	409	19	
		All Other Cases	76	464	5	
			77	51	9	
			78	33	4	
		76-78	162	18		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	2019	7	
			77	307	1	
			78	851	11	
			76-78	1253	19	
		All Other Cases	76	887	40	
			77	725	51	
		78	195	26		
		76-78	663	117		

Procedures—

These cases are not assigned to ALJs unless they are to be heard orally. They involve many different types of financial transactions which require Commission approval. They do not include abandonment cases which are now in a separate category.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Finance Docket
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	68	114	91	273

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	16	24	21	61
ALJ Decision Final	28	35	33	96
ALJ Decision Reviewed	24	55	37	116

HEARINGS	76	77	78	76-78
	Total Cases	36	60	43
Total Hours	762	1669	847	3278

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	15	39	21
Reverse	6	13	7	26
Declaratory Order	3	3	9	15

CASES PENDING AT YEAR END			
Up to 24 months old	88	103	99
24 to 30 months old	14	14	12
Over 30 months old	44	30	32

ELAPSED TIME DATA

Stage of Case	Case Breakdown	Average Elapsed Time		N (cases)		
		FY	(Days)			
Prehearing	Origination / Referral to Office of Hearings	All	76	106	68	
		Cases	77	143	113	
			78	137	89	
			76-78	132	270	
	Office of Hearings / Referral to ALJ	All	76	179	55	
		Cases	77	198	93	
		78	173	75		
		76-78	185	223		
Hearing	Referral to ALJ / ALJ order or decision	With ALJ	76	178	52	
		Decision	77	202	89	
			78	196	68	
			76-78	194	209	
	Dismissal/Withdrawal		76	240	1	
			77	164	2	
			78	368	4	
			76-78	291	7	
	Posthearing	ALJ order or decision / Final Commission action	With	76	328	24
			Commission	77	310	54
Review			78	304	35	
			76-78	312	113	
All Other Cases			76	98	29	
			77	75	37	
		78	210	37		
		76-78	130	103		
<u>Total Time</u>	Origination / Final Commission action	With	76	815	24	
		Commission	77	1018	54	
		Review	78	939	35	
			76-78	950	113	
	All Other Cases		76	435	44	
			77	366	59	
		78	550	54		
		76-78	449	157		

Procedures—

These cases are not assigned to ALJs unless they are to be heard orally. They involve many different types of financial transactions which require Commission approval. They do not include abandonment cases which are now in a separate category.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Transfers of Operating Authority
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	1	2	2	5

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	0	1	2
ALJ Decision Final	0	2	1	3
ALJ Decision Reviewed	0	0	0	0

HEARINGS	76	77	78	76-78
	Total Cases	0	2	1
Total Hours	0	4	2	6

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	0
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END			
Up to 24 months old	5	2	0
24 to 30 months old	0	2	1
Over 30 months old	1	0	2

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	596	1		
			77	681	2		
			78	131	2		
			76-78	444	5		
	Office of Hearings / Referral to ALJ	All Cases	76	67	1		
			77	109	2		
		78	453	1			
		76-78	185	4			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0		
			77	67	2		
			78	3	1		
			76-78	46	3		
	Dismissal/Withdrawal		76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
					77	--	0
	78			--	0		
	76-78			--	0		
All Other Cases			76	--	0		
			77	146	2		
	78	27	1				
	76-78	106	3				
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
	All Other Cases		76	742	1		
			77	1000	1		
	78	383	2				
	76-78	627	4				

Procedures—

These cases are handled by an applications process. Only difficult cases require a hearing.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Rate Agreement Applications
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	2	2	3	7

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	2	1	4
ALJ Decision Final	0	0	1	1
ALJ Decision Reviewed	1	0	1	2

HEARINGS	76	77	78	76-78
	Total Cases	0	0	1
Total Hours	0	0	12	12

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	1	0	1	2
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END

Up to 24 months old	1	2	0
24 to 30 months old	0	0	0
Over 30 months old	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	Average Elapsed Time		N (cases)	
		FY	(Days)		
Prehearing	Origination / Referral to Office of Hearings	All	76	109	2
		Cases	77	58	2
			78	55	3
			76-78	71	7
	Office of Hearings / Referral to ALJ	All	76	0	1
		Cases	77	--	0
			78	55	2
			76-78	37	3
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	307	1
			77	--	0
			78	93	2
			76-78	164	3
	Dismissal/Withdrawal		76	--	0
			77	--	0
			78	--	0
			76-78	--	0
Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	304	1
			77	--	0
			78	392	1
			76-78	348	2
		All Other Cases	76	--	0
	77	--	0		
	78	36	1		
	76-78	36	1		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	739	1
			77	--	0
			78	572	1
			76-78	656	2
		All Other Cases	76	1882	1
			77	353	2
	78	377	2		
	76-78	668	5		

Procedures—

These are specialized proceedings involving applications by motor carriers seeking approval of agreements relating to joint rates, fares, charges, etc. They are also known as section 5(a) applications.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Rate Agreement Applications
Rail Carriers

Cases Terminated—

FY:	76	77	78	76-78
Number:	0	0	3	3

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	0	0	0	0
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	0	0	3	3

HEARINGS	76	77	78	76-78
	Total Cases	0	0	0
Total Hours	0	0	0	0

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	3
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END			
Up to 24 months old	3	3	0
24 to 30 months old	0	0	0
Over 30 months old	0	0	1

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	--	0		
			77	--	0		
			78	112	3		
			76-78	112	3		
	Office of Hearings / Referral to ALJ	All Cases	76	--	0		
			77	--	0		
		78	219	3			
		76-78	219	3			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0		
			77	--	0		
			78	182	3		
			76-78	182	3		
	Dismissal/Withdrawal		76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
					77	--	0
	78			258	3		
	76-78			258	3		
All Other Cases			76	--	0		
			77	--	0		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0		
			77	--	0		
			78	775	3		
			76-78	775	3		
	All Other Cases		76	--	0		
			77	--	0		

Procedures—

These are specialized proceedings involving applications by railroads seeking approval of agreements relating to joint rates, fares, charges, etc. They are also known as section 5(a) applications.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Through Shipment Applications

Cases Terminated—

FY:	76	77	78	76-78
Number:	1	1	5	7

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	0	4	5
ALJ Decision Final	0	0	1	1
ALJ Decision Reviewed	0	1	0	1

HEARINGS	76	77	78	76-78
	Total Cases	0	0	0
Total Hours	0	0	0	0

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	0	1	0	1
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END	76	77	78	76-78
Up to 24 months old	1	1	0	2
24 to 30 months old	0	1	0	1
Over 30 months old	1	0	0	1

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)	
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	0	1	
			77	0	1	
			78	21	5	
			76-78	3	7	
Prehearing	Office of Hearings / Referral to ALJ	All Cases	76	--	0	
			77	489	1	
			78	70	1	
			76-78	280	2	
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0	
			77	365	1	
			78	64	1	
			76-78	215	2	
	Hearing	Dismissal/Withdrawal		76	--	0
				77	--	0
				78	--	0
				76-78	--	0
Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0	
			77	918	1	
			78	--	0	
	Posthearing	Other Cases		76	--	0
				77	--	0
				78	36	1
	76-78	36	1			
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0	
			77	1803	1	
			78	--	0	
		76-78	1803	1		
	<u>Total Time</u>	All Other Cases		76	213	1
			77	--	0	
			78	487	5	
	76-78	441	6			

Procedures—

These proceedings are spin-offs from Investigation and Suspension proceedings where a carrier applies for special permission to charge less for through shipments than the sum of charges to all intermediate points. These are also known as Fourth Section Applications.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Abandonments

Cases Terminated—

FY:	76	77	78	76-78
Number:	36	56	37	129

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	12	18	11	41
ALJ Decision Final	14	13	8	35
ALJ Decision Reviewed	10	25	18	53

HEARINGS	76	77	78	76-78
	Total Cases	9	27	22
Total Hours	113	471	339	923

EFFECT OF AGENCY REVIEW	76	77	78	76-78
Affirm/Modify	4	22	15	41
Reverse	5	2	0	7
Declaratory Order	1	1	3	5

CASES PENDING AT YEAR END	76	77	78
Up to 24 months old	14	20	29
24 to 30 months old	11	9	2
Over 30 months old	13	9	11

ELAPSED TIME DATA

Stage of Case		Case Breakdown	Average Elapsed Time (Days)	N (cases)
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	374
			77	486
			78	450
			76-78	445
Office of Hearings / Referral to ALJ	All Cases	76	222	
		77	112	
		78	106	
		76-78	138	
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	278
			77	145
			78	118
			76-78	171
	Dismissal/Withdrawal		76	—
			77	286
			78	—
			76-78	286
				0
				2
Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	289
			77	185
			78	164
			76-78	198
	All Other Cases		76	61
			77	176
			78	49
			76-78	108
Total Time	Origination / Final Commission action	With Commission Review	76	1043
			77	1012
			78	903
			76-78	980
				18
				51
All Other Cases		76	863	
		77	757	
		78	899	
		76-78	834	

Procedures—

These proceedings involve applications (primarily by railroads) to abandon or discontinue service.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Ex Parte Proceedings
Water Carrier, Rail Carrier and Freight Forwarder

Cases Terminated—

FY:	76	77	78	76-78
Number:	2	2	5	9

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	1	1	5	7
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	1	1	0	2

HEARINGS	76	77	78	76-78
	Total Cases	0	0	1
Total Hours	0	0	7	7

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	0
Reverse	1	1	0	2
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END	76	77	78	76-78
	Up to 24 months old	2	1	0
24 to 30 months old	1	2	0	3
Over 30 months old	0	2	2	4

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Average Elapsed Time	N	
			(Days)	(cases)	
Prehearing	Origination / Referral to Office of Hearings	All	76	915	2
		Cases	77	0	1
			78	225	5
			76-78	369	8
	Office of Hearings / Referral to ALJ	All	76	155	1
		Cases	77	--	0
		78	167	2	
		76-78	163	3	
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	365	1
			77	--	0
			78	--	0
			76-78	365	1
	Dismissal/Withdrawal	76	--	0	
		77	--	0	
	78	252	1		
	76-78	252	1		
Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	763	1
			77	--	0
			78	--	0
			76-78	763	1
	All Other Cases	76	--	0	
		77	--	0	
	78	483	1		
	76-78	483	1		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	1353	1
			77	1921	1
			78	--	0
			76-78	1637	2
	All Other Cases	76	3411	1	
		77	249	1	
	78	623	5		
	76-78	968	7		

Procedures—

These proceedings are broad-based investigations or rulemaking proceedings undertaken by the Commission and assigned for hearing by an ALJ. The Commission may or may not require an initial decision by the ALJ.

Agency: INTERSTATE COMMERCE COMMISSION

Case type: Ex Parte Proceedings
Motor Carrier

Cases Terminated—

FY:	76	77	78	76-78
Number:	0	0	5	5

MANNER OF TERMINATION	Number of cases			
	76	77	78	76-78
Dismissal/Withdrawal	0	0	5	5
ALJ Decision Final	0	0	0	0
ALJ Decision Reviewed	0	0	0	0

HEARINGS	76	77	78	76-78
	Total Cases	0	0	0
Total Hours	0	0	0	0

EFFECT OF AGENCY REVIEW	76	77	78	76-78
	Affirm/Modify	0	0	0
Reverse	0	0	0	0
Declaratory Order	0	0	0	0

CASES PENDING AT YEAR END			
Up to 24 months old	0	1	0
24 to 30 months old	0	0	0
Over 30 months old	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Average Elapsed Time (Days)	N (cases)		
Prehearing	Origination / Referral to Office of Hearings	All Cases	76	--	0		
			77	--	0		
			78	73	5		
			76-78	73	5		
	Office of Hearings / Referral to ALJ	All Cases	76	--	0		
			77	--	0		
		78	58	1			
		76-78	58	1			
Hearing	Referral to ALJ / ALJ order or decision	With ALJ Decision	76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
	Dismissal/Withdrawal		76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
		Posthearing	ALJ order or decision / Final Commission action	With Commission Review	76	--	0
					77	--	0
	78			--	0		
	76-78			--	0		
All Other Cases			76	--	0		
			77	--	0		
<u>Total Time</u>	Origination / Final Commission action	With Commission Review	76	--	0		
			77	--	0		
			78	--	0		
			76-78	--	0		
	All Other Cases		76	--	0		
			77	--	0		
			78	--	0		
			76-78	423	5		

Procedures—

These proceedings are broad-based investigations or rulemaking proceedings undertaken by the Commission and assigned for hearing by an ALJ. The Commission may or may not require an initial decision by the ALJ.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

DEPARTMENT OF LABOR

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Longshoremen's & Harbor Workers' Compensation Act Compensation Claims					
33 USC 901 et seq., 36 DC Code 501 et seq. 20 CFR 702	(75)		717	603	
Formal adjudications of controverted claims for compensation under the LHWCA and related acts, including the District of Columbia Workmen's Compensation Act.	76	471	1299	1071	699
	77	699	1677	1251	1125
	78	1125	1876	1622	1379
	76-78		4852	3944	
Black Lung Benefits Reform Act^a Benefit Claims					
30 USC 901, 923, 925 20 CFR 725	(75)		N/A	N/A	
Formal adjudications of controverted claims with respect to whether an individual is, or has ceased to be, under a total disability, or with respect to the amount of benefits to which the individual is entitled. (Claims filed prior to June 30, 1973, are handled by the Social Security Administration.)	76	N/A	N/A	N/A	990
	77	990	1879	988	1881
	78	1881	209	1051	1039
	76-78		2088	2039	
Executive Order 11491 Federal Service Labor Disputes					
29 CFR 201-206	(75)		180	149	
Proceedings to administer the scheme of labor-management relations in the federal service. Hearings conducted by ALJs may occur in unfair labor practice proceedings, certain representation proceedings (most of these heard by non-ALJs), proceedings to enforce standards of conduct by unions vis-a-vis members, and proceedings to resolve factual disputes over the coverage of grievance or arbitration agreements. (Pursuant to the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat 1111 (1978), this type of case has been handled by the Federal Labor Relations Authority since January 1, 1979.)	76	125	255	225	155
	77	155	253	220	188
	78	188	251	267	172
	76-78		759	712	
Service Contracts Act Violations					
41 USC 351 et seq. 29 CFR 4.10, 6	(75)		168	83	
Proceedings to determine (1) whether, as charged in the complaint, the provision of the Act extending protection to service employees of federal contractors, or regulations or orders thereunder, have been violated in the performance of contracts covered by the Act; (2) the responsible parties; and (3) damages or sanctions, if any.	76	142	131	203	70
	77	70	178	114	134
	78	134	266	156	244
	76-78		575	473	

^a Until 1979, Black Lung Benefits Act cases in DOL were heard by presiding officers who were not fully qualified ALJs. Reports on these cases were not filed with ACUS until 1977.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
 (and FY 1975 from previous publication)

DEPARTMENT OF LABOR (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Fair Labor Standards Act Child Labor Civil Penalty Cases					
29 USC 216 29 CFR 580	(75)			
	76				
Challenges to civil money penalties imposed by the Secretary for violations of the child labor provisions of the Act.	77			55 *	
	78			45 *	
	76-78			100 *	
		* Estimated.			
Davis-Bacon Act Wage Rate Disputes					
40 USC 276a et seq. 29 CFR 1.10	(75)		31	2	
				
	76	31	20	41	10
Most proceedings to fix wage rates to be paid to laborers and mechanics engaged in government contract work do not require a hearing. Sometimes, however, a hearing on the record is deemed necessary to resolve a factual dispute over the prevailing private industry wage rate for a particular class of workers.	77	10	13	8	15
	78	15	37	13	39
	76-78		70	62	
Office Of Federal Contracts Compliance Enforcement					
Executive Order 11246 41 CFR 60-1.126, 60-30	(75)		9	7	
				
	76	4	14	11	7
Proceedings to determine whether, as charged in the complaint, a government contractor or subcontractor has violated the regulations prohibiting discriminatory hiring, and, if so, the sanction to be imposed.	77	7	17	5	19
	78	19	14	11	22
	76-78		45	27	
Farm Labor Contractor Registration Act Enforcement					
7 USC 2049 29 CFR 40.230	(75)		0	0	
				
	76	0	5	4	1
Proceedings to impose sanctions for violations of the Act, including denial or revocation of registration, imposition of civil penalties, and denial of the use of authorized facilities and services.	77	1	11	7	5
	78	5	25	19	11
	76-78		41	30	

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

DEPARTMENT OF LABOR (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Comprehensive Employment And Training Act Grants Disputes					
29 USC 818, 846, 991 29 CFR 98.40	(75)		0	0	
Proceedings to review disapproval of comprehensive manpower plan or application for financial assistance and proceedings to challenge initial determination of violation by grantee of provisions of his grant or of the Act.	76	0	11	7	4
	77	4	10	7	7
	78	7	23	11	19
	76-78		44	25	
Public Contracts Act Enforcement					
41 USC 35-45 41 CFR 50-203	(75)		2	4	
Proceedings to determine (1) whether, as charged in the complaint, the provisions of the Act or the regulations thereunder have been violated in the performance of contracts covered by the Act; (2) the responsible parties; (3) liquidated damages, if any, owed to the U.S.; and (4) whether the responsible parties should be relieved from the ineligible list provision of the Act.	76	1	2	3	0
	77	0	2	1	1
	78	1	3	1	3
	76-78		7	5	
Trade Act Of 1974 Certification					
19 USC 2271 29 CFR 90	(75)		0	0	
Petitions filed by workers or their representatives for a certification of eligibility to apply for adjustment assistance compensating the workers for economic harm caused by the importation of foreign goods.	76	0	9	9	0
	77	0	0	0	0
	78	0	1	1	0
	76-78		10	10	
Fair Labor Standards Act Rulemaking					
29 USC 201, 209 29 CFR 541	(75)		4	11	
Rulemaking proceedings in which hearings are held upon changes in the regulations defining executive, administrative, and professional employees exempt under section 14(a) of the Act (29 USC 213(a)).	76	0	18	7	11
	77	11	N/A	10 *	N/A
	78	N/A	N/A	13 *	N/A
	76-78		N/A	30 *	

* Estimated.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
(and FY 1975 from previous publication)

DEPARTMENT OF LABOR (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Occupational Safety And Health Act Rulemaking					
29 USC 655 29 CFR 1191 et seq.	(75)		21	24	
	76	6	6	4	8
	77	8	21	4	25
	78	25	2	5	22
	76-78		29	13	
Federal Water Pollution Control Act Investigatory Hearings					
33 USC 1367 29 CFR 1.10	(75)		N/A	0	
	76	N/A	N/A	1	N/A
	77	N/A	N/A	2	N/A
	78	N/A	N/A	0	N/A
	76-78		N/A	3	
Miscellaneous					
	(75)		2	1	
	76	2	3	3	2
	77	2	1	3	0
	78	0	12	3	9
	76-78		16	9	

Agency: DEPARTMENT OF LABOR

Case type: Longshoremen's and Harbor Workers' Compensation Act
Compensation Claims

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	1100	1209	1069	3378

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	479	474	412	1365
Withdrawal	68	97	26	191
Dismissal	0	4	3	7
Other	38	45	47	130
On Merits—				
ALJ Hearing & Decision	480	558	548	1586
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	35	31	33	99

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	138	129	238	505
No:	962	1080	831	2873
Result—				
Affirm	89	86	146	321
Reverse	9	9	14	32
Modify	6	2	8	16
Remand/Other	34	32	70	136

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	District Office's response / Referral to CALJ	All	76	372.5	0	4611	109	244	355	203	134	1045
		Cases	77	444.5	3	5823	45	231	356	300	200	1132
			78	510.7	0	4187	29	148	279	262	194	912
			76-78	439.7	0	5823	183	623	990	765	528	3089
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	219.9	40	1086	0	82	356	41	1	480
		Hearing on	77	177.2	33	662	0	185	346	27	0	558
		Merits	78	224.0	44	800	0	107	362	76	3	548
			76-78	206.3	33	1086	0	374	1064	144	4	1586
		All	76	87.4	1	532	60	449	105	6	0	620
		Other	77	92.3	5	806	46	495	97	12	1	651
Posthearing	ALJ's decision / Final agency action	Cases	78	107.0	8	1123	16	374	125	3	3	521
			76-78	94.9	1	1123	122	1318	327	21	4	1792
		With Agency Review	76	225.6	82	614	0	11	122	5	0	138
			77	310.3	70	730	0	6	82	41	0	129
			78	369.1	56	899	0	6	128	100	4	238
			76-78	314.8	56	899	0	23	332	146	4	505
Total Time	District Office's response / Final agency action	All	76	6.9	0	365	910	26	26	0	0	962
		Other	77	8.2	0	450	1000	58	21	1	0	1080
		Cases	78	16.3	0	438	732	49	48	2	0	831
			76-78	10.1	0	450	2642	133	95	3	0	2873
		With Agency Review	76	824.4	274	3161	0	0	5	73	47	125
			77	888.1	270	3486	0	0	9	38	70	117
Notes—			78	1103.4	337	4018	0	0	3	57	136	196
			76-78	966.2	270	4018	0	0	17	168	253	438
		All	76	513.1	26	4910	7	67	372	295	179	920
		Other	77	580.0	48	5982	0	63	336	340	276	1015
		Cases	78	672.0	43	4370	0	12	221	230	253	716
			76-78	581.6	26	5982	7	142	929	865	708	2651

Notes—

^a For FY 1978, DOL submitted case-closed cards for only the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 647 742 664 2053

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.2	0	8	642	12	0	0	0	654	
		77	1.2	0	11	710	13	1	0	0	724	
		78	1.2	0	11	630	17	1	0	0	648	
		76-78	1.2	0	11	1982	42	2	0	0	2026	
		ALJ prehearing and hearing: hours per case	76	3.4	0	30	309	316	18	0	0	643
		77	3.2	0	40	328	325	16	0	0	669	
		78	3.6	0	41	292	321	22	0	0	635	
		76-78	3.4	0	41	929	962	56	0	0	1947	
		ALJ Travel: hours per case	76	5.2	0	72	157	381	73	1	0	612
		77	4.5	0	48	241	356	53	0	0	650	
		78	4.6	0	72	213	313	36	1	0	563	
		76-78	4.8	0	72	611	1050	162	2	0	1825	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.7	0	10	267	412	1	0	0	680	
		77	2.8	0	48	308	419	2	0	0	729	
		78	2.8	0	14	323	327	6	0	0	656	
		76-78	2.8	0	48	898	1158	9	0	0	2065	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	11.0	0	76	119	155	226	3	0	503	
		77	12.9	0	403	89	162	236	7	1	495	
		78	16.8	0	306	42	163	241	13	1	460	
		76-78	13.5	0	403	250	480	703	23	2	1458	
		Transcripts: pages per case	76	91.8	0	965	14	85	172	299	63	633
		77	77.5	0	941	20	138	201	307	47	713	
		78	101.6	0	1058	3	67	164	330	75	639	
		76-78	89.8	0	1058	37	290	537	936	185	1985	
		Briefs: pages per case	76	20.4	0	314	74	58	315	16	1	464
		77	22.1	0	630	68	53	208	11	3	343	
		78	20.7	0	162	62	71	225	24	0	382	
		76-78	21.0	0	630	204	182	748	51	4	1189	
	Exhibits: pages per case	76	61.3	0	2923	72	88	256	108	36	560	
	77	52.3	0	898	63	109	261	92	36	561		
	78	64.7	0	2030	51	62	261	151	30	555		
	76-78	59.4	0	2923	186	259	778	351	102	1676		
	Contested motions: number per case	76	1.1	0	27	238	17	10	0	0	265	
	77	1.2	0	19	134	14	5	0	0	153		
	78	1.3	0	37	184	21	2	0	0	207		
	76-78	1.2	0	37	556	52	17	0	0	625		
	Written opinions by ALJ: pages per case	76	8.3	0	61	43	331	174	1	0	549	
	77	6.0	0	41	52	471	85	0	0	608		
	78	6.5	0	35	35	463	103	0	0	601		
	76-78	6.9	0	61	130	1265	362	1	0	1758		

Procedures—

The employer is required to file a report within 10 days after he learns of the injury or death of a covered employee. The claimant is supposed to file notice of the injury or death with the district's deputy commissioner and with the employer within 30 days. Absent prejudice, failure to give the notice does not ordinarily bar the claim, however.

Claims for compensation must normally be filed with the deputy commissioner within one year of the awareness of injury. Within 10 days after this filing, the deputy commissioner gives written notice to the employer. The employer then has 14 days to controvert the claim. If the claim is not controverted it becomes due and a penalty is added if payment is not made within 14 days. The claimant may choose to withdraw the claim.

The adjudication process begins when a claim is controverted or the claimant contests an action by the employer. According to 20 CFR 702.301, the vast majority of such disputes result from misunderstandings or clerical errors, easily rectified by an informal conference. If the conference terminates the dispute, no case is recorded. If

the parties fail to reach agreement during the conference, the deputy commissioner shall prepare a memo containing his recommendations to the parties who shall have 14 days to agree or disagree. If they disagree and a hearing is requested, the case is transferred to the CALJ's office.

The ALJ has 20 days after the close of the hearing to prepare a final decision and compensation order which shall become effective unless a notice of appeal is filed within 30 days. After the notice is acknowledged by the Benefits Review Board, the appellant has an additional 30 days in which to file the petition for appeal. (Benefits Review Board procedures are set forth in 20 CFR 802.)

If the employer balks at payment, the applicant has to seek a supplementary compensation order and then seek federal district court enforcement under 33 USC 918. In the data presented here, however, the Board's decision is considered to be final agency action.

Agency: DEPARTMENT OF LABOR

Case type: Black Lung Benefits Reform Act
Benefit ClaimsCase-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	--	1120	783	1903

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	N/A	21	2	23
Withdrawal	N/A	52	9	61
Dismissal	N/A	48	14	62
Other	N/A	85	345	430
On Merits—				
ALJ Hearing & Decision	N/A	590	260	850
ALJ Hearing w/o Decision	N/A	1	0	1
ALJ Decision w/o Hearing	N/A	323	153	476

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	N/A	83	58	141
No:	N/A	1037	725	1762
Result—				
Affirm	N/A	37	35	72
Reverse	N/A	2	0	2
Modify	N/A	0	1	1
Remand/Other	N/A	44	22	66

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	9.2	0	554	344	14	1	1	0	360
		78	6.3	0	58	193	6	0	0	0	199
		76-78	8.2	0	554	537	20	1	1	0	559
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	187.1	24	661	1	185	363	42	0	591
	Merits	78	192.0	41	671	0	47	195	17	0	259
		76-78	188.6	24	671	1	232	558	59	0	850
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	242.6	10	840	6	158	233	130	2	529
	78	343.8	0	1154	4	30	340	103	46	523	
	76-78	292.1	0	1154	10	188	573	233	48	1052	
Posthearing	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	284.1	0	703	1	17	35	30	0	83
	Review	78	400.9	170	870	0	0	19	37	1	57
		76-78	331.7	0	870	1	17	54	67	1	140
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	5.2	0	528	1005	11	18	3	0	1037
	78	33.3	0	874	614	28	72	9	2	725	
	76-78	16.8	0	874	1619	39	90	12	2	1762	
Total Time	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	480.8	259	1059	0	0	5	5	1	11
	Review	78	566.5	313	736	0	0	2	8	1	11
		76-78	523.7	259	1059	0	0	7	13	2	22
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	244.7	23	636	2	110	150	87	0	349
	78	256.3	49	758	0	22	130	34	2	188	
	76-78	248.7	23	758	2	132	280	121	2	537	

Notes—

^a In FY 1976, non-ALJ hearing officers presided over cases of this type, so data were not collected on them. This practice was overturned by a subsequent ruling. See discussion of this matter in Chapter I of this report (note 63).

In FY 1978, DOL submitted case-closed cards for only the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Distribution of Cases by Time/Effort Item					N
		76	77	78	76-78	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
		Number:									
		0	646	289	935						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	1.0	0	4	631	1	0	0	0	632
		78	1.0	0	2	283	0	0	0	0	283
	76-78		1.0	0	4	914	1	0	0	0	915
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	2.2	0	24	395	190	1	0	0	586
		78	2.0	2	14	207	70	1	0	0	278
	76-78		2.1	0	24	602	260	2	0	0	867
ALJ Travel: hours per case		76	--	--	--	0	0	0	0	0	0
		77	7.6	0	60	76	444	107	1	0	628
		78	6.1	0	48	41	216	22	0	0	279
	76-78		7.2	0	60	117	660	129	1	0	907
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	2.8	0	71	326	307	1	1	0	635
		78	2.7	1	9	139	146	0	0	0	285
	76-78		2.7	0	71	465	453	1	1	0	920
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	14.2	0	85	17	104	348	3	0	472
		78	14.5	0	85	8	44	150	1	0	203
	76-78		14.3	0	85	25	148	498	4	0	675
Transcripts: pages per case		76	--	--	--	0	0	0	0	0	0
		77	59.3	2	738	2	43	322	257	5	629
		78	57.3	3	218	0	10	159	112	3	284
	76-78		58.7	2	738	2	53	481	369	8	913
Briefs: pages per case		76	--	--	--	0	0	0	0	0	0
		77	15.9	0	324	65	40	88	5	2	200
		78	10.3	0	77	31	20	35	1	0	87
	76-78		14.2	0	324	96	60	123	6	2	287
Exhibits: pages per case		76	--	--	--	0	0	0	0	0	0
		77	39.5	0	580	17	54	415	58	13	557
		78	41.1	0	332	15	25	183	43	3	269
	76-78		40.1	0	580	32	79	598	101	16	826
Contested motions: number per case		76	--	--	--	0	0	0	0	0	0
		77	2.1	0	15	131	73	3	0	0	207
		78	1.4	0	8	56	18	0	0	0	74
	76-78		1.9	0	15	187	91	3	0	0	281
Written opinions by ALJ: pages per case		76	--	--	--	0	0	0	0	0	0
		77	5.0	1	167	54	820	38	2	0	914
		78	4.5	0	14	28	382	10	0	0	420
	76-78		4.8	0	167	82	1202	48	2	0	1334

Procedures—

Any person having a belief of entitlement may file a claim for benefits. A claim filed by or on behalf of a miner must be filed within 3 years of a medical determination of disability or after the enactment of the Black Lung Benefits Reform Act of 1977, whichever is later. There is no time limit upon the filing of a claim by a survivor of a miner.

Before any right to a hearing arises, the claim will be decided by the deputy commissioner. After completion of the proceedings before the deputy commissioner, any party may request a hearing on any contested issue of law or fact. The CALJ will designate an ALJ to preside over the hearing.

The hearing will be confined to the identified contested issues and new issues that were not reasonably ascertainable by the parties at the time the claim was before the deputy commissioner. When such new issues are presented, the ALJ has discretion to hear the issues, remand to the deputy commissioner, or refuse to hear the issues.

If the claim is not dismissed or otherwise resolved prior to completion of the hearing, the ALJ will issue an initial determination and order within 20 days. The determination will become final in 30 days unless an appeal to the Benefits Review Board or a petition for reconsideration by the ALJ is filed by that time.

Agency: DEPARTMENT OF LABOR

Case type: Executive Order 11491
Federal Service Labor DisputesCase-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	215	203	177	595

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	50	43	37	130
Withdrawal	61	51	39	151
Dismissal	1	0	1	2
Other	2	0	3	5
On Merits—				
ALJ Hearing & Decision	99	107	96	302
ALJ Hearing w/o Decision	2	1	0	3
ALJ Decision w/o Hearing	0	1	1	2

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	98	106	95	299
No:	117	97	82	296
Result—				
Affirm	96	103	95	294
Reverse	2	2	0	4
Modify	0	1	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Issuance of complaint / Referral to CALJ	All	76	135.4	1	725	9	106	93	6	0	214
		Cases	77	138.4	0	447	6	91	103	3	0	203
			78	138.7	0	501	5	81	83	4	0	173
			76-78	137.4	0	725	20	278	279	13	0	590
Hearing	Referral to CALJ / ALJ's recommended decision	With ALJ	76	239.4	20	567	1	15	72	13	0	101
		Hearing on	77	203.9	27	691	1	17	84	6	0	108
		Merits	78	211.4	72	546	0	12	79	5	0	96
			76-78	218.0	20	691	2	44	235	24	0	305
		All	76	97.9	1	348	9	76	29	0	0	114
		Other	77	84.9	0	362	13	65	17	0	0	95
Posthearing	ALJ's recommended decision / Final agency action	Cases	78	84.5	11	298	5	63	13	0	0	81
			76-78	89.9	0	362	27	204	59	0	0	290
		With Agency Review	76	126.9	22	444	1	51	45	1	0	98
			77	172.2	24	933	1	46	55	1	3	106
			78	136.4	65	596	0	47	46	2	0	95
			76-78	146.0	22	933	2	144	146	4	3	299
Total Time	Issuance of complaint / Final agency action	All	76	0	0	0	115	0	0	0	0	115
		Other	77	9.4	0	365	93	1	3	0	0	97
		Cases	78	2.4	0	163	80	1	1	0	0	82
			76-78	3.8	0	365	288	2	4	0	0	294
		With Agency Review	76	500.6	46	1157	0	1	16	72	9	98
			77	517.9	222	1544	0	0	15	85	6	106
Notes—	^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.		78	488.7	224	1169	0	0	15	73	4	92
			76-78	503.1	46	1544	0	1	46	230	19	296
		All	76	237.9	62	510	0	10	91	13	0	114
		Other	77	231.5	14	661	1	13	71	12	0	97
		Cases	78	225.2	72	581	0	7	65	9	0	81
			76-78	232.2	14	661	1	30	227	34	0	292

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						Cases with full or partial hearing—					
						FY:	76	77	78	76-78	
						Number:	137	136	112	385	
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.4 1.2 1.3 1.3	1 1 1 1	8 5 4 8	125 130 103 358	9 3 5 17	0 0 0 0	0 0 0 0	0 0 0 0	134 133 108 375
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	6.7 5.7 6.1 6.2	1 1 0 0	56 24 32 56	31 27 20 78	77 82 66 225	20 16 17 53	0 0 0 0	0 0 0 0	128 125 103 356
	ALJ Travel: hours per case	76 77 78 76-78	8.1 7.4 6.6 7.4	0 0 0 0	32 24 24 32	20 13 15 48	62 71 56 189	41 32 19 92	0 0 0 0	0 0 0 0	123 116 90 329
Parties	Petitioners, respondents, intervenors (including agency): number per case	76 77 78 76-78	3.5 3.5 4.1 3.7	1 2 1 1	17 14 21 21	78 81 63 222	45 47 33 125	9 4 12 25	0 0 0 0	0 0 0 0	132 132 108 372
Paperwork	Evidentiary documents (excluding briefs): number per case	76 77 78 76-78	17.0 17.4 25.6 19.8	0 0 0 0	127 195 266 266	14 4 2 20	17 16 12 45	52 44 47 143	3 1 6 10	0 0 1 1	86 65 68 219
	Transcripts: pages per case	76 77 78 76-78	156.5 134.7 175.6 154.5	2 3 4 2	1325 586 1190 1325	1 0 0 1	21 16 10 47	9 14 12 35	68 73 58 199	32 26 28 86	131 129 108 368
	Briefs: pages per case	76 77 78 76-78	28.8 32.2 34.1 31.6	0 0 0 0	176 208 125 208	5 2 2 9	4 5 9 18	80 81 62 223	9 9 11 29	0 1 0 1	98 98 84 280
	Exhibits: pages per case	76 77 78 76-78	80.6 76.5 83.7 80.1	0 1 4 0	1000 670 762 1000	3 4 0 7	19 13 6 38	54 51 53 158	34 42 34 110	11 9 9 29	121 119 102 342
	Contested motions: number per case	76 77 78 76-78	2.4 2.1 3.3 2.5	0 0 0 0	15 12 40 40	40 26 25 91	20 14 9 43	3 1 2 6	0 0 0 0	0 0 0 0	63 41 36 140
	Written opinions by ALJ: pages per case	76 77 78 76-78	9.9 10.4 10.8 10.3	0 2 3 0	41 38 45 45	3 1 0 4	55 52 59 166	42 54 37 133	0 0 0 0	0 0 0 0	100 107 96 303

Procedures—

Most cases are similar to NLRB unfair labor practice cases. The prehearing stage is initiated by a complaint filed with the Assistant Secretary. A response by the respondent is due within 15 days. The Area Director conducts an investigation of the charges. Unless the parties stipulate that the Assistant Secretary may decide the case without a hearing (not counted in these statistics), the case is sent to the Assistant Regional Director who may take one of several actions including issuance of a notice of hearing. A case set for hearing is transferred to the CALJ's office and the ALJ is designated. Briefs may be filed within 7 days of the close of the hearing. The ALJ shall then "expeditiously" prepare his recommended decision and order, which will be forwarded to the Assistant Secretary for his review, whether or not exceptions are filed.

In representation proceedings, most hearings, when necessary, are conducted by non-ALJ "hearing examiners". However, in two circumstances, ALJ's preside: when hearings are required to resolve substantial factual issues raised by a petition for "determination of eligibility for national

consultation rights", (29 CFR 202.3(e)), or when an agency head determines that the internal security of the agency is endangered (29 CFR 202.8(a)(2)). In these proceedings, the above procedures are generally applicable as well, except that the ALJ may not recommend remedial action.

Similarly, when employees file complaints against the union (29 CFR 204), resulting hearings are presided over by ALJ's. Similar procedures are used.

29 CFR 205 provides for hearings to resolve factual questions arising when an application for a decision by the Assistant Secretary concerning a question of coverage of existing grievance or arbitration agreements. The same procedures are followed.

Note: As of January 1979, this type of case has been transferred to the new Federal Labor Relations Authority.

Agency: DEPARTMENT OF LABOR

Case type: Service Contracts Act

Case-Closed Cards Submitted^a

FY:	76	77	78	76-78
Number:	65	40	40	145

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	2	2
Withdrawal	0	0	3	3
Dismissal	0	0	0	0
Other	1	0	1	2
On Merits—				
ALJ Hearing & Decision	53	23	21	97
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	11	17	13	41

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	13	9	6	28
No:	52	31	34	117
Result—				
Affirm	11	5	5	21
Reverse	0	0	0	0
Modify	0	1	0	1
Remand/Other	2	3	1	6

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Issuance of complaint / Referral to CALJ	All	76	251.6	0	988	23	4	13	20	3	63
		Cases	77	543.1	156	2666	0	0	14	15	4	33
			78	656.8	0	2844	1	0	8	16	11	36
			76-78	435.0	0	2844	24	4	35	51	18	132
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	244.3	50	779	0	6	37	9	1	53
		Hearing on	77	195.3	89	417	0	5	16	2	0	23
		Merits	78	208.0	92	385	0	3	17	1	0	21
			76-78	224.9	50	779	0	14	70	12	1	97
		All	76	141.6	43	301	0	4	8	0	0	12
		Other	77	121.6	22	314	2	10	5	0	0	17
		Cases	78	191.2	70	1152	0	9	9	0	1	19
			76-78	154.1	22	1152	2	23	22	0	1	48
Posthearing	ALJ's decision / Final agency action	With	76	242.7	121	536	0	1	11	1	0	13
		Agency	77	258.9	140	409	0	0	8	1	0	9
		Review	78	199.3	114	312	0	2	4	0	0	6
			76-78	238.6	114	536	0	3	23	2	0	28
		All	76	0	0	0	52	0	0	0	0	52
		Other	77	0	0	0	31	0	0	0	0	31
		Cases	78	11.1	0	133	31	1	2	0	0	34
			76-78	3.2	0	133	114	1	2	0	0	117
Total Time	Issuance of complaint / Final agency action	With	76	611.2	350	1315	0	0	1	8	4	13
		Agency	77	939.5	598	1884	0	0	0	3	5	8
		Review	78	1355.3	666	3050	0	0	0	1	5	6
			76-78	873.8	350	3050	0	0	1	12	14	27
		All	76	504.9	119	1177	0	1	13	29	7	50
		Other	77	726.2	350	2790	0	0	1	15	9	25
		Cases	78	823.0	195	2636	0	0	3	11	16	30
			76-78	648.5	119	2790	0	1	17	55	32	105

Notes—

^aIn FY 1978, DOL submitted case-closed cards only for the first three quarters.

Many of these case cards were for consolidated cases. DOL counted each docket as one case for inventory purposes.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY: 76 77 78 76-78
 Number: 54 23 22 99

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.5	1	5	44	7	0	0	0	51
		77	1.4	1	3	21	1	0	0	0	22
		78	1.3	0	3	21	4	0	0	0	25
		76-78	1.4	0	5	86	12	0	0	0	98
	ALJ prehearing and hearing: hours per case	76	6.5	1	36	20	23	9	0	0	52
		77	4.3	1	12	9	9	3	0	0	21
		78	6.2	0	28	13	6	5	0	0	24
		76-78	6.0	0	36	42	38	17	0	0	97
	ALJ Travel: hours per case	76	10.1	0	30	7	19	25	0	0	51
		77	9.5	2	24	1	15	7	0	0	23
		78	7.2	0	48	6	14	5	0	0	25
		76-78	9.3	0	48	14	48	37	0	0	99
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.7	1	22	29	27	4	0	0	60
		77	2.4	2	4	18	7	0	0	0	25
		78	3.1	1	9	17	10	0	0	0	27
		76-78	3.3	1	22	64	44	4	0	0	112
Paperwork	Evidentiary documents (excluding briefs): number per case	76	10.0	0	54	9	17	14	0	0	40
		77	9.7	0	28	4	8	9	0	0	21
		78	12.8	0	49	3	6	9	0	0	18
		76-78	10.6	0	54	16	31	32	0	0	79
	Transcripts: pages per case	76	146.7	10	983	0	0	26	13	13	52
		77	110.2	3	459	0	2	8	9	4	23
		78	121.5	0	424	2	1	9	6	6	24
		76-78	132.1	0	983	2	3	43	28	23	99
	Briefs: pages per case	76	20.2	0	83	8	4	29	3	0	44
		77	26.2	0	111	2	5	10	1	0	18
		78	16.9	0	50	3	5	11	0	0	19
		76-78	20.7	0	111	13	14	50	4	0	81
	Exhibits: pages per case	76	89.3	1	1500	4	13	19	8	7	51
		77	145.3	0	1500	2	4	6	8	2	22
		78	138.6	0	612	2	2	6	7	5	22
		76-78	113.7	0	1500	8	19	31	23	14	95
	Contested motions: number per case	76	1.6	0	10	23	6	1	0	0	30
		77	1.9	0	6	12	5	0	0	0	17
	78	.6	0	3	10	1	0	0	0	11	
	76-78	1.5	0	10	45	12	1	0	0	58	
Written opinions by ALJ: pages per case	76	9.7	1	26	1	39	24	0	0	64	
	77	7.7	3	29	0	30	10	0	0	40	
	78	6.7	2	20	1	28	6	0	0	35	
	76-78	8.4	1	29	2	97	40	0	0	139	

Procedures--

The proceeding is initiated by the issuance of a complaint by the Deputy Solicitor which is served on the respondent. The case is referred to an ALJ, but the hearing may be deferred to permit consent negotiations to take place. After all evidence has been received, the parties have 10 days to file proposed findings and conclusions along with a brief. After the initial decision, aggrieved parties have 20 days to file exceptions thereto. Appeal is to the Administrator of the Wage and Hour Division (or his representative).

Agency: DEPARTMENT OF LABOR

Case type: Federal Labor Standards Act
Child Labor Civil Penalty Cases

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	0	56	29	85

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	12	2	14
Withdrawal	0	4	2	6
Dismissal	0	0	0	0
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	0	15	10	25
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	25	14	39

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	0	56	29	85
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Violation notice / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	169.9	3	404	1	14	40	1	0	56
			78	217.8	3	384	1	1	26	1	0	29
		76-78		186.2	3	404	2	15	66	2	0	85
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	150.7	72	281	0	6	9	0	0	15
		Merits	78	242.4	81	315	0	1	9	0	0	10
		76-78		187.4	72	315	0	7	18	0	0	25
	All Other	Cases	76	--	--	--	0	0	0	0	0	0
			77	100.4	7	232	2	29	10	0	0	41
78		131.2	46	358	0	11	8	0	0	19		
76-78		110.2	7	358	2	40	18	0	0	60		
Posthearing	Not applicable	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
		76-78		--	--	--	0	0	0	0	0	
	All Other	Cases ^b	76	--	--	--	0	0	0	0	0	0
			77	0	0	0	56	0	0	0	0	56
78		0	0	0	29	0	0	0	0	29		
76-78		0	0	0	85	0	0	0	0	85		
Total Time	Violation notice / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
		76-78		--	--	--	0	0	0	0	0	
	All Other	Cases	76	--	--	--	0	0	0	0	0	0
			77	283.8	157	574	0	0	48	8	0	56
78		387.3	127	614	0	0	9	20	0	29		
76-78		319.1	127	614	0	0	57	28	0	85		

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters. Additionally, some child labor civil penalty cases were not reported properly. As a result, the 1978 case closed cards submitted figure is lower than the actual number of cases closed for that year.

^b There is no elapsed time in the posthearing stage because the ALJ's decision constitutes final agency action.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						FY: 76	77	78	76-78		
						Number: 0	18	11	29		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	1.0	0	1	20	0	0	0	0	20
		78	1.0	1	1	10	0	0	0	0	10
	76-78		1.0	0	1	30	0	0	0	0	30
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	2.7	0	8	12	8	0	0	0	20
		78	4.3	1	9	3	7	0	0	0	10
	76-78		3.3	0	9	15	15	0	0	0	30
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	6.9	0	14	1	14	5	0	0	20
		78	6.5	4	8	0	10	0	0	0	10
	76-78		6.8	0	14	1	24	5	0	0	30
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	2.8	2	10	15	4	1	0	0	20
		78	4.5	2	14	5	4	1	0	0	10
	76-78		3.3	2	14	20	8	2	0	0	30
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	6.6	0	26	3	9	2	0	0	14
		78	13.7	6	26	0	2	1	0	0	3
	76-78		7.9	0	26	3	11	3	0	0	17
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	64.4	0	268	1	4	7	6	2	20
		78	151.3	5	264	0	2	1	3	4	10
	76-78		93.4	0	268	1	6	8	9	6	30
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	16.9	0	76	4	1	5	1	0	11
		78	32.0	15	40	0	0	6	0	0	6
	76-78		22.2	0	76	4	1	11	1	0	17
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	25.4	0	103	3	1	11	1	0	16
		78	19.1	2	97	1	5	2	1	0	9
	76-78		23.2	0	103	4	6	13	2	0	25
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	.8	0	3	3	1	0	0	0	4
		78	3.5	0	7	1	1	0	0	0	2
	76-78		1.7	0	7	4	2	0	0	0	6
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0
		77	3.9	1	21	26	10	4	0	0	40
		78	4.2	2	14	13	9	1	0	0	23
	76-78		4.0	1	21	39	19	5	0	0	63

Procedures--

When, after investigation, the Secretary finds a violation of the child labor provisions of the FLSA, he shall assess a penalty and issue a notice of penalty. The charged party has 15 days in which to except. If he does so, the case is referred to the CALJ for assignment to an ALJ who will conduct a hearing. Prehearing conferences may be conducted.

The parties have 15 days after the close of the hearing to file proposed findings and conclusions. The ALJ shall then prepare, "as promptly as practicable" a decision or order. This decision constitutes final agency action (29 CFR 580.32).

Agency: DEPARTMENT OF LABOR

Case type: Davis-Bacon Act
Wage Rate Disputes

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	20	6	6	32

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	10	2	0	12
Withdrawal	0	0	1	1
Dismissal	1	0	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	9	4	3	16
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	2	2

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	3	1	0	4
No:	17	5	6	28
Result—				
Affirm	3	1	0	4
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Direction of hearing by Administrator / Referral to CALJ	All	76	441.4	0	930	4	0	3	7	4	18
		Cases	77	148.8	0	585	3	0	0	1	0	4
			78	35.0	35	35	0	1	0	0	0	1
			76-78	372.9	0	930	7	1	3	8	4	23
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	267.5	121	446	0	1	7	1	0	9
		Hearing on	77	212.5	110	295	0	1	3	0	0	4
		Merits	78	153.7	90	187	0	1	2	0	0	3
			76-78	232.4	90	446	0	3	12	1	0	16
		All	76	241.2	69	457	0	2	7	2	0	11
		Other	77	164.5	123	206	0	0	2	0	0	2
		Cases	78	267.3	158	430	0	0	2	1	0	3
			76-78	236.5	69	457	0	2	11	3	0	16
Posthearing	ALJ's decision / final agency action	With Agency	76	125.0	63	194	0	2	1	0	0	3
		Review	77	126.0	126	126	0	0	1	0	0	1
			78	—	—	—	0	0	0	0	0	0
			76-78	125.2	63	194	0	2	2	0	0	4
		All	76	3.6	0	58	15	1	0	0	0	16
		Other	77	9.6	0	48	4	1	0	0	0	5
		Cases	78	5.0	0	29	6	0	0	0	0	0
			76-78	5.0	0	58	25	2	0	0	0	27
Total Time	Direction of hearing / Final agency action	With Agency	76	548.5	265	832	0	0	1	0	1	2
		Review	77	1006.0	1006	1006	0	0	0	0	1	1
			78	—	—	—	0	0	0	0	0	0
			76-78	701.0	265	1006	0	0	1	0	2	3
		All	76	730.7	69	1127	0	1	1	5	9	16
		Other	77	155.0	119	223	0	1	2	0	0	3
		Cases	78	465.0	465	465	0	0	0	1	0	1
			76-78	631.1	69	1127	0	2	3	6	9	20

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	11	4	4	19

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	3.3	1	7	5	6	0	0	0	11
		77	1.5	1	2	4	0	0	0	0	4
		78	1.8	1	4	3	1	0	0	0	4
		76-78	2.6	1	7	12	7	0	0	0	19
	ALJ prehearing and hearings: hours per case	76	19.7	1	45	2	2	7	0	0	11
		77	8.3	5	12	0	2	2	0	0	4
		78	6.3	0	20	2	1	1	0	0	4
		76-78	14.5	0	45	4	5	10	0	0	19
	ALJ Travel: hours per case	76	10.9	5	22	0	5	6	0	0	11
		77	5.8	4	8	0	4	0	0	0	4
		78	3.8	2	6	2	3	0	0	0	5
		76-78	8.1	2	22	2	12	6	0	0	20
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	6.2	1	19	6	4	3	0	0	13
		77	4.0	2	6	1	3	0	0	0	4
		78	5.5	2	16	3	0	1	0	0	4
		76-78	5.6	1	19	10	7	4	0	0	21
Paperwork	Evidentiary documents (excluding briefs): number per case	76	36.8	1	110	1	0	2	1	0	4
		77	14.7	14	15	0	0	3	0	0	3
		78	1.0	1	1	1	0	0	0	0	1
		76-78	24.0	1	110	2	0	5	1	0	8
	Transcripts: pages per case	76	538.5	16	1296	0	0	3	1	7	11
		77	222.0	26	531	0	0	1	1	2	4
		78	107.8	8	265	0	1	1	1	1	4
		76-78	381.2	8	1296	0	1	5	3	10	19
	Briefs: pages per case	76	46.0	10	112	0	0	4	2	0	6
		77	40.0	9	71	0	1	0	1	0	2
		78	19.0	19	19	0	0	1	0	0	1
		76-78	41.7	9	112	0	1	5	3	0	9
	Exhibits: pages per case	76	919.0	6	6000	0	1	0	3	4	8
		77	105.0	8	250	0	1	0	2	1	4
		78	78.3	1	209	1	1	0	1	1	4
		76-78	505.3	1	6000	1	3	0	6	6	16
Contested motions: number per case	76	2.2	0	4	3	3	0	0	0	6	
	77	2.0	2	2	2	0	0	0	0	2	
	78	1.0	1	1	1	0	0	0	0	1	
	76-78	2.0	0	4	6	3	0	0	0	9	
Written opinions by ALJ: pages per case	76	13.8	3	28	0	4	6	0	0	10	
	77	8.5	3	19	0	3	1	0	0	4	
	78	5.4	2	13	1	3	1	0	0	5	
	76-78	10.5	2	28	1	10	8	0	0	19	

Procedures—

The Act confers upon the Secretary the authority to determine prevailing minimum wages and fringe benefits to laborers and mechanics engaged in government construction contract work. General wage determinations must be published in the Federal Register; determinations made for applications in specific projects do not. All such determinations may be made on the basis of information obtained and compiled from various voluntary submissions. A field survey may be deemed necessary.

"deems it necessary because of insufficiency of information or impracticality of a field survey or both, he may direct a hearing be held". The CALJ designates an ALJ to proceed to the project area and conduct necessary hearings. Prehearing conferences are provided. The ALJ is empowered to draft a proposed decision and any interested persons may file exceptions within 5 days. The Administrator shall rule upon any exceptions filed and shall make a determination as to the prevailing wage rates. A further appeal may be taken to the Wage Appeals Board which has the descretion to review such a determination.

Whenever the Administrator of the Wage and Hour Division

Agency: DEPARTMENT OF LABOR

Case type: Office of Federal Contracts Compliance Enforcement

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	12	3	8	23

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	3	1	2	6
Withdrawal	1	1	2	4
Dismissal	0	1	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	5	0	3	8
ALJ Hearing w/o Decision	2	0	1	3
ALJ Decision w/o Hearing	1	0	0	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:				
Yes:	1	0	0	1
No:	11	3	8	22
Result—				
Affirm	1	0	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	80.8	7	189	2	1	1	0	0	4
	Cases	77	111.0	111	111	0	1	0	0	0	1
		78	20.4	1	55	3	2	0	0	0	5
		76-78	53.6	1	189	5	4	1	0	0	10
Hearing Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	304.6	91	596	0	1	4	2	0	7
		77	--	--	--	0	0	0	0	0	0
		78	391.0	292	603	0	0	3	1	0	4
		76-78	336.0	91	603	0	1	7	3	0	11
	All Other Cases	76	236.8	9	666	1	1	2	1	0	5
		77	255.3	31	602	0	1	1	1	0	3
		78	249.3	161	309	0	0	4	0	0	4
		76-78	245.6	9	666	1	2	7	2	0	12
Posthearing ALJ's decision / Final agency action	With Agency Review	76	65.0	65	65	0	1	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	65.0	65	65	0	1	0	0	0	1
	All Other Cases	76	0	0	0	10	0	0	0	0	10
		77	0	0	0	3	0	0	0	0	3
		78	0	0	0	8	0	0	0	0	8
		76-78	0	0	0	21	0	0	0	0	21
Total Time	With Agency Review	76	829.0	829	829	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	829.0	829	829	0	0	0	0	1	1
	All Other Cases	76	264.3	120	351	0	1	2	0	0	3
		77	142.0	142	142	0	0	1	0	0	1
		78	292.0	164	347	0	0	5	0	0	5
		76-78	266.1	120	351	0	1	8	0	0	9

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY:	76	77	78	76-78
Number:	8	0	4	12

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	3.0	1	5	4	5	0	0	0	9
		77	--	--	--	0	0	0	0	0	0
		78	6.8	1	12	2	0	2	0	0	4
	76-78	4.2	1	12	6	5	2	0	0	13	
	ALJ prehearing and hearing: hours per case	76	14.8	6	41	0	4	5	0	0	9
		77	--	--	--	0	0	0	0	0	0
		78	35.3	2	96	1	1	1	1	0	4
	76-78	21.1	2	96	1	5	6	1	0	13	
ALJ Travel: hours per case		76	14.0	0	40	1	2	3	0	0	6
		77	--	--	--	0	0	0	0	0	0
		78	13.0	0	28	1	1	2	0	0	4
	76-78	13.6	0	40	2	3	5	0	0	10	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	15.2	2	72	4	2	2	1	0	9
		77	--	--	--	0	0	0	0	0	0
		78	2.8	2	4	2	2	0	0	0	4
	76-78	11.4	2	72	6	4	2	1	0	13	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	47.0	32	80	0	0	3	1	0	4
		77	--	--	--	0	0	0	0	0	0
		78	240.0	10	700	0	0	2	0	1	3
	76-78	129.7	10	700	0	0	5	1	1	7	
Transcripts: pages per case		76	497.7	154	1515	0	0	0	1	6	7
		77	--	--	--	0	0	0	0	0	0
		78	777.5	44	1772	0	0	1	1	2	4
	76-78	599.5	44	1772	0	0	1	2	8	11	
Briefs: pages per case		76	91.2	28	200	0	0	3	2	1	6
		77	--	--	--	0	0	0	0	0	0
		78	80.5	40	121	0	0	1	1	0	2
	76-78	88.5	28	200	0	0	4	3	1	8	
Exhibits: pages per case		76	241.1	7	700	0	1	2	2	3	8
		77	--	--	--	0	0	0	0	0	0
		78	535.0	20	2000	0	0	2	1	1	4
	76-78	339.1	7	2000	0	1	4	3	4	12	
Contested motions: number per case		76	4.7	4	6	0	3	0	0	0	3
		77	--	--	--	0	0	0	0	0	0
		78	3.0	2	4	1	1	0	0	0	2
	76-78	4.0	2	6	1	4	0	0	0	5	
Written opinions by ALJ: pages per case		76	14.0	9	21	0	1	5	0	0	6
		77	--	--	--	0	0	0	0	0	0
		78	13.0	8	21	0	1	2	0	0	3
	76-78	13.7	8	21	0	2	7	0	0	9	

Procedures--

The cases are initiated by complaints filed by employees or applicants for employment and should be filed not later than 180 days from the alleged discrimination. Complaints may be filed with the Director of the OFCC or with the contracting agency. The Director shall then designate a compliance agency (usually the contracting agency) to investigate each complaint filed and to report its findings. If further investigation is not deemed necessary, and if a found violation has not been resolved by informal means, the Director or the agency with the approval of the Director shall afford the contractor a hearing. Notice is sent to the contractor. The ALJ is appointed by either the Secretary of

Labor or another agency head. A labor union may become a party if its contract is at issue.

The contractor has 20 days in which to file an answer. Within 20 days after the receipt of the transcript of the testimony given at the hearing, each party may file a brief with the ALJ. The ALJ shall make his recommended decision to the Secretary within a reasonable time. Each party has 14 days to file exceptions. (If the hearing was conducted by another agency, the hearing officer makes recommendations to the agency head, who decides whether or not to invoke sanctions, subject to the approval of the Director.)

Agency: DEPARTMENT OF LABOR

Case type: Farm Labor Contractor Registration Act Enforcement

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	4	5	16	25

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	2	3	1	6
Withdrawal	2	0	0	2
Dismissal	0	0	1	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	2	6	8
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	8	8

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	4	5	16	25
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Request for hearing / Referral to CALJ	All	76	53.0	49	60	0	3	0	0	0	3
		Cases	77	102.0	36	147	0	2	3	0	0	5
			78	174.2	29	367	1	4	9	1	0	15
			76-78	142.7	29	367	1	9	12	1	0	23
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	100.0	89	111	0	2	0	0	0	2
		Merits	78	242.2	94	588	0	3	1	2	0	6
			76-78	206.6	89	588	0	5	1	2	0	8
		All	76	50.8	36	70	0	4	0	0	0	4
		Other	77	72.3	44	129	0	2	1	0	0	3
	Cases	78	66.2	5	280	4	5	1	0	0	10	
		76-78	63.6	5	280	4	11	2	0	0	17	
Posthearing	Not applicable	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
	All	76	0	0	0	4	0	0	0	0	4	
	Other	77	0	0	0	5	0	0	0	0	5	
	Cases ^b	78	0	0	0	16	0	0	0	0	16	
		76-78	0	0	0	25	0	0	0	0	25	
Total Time	Request for hearing / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
	All	76	104.0	86	119	0	3	0	0	0	3	
	Other	77	185.4	160	236	0	0	5	0	0	5	
	Cases	78	308.4	75	655	0	2	9	4	0	15	
		76-78	255.0	75	655	0	5	14	4	0	23	

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

^b There is no elapsed time in the posthearing stage because the ALJ's decision constitutes final agency action.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 1 3 7 11

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)			
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.				
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 1.0 2.7 2.1	1 1 1 1	1 1 10 10	1 3 5 9	0 0 1 1	0 0 1 1	0 0 0 0	0 0 0 0	1 3 7 11		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	1.0 2.7 17.1 11.7	1 1 1 1	1 6 75 75	1 2 2 5	0 1 2 3	0 0 2 2	1 1 1 1	0 0 0 0	1 3 7 11		
	ALJ Travel: hours per case	76 77 78 76-78	2.0 7.0 10.3 8.6	2 5 3 2	2 10 36 36	1 0 0 1	0 2 6 8	0 1 1 2	0 0 0 0	0 0 0 0	1 3 7 11		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	3.0 7.3 7.1 6.8	3 2 2 2	3 18 22 22	0 2 4 6	1 0 1 2	0 1 2 3	0 0 0 0	0 0 0 0	1 3 7 11	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- 18.0 18.0	-- -- 4 4	-- -- 36 36	0 0 0 0	0 0 1 1	0 0 2 2	0 0 0 0	0 0 0 0	0 0 3 3
			Transcripts: pages per case	76 77 78 76-78	10.0 81.7 530.1 360.5	10 4 8 4	10 234 2848 2848	0 0 0 0	0 2 1 3	1 0 3 4	0 0 0 0	0 1 3 4	1 3 7 11
			Briefs: pages per case	76 77 78 76-78	-- 60.0 24.3 31.4	-- 60 8 8	-- 60 50 60	0 0 0 0	0 0 1 1	0 0 3 3	0 1 0 1	0 0 0 0	0 1 4 5
	Exhibits: pages per case		76 77 78 76-78	1.0 10.0 65.5 50.5	1 10 1 1	1 10 250 250	1 0 1 2	0 0 1 1	0 1 2 3	0 0 1 1	0 0 1 1	1 1 6 8	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case	76 77 78 76-78	-- 6.5 4.1 4.4	-- 6 1 1	-- 7 15 15	0 0 10 10	0 2 3 5	0 0 2 2	0 0 0 0	0 0 0 0	0 2 15 17	

Procedures—

The prehearing stage begins when a hearing is requested. Hearing requests are referred to the CALJ who designates an ALJ to preside. Within 10 days, the ALJ notifies the parties of the date of the hearing, which will be no earlier than 15 days after the notice.

After the close of the hearing, the ALJ prepares a decision, which constitutes final agency action on the matter.

Agency: DEPARTMENT OF LABOR

Case type: Comprehensive Employment and Training Act
Grants Disputes

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	7	3	10	20

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	4	1	1	6
Withdrawal	0	1	1	2
Dismissal	0	1	1	2
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	0	7	10
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	1	1
No:	7	3	9	19
Result—				
Affirm	0	0	1	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice of hearing / Referral to CALJ	All	76	45.5	30	61	1	1	0	0	0	2
		Cases	77	98.0	98	98	0	1	0	0	0	1
			78	42.3	10	71	1	2	0	0	0	3
			76-78	52.7	10	98	2	4	0	0	0	6
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	146.7	111	189	0	1	2	0	0	3
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	142.4	31	244	0	2	5	0	0	7
			76-78	143.7	31	244	0	3	7	0	0	10
		All	76	66.3	46	83	0	4	0	0	0	4
		Other	77	112.7	57	220	0	2	1	0	0	3
		Cases	78	195.0	191	199	0	0	3	0	0	3
	76-78	118.8	46	220	0	6	4	0	0	10		
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	223.0	223	223	0	0	1	0	0	1
			76-78	223.0	223	223	0	0	1	0	0	1
		All	76	0	0	0	7	0	0	0	0	7
		Other	77	0	0	0	3	0	0	0	0	3
		Cases	78	12.2	0	110	8	1	0	0	0	9
	76-78	5.8	0	110	18	1	0	0	0	19		
Total Time	Notice of hearing / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	149.5	129	170	0	0	2	0	0	2
		Other	77	159.0	159	159	0	0	1	0	0	1
		Cases	78	206.3	169	270	0	0	3	0	0	3
	76-78	179.5	129	270	0	0	6	0	0	6		

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N		
Item		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.3 1.0 2.6 2.2	1 1 1 1	2 1 10 10	3 1 6 10	0 0 1 1	0 0 1 1	0 0 0 0	0 0 0 0	3 1 8 12		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	8.3 3.0 18.1 14.4	3 3 0 0	19 3 100 100	0 0 2 2	2 1 4 7	1 0 1 2	0 0 1 1	0 0 0 0	3 1 8 12		
	ALJ Travel: hours per case	76 77 78 76-78	8.3 6.0 8.9 8.5	6 6 3 3	12 6 21 21	0 0 0 0	2 1 5 8	1 0 2 3	0 0 0 0	0 0 0 0	3 1 7 11		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	8.0 4.0 3.5 4.7	5 4 2 2	10 4 8 10	0 0 4 4	2 1 4 7	1 0 0 1	0 0 0 0	0 0 0 0	3 1 8 12	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	36.0 -- 34.5 35.0	36 -- 22 22	36 -- 47 47	0 0 0 0	0 0 0 0	1 0 2 3	0 0 0 0	0 0 0 0	1 0 2 3
			Transcripts: pages per case	76 77 78 76-78	249.3 33.0 396.9 329.7	101 33 7 7	536 33 2002 2002	0 0 0 0	0 0 1 1	0 1 0 1	2 0 4 6	1 0 3 4	3 1 8 12
			Briefs: pages per case	76 77 78 76-78	35.3 -- 336.0 223.2	17 -- 0 0	47 -- 1357 1357	0 0 1 1	0 0 0 0	3 0 1 4	0 0 1 1	0 0 2 2	3 0 5 8
	Exhibits: pages per case		76 77 78 76-78	83.3 -- 715.7 504.9	10 -- 50 10	150 -- 2200 2200	0 0 0 0	0 0 0 0	1 0 2 3	2 0 1 3	0 0 3 3	3 0 6 9	
	Contested motions: number per case	76 77 78 76-78	1.0 -- 4.5 3.3	1 -- 4 1	1 -- 5 5	1 0 0 1	0 0 2 2	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 2 3	
		Written opinions by ALJ: pages per case	76 77 78 76-78	9.7 -- 17.1 14.9	6 -- 3 3	12 -- 60 60	0 0 0 0	1 0 3 4	2 0 3 5	0 0 1 1	0 0 0 0	0 0 0 0	3 0 7 10

Procedures--

An opportunity for a hearing is required:

a) before final disapproval of any Comprehensive Manpower Plan or application for financial assistance;

b) when the Regional Administrator receives a formal allegation from an affected unit of local government that there is a violation by a grantee;

c) when an investigation of a formal allegation made by any person or unit of government indicates that there is substantial evidence of facts supporting a conclusion of probable cause to believe there is a violation; or

d) when the Secretary has reason to believe a violation has occurred, or determines that fairness and the effective

operation of CETA programs would be furthered by an opportunity for a hearing.

When an opportunity for a hearing is required, the affected respondent and complainant (if any) shall be given reasonable notice. The matter may be set for a hearing only on request of the respondent. The ALJ will make an initial decision on the matter unless the Secretary limits his authority in a particular case to making a recommended decision. When an initial decision is made, respondent has 30 days in which to file exceptions. The Secretary may serve notice of intention to review on his own motion within 45 days.

Agency: DEPARTMENT OF LABOR

Case type: Public Contracts Act Enforcement

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	3	1	1	5

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	1	1	5
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	3	1	1	5
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Report of violation / Referral to CALJ	All	76	335.0	13	579	1	0	0	2	0	3
		Cases	77	351.0	351	351	0	0	1	0	0	1
			78	447.0	447	447	0	0	0	1	0	1
			76-78	360.6	13	579	1	0	1	3	0	5
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	327.0	240	423	0	0	2	1	0	3
		Hearing on	77	162.0	162	162	0	0	1	0	0	1
		Merits	78	134.0	134	134	0	0	1	0	0	1
			76-78	255.4	134	423	0	0	4	1	0	5
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
	76-78	--	--	--	0	0	0	0	0	0		
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	0	0	0	3	0	0	0	0	3
		Other	77	0	0	0	1	0	0	0	0	1
		Cases	78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	5	0	0	0	0	5		
Total Time	Report of violation / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	662.0	436	897	0	0	0	2	1	3
		Other	77	513.0	513	513	0	0	0	1	0	1
		Cases	78	581.0	581	581	0	0	0	1	0	1
	76-78	616.0	436	897	0	0	0	4	1	5		

Notes--

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						Cases with full or partial hearing—							
						FY: 76 77 78 76-78 Number: 3 1 1 5							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	2.0 1.0 1.0 1.6	2 1 1 1	2 1 1 2	3 1 1 5	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	3 1 1 5		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	6.3 -- 4.0 5.8	3 -- 4 3	10 -- 4 10	0 0 0 0	2 0 1 3	1 0 0 1	0 0 0 0	0 0 0 0	3 0 1 4		
	ALJ Travel: hours per case	76 77 78 76-78	7.3 4.0 24.0 10.0	2 4 24 2	12 4 24 24	1 0 0 1	1 1 0 2	1 0 1 2	0 0 0 0	0 0 0 0	3 1 1 5		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	10.0 3.0 9.0 8.4	3 3 9 3	24 3 9 24	0 0 0 0	2 1 1 4	1 0 0 1	0 0 0 0	0 0 0 0	3 1 1 5	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	7.3 -- -- 7.3	4 -- -- 4	12 -- -- 12	0 0 0 0	2 0 0 2	1 0 0 1	0 0 0 0	0 0 0 0	3 0 0 3
			Transcripts: pages per case	76 77 78 76-78	93.0 19.0 109.0 81.4	58 19 109 19	136 19 109 136	0 0 0 0	0 0 0 0	1 1 0 2	2 0 1 3	0 0 0 0	3 1 1 5
			Briefs: pages per case	76 77 78 76-78	24.0 -- 26.0 24.7	21 -- 26 21	27 -- 26 27	0 0 0 0	0 0 0 0	2 0 1 3	0 0 0 0	0 0 0 0	2 0 1 3
	Exhibits: pages per case		76 77 78 76-78	25.7 6.0 48.0 26.2	16 6 48 6	40 6 48 48	0 0 0 0	0 1 0 1	3 0 1 4	0 0 0 0	0 0 0 0	3 1 1 5	
	Contested motions: number per case	76 77 78 76-78	3.0 -- -- 3.0	2 -- -- 2	5 -- -- 5	2 0 0 2	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	3 0 0 3	
		Written opinions by ALJ: pages per case	76 77 78 76-78	14.7 12.0 4.0 12.0	9 12 4 4	24 12 4 24	0 0 0 0	1 0 1 2	2 1 0 3	0 0 0 0	0 0 0 0	3 1 1 5	

Procedures—

The case is initiated by the filing of a report of a breach of contract or violation of the Act with the Department. The Deputy Solicitor may issue and serve a formal complaint on the respondent, which the respondent has 20 days to answer. After the ALJ issues his initial decision or order, any

interested party may file a petition for review and accompanying briefs with the CALJ within 20 days. The petition is heard by the Administrator for Workplace Standards who may deny review or review the case on the merits.

Agency: DEPARTMENT OF LABOR

Case type: Trade Act of 1974
Certification

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	9	4	3	16

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	1	0	0	1
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	8	2	1	11
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	2	2	4

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	9	4	3	16
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	88.9	64	116	0	9	0	0	0	9
	Cases	77	151.0	67	303	0	2	2	0	0	4
		78	42.5	39	46	0	2	0	0	0	2
		76-78	99.3	39	303	0	13	2	0	0	15
Hearing	With ALJ	76	123.4	119	154	0	7	1	0	0	8
	Hearing on	77	210.0	196	224	0	0	2	0	0	2
	Merits	78	61.0	61	61	0	1	0	0	0	1
		76-78	133.5	61	224	0	8	3	0	0	11
	All	76	119.0	119	119	0	1	0	0	0	1
	Other	77	168.5	133	204	0	0	2	0	0	2
Posthearing	Cases	78	67.0	64	70	0	2	0	0	0	2
		76-78	118.0	64	204	0	3	2	0	0	5
	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Total Time	All	76	0	0	0	9	0	0	0	0	9
	Other	77	0	0	0	4	0	0	0	0	4
	Cases	78	118.3	0	355	2	0	1	0	0	3
		76-78	22.2	0	355	15	0	1	0	0	16
Total Time	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All	76	211.8	183	235	0	0	9	0	0	9
	Other	77	340.3	280	507	0	0	3	1	0	4
Cases	78	109.5	109	110	0	2	0	0	0	2	
	76-78	232.4	109	507	0	2	12	1	0	15	

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						Cases with full or partial hearing—							
						FY:	76	77	78	76-78			
						Number:	8	2	1	11			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 1.0 1.0 1.0	1 1 1 1	1 1 1 1	8 2 1 11	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	8 2 1 11		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	1.0 5.5 1.0 1.8	1 5 1 1	1 6 1 6	8 0 1 9	0 2 0 2	0 0 0 0	0 0 0 0	0 0 0 0	8 2 1 11		
	ALJ Travel: hours per case	76 77 78 76-78	1.0 4.5 6.0 2.2	1 1 6 1	1 8 6 8	7 1 0 8	0 1 1 2	0 0 0 0	0 0 0 0	0 0 0 0	7 2 1 10		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	1.8 6.5 3.0 2.7	1 3 3 1	3 10 3 10	6 0 0 6	2 1 1 4	0 1 0 1	0 0 0 0	0 0 0 0	8 2 1 11	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	— 17.0 — 17.0	— 17 — 17	— 17 — 17	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1
			Transcripts: pages per case	76 77 78 76-78	19.5 105.5 52.0 38.1	5 101 52 5	29 110 52 110	0 0 0 0	1 0 0 1	7 0 1 8	0 2 0 2	0 0 0 0	8 2 1 11
			Briefs: pages per case	76 77 78 76-78	— 9.0 — 9.0	— 7 — 7	— 11 — 11	0 0 0 0	0 1 0 1	0 1 0 1	0 0 0 0	0 0 0 0	0 2 0 2
	Exhibits: pages per case		76 77 78 76-78	2.6 33.0 27.0 13.3	1 32 27 1	6 34 27 34	3 0 0 3	2 0 0 2	0 2 1 3	0 0 0 0	0 0 0 0	5 2 1 8	
	Contested motions: number per case		76 77 78 76-78	— — — —	— — — —	— — — —	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case		76 77 78 76-78	4.9 7.0 5.3 5.5	2 2 3 2	7 12 9 12	1 1 0 2	7 2 3 12	0 1 0 1	0 0 0 0	0 0 0 0	8 4 3 15

Procedures—

A group of workers or their authorized representative begins the process by filing a petition for a certification of eligibility to apply for adjustment assistance. Upon receipt of a petition, the Director of the Office of Trade Adjustment Assistance must publish a notice of the petition in the Federal Register. The Director will then initiate an investigation. A hearing will be held if requested within 10 days by the petitioner or other person found to have a substantial interest in the proceedings.

The Director will often submit to the ALJ a report of the investigation and recommendations concerning whether or not to issue a certificate of eligibility. These submissions will be made no later than 45 days after the filing of the petition. No later than 15 days after receiving the recommendations, the ALJ will make a determination on the petition, and,

where affirmative, issue a certificate of eligibility. Notice of a determination and the reasons therefore will be published in the Federal Register.

Applications for reconsideration of a determination may be filed no later than 30 days after publication of the determination. If reconsideration is granted, petitioners and interested persons have 10 days to file written statements. The ALJ will make a determination on reconsideration no later than 45 days after granting reconsideration. This constitutes final agency action.

The Director may also initiate an investigation when he has reason to believe that a certification of eligibility should be terminated. The same procedures are used.

Agency: DEPARTMENT OF LABOR

Case type: Fair Labor Standards Act
Rulemaking

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	6	5	N/A	N/A

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	1	2	N/A	N/A
Withdrawal	2	0	N/A	N/A
Dismissal	0	0	N/A	N/A
Other	2	0	N/A	N/A
On Merits—				
ALJ Hearing & Decision	1	0	N/A	N/A
ALJ Hearing w/o Decision	0	0	N/A	N/A
ALJ Decision w/o Hearing	0	3	N/A	N/A

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	N/A	N/A
No:	6	5	N/A	N/A
Result—				
Affirm	0	0	N/A	N/A
Reverse	0	0	N/A	N/A
Modify	0	0	N/A	N/A
Remand/Other	0	0	N/A	N/A

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Publication of proposal in Federal Register / Referral to CALJ	All	76	90.0	55	120	0	6	0	0	0	6
		Cases	77	180.8	108	278	0	1	4	0	0	5
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
Hearing	Referral to CALJ / ALJ's certification of the record	With ALJ	76	139.0	139	139	0	0	1	0	0	1
		Hearing on Merits	77	-	-	-	0	0	0	0	0	0
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	122.2	37	343	0	4	1	0	0	5
		Other Cases	77	110.8	60	161	0	2	3	0	0	5
	78	N/A	N/A	N/A	--	--	--	--	--	--		
	76-78	N/A	N/A	N/A	--	--	--	--	--	--		
Posthearing	ALJ's certification of the record / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	0	0	0	6	0	0	0	0	6
		Other Cases	77	0	0	0	5	0	0	0	0	5
	78	N/A	N/A	N/A	--	--	--	--	--	--		
	76-78	N/A	N/A	N/A	--	--	--	--	--	--		
<u>Total Time</u>	Publication of proposal in Federal Register / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	N/A	N/A	N/A	--	--	--	--	--	--
			76-78	N/A	N/A	N/A	--	--	--	--	--	--
		All	76	215.0	112	441	0	1	4	1	0	6
		Other Cases	77	291.6	189	439	0	0	4	1	0	5
	78	N/A	N/A	N/A	--	--	--	--	--	--		
	76-78	N/A	N/A	N/A	--	--	--	--	--	--		

Notes--

^aFY 1978 data are unavailable because rulemaking proceedings were mixed with child labor civil penalty cases.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	1	0	N/A	N/A

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 -- N/A N/A	1 -- N/A N/A	1 -- N/A N/A	1 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	8.0 -- N/A N/A	8 -- N/A N/A	8 -- N/A N/A	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
	ALJ Travel: hours per case	76 77 78 76-78	16.0 -- N/A N/A	16 -- N/A N/A	16 -- N/A N/A	0 0 -- --	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76 77 78 76-78	2.0 -- N/A N/A	2 -- N/A N/A	2 -- N/A N/A	1 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
	Paperwork	Evidentiary documents (excluding briefs): number per case	76 77 78 76-78	10.0 -- N/A N/A	10 -- N/A N/A	10 -- N/A N/A	0 0 -- --	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --
		Transcripts: pages per case	76 77 78 76-78	158.0 -- N/A N/A	158 -- N/A N/A	158 -- N/A N/A	0 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	0 0 -- --	1 0 -- --
Briefs: pages per case		76 77 78 76-78	19.0 -- N/A N/A	19 -- N/A N/A	19 -- N/A N/A	0 0 -- --	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
Exhibits:	pages per case	76 77 78 76-78	15.0 -- N/A N/A	15 -- N/A N/A	15 -- N/A N/A	0 0 -- --	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
	Contested motions: number per case	76 77 78 76-78	4.0 -- N/A N/A	4 -- N/A N/A	4 -- N/A N/A	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	0 0 -- --	1 0 -- --	
		Written opinions by ALJ: pages per case	76 77 78 76-78	10.0 2.0 N/A N/A	10 2 N/A N/A	10 2 N/A N/A	0 3 -- --	0 0 -- --	1 0 -- --	0 0 -- --	0 0 -- --	1 3 -- --

Procedures--

These are rulemaking proceedings which sometimes require an evidentiary hearing presided over by an ALJ.

Agency: DEPARTMENT OF LABOR

Case type: Occupational Safety and Health Act
Rulemaking

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	4	4	2	10

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	1	0	0	1
Withdrawal	1	0	0	1
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	0	1
ALJ Hearing w/o Decision	1	4	2	7
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	1	0	0	1
No:	3	4	2	9
Result—				
Affirm	1	0	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Publication of proposal in Federal Register / Referral to CALJ	All	76	454.0	454	454	0	0	0	1	0	1
		Cases	77	-	-	-	0	0	0	0	0	0
			78	-	-	-	0	0	0	0	0	0
			76-78	454.0	454	454	0	0	0	1	0	1
Hearing	Referral to CALJ / ALJ's certification of the record	With ALJ	76	221.5	168	275	0	0	2	0	0	2
		Hearing on	77	381.8	237	807	0	0	3	0	1	4
		Merits	78	183.5	156	211	0	0	2	0	0	2
			76-78	292.1	156	807	0	0	7	0	1	8
		All	76	513.0	213	813	0	0	1	0	1	2
		Other	77	-	-	-	0	0	0	0	0	0
	Cases	78	-	-	-	0	0	0	0	0	0	
		76-78	513.0	213	813	0	0	1	0	1	2	
Posthearing	ALJ's certification of the record / Final agency action	With	76	224.0	224	224	0	0	1	0	0	1
		Agency	77	-	-	-	0	0	0	0	0	0
		Review	78	-	-	-	0	0	0	0	0	0
			76-78	224.0	224	224	0	0	1	0	0	1
		All	76	0	0	0	3	0	0	0	0	3
		Other	77	0	0	0	4	0	0	0	0	4
	Cases	78	5.0	0	10	2	0	0	0	0	2	
		76-78	1.1	0	10	9	0	0	0	0	9	
Total Time	Publication of proposal in Federal Register / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	1267.0	1267	1267	0	0	0	0	1	1
		Other	77	-	-	-	0	0	0	0	0	0
	Cases	78	-	-	-	0	0	0	0	0	0	
		76-78	1267.0	1267	1267	0	0	0	0	1	1	

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:				76	77	78	76-78			
		Number:				2	4	2	8			
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.0	1	3	1	1	0	0	0	2	
		77	7.0	7	7	0	1	0	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	3.7	1	7	1	2	0	0	0	3	
	ALJ prehearing and hearing: hours per case	76	12.0	6	18	0	1	1	0	0	2	
		77	56.0	56	56	0	0	1	0	0	1	
	78	--	--	--	0	0	0	0	0	0		
	76-78	26.7	6	56	0	1	2	0	0	3		
ALJ Travel: hours per case	76	8.0	8	8	0	1	0	0	0	1		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	8.0	8	8	0	1	0	0	0	1		
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.5	3	4	0	2	0	0	0	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	3.5	3	4	0	2	0	0	0	2	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	62.0	62	62	0	0	0	1	0	1	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	62.0	62	62	0	0	0	1	0	1	
	Transcripts: pages per case	76	323.5	201	446	0	0	0	0	2	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	323.5	201	446	0	0	0	0	2	2	
	Briefs: pages per case	76	77.0	77	77	0	0	0	1	0	1	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	77.0	77	77	0	0	0	1	0	1	
Exhibits: pages per case	76	66.0	25	107	0	0	1	1	0	2		
	77	121.0	121	121	0	0	0	1	0	1		
	78	--	--	--	0	0	0	0	0	0		
	76-78	84.3	25	121	0	0	1	2	0	3		
Contested motions: number per case	76	2.0	2	2	1	0	0	0	0	1		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	2.0	2	2	1	0	0	0	0	1		
Written opinions by ALJ: pages per case	76	19.0	19	19	0	0	1	0	0	1		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	19.0	19	19	0	0	1	0	0	1		

Procedures—

The proceedings really commence when the Assistant Secretary of Occupational Safety and Health begins consultations with an advisory committee to seek its recommendations as to the formulation of the proposed rule. (This period is not counted in these statistics, but rules provide that it should not exceed 270 days.) Within 60 days, the Assistant Secretary must publish notice of proposed

rulemaking in the Federal Register. Thirty days are allowed for comment, and a hearing is held at least 10 days after the close of the comment period. The ALJ presides over the hearing, allowing cross-examination on "crucial issues", but makes no initial decision. He certifies the record to the Assistant Secretary who has 60 days to make the final determination to promulgate or not promulgate the rule.

Agency: DEPARTMENT OF LABOR

Case type: Federal Water Pollution Control Act
Investigatory Hearings

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	1	2	0	3

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	1	0	1
Other	1	0	0	1
On Merits—				
ALJ Hearing & Decision	0	1	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	1	0	1
No:	1	1	0	2
Result—				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	98.0	98	98	0	1	0	0	0	1
	Cases	77	97.0	73	121	0	2	0	0	0	2
		78	-	-	-	0	0	0	0	0	0
		76-78	97.3	73	121	0	3	0	0	0	3
Hearing	With ALJ	76	-	-	-	0	0	0	0	0	0
	Hearing on	77	245.0	245	245	0	0	1	0	0	1
	Merits	78	-	-	-	0	0	0	0	0	0
		76-78	245.0	245	245	0	0	1	0	0	1
Posthearing	All	76	343.0	343	343	0	0	1	0	0	1
	Other	77	232.0	232	232	0	0	1	0	0	1
	Cases	78	-	-	-	0	0	0	0	0	0
		76-78	287.5	232	343	0	0	2	0	0	2
Total Time	With Agency Review	76	-	-	-	0	0	0	0	0	0
		77	430.0	430	430	0	0	0	1	0	1
		78	-	-	-	0	0	0	0	0	0
		76-78	430.0	430	430	0	0	0	1	0	1
Total Time	All	76	441.0	441	441	0	0	0	1	0	1
	Other	77	305.0	305	305	0	0	1	0	0	1
	Cases	78	-	-	-	0	0	0	0	0	0
		76-78	373.0	305	441	0	0	1	1	0	2

Notes—

^a In FY 1978, DOL submitted case-closed cards only for the first three quarters.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
Item		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	1.5	1	2	2	0	0	0	0	2
		78	--	--	--	0	0	0	0	0	0
		76-78	1.5	1	2	2	0	0	0	0	2
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	8.0	2	14	1	0	1	0	0	2
		78	--	--	--	0	0	0	0	0	0
		76-78	8.0	2	14	1	0	1	0	0	2
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	10.5	8	13	0	1	1	0	0	2
		78	--	--	--	0	0	0	0	0	0
		76-78	10.5	8	13	0	1	1	0	0	2
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	2.0	2	2	2	0	0	0	0	2
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	2	0	0	0	0	2
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	5.0	5	5	0	1	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	5.0	5	5	0	1	0	0	0	1
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	360.0	360	360	0	0	0	0	1	1
		78	--	--	--	0	0	0	0	0	0
		76-78	360.0	360	360	0	0	0	0	1	1
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	14.5	14	15	0	0	2	0	0	2
		78	--	--	--	0	0	0	0	0	0
		76-78	14.5	14	15	0	0	2	0	0	2
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	32.0	32	32	0	0	1	0	0	1	
	78	--	--	--	0	0	0	0	0	0	
	76-78	32.0	32	32	0	0	1	0	0	1	
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	3.0	1	5	1	1	0	0	0	2	
	78	--	--	--	0	0	0	0	0	0	
	76-78	3.0	1	5	1	1	0	0	0	2	
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	8.5	3	14	0	1	1	0	0	2	
	78	--	--	--	0	0	0	0	0	0	
	76-78	8.5	3	14	0	1	1	0	0	2	

Procedures—

Within 30 days of an alleged discriminatory act, an employee or his representative may apply to the Secretary of Labor for a review. A copy of the application is to be sent to the respondent. The Secretary initiates an appropriate investigation including a public hearing (required to be of record and subject to 5 USC 554). Upon receiving the ALJ's report of the investigation, the Secretary makes findings of fact with appropriate relief.

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

MARITIME ADMINISTRATION, Department of Commerce

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Merchant Marine Act					
Applications for Operating-Differential Subsidy					
46 USC 1175(c) 46 CFR 201 et seq.	(75)		5	4	
	76	8	11	7	12
	77	12	13	8	17
	78	17	10	5	22
	76-78		34	20	
Merchant Marine Act					
Tentative Operating-Differential Subsidy Rates					
46 USC 1176(1) 46 CFR 201 et seq.	(75)		0	0	
	76	4	0	0	4
	77	4	0	0	4
	78	4	0	4	0
	76-78		0	4	
Merchant Marine Act					
Applications for Foreign Trade Subsidy					
46 USC 1223(a) 46 CFR 201 et seq.	(75)		0	0	
	76	0	4	2	2
	77	2	2	3	1
	78	1	1	1	1
	76-78		7	6	
Merchant Marine Act					
Contract Appeals					
46 CFR 205	(75)		N/A	N/A	
	76	10	4	3	11
	77	11	5	8	8
	78	8	8	4	12
	76-78		17	15	

When shipowner and builder disagree on contract terms, the contracting officer (CO) from the Maritime Administration is authorized by a standard provision in the contract to make an initial determination of the controversy. Since the Government, as the subsidizer, is an interested party, a procedure was established whereby an appeal from the CO's determination is heard by an ALJ on a de novo basis, with review by the Administrator.

Agency: MARITIME ADMINISTRATION, Department of Commerce

Case type: Merchant Marine Act
Applications for Operating-Differential Subsidy

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	6	7	6	19

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	4	5	3	12
Dismissal	0	0	0	0
Other	1	2	0	3
On Merits—				
ALJ Hearing & Decision	1	0	3	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	0	3	4
No:	5	7	3	15
Result—				
Affirm	0	0	0	0
Reverse	1	0	3	4
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing Date of application / Referral to CALJ	All Cases	76	96.0	54	143	0	4	2	0	0	6	
		77	110.7	73	185	0	5	2	0	0	7	
		78	211.2	76	403	0	2	3	1	0	6	
		76-78	137.8	54	403	0	11	7	1	0	19	
Hearing Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	897.0	897	897	0	0	0	0	1	1	
		77	--	--	--	0	0	0	0	0	0	
		78	650.0	538	845	0	0	0	2	1	3	
		76-78	711.8	538	897	0	0	0	2	2	4	
	All Other Cases	76	835.8	62	1866	0	1	0	2	2	5	
		77	229.0	12	546	2	1	1	3	0	7	
Posthearing ALJ's decision / Final agency action	With Agency Review	76	289.0	289	289	0	0	1	0	0	1	
		77	--	--	--	0	0	0	0	0	0	
		78	413.0	174	596	0	0	1	2	0	3	
		76-78	382.0	174	596	0	0	2	2	0	4	
	All Other Cases	76	0	0	0	5	0	0	0	0	5	
		77	0	0	0	7	0	0	0	0	7	
		78	0	0	0	3	0	0	0	0	3	
		76-78	0	0	0	15	0	0	0	0	15	
	Total Time Application / Final agency action	With Agency Review	76	1294.0	1294	1294	0	0	0	0	1	1
			77	--	--	--	0	0	0	0	0	0
		78	1365.0	894	1844	0	0	0	0	3	3	
		76-78	1347.3	894	1844	0	0	0	0	4	4	
All Other Cases		76	929.4	205	1948	0	0	1	1	3	5	
		77	339.7	85	678	0	2	2	3	0	7	
	78	569.3	173	1006	0	0	1	1	1	3		
	76-78	582.2	85	1948	0	2	4	5	4	15		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	1	0	5	6

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	25.0	25	25	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	11.4	1	41	3	0	2	0	0	5
		76-78	13.7	1	41	3	0	3	0	0	6
ALJ prehearing and hearing: hours per case		76	200.0	200	200	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	91.2	8	328	0	2	1	1	1	5
		76-78	109.3	8	328	0	2	1	1	2	6
ALJ Travel: hours per case		76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	4.2	3	5	0	5	0	0	0	5
		77	--	--	--	0	0	0	0	0	0
		78	5.8	3	8	0	5	0	0	0	5
		76-78	5.0	3	8	0	10	0	0	0	10
Paperwork	Evidentiary documents (excluding briefs): number per case	76	194.0	194	194	0	0	0	1	0	1
		77	--	--	--	0	0	0	0	0	0
		78	100.6	4	293	0	1	1	2	1	5
		76-78	116.2	4	293	0	1	1	3	1	6
Transcripts: pages per case		76	1460.0	6	2914	0	1	0	0	1	2
		77	--	--	--	0	0	0	0	0	0
		78	1641.2	250	4561	0	0	0	0	5	5
		76-78	1589.4	6	4561	0	1	0	0	6	7
Briefs: pages per case		76	450.0	450	450	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	242.3	170	330	0	0	0	1	3	4
		76-78	283.8	170	450	0	0	0	1	4	5
Exhibits: pages per case		76	2000.0	2000	2000	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	6088.6	2000	12654	0	0	0	0	5	5
		76-78	5407.0	2000	12654	0	0	0	0	6	6
Contested motions: number per case		76	3.5	2	5	1	1	0	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	5.7	4	8	0	3	0	0	0	3
		76-78	4.8	2	5	1	4	0	0	0	5
Written opinions by ALJ: pages per case		76	59.0	59	59	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	76.3	68	93	0	0	0	3	0	3
		76-78	72.0	59	93	0	0	1	3	0	4

Procedures—

The prehearing stage is begun when the shipping company submits its application for a subsidy. If the application concerns service already provided by citizens of the United States, a hearing must be held on the adequacy of the existing service and on the public interest in allowing additional service. Notice of the hearing is published in the Federal

Register. An ALJ is designated and after receiving evidence makes an initial decision. Within 20 days after the service of the decision, any party may file exceptions and a brief in support. The Administration may review on its own motion within 30 days. Oral argument is within the Administration's discretion.

Agency: MARITIME ADMINISTRATION, Department of Commerce

Case type: Merchant Marine Act
Tentative Operating-Differential Subsidy Rates

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	1	3	4

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	1	3	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	1	2	3
No:	0	0	1	1
Result—				
Affirm	0	0	0	0
Reverse	0	1	0	1
Modify	0	0	1	1
Remand/Other	0	0	1	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing Date of application / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	180.0	180	180	0	0	1	0	0	1
		78	173.3	31	455	0	2	0	1	0	3
		76-78	175.0	31	455	0	2	1	1	0	4
Hearing Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	784.0	784	784	0	0	0	0	1	1
	Merits	78	508.0	141	711	0	0	1	2	0	3
		76-78	577.0	141	784	0	0	1	2	1	4
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0
	76-78	--	--	--	0	0	0	0	0	0	
Posthearing ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	763.0	763	763	0	0	0	0	1	1
	Review	78	505.0	135	875	0	0	1	0	1	2
		76-78	591.0	135	875	0	0	1	0	2	3
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	678.0	678	678	0	0	0	1	0	1
	76-78	678.0	678	678	0	0	0	1	0	1	
Total Time Application / Final agency action	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	1727.0	1727	1727	0	0	0	0	1	1
	Review	78	1156.0	310	2002	0	0	1	0	1	2
		76-78	1346.3	310	2002	0	0	1	0	2	3
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	1420.0	1420	1420	0	0	0	0	1	1
	76-78	1420.0	1420	1420	0	0	0	0	1	1	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						Cases with full or partial hearing—					
						FY: 76 77 78 76-78					
						Number: 0 1 3 4					
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	—	—	—	0	0	0	0	0	0
		77	4.0	4	4	0	1	0	0	0	1
		78	3.0	2	5	2	1	0	0	0	3
		76-78	3.3	2	5	2	2	0	0	0	4
	ALJ prehearing and hearing: hours per case	76	—	—	—	0	0	0	0	0	0
		77	32.0	32	32	0	0	1	0	0	1
		78	24.0	16	40	0	0	3	0	0	3
		76-78	26.0	16	40	0	0	4	0	0	4
	ALJ Travel: hours per case	76	—	—	—	0	0	0	0	0	0
		77	—	—	—	0	0	0	0	0	0
	78	8.0	8	8	0	1	0	0	0	1	
	76-78	8.0	8	8	0	1	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	—	—	—	0	0	0	0	0	0
		77	3.0	3	3	0	1	0	0	0	1
		78	4.0	2	6	1	2	0	0	0	3
		76-78	3.8	2	6	1	2	0	0	0	4
Paperwork	Evidentiary documents (excluding briefs): number per case	76	—	—	—	0	0	0	0	0	0
		77	500.0	500	500	0	0	0	0	1	1
		78	417.5	86	749	0	0	0	1	1	2
		76-78	445.0	86	749	0	0	0	1	2	3
	Transcripts: pages per case	76	—	—	—	0	0	0	0	0	0
		77	697.0	697	697	0	0	0	0	1	1
		78	279.0	125	550	0	0	0	2	1	3
		76-78	383.5	125	697	0	0	0	2	2	4
	Briefs: pages per case	76	—	—	—	0	0	0	0	0	0
		77	275.0	275	275	0	0	0	0	1	1
	78	150.3	95	200	0	0	0	2	1	3	
	76-78	181.5	95	275	0	0	0	2	2	4	
Exhibits: pages per case	76	—	—	—	0	0	0	0	0	0	
	77	3500.0	3500	3500	0	0	0	0	1	1	
	78	825.0	150	1500	0	0	0	1	1	2	
	76-78	1716.7	150	3500	0	0	0	1	2	3	
Contested motions: number per case	76	—	—	—	0	0	0	0	0	0	
	77	—	—	—	0	0	0	0	0	0	
	78	1.0	1	1	1	0	0	0	0	1	
	76-78	1.0	1	1	1	0	0	0	0	1	
Written opinions by ALJ: pages per case	76	—	—	—	0	0	0	0	0	0	
	77	120.0	120	120	0	0	0	1	0	1	
	78	58.0	47	71	0	0	2	1	0	3	
	76-78	73.5	47	120	0	0	2	2	0	4	

Procedures—

The prehearing stage is begun when the shipping company submits its application for a subsidy. Notice of the hearing is published in the Federal Register. An ALJ is designated and after receiving evidence makes an initial decision. Within 20 days after the service of the decision, any party may file exceptions and a brief in support. The Administration may review on its own motion within 30 days. Oral argument is within the Administration's discretion.

Agency: MARITIME ADMINISTRATION, Department of Commerce

Case type: Merchant Marine Act
Applications for Foreign Trade Subsidy

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	3	0	5

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	2	0	0	2
Dismissal	0	0	0	0
Other	0	3	0	3
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	2	3	0	5
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing Date of application / Referral to CALJ	All Cases	76	135.5	62	209	0	1	1	0	0	2
		77	74.0	62	90	0	3	0	0	0	3
		78	--	--	--	0	0	0	0	0	0
		76-78	98.6	62	209	0	4	1	0	0	5
Hearing Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	60.0	49	71	0	2	0	0	0	2
		77	215.0	17	454	1	0	1	1	0	3
Posthearing ALJ's decision / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	0	0	0	2	0	0	0	0	2
		77	0	0	0	3	0	0	0	0	3
<u>Total Time</u> Application / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All Other Cases	76	195.5	133	258	0	0	2	0	0	2
		77	289.0	79	544	0	1	1	1	0	3
	78	--	--	--	0	0	0	0	0	0	
	76-78	251.6	79	544	0	1	3	1	0	5	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:	76	77	78	76-78						
		Number:	0	0	0	0						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	3.0	3	3	0	2	0	0	0	2	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	3.0	3	3	0	2	0	0	0	2	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	

Procedures—

The prehearing stage is begun when the shipping company submits its application for a subsidy. Notice of the hearing is published in the Federal Register. An ALJ is designated and after receiving evidence makes an initial decision. Within 20 days after the service of the decision, any party may file exceptions and a brief in support. The Administration may review on its own motion within 30 days. Oral argument is within the Administration's discretion.

Agency: MARITIME ADMINISTRATION, Department of Commerce

Case type: Merchant Marine Act
Contract Appeals

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	3	2	8

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	2	2	4
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	3	1	0	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	3	2	1	6
No:	0	1	1	2
Result—				
Affirm	3	1	1	5
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	1	0	1

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	442.7	209	901	0	0	2	0	1	3
	Cases	77	324.0	67	649	0	1	1	1	0	3
		78	1634.5	746	2523	0	0	0	0	2	2
		76-78	696.1	67	2523	0	1	3	1	3	8
Hearing	With ALJ	76	805.7	692	868	0	0	0	1	2	3
	Hearing on	77	2828.0	2828	2828	0	0	0	0	1	1
	Merits	78	—	—	—	0	0	0	0	0	0
		76-78	1311.3	692	2828	0	0	0	1	3	4
	All	76	—	—	—	0	0	0	0	0	0
	Other	77	164.5	23	306	1	0	1	0	0	2
Posthearing	Cases	78	531.0	531	531	0	0	0	2	0	2
		76-78	347.8	23	531	1	0	1	2	0	4
	With	76	236.3	133	331	0	0	3	0	0	3
	Agency	77	109.5	0	219	1	0	1	0	0	2
	Review	78	16.0	16	16	1	0	0	0	0	1
		76-78	157.3	0	331	2	0	4	0	0	6
<u>Total Time</u>	All	76	—	—	—	0	0	0	0	0	0
	Other	77	19.0	19	19	1	0	0	0	0	1
	Cases	78	16.0	16	16	1	0	0	0	0	1
		76-78	17.5	16	19	2	0	0	0	0	2
	With	76	1484.7	1043	2003	0	0	0	0	3	3
	Agency	77	2129.0	1174	3084	0	0	0	0	2	2
Review	78	1293.0	1293	1293	0	0	0	0	1	1	
	76-78	1667.5	1043	3084	0	0	0	0	6	6	
	All	76	—	—	—	0	0	0	0	0	0
	Other	77	109.0	109	109	0	1	0	0	0	1
	Cases	78	3070.0	3070	3070	0	0	0	0	1	1
		76-78	1589.5	109	3070	0	1	0	0	1	2

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						Cases with full or partial hearing--						
						FY: 76 77 78 76-78 Number: 3 1 0 4						
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	1	2	3	0	0	0	0	3	
		77	3.0	3	3	0	1	0	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	1.8	1	3	3	1	0	0	0	4	
		ALJ prehearing and hearings: hours per case	76	10.7	8	16	0	2	1	0	0	3
			77	21.0	21	21	0	0	1	0	0	1
		78	--	--	--	0	0	0	0	0	0	
		76-78	13.3	8	21	0	2	2	0	0	4	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0	
		77	0	0	0	1	0	0	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	0	0	0	1	0	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.7	2	3	1	2	0	0	0	3	
		77	3.0	3	3	0	1	0	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	2.8	2	3	1	3	0	0	0	4	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	30.0	4	73	0	1	1	1	0	3	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	30.0	4	73	0	1	1	1	0	3	
	Transcripts: pages per case	76	276.7	164	485	0	0	0	2	1	3	
		77	860.0	860	860	0	0	0	0	1	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	422.5	164	860	0	0	0	2	2	4	
	Briefs: pages per case	76	83.0	24	132	0	0	1	2	0	3	
		77	221.0	221	221	0	0	0	0	1	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	117.5	24	221	0	0	1	2	1	4	
Exhibits: pages per case	76	499.0	98	900	0	0	0	1	1	2		
	77	--	--	--	0	0	0	0	0	0		
	78	--	--	--	0	0	0	0	0	0		
	76-78	499.0	98	900	0	0	0	1	1	2		
Contested motions: number per case	76	3.0	3	3	0	1	0	0	0	1		
	77	10.0	10	10	0	0	1	0	0	1		
	78	--	--	--	0	0	0	0	0	0		
	76-78	6.5	3	10	0	1	1	0	0	2		
Written opinions by ALJ: pages per case	76	24.0	19	29	0	0	3	0	0	3		
	77	43.0	43	43	0	0	1	0	0	1		
	78	--	--	--	0	0	0	0	0	0		
	76-78	28.8	19	43	0	0	4	0	0	4		

Procedures--

If the contract contains a disputes clause, any appeal will be covered by the terms of the clause. If the contract does not contain a disputes clause, a contractor who disagrees with the findings, interpretations, or decisions in connection with audit reports of the Maritime Administration and who fails to settle said differences by negotiation with the appropriate Coast Director's office, may submit an appeal from such findings, interpretations, or decisions.

Appeals shall be made in writing to the Maritime Administrator within 6 months following the date of the

document notifying the contractor of the audit findings, interpretations, or decisions of the appropriate Coast Director's office. However, the Maritime Administrator may, at his discretion, extend this limitation in the case of extenuating circumstances.

The appellant will be notified, in writing, if a hearing is to be held or if additional facts are to be submitted for consideration in connection with the appeal. After a decision has been rendered by the Maritime Administrator, the appellant will be notified accordingly, in writing.

NATIONAL LABOR RELATIONS BOARD

Unfair Labor Practice Cases

Proceedings instituted by the General Counsel by issuance of a complaint pursuant to Section 10(b) of the NLRA, 29 U.S.C. 160(b), alleging violations of Section 8 of that Act, with formal evidentiary hearing by an ALJ and final decision by the Board. (Rules of Practice: 29 C.F.R. 101, 102)

Procedures

The proceeding is begun by the filing of an unfair labor practice charge by "any person" (generally an employee, union or employer). The charge is investigated by the appropriate Regional Office. Upon completion of the investigation, the Regional Director (RD) determines whether the charge is meritorious. If the charge is deemed not meritorious, the RD recommends that the complainant withdraw the charge. If the charging party does not withdraw, the RD dismisses the charge. A dismissed charge may be appealed, within 10 days, to the General Counsel in Washington who may reverse or sustain the RD's dismissal. If the charge is deemed meritorious by the RD initially, or if the General Counsel reverses an RD's dismissal, the RD then attempts to achieve a settlement before issuing a complaint. Such a settlement is known as an "informal settlement" and is, in effect, a promise by the respondent that he will not repeat or continue the practice complained of. It involves a written agreement between the respondent, the RD and (usually) the complainant, although such an agreement may at times be entered into without the complainant, who may appeal such a "unilateral settlement agreement" to the General Counsel as if the RD had dismissed the charge.

Other meritorious charges are sometimes withdrawn on the complainant's own initiative due to a change in circumstances or due to an agreement between the complainant and the respondent without the RD's involvement. Informal settlements and withdrawals of meritorious charges are grouped into a category called "adjustments" for statistical purposes. Although most adjustments occur prior to the issuance of a complaint, they may also occur afterwards.

Complaints which are not settled are assigned to administrative law judges for hearing. The possibility of an adjustment remains, although once the complaint has issued, the agency favors a "formal settlement agreement" which is subject to the approval of the Board in Washington. If the formal settlement is agreed to by the RD and the respondent, but over the

objections of the complainant (after issuance of the complaint), the settlement must first be approved by the General Counsel and then finally approved by the Board. If all parties agree, the Board must still give its final approval. Formal settlement agreements normally contain the specific terms of an agreed-upon Board order, and may also provide for the entry of a consent court decree enforcing that order. (Such a decree makes any violation of the agreement contemptuous of court.)

If the case does proceed to a hearing, the hearing is presided over by an ALJ who makes a decision on the merits--either to recommend dismissal of the complaint or to sustain the complaint in whole or in part with a recommended cease and desist decree and remedial order. If no exceptions are filed, the Board will adopt the ALJ's decision. If timely exceptions are filed, the Board must review the case.

Review Procedures *

When the ALJ's decision is released, the parties are given 23 days to file briefs and/or exceptions. If exceptions are filed, cross exceptions and a brief in support of the cross-exceptions and/or a brief answering the exceptions may be filed within a further period of 13 days. Finally a brief in opposition to the cross-exceptions may be filed within another 13 days.

The five-member Board has divided itself into five panels. Only cases involving questions of policy or which present novel or unusual issues of law are considered by the full Board. The number of cases considered by the full Board dropped from 135 in FY 1976 (plus the transition quarter) to 81 in FY 1977 to 62 in FY 1978.

The decisionmaking at the Board level is divided into "stages." Stage I is analysis and research; Stage II is drafting of a decision; Stage III is circulation for Board Member's approval. And the final stages, unnumbered, are editing, reproduction and issuance.

Stage I (Analysis and Research): The cases to be reviewed are assigned to an individual Board Member who assigns the task of reviewing the record to an attorney (a "counsel") in his office. The counsel reports to his or her supervisor as to the issues and the facts as

* This description of the Board's review procedures is based on "Deciding Cases at the NLRB," a paper presented before the Chairman's Task Force on the NLRB, January 6, 1976.

reflected in the record, and with his supervisor, prepares the case for submission to a sub-panel composed of more experienced counsel to the Members assigned to the panel that is to consider the case. In infrequent cases, where the issues appear completely routine, the subpanel is bypassed and the case is presented directly to the panel in the form of a draft opinion and order (called a "draft-in-lieu"). But in cases that appear to have substantial issues, the case is presented to the subpanel for discussion. The subpanel may arrive at a tentative decision or it may decide to present the case to the panel or, in rare cases, directly to the full Board by means of a memorandum covering issues which cannot be readily resolved. The stage ends when the subpanel acts (or when the "draft-in-lieu" is prepared).

Stage II (Drafting): The drafting process has already begun during Stage I. The proposed draft has risen through the supervisory hierarchy of the originating Member's staff, which is charged with ensuring that the draft comports with the tentative decision reached by the subpanel or panel. The stage is complete when the originating Member approves the draft for circulation to the other two panel Members. Courtesy copies are also sent to the remaining two Members for "clearance" so that they may request full Board consideration.

Stage III (Circulation): The other panel Members assign the circulating draft to a counsel who specializes in screening such drafts. If after discussions with the "screener," the Member has questions or suggestions, these are taken up with the originating staff. It may be necessary to reschedule the case for further panel (or full Board) discussion. If a majority of the panel (or Board) has approved the draft, and a Member wishes to dissent, that may be done. When all the various Members have completed their review of the drafts, the copies are returned to the originally-assigned counsel who is responsible for clearing all changes with all participating Members. It is then edited and submitted to the Executive Secretary's office where it is reproduced and released.

Cases Considered by the Full Board: Cases may reach the full Board directly from the sub-panel or panel, or by being called there by any Board Member at any stage.

Stages II and III take twice as much time, on the average, in those cases considered by the full Board. The cases are considered at regularly scheduled meetings of the Board, but are sometimes put over to an additional meeting. After a decision is reached, the draft is prepared by counsel, approved by the originating Member, and circulated to all Members.

STATISTICS FOR UNFAIR LABOR PRACTICE CASES

I. MANNER OF TERMINATION *	<u>1976 & TQ</u>	<u>1977</u>	<u>1978</u>
A) Cases closed prior to issuance of complaint	<u>36,020</u>	<u>32,196</u>	<u>32,111</u>
Adjustments (including informal settlements)	6,776	6,200	6,143
Withdrawals of non-meritorious charges	14,267	12,202	11,967
Dismissals by Regional Director	14,434	13,337	13,646
LOK cases (jurisdictional disputes not decided by ALJs)	543	457	355
B) Cases closed after issuance of complaint **	<u>4,589</u>	<u>5,406</u>	<u>5,081</u>
1) <u>Adjustments</u>	<u>2,345</u>	<u>2,721</u>	<u>2,917</u>
Before opening of hearing	2,216	2,512	2,757
After hearing opened	129	209	160
2) <u>Formal settlement (Board supervises)</u>	<u>214</u>	<u>250</u>	<u>172</u>
Before opening of hearing	164	165	96
After hearing opened	50	85	76
3) <u>Withdrawal of charges</u>	<u>319</u>	<u>579</u>	<u>424</u>
Before opening of hearing	294	511	406
After hearing opened, before ALJ decision	7	49	5
After hearing opened, before Board decision	5	4	4
After Board or court decision	13	15	9
4) <u>Dismissal of charges</u>	<u>352</u>	<u>594</u>	<u>479</u>
Before opening of hearing	37	119	120
After hearing opened, before ALJ decision	0	20	5
By ALJ dismissal (not ruled upon by Board)	3	15	1
By Board dismissal (ALJ's dismissal adopted, no exceptions filed)	97	117	122
By Board dismissal (in contested cases)	194	236	190
By Court of Appeals	20	78	40
By Supreme Court action	1	9	1
5) <u>Compliance with</u>	<u>1,345</u>	<u>1,258</u>	<u>1,063</u>
ALJ's decision (not ruled upon by Board)	10	9	7
Board decision (ALJ's decision adopted, no exceptions filed)	190	169	199
Board decision (in contested cases)	669	607	517
Court of Appeals decree	445	385	326
Supreme Court action	31	88	14
6) <u>Otherwise (firm went out of business)</u>	<u>14</u>	<u>4</u>	<u>26</u>

* Data for closed cases derived from 1976 Annual Report of NLRB, p. 222; 1977 Annual Report, pp. 234, 282; and 1978 Annual Report, p. 254.)

** These figures are derived similarly to case closing figures for other agencies in our reporting system, although the Board does not consider some cases closed until Federal court action is final. The FY 1975 figure is 3,469.

National Labor Relations Board

II. MEDIAN ELAPSED TIME OF STAGES OF ULP CASES (Days) *

	<u>1976</u>	<u>TQ</u>	<u>1977</u>	<u>1978</u>
A) Informal dispositions—prior to issuance of complaint				
Filing of charge / closing (all informal dispositions)	44	39	41	40
Filing / adjustment	40	34	34	34
Filing / withdrawal	23	26	26	26
Filing / dismissal (not appealed to General Counsel)	54	51	50	49
Filing / dismissal (affirmed by General Counsel)	82	73	73	77
B) Formal dispositions				
Filing / issuance of complaint	55	51	48	47
Complaint / close of hearings	75	78	90	116
Close of hearing / ALJ decision	89	94	113	140
ALJ decision / Board decision **	120	112	134	128
C) Total Elapsed Time: (Filing / Board decision for contested cases)	358	374	396	429
D) Average length of hearing	2.44	2.29	2.22	2.38

* Derived from data provided in a letter from John H. Fanning, NLRB Chairman, and John S. Irving, NLRB General Counsel, to Jeffrey Lubbers (ACUS) on October 9, 1979.

** Ranges of monthly median elapsed time (in days) for various stages of Board's review process:

	<u>1976 & TQ</u>	<u>1977</u>	<u>1978</u>
ALJ decision / <u>assignment</u> of case to Board Member (all cases)	39 - 43	35 - 39	35 - 41
Intermediate Stages for all cases:			
Stage I (through action of subpanel)	23 - 30	23 - 28	23 - 25
Stage II (drafts of decision)	18 - 24	21 - 27	20 - 43
Stage III (circulation of drafts)	16 - 27	22 - 32	11 - 28
Mechanics of issuance of official opinion	8 - 14	8 - 10	2 - 12
Total Elapsed Time: Assignment / Board decision (all cases)	80 - 94	77 - 108	66 - 105
Total Elapsed Time: Assignment / Board decision (only cases going to full Board)	156 - 283	231 - 571	239 - 722

National Labor Relations Board

III. ACTIVITY AT THE ALJ LEVEL *

	<u>1976</u>	<u>TQ</u>	<u>1977</u>	<u>1978</u>
A) Cases pending at beginning of FY	<u>999</u>	<u>1399</u>	<u>1659</u>	<u>2044</u>
Hearing not begun	691	933	1077	1291
Awaiting decision	228	364	440	533
Other **	80	102	142	220
B) Cases assigned a hearing date	4017	1168	4902	5378
C) Hearings closed	1266	333	1402	1258
D) Judges' decisions issued	1112	240	1239	1197
E) Cases pending at end of FY	<u>1399</u>	<u>1659</u>	<u>2044</u>	<u>2642</u>
Hearing not begun	933	1077	1291	1793
Awaiting decision	364	440	533	540
Other **	102	142	220	309
F) Average number of pages of transcript for cases where ALJs made decisions	389	359	348	388
G) Number of ALJs at end of year or quarter	92	87	92	96

IV. REVIEW BY THE BOARD *

	<u>1976 & TQ</u>	<u>1977</u>	<u>1978</u>
A) Number of ALJ decisions received by the Board	1,364	1,245	1,211
B) Exceptions filed ***	954	897	835
C) Board Action:			
Complete adoption of ALJ finding	499	558	670
Agreement, with minor modification	106	89	52
Partial reversal of ALJ	112	80	51
More substantial reversal	40	21	12
Complete reversal of ALJ	61	69	62
Number considered by full Board	135	81	62
Number of oral arguments	3	2	1

* Data provided in a letter from John H. Fanning, NLRB Chairman, and John S. Irving, NLRB General Counsel, to Jeffrey Lubbers (ACUS) on October 9, 1979.

** Includes cases at trial and in an indefinite status.

*** In providing information regarding the number of ALJ decisions received by the Board and the number of exceptions filed, it should be noted that the number of exceptions filed in any given fiscal year may not be in connection with ALJ decisions received in that year. This is due to the fact that exceptions filed (and counted) during one fiscal year may be with respect to a case received by the Board during the preceding fiscal year. Accordingly, there cannot be any exact correlation between decisions received and exceptions filed. However, comparing cases received with exceptions filed over a period of several fiscal years should provide a reasonably accurate idea of the acceptance by parties of ALJ decisions.

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

NATIONAL TRANSPORTATION SAFETY BOARD

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Federal Aviation Act Safety and Medical Enforcement	(75)		577	665	
49 USC 1422, 1429					
49 CFR 821					
	76	362 ^a	778	831	309
	77	309	562	597	274
	78	274	568	586	256
	76-78		1908	2014	

Proceedings in which (1) an applicant for an airman certificate may challenge a denial of his application or (2) a holder of an airman certificate (or any other certificate issued by the FAA Administrator) may challenge the Administrator's amendment, modification, suspension, or revocation of such certificate.

^a This number was reported by NTSB as 344 which was inconsistent with the final pending number (309). The final pending number was subsequently confirmed by NTSB as correct after manual accounting.

Agency: NATIONAL TRANSPORTATION SAFETY BOARD

Case type: Federal Aviation Act (section 609)
Safety Enforcement

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	415	325	290	1030

MANNER OF TERMINATION (number of cases)^b

Not on Merits—	76	77	78	76-78
Settlement	65	64	39	168
Withdrawal	87	26	20	133
Dismissal	11	40	51	102
Other	8	2	3	13
On Merits—				
ALJ Hearing & Decision	239	189	174	602
ALJ Hearing w/o Decision	3	2	2	7
ALJ Decision w/o Hearing	2	2	1	5

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	107	102	72	281
No:	308	223	218	749
Result—				
Affirm	60	58	41	159
Reverse	7	2	5	14
Modify	14	16	12	42
Remand/Other	26	26	14	66

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Receipt of airman's letter / Referral to CALJ	All	76	5.6	0	730	399	8	3	1	0	411
		Cases	77	.7	0	205	322	0	1	0	0	323
			78	2.0	0	300	284	5	1	0	0	290
		76-78	3.1	0	730	1005	13	5	1	0	1024	
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	163.0	5	1033	19	101	104	16	2	242
		Hearing on	77	151.0	10	568	10	88	84	9	0	191
		Merits	78	126.8	4	541	19	87	69	1	0	176
		76-78	148.8	4	1033	48	276	257	26	2	609	
		All	76	147.9	11	886	16	90	54	12	1	173
		Other	77	110.1	9	496	17	69	47	1	0	134
Posthearing	ALJ's decision / Final agency action	Cases	78	101.0	4	408	18	57	38	1	0	114
		76-78	123.2	4	886	51	216	139	14	1	421	
		With Agency Review	76	155.6	37	471	0	35	70	2	0	107
		77	159.1	14	328	1	30	71	0	0	102	
		78	147.8	46	364	0	24	48	0	0	72	
		76-78	154.9	14	471	1	89	189	2	0	281	
Total Time	Receipt of airman's letter / Final agency action	All	76	.6	0	133	306	1	1	0	0	308
		Other	77	.7	0	165	222	0	1	0	0	223
		Cases	78	2.6	0	365	216	0	2	0	0	218
		76-78	1.2	0	365	744	1	4	0	0	749	
		With Agency Review	76	343.9	54	1220	0	7	59	33	5	104
		77	319.6	49	750	0	7	63	28	3	101	
Notes—		78	286.5	66	482	0	3	51	18	0	72	
		76-78	320.1	49	1220	0	17	173	79	8	277	
		All	76	154.1	11	886	24	144	116	21	2	307
		Other	77	124.9	9	496	20	112	85	5	0	222
		Cases	78	114.6	4	541	30	111	73	4	0	218
		76-78	133.9	4	886	74	367	274	30	2	747	

Notes—

^a For the sake of this analysis, NTSB cases were separated into safety and medical enforcement cases.

^b **Settlements:** Where the parties reach a settlement or the FAA decides to grant an exemption (pursuant to 49 USC 1421(c)) while the airman's appeal is pending before the Board.

Withdrawals: Where the airman withdraws his appeal or the FAA withdraws its order of suspension or revocation.

Dismissals: Where the ALJ grants the airman's motion to dismiss the complaint, or the FAA's motion to dismiss the appeal. Such an order is appealable.

Other: Includes cases where the Chief ALJ determines that the airman has abandoned his appeal, cases where the airman dies during the pendency of the case, or cases that were mistakenly accepted for hearing.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—					
		76	77	78	76-78						
		Number:	261	200	187						648
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.1	1	3	238	5	0	0	0	243
		77	1.2	1	6	186	5	0	0	0	191
		78	1.1	1	4	176	5	0	0	0	181
	76-78		1.1	1	6	600	15	0	0	0	615
	ALJ prehearing and hearing: hours per case	76	5.5	1	24	34	178	19	0	0	231
		77	5.8	1	48	38	131	20	0	0	189
		78	5.3	1	30	39	125	18	0	0	182
	76-78		5.5	1	48	111	434	57	0	0	602
	ALJ Travel: hours per case	76	4.3	1	16	58	171	7	0	0	236
		77	4.2	0	16	33	156	4	0	0	193
		78	5.9	1	72	30	135	16	1	0	182
	76-78		4.7	0	72	121	462	27	1	0	611
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.1	1	5	220	15	0	0	0	235
		77	2.0	0	3	182	9	0	0	0	191
		78	2.5	1	72	173	8	1	1	0	183
	76-78		2.2	0	72	575	32	1	1	0	609
Paperwork	Evidentiary documents (excluding briefs): number per case	76	5.3	0	28	79	94	40	0	0	213
		77	6.9	0	66	53	78	36	1	0	168
		78	10.7	0	510	50	69	22	2	1	144
	76-78		7.3	0	510	182	241	98	3	1	525
	Transcripts: pages per case	76	116.9	3	526	0	14	47	120	32	213
		77	109.9	0	1019	1	18	40	83	24	166
		78	115.9	3	1043	0	19	46	84	30	179
	76-78		114.5	0	1043	1	51	133	287	86	558
	Briefs: pages per case	76	3.0	0	42	73	4	10	0	0	87
		77	6.1	0	60	26	1	4	1	0	32
		78	7.6	0	39	11	2	6	0	0	19
	76-78		4.3	0	60	110	7	20	1	0	138
	Exhibits: pages per case	76	23.5	0	463	51	63	56	15	4	189
		77	24.4	0	211	26	40	57	15	1	139
		78	21.3	0	296	32	36	62	11	1	142
	76-78		23.1	0	463	109	139	175	41	6	470
	Contested motions: number per case	76	.8	0	9	192	19	0	0	0	211
		77	1.0	0	7	141	18	0	0	0	159
		78	1.0	0	7	102	17	0	0	0	119
	76-78		.9	0	9	435	54	0	0	0	489
	Written opinions by ALJ: pages per case	76	3.8	0	34	105	11	29	0	0	145
		77	8.3	0	26	14	6	19	0	0	39
		78	13.2	4	35	0	7	15	0	0	22
	76-78		5.7	0	35	119	24	63	0	0	206

Procedures—

After an investigation by the Federal Aviation Administrator, the Administrator may issue an order modifying, suspending or revoking an airman's certificate. The airman has 60 days after service to file an appeal with the NTSB.

The prehearing stage is initiated by the filing of such a petition. Ordinarily the case is referred to the CALJ's office the same day. The Administrator then formally files the complaint with the Board within 5 days. The airman has 20

days from service to file his answer.

The ALJ conducts the hearing and makes the initial decision either in writing or orally. (If oral, a copy of the decision is immediately excerpted from the transcript.) Parties may file a notice of appeal within 10 days or the Board may review on its own motion within 20 days. Cases that are not reviewed generally do not reflect this time in the posthearing stage.

Agency: NATIONAL TRANSPORTATION SAFETY BOARD

Case type: Federal Aviation Act (section 602)
Medical Enforcement

Case-Closed Cards Submitted—^a

FY:	76	77	78	76-78
Number:	400	276	285	961

MANNER OF TERMINATION (number of cases)^b

Not on Merits—	76	77	78	76-78
Settlement	92	35	22	149
Withdrawal	106	55	77	238
Dismissal	77	85	116	278
Other	30	18	5	53
On Merits—				
ALJ Hearing & Decision	94	81	64	239
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	2	1	4

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	22	28	21	71
No:	378	248	264	890
Result—				
Affirm	18	12	12	42
Reverse	2	2	5	9
Modify	0	1	0	1
Remand/Other	2	13	4	19

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Receipt of airman's letter / Referral to CALJ	All	76	4.5	0	365	389	6	4	0	0	399
		Cases	77	5.4	0	738	270	1	2	0	1	274
			78	1.2	0	338	282	0	1	0	0	283
		76-78		3.8	0	738	941	7	7	0	1	956
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	311.8	91	756	0	11	54	26	3	94
		Hearing on	77	284.5	43	1702	0	12	50	16	3	81
		Merits ^c	78	222.1	25	945	1	14	40	8	1	64
			76-78	278.5	25	1702	1	37	144	50	7	239
		All	76	235.0	19	1222	9	105	131	55	6	306
		Other Cases ^c	77	221.2	10	1078	6	38	128	21	2	195
		78	161.1	19	712	8	100	99	14	0	221	
	76-78	208.7	10	1222	23	243	258	90	8	722		
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	146.3	57	210	0	7	15	0	0	22
			77	141.1	69	210	0	9	19	0	0	28
			78	144.4	2	249	1	6	14	0	0	21
		76-78	143.7	2	249	1	22	48	0	0	71	
		All	76	0	0	0	378	0	0	0	0	378
		Other Cases	77	.8	0	187	247	0	1	0	0	248
		78	.4	0	91	263	1	0	0	0	264	
	76-78	.3	0	187	888	1	1	0	0	890		
Total Time	Receipt of airman's letter / Final agency action	With Agency Review	76	453.9	211	912	0	0	9	9	3	21
			77	471.6	153	1807	0	0	12	12	4	28
			78	461.2	209	1170	0	0	7	11	1	19
		76-78	463.2	153	1807	0	0	28	32	8	68	
		All	76	253.6	21	1222	8	111	172	79	8	378
		Other Cases	77	237.9	10	1078	5	43	161	33	4	246
		78	166.8	19	712	8	111	127	18	0	264	
	76-78	223.5	10	1222	21	265	460	130	12	888		

Notes—

^a For the sake of this analysis, NTSB cases were separated into safety and medical enforcement cases.

^b **Settlements:** Where the parties reach a settlement or the FAA decides to grant an exemption (pursuant to 49 USC 1421(c)) while the airman's appeal is pending before the Board.

Withdrawals: Where the airman withdraws his appeal or the FAA withdraws its order of suspension or revocation.

Dismissals: Where the ALJ grants the airman's motion to dismiss the complaint, or the FAA's motion to dismiss the appeal. Such an order is appealable.

Other: Includes cases where the Chief ALJ determines that the airman has abandoned his appeal, cases where the airman dies during the pendency of the case, or cases that were mistakenly accepted for hearing.

^c A contributing factor to the relatively lengthy hearing stage is the practice of the NTSB's ALJs of delaying the hearing until the airman's pending waiver petition to the FAA, if any, is acted upon by the FAA. Such petitions are frequent, but are rarely granted, and the hearings are delayed for months. Notice the shorter elapsed time in the NTSB's Safety Enforcement cases in which there is no such practice.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—						
		76	77	78	76-78							
		Number:										
		104	86	71	261							
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	2	94	0	0	0	0	94	
		77	1.0	0	3	81	1	0	0	0	82	
		78	1.0	1	3	69	1	0	0	0	70	
		76-78	1.1	0	3	244	2	0	0	0	246	
		ALJ prehearing and hearing: hours per case	76	4.0	1	12	30	63	1	0	0	94
			77	4.4	0	16	15	65	2	0	0	82
			78	4.5	1	20	19	46	6	0	0	71
			76-78	4.3	0	20	64	174	9	0	0	247
		ALJ Travel: hours per case	76	3.6	1	14	28	66	1	0	0	95
			77	4.5	1	48	14	65	1	0	0	80
			78	4.4	1	12	15	52	3	0	0	70
			76-78	4.1	1	48	57	183	5	0	0	245
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	3	89	1	0	0	0	90	
		77	2.0	1	2	81	0	0	0	0	81	
		78	2.0	2	3	69	1	0	0	0	70	
		76-78	2.0	1	3	239	2	0	0	0	241	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	2.5	0	12	58	33	1	0	0	92	
		77	3.1	0	17	41	34	3	0	0	78	
		78	10.8	0	176	33	17	7	2	0	59	
		76-78	4.8	0	176	132	84	11	2	0	229	
	Transcripts: pages per case	76	71.6	3	246	0	6	41	41	2	90	
		77	81.3	4	269	0	3	30	40	5	78	
		78	84.2	2	641	1	5	30	26	5	67	
		76-78	78.4	2	641	1	14	101	107	12	235	
	Briefs: pages per case	76	8.8	0	115	31	0	3	2	0	36	
		77	4.1	0	44	15	0	2	0	0	17	
		78	30.8	0	124	2	1	2	1	0	6	
		76-78	9.7	0	124	48	1	7	3	0	59	
	Exhibits: pages per case	76	47.3	0	221	9	10	41	22	2	84	
		77	60.6	0	441	2	5	42	25	1	75	
		78	67.0	0	240	6	1	29	23	2	61	
		76-78	57.3	0	441	17	16	112	70	5	220	
	Contested motions: number per case	76	.6	0	7	74	4	0	0	0	78	
		77	.5	0	3	57	2	0	0	0	59	
	78	.8	0	8	44	5	0	0	0	49		
	76-78	.6	0	8	175	11	0	0	0	186		
Written opinions by ALJ: pages per case	76	3.7	0	29	41	7	8	0	0	56		
	77	9.9	0	19	5	2	10	0	0	17		
	78	15.2	1	56	1	4	13	0	0	18		
	76-78	7.2	0	56	47	13	31	0	0	91		

Procedures—

These cases are initiated by airmen who are challenging the action of the Federal Aviation Administrator who has denied an application for the issuance or renewal of an airman's certificate. The airman has 60 days to petition for review before the NTSB.

The prehearing stage is initiated by the filing of such a petition. Ordinarily the case is referred to the CALJ's office the same day. The Administrator has 20 days to answer.

The ALJ conducts the hearing and makes the initial decision either in writing or orally. (If oral, a copy of the

decision is immediately excerpted from the transcript.) Parties may file a notice of appeal within 10 days or the Board may review on its own motion within 20 days. Cases that are not reviewed generally do not reflect this time in the posthearing stage. Appeal briefs must be filed within 30 days of service of a written decision or 40 days of an oral decision. Reply briefs must be filed within 30 days of the appeal brief.

In rare cases, an expedited "emergency" proceeding is held. It is not known how many of such cases were included.

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

NUCLEAR REGULATORY COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Construction Permit Review Safety					
42 USC 2133, 2239 10 CFR 2 et seq. (See especially Appendix A to Part 2)	(75)		17	5	
	76	29	6	5	30
	77	30	4	4	30
	78	30	0	5	25
	76-78		10	14	
Construction Permit Review Environmental					
42 USC 2133, 2139	(75)		17	4	
	76	29	5	5	29
	77	29	4	4	29
	78	29	0	5	24
	76-78		9	14	
Construction Permit Review Combined Safety and Environmental					
42 USC 2133, 2139	(75)		2	6	
	76	10	1	1	10
	77	10	0	1	9
	78	9	1	1	9
	76-78		2	3	
Operating License Review					
42 USC 2134(b), 2239 10 CFR 2	(75)		2	2	
	76	11	1	3	9
	77	9	5	3	11
	78	11	1	1	11
	76-78		7	7	

Applications for construction permit to construct a nuclear power plant or related facility. These are hearings on the safety aspects of the applications.

Adjudicative hearings are presided over by a 3-member Atomic Safety and Licensing Board. This board is appointed by the Commission or the Chairman of the Atomic Safety and Licensing Board Panel. One of the three must be "qualified in the conduct of administrative proceedings" (42 USC 2241). He need not be an ALJ, even though the NRC does employ a Chief Administrative Law Judge. The other two members of the Board are generally chosen for their technical expertise. The Board member acting as presiding officer has all the powers normally given to an ALJ in adjudicatory proceedings.

These cases are hearings on the environmental issues of applications. See Safety hearings for further description of hearings.

Construction permit hearings may be split into safety and environmental components or they may be combined, depending upon when the staff is able to complete its final safety and environmental analyses. Combined hearings are held when the two staff documents are issued within one month of each other, otherwise the hearings are split.

After a construction permit has been issued, and the construction has been substantially completed in conformance with such permit, the applicant must obtain an operating license. This may result in additional hearings to consider safety or environmental issues which relate to the operation of the plant.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978

(and FY 1975 from previous publication)

NUCLEAR REGULATORY COMMISSION (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Antitrust					
42 USC 2135(c) 10 CFR 2	(75)		0	4	
				
	76	3	1	1	3
	77	3	3	1	5
	78	5	0	0	5
	<hr/>				
	76-78		4	2	
Miscellaneous					
	(75)		1	6	
				
	76	11	4	3	12
	77	12	4	1	15
	78	15	8	1	22
	<hr/>				
	76-78		16	5	

Under 42 USC 2135(c) an interested party may also request that the application be reviewed for inconsistency with the federal antitrust laws. Such a request is forwarded to the Attorney General who may recommend that a separate hearing be held on this question (with the Attorney General or his designee having the right to participate as a party).

Includes environmental hearings held on already operating plants, show cause proceedings (drastic flaw in application; applicant must show cause why hearing should be continued), applications for license amendments, and other proceedings.

Agency: NUCLEAR REGULATORY COMMISSION

Case type: Atomic Energy Act
Construction Permit Review
Safety

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	4	4	2	10

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	4	4	2	10
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	4	4	2	10
No:	0	0	0	0
Result—				
Affirm	4	4	2	10
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date applicant tenders report / Notice of hearing	All	76	155.8	63	240	0	2	2	0	0	4
		Cases	77	295.5	92	814	0	2	1	0	1	4
			78	121.0	105	137	0	1	1	0	0	2
			76-78	204.7	63	814	0	5	4	0	1	10
Hearing	Notice of hearing / Licensing Board's decision	With ALJ	76	728.3	516	805	0	0	0	1	3	4
		Hearing on	77	813.0	708	915	0	0	0	1	2	3
		Merits	78	1292.5	1198	1387	0	0	0	0	2	2
			76-78	881.9	516	1387	0	0	0	2	7	9
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	Licensing Board's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		With Agency	76	64.8	28	159	1	2	1	0	0	4
		Review	77	412.0	102	769	0	1	1	0	1	3
			78	261.0	229	293	0	0	2	0	0	2
			76-78	224.1	28	769	1	3	4	0	1	9
Total Time	Date applicant tenders report / Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		With Agency	76	948.8	607	1072	0	0	0	1	3	4
		Review	77	1675.8	1133	2660	0	0	0	0	4	4
	78	1674.5	1628	1721	0	0	0	0	2	2		
	76-78	1384.7	607	2660	0	0	0	1	9	10		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
												Cases with full or partial hearing—
			FY: 76 77 78 76-78									
			Number: 4 4 2 10									
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.8	2	3	1	3	0	0	0	4	
		77	9.8	4	16	0	2	2	0	0	4	
		78	2.0	2	2	1	0	0	0	0	1	
		76-78	5.8	2	16	2	5	2	0	0	9	
		ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.3	2	3	2	1	0	0	0	3	
		77	3.5	3	5	0	4	0	0	0	4	
		78	3.0	3	3	0	2	0	0	0	2	
		76-78	3.0	2	5	2	7	0	0	0	9	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	12.0	12	12	0	0	1	0	0	1	
		77	23.0	23	23	0	0	1	0	0	1	
		78	--	--	--	0	0	0	0	0	0	
		76-78	17.5	12	23	0	0	2	0	0	2	
		Transcripts: pages per case	76	345.5	113	560	0	0	0	1	3	4
			77	--	--	--	0	0	0	0	0	0
			78	728.0	728	728	0	0	0	0	1	1
			76-78	422.0	113	728	0	0	0	1	4	5
		Briefs: pages per case	76	18.0	18	18	0	0	1	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	18.0	18	18	0	0	1	0	0	1
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
	Contested motions: number per case	76	4.0	0	12	2	0	1	0	0	3	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	4.0	0	12	2	0	1	0	0	3	
	Written opinions by ALJ: pages per case	76	21.8	20	27	0	0	4	0	0	4	
		77	--	--	--	0	0	0	0	0	0	
		78	--	--	--	0	0	0	0	0	0	
		76-78	21.8	20	27	0	0	4	0	0	4	

Procedures—

The prehearing stage begins when the applicant tenders his preliminary safety analysis report. When the staff deems this preliminary submission to be adequate to start a review the case is docketed. The applicant may be asked to submit more information, however, to facilitate the staff's review. All applications are noticed in the Federal Register and also served on appropriate local officials, the US Attorney General, and the Advisory Committee on Reactor Safeguards for its independent (advisory) evaluation of the safety aspects. When the review is completed, the Commission issues its Supplemental Safety Evaluation.

Notice of hearing is published in the Federal Register, and an Atomic Safety and Licensing Board (three members, chaired by a lawyer-member) is normally assigned to

preside. Prehearing conferences are very important in narrowing the issues for hearing. The hearing is adjudicatory in nature.

After reviewing the filings and the testimony, the Board makes its initial decision which may be appealed to the Atomic Safety and Licensing Appeal Board within 7 days. Briefs and reply briefs are due within 15 and 20 days respectively. The Commission itself has the authority to review an Appeal Board decision, but only on its own motion; petitions for review are not entertained. It is assumed, but not known, that none of the above cases involved this extra review step.

Agency: NUCLEAR REGULATORY COMMISSION

Case type: Atomic Energy Act
 Construction Permit Review
 Environmental

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	4	4	2	10

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	4	4	2	10
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	4	4	2	10
No:	0	0	0	0
Result—				
Affirm	4	4	2	10
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date applicant tenders report / Notice of hearing	All	76	85.0	63	137	0	3	1	0	0	4
		Cases	77	284.5	92	770	0	2	1	0	1	4
			78	121.0	105	137	0	1	1	0	0	2
		76-78		172.0	63	770	0	6	3	0	1	10
Hearing	Notice of hearing / Licensing Board's decision	With ALJ	76	473.0	385	662	0	0	0	4	0	4
		Hearing on	77	417.8	343	542	0	0	1	3	0	4
		Merits	78	556.5	434	679	0	0	0	2	0	2
		76-78		467.6	343	679	0	0	1	9	0	10
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
76-78		--	--	--	0	0	0	0	0	0		
Posthearing	Licensing Board's decision / Final agency action	With Agency	76	320.0	159	426	0	0	2	2	0	4
		Review	77	962.5	475	1429	0	0	0	2	2	4
			78	997.0	812	1182	0	0	0	0	2	2
		76-78		712.4	159	1429	0	0	2	4	4	10
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
76-78		--	--	--	0	0	0	0	0	0		
Total Time	Date applicant tenders report / Final agency action	With Agency	76	878.0	607	1101	0	0	0	1	3	4
		Review	77	1664.8	1133	2616	0	0	0	0	4	4
			78	1674.5	1628	1721	0	0	0	0	2	2
		76-78		1352.0	607	2616	0	0	0	1	9	10
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
76-78		--	--	--	0	0	0	0	0	0		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	4	4	2	10

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	4.8	2	11	1	2	1	0	0	4
		77	14.5	7	21	0	1	3	0	0	4
		78	16.0	16	16	0	0	1	0	0	1
		76-78	10.3	2	21	1	3	5	0	0	9
	ALJ prehearing and hearings: hours per case	76	2.0	2	2	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	1	0	0	0	0	1
	ALJ Travel: hours per case	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	0	0	0	1	0	0	0	0	1
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.5	2	3	1	1	0	0	0	2
		77	4.3	3	6	0	4	0	0	0	4
		78	3.5	3	4	0	2	0	0	0	2
		76-78	3.6	2	6	1	7	0	0	0	8
Paperwork	Evidentiary documents (excluding briefs): number per case	76	10.0	10	10	0	0	2	0	0	2
		77	29.0	29	29	0	0	1	0	0	1
		78	39.0	39	39	0	0	1	0	0	1
		76-78	22.0	10	39	0	0	4	0	0	4
	Transcripts: pages per case	76	889.3	381	2149	0	0	0	0	4	4
		77	--	--	--	0	0	0	0	0	0
		78	1349.0	1349	1349	0	0	0	0	1	1
		76-78	981.2	381	2149	0	0	0	0	5	5
	Briefs: pages per case	76	11.0	11	11	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	11.0	11	11	0	0	1	0	0	1
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Contested motions: number per case	76	0	0	0	2	0	0	0	0	2	
	77	7.0	7	7	0	1	0	0	0	1	
	78	--	--	--	0	0	0	0	0	0	
	76-78	2.3	0	7	2	1	0	0	0	3	
Written opinions by ALJ: pages per case	76	44.5	40	51	0	0	4	0	0	4	
	77	--	--	--	0	0	0	0	0	0	
	78	45.0	45	0	0	0	1	0	0	1	
	76-78	44.6	40	51	0	0	5	0	0	5	

Procedures—

The prehearing stage begins when the applicant tenders his preliminary environmental report. When the staff deems this preliminary submission to be adequate to start a review the case is docketed. The applicant may be asked to submit more information, however, to facilitate the staff's review. All applications are noticed in the Federal Register and also served on appropriate local officials and the US Attorney General. When the review is completed, the Commission issues its Final Environmental Statement.

Notice of hearing is published in the Federal Register, and an Atomic Safety and Licensing Board (three members, chaired by a lawyer-member) is normally assigned to

preside. Prehearing conferences are very important in narrowing the issues for hearing. The hearing is adjudicatory in nature.

After reviewing the filings and the testimony, the Board makes its initial decision which may be appealed to the Atomic Safety and Licensing Appeal Board within 7 days. Briefs and reply briefs are due within 15 and 20 days respectively. The Commission itself has the authority to review an Appeal Board decision, but only on its own motion; petitions for review are not entertained. It is assumed, but not known, that none of the above cases involved this extra review step.

Agency: NUCLEAR REGULATORY COMMISSION

Case type: Atomic Energy Act
 Construction Permit Review
 Combined Safety and Environmental

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	1	0	2

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	1	0	2
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	1	0	2
No:	0	0	0	0
Result—				
Affirm	1	1	0	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date applicant tenders report / Notice of hearing	All	76	103.0	103	103	0	1	0	0	0	1
		Cases	77	138.0	138	138	0	0	1	0	0	1
			78	—	—	—	0	0	0	0	0	0
		76-78	120.5	103	138	0	1	1	0	0	2	
Hearing	Notice of hearing / Licensing Board's decision	With ALJ	76	579.0	579	579	0	0	0	1	0	1
		Hearing on	77	386.0	386	386	0	0	0	1	0	1
		Merits	78	—	—	—	0	0	0	0	0	0
		76-78	482.5	386	579	0	0	0	2	0	2	
		All	76	—	—	—	0	0	0	0	0	0
		Other	77	—	—	—	0	0	0	0	0	0
Posthearing	Licensing Board's decision / Final agency action	Cases	78	—	—	—	0	0	0	0	0	0
		76-78	—	—	—	0	0	0	0	0	0	
		With Agency	76	38.0	38	38	0	1	0	0	0	1
		Review	77	1137.0	1137	1137	0	0	0	0	1	1
			78	—	—	—	0	0	0	0	0	0
		76-78	587.5	38	1137	0	1	0	0	1	2	
<u>Total Time</u>	Date applicant tenders report / Final agency action	All	76	—	—	—	0	0	0	0	0	0
		Other	77	—	—	—	0	0	0	0	0	0
		Cases	78	—	—	—	0	0	0	0	0	0
		76-78	—	—	—	0	0	0	0	0	0	
		With Agency	76	720.0	720	720	0	0	0	1	0	1
		Review	77	1661.0	1661	1661	0	0	0	0	1	1
	78	—	—	—	0	0	0	0	0	0		
76-78	1190.5	720	1661	0	0	0	1	1	2			

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	1	1	0	2

	Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	5.0	5	5	0	1	0	0	0	1
		77	3.3	3	3	0	1	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	4.0	3	5	0	2	0	0	0	2
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	2.0	2	2	1	0	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	1	0	0	0	0	1
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	16.0	16	16	0	0	1	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	16.0	16	16	0	0	1	0	0	1
	Transcripts: pages per case	76	1110.0	1110	1110	0	0	0	0	1	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	1110.0	1110	1110	0	0	0	0	1	1
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	
Written opinions by ALJ: pages per case	76	42.0	42	42	0	0	1	0	0	1	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	42.0	42	42	0	0	1	0	0	1	

Procedures—

The prehearing stage begins when an applicant tenders his preliminary safety and environmental reports for staff review. When the two staff reports (Supplemental Safety Evaluation and Final Environmental Statement) are issued within a month of each other the issues are consolidated into a single proceeding.

Notice of hearing is published in the Federal Register, and an Atomic Safety and Licensing Board (three members, chaired by a lawyer-member) is normally assigned to preside. Prehearing conferences are very important in narrowing the issues for hearing. The hearing is adjudicatory in nature.

After reviewing the filings and the testimony, the Board makes its initial decision which may be appealed to the Atomic Safety and Licensing Appeal Board within 7 days. Briefs and reply briefs are due within 15 and 20 days respectively. The Commission itself has the authority to review an Appeal Board decision, but only on its own motion; petitions for review are not entertained. It is assumed, but not known, that none of the above cases involved this extra review step.

Agency: NUCLEAR REGULATORY COMMISSION

Case type: Atomic Energy Act
Operating License Review

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	4	0	6

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	1	0	1
On Merits—				
ALJ Hearing & Decision	2	3	0	5
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	2	3	0	5
No:	0	1	0	1
Result—				
Affirm	1	3	0	4
Reverse	0	0	0	0
Modify	1	0	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of application / Notice of hearing	All	76	764.5	690	839	0	0	0	1	1	2
		Cases	77	373.8	53	946	0	1	2	0	1	4
			78	—	—	—	0	0	0	0	0	0
			76-78	504.0	53	946	0	1	2	1	2	6
Hearing	Notice of hearing / Licensing Board's decision	With ALJ	76	638.5	317	960	0	0	1	0	1	2
		Hearing on	77	642.3	163	1328	0	0	1	1	1	3
		Merits	78	—	—	—	0	0	0	0	0	0
			76-78	640.8	163	1328	0	0	2	1	2	5
		All	76	—	—	—	0	0	0	0	0	0
		Other	77	—	—	—	0	0	0	0	0	0
Posthearing	Licensing Board's decision / Final agency action	Cases	78	—	—	—	0	0	0	0	0	0
			76-78	—	—	—	0	0	0	0	0	0
		With Agency	76	579.5	277	882	0	0	1	0	1	2
		Review	77	969.7	336	1423	0	0	1	0	2	3
			78	—	—	—	0	0	0	0	0	0
			76-78	813.6	277	1423	0	0	2	0	3	5
Total Time	Date of application / Final agency action	All	76	—	—	—	0	0	0	0	0	0
		Other	77	—	—	—	0	0	0	0	0	0
		Cases	78	—	—	—	0	0	0	0	0	0
			76-78	—	—	—	0	0	0	0	0	0
		With Agency	76	1982.5	1927	2038	0	0	0	0	2	2
		Review	77	2006.0	1717	2532	0	0	0	0	3	3
	78	—	—	—	0	0	0	0	0	0		
	76-78	1996.6	1717	2532	0	0	0	0	5	5		
	All	76	—	—	—	0	0	0	0	0	0	
	Other	77	313.0	313	313	0	0	1	0	0	1	
	Cases	78	—	—	—	0	0	0	0	0	0	
		76-78	313.0	313	313	0	0	1	0	0	1	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	2	3	0	5

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	10.5	6	15	0	1	1	0	0	2
		77	6.3	2	9	1	2	0	0	0	3
		78	--	--	--	0	0	0	0	0	0
		76-78	8.0	2	15	1	3	1	0	0	5
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	5.5	5	6	0	2	0	0	0	2
		77	5.7	4	7	0	3	0	0	0	3
		78	--	--	--	0	0	0	0	0	0
		76-78	5.6	4	7	0	5	0	0	0	5
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	36.0	36	36	0	0	1	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	36.0	36	36	0	0	1	0	0	1
	Transcripts: pages per case	76	1924.0	729	3119	0	0	0	0	2	2
		77	1689.0	1689	1689	0	0	0	0	1	1
		78	--	--	--	0	0	0	0	0	0
		76-78	1845.7	729	3119	0	0	0	0	3	3
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Contested motions: number per case	76	4.0	4	4	0	1	0	0	0	1
		77	7.0	7	7	0	1	0	0	0	1
	78	--	--	--	0	0	0	0	0	0	
	76-78	5.5	4	7	0	2	0	0	0	2	
Written opinions by ALJ: pages per case	76	34.0	18	50	0	0	2	0	0	2	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	34.0	18	50	0	0	2	0	0	2	

Procedures—

The issues may be different, but the procedures are similar to construction permit reviews.

Agency: NUCLEAR REGULATORY COMMISSION

Case type: Antitrust

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	1	0	2

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	1	0	0	1
Withdrawal	0	1	0	1
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	1	0	1
No:	1	0	0	1
Result—				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of applicaiton / Notice of hearing	All	76	215.0	215	215	0	0	1	0	0	1
		Cases	77	988.0	988	988	0	0	0	0	1	1
			78	--	--	--	0	0	0	0	0	0
			76-78	601.5	215	988	0	0	1	0	1	2
Hearing	Notice of hearing / Licensing Board's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	550.0	550	550	0	0	0	1	0	1
		Other	77	242.0	242	242	0	0	1	0	0	1
Posthearing	Licensing Board's decision / Final agency action	Cases	78	--	--	--	0	0	0	0	0	0
			76-78	396.0	242	550	0	0	1	1	0	2
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	140.0	140	140	0	0	1	0	0	1
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	140.0	140	140	0	0	1	0	0	1
<u>Total Time</u>	Date of application / Final agency action	All	76	0	0	0	1	0	0	0	0	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	0	0	0	1	0	0	0	0	1
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	1370.0	1370	1370	0	0	0	0	1	1
Review	78	--	--	--	0	0	0	0	0	0		
	76-78	1370.0	1370	1370	0	0	0	0	1	1		
<u>Total Time</u>		All	76	765.0	765	765	0	0	0	0	1	1
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	765.0	765	765	0	0	0	0	1	1

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						Cases with full or partial hearing—							
						FY: 76 77 78 76-78							
						Number: 1 0 0 1							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Transcripts: pages per case	76 77 78 76-78	212.0 -- -- 212.0	212 -- -- 212	212 -- -- 212	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	1 0 0 1
			Briefs: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
		Written opinions by ALJ: pages per case	76 77 78 76-78	2.0 -- -- 2.0	2 -- -- 2	2 -- -- 2	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	

Procedures—

Antitrust proceedings may arise out of either construction or operating permit reviews if the Attorney General recommends a separate hearing on antitrust issues. During the prehearing review process the Attorney General may make such a recommendation. The Attorney General may participate as a party.

Notice of hearing is published in the Federal Register, and an Atomic Safety and Licensing Board (three members, chaired by a lawyer-member) is normally assigned to preside. The hearing is adjudicatory in nature.

After reviewing the filings and the testimony, the Board makes its initial decision which may be appealed to the Atomic Safety and Licensing Appeal Board within 7 days. Briefs and reply briefs are due within 15 and 20 days respectively. The Commission itself has the authority to review an Appeal Board decision, but only on its own motion; petitions for review are not entertained. It is assumed, but not known, that none of the above cases involved this extra review step.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

OSHA Enforcement Cases: Proceedings whereby an employer may contest a citation or proposed civil penalty assessment charging him with a violation of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651-78) or any standard, rule, or order promulgated thereunder, or whereby an affected employee or representative may contest the citation's prescribed period for abatement of the violation. **(Rules of Practice 29 C.F.R. 2200)**

OSHRC: The Occupational Safety and Health Review Commission is an independent adjudicatory Commission with three Commissioners and a staff of administrative law judges. It exists solely to adjudicate contests of OSHA (Department of Labor) citations. The Commission itself is not part of the Department of Labor.

Procedures: The proceeding is set in motion when an inspector for the Occupational Safety and Health Administration (OSHA), an agency of the Department of Labor, finds what he believes to be a safety or health standard violation. The employer is issued a citation which describes the violation, the period of time OSHA deems reasonable for correction ("abatement"), and a civil penalty, if any. The employer or an affected employee has 15 working days from receipt of the notification of proposed penalty to notify the OSHA Area Director in writing of his intent to contest the citation. Within 7 days of receipt, the OSHA Area Director must forward the notice of contest to the Commission. The Commission notifies the Secretary of Labor ("complainant"), the employer ("respondent"), and other affected parties of the docketing of the case.

Within 20 days of the date on which OSHA receives the employer's notice of contest, the Secretary of Labor (Solicitor's Office) must file a complaint with the Commission setting forth the alleged violation and justification for the proposed penalty. The employer has 15 days from the filing to file an answer. If no answer is filed, a show cause letter is sent warning the respondent of possible dismissal of his contest. The docketed case is channeled through the Chief ALJ's office and is assigned to an ALJ for hearing. The parties are given at least 10 days notice of the hearing.

At any stage of the proceedings, an employer may withdraw his contest if he abates the violation (or shows when it will be abated), pays any proposed penalty, and

gives notice to affected employees. Settlements are encouraged but they must be approved by the Secretary of Labor, the Commission, and affected employees.

After the trial-type hearing, the ALJ will issue a written decision and file it with the Commission and the parties. This decision becomes final 30 days after receipt by the Commission unless one of the three Commissioners directs that the case be reviewed. Review is not a matter of right; however, any party may petition the Commission requesting review. The Commission may also review the case on its own motion. Where review is directed, briefs and exceptions are filed and oral argument is sometimes permitted. If review is not directed, or if the Commission issues a decision on the merits, appeal may be had to the U.S. Court of Appeals.

If the employer has not contested the citation, he may still later file a petition for modification of the order for abatement (PMA). This petition must be filed no later than the end of the next working day following the date on which abatement was to have been completed. OSHA must forward this petition to the Commission within 3 days of receipt. Within 10 days of receipt, the Secretary of Labor must file a response. (In these cases, the employer is the "petitioner" and the Secretary of Labor is the "respondent".)

Statistics: For this report, the Administrative Conference sought data from OSHRC concerning caseload, elapsed time between key stages of the cases, number of various types of termination, and a report on activity at the Commission stage. These data had been transmitted to us for our FY 1975 report. However, OSHRC was unable to provide much of the data for FY 1976-78. The Director of OSHRC's Office of Financial and Administrative Services, Larry Hoss, supplied us with some data, but reported that "Most of the requested data was not available. This unavailability resulted from a change from a large scale ADP system in 1977 to a mini-computer system that is totally inadequate . . . There will be a new ADP system beginning FY 81 which will include most of the data you have requested." We were able to garner some additional statistics from the President's Report on Occupational Safety and Health (Calendar Years 1976-1979) which was furnished by OSHRC.

Occupational Safety and Health Review Commission

Table I: Caseload

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
New cases filed with ALJs (fiscal year)	2513	N/A	3311	4331
Cases terminated by agency (fiscal year)	2513	N/A	3843	3777
* * * *	*	*	*	*
(Calendar years statistics)				
Cases filed with agency	4742	5419	4488	5975
All final orders issued	4680	3098	3626	N/A
ALJ decisions	N/A	N/A	2903	3859
Commission-directed reviews of ALJ decisions	296(FY)	N/A	263	160
Cases awaiting Commission decision	N/A	930	339	N/A
Final decisions on the merits by Commission and ALJs	N/A	N/A	985	404
Results of decisions on merits:				
Finding of no violation	N/A	28%	24.2%	19%
Partial reduction of penalty	N/A	45%	45.4%	47%
Penalty reduced to zero	N/A	4%	5.0%	4%
Charge upheld	N/A	22%	25.3%	29%
Penalty raised	N/A	1%	0.1%	1%
Cases appealed to Court of Appeals	67	77	64	45

Table II: Average Elapsed Time in Days

	<u>FY 1975</u>	<u>Calendar 1976</u>	<u>FY 1977</u>	<u>FY 1978</u>	<u>4/77-9/79</u>
<u>Prehearing</u>					
Filing — Date assigned to ALJ (all cases)	73.2	N/A	89.6	83.6	87.4
<u>Hearing</u>					
Assigned to ALJ — Date heard	61.1	N/A	228.1	228.6	100.7
Assigned to ALJ — ALJ decision on merits	208.3	227	N/A	N/A	222.5
Assigned to ALJ — ALJ disposition not on merits	191.2	131	N/A	N/A	98.4
<u>Posthearing</u>					
Date heard — Date briefs received	63.0	N/A	N/A	N/A	83.3
Briefs received — Date decision filed with Commission	88.9	N/A	N/A	N/A	38.5
Decision filed — Final Commission order	334.2	N/A	316.8	533.5	N/A
<u>Total Time</u>					
Filing — ALJ decision (all cases)	208	227	N/A	N/A	N/A
Filing — Final Commission decision (hearing cases only)	N/A	624	N/A	N/A	N/A

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

SECURITIES AND EXCHANGE COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Securities Act of 1933 Stop Orders					
15 USC 77h 17 CFR 201 et seq.	(75)		0	0	
				
	76	2	0	1	1
	77	1	0	1	0
	78	0	0	0	0
	76-78		0	2	
Securities Act of 1933 Regulation B Suspensions					
15 USC 77c 17 CFR 201 et seq., 17 CFR 230.300	(75)		1	0	
				
	76	1	15	1	15
	77	15	1	14	2
	78	2	0	0	2
	76-78		16	15	
Securities Act of 1933 Regulation A Suspensions					
15 USC 77c 17 CFR 201 et seq., 17 CFR 230.261	(75)		8	13	
				
	76	7	6	7	6
	77	6	2	6	2
	78	2	2	3	1
	76-78		10	16	
Securities Exchange Act of 1934 Broker/Dealer					
15 USC 78o(b) 17 CFR 201 et seq.	(75)		49	77	
				
	76	83 ^a	36	98	85
	77	85	43	46	82
	78	82	22	32	72
	76-78		101	176	
Securities Exchange Act of 1934 Notices/Exemptions					
15 USC 78(h) 17 CFR 201 et seq.	(75)		6	1	
				
	76	6 ^a	1	2	31
	77	31	1	10	22
	78	22	0	1	21
	76-78		2	13	

^a Discrepancy in arithmetic not explained by agency.

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

SECURITIES AND EXCHANGE COMMISSION (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Public Utility Holding Company Act of 1935 Regulation Exemptions					
15 USC 79f(b) 17 CFR 201 et seq.	(75)		0	2	
	76	5 ^a	1	3	4
	77	4	3	4	3
	78	3	1	1	3
	76-78		5	8	
Proceedings upon application for an order exempting certain issuances and sales of securities by utility holding companies from the registration requirements of the 1935 Act by reason of state authorization of the transaction when done solely for the purpose of financing an appropriate type of subsidiary company.					
Investment Advisers Act of 1940 Revocation or Suspension of Registration					
15 USC 80b-3(e) 17 CFR 201 et seq.	(75)		3	8	
	76	2 ^a	22	9	14
	77	14	10	7	17
	78	17	2	10	9
	76-78		34	26	
Proceedings to determine whether to revoke or suspend the registration of an investment adviser.					
Investment Company Act of 1940 Exemptions					
15 USC 80a-6(c) 17 CFR 201 et seq.	(75)		2	3	
	76	10	3	1	12
	77	12	6	4	14
	78	14	0	1	13
	76-78		9	6	
Proceedings to determine whether to exempt any person, security, or transaction from one or more provisions of the Investment Company Act of 1940.					
Suspension of Practitioners					
17 CFR 201.2(e)	(75)		8	10	
	76	8 ^a	1	5	12
	77	12	3	6	9
	78	9	3	6	6
	76-78		7	17	
Proceedings to determine whether to deny a person, temporarily or permanently, the privilege of appearing or practicing before the Commission.					

^a Discrepancy in arithmetic not explained by agency.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Securities Act of 1933
Stop Orders

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	1	0	2

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	1	0	1
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	1	0	0	1
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	0	0	1
No:	0	1	0	1
Result—				
Affirm	1	0	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal order of investigation / Referral to CALJ	All Cases	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
Hearing	Referral to CALJ / ALJ's decision	With ALJ Hearing on Merits	76	255.0	255	255	0	0	1	0	0	1
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	255.0	255	255	0	0	1	0	0	1
	All Other Cases		76	--	--	--	0	0	0	0	0	0
			77	641.0	641	641	0	0	0	1	0	1
Posthearing	ALJ's decision / Final agency action	With Agency Review	76	842.0	842	842	0	0	0	0	1	1
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	842.0	842	842	0	0	0	0	1	1
	All Other Cases		76	--	--	--	0	0	0	0	0	0
			77	0	0	0	1	0	0	0	0	1
Total Time	Formal order of investigation / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
	All Other Cases		76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	2.0	2	2	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	1	0	0	0	0	1
	ALJ prehearing and hearing: hours per case	76	7.0	7	7	0	1	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	7.0	7	7	0	1	0	0	0	1
	ALJ Travel: hours per case	76	0	0	0	1	0	0	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	0	0	0	1	0	0	0	0	1
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	1	0	0	0	0	1
		77	2.0	2	2	1	0	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	2.0	2	2	2	0	0	0	0	2
Paperwork	Evidentiary documents (excluding briefs): number per case	76	40.0	40	40	0	0	1	0	0	1
		77	9.0	9	9	0	1	0	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	24.5	9	40	0	1	1	0	0	2
	Transcripts: pages per case	76	143.0	143	143	0	0	0	1	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	143.0	143	143	0	0	0	1	0	1
	Briefs: pages per case	76	52.0	52	52	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	52.0	52	52	0	0	1	0	0	1
	Exhibits: pages per case	76	37.0	37	37	0	0	1	0	0	1
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	37.0	37	37	0	0	1	0	0	1
Contested motions: number per case	76	0	0	0	1	0	0	0	0	1	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	0	0	0	1	0	0	0	0	1	
Written opinions by ALJ: pages per case	76	21.0	21	21	0	0	1	0	0	1	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	21.0	21	21	0	0	1	0	0	1	

Procedures—

The proceeding is initiated when the Commission issues a formal order of investigation. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Securities Act of 1933
Regulation B Suspensions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	14	0	14

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	14	0	14
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:		0	0	00
No:	0	14	0	14
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	114.9	21	305	1	3	4	0	0	8
			78	--	--	--	0	0	0	0	0	0
		76-78	114.9	21	305	1	3	4	0	0	8	
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	305.5	174	391	0	0	13	1	0	14
	78	--	--	--	0	0	0	0	0	0		
	76-78	305.5	174	391	0	0	13	1	0	14		
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	0	0	0	14	0	0	0	0	14
	78	--	--	--	0	0	0	0	0	0		
	76-78	0	0	0	14	0	0	0	0	14		
Total Time	Application / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	446.6	334	614	0	0	2	6	0	8
	78	--	--	--	0	0	0	0	0	0		
	76-78	446.6	334	614	0	0	2	6	0	8		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
												Cases with full or partial hearing—	
						FY: 76 77 78 76-78							
						Number: 0 1 0 1							
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- 2.0 -- 2.0	-- 2 -- 2	-- 2 -- 2	0 14 0 14	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 14 0 14	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- 10.3 -- 10.3	-- 1 -- 1	-- 28 -- 28	0 2 0 2	0 2 0 2	0 5 0 5	0 0 0 0	0 0 0 0	0 9 0 9
			Transcripts: pages per case	76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
			Briefs: pages per case	76 77 78 76-78	-- 15.0 -- 15.0	-- 15 -- 15	-- 15 -- 15	0 0 0 0	0 0 0 0	0 1 0 1	0 0 0 0	0 0 0 0	0 1 0 1
	Exhibits: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Contested motions: number per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	
	Written opinions by ALJ: pages per case		76 77 78 76-78	-- -- -- --	-- -- -- --	-- -- -- --	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	

Procedures—

The proceeding is initiated by an application. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Review by the Commission is discretionary. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Securities Act of 1933
Regulation A Suspensions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	7	6	3	16

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	5	3	0	8
Withdrawal	0	0	0	0
Dismissal	0	0	1	1
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	2	3	1	6
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:		1	3	04
No:	6	3	3	12
Result—				
Affirm	1	3	0	4
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Formal order of investigation / Referral to CALJ	All	76	239.0	31	496	0	3	2	2	0	7
		Cases	77	576.3	211	1395	0	0	2	1	1	4
			78	26.0	26	26	1	0	0	0	0	1
			76-78	333.7	26	1395	1	3	4	3	1	12
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	170.5	105	236	0	1	1	0	0	2
		Hearing on	77	555.0	195	1275	0	0	2	0	1	3
		Merits	78	284.0	284	284	0	0	1	0	0	1
			76-78	381.7	105	1275	0	1	4	0	1	6
		All	76	232.8	127	460	0	0	3	1	0	4
		Other	77	178.3	162	205	0	0	3	0	0	3
Posthearing	ALJ's decision / Final agency action	Cases	78	233.5	174	293	0	0	2	0	0	2
			76-78	214.8	127	460	0	0	8	1	0	9
		With Agency Review	76	456.0	456	456	0	0	0	1	0	1
			77	415.7	148	921	0	0	2	0	1	3
			78	—	—	—	0	0	0	0	0	0
			76-78	425.8	148	921	0	0	2	1	1	4
Total Time	Formal order of investigation / Final agency action	All	76	28.6	4	94	3	2	0	0	0	5
		Other	77	0	0	0	3	0	0	0	0	3
		Cases	78	24.0	0	72	2	1	0	0	0	3
			76-78	19.5	0	94	8	3	0	0	0	11
		With Agency Review	76	1015.0	1015	1015	0	0	0	0	1	1
			77	2167.0	1738	2596	0	0	0	0	2	2
Total Time	Formal order of investigation / Final agency action		78	—	—	—	0	0	0	0	0	0
			76-78	1783.0	1015	2596	0	0	0	0	3	3
		All	76	498.2	163	933	0	0	2	3	1	6
		Other	77	438.5	373	504	0	0	0	2	0	2
		Cases	78	382.0	382	382	0	0	0	1	0	1
			76-78	472.0	163	933	0	0	2	6	1	9

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78

Number: 3 3 1 7

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	1.3	1	2	3	0	0	0	0	3
		77	11.0	1	30	2	0	1	0	0	3
		78	—	—	—	0	0	0	0	0	0
		76-78	6.2	1	30	5	0	1	0	0	6
	ALJ prehearing and hearings: hours per case	76	8.0	4	14	0	2	1	0	0	3
		77	73.0	3	200	0	1	1	0	1	3
		78	—	—	—	0	0	0	0	0	0
		76-78	40.5	3	200	0	3	2	0	1	6
	ALJ Travel: hours per case	76	22.0	4	40	0	1	1	0	0	2
		77	15.0	0	30	1	0	1	0	0	2
		78	—	—	—	0	0	0	0	0	0
		76-78	18.5	0	40	1	1	2	0	0	4
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.6	2	13	6	0	1	0	0	7
		77	2.8	2	7	5	1	0	0	0	6
		78	2.0	2	2	3	0	0	0	0	3
		76-78	3.0	2	13	14	1	1	0	0	16
Paperwork	Evidentiary documents (excluding briefs): number per case	76	18.7	6	38	0	2	5	0	0	7
		77	103.0	1	538	1	0	4	0	1	6
		78	10.7	3	17	0	1	2	0	0	3
		76-78	48.8	1	538	1	3	11	0	1	16
	Transcripts: pages per case	76	162.7	37	328	0	0	1	1	1	3
		77	619.0	30	1776	0	0	2	0	1	3
		78	446.0	446	446	0	0	0	0	1	1
		76-78	398.7	30	1776	0	0	3	1	3	7
	Briefs: pages per case	76	12.5	0	25	1	0	1	0	0	2
		77	229.3	31	609	0	0	2	0	1	3
		78	66.0	66	66	0	0	0	1	0	1
		76-78	129.8	0	609	1	0	3	1	1	6
	Exhibits: pages per case	76	99.5	34	165	0	0	1	1	0	2
		77	710.0	55	1250	0	0	1	0	2	3
		78	25.0	25	25	0	0	1	0	0	1
		76-78	392.3	25	1250	0	0	3	1	2	6
	Contested motions: number per case	76	.5	0	1	2	0	0	0	0	2
		77	5.0	0	15	2	0	1	0	0	3
		78	—	—	—	0	0	0	0	0	0
		76-78	3.2	0	15	4	0	1	0	0	5
	Written opinions by ALJ: pages per case	76	5.5	0	11	1	0	1	0	0	2
		77	66.0	9	136	0	1	1	1	0	3
		78	—	—	—	0	0	0	0	0	0
		76-78	41.8	0	136	1	1	2	1	0	5

Procedures—

Any time after the filing of a notification of an offering of securities covered by this Regulation, the Commission may initiate the proceeding by entering an order temporarily suspending the exemption from the Act's registration requirements. Upon such an order the Commission gives notice to the affected offeror who has 30 days to request a hearing. A hearing is set within 20 days after such request, and the case is referred to the office of the CALJ. Unless waived by the parties and not required by the Commission,

the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Commission review is discretionary in these cases, but if review is granted or ordered, the period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Securities Exchange Act of 1934
Broker/Dealer

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	94	46	35	175

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	69	33	21	123
Withdrawal	0	2	0	2
Dismissal	1	0	1	2
Other	0	1	3	4
On Merits—				
ALJ Hearing & Decision	22	10	10	42
ALJ Hearing w/o Decision	2	0	0	2
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	16	8	8	32
No:	78	38	27	143
Result—				
Affirm	11	8	7	26
Reverse	4	0	1	5
Modify	1	0	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal order of investigation / Referral to CALJ	All	76	361.7	0	1242	12	25	18	23	16	94
		Cases	77	324.2	0	1560	12	9	10	5	9	45
			78	446.5	1	1912	4	5	11	8	6	34
			76-78	368.6	0	1912	28	39	39	36	31	173
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	717.1	365	1355	0	0	1	13	10	24
		Hearing on	77	494.1	63	923	0	1	2	6	1	10
		Merits	78	345.8	187	601	0	0	7	3	0	10
		76-78	582.0	63	1355	0	1	10	22	11	44	
		All	76	388.9	44	1176	0	10	28	23	9	70
		Other	77	245.8	20	984	1	12	15	5	2	35
	Cases	78	280.0	0	1600	1	3	17	3	1	25	
		76-78	329.4	0	1600	2	25	60	31	12	130	
Posthearing	ALJ's decision / Final agency action	With	76	680.3	266	1319	0	0	2	7	7	16
		Agency	77	458.0	50	884	0	1	1	5	1	8
		Review	78	381.5	270	775	0	0	6	1	1	8
		76-78	550.0	50	1319	0	1	9	13	9	32	
		All	76	19.7	0	444	72	3	2	1	0	78
		Other	77	11.9	0	388	35	1	0	1	0	37
	Cases	78	16.1	0	273	24	2	1	0	0	27	
		76-78	17.0	0	444	131	6	3	2	0	142	
Total Time	Formal order of investigation / Final agency action	With	76	1739.8	829	2732	0	0	0	0	16	16
		Agency	77	1405.0	115	2189	0	1	0	0	7	8
		Review	78	1034.3	504	1858	0	0	0	1	7	8
		76-78	1479.7	115	2732	0	1	0	1	30	32	
		All	76	807.9	83	1973	0	5	14	14	45	78
		Other	77	545.9	83	1733	0	5	14	8	10	37
	Cases	78	782.3	158	2707	0	0	7	7	12	26	
		76-78	734.4	83	2707	0	10	35	29	67	141	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
												Cases with full or partial hearing—
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	8.7	1	79	10	15	6	1	0	32	
		77	8.3	1	79	11	6	3	1	0	21	
		78	16.7	1	187	6	6	1	1	0	14	
		76-78	10.2	1	187	27	27	10	3	0	67	
		ALJ prehearing and hearing: hours per case	76	58.7	1	640	2	4	18	4	2	30
			77	61.3	1	640	6	5	4	3	1	19
			78	129.0	1	1660	2	4	7	1	1	15
			76-78	76.0	1	1660	10	13	29	8	4	64
		ALJ Travel: hours per case	76	20.9	0	71	4	5	14	1	0	24
			77	9.9	4	24	0	10	5	0	0	15
			78	10.2	2	24	1	6	6	0	0	13
			76-78	15.0	0	71	5	21	25	1	0	52
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	5.7	2	31	14	69	11	0	0	94	
		77	6.7	2	57	8	30	8	0	0	46	
		78	5.6	2	51	11	21	3	0	0	35	
		76-78	6.0	2	57	33	120	22	0	0	175	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	50.5	2	705	1	21	51	16	3	92	
		77	47.7	1	491	2	16	21	4	3	46	
		78	43.6	2	406	1	4	23	5	1	34	
		76-78	48.4	1	705	4	41	95	25	7	172	
	Transcripts: pages per case	76	1172.9	3	10706	0	1	4	6	22	33	
		77	1036.8	4	9980	0	2	3	4	9	18	
		78	1921.9	19	20465	0	0	4	1	9	14	
		76-78	1296.6	3	20465	0	3	11	11	40	65	
	Briefs: pages per case	76	118.2	0	535	2	0	5	15	2	24	
		77	193.2	29	436	0	0	3	2	6	11	
		78	91.9	24	211	0	0	3	8	1	12	
		76-78	129.0	0	535	2	0	11	25	9	47	
	Exhibits: pages per case	76	381.5	0	3528	1	0	4	8	15	28	
		77	285.3	23	670	0	0	3	1	7	11	
		78	270.7	52	871	0	0	1	5	5	11	
		76-78	335.9	0	3528	1	0	8	14	27	50	
	Contested motions: number per case	76	2.8	0	18	20	11	1	0	0	32	
		77	2.8	0	7	7	5	0	0	0	12	
	78	4.5	0	25	6	1	1	0	0	8		
	76-78	3.0	0	25	33	17	2	0	0	52		
Written opinions by ALJ: pages per case	76	32.1	0	85	2	0	20	2	0	24		
	77	34.5	13	60	0	0	9	1	0	10		
	78	23.9	1	60	1	1	8	1	0	11		
	76-78	30.6	0	85	3	1	37	4	0	45		

Procedures—

The proceeding is initiated when the Commission issues a formal order of investigation. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the

hearing to submit proposed findings and briefs. (An expedited procedure is available where the proceeding is for suspension of broker-dealer registration pending final determination. It is not known how often this procedure was used.) Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. In broker-dealer cases, the Commission must review if a petition is filed. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Securities Exchange Act of 1934
Notices/Exemptions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	10	1	13

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	1	8	1	10
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	2	0	2
ALJ Hearing w/o Decision	1	0	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	1	0	1
No:	2	9	1	12
Result—				
Affirm	0	1	0	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application / Referral to CALJ	All	76	328.0	0	656	1	0	0	1	0	2
		Cases	77	161.0	0	350	1	1	3	0	0	5
			78	--	--	--	0	0	0	0	0	0
			76-78	208.7	0	656	2	1	3	1	0	7
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	838.0	838	838	0	0	0	0	1	1
		Hearing on	77	296.0	296	296	0	0	1	0	0	1
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	567.0	296	838	0	0	1	0	1	2
		All	76	163.0	163	163	0	0	1	0	0	1
		Other	77	487.8	125	831	0	0	3	4	1	8
Posthearing	ALJ's decision / Final agency action	Cases	78	90.0	90	90	0	1	0	0	0	1
			76-78	415.5	90	831	0	1	4	4	1	10
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	3.0	2	4	2	0	0	0	0	2
		Other	77	5.3	0	48	8	1	0	0	0	9
		Cases	78	0	0	0	1	0	0	0	0	1
			76-78	4.5	0	48	11	1	0	0	0	12
Total Time	Application / Final agency action	With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	1002.0	1002	1002	0	0	0	0	1	1
			78	--	--	--	0	0	0	0	0	0
			76-78	1002.0	1002	1002	0	0	0	0	1	1
		All	76	831.5	823	840	0	0	0	0	2	2
		Other	77	575.0	278	854	0	0	2	0	2	4
Cases	78	--	--	--	0	0	0	0	0	0		
	76-78	660.5	278	854	0	0	2	0	4	6		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						Cases with full or partial hearing—						
						FY: 76 77 78 76-78 Number: 1 3 0 4						
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 2.0 -- 1.7	1 1 -- 1	1 3 -- 3	1 1 0 2	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	1 2 0 3	
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- 4.5 -- 4.5	-- 1 -- 1	-- 8 -- 8	0 1 0 1	0 1 0 1	0 0 0 0	0 0 0 0	0 0 0 0	0 2 0 2	
	ALJ Travel: hours per case	76 77 78 76-78	-- 0 -- 0	-- 0 -- 0	-- 0 -- 0	0 2 0 2	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 2 0 2	
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	3.5 2.3 2.0 2.5	2 2 2 2	5 4 2 5	1 7 1 9	1 2 0 3	0 0 0 0	0 0 0 0	0 9 0 12	
	Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	21.0 15.7 9.0 16.0	15 9 9 9	27 41 9 41	0 0 0 0	0 1 1 2	2 9 0 11	0 0 0 0	0 0 0 0	2 10 1 13
		Transcripts: pages per case	76 77 78 76-78	24.0 94.0 -- 76.5	24 0 -- 0	24 274 -- 274	0 1 0 1	0 1 0 1	1 0 0 1	0 0 0 0	0 1 0 1	1 3 0 4
		Briefs: pages per case	76 77 78 76-78	-- 67.0 -- 67.0	-- 31 -- 31	-- 103 -- 103	0 0 0 0	0 0 0 0	1 1 0 1	0 0 0 0	0 0 0 0	0 2 0 2
		Exhibits: pages per case	76 77 78 76-78	50.0 65.0 -- 57.5	50 65 -- 50	50 65 -- 65	0 0 0 0	0 0 0 0	1 0 0 1	0 1 0 1	0 0 0 0	1 1 0 2
		Contested motions: number per case	76 77 78 76-78	-- .8 -- .8	-- 0 -- 0	-- 2 -- 2	0 4 0 4	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 4 0 4
		Written opinions by ALJ: pages per case	76 77 78 76-78	-- 16.0 -- 16.0	-- 9 -- 9	-- 23 -- 23	0 0 0 0	0 1 0 1	0 1 0 1	0 0 0 0	0 0 0 0	0 2 0 2

Procedures—

The proceeding is initiated by an application from an interested person. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Review is discretionary. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Public Utility Holding Company Act of 1935
Regulation Exemptions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	3	1	7

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	1	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	2	0	2
ALJ Hearing w/o Decision	3	1	0	4
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	2	0	2
No:	3	1	1	5
Result—				
Affirm	0	2	0	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application / Referral to CALJ	All	76	346.7	112	781	0	1	1	0	1	3
		Cases	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	346.7	112	781	0	1	1	0	1	3
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	378.7	228	602	0	0	2	1	0	3
		Hearing on	77	518.7	144	810	0	0	1	1	1	3
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	448.7	144	810	0	0	3	2	1	6
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	78	377.0	377	377	0	0	0	1	0	1		
	76-78	377.0	377	377	0	0	0	1	0	1		
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	845.5	844	847	0	0	0	0	2	2
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	845.5	844	847	0	0	0	0	2	2
		All	76	4.0	2	6	3	0	0	0	0	3
		Other	77	0	0	0	1	0	0	0	0	1
	78	0	0	0	1	0	0	0	0	1		
	76-78	2.4	0	6	5	0	0	0	0	5		
<u>Total Time</u>	Application / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	729.3	346	1385	0	0	1	1	1	3
		Other	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	729.3	346	1385	0	0	1	1	1	3		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—						
		76	77	78	76-78							
		Number:				3	3	0	6			
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	4.7	3	6	0	3	0	0	0	3	
		77	16.3	1	24	1	0	2	0	0	3	
		78	--	--	--	0	0	0	0	0	0	
		76-78	10.5	1	24	1	3	2	0	0	6	
	ALJ prehearing and hearing: hours per case	76	17.3	10	30	0	0	3	0	0	3	
		77	106.7	1	195	1	0	0	2	0	3	
	78	--	--	--	0	0	0	0	0	0		
	76-78	62.0	1	195	1	0	3	2	0	6		
ALJ Travel: hours per case	76	0	0	0	2	0	0	0	0	2		
	77	0	0	0	2	0	0	0	0	2		
	78	--	--	--	0	0	0	0	0	0		
	76-78	0	0	0	4	0	0	0	0	4		
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	9.7	2	21	1	1	1	0	0	3	
		77	6.7	2	9	1	2	0	0	0	3	
		78	13.0	13	13	0	0	1	0	0	1	
		76-78	8.9	2	21	2	3	2	0	0	7	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	34.7	32	40	0	0	3	0	0	3	
		77	287.0	9	426	0	1	0	0	2	3	
		78	13.0	13	13	0	0	1	0	0	1	
		76-78	139.7	9	426	0	1	4	0	2	7	
	Transcripts: pages per case	76	456.7	154	735	0	0	0	1	2	3	
		77	1416.0	22	2113	0	0	1	0	2	3	
		78	--	--	--	0	0	0	0	0	0	
		76-78	936.3	22	2113	0	0	1	1	4	6	
	Briefs: pages per case	76	262.0	233	291	0	0	0	0	2	2	
		77	313.0	313	313	0	0	0	0	2	2	
		78	77.0	77	77	0	0	0	1	0	1	
		76-78	245.4	77	313	0	0	0	1	4	5	
Exhibits: pages per case	76	201.7	55	400	0	0	1	1	1	3		
	77	1177.3	82	1725	0	0	0	1	2	3		
	78	--	--	--	0	0	0	0	0	0		
	76-78	689.5	55	1725	0	0	1	2	3	6		
Contested motions: number per case	76	1.5	0	3	1	1	0	0	0	2		
	77	0	0	0	2	0	0	0	0	2		
	78	--	--	--	0	0	0	0	0	0		
	76-78	.8	0	3	3	1	0	0	0	4		
Written opinions by ALJ: pages per case	76	0	0	0	2	0	0	0	0	2		
	77	38.0	38	38	0	0	2	0	0	2		
	78	--	--	--	0	0	0	0	0	0		
	76-78	19.0	0	38	2	0	2	0	0	4		

Procedures—

The proceeding is initiated by an application. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Review is discretionary. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Investment Advisers Act of 1940
Revocation or Suspension of Registration

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	9	7	10	26

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	6	4	4	14
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	2	1	3
On Merits--				
ALJ Hearing & Decision	2	1	5	8
ALJ Hearing w/o Decision	1	0	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	1	1	6	8
No:	8	6	4	18
Result--				
Affirm	1	1	6	8
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Formal order of investigation / Referral to CALJ	All	76	203.4	0	601	2	3	2	2	0	9
		Cases	77	479.1	0	1375	1	2	0	2	2	7
			78	196.9	0	796	2	3	2	0	1	8
			76-78	281.7	0	1375	5	8	4	4	3	24
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	413.3	120	727	0	1	0	2	0	3
		Hearing on	77	31.0	31	31	0	1	0	0	0	1
		Merits	78	215.2	135	336	0	0	5	0	0	5
			76-78	260.8	31	727	0	2	5	2	0	9
		All	76	165.7	69	361	0	2	4	0	0	6
		Other	77	164.7	83	319	0	1	5	0	0	6
Posthearing	ALJ's decision / Final agency action	Cases	78	315.4	194	455	0	0	4	1	0	5
			76-78	209.4	69	455	0	3	13	1	0	17
		With Agency Review	76	299.0	299	299	0	0	1	0	0	1
			77	34.0	34	34	0	1	0	0	0	1
			78	287.0	48	649	0	2	2	2	0	6
			76-78	256.9	34	649	0	3	3	2	0	8
		All	76	10.9	0	66	7	1	0	0	0	8
		Other	77	0	0	0	6	0	0	0	0	6
		Cases	78	0	0	0	4	0	0	0	0	4
			76-78	4.8	0	66	17	1	0	0	0	18
<u>Total Time</u>	Formal order of investigation / Final agency action	With Agency Review	76	900.0	900	900	0	0	0	0	1	1
			77	65.0	65	65	0	1	0	0	0	1
			78	749.0	339	1430	0	0	2	0	2	4
			76-78	660.2	65	1430	0	1	2	0	3	6
		All	76	433.9	104	1048	0	1	3	2	2	8
		Other	77	723.7	199	1503	0	0	2	1	3	6
Cases	78	494.0	194	1103	0	0	2	1	1	4		
	76-78	548.3	104	1503	0	1	7	4	6	18		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
						Number:						
						76	77	78	76-78			
						3	3	8	14			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	4.3	1	11	2	0	1	0	0	3	
		77	1.0	1	1	2	0	0	0	0	2	
		78	3.0	1	5	2	3	0	0	0	5	
		76-78	3.0	1	11	6	3	1	0	0	10	
		ALJ prehearing and hearing: hours per case	76	23.7	5	58	0	2	1	0	0	3
			77	3.5	1	6	1	1	0	0	0	2
			78	15.0	1	34	1	2	3	0	0	6
			76-78	15.3	1	58	2	5	4	0	0	11
		ALJ Travel: hours per case	76	12.5	12	13	0	0	2	0	0	2
			77	6.0	4	8	0	2	0	0	0	2
			78	20.7	0	35	1	0	5	0	0	6
			76-78	15.8	0	35	1	2	7	0	0	10
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	4.9	2	21	3	4	1	0	0	8	
		77	3.9	2	8	1	6	0	0	0	7	
		78	3.4	2	6	2	8	0	0	0	10	
		76-78	4.0	2	21	6	18	1	0	0	25	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	33.3	3	153	0	4	4	1	0	9	
		77	13.9	7	26	0	3	3	0	0	6	
		78	51.5	9	117	0	1	5	4	0	10	
		76-78	35.9	3	153	0	8	12	5	0	25	
		Transcripts: pages per case	76	555.3	132	1354	0	0	0	2	1	3
			77	90.0	16	164	0	0	1	1	0	2
			78	261.3	11	677	0	0	1	3	3	7
			76-78	306.3	11	1354	0	0	2	6	4	12
		Briefs: pages per case	76	89.3	39	127	0	0	1	2	0	3
			77	31.0	31	31	0	0	1	0	0	1
			78	117.0	34	241	0	0	1	4	1	6
			76-78	100.1	31	241	0	0	3	6	1	10
	Exhibits: pages per case	76	397.0	125	766	0	0	0	1	2	3	
		77	45.0	45	45	0	0	1	0	0	1	
		78	342.8	22	675	0	0	1	2	3	6	
		76-78	329.8	22	766	0	0	2	3	5	10	
	Contested motions: number per case	76	4.0	1	10	2	0	1	0	0	3	
		77	--	--	--	0	0	0	0	0	0	
		78	2.3	0	5	2	1	0	0	0	3	
		76-78	3.2	0	10	4	1	1	0	0	6	
	Written opinions by ALJ: pages per case	76	20.0	10	30	0	0	2	0	0	2	
		77	22.0	22	22	0	0	1	0	0	1	
		78	28.4	20	51	0	0	5	0	0	5	
		76-78	25.5	10	51	0	0	8	0	0	8	

Procedures—

The proceeding is initiated when the Commission issues a formal order of investigation. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Review is discretionary. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

Agency: SECURITIES AND EXCHANGE COMMISSION

Case type: Investment Company Act of 1940 Exemptions

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	1	4	1	6

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	1	3	0	4
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	1	1
ALJ Hearing w/o Decision	0	1	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	1	4	1	6
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Application / Referral to CALJ	All	76	33.0	33	33	0	1	0	0	0	1
		Cases	77	591.3	15	949	1	0	0	0	2	3
			78	—	—	—	0	0	0	0	0	0
		76-78	451.7	15	949	1	1	0	0	2	4	
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	—	—	—	0	0	0	0	0	0
		Hearing on	77	410.0	410	410	0	0	0	1	0	1
		Merits	78	335.0	335	335	0	0	1	0	0	1
			76-78	372.5	335	410	0	0	1	1	0	2
		All	76	182.0	182	182	0	0	1	0	0	1
		Other	77	155.7	57	306	0	2	1	0	0	3
Posthearing	ALJ's decision / Final agency action	Cases	78	—	—	—	0	0	0	0	0	0
			76-78	162.3	57	306	0	2	2	0	0	4
		With Agency	76	—	—	—	0	0	0	0	0	0
		Review	77	—	—	—	0	0	0	0	0	0
			78	—	—	—	0	0	0	0	0	0
		76-78	—	—	—	0	0	0	0	0	0	
Total Time	Application / Final agency action	All	76	5.0	5	5	1	0	0	0	0	1
		Other	77	5.0	0	20	4	0	0	0	0	4
		Cases	78	74.0	74	74	0	1	0	0	0	1
			76-78	16.5	0	74	5	1	0	0	0	6
		With Agency	76	—	—	—	0	0	0	0	0	0
		Review	77	—	—	—	0	0	0	0	0	0
	78	—	—	—	0	0	0	0	0	0		
76-78	—	—	—	0	0	0	0	0	0			
All	76	220.0	220	220	0	0	1	0	0	1		
Other	77	753.7	119	1255	0	1	0	0	2	3		
Cases	78	—	—	—	0	0	0	0	0	0		
76-78	620.3	119	1255	0	1	1	0	2	4			

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	0	3	1	4

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	—	—	—	0	0	0	0	0	0
		77	1.5	1	2	2	0	0	0	0	2
		78	3.0	3	3	0	1	0	0	0	1
	76-78	2.0	1	3	2	1	0	0	0	3	
ALJ prehearing and hearing: hours per case		76	—	—	—	0	0	0	0	0	0
		77	4.5	1	8	1	1	0	0	0	2
		78	15.0	15	15	0	0	1	0	0	1
	76-78	8.0	1	15	1	1	1	0	0	3	
ALJ Travel: hours per case		76	—	—	—	0	0	0	0	0	0
		77	4.0	4	4	0	1	0	0	0	1
		78	—	—	—	0	0	0	0	0	0
	76-78	4.0	4	4	0	1	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	1	0	0	0	0	1
		77	3.0	2	6	3	1	0	0	0	4
		78	3.0	3	3	0	1	0	0	0	1
	76-78	2.8	2	6	4	2	0	0	0	6	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	9.0	9	9	0	1	0	0	0	1
		77	17.3	8	25	0	1	3	0	0	4
		78	24.0	24	24	0	0	1	0	0	1
	76-78	17.0	8	25	0	2	4	0	0	6	
Transcripts: pages per case		76	—	—	—	0	0	0	0	0	0
		77	94.3	10	141	0	0	1	2	0	3
		78	180.0	180	180	0	0	0	1	0	1
	76-78	115.8	10	180	0	0	1	3	0	4	
Briefs: pages per case		76	—	—	—	0	0	0	0	0	0
		77	—	—	—	0	0	0	0	0	0
		78	78.0	78	78	0	0	0	1	0	1
	76-78	78.0	78	78	0	0	0	1	0	1	
Exhibits: pages per case		76	—	—	—	0	0	0	0	0	0
		77	—	—	—	0	0	0	0	0	0
		78	275.0	275	275	0	0	0	0	1	1
	76-78	275.0	275	275	0	0	0	0	1	1	
Contested motions: number per case		76	—	—	—	0	0	0	0	0	0
		77	1.5	1	2	2	0	0	0	0	2
		78	—	—	—	0	0	0	0	0	0
	76-78	1.5	1	2	2	0	0	0	0	2	
Written opinions by ALJ: pages per case		76	—	—	—	0	0	0	0	0	0
		77	—	—	—	0	0	0	0	0	0
		78	21.0	21	21	0	0	1	0	0	1
	76-78	21.0	21	21	0	0	1	0	0	1	

Procedures—

The proceeding is initiated by an application. If the staff's recommendation that a hearing be held is followed, the Commission will issue an "order for proceeding" which generally gives notice of hearing and coincides with the referral of the case to the CALJ's office. Unless the case is settled or unless a decision is waived by the parties and not required by the Commission, the ALJ makes an initial decision.

Normally the parties have 30 days after the close of the hearing to submit proposed findings and briefs. Initial decisions are final unless, within 15 days, a petition for review is filed with the Commission. Review is discretionary. The Commission may review on its own motion within 30 days. The period for submitting briefs to the Commission is 30 days.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						Cases with full or partial hearing—					
						FY: 76 77 78 76-78					
						Number: 1 1 3 5					
Prehearing & Hearing Time	ALJ prehearing and hearing:	76	1.0	1	1	1	0	0	0	0	1
		77	1.0	1	1	1	0	0	0	0	1
	separate days per case	78	47.0	47	47	0	0	1	0	0	1
		76-78	16.3	1	47	2	0	1	0	0	3
	ALJ prehearing and hearing:	76	8.0	8	8	0	1	0	0	0	1
		77	8.0	8	8	0	1	0	0	0	1
	hours per case	78	235.0	235	235	0	0	0	0	1	1
		76-78	83.7	8	235	0	2	0	0	1	3
	ALJ Travel:	76	8.0	8	8	0	1	0	0	0	1
	hours per case	77	12.0	12	12	0	0	1	0	0	1
	78	0	0	0	1	0	0	0	0	1	
	76-78	6.7	0	12	1	1	1	0	0	3	
Parties	Petitioners, respon- dents, intervenors	76	2.0	2	2	4	0	0	0	0	4
		77	2.8	2	5	3	1	0	0	0	4
	(including agency): number per case	78	2.3	2	4	6	1	0	0	0	7
		76-78	2.3	2	5	13	2	0	0	0	15
Paperwork	Evidentiary docu- ments (excluding briefs):	76	29.8	9	57	0	1	3	0	0	4
		77	15.4	9	34	0	3	2	0	0	5
	number per case	78	77.9	9	469	0	1	5	0	1	7
		76-78	46.3	9	469	0	5	10	0	1	16
	Transcripts:	76	57.0	57	57	0	0	1	0	0	1
	pages per case	77	92.0	92	92	0	0	0	1	0	1
		78	2104.0	4	4204	0	1	0	0	1	2
		76-78	1089.3	4	4204	0	1	1	1	1	4
	Briefs:	76	61.0	61	61	0	0	0	1	0	1
	pages per case	77	71.0	71	71	0	0	0	1	0	1
	78	—	—	—	0	0	0	0	0	0	
	76-78	66.0	61	71	0	0	0	2	0	2	
Exhibits:	76	370.0	370	370	0	0	0	0	1	1	
pages per case	77	275.0	275	275	0	0	0	0	1	1	
	78	—	—	—	0	0	0	0	0	0	
	76-78	322.5	275	370	0	0	0	0	2	2	
Contested motions:	76	1.0	1	1	2	0	0	0	0	2	
number per case	77	1.0	1	1	1	0	0	0	0	1	
	78	4.0	1	7	1	1	0	0	0	2	
	76-78	2.2	1	7	4	1	0	0	0	5	
Written opinions by ALJ:	76	12.0	12	12	0	0	1	0	0	1	
pages per case	77	11.0	11	11	0	0	1	0	0	1	
	78	—	—	—	0	0	0	0	0	0	
	76-78	11.5	11	12	0	0	2	0	0	2	

Procedures—

Normally the case is initiated by a formal order of investigation. The Commission, after the necessary investigation, will issue an order of temporary suspension to the practitioner, who may, within 30 days, petition for a lifting of the suspension. If not lifted, the petition is set for hearing (generally a "nonpublic" hearing). Specific hearing and review procedures are not provided for these

proceedings. Only those referred to the CALJ's office are included in these statistics.

When a practitioner has been convicted of a crime, the temporary suspension will follow automatically, though the practitioner may still request a hearing.

SOCIAL SECURITY ADMINISTRATION

Under both Retirement and Survivors Insurance (RSI) and Disability Insurance (DI) (Title II of the Social Security Act, as amended), employees, their employers, and self-employed people pay social security contributions during working years into special trust funds. When the worker retires, dies, or becomes disabled, monthly cash benefits are paid from the funds to replace part of the earnings the family has lost. Monthly benefits are related to the worker's average monthly earnings in covered work over a specified number of years.

RSI — Retirement and Survivors Insurance, 42 U.S.C. 402 *et seq.* Statutory hearing requirement, 42 U.S.C. 405(b). Rules of Practice, 20 CFR 404.901—404.990.

Initial determinations are made by the Administration with respect to the entitlement to monthly benefits or lump sum payments under the old age insurance program, Title II, 42 U.S.C. 402 *et seq.* Initial determinations may involve the amount of benefits to be paid an individual, a recomputation of the individual's primary insurance amount (see 42 U.S.C. 215(f)), whether there has been an overpayment or underpayment, whether a husband, widower or parent meets the requirement of support from the insured individual, or whether an individual's earnings record should be revised.

Written notice of the initial determination is sent to the party to the determination. A dissatisfied party may request in writing that the Administration reconsider the determination. The Administration shall reconsider the determination upon written request and give notice of the reconsidered determination. If still dissatisfied, the party has a right to an adjudicative hearing before an Administrative Law Judge. The ALJ shall make a decision in the case or certify the case to the Appeals Council with a recommended decision. When the ALJ has certified the case to the Appeals Council, the Council shall make the decision. If the ALJ has decided the case himself (as is usually the case), a dissatisfied party may seek review by the Appeals Council which may in its discretion deny or grant the request for review. The Council may, on its own motion, remove to itself cases pending before or decided by an ALJ, though this practice has been largely discontinued in recent years. After final action by the Appeals Council a dissatisfied party may file a civil action for relief in a federal district court.

DI and DWIB — Disability Insurance Benefits (including disabled widow/ers), 42 U.S.C. 421 *et seq.* Statutory hearing requirement, 42 U.S.C. 421(d). Rules of Practice, 20 CFR 404.901-404.990.

Initial determinations are made by the Administration with respect to the entitlement to monthly benefits or lump sum payments under the disability insurance program, Title II, 42 U.S.C. 421 *et seq.* Initial determinations may involve the amount of benefits to be paid an individual, reduction or suspension of benefits, or establishment or termination of a period of disability (this determination may be made by a state agency when required by a Federal-State agreement pursuant to 42 U.S.C. 421(b)).

Additional procedures are the same as described in the discussion of RSI cases.

There are three additional types of SSA cases:

HI — Hospital and Supplemental Medical Insurance (including providers of services cases), 42 U.S.C. 1395c *et seq.* Statutory hearing requirement, 42 U.S.C. 1395ff(b). Rules of Practice, 20 CFR 404.901—404.990, 42 CFR 405.701—405.750, 42 CFR 405.1501—405.1595.

The Medicare program (Title XVIII) has two parts—hospital insurance (Part A) and supplemental medical insurance (Part B). Medicare hospital insurance, like the RSI and DI programs, is financed on a self-supporting basis through contributions on current earnings paid by employees, employers, and self-employed persons. The hospital insurance trust fund makes payments for covered hospital services, as well as for post-hospital skilled nursing facility and home health services.

The supplemental medical insurance plan helps pay for doctors' services, outpatient hospital services, and many other medical items and services not covered under hospital insurance. The supplemental medical insurance is financed through a trust fund into which go premiums from those eligible persons who are enrolled and Federal general revenue contributions sufficient to meet the full cost of the program.

Initial determinations are made by the Administration, designated intermediaries, or the Secretary, with respect to the "Medicare program", Title XVIII of the Act.

Initial determinations include:

a) The entitlement of an individual to coverage under the hospital insurance program, 42 U.S.C. 1395c et seq., and under the supplemental medical insurance program, 42 U.S.C. 1395 et seq. These determinations are made under the procedures in 20 CFR 404.901-404.990, as described in the discussion of RSI cases.

b) Determinations made by an SSA designated intermediary on the basis of a request for payment by a covered individual who has received hospital care. These determinations include the coverage of items and services furnished, the amount deductible, number of days of care, beginning and ending of illness, medical necessity of service, etc. In some cases a provider of services (see paragraph c below) has provided services to an individual and then requested payment on behalf of that individual. The intermediary may determine that such items and services were not covered and that the individual or provider knew or should have known this. These determinations, reconsideration (by the Administration) and hearings are governed by 42 CFR 405.701-405.750, and the procedures are generally the same as in RSI cases. However, the right to a hearing before an ALJ is subject to an amount-in-controversy requirement of \$100, and a civil action may be filed in the district court only where the amount in controversy after final action by the Appeals Council is \$1,000 or more.

c) Determinations made by the Secretary of HEW with respect to whether an institution, facility, agency or clinic is a provider of services under 42 U.S.C. 1395x(e) or whether such status should be terminated according to 42 U.S.C. 1395c. (Other similar questions may arise with respect to the status of laboratories, x-ray services, and providers of emergency hospital services.) The procedures governing this determination, reconsideration, hearing before an ALJ and review by the Appeals Council are set forth in 42 CFR 405.1501-405.1595, and are similar to those followed in RSI cases.

BL — Black Lung Benefits, 30 U.S.C. 901 et seq. Statutory hearing requirement, 30 U.S.C. 923. Rules of Practice 20 CFR 410.600-410.699.

Note: Pursuant to Pub. L. 92-303, May 19, 1972, the Social Security Administration has jurisdiction only over those claims filed before June 30, 1973. Those claims filed after December 31, 1973, are under the jurisdiction of the Department of Labor (or approved State workmen's compensation plans; see 30 U.S.C. 925). Those claims made during the transition period (July 1, 1973-December 31, 1973) are also

administered by the Department of Labor, but after consultation with the Secretary of HEW; see 30 U.S.C. 925. Accordingly, the number of new BL cases in the SSA system is steadily decreasing.

The Black Lung Program was authorized in Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972. The Act provides for benefits to miners "totally disabled" by pneumoconiosis (black lung disease) and to certain dependents of deceased miners who died of pneumoconiosis or were totally disabled from pneumoconiosis at the time of death. The cost of the program is paid from Federal general revenues. Primary responsibility for administering the black lung program for future claimants was transferred to the Department of Labor on July 1, 1973. However, the Social Security Administration will continue to have responsibility for (1) live miner claims filed prior to that date where eligibility to benefits is established for June 1973; (2) survivors' claims of entitled miners, and (3) survivors' claims where the miner died prior to December 31, 1973, and a claim was filed on or before December 31, 1973, or within 6 months of death, whichever is later.

Initial determinations are made by the Administration (or approved state agency) with respect to whether an individual is or has ceased to be under a total disability or with respect to the amount of benefits to which the individual is entitled. These determinations, reconsiderations (by the Administration), adjudicatory hearings and appeals are governed by 20 CFR 410.600-410.699, and the procedures are generally the same as in RSI cases.

SSI — Supplemental Security Income, 42 U.S.C. 1381 et seq. Statutory hearing requirement, 42 U.S.C. 1383(c). Rules of Practice, 20 CFR 416 et seq.

The Supplemental Security Income program (Title XVI), effective January 1, 1974, provides basic assistance payments to those eligible aged, blind, and disabled persons who can qualify on the basis of need. The Supplemental Security Income program replaced existing financial assistance programs for the aged, blind, and disabled in the 50 states and the District of Columbia. Nationally uniform eligibility requirements replaced the multiplicity of requirements that existed in the Federal-State welfare programs for the aged, blind, and disabled that were administered by state and local agencies. The cost of the program is paid from Federal general revenues.

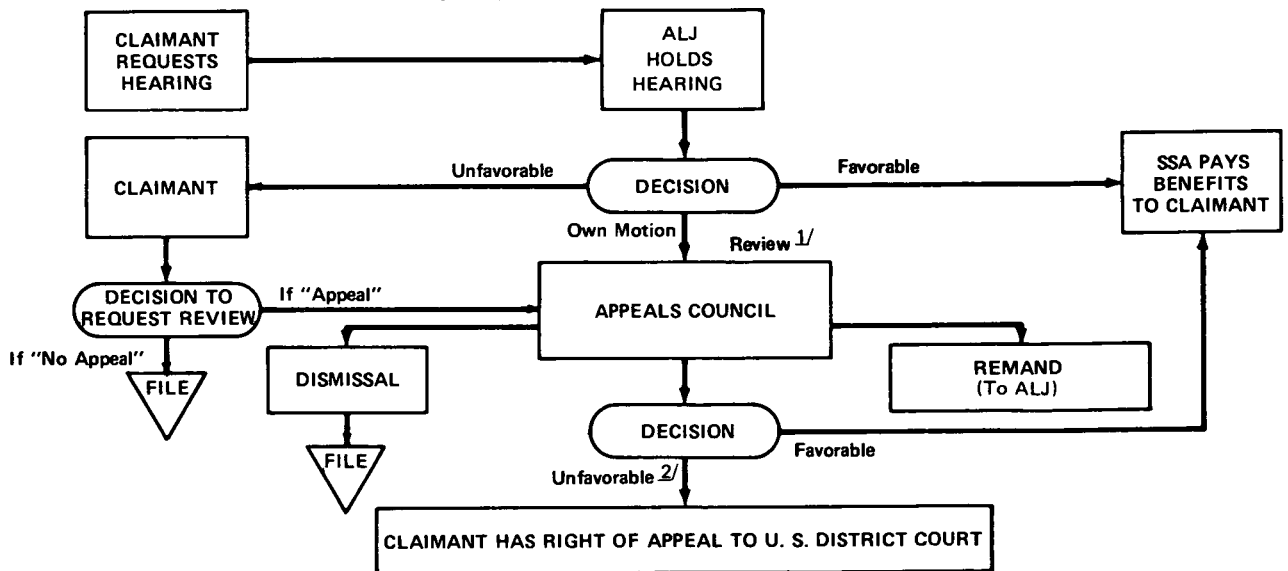
Title XVI, as amended in 1972, effective January 1, 1974, established a national program to transfer from

the states to the SSA primary responsibility for welfare aid to the aged, blind and disabled. However, in these amendments Congress was not explicit as to whether hearings required under the amendments had to be presided over by ALJs, and the Civil Service Commission refused to classify the hearing examiners employed by the SSA to hear these cases as ALJs. This controversy was not resolved until January 2, 1976, when Congress passed Pub. L. 94-209 making the SSI hearing examiners ALJs until the end of 1978. Subsequently in Pub. L. 95-216 these "temporary" ALJs

were given permanent positions.

In our previous volume covering fiscal year 1975, SSI cases were not within our definition of cases heard by ALJs, although we did provide some summary caseload statistics for SSI cases. In this volume we are providing complete information on SSI cases. Note that in SSI cases, issues involving Title II questions are often present along with Title XVI issues. For statistical purposes, the cases are divided into those containing Title XVI issues only (SSI-O) and those with a combination of Title II and Title XVI issues (SSI-C).

FLOW CHART OF THE APPEALS PROCESS



Basic Steps in the Appeals Process

1. ALJ holds hearing upon receipt of claimant's request and makes decision, or issues a decision on-the-record, or issues a dismissal of the hearing request.
2. Subject to Own Motion review by Appeals Council, if the hearing decision is favorable, SSA pays benefits. (In a Title XVIII case involving a provider of services or independent laboratory, SSA certifies or continues certification for participation or coverage in the program).

3. The claimant has the right to request the Appeals Council to review the ALJ's decision. The granting of review is discretionary.
4. The Appeals Council may either grant, deny, or dismiss a claimant's request for review or review on its Own Motion.
5. If the Appeals Council decision is favorable, SSA pays benefits as for Step 2.
6. If the Appeals Council finds that the hearing decision is not proper and that additional evidence is required, it may vacate the decision and remand the case to an ALJ, or it may develop the case and issue its own decision.

7. If the Appeals Council decision is unfavorable, claimant has 60 days to appeal to a U.S. District Court.
8. The court can either issue a decision or remand the case to the Secretary for further action.

¹ All hearing decisions are subject to Own Motion review by the Appeals Council. See following page describing the Own Motion procedure and the Appeals Council Actions section for analysis and table of Own Motion actions.

² Includes Denials of Request for Review.

Social Security Administration Statistics

All SSA statistics were prepared by the Division of Administration, Management Information Systems Branch, Office of Hearings and Appeals, SSA.

SSA fiscal year and reporting quarters are as follows:

<u>Quarter</u>	<u>FY 76</u>		<u>FY 77</u>		<u>FY 78</u>	
1st Quarter	6/22/75	to 9/13/75	10/3/76	to 12/31/76	10/1/77	to 12/31/77
2d Quarter	9/14/75	to 1/3/76	1/1/77	to 3/31/77	1/1/78	to 3/31/78
3d Quarter	1/4/76	to 3/27/76	4/1/77	to 6/30/77	4/1/78	to 6/30/78
4th Quarter	3/28/76	to 6/19/76	7/1/77	to 9/30/77	7/1/78	to 9/30/78
Transitional Qtr.	6/20/76	to 10/2/76				

I. CASELOAD DATA

A (I). Hearing Level (by Fiscal Year)

<u>Fiscal Year</u>	<u>Total Cases Pending at Start of FY</u>	<u>New Cases</u>	<u>Dispositions</u>	<u>Total Cases Pending at End of FY</u>
<u>FY 1976 (Includes Transition Quarter)</u>				
RSI	1,625	4,258	3,596	2,287
DI & DWIB	50,724	105,481	110,362	45,843
HI	1,150	1,643	1,849	944
BL	24,315	5,668	28,649	1,334
SSI-O	17,041	41,012	43,423	14,630
SSI-C	<u>16,314</u>	<u>45,044</u>	<u>41,480</u>	<u>19,878</u>
Total Cases	111,169	203,106	229,359	84,916
<u>FY 1977</u>				
RSI	2,287	4,870	4,627	2,530
DI & DWIB	45,843	95,796	95,361	46,278
HI	944	1,563	1,593	914
BL	1,334	1,455	2,010	779
SSI-O	14,630	41,723	37,816	18,537
SSI-C	<u>19,878</u>	<u>48,250</u>	<u>45,415</u>	<u>22,713</u>
Total Cases	84,916	193,657	186,822	91,751
<u>FY 1978</u>				
RSI	2,674	5,406	5,806	2,274
DI & DWIB	47,348	91,837	103,881	35,304
HI	1,024	3,447	2,697	1,774
BL	504	461	820	145
SSI-O	18,995	44,826	47,930	15,891
SSI-C	<u>23,219</u>	<u>50,451</u>	<u>54,311</u>	<u>19,359</u>
Total Cases	93,764^a	196,428	215,445	74,747

^a Adjusted up 2,013 cases from FY 77 report due to conversion from a manual to an automated reporting system.

Social Security Administration

A (2). Hearing Level (By Type of Case)

<u>Type of Case</u>	<u>Total Cases Pending at Start of FY</u>	<u>New Cases</u>	<u>Dispositions</u>	<u>Total Cases Pending at End of FY</u>
<u>RSI</u>				
FY 1976	1,625	4,258	3,596	2,287
FY 1977	2,287	4,870	4,627	2,530
FY 1978	2,674 ^a	<u>5,406</u>	<u>5,806</u>	2,274
Total Cases		14,534	14,029	
<u>DI & DWIB</u>				
FY 1976	50,724	105,481	110,362	45,843
FY 1977	45,843	95,796	95,361	46,278
FY 1978	47,348 ^a	<u>91,837</u>	<u>103,881</u>	35,304
Total Cases		293,114	309,604	
<u>HI</u>				
FY 1976	1,150	1,643	1,849	944
FY 1977	944	1,563	1,593	914
FY 1978	1,024 ^a	<u>3,447</u>	<u>2,697</u>	1,774
Total Cases		6,653	6,139	
<u>BL</u>				
FY 1976	24,315	5,668	28,649	1,334
FY 1977	1,334	1,455	2,010	779
FY 1978	504 ^a	<u>461</u>	<u>820</u>	145
Total Cases		7,584	31,479	
<u>SSI-O</u>				
FY 1976	17,041	41,012	43,423	14,630
FY 1977	14,630	41,723	37,816	18,537
FY 1978	18,995 ^a	<u>44,826</u>	<u>47,930</u>	15,891
Total Cases		127,561	129,169	
<u>SSI-C</u>				
FY 1976	16,314	45,044	41,480	19,878
FY 1977	19,878	48,250	45,415	22,713
FY 1978	23,219 ^a	<u>50,451</u>	<u>54,311</u>	19,359
Total Cases		143,745	141,206	

^a Adjusted up from FY 77 report due to conversion from a manual to an automated reporting system.

Social Security Administration

B (1). Appeals Council Level (By Fiscal Year)

<u>Fiscal Year</u>	<u>Total Cases Pending at Start of FY</u>	<u>New Cases</u>	<u>Dispositions</u>	<u>Total Cases Pending at End of FY</u>
<u>FY 1976 (Includes Transition Quarter)</u>				
RSI	227	1,282	1,232	277
DI & DWIB	5,624	26,791	27,804	4,611
HI	106	300	307	99
BL	4,016	16,231	18,441	1,806
SSI-O	1,598	8,876	9,058	1,416
SSI-C	<u>1,076</u>	<u>8,260</u>	<u>8,197</u>	<u>1,139</u>
Total Cases	12,647	61,740	65,039	9,348
<u>FY 1977</u>				
RSI	277	1,024	1,162	139
DI & DWIB	4,611	25,408	27,685	2,334
HI	99	270	327	42
BL	1,806	997	2,620	183
SSI-O	1,416	7,687	8,271	832
SSI-C	<u>1,139</u>	<u>12,333</u>	<u>12,208</u>	<u>1,264</u>
Total Cases	9,348	47,719	52,273	4,794
<u>FY 1978</u>				
RSI	139	1,511	1,499	151
FI & DWIB	2,334	26,509	24,431	4,412
HI	42	361	233	170
BL	183	350	475	58
SSI-O	832	10,143	9,139	1,836
SSI-C	<u>1,264</u>	<u>13,616</u>	<u>13,123</u>	<u>1,757</u>
Total Cases	4,794	52,490	48,900	8,384

Social Security Administration

B (2). Appeals Council Level (By Type of Case)

<u>Type of Case</u>	<u>Total Cases Pending at Start of FY</u>	<u>New Cases</u>	<u>Dispositions</u>	<u>Total Cases Pending at End of FY</u>
<u>RSI</u>				
FY 1976	227	1,282	1,232	277
FY 1977	277	1,024	1,162	139
FY 1978	139	<u>1,511</u>	<u>1,499</u>	151
Total Cases		3,817	3,893	
<u>DI & DWIB</u>				
FY 1976	5,624	26,791	27,804	4,611
FY 1977	4,611	25,408	27,685	2,334
FY 1978	2,334	<u>26,509</u>	<u>24,431</u>	4,412
Total Cases		78,708	79,920	
<u>HI</u>				
FY 1976	106	300	307	99
FY 1977	99	270	327	42
FY 1978	42	<u>361</u>	<u>233</u>	170
Total Cases		931	867	
<u>BL</u>				
FY 1976	4,016	16,231	18,441	1,806
FY 1977	1,806	997	2,620	183
FY 1978	183	<u>50</u>	<u>475</u>	58
Total Cases		17,578	21,536	
<u>SSI-O</u>				
FY 1976	1,598	8,876	9,058	1,416
FY 1977	1,416	7,687	8,271	832
FY 1978	832	<u>10,143</u>	<u>9,139</u>	1,836
Total Cases		26,706	26,468	
<u>SSI-C</u>				
FY 1976	1,076	8,260	8,197	1,139
FY 1977	1,139	12,333	12,208	1,264
FY 1978	1,264	<u>13,616</u>	<u>13,123</u>	1,757
Total Cases		34,209	33,528	

II. MANNER OF DISPOSITION

A. Hearing Level

	<u>Total Dispositions</u>	<u>Affirm^a</u>	<u>Reverse^b</u>	<u>Dismissal^c</u>
<u>RSI</u>				
FY 1976	3,596	1,811 (50.4%)	1,235 (34.3%)	550 (15.3%)
FY 1977	4,627	2,352 (50.8%)	1,587 (34.3%)	688 (14.9%)
FY 1978	<u>5,806</u>	<u>3,071 (52.9%)</u>	<u>1,966 (33.9%)</u>	<u>769 (13.2%)</u>
Total Cases	14,029	7,234 (51.6%)	4,788 (34.1%)	2,007 (14.3%)
<u>DI & DWIB</u>				
FY 1976	110,362	46,541 (42.2%)	50,464 (45.7%)	13,357 (12.1%)
FY 1977	95,361	38,094 (39.9%)	46,341 (48.6%)	10,926 (11.5%)
FY 1978	<u>103,881</u>	<u>39,852 (38.4%)</u>	<u>54,372 (52.3%)</u>	<u>9,657 (9.3%)</u>
Total Cases	309,604	124,487 (40.2%)	151,177 (48.8%)	33,940 (11.0%)
<u>HI</u>				
FY 1976	1,849	813 (44.0%)	772 (41.8%)	264 (14.3%)
FY 1977	1,593	638 (40.1%)	687 (43.1%)	268 (16.8%)
FY 1978	<u>2,697</u>	<u>1,305 (48.4%)</u>	<u>849 (31.5%)</u>	<u>543 (20.1%)</u>
Total Cases	6,139	2,756 (44.9%)	2,308 (37.6%)	1,075 (17.5%)
<u>BL</u>				
FY 1976	28,649	19,299 (67.4%)	8,193 (28.6%)	1,157 (4.0%)
FY 1977	2,010	1,021 (50.8%)	807 (40.1%)	182 (9.1%)
FY 1978	<u>820</u>	<u>435 (53.0%)</u>	<u>304 (37.1%)</u>	<u>81 (9.9%)</u>
Total Cases	31,479	20,755 (65.9%)	9,304 (29.6%)	1,420 (4.5%)
<u>SSI-O</u>				
FY 1976	43,423	17,336 (39.9%)	19,281 (44.4%)	6,806 (15.7%)
FY 1977	37,816	15,040 (39.8%)	17,199 (45.5%)	5,577 (14.7%)
FY 1978	<u>47,930</u>	<u>19,110 (39.9%)</u>	<u>22,395 (46.7%)</u>	<u>6,425 (13.4%)</u>
Total Cases	129,169	51,486 (39.9%)	58,875 (45.6%)	18,808 (14.6%)
<u>SSI-C</u>				
FY 1976	41,480	17,329 (41.8%)	18,787 (45.3%)	5,364 (12.9%)
FY 1977	45,415	18,710 (41.2%)	21,154 (46.6%)	5,551 (12.2%)
FY 1978	<u>54,311</u>	<u>22,203 (40.9%)</u>	<u>26,334 (48.5%)</u>	<u>5,774 (10.6%)</u>
Total Cases	141,206	58,242 (41.2%)	66,275 (46.9%)	16,689 (11.8%)

^a Affirm: Affirmation of reconsidered initial determination.

^b Reverse: Reversal of reconsidered initial decision.

^c Dismissal: Dismissal of appeal from reconsidered initial determination.

Social Security Administration

B. Appeals Council Level

	<u>Total Dispositions</u>	<u>Affirm</u> ^a	<u>Reverse</u> ^b	<u>Other than Decisions</u> ^c
<u>RSI</u>				
FY 1976	1,232	70 (5.7%)	117 (9.5%)	1,045 (84.8%)
FY 1977	1,162	26 (2.2%)	71 (6.1%)	1,065 (91.7%)
FY 1978	<u>1,499</u>	<u>29 (1.9%)</u>	<u>100 (6.7%)</u>	<u>1,370 (91.4%)</u>
Total Cases	3,893	125 (3.2%)	288 (7.4%)	3,480 (89.4%)
<u>DI & DWIB</u>				
FY 1976	27,804	860 (3.1%)	1,588 (5.7%)	25,356 (91.2%)
FY 1977	27,685	338 (1.2%)	910 (3.3%)	26,437 (95.5%)
FY 1978	<u>24,431</u>	<u>177 (0.7%)</u>	<u>808 (3.3%)</u>	<u>23,446 (96.0%)</u>
Total Cases	79,920	1,375 (1.7%)	3,306 (4.1%)	75,239 (94.1%)
<u>HI</u>				
FY 1976	307	25 (8.1%)	59 (19.2%)	223 (72.6%)
FY 1977	327	15 (4.6%)	51 (15.6%)	261 (79.8%)
FY 1978	<u>233</u>	<u>8 (3.4%)</u>	<u>32 (13.7%)</u>	<u>193 (82.8%)</u>
Total Cases	867	48 (5.5%)	142 (16.4%)	677 (78.1%)
<u>BL</u>				
FY 1976	18,441	1,320 (7.2%)	1,165 (6.3%)	15,956 (86.5%)
FY 1977	2,620	835 (31.9%)	412 (15.7%)	1,373 (52.4%)
FY 1978	<u>475</u>	<u>99 (20.8%)</u>	<u>71 (14.9%)</u>	<u>305 (64.2%)</u>
Total Cases	21,536	2,254 (10.5%)	1,648 (7.7%)	17,634 (81.9%)
<u>SSI-O</u>				
FY 1976	9,058	113 (1.2%)	242 (2.7%)	8,703 (96.1%)
FY 1977	8,271	95 (1.1%)	302 (3.7%)	7,874 (95.2%)
FY 1978	<u>9,139</u>	<u>42 (0.5%)</u>	<u>402 (4.4%)</u>	<u>8,695 (95.1%)</u>
Total Cases	26,468	250 (0.9%)	946 (3.6%)	25,272 (95.5%)
<u>SSI-C</u>				
FY 1976	8,197	79 (1.0%)	157 (1.9%)	7,961 (97.1%)
FY 1977	12,208	126 (1.0%)	343 (2.8%)	11,739 (96.2%)
FY 1978	<u>13,123</u>	<u>84 (0.6%)</u>	<u>446 (3.4%)</u>	<u>12,593 (96.0%)</u>
Total Cases	33,528	289 (0.9%)	946 (2.8%)	32,293 (96.3%)

^a Affirm: Affirmation of reconsidered initial determination.

^b Reverse: Reversal of reconsidered initial decision.

^c Other than Decisions: Appeal from ALJ's decision denied, dismissed, or remanded. Most of these dispositions are denials of requests for review.

III. ELAPSED TIME STATISTICS

A. Hearing Level (Median elapsed time in days)

Keys:

RH / HO	Claimant's request for hearing filed <u>to</u> claim file received in hearing office
HO / ALJ	Claim file received in hearing office <u>to</u> case assigned to ALJ
ALJ / DEC or DIS	Case assigned to ALJ <u>to</u> ALJ's decision or dismissal of the case
RH / DEC	Request for hearing <u>to</u> ALJ's decision
RH / DIS	Request for hearing <u>to</u> ALJ's dismissal
RH / DEC or DIS	Request for hearing <u>to</u> ALJ's decision or dismissal

	<u>Quarter</u>	<u>RH / HO</u>	<u>HO / ALJ</u>	<u>ALJ / DEC or DIS</u>	<u>RH / DEC</u>	<u>RH / DIS</u>	<u>RH / DEC or DIS</u>
<u>RSI Cases</u>							
FY 1976	1	6	97	106	260	144	253
	2	7	107	112	272	175	260
	3	7	101	107	261	229	259
	4	7	89	93	244	171	239
	TQ	6	N/A	N/A	238	163	229
FY 1977	1	8	78	97	220	175	215
	2	9	58	99	228	184	222
	3	10	48	101	231	176	224
	4	12	41	105	225	168	216
FY 1978	1	13	30	94	175	131	171
	2	13	28	100	186	116	180
	3	13	26	100	184	117	177
	4	12	24	100	175	115	169
<u>DI & DWIB Cases</u>							
FY 1976	1	5	84	100	225	198	221
	2	5	93	100	233	230	233
	3	5	96	105	237	199	235
	4	6	90	96	227	202	225
	TQ	6	N/A	N/A	214	190	212
FY 1977	1	7	51	98	200	184	198
	2	7	32	101	199	183	197
	3	6	29	100	194	176	191
	4	6	28	104	181	160	178
FY 1978	1	6	25	94	151	125	148
	2	6	23	98	159	123	155
	3	6	21	99	161	124	159
	4	6	16	97	146	117	144

Social Security Administration

	<u>Quarter</u>	<u>RH / HO</u>	<u>HO / ALJ</u>	<u>ALJ / DEC or DIS</u>	<u>RH / DEC</u>	<u>RH / DIS</u>	<u>RH / DEC or DIS</u>
<u>HI Cases</u>							
FY 1976	1	6	118	105	294	258	291
	2	12	118	93	270	222	265
	3	7	133	103	305	230	295
	4	7	120	96	280	232	273
	TQ	6	N/A	N/A	289	197	282
FY 1977	1	7	90	111	253	162	244
	2	7	75	116	247	188	241
	3	8	61	108	240	193	236
	4	8	55	102	227	161	221
FY 1978	1	9	50	92	166	151	163
	2	9	50	79	170	106	161
	3	8	56	63	166	123	155
	4	8	62	82	178	157	175
<u>BL Cases</u>							
FY 1976	1	5	231	108	350	333	350
	2	5	270	114	365	345	365
	3	6	171	126	363	167	359
	4	7	108	94	478	336	474
	TQ	7	N/A	N/A	204	287	207
FY 1977	1	16	5	135	254	212	252
	2	9	6	135	274	199	269
	3	11	7	134	287	199	283
	4	16	7	130	288	235	285
FY 1978	1	22	5	136	261	126	253
	2	22	3	170	312	163	307
	3	26	4	141	314	161	306
	4	30	4	164	307	149	299
<u>SSI-O Cases</u>							
FY 1976		N/A	N/A	N/A	N/A	N/A	N/A
FY 1977	1	14	10	87	180	154	175
	2	11	11	89	179	154	174
	3	9	14	90	175	148	170
	4	8	17	95	167	143	162
FY 1978	1	7	20	90	141	124	139
	2	7	19	90	146	124	142
	3	6	18	90	151	126	147
	4	6	14	91	138	110	134

Social Security Administration

<u>Quarter</u>		<u>RH / HO</u>	<u>HO / ALJ</u>	<u>ALJ / DEC or DIS</u>	<u>RH / DEC</u>	<u>RH / DIS</u>	<u>RH / DEC or DIS</u>
<u>SSI-C Cases</u>							
FY 1976		N/A	N/A	N/A	N/A	N/A	N/A
FY 1977	1	14	23	99	215	191	211
	2	10	20	103	210	188	207
	3	8	21	104	203	185	200
	4	7	24	109	192	172	189
FY 1978	1	7	23	100	158	128	155
	2	6	22	103	163	128	161
	3	6	20	104	167	126	163
	4	6	15	99	150	118	147
<u>Total Cases</u>							
FY 1976	1	5	87	101	229	200	225
	2	5	97	101	238	228	236
	3	5	97	105	240	199	238
	4	6	91	95	241	205	238
	TQ	6	N/A	N/A	216	192	214
FY 1977	1	8	42	97	201	177	197
	2	8	26	99	199	176	196
	3	7	24	99	195	171	190
	4	7	25	104	183	159	179
FY 1978	1	7	23	95	152	125	149
	2	6	22	98	159	125	155
	3	6	20	98	161	125	158
	4	6	16	96	147	116	144

Social Security Administration

B. Appeals Council Level (Median elapsed time in days)

Key:

AC / DEC Request for review or Appeals Council's own motion review of case to final decision by AC
 AC / O-D Request for review or AC's own motion review to a denial of review, dismissal, remand or other disposition by the AC
 AC / DEC or O-D Request for review to final disposition by AC

	<u>Quarter</u>	<u>AC / DEC</u>	<u>AC / O-D</u>	<u>AC / DEC or O-D</u>
<u>RSI Cases</u>				
FY 1976	1	143	83	89
	2	225	100	108
	3	252	126	134
	4	249	118	120
	TQ	157	113	116
FY 1977	1	247	86	92
	2	148	71	76
	3	163	60	62
	4	174	51	55
FY 1978	1	138	54	55
	2	119	62	62
	3	137	56	57
	4	145	56	57
<u>DI & DWIB Cases</u>				
FY 1976	1	280	91	95
	2	293	84	90
	3	317	85	92
	4	335	73	77
	TQ	334	71	74
FY 1977	1	347	64	67
	2	282	78	81
	3	254	68	71
	4	169	44	45
FY 1978	1	164	44	44
	2	175	57	58
	3	163	50	51
	4	188	48	50

Social Security Administration

	<u>Quarter</u>	<u>AC / DEC</u>	<u>AC / O-D</u>	<u>AC / DEC or O-D</u>
<u>HI Cases</u>				
FY 1976	1	186	168	170
	2	365	125	153
	3	365	126	198
	4	394	99	142
	TQ	300	87	122
FY 1977	1	238	101	111
	2	174	85	90
	3	174	270	270
	4	N/A	60	71
FY 1978	1	N/A	53	55
	2	N/A	69	74
	3	90	61	66
	4	225	53	54
<u>BL Cases</u>				
FY 1976	1	219	81	88
	2	313	76	80
	3	230	82	88
	4	312	77	80
	TQ	312	82	84
FY 1977	1	356	151	253
	2	392	165	303
	3	445	144	381
	4	447	63	104
FY 1978	1	421	49	71
	2	762	49	126
	3	317	82	247
	4	N/A	81	219
<u>SSI-O Cases</u>				
FY 1976		N/A	N/A	N/A
FY 1977	1	259	71	74
	2	194	90	92
	3	215	70	71
	4	128	43	44
FY 1978	1	119	44	46
	2	157	60	61
	3	137	51	53
	4	177	47	49

Social Security Administration

	<u>Quarter</u>	<u>AC / DEC</u>	<u>AC / O-D</u>	<u>AC / DEC or O-D</u>
<u>SSI-C Cases</u>				
FY 1976		N/A	N/A	N/A
FY 1977	1	256	68	69
	2	218	85	86
	3	249	68	70
	4	161	42	42
FY 1978	1	153	42	43
	2	149	57	58
	3	157	50	51
	4	172	45	46
 <u>Total Cases</u>				
FY 1976	1	263	90	94
	2	289	84	90
	3	313	86	93
	4	321	75	79
	TQ	322	76	78
FY 1977	1	337	68	72
	2	330	82	85
	3	344	69	73
	4	175	43	45
FY 1978	1	155	44	45
	2	175	58	58
	3	156	50	52
	4	185	47	49

ANNUAL CASELOAD INVENTORY

Fiscal Years 1976-1978

(and FY 1975 from previous publication)

U. S. CIVIL SERVICE COMMISSION ^a

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Hatch Political Activities Act State or Local Government Employees					
5 USC 1502 5 CFR 151 et seq. Proceedings upon complaint to determine whether a state or local government employee engaged in prohibited political activity.	(75)		5	10	
	76	1	3	2	2
	77	2	1	3	0
	78	0	5	1	4
	76-78		9	6	
Hatch Political Activities Act Federal Government Employees					
5 USC 7324(a), 7325 5 CFR 733 Proceedings upon complaint to determine whether a federal government employee engaged in prohibited political activity, and if so, what sanction is appropriate.	(75)		0	0	
	76	1	0	1	0
	77	0	5	5	0
	78	0	4	2	2
	76-78		9	8	
Executive Order 11491 Department of Labor Employees					
29 CFR 202, 5 CFR 711 Proceedings to administer the scheme of labor-management relations in the federal service. Most cases under Executive Order 11491 were heard by the Department of Labor. The U. S. Civil Service Commission heard cases involving Department of Labor employees. (Since January 1, 1979, federal service labor disputes have been governed by the provisions of the Civil Service Reform Act of 1978 and are administered by the new Federal Labor Relations Authority which was created by that Act.)	(75)		0	0	
	76	1	2	1	2
	77	2	7	4	5
	78	5	12	6	11
	76-78		21	11	
Retirement					
5 USC 8312 5 CFR 831 Proceedings to decide applications for annuities and all other claims involving retirement.	(75)		0	0	
	76	0	0	0	0
	77	0	1	0	1
	78	1	0	1	0
	76-78		1	1	

^a The Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 (1978), abolished the U. S. Civil Service Commission. Except for Executive Order 11491 cases, these types of cases have been handled by the new Merit Systems Protection Board since January 1, 1979.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

U. S. CIVIL SERVICE COMMISSION ^a (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Salary					
5 USC 5115, 5337, 5338 5 CFR 531.201, 531.401 Appeal from a denial of a within-grade pay increase.	(75)		0	0	
	76	0	0	0	0
	77	0	0	0	0
	78	0	1	1	0
	76-78		1	1	
Removal of ALJ					
5 USC 7521 5 CFR 930.221, 930.224 Proceedings in which an Administrative Law Judge appointed under 5 USC 3105 may be removed for good cause upon charges brought by the employing agency.	(75)		0	0	
	76	0	1	0	1
	77	1	1	0	2
	78	2	3	1	4
	76-78		5	1	
Cases of Other Agencies					
Miscellaneous proceedings of other agencies where the agency lacks an ALJ or is temporarily understaffed.	(75)		0	0	
	76	0	5	3	2
	77	2	1	2	1
	78	1	2	2	1
	76-78		8	7	

^a The Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 (1978), abolished the U. S. Civil Service Commission. These types of cases have been handled by the new Merit Systems Protection Board since January 1, 1979.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Hatch Political Activities Act
State or Local Government Employees

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	2	8	1	11

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	2	8	0	10
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	1	7	1	9
No:	1	1	0	2
Result—				
Affirm	1	7	1	9
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Referral to CALJ	All	76	222.0	178	266	0	0	2	0	0	2
		Cases	77	212.8	7	468	1	0	6	1	0	8
			78	--	--	--	0	0	0	0	0	0
		76-78	214.6	7	468	1	0	8	1	0	10	
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	148.5	110	187	0	1	1	0	0	2
		Hearing on	77	177.6	76	293	0	1	7	0	0	8
		Merits	78	--	--	--	0	0	0	0	0	0
		76-78	171.8	76	293	0	2	8	0	0	10	
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
Cases	78	71.0	71	71	0	1	0	0	0	1		
76-78	71.0	71	71	0	1	0	0	0	0	1		
Posthearing	ALJ's decision / Final agency action	With	76	246.0	246	246	0	0	1	0	0	1
		Agency	77	52.7	3	144	3	2	2	0	0	7
		Review	78	97.0	97	97	0	1	0	0	0	1
		76-78	79.1	3	246	3	3	3	0	0	9	
		All	76	0	0	0	1	0	0	0	0	1
		Other	77	0	0	0	1	0	0	0	0	1
Cases	78	--	--	--	0	0	0	0	0	0		
76-78	0	0	0	2	0	0	0	0	0	2		
Total Time	Complaint / Final agency action	With	76	611.0	611	611	0	0	0	1	0	1
		Agency	77	390.9	195	713	0	0	3	4	0	7
		Review	78	--	--	--	0	0	0	0	0	0
		76-78	418.4	195	713	0	0	3	5	0	8	
		All	76	376.0	376	376	0	0	0	1	0	1
		Other	77	756.0	756	756	0	0	0	0	1	1
Cases	78	--	--	--	0	0	0	0	0	0		
76-78	566.0	376	756	0	0	0	1	1	1	2		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	1	2	0	0	0	0	2
		77	1.0	1	1	8	0	0	0	0	8
		78	—	—	—	0	0	0	0	0	0
		76-78	1.0	1	1	10	0	0	0	0	10
	ALJ prehearing and hearing: hours per case	76	4.0	3	5	0	2	0	0	0	2
		77	4.5	2	8	2	6	0	0	0	8
	78	—	—	—	0	0	0	0	0	0	
	76-78	4.4	2	8	2	8	0	0	0	10	
ALJ Travel: hours per case		76	32.0	28	36	0	0	2	0	0	2
		77	22.9	5	90	0	1	6	1	0	8
		78	—	—	—	0	0	0	0	0	0
		76-78	24.7	5	90	0	1	8	1	0	10
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.5	3	4	0	2	0	0	0	2
		77	2.1	2	3	7	1	0	0	0	8
		78	2.0	2	2	1	0	0	0	0	1
		76-78	2.4	2	4	8	3	0	0	0	11
Paperwork	Evidentiary documents (excluding briefs): number per case	76	10.5	9	12	0	1	1	0	0	2
		77	18.5	4	50	0	2	6	0	0	8
		78	25.0	25	25	0	0	1	0	0	1
		76-78	17.5	4	50	0	3	8	0	0	11
	Transcripts: pages per case	76	114.5	108	121	0	0	0	2	0	2
		77	102.9	44	177	0	0	3	5	0	8
		78	—	—	—	0	0	0	0	0	0
		76-78	105.2	44	177	0	0	3	7	0	10
	Briefs: pages per case	76	16.5	9	24	0	1	1	0	0	2
		77	7.8	0	21	3	3	2	0	0	8
		78	54.0	54	54	0	0	1	0	0	1
		76-78	13.5	0	54	3	4	4	0	0	11
Exhibits: pages per case	76	55.5	36	75	0	1	1	0	0	2	
	77	49.2	13	100	0	0	5	3	0	8	
	78	100.0	100	100	0	0	0	1	0	1	
	76-78	54.9	13	100	0	0	6	5	0	11	
Contested motions: number per case	76	.5	0	1	2	0	0	0	0	2	
	77	0	0	0	8	0	0	0	0	8	
	78	—	—	—	0	0	0	0	0	0	
	76-78	.1	0	1	10	0	0	0	0	10	
Written opinions by ALJ: pages per case	76	13.0	4	22	0	1	1	0	0	2	
	77	10.5	7	20	0	5	3	0	0	8	
	78	12.0	12	12	0	0	1	0	0	1	
	76-78	11.1	4	22	0	6	5	0	0	11	

Procedures—

The case is initiated when the Commission receives a complaint or information about an alleged violation. The General Counsel then has to authorize an investigation. A letter of charges is then served on the employee(s) and the state or local office employing the employee(s). The respondent has 15 days to answer, at which point the case is referred to the CALJ and a notice of hearing is sent out. The ALJ files his initial decision after opportunity for parties to file proposals. Parties have 30 days from the date of service

of the decision to appeal to the Commission.

If the ALJ finds that there has been no violation or one that does not warrant removal, his initial decision becomes the final decision of the Commission unless a party appeals within 30 days. Where the ALJ finds a violation warranting removal he so recommends to the Commission, which makes the final decision.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Hatch Political Activities Act
Federal Government Employees

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	0	2	5

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	2	0	0	2
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	2	2
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	1	0	0	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	2	2
No:	3	0	0	3
Result—				
Affirm	0	0	2	2
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Referral to CALJ	All	76	787.0	64	1986	0	1	1	0	1	3
		Cases	77	--	--	--	0	0	0	0	0	0
			78	323.5	233	414	0	0	1	1	0	2
			76-78	601.6	64	1986	0	1	2	1	1	5
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	140.5	140	141	0	0	2	0	0	2
		76-78	140.5	140	141	0	0	2	0	0	2	
	All Other		76	171.7	42	288	0	1	2	0	0	3
		Cases	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
	76-78	171.7	42	288	0	1	2	0	0	3		
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	17.5	11	24	2	0	0	0	0	2
		76-78	17.5	11	24	2	0	0	0	0	2	
	All Other		76	0	0	0	3	0	0	0	0	3
		Cases	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
	76-78	0	0	0	3	0	0	0	0	3		
Total Time	Complaint / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	481.5	384	579	0	0	0	2	0	2
		76-78	481.5	384	579	0	0	0	2	0	2	
	All Other		76	958.7	352	2171	0	0	2	0	1	3
		Cases	77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0	
	76-78	958.7	352	2171	0	0	2	0	1	3		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

		FY:				Number:					
		76	77	78	76-78	1	0	2	3		
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	.5	0	1	2	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	1.5	1	2	2	0	0	0	0	2
		76-78	1.0	0	2	4	0	0	0	0	4
	ALJ prehearing and hearing: hours per case	76	1.5	0	3	1	1	0	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	5.5	3	8	0	2	0	0	0	2
		76-78	3.5	0	8	1	3	0	0	0	4
	ALJ Travel: hours per case	76	8.0	6	10	0	1	1	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	15.0	6	24	0	1	1	0	0	2
		76-78	11.5	6	24	0	2	2	0	0	4
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	3.0	2	4	1	2	0	0	0	3
		77	--	--	--	0	0	0	0	0	0
		78	2.0	2	2	2	0	0	0	0	2
		76-78	2.6	2	4	3	2	0	0	0	5
Paperwork	Evidentiary documents (excluding briefs): number per case	76	22.5	5	40	0	1	1	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	16.5	13	20	0	0	2	0	0	2
		76-78	19.5	5	40	0	1	3	0	0	4
	Transcripts: pages per case	76	26.0	2	52	1	0	1	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	157.0	98	216	0	0	0	1	1	2
		76-78	91.5	0	216	1	0	1	1	1	4
	Briefs: pages per case	76	167.0	34	300	0	0	1	0	1	2
		77	--	--	--	0	0	0	0	0	0
		78	10.0	0	20	1	0	1	0	0	2
		76-78	88.5	0	300	1	0	2	0	1	4
	Exhibits: pages per case	76	200.0	200	200	0	0	0	0	2	2
		77	--	--	--	0	0	0	0	0	0
		78	62.5	50	75	0	0	1	1	0	2
		76-78	131.3	50	200	0	0	1	1	2	4
	Contested motions: number per case	76	.5	0	1	2	0	0	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	.5	0	1	2	0	0	0	0	2
		76-78	.5	0	1	4	0	0	0	0	4
	Written opinions by ALJ: pages per case	76	14.0	4	24	0	1	1	0	0	2
		77	--	--	--	0	0	0	0	0	0
		78	8.0	5	11	0	1	1	0	0	2
		76-78	11.0	4	24	0	2	2	0	0	4

Procedures--

The case is initiated when the Commission receives a complaint or information about an alleged violation. The General Counsel then has to authorize an investigation. A letter of charges is then served on the employee(s) and the federal office employing the employee(s). The respondent has 15 days to answer, at which point the case is referred to the CALJ and a notice of hearing is sent out. The ALJ files his initial decision after opportunity for parties to file proposals. Parties have 30 days from the date of service of

the decision to appeal to the Commission.

If the ALJ finds that there has been no violation or one that does not warrant removal, his initial decision becomes the final decision of the Commission unless a party appeals within 30 days. Where the ALJ finds a violation warranting removal he so recommends to the Commission, which makes the final decision.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Executive Order 11491
Department of Labor Employees

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	1	4	6	11

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits--				
Settlement	0	0	5	5
Withdrawal	0	0	0	0
Dismissal	0	1	1	2
Other	0	0	0	0
On Merits--				
ALJ Hearing & Decision	1	3	0	4
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review--				
Yes:	1	3	0	4
No:	0	1	6	7
Result--				
Affirm	0	3	0	3
Reverse	0	0	0	0
Modify	1	0	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint / Referral to CALJ	All	76	25.0	25	25	1	0	0	0	0	1
		Cases	77	186.3	65	305	0	1	3	0	0	4
			78	244.7	179	412	0	0	5	1	0	6
			76-78	203.5	25	412	1	1	8	1	0	11
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	121.0	121	121	0	1	0	0	0	1
		Hearing on	77	214.3	163	260	0	0	3	0	0	3
		Merits	78	--	--	--	0	0	0	0	0	0
		76-78	191.0	121	260	0	1	3	0	0	4	
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	33.0	33	33	0	1	0	0	0	1
	Cases	78	190.3	44	294	0	1	5	0	0	6	
		76-78	167.9	33	294	0	2	5	0	0	7	
Posthearing	ALJ's decision / Final agency action	With	76	21.0	21	21	1	0	0	0	0	1
		Agency	77	49.0	38	59	0	3	0	0	0	3
		Review	78	--	--	--	0	0	0	0	0	0
		76-78	42.0	21	59	1	3	0	0	0	4	
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	0	0	0	1	0	0	0	0	1
	Cases	78	0	0	0	6	0	0	0	0	6	
		76-78	0	0	0	7	0	0	0	0	7	
<u>Total Time</u>	Complaint / Final agency action	With	76	167.0	167	167	0	0	1	0	0	1
		Agency	77	490.0	361	575	0	0	1	2	0	3
		Review	78	--	--	--	0	0	0	0	0	0
		76-78	409.3	167	575	0	0	2	2	0	4	
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	98.0	98	98	0	1	0	0	0	1
	Cases	78	45.0	244	706	0	0	2	4	0	6	
		76-78	386.9	98	706	0	1	2	4	0	7	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		FY:				Cases with full or partial hearing—					N (cases)	
		76	77	78	76-78	Distribution of Cases by Time/Effort Item						
		Number:				0-2	3-9	10-59	60-199	200+days, etc.		
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.0	1	1	1	0	0	0	0	1	
		77	2.7	1	4	1	2	0	0	0	3	
		78	1.0	1	1	1	0	0	0	0	1	
		76-78	2.0	1	4	3	2	0	0	0	5	
		ALJ prehearing and hearing: hours per case	76	3.0	3	3	0	1	0	0	0	1
			77	15.7	6	21	0	1	2	0	0	3
			78	4.0	4	4	0	1	0	0	0	1
			76-78	10.8	3	21	0	3	2	0	0	5
		ALJ Travel: hours per case	76	6.0	6	6	0	1	0	0	0	1
			77	1.3	0	2	3	0	0	0	0	3
			78	0	0	0	1	0	0	0	0	1
			76-78	2.0	0	6	4	1	0	0	0	5
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76	3.0	3	3	0	1	0	0	0	1	
		77	3.0	2	4	1	2	0	0	0	3	
		78	2.0	2	2	1	0	0	0	0	1	
		76-78	2.8	2	4	2	3	0	0	0	5	
Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76	24.0	24	24	0	0	1	0	0	1	
		77	21.0	10	42	0	0	3	0	0	3	
		78	17.0	17	17	0	0	1	0	0	1	
		76-78	20.8	10	42	0	0	5	0	0	5	
	Transcripts: pages per case	76	44.0	44	44	0	0	1	0	0	1	
		77	323.0	183	400	0	0	0	1	2	3	
		78	0	0	0	1	0	0	0	0	1	
		76-78	202.6	0	400	1	0	1	1	2	5	
	Briefs: pages per case	76	6.0	6	6	0	1	0	0	0	1	
		77	47.3	19	86	0	0	2	1	0	3	
		78	17.0	17	17	0	0	1	0	0	1	
		76-78	33.0	6	86	0	1	3	1	0	5	
	Exhibits: pages per case	76	89.0	89	89	0	0	0	1	0	1	
		77	66.7	25	100	0	0	1	2	0	3	
		78	62.0	62	62	0	0	0	1	0	1	
		76-78	70.2	25	100	0	0	1	4	0	5	
	Contested motions: number per case	76	0	0	0	1	0	0	0	0	1	
		77	1.7	1	2	3	0	0	0	0	3	
	78	1.0	1	1	1	0	0	0	0	1		
	76-78	1.2	0	2	5	0	0	0	0	5		
Written opinions by ALJ: pages per case	76	15.0	15	15	0	0	1	0	0	1		
	77	18.0	11	27	0	0	3	0	0	3		
	78	5.0	5	5	0	1	0	0	0	1		
	76-78	14.8	5	27	0	1	4	0	0	5		

Procedures—

The Commission follows basically the same procedure as that used by the Department of Labor in conducting Executive Order 11491 cases.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Retirement

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	0	1	1

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	1	1
No:	0	0	0	0
Result—				
Affirm	0	0	1	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	--	--	--	0	0	0	0	0	0
			78	67.0	67	67	0	1	0	0	0	1
			76-78	67.0	67	67	0	1	0	0	0	1
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
Posthearing	ALJ's decision / Final agency action	Cases	78	97.0	97	97	0	1	0	0	0	1
			76-78	97.0	97	97	0	1	0	0	0	1
		With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	61.0	61	61	0	1	0	0	0	1
			76-78	61.0	61	61	0	1	0	0	0	1
Total Time	Notice / Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	225.0	225	225	0	0	1	0	0	1
			76-78	225.0	225	225	0	0	1	0	0	1
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	78	--	--	--	0	0	0	0	0	0		
	76-78	--	--	--	0	0	0	0	0	0		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
	ALJ Travel: hours per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- 2.0 2.0	-- -- 2 2	-- -- 2 2	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
	Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- 5.0 5.0	-- -- 5 5	-- -- 5 5	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1
		Transcripts: pages per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1
Briefs: pages per case		76 77 78 76-78	-- -- 32.0 32.0	-- -- 32 32	-- -- 32 32	0 0 0 0	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 1 1	
Exhibits: pages per case	Contested motions: number per case	76 77 78 76-78	-- -- 24.0 24.0	-- -- 24 24	-- -- 24 24	0 0 0 0	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 1 1	
		Written opinions by ALJ: pages per case	76 77 78 76-78	-- -- 10.0 10.0	-- -- 10 10	-- -- 10 10	0 0 0 0	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 1 1

Procedures—

The Director of the Bureau will send a notice to the annuitant of an intention to withhold payment when he finds that the payment appears to be prohibited by law. The annuitant has thirty days in which to submit an answer and a request for a hearing.

At the close of a hearing, the presiding officer will prepare an initial decision which will become the decision of the Commission unless appealed or selected for review by the Commission within 30 days.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Salary

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	0	1	1

MANNER OF TERMINATION (number of cases)

	76	77	78	76-78
Not on Merits—				
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

	76	77	78	76-78
Review—				
Yes:	0	0	0	0
No:	0	0	1	1
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	All	76	--	--	--	0	0	0	0	0	0
	Cases	77	--	--	--	0	0	0	0	0	0
		78	15.0	15	15	1	0	0	0	0	1
		76-78	15.0	15	15	1	0	0	0	0	1
Hearing	With ALJ	76	--	--	--	0	0	0	0	0	0
	Hearing on	77	--	--	--	0	0	0	0	0	0
	Merits	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	78	82.0	82	82	0	1	0	0	0	1	
	76-78	82.0	82	82	0	1	0	0	0	1	
Posthearing	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	--	--	--	0	0	0	0	0	0
	Review	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	78	0	0	0	1	0	0	0	0	1	
	76-78	0	0	0	1	0	0	0	0	1	
Total Time	With	76	--	--	--	0	0	0	0	0	0
	Agency	77	--	--	--	0	0	0	0	0	0
	Review	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	All	76	--	--	--	0	0	0	0	0	0
	Other	77	--	--	--	0	0	0	0	0	0
	78	97.0	97	97	0	1	0	0	0	1	
	76-78	97.0	97	97	0	1	0	0	0	1	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY:	76	77	78	76-78
Number:	0	0	0	0

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	1	0	0	0	0	1	
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	1	0	0	0	0	1	
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	1	0	0	0	0	1	
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	2.0	2	2	1	0	0	0	0	1
	76-78	2.0	2	2	1	0	0	0	0	1	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	18.0	18	18	0	0	1	0	0	1
	76-78	18.0	18	18	0	0	1	0	0	1	
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	1	0	0	0	0	1	
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	15.0	15	15	0	0	1	0	0	1
	76-78	15.0	15	15	0	0	1	0	0	1	
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	68.0	68	68	0	0	0	1	0	1
	76-78	68.0	68	68	0	0	0	1	0	1	
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	0	0	0	1	0	0	0	0	1
	76-78	0	0	0	1	0	0	0	0	1	
	Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	4.0	4	4	0	1	0	0	0	1
	76-78	4.0	4	4	0	1	0	0	0	1	

Procedures—

An employee has fifteen days to file an appeal to the Commission after receipt of the decision upon reconsideration by an agency not to grant a within-grade pay increase. The review will be on the record established in the agency reconsideration proceeding. Either party may petition the Appeals Review Board to reopen and reconsider the decision of the Commission.

Agency: U.S. CIVIL SERVICE COMMISSION

Case type: Removal of ALJ

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	0	0	1	1

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	0	0	0	0
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	1	1

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	1	1
No:	0	0	0	0
Result—				
Affirm	0	0	1	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Filing of charges / Referral to CALJ	All	76	--	--	--	0	0	0	0	0	0
		Cases	77	--	--	--	0	0	0	0	0	0
			78	47.0	47	47	0	1	0	0	0	1
			76-78	47.0	47	47	0	1	0	0	0	1
Hearing	Referral to CALJ / ALJ's recommended decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	57.0	57	57	0	1	0	0	0	1	
		76-78	57.0	57	57	0	1	0	0	0	1	
Posthearing	ALJ's decision / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	27.0	27	27	1	0	0	0	0	1
			76-78	27.0	27	27	1	0	0	0	0	1
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	
<u>Total Time</u>	Filing of charges / Final agency action	With	76	--	--	--	0	0	0	0	0	0
		Agency	77	--	--	--	0	0	0	0	0	0
		Review	78	131.0	131	131	0	0	1	0	0	1
			76-78	131.0	131	131	0	0	1	0	0	1
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
	Cases	78	--	--	--	0	0	0	0	0	0	
		76-78	--	--	--	0	0	0	0	0	0	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
						Cases with full or partial hearing—							
						FY:	76	77	78	76-78			
						Number:	0	0	0	0			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	-- -- 1 1	-- -- 1 1	-- -- 1 1	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	-- -- 2.0 2.0	-- -- 2 2	-- -- 2 2	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1		
	ALJ Travel: hours per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	-- -- 2.0 2.0	-- -- 2 2	-- -- 2 2	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	-- -- 5.0 5.0	-- -- 5 5	-- -- 5 5	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1
			Transcripts: pages per case	76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1
			Briefs: pages per case	76 77 78 76-78	-- -- 4.0 4.0	-- -- 4 4	-- -- 4 4	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1
	Exhibits: pages per case		76 77 78 76-78	-- -- 5.0 5.0	-- -- 5 5	-- -- 5 5	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
	Contested motions: number per case		76 77 78 76-78	-- -- 0 0	-- -- 0 0	-- -- 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1	
		Written opinions by ALJ: pages per case		76 77 78 76-78	-- -- 7.0 7.0	-- -- 7 7	-- -- 7 7	0 0 0 0	0 0 1 1	0 0 0 0	0 0 0 0	0 0 0 0	0 0 1 1

Procedures—

An agency initiates the proceeding by filing a letter of charges with the General Counsel of the Commission. The agency has the general burden of proof in showing good cause for removal. The recommended decision of the ALJ, any exceptions or additions made by the parties, and the entire record of the hearing will be transmitted to the Commission for a decision.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
 (and FY 1975 from previous publication)

U. S. COAST GUARD, Department of Transportation

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
License Revocation and Suspension Misconduct	(75)		350 ^a	319	
46 USC 239, 239b					
46 CFR 5.05-20, 5.20 et seq.					
Disciplinary proceeding to determine whether a seaman aboard a U. S. vessel has committed acts of misconduct and, if so, whether his marine license, certificate or documents should be suspended or revoked.					
	76	88	397	367	118
	77	118	437	421	134
	78	134	418	403	149
	76-78		1252	1191	
License Revocation and Suspension Negligence	(75)		150 ^a	172	
46 USC 239, 239b					
46 CFR 5.05-20, 5.20 et seq.					
Disciplinary proceeding to determine whether a seaman aboard a U. S. vessel has committed acts of negligence and, if so, whether his marine license, certificate or documents should be suspended or revoked.					
	76	41	170	167	44
	77	44	158	144	58
	78	58	197	181	74
	76-78		525	492	
License Revocation and Suspension Incompetence	(75)		1 ^a	1	
46 USC 239, 239b					
46 CFR 5.05-20, 5.20 et seq.					
Disciplinary proceeding to determine whether a seaman aboard a U. S. vessel has committed acts of incompetence and, if so, whether his marine license, certificate or documents should be suspended or revoked.					
	76	1	8	6	3
	77	3	16	15	4
	78	4	17	13	8
	76-78		41	34	
License Revocation and Suspension Violation of Law or Regulation	(75)		10 ^a	9	
46 USC 239, 239b					
46 CFR 5.05-20, 5.20 et seq.					
Disciplinary proceeding to determine whether a seaman aboard a U. S. vessel has violated a law or regulation and, if so, whether his marine license, certificate or documents should be suspended or revoked.					
	76	4	11	13	2
	77	2	4	6	0
	78	0	5	4	1
	76-78		20	23	

^a These figures are estimates based on partial data submitted for the FY 1975 report.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976--1978
(and FY 1975 from previous publication)

U. S. COAST GUARD, Department of Transportation (continued)

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
License Revocation and Suspension Conviction for Narcotics Violation	(75)		30 ^a	21	
46 USC 239, 239b 46 CFR 5.05--20, 5.20 et seq.					
Disciplinary proceeding to determine whether a seaman aboard a U. S. vessel has been convicted of a narcotics violation or uses or is addicted to narcotics and, if so, whether his marine license, certificate or documents should be suspended or revoked.	76	13	19	28	4
	77	4	33	23	14
	78	14	13	19	8
	76-78		65	70	
License Revocation and Suspension Multiple Charges	(75)		30 ^a	31	
46 USC 239, 239b 46 CFR 5.05--20, 5.20 et seq.					
License revocation or suspension proceeding in which multiple offenses are charged.	76	12	46	39	19
	77	19	35	39	15
	78	15	31	37	9
	76-78		112	115	

^a These figures are estimates based on partial data submitted for the FY 1975 report.

Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Misconduct

Case-Closed Cards Submitted--

FY:	76	77	78	76-78
Number:	352	437	410	1199

MANNER OF TERMINATION (number of cases)

Not on Merits--	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	10	28	21	59
Dismissal	4	8	7	19
Other	23	27	27	77
On Merits--				
ALJ Hearing & Decision	315	374	355	1044
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review--	76	77	78	76-78
Yes:	20	17	12	49
No:	332	420	398	1150
Result--				
Affirm	17	13	10	40
Reverse	1	2	2	5
Modify	1	1	0	2
Remand/Other	1	1	0	2

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of investigation / Referral to ALJ	All	76	3.2	0	117	347	5	0	0	0	352
		Cases	77	4.1	0	721	432	4	0	1	0	437
			78	2.6	0	48	405	5	0	0	0	410
			76-78	3.3	0	721	1184	14	0	1	0	1199
Hearing	Referral to ALJ / ALJ's written decision	With ALJ	76	52.7	0	492	184	84	44	3	0	315
		Hearing on	77	60.2	0	628	180	149	39	6	0	374
		Merits	78	52.8	0	598	202	111	37	5	0	355
			76-78	55.4	0	628	566	344	120	14	0	1044
		All	76	50.0	0	408	25	6	3	1	0	35
		Other	77	31.3	0	290	41	20	2	0	0	63
Posthearing	ALJ's decision / Final agency action	Cases	78	26.9	0	172	40	14	1	0	0	55
			76-78	34.0	0	408	106	40	6	1	0	153
		With Agency Review	76	242.6	103	529	0	2	16	2	0	20
			77	234.2	0	448	1	0	15	1	0	17
			78	395.8	259	582	0	0	5	7	0	12
			76-78	277.2	0	582	1	2	36	10	0	49
Total Time	Date of investigation / Final agency action	All	76	0	0	0	329	0	0	0	0	329
		Other	77	0	0	0	420	0	0	0	0	420
		Cases	78	1.1	0	342	396	1	1	0	0	398
			76-78	.4	0	342	1145	1	1	0	0	1147
		With Agency Review	76	309.0	114	576	0	1	15	4	0	20
			77	331.2	36	473	0	1	9	7	0	17
Total Time	Date of investigation / Final agency action		78	497.1	320	888	0	0	4	6	2	12
			76-78	362.8	36	888	0	2	28	17	2	49
		All	76	55.0	0	496	192	90	43	4	0	329
		Other	77	58.6	0	780	204	173	36	6	1	420
		Cases	78	51.5	1	598	226	130	37	5	0	398
			76-78	55.1	0	780	622	393	116	15	1	1147

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N		
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.9 2.0 1.8 1.9	0 1 1 0	25 25 20 25	286 342 329 957	44 55 39 138	7 10 8 25	0 0 0 0	0 0 0 0	337 407 376 1120		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	3.0 3.0 3.2 3.1	1 1 1 1	26 28 75 75	205 262 245 712	116 122 113 351	16 23 17 56	0 0 1 1	0 0 0 0	337 407 376 1120		
	ALJ Travel: hours per case	76 77 78 76-78	2.0 1.8 2.2 2.0	0 0 0 0	20 40 40 40	243 316 291 850	73 64 59 196	20 24 25 69	0 0 0 0	0 0 0 0	336 404 375 1115		
	Parties	Petitioners, respondents, intervenors (including agency): number per case	76 77 78 76-78	2.0 2.0 2.0 2.0	2 2 2 2	3 3 7 7	334 400 368 1102	3 7 8 18	0 0 0 0	0 0 0 0	0 0 0 0	337 407 376 1120	
		Paperwork	Evidentiary documents (excluding briefs): number per case	76 77 78 76-78	4.1 4.6 4.5 4.4	0 0 0 0	25 33 65 65	95 113 114 322	220 256 227 703	18 33 33 84	0 0 1 1	0 0 0 0	333 402 375 1110
			Transcripts: pages per case	76 77 78 76-78	134.5 110.3 141.1 127.7	8 9 18 8	421 280 672 672	0 0 0 0	1 1 0 2	5 3 4 12	10 10 6 26	4 3 2 9	20 17 12 49
			Briefs: pages per case	76 77 78 76-78	.4 .5 .7 .6	0 0 0 0	21 17 43 43	304 375 354 1033	5 12 10 27	6 11 11 28	0 0 0 0	0 0 0 0	315 398 375 1088
	Exhibits: pages per case		76 77 78 76-78	12.6 8.5 11.9 10.9	0 0 0 0	305 164 400 400	82 104 98 284	173 222 186 581	61 70 77 208	16 6 11 33	1 0 3 4	333 402 375 1110	
	Contested motions: number per case		76 77 78 76-78	.3 .3 .2 .3	0 0 0 0	13 22 10 22	323 393 367 1083	9 8 7 24	2 2 1 5	0 0 0 0	0 0 0 0	334 403 375 1112	
		Written opinions by ALJ: pages per case		76 77 78 76-78	8.3 8.6 9.1 8.6	0 1 1 0	36 34 47 47	24 20 15 59	220 247 235 702	96 140 125 361	0 0 0 0	0 0 0 0	340 407 375 1122

Procedures—

The prehearing stage is very brief. Ordinarily the case is initiated when an investigation officer goes on board a ship to review the logbook. If the book discloses possible need for disciplinary action he may (during or after his investigation) prefer charges against the license holder. He may also take other action such as accept voluntary deposit or surrender of the license, give warnings, or recommend taking no action. The charges are preferred on a form provided for the purpose; the case is generally docketed immediately on the local ALJ's calendar and the respondent is given notice of the charges and the hearing date. This must all be done very quickly before the respondent's ship leaves the dock. Therefore the time between the date of the investigator's entry on the ship and the date of the notice to the respondent is usually a matter of hours.

Each ALJ in the field maintains his own docket; the cases are only rarely assigned by the CALJ.

The ALJ will often deliver an oral decision and hand the respondent a summary "short order". However, the hearing

stage is not concluded until the complete decision is written. (Hearings may be conducted "in absentia" if the respondent fails to appear after being duly served.) The order is then served on the respondent. This may take a long time if he is out at sea "China-hopping". But once served he has 30 days to file a notice of appeal and 60 days to complete his appeal. (A special office called Merchant Vessel Personnel handles the appeal papers.) The Commandant has 60 days to review on his own motion. If the respondent cannot be located he is placed on the "Man-Wanted" list.

In the review stage, the CALJ ordinarily makes a recommendation to the Chief Counsel of the Coast Guard who drafts final recommendations for the Commandant. The Commandant's decision is the final agency decision. However, Commandant decisions sustaining orders of revocation may be appealed to the National Transportation Safety Board. As of 1975, it was estimated that in the previous six years, the NTSB had heard 42 such appeals and reversed only twice.

Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Negligence

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	172	157	172	501

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	9	8	12	29
Dismissal	2	4	3	9
Other	8	4	8	20
On Merits—				
ALJ Hearing & Decision	153	141	149	443
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	17	13	9	39
No:	155	144	163	462
Result—				
Affirm	9	8	6	23
Reverse	8	5	1	14
Modify	0	0	1	1
Remand/Other	0	0	1	1

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of investigation / Referral to ALJ	All	76	3.0	0	35	170	2	0	0	0	172
		Cases	77	3.9	0	125	154	2	1	0	0	157
			78	2.7	0	48	170	2	0	0	0	172
			76-78	3.2	0	125	494	6	1	0	0	501
Hearing	Referral to ALJ / ALJ's written decision	With ALJ	76	70.2	0	471	67	56	28	2	0	153
		Hearing on	77	69.5	2	514	55	63	21	2	0	141
		Merits	78	54.4	3	249	60	73	16	0	0	149
			76-78	64.7	0	514	182	192	65	4	0	443
		All	76	83.2	6	447	7	9	2	1	0	19
		Other	77	46.8	0	251	10	4	2	0	0	16
Posthearing	ALJ's decision / Final agency action	Cases	78	52.2	6	224	14	5	4	0	0	23
			76-78	60.8	0	447	31	18	8	1	0	58
		With Agency Review	76	311.4	149	570	0	0	13	4	0	17
			77	327.2	134	640	0	0	9	4	0	13
			78	413.6	298	559	0	0	2	7	0	9
			76-78	340.2	134	640	0	0	24	15	0	39
		All	76	0	0	0	153	0	0	0	0	153
		Other	77	0	0	0	144	0	0	0	0	144
		Cases	78	1.5	0	247	162	0	1	0	0	163
			76-78	.5	0	247	459	0	1	0	0	460
Total Time	Date of investigation / Final agency action	With Agency Review	76	418.2	174	641	0	0	5	12	0	17
			77	487.0	245	849	0	0	5	6	2	13
			78	540.8	364	722	0	0	1	8	0	9
			76-78	469.4	174	849	0	0	11	26	2	39
		All	76	71.9	0	506	67	58	25	3	0	153
		Other	77	63.1	0	639	57	69	16	2	0	144
Cases	78	54.4	3	448	66	79	17	1	0	163		
	76-78	62.9	0	639	190	206	58	6	0	460		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—									
						FY: 76 77 78 76-78					
						Number: 165 149 159 473					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.6	1	12	143	22	1	0	0	166
		77	1.8	1	12	124	24	1	0	0	149
		78	1.5	1	4	139	20	0	0	0	159
	76-78		1.6	1	12	406	66	2	0	0	474
	ALJ prehearing and hearing: hours per case	76	3.9	1	43	93	61	12	0	0	166
		77	4.0	1	34	79	55	14	0	0	148
		78	2.9	1	16	101	50	8	0	0	159
	76-78		3.6	1	43	273	166	34	0	0	473
	ALJ Travel: hours per case	76	3.2	0	24	84	68	13	0	0	165
		77	3.9	0	60	87	45	15	1	0	148
		78	2.2	0	24	111	40	8	0	0	159
	76-78		3.1	0	60	282	153	36	1	0	472
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	4	160	6	0	0	0	166
		77	2.0	2	4	146	2	0	0	0	148
		78	2.0	2	3	153	6	0	0	0	159
	76-78		2.0	2	4	459	14	0	0	0	473
Paperwork	Evidentiary documents (excluding briefs): number per case	76	4.8	0	32	66	78	21	0	0	165
		77	5.3	0	34	59	66	22	0	0	147
		78	4.0	0	39	89	56	14	0	0	159
	76-78		4.7	0	39	214	200	57	0	0	471
	Transcripts: pages per case	76	255.8	28	868	0	0	3	8	6	17
		77	330.2	22	1762	0	0	1	4	8	13
		78	206.8	40	506	0	0	1	6	3	10
	76-78		267.7	22	1762	0	0	5	18	17	40
	Briefs: pages per case	76	2.2	0	44	133	9	16	0	0	158
		77	2.0	0	31	123	10	14	0	0	147
		78	1.7	0	41	140	6	13	0	0	159
	76-78		2.0	0	44	396	25	43	0	0	464
	Exhibits: pages per case	76	12.5	0	205	55	66	33	9	1	164
		77	25.6	0	735	48	60	27	6	6	147
		78	14.1	0	893	85	46	26	0	2	159
	76-78		17.1	0	893	188	172	86	15	9	470
	Contested motions: number per case	76	.5	0	6	159	6	0	0	0	165
		77	.5	0	6	140	8	0	0	0	148
		78	.5	0	23	153	5	1	0	0	159
	76-78		.5	0	23	452	19	1	0	0	472
	Written opinions by ALJ: pages per case	76	10.8	1	72	11	93	61	1	0	166
		77	10.0	1	66	5	89	54	1	0	149
		78	9.3	1	39	4	110	45	0	0	159
	76-78		10.1	1	72	20	292	160	2	0	474

Procedures—

The prehearing stage is very brief. Ordinarily the case is initiated when an investigation officer goes on board a ship to review the logbook. If the book discloses possible need for disciplinary action he may (during or after his investigation) prefer charges against the license holder. He may also take other action such as accept voluntary deposit or surrender of the license, give warnings, or recommend taking no action. The charges are preferred on a form provided for the purpose; the case is generally docketed immediately on the local ALJ's calendar and the respondent is given notice of the charges and the hearing date. This must all be done very quickly before the respondent's ship leaves the dock. Therefore the time between the date of the investigator's entry on the ship and the date of the notice to the respondent is usually a matter of hours.

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In the review stage, the CALJ ordinarily makes a recommendation to the Chief Counsel of the Coast Guard who drafts final recommendations for the Commandant. The Commandant's decision is the final agency decision. However, Commandant decisions sustaining orders of revocation may be appealed to the National Transportation Safety Board. As of 1975, it was estimated that in the previous six years, the NTSB had heard 42 such appeals and reversed only twice.

Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Incompetence

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	6	15	13	34

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	4	6	3	13
Dismissal	0	3	0	3
Other	0	0	1	1
On Merits—				
ALJ Hearing & Decision	2	6	9	17
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	1	1
No:	6	15	12	33
Result—				
Affirm	0	0	1	1
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Date of investigation / Referral to ALJ	All	76	58.3	0	334	5	0	1	0	0	6
		Cases	77	1.3	0	5	15	0	0	0	0	15
			78	3.4	0	17	13	0	0	0	0	13
			76-78	12.2	0	334	33	0	1	0	0	34
Hearing	Referral to ALJ / ALJ's written decision	With ALJ	76	63.5	36	91	0	2	0	0	0	2
		Hearing on	77	96.3	6	246	2	3	1	0	0	6
		Merits	78	165.6	8	398	1	3	4	1	0	9
			76-78	129.1	6	398	3	8	5	1	0	17
		All	76	95.0	6	291	2	1	1	0	0	4
		Other	77	63.1	0	167	4	3	2	0	0	9
Posthearing	ALJ's decision / Final agency action	Cases	78	58.0	2	180	2	1	1	0	0	4
			76-78	69.4	0	291	8	5	4	0	0	17
		With Agency	76	—	—	—	0	0	0	0	0	0
		Review	77	—	—	—	0	0	0	0	0	0
			78	333.0	333	333	0	0	1	0	0	1
			76-78	333.0	333	333	0	0	1	0	0	1
<u>Total Time</u>	Date of investigation / Final agency action	All	76	0	0	0	6	0	0	0	0	6
		Other	77	0	0	0	15	0	0	0	0	15
		Cases	78	0	0	0	12	0	0	0	0	12
			76-78	0	0	0	33	0	0	0	0	33
		With Agency	76	—	—	—	0	0	0	0	0	0
		Review	77	—	—	—	0	0	0	0	0	0
	78	550.0	550	550	0	0	0	1	0	1		
	76-78	550.0	550	550	0	0	0	1	0	1		
<u>Total Time</u>	Date of investigation / Final agency action	All	76	142.8	20	370	2	2	1	1	0	6
		Other	77	77.7	0	250	6	6	3	0	0	15
		Cases	78	129.1	2	401	3	4	4	1	0	12
			76-78	108.2	1	401	11	12	8	2	0	33

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	1	3	5	1	0	0	0	6
		77	2.3	1	4	6	6	0	0	0	12
		78	2.7	1	7	6	6	0	0	0	12
		76-78	2.2	1	7	17	13	0	0	0	30
	ALJ prehearing and hearing: hours per case	76	2.8	1	5	2	4	0	0	0	6
		77	2.7	1	9	9	3	0	0	0	12
		78	5.2	1	15	2	9	1	0	0	12
		76-78	3.7	1	15	13	16	1	0	0	30
	ALJ Travel: hours per case	76	5.0	0	8	1	5	0	0	0	6
		77	2.2	0	21	10	1	1	0	0	12
		78	2.2	0	18	10	1	1	0	0	12
		76-78	2.7	0	21	21	7	2	0	0	30
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	6	0	0	0	0	6
		77	2.0	2	2	12	0	0	0	0	12
		78	2.0	2	2	12	0	0	0	0	12
		76-78	2.0	2	2	30	0	0	0	0	30
Paperwork	Evidentiary documents (excluding briefs): number per case	76	2.3	0	9	4	2	0	0	0	6
		77	4.0	0	15	7	3	2	0	0	12
		78	7.1	0	21	3	7	2	0	0	12
		76-78	4.9	0	21	14	12	4	0	0	30
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	93.0	93	93	0	0	0	1	0	1
		76-78	93.0	93	93	0	0	0	1	0	1
	Briefs: pages per case	76	0	0	0	6	0	0	0	0	6
		77	1.2	0	8	10	2	0	0	0	12
		78	3.8	0	17	8	2	2	0	0	12
		76-78	2.0	0	17	24	4	2	0	0	30
	Exhibits: pages per case	76	23.8	0	67	2	1	1	1	0	5
		77	8.8	0	26	6	2	4	0	0	12
		78	14.8	0	38	3	2	7	0	0	12
		76-78	13.9	0	67	11	5	12	1	0	29
	Contested motions: number per case	76	.2	0	1	6	0	0	0	0	6
		77	.3	0	2	12	0	0	0	0	12
		78	.6	0	3	11	1	0	0	0	12
		76-78	.4	0	3	29	1	0	0	0	30
	Written opinions by ALJ: pages per case	76	9.0	1	24	3	1	2	0	0	6
		77	5.4	1	15	6	3	3	0	0	12
		78	9.3	2	17	2	5	5	0	0	12
		76-78	7.7	1	24	11	9	10	0	0	30

Procedures—

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Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Violation of Law or Regulation

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	14	5	5	24

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	1	1	2
Dismissal	0	1	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	14	3	4	21
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	3	1	0	4
No:	11	4	5	20
Result—				
Affirm	3	1	0	4
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing Date of investigation / Referral to ALJ	All Cases	76	2.4	0	9	14	0	0	0	0	14
		77	.4	0	2	5	0	0	0	0	5
		78	.6	0	2	5	0	0	0	0	5
		76-78	1.6	0	9	24	0	0	0	0	24
Hearing Referral to ALJ / ALJ's written decision	With ALJ Hearing on Merits	76	44.4	6	214	9	3	2	0	0	14
		77	77.7	40	124	0	2	1	0	0	3
		78	39.8	20	98	3	1	0	0	0	4
		76-78	48.2	6	214	12	6	3	0	0	21
	All Other Cases	76	--	--	--	0	0	0	0	0	0
		77	30.5	19	42	1	1	0	0	0	2
Posthearing ALJ's decision / Final agency action	With Agency Review	76	229.3	178	271	0	0	3	0	0	3
		77	179.0	179	179	0	0	1	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	216.8	178	271	0	0	4	0	0	4
	All Other Cases	76	0	0	0	11	0	0	0	0	11
		77	0	0	0	4	0	0	0	0	4
Total Time Date of investigation / Final agency action	With Agency Review	76	306.3	194	440	0	0	2	1	0	3
		77	248.0	248	248	0	0	1	0	0	1
		78	--	--	--	0	0	0	0	0	0
		76-78	291.8	194	440	0	0	3	1	0	4
	All Other Cases	76	38.5	8	217	7	3	1	0	0	11
		77	56.8	19	126	1	2	1	0	0	4
	78	45.2	20	99	3	2	0	0	0	5	
	76-78	43.9	8	217	11	7	2	0	0	20	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—										
		FY:	76	77	78	76-78						
		Number:	14	4	5	23						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	1	2	14	0	0	0	0	14	
		77	1.5	1	3	3	1	0	0	0	4	
		78	1.8	1	2	5	0	0	0	0	5	
		76-78	1.4	1	3	22	1	0	0	0	23	
		ALJ prehearing and hearing: hours per case	76	2.6	1	10	10	3	1	0	0	14
			77	3.0	1	5	2	2	0	0	0	4
			78	1.8	1	4	4	1	0	0	0	5
			76-78	2.5	1	10	16	6	1	0	0	23
		ALJ Travel: hours per case	76	5.6	0	12	3	7	4	0	0	14
			77	3.3	0	7	2	2	0	0	0	4
			78	1.2	0	6	4	1	0	0	0	5
			76-78	4.2	0	12	9	10	4	0	0	23
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.1	2	3	13	1	0	0	0	14	
		77	2.0	2	2	4	0	0	0	0	4	
		78	2.4	2	3	3	2	0	0	0	5	
		76-78	2.1	2	3	20	3	0	0	0	23	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	3.4	1	10	6	7	1	0	0	14	
		77	3.3	0	6	2	2	0	0	0	4	
		78	2.0	0	3	2	3	0	0	0	5	
		76-78	3.1	0	10	10	12	1	0	0	23	
		Transcripts: pages per case	76	72.0	19	168	0	0	2	1	0	3
			77	23.5	0	47	1	0	1	0	0	2
			78	--	--	--	0	0	0	0	0	0
			76-78	52.6	0	168	1	0	3	1	0	5
		Briefs: pages per case	76	.6	0	9	13	1	0	0	0	14
			77	5.5	0	14	2	1	1	0	0	4
			78	0	0	0	5	0	0	0	0	5
			76-78	1.3	0	14	20	2	1	0	0	23
	Exhibits: pages per case	76	37.6	1	469	6	6	1	0	1	14	
		77	13.0	6	17	0	1	2	0	0	3	
		78	2.8	0	7	2	3	0	0	0	5	
		76-78	26.4	0	469	8	10	3	0	1	22	
	Contested motions: number per case	76	.9	0	6	13	1	0	0	0	14	
		77	.3	0	1	4	0	0	0	0	4	
		78	0	0	0	5	0	0	0	0	5	
		76-78	.6	0	6	22	1	0	0	0	23	
	Written opinions by ALJ: pages per case	76	9.3	5	20	0	11	3	0	0	14	
		77	11.8	2	25	1	1	2	0	0	4	
		78	6.6	2	12	1	3	1	0	0	5	
		76-78	9.1	2	25	2	15	6	0	0	23	

Procedures—

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Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Conviction for Narcotics Violation

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	24	26	15	65

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	2	3	7	12
Dismissal	2	1	0	3
Other	0	1	0	1
On Merits—				
ALJ Hearing & Decision	20	21	8	49
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	6	5	1	12
No:	18	21	14	53
Result—				
Affirm	6	4	1	11
Reverse	0	0	0	0
Modify	0	1	0	1
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of investigation / Referral to ALJ	All	76	2.0	0	17	24	0	0	0	0	24
		Cases	77	4.2	0	35	25	1	0	0	0	26
			78	4.7	0	23	15	0	0	0	0	15
			76-78	3.5	0	35	64	1	0	0	0	65
Hearing	Referral to ALJ / ALJ's written decision	With ALJ	76	62.2	2	320	8	10	2	0	0	20
		Hearing on	77	46.7	10	211	10	10	1	0	0	21
		Merits	78	74.3	13	151	1	6	1	0	0	8
			76-78	57.5	2	320	19	26	4	0	0	49
		All	76	65.5	5	165	2	1	1	0	0	4
		Other	77	10.4	3	17	5	0	0	0	0	5
Posthearing	ALJ's decision / Final agency action	Cases	78	21.9	0	63	5	2	0	0	0	7
			76-78	29.2	0	165	12	3	1	0	0	16
		With Agency Review	76	200.7	118	299	0	1	5	0	0	6
			77	207.8	84	332	0	1	4	0	0	5
			78	331.0	331	331	0	0	1	0	0	1
			76-78	214.5	84	332	0	2	10	0	0	12
Total Time	Date of investigation / Final agency action	All	76	0	0	0	18	0	0	0	0	18
		Other	77	0	0	0	21	0	0	0	0	21
		Cases	78	0	0	0	14	0	0	0	0	14
			76-78	0	0	0	53	0	0	0	0	53
		With Agency Review	76	233.3	126	390	0	0	5	1	0	6
			77	236.0	105	352	0	1	4	0	0	5
Total Time	Date of investigation / Final agency action		78	344.0	344	344	0	0	1	0	0	1
			76-78	243.7	105	390	0	1	10	1	0	12
		All	76	75.4	7	337	5	10	3	0	0	18
		Other	77	47.6	3	211	9	11	1	0	0	21
		Cases	78	57.4	1	152	4	9	1	0	0	14
			76-78	59.6	1	337	18	30	5	0	0	53

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Time/Effort (days, pages, etc.)				Distribution of Cases by Time/Effort Item					N
		FY	Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	(cases)
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.6	1	4	20	4	0	0	0	24
		77	1.5	1	4	22	3	0	0	0	25
		78	2.4	1	8	10	3	0	0	0	13
	76-78		1.7	1	8	52	10	0	0	0	62
	ALJ prehearing and hearing: hours per case	76	2.4	1	6	16	8	0	0	0	24
		77	2.9	1	20	18	6	1	0	0	25
		78	3.7	1	15	7	5	1	0	0	13
	76-78		2.9	1	20	41	19	2	0	0	62
	ALJ Travel: hours per case	76	7.4	0	32	8	10	6	0	0	24
		77	3.4	0	21	16	4	5	0	0	25
		78	1.9	0	11	10	2	1	0	0	13
	76-78		4.7	0	32	34	16	12	0	0	62
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	24	0	0	0	0	24
		77	2.0	2	2	25	0	0	0	0	25
		78	2.0	2	2	13	0	0	0	0	13
	76-78		2.0	2	2	62	0	0	0	0	62
Paperwork	Evidentiary documents (excluding briefs): number per case	76	3.6	1	9	10	14	0	0	0	24
		77	3.9	0	11	11	13	1	0	0	25
		78	3.2	0	10	7	5	1	0	0	13
	76-78		3.6	0	11	28	32	2	0	0	62
	Transcripts: pages per case	76	35.7	16	94	0	0	5	1	0	6
		77	29.2	18	50	0	0	5	0	0	5
		78	21.0	21	21	0	0	1	0	0	1
	76-78		31.8	21	94	0	0	11	1	0	12
	Briefs: pages per case	76	1.6	0	20	18	3	1	0	0	22
		77	.2	0	6	24	1	0	0	0	25
		78	.4	0	5	12	1	0	0	0	13
	76-78		.8	0	20	54	5	1	0	0	60
	Exhibits: pages per case	76	5.2	1	14	8	11	5	0	0	24
		77	8.3	0	43	8	11	6	0	0	25
		78	5.5	0	23	6	5	2	0	0	13
	76-78		6.5	0	43	22	27	13	0	0	62
	Contested motions: number per case	76	.5	0	4	23	1	0	0	0	24
		77	.2	0	3	24	1	0	0	0	25
		78	.1	0	1	13	0	0	0	0	13
	76-78		.3	0	4	60	2	0	0	0	62
	Written opinions by ALJ: pages per case	76	7.2	1	12	3	14	7	0	0	24
		77	6.3	1	15	4	17	4	0	0	25
		78	6.4	2	13	2	8	3	0	0	13
	76-78		6.7	1	15	9	39	14	0	0	62

Procedures—

The prehearing stage is very brief. Ordinarily the case is initiated when an investigation officer goes on board a ship to review the logbook. If the book discloses possible need for disciplinary action he may (during or after his investigation) prefer charges against the license holder. He may also take other action such as accept voluntary deposit or surrender of the license, give warnings, or recommend taking no action. The charges are preferred on a form provided for the purpose; the case is generally docketed immediately on the local ALJ's calendar and the respondent is given notice of the charges and the hearing date. This must all be done very quickly before the respondent's ship leaves the dock. Therefore the time between the date of the investigator's entry on the ship and the date of the notice to the respondent is usually a matter of hours.

Each ALJ in the field maintains his own docket; the cases are only rarely assigned by the CALJ.

The ALJ will often deliver an oral decision and hand the respondent a summary "short order". However, the hearing

stage is not concluded until the complete decision is written. (Hearings may be conducted "in absentia" if the respondent fails to appear after being duly served.) The order is then served on the respondent. This may take a long time if he is out at sea "China-hopping". But once served he has 30 days to file a notice of appeal and 60 days to complete his appeal. (A special office called Merchant Vessel Personnel handles the appeal papers.) The Commandant has 60 days to review on his own motion. If the respondent cannot be located he is placed on the "Man-Wanted" list.

In the review stage, the CALJ ordinarily makes a recommendation to the Chief Counsel of the Coast Guard who drafts final recommendations for the Commandant. The Commandant's decision is the final agency decision. However, Commandant decisions sustaining orders of revocation may be appealed to the National Transportation Safety Board. As of 1975, it was estimated that in the previous six years, the NTSB had heard 42 such appeals and reversed only twice.

Agency: U. S. COAST GUARD

Case type: License Revocation and Suspension
Multiple Charges

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	41	40	33	114

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	2	2	0	4
Dismissal	1	2	3	6
Other	4	1	1	6
On Merits—				
ALJ Hearing & Decision	34	35	29	98
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	6	1	2	9
No:	35	39	31	105
Result—				
Affirm	2	1	2	5
Reverse	2	0	0	2
Modify	0	0	0	0
Remand/Other	2	0	0	2

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Date of investigation / Referral to ALJ	All	76	7.0	0	66	39	2	0	0	0	41
		Cases	77	2.0	0	11	40	0	0	0	0	40
			78	3.1	0	23	33	0	0	0	0	33
			76-78	4.1	0	66	112	2	0	0	0	114
Hearing	Referral to ALJ / ALJ's written decision	With ALJ	76	86.1	7	373	12	15	6	1	0	34
		Hearing on	77	73.0	1	248	13	13	9	0	0	35
		Merits	78	94.2	12	324	8	12	9	0	0	29
			76-78	83.8	1	373	33	40	24	1	0	98
		All	76	29.4	6	63	4	3	0	0	0	7
		Other	77	94.4	7	280	2	2	1	0	0	5
Posthearing	ALJ's decision / Final agency action	Cases	78	7.5	6	10	4	0	0	0	0	4
			76-78	44.3	6	280	10	5	1	0	0	16
		With Agency	76	197.2	17	299	1	0	5	0	0	6
		Review	77	145.0	145	145	0	0	1	0	0	1
			78	388.0	208	568	0	0	1	1	0	2
			76-78	233.8	17	568	1	0	7	1	0	9
Total Time	Date of investigation / Final agency action	All	76	0	0	0	35	0	0	0	0	35
		Other	77	0	0	0	39	0	0	0	0	39
		Cases	78	0	0	0	31	0	0	0	0	31
			76-78	0	0	0	105	0	0	0	0	105
		With Agency	76	356.7	82	708	0	1	2	3	0	6
		Review	77	153.0	153	153	0	0	1	0	0	1
	78	672.0	532	812	0	0	0	1	1	2		
	76-78	404.1	82	812	0	1	3	4	1	9		
Total Time	Date of investigation / Final agency action	All	76	70.3	13	253	10	20	5	0	0	35
		Other	77	79.4	7	280	13	16	10	0	0	39
		Cases	78	74.0	6	309	10	14	7	0	0	31
			76-78	74.8	6	309	33	50	22	0	0	105

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

		Cases with full or partial hearing—									
		FY:	76	77	78	76-78					
		Number:	37	38	29	104					
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearings: separate days per case	76	2.0	1	6	28	10	0	0	0	38
		77	1.8	1	7	32	6	0	0	0	38
		78	2.0	1	8	21	8	0	0	0	29
		76-78	1.9	1	6	81	24	0	0	0	105
	ALJ prehearing and hearing: hours per case	76	5.7	1	27	16	15	7	0	0	38
		77	3.6	1	15	19	17	2	0	0	38
		78	4.6	1	20	13	14	2	0	0	29
		76-78	4.6	1	27	48	46	11	0	0	105
	ALJ Travel: hours per case	76	3.9	0	24	21	12	3	0	0	36
		77	2.8	0	40	27	9	2	0	0	38
		78	3.7	0	20	18	6	5	0	0	29
		76-78	3.4	0	40	66	27	10	0	0	103
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	2	38	0	0	0	0	38
		77	2.0	2	3	37	1	0	0	0	38
		78	2.0	2	2	29	0	0	0	0	29
		76-78	2.0	2	3	104	1	0	0	0	105
Paperwork	Evidentiary documents (excluding briefs): number per case	76	8.7	0	37	9	16	11	0	0	36
		77	4.2	0	18	18	15	5	0	0	38
		78	5.7	0	24	11	13	5	0	0	29
		76-78	6.2	0	37	38	44	21	0	0	103
	Transcripts: pages per case	76	121.3	65	180	0	0	0	4	0	4
		77	18.0	18	18	0	0	1	0	0	1
		78	138.5	132	145	0	0	0	2	0	2
		76-78	111.4	18	180	0	0	1	6	0	7
	Briefs: pages per case	76	2.5	0	25	26	3	4	0	0	33
		77	1.8	0	14	28	7	3	0	0	38
		78	2.4	0	22	24	2	3	0	0	29
		76-78	2.2	0	25	78	12	10	0	0	100
	Exhibits: pages per case	76	24.6	0	231	7	12	14	2	1	36
		77	11.8	0	131	14	15	7	2	0	38
		78	10.7	0	54	9	13	7	0	0	29
		76-78	15.9	0	231	30	40	28	4	1	103
Contested motions: number per case	76	.6	0	4	34	2	0	0	0	36	
	77	.9	0	17	36	1	1	0	0	38	
	78	.8	0	8	27	2	0	0	0	29	
	76-78	.8	0	17	97	5	1	0	0	103	
Written opinions by ALJ: pages per case	76	15.3	2	51	2	11	25	0	0	38	
	77	10.0	1	26	2	22	14	0	0	38	
	78	12.4	5	36	0	14	15	0	0	29	
	76-78	12.6	1	51	4	47	54	0	0	105	

Procedures—

The prehearing stage is very brief. Ordinarily the case is initiated when an investigation officer goes on board a ship to review the logbook. If the book discloses possible need for disciplinary action he may (during or after his investigation) prefer charges against the license holder. He may also take other action such as accept voluntary deposit or surrender of the license, give warnings, or recommend taking no action. The charges are preferred on a form provided for the purpose; the case is generally docketed immediately on the local ALJ's calendar and the respondent is given notice of the charges and the hearing date. This must all be done very quickly before the respondent's ship leaves the dock. Therefore the time between the date of the investigator's entry on the ship and the date of the notice to the respondent is usually a matter of hours.

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ANNUAL CASELOAD INVENTORY
Fiscal Years 1976-1978
(and FY 1975 from previous publication)

U. S. INTERNATIONAL TRADE COMMISSION

Case Type	FY	Cases Pending at Start of FY	New Cases Referred to Office of ALJs	Cases Terminated by Agency	Cases Pending at End of FY
Tariff Act					
Unfair Import Trade Practices	(75)		—	—	
19 USC 1337					
19 CFR 210	76	0	11	3	8
	77	8	8	9	7
Proceedings to take evidence and hear arguments as to whether there has been a violation of section 337 of the Tariff Act, prohibiting unfair practices in import trade.	78	7	24	10	21
	76-78		43	22	

Agency: U.S. INTERNATIONAL TRADE COMMISSION

Case type: Tariff Act
 Unfair Import Trade Practices

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	3	9	10	22

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	1	1	1	3
Withdrawal	0	0	0	0
Dismissal	0	4	1	5
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	3	3	6
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	2	1	5	8

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	3	9	10	22
No:	0	0	0	0
Result—				
Affirm	3	9	9	21
Reverse	0	0	1	1
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint or Commission's motion / Referral To CALJ	All	76	861.7	485	1198	0	0	0	1	2	3
		Cases	77	76.6	35	160	0	8	1	0	0	9
			78	45.7	27	99	1	9	0	0	0	10
		76-78	169.6	27	1198	1	17	1	1	2	22	
Hearing	Referral to CALJ / ALJ's recommended decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	282.7	262	299	0	0	3	0	0	3
		Merits	78	223.0	141	265	0	0	3	0	0	3
			76-78	252.8	141	299	0	0	6	0	0	6
		All	76	62.3	56	75	0	3	0	0	0	3
		Other	77	236.0	98	431	0	1	4	1	0	6
Posthearing	ALJ's decision / Final agency action	Cases	78	187.6	136	219	0	0	7	0	0	7
			76-78	182.3	56	431	0	4	11	1	0	16
		With Agency	76	55.0	37	70	0	3	0	0	0	3
		Review	77	80.2	40	142	0	8	1	0	0	9
			78	80.0	31	146	0	8	2	0	0	10
		76-78	76.7	31	146	0	19	3	0	0	22	
Total Time	Complaint or motion / Final agency action	All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		With Agency	76	979.0	597	1324	0	0	0	1	2	3
		Review	77	408.3	175	560	0	0	2	7	0	9
			78	323.9	221	464	0	0	7	3	0	10
		76-78	447.8	175	1324	0	0	9	11	2	22	
		All	76	--	--	--	0	0	0	0	0	0
		Other	77	--	--	--	0	0	0	0	0	0
		Cases	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0	

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

		FY:				Cases with full or partial hearing--					N (cases)	
		76	77	78	76-78							
		Number:	0	3	4	7						
Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item							
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0	
		77	7.0	3	11	0	2	1	0	0	3	
		78	6.7	2	10	1	1	1	0	0	3	
		76-78	6.8	2	11	1	3	2	0	0	6	
		ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
			77	54.7	24	90	0	0	2	1	0	3
			78	30.0	12	48	0	0	2	0	0	2
			76-78	44.8	12	90	0	0	4	1	0	5
		ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
			77	0	0	0	1	0	0	0	0	1
			78	--	--	--	0	0	0	0	0	0
			76-78	0	0	0	1	0	0	0	0	1
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0	
		77	10.8	3	26	0	3	1	0	0	4	
		78	26.3	13	36	0	0	3	0	0	3	
		76-78	17.4	3	36	0	3	4	0	0	7	
Paperwork	Evidentiary documents (excluding briefs): number per case	76	200.0	200	200	0	0	0	0	1	1	
		77	140.0	70	175	0	0	0	3	0	3	
		78	142.0	14	270	0	0	1	0	1	2	
		76-78	150.7	14	270	0	0	1	3	2	6	
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	1293.7	752	2224	0	0	0	0	3	3	
		78	1670.0	1670	1670	0	0	0	0	1	1	
		76-78	1387.8	752	2224	0	0	0	0	4	4	
	Briefs: pages per case	76	80.0	80	80	0	0	0	1	0	1	
		77	168.5	60	354	0	0	0	2	2	4	
		78	160.0	43	300	0	0	1	1	1	3	
		76-78	154.3	43	354	0	0	1	4	3	8	
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0	
		77	353.3	60	500	0	0	0	1	2	3	
		78	248.3	20	500	0	0	1	0	2	3	
		76-78	300.8	20	500	0	0	1	1	4	6	
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0	
		77	10.5	1	20	1	0	1	0	0	2	
		78	30.0	3	57	0	1	1	0	0	2	
		76-78	20.3	1	57	1	1	2	0	0	4	
Written opinions by ALJ: pages per case	76	16.5	11	22	0	0	2	0	0	2		
	77	53.0	30	76	0	0	2	2	0	4		
	78	38.7	16	51	0	0	3	0	0	3		
	76-78	40.1	11	76	0	0	7	2	0	9		

Procedures--

A proceeding begins either upon receipt of a properly filed complaint or upon the initiative of the Commission. An investigation is then instituted by the publication of a notice in the Federal Register defining the scope of the investigation. Hearings are subject to time limits running from the date of publication of the notice of investigation. The Commission may order a change in these limits.

The presiding officer files the certified record and his recommendations with the Commission. The Commission makes a decision based on the record, recommendations, and any exceptions made by the parties.

Appeal is to the US Court of Customs and Patent Appeals.

ANNUAL CASELOAD INVENTORY
Fiscal Years 1976—1978
 (and FY 1975 from previous publication)

U. S. POSTAL SERVICE

<u>Case Type</u>	<u>FY</u>	<u>Cases Pending at Start of FY</u>	<u>New Cases Referred to Office of ALJs</u>	<u>Cases Terminated by Agency</u>	<u>Cases Pending at End of FY</u>
False Representation					
39 USC 3005 39 CFR 952	(75)		108	101	
	76	43	173	175	41
	77	41	100	128	13
	78	13	116	87	42
	76-78		389	390	
Second Class Mail Privileges					
39 USC 3626 supersedes 39 USC 4351—4356. 39 CFR 954	(75)		50	25	
	76	61	68	66	63
	77	63	10	68	5
	78	5	10	7	8
	76-78		88	141	
Lockbox					
39 USC 401 39 CFR 958	(75)		1	0	
	76	1	9	9	1
	77	1	2	3	0
	78	0	6	4	2
	76-78		17	16	
Mailability					
39 USC 3001 39 CFR 953, P. S. Manual 123.3	(75)		0	0	
	76	0	1	1	0
	77	0	0	0	0
	78	0	1	1	0
	76-78		2	2	

Note:

Two miscellaneous cases were also closed in FY 1976—1978.

Agency: U. S. POSTAL SERVICE

Case type: False Representation

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	191	128	88	407

MANNER OF TERMINATION (number of cases) ^a

Not on Merits—	76	77	78	76-78
Settlement	90	33	52	175
Withdrawal	39	43	13	95
Dismissal	14	2	1	17
Other	0	8	0	8
On Merits—				
ALJ Hearing & Decision	48	41	22	111
ALJ Hearing w/o Decision	0	1	0	1
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	20	31	24	75
No:	171	97	64	332
Result—				
Affirm	14	30	22	66
Reverse	2	1	0	3
Modify	0	0	0	0
Remand/Other	4	0	2	6

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Complaint or start of investigation / Referral to CALJ	All	76	124.0	0	1143	33	99	49	7	3	191
		Cases	77	129.2	0	735	19	57	42	8	1	127
			78	128.4	1	1139	17	39	28	3	1	88
			76-78	126.6	0	1443	69	195	119	18	5	406
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	204.2	45	918	0	19	22	6	1	48
		Hearing on	77	89.1	35	249	0	35	7	0	0	42
		Merits	78	125.7	53	301	0	10	12	0	0	22
			76-78	145.6	35	918	0	64	41	6	1	112
		All	76	102.2	12	764	37	76	17	12	1	143
		Other	77	54.7	10	339	28	51	6	0	0	85
Posthearing	ALJ's decision / Final agency action	Cases	78	49.4	13	230	20	44	2	0	0	66
			76-78	76.6	10	764	85	171	25	12	1	294
		With Agency Review	76	105.3	32	294	0	14	6	0	0	20
			77	43.6	6	136	15	15	1	0	0	31
			78	67.5	3	412	11	8	4	1	0	24
			76-78	67.7	3	412	26	37	11	1	0	75
Total Time	Complaint or start of investigation / Final agency action	All	76	6.1	0	47	162	9	0	0	0	171
		Other	77	5.7	0	88	89	7	0	0	0	96
		Cases	78	1.9	0	83	63	1	0	0	0	64
			76-78	5.2	0	88	314	17	0	0	0	331
		With Agency Review	76	600.7	237	1673	0	0	5	10	5	20
			77	224.4	92	435	0	2	27	2	0	31
Notes—	^a See explanation in procedures.		78	279.5	78	769	0	5	12	6	1	24
			76-78	342.4	78	1673	0	7	44	18	6	75
		All	76	229.4	15	1311	2	46	91	28	4	171
		Other	77	205.1	12	784	3	32	49	11	1	96
		Cases	78	193.1	22	1190	1	23	34	5	1	64
			76-78	215.3	12	1311	6	101	174	44	6	331

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.	
						Cases with full or partial hearing—					
						FY:	76	77	78	76-78	
						Number:	49	53	24	126	
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	0	3	39	3	0	0	0	42
		77	1.2	1	2	21	0	0	0	0	21
		78	1.2	1	3	21	1	0	0	0	22
		76-78	1.2	0	3	81	4	0	0	0	85
	ALJ prehearing and hearing: hours per case	76	4.9	1	21	25	15	8	0	0	48
		77	3.2	1	16	28	15	2	0	0	45
		78	5.2	1	18	5	15	2	0	0	22
		76-78	4.3	1	21	58	45	12	0	0	115
	ALJ Travel: hours per case	76	10.8	0	90	13	5	16	1	0	35
		77	12.6	0	54	4	7	11	0	0	22
		78	8.5	3	18	0	11	8	0	0	19
		76-78	10.8	0	90	17	23	35	1	0	76
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	1.9	0	2	48	0	0	0	0	48
		77	1.7	1	3	43	2	0	0	0	45
		78	2.0	2	2	22	0	0	0	0	22
		76-78	1.8	0	3	113	2	0	0	0	115
Paperwork	Evidentiary documents (excluding briefs): number per case	76	37.9	0	403	15	10	6	2	2	35
		77	5.9	1	51	10	4	2	0	0	16
		78	8.2	1	43	7	8	4	0	0	19
		76-78	22.5	0	403	32	22	12	2	2	70
	Transcripts: pages per case	76	125.4	16	669	0	0	22	15	11	48
		77	71.6	5	379	0	1	28	12	4	45
		78	121.8	17	412	0	0	8	10	4	22
		76-78	103.7	5	669	0	1	58	37	19	115
	Briefs: pages per case	76	37.5	0	109	3	4	11	6	0	24
		77	26.1	0	62	1	1	7	1	0	10
		78	47.0	14	172	0	0	9	2	0	11
		76-78	37.3	0	172	4	5	27	9	0	45
	Exhibits: pages per case	76	63.0	1	423	3	8	24	9	4	48
		77	28.1	5	252	0	15	26	2	1	44
		78	87.8	1	618	1	6	6	6	3	22
		76-78	54.3	1	618	4	29	56	17	8	114
	Contested motions: number per case	76	1.0	0	4	12	3	0	0	0	15
		77	--	--	--	0	0	0	0	0	0
	78	1.3	1	2	4	0	0	0	0	4	
	76-78	1.1	0	4	16	3	0	0	0	19	
Written opinions by ALJ: pages per case	76	14.2	5	51	0	17	31	0	0	48	
	77	10.9	5	22	0	21	22	0	0	43	
	78	13.0	4	44	0	12	10	0	0	22	
	76-78	12.7	4	22	0	50	63	0	0	113	

Procedures—

The case is initiated by the start of a preliminary investigation by the Inspection Service which may be pursuant to a complaint by a member of the public. At the end of the investigation, the inspector refers the case to the Consumer Protection Office within the Office of the General Counsel. The office then may file a formal complaint with the Judicial Officer's docket clerk. The clerk gives notice of an evidentiary proceeding and the respondent has 15 days to answer.

Failure to file an answer results in a default and the ALJ issues an order certifying the case to the Judicial Officer who issues the final order in the case. Such cases are recorded as dismissals in these statistics. Settlements are quite common and usually occur in the prehearing stage but after assignment to the ALJ. The ALJ makes the final order in

settlement cases. The ALJ may grant the respondent's motion to dismiss for lack of evidence. This is appealable.

After the case is assigned to the ALJ, the respondent may waive the ALJ hearing and ask that the Judicial Officer make the decision without ALJ participation. The Judicial Officer may or may not hold a hearing. This is known as an expedited hearing. Such cases are recorded in the "other" column under "Manner of Termination--Not on Merits" in these statistics.

Assuming there is no default, settlement, or expedited hearing, the ALJ shall render the initial decision "with all due speed". Exceptions may be filed to an initial decision or a dismissal within 15 days. Appeal is to the Judicial Officer by delegation of the Postmaster General.

Agency: U. S. POSTAL SERVICE

Case type: Second Class Mail Privileges

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	68	68	7	143

MANNER OF TERMINATION (number of cases) ^a

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	7	2	1	10
Dismissal	15	19	3	37
Other	1	13	1	15
On Merits—				
ALJ Hearing & Decision	43	33	1	77
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	2	1	1	4

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	37	12	1	50
No:	31	56	6	93
Result—				
Affirm	33	12	1	46
Reverse	4	0	0	4
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Initiation of case / Referral to CALJ	All	76	255.4	12	1195	12	19	22	8	7	68
		Cases	77	196.3	2	1112	22	19	15	9	3	68
			78	160.6	3	454	2	1	3	1	0	7
			76-78	222.7	2	1195	36	39	40	18	10	143
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	375.8	34	904	0	8	16	10	9	43
		Hearing on	77	239.5	96	559	0	4	24	5	0	33
		Merits	78	237.0	237	237	0	0	1	0	0	1
			76-78	315.5	34	904	0	12	41	15	9	77
		All	76	274.2	17	1132	3	7	10	2	3	25
		Other	77	191.2	22	390	2	10	21	2	0	35
Posthearing	ALJ's decision / Final agency action	Cases	78	162.3	14	595	2	2	1	1	0	6
			76-78	220.0	14	1132	7	19	32	5	3	66
		With Agency	76	168.6	27	273	1	5	31	0	0	37
		Review	77	120.3	24	306	2	4	6	0	0	12
			78	28.0	28	28	1	0	0	0	0	1
			76-78	154.2	24	306	4	9	37	0	0	50
Total Time	Initiation of case / Final agency action	All	76	15.5	0	205	27	3	1	0	0	31
		Other	77	90.2	0	482	28	14	12	2	0	56
		Cases	78	17.3	0	104	5	1	0	0	0	6
			76-78	60.6	0	482	60	18	13	2	0	93
		With Agency	76	863.4	177	1661	0	0	4	16	17	37
		Review	77	688.7	167	1328	0	0	3	4	5	12
	78	373.0	373	373	0	0	0	1	0	1		
	76-78	811.7	373	1661	0	0	7	21	22	50		
Total Time	Initiation of case / Final agency action	All	76	488.9	68	1495	0	2	16	7	6	31
		Other	77	467.3	50	1278	0	7	14	25	10	56
		Cases	78	349.0	17	614	1	0	2	3	0	6
			76-78	466.9	17	1495	1	9	32	35	16	93

Notes—

^a See explanation in procedures.

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

FY: 76 77 78 76-78
 Number: 47 39 2 88

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	1.3	1	2	41	0	0	0	0	41
		77	1.0	0	2	26	0	0	0	0	26
		78	1.0	1	1	1	0	0	0	0	1
		76-78	1.2	0	2	68	0	0	0	0	68
	ALJ prehearing and hearing: hours per case	76	5.3	1	12	6	37	2	0	0	45
		77	3.9	1	10	15	17	2	0	0	34
		78	7.0	7	7	0	1	0	0	0	1
		76-78	4.7	1	12	21	55	4	0	0	80
	ALJ Travel: hours per case	76	6.3	0	45	19	14	10	0	0	43
		77	11.5	0	72	6	6	14	1	0	27
		78	7.0	7	7	0	1	0	0	0	1
		76-78	8.3	0	72	25	21	24	1	0	71
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	2.0	2	4	44	1	0	0	0	45
		77	2.0	2	2	36	0	0	0	0	36
		78	2.0	2	2	2	0	0	0	0	2
		76-78	2.0	2	4	82	1	0	0	0	83
Paperwork	Evidentiary documents (excluding briefs): number per case	76	13.7	0	82	7	19	14	1	0	41
		77	10.1	2	53	1	12	5	0	0	18
		78	39.0	3	75	0	1	0	1	0	2
		76-78	13.4	0	82	8	32	19	2	0	61
	Transcripts: pages per case	76	120.1	26	329	0	0	5	31	9	45
		77	82.6	24	216	0	0	12	21	1	34
		78	44.0	44	44	0	0	1	0	0	1
		76-78	103.2	24	329	0	0	18	52	10	80
	Briefs: pages per case	76	51.9	0	138	10	1	14	15	0	40
		77	34.1	4	143	0	3	23	3	0	29
		78	9.5	8	11	0	1	1	0	0	2
		76-78	43.5	0	143	10	5	38	18	0	71
	Exhibits: pages per case	76	1410.6	17	8500	0	0	9	3	33	45
		77	1555.1	6	10000	0	1	7	1	24	33
		78	285.0	156	414	0	0	0	1	1	2
		76-78	1442.1	6	10000	0	1	16	5	58	80
	Contested motions: number per case	76	0	0	1	36	0	0	0	0	36
		77	1.2	0	3	4	1	0	0	0	5
	78	--	--	--	0	0	0	0	0	0	
	76-78	.2	0	3	40	1	0	0	0	41	
Written opinions by ALJ: pages per case	76	17.5	4	50	0	5	38	0	0	43	
	77	19.5	6	87	0	4	28	2	0	34	
	78	11.5	11	12	0	0	2	0	0	2	
	76-78	18.2	4	87	0	9	68	2	0	79	

Procedures—

These cases are either application-denial cases or revocation/suspension cases. In application cases, the case is initiated by the filing of an application for second-class mailing privileges. The Director of the Office of Mail Classifications may deny such application and issue a notice of denial with a letter of reasons to the applicant. In revocation/suspension cases, the case is initiated when a postal inspector or competitor brings the apparent violation to the Office's attention. The Director may then send a letter to the publisher containing the notice of proposed revocation or suspension.

In either situation the publisher (petitioner) has 15 days to appeal, at which point the docket clerk issues notice of hearing. If the publisher fails to appear at the hearing, the ALJ may dismiss the petition outright or give the petitioner 30 days to show cause why a dismissal should not be ordered.

Assuming there is no default, settlement, or expedited hearing, the ALJ shall render the initial decision "with all due speed". Exceptions may be filed to an initial decision or a dismissal within 15 days. Appeal is to the Judicial Officer by delegation of the Postmaster General.

Agency: U.S. POSTAL SERVICE

Case type: Lockbox

Case-Closed Cards Submitted—

FY:	76	77	78	76-78
Number:	10	2	3	15

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	1	0	1
Withdrawal	2	1	1	4
Dismissal	3	0	2	5
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	5	0	0	5
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	10	2	3	15
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case		Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)
				Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+	
Prehearing	Complaint / Referral to CALJ	All	76	24.8	6	42	7	3	0	0	0	10
		Cases	77	96.0	5	187	1	0	1	0	0	2
			78	32.3	1	60	1	2	0	0	0	3
			76-78	35.8	1	187	9	5	1	0	0	15
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	62.0	24	173	1	3	1	0	0	5
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
			76-78	62.0	24	173	1	3	1	0	0	5
		All	76	31.4	12	89	4	1	0	0	0	5
		Other	77	17.0	17	17	2	0	0	0	0	2
Posthearing	ALJ's decision / Final agency action	Cases	78	23.3	19	28	3	0	0	0	0	3
			76-78	26.1	12	89	9	1	0	0	0	10
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
Total Time	Complaint / Final agency action	All	76	27.9	0	63	6	4	0	0	0	10
		Other	77	0	0	0	2	0	0	0	0	2
		Cases	78	0	0	0	3	0	0	0	0	3
			76-78	18.6	0	63	11	4	0	0	0	15
		With Agency Review	76	--	--	--	0	0	0	0	0	0
			77	--	--	--	0	0	0	0	0	0
Total Time	Complaint / Final agency action		78	--	--	--	0	0	0	0	0	0
			76-78	--	--	--	0	0	0	0	0	0
		All	76	99.4	41	217	0	6	4	0	0	10
		Other	77	113.0	22	204	1	0	1	0	0	2
		Cases	78	55.7	20	88	1	2	0	0	0	3
			76-78	92.5	20	217	2	8	5	0	0	15

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing—

Item		FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)		
			Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.			
												Cases with full or partial hearing—	
			FY: 76 77 78 76-78				Number: 5 0 0 5						
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76 77 78 76-78	1.0 -- -- 1.0	1 -- -- 1	1 -- -- 1	3 0 0 3	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	3 0 0 3		
	ALJ prehearing and hearing: hours per case	76 77 78 76-78	2.3 -- -- 2.3	2 -- -- 2	3 -- -- 3	3 0 0 3	1 0 0 1	0 0 0 0	0 0 0 0	0 0 0 0	4 0 0 4		
	ALJ Travel: hours per case	76 77 78 76-78	9.0 -- -- 9.0	0 -- -- 0	27 -- -- 27	2 0 0 2	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	3 0 0 3		
	Parties	Petitioners, respon- dents, intervenors (including agency): number per case	76 77 78 76-78	2.0 -- -- 2.0	2 -- -- 2	2 -- -- 2	4 0 0 4	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	4 0 0 4	
		Paperwork	Evidentiary docu- ments (excluding briefs): number per case	76 77 78 76-78	0 -- -- 0	0 -- -- 0	0 -- -- 0	2 0 0 2	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	2 0 0 2
			Transcripts: pages per case	76 77 78 76-78	32.3 -- -- 32.3	18 -- -- 18	74 -- -- 74	0 0 0 0	0 0 0 0	3 0 0 3	1 0 0 1	0 0 0 0	4 0 0 4
			Briefs: pages per case	76 77 78 76-78	7.0 -- -- 7.0	0 -- -- 0	21 -- -- 21	2 0 0 2	0 0 0 0	1 0 0 1	0 0 0 0	0 0 0 0	3 0 0 3
	Exhibits: pages per case		76 77 78 76-78	327.0 -- -- 327.0	0 -- -- 0	981 -- -- 981	2 0 0 2	0 0 0 0	0 0 0 0	0 0 0 0	1 0 0 1	3 0 0 3	
	Contested motions: number per case		76 77 78 76-78	0 -- -- 0	0 -- -- 0	0 -- -- 0	2 0 0 2	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	2 0 0 2	
Written opinions by ALJ: pages per case			76 77 78 76-78	10.3 -- -- 10.3	9 -- -- 9	14 -- -- 14	0 0 0 0	3 0 0 3	1 0 0 1	0 0 0 0	0 0 0 0	4 0 0 4	

Procedures—

Any person may appeal the refusal to rent or renew Post Office boxes by filing a written complaint within 20 days. The matter will be set for hearing within 30 days of the appeal and the appellant will be notified of the date. Oral hearing may be waived at the election of both parties.

The ALJ will render an initial decision which will become the final agency decision if an appeal is not taken. Exceptions may be filed in a brief on appeal to the Judicial Officer within five days. Five days are allowed for reply briefs.

Agency: U. S. POSTAL SERVICE

Case type: Mailability

Case-Closed Cards Submitted—				
FY:	76	77	78	76-78
Number:	1	0	0	1

MANNER OF TERMINATION (number of cases)

Not on Merits—	76	77	78	76-78
Settlement	0	0	0	0
Withdrawal	0	0	0	0
Dismissal	1	0	0	1
Other	0	0	0	0
On Merits—				
ALJ Hearing & Decision	0	0	0	0
ALJ Hearing w/o Decision	0	0	0	0
ALJ Decision w/o Hearing	0	0	0	0

AGENCY REVIEW (number of cases)

Review—	76	77	78	76-78
Yes:	0	0	0	0
No:	1	0	0	1
Result—				
Affirm	0	0	0	0
Reverse	0	0	0	0
Modify	0	0	0	0
Remand/Other	0	0	0	0

ELAPSED TIME DATA

Stage of Case	Case Breakdown	FY	Elapsed Time (days)			Distribution of Cases by Elapsed Time (cases)					N (cases)	
			Avg	Min	Max	0-1mo	1-4mo	4-12mo	1-2yr	2yr+		
Prehearing	Notice of appeal / Referral to CALJ	All	76	15.0	15	15	1	0	0	0	0	1
		Cases	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
		76-78	15.0	15	15	1	0	0	0	0	1	
Hearing	Referral to CALJ / ALJ's decision	With ALJ	76	--	--	--	0	0	0	0	0	0
		Hearing on	77	--	--	--	0	0	0	0	0	0
		Merits	78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0	
	All	76	16.0	16	16	1	0	0	0	0	1	
	Other	77	--	--	--	0	0	0	0	0	0	
Posthearing	ALJ's decision / Final agency action	Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0	
	All	76	0	0	0	1	0	0	0	0	1	
	Other	77	--	--	--	0	0	0	0	0	0	
<u>Total Time</u>	Notice of appeal / Final agency action	Agency	76	--	--	--	0	0	0	0	0	0
		Review	77	--	--	--	0	0	0	0	0	0
			78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0	
	All	76	31.0	31	31	0	1	0	0	0	1	
	Other	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0		
76-78	31.0	31	31	0	1	0	0	0	0	1		

TIME AND EFFORT AT THE HEARING STAGE

Cases with full or partial hearing--

FY:	76	77	78	76-78
Number:	0	0	0	0

Item	FY	Time/Effort (days, pages, etc.)			Distribution of Cases by Time/Effort Item					N (cases)	
		Avg	Min	Max	0-2	3-9	10-59	60-199	200+days, etc.		
Prehearing & Hearing Time	ALJ prehearing and hearing: separate days per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ prehearing and hearing: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	ALJ Travel: hours per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Parties	Petitioners, respondents, intervenors (including agency): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Paperwork	Evidentiary documents (excluding briefs): number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Transcripts: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Briefs: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Exhibits: pages per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
	Contested motions: number per case	76	--	--	--	0	0	0	0	0	0
		77	--	--	--	0	0	0	0	0	0
		78	--	--	--	0	0	0	0	0	0
		76-78	--	--	--	0	0	0	0	0	0
Written opinions by ALJ: pages per case	76	--	--	--	0	0	0	0	0	0	
	77	--	--	--	0	0	0	0	0	0	
	78	--	--	--	0	0	0	0	0	0	
	76-78	--	--	--	0	0	0	0	0	0	

Procedures--

Any person may appeal a determination of non-mailability by filing a written notice of appeal within 20 days. An oral hearing will be scheduled only if requested in the notice of appeal. If so requested, the matter will be set for hearing within 30 days of the appeal and the appellant will be notified of the date.

The ALJ will render an initial decision which will become the final agency decision if an appeal is not taken. Exceptions may be filed in a brief on appeal to the Judicial Officer within five days. Five days are allowed for reply briefs.

